WOODBURY
CONNECTICUT

ZONING REGULATIONS

EFFECTIVE APRIL 1, 1969

WOODBURY ZONING COMMISSION

2016 REVISION

EFFECTIVE DATE: SEPTEMBER 1, 2016

TOWN OF WOODBURY
CONNECTICUT

WOODBURY ZONING COMMISSION
(AT TIME OF EFFECTIVE REVISION DATE)

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WOODBURY ZONING REGULATIONS

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ARTICLE I — REGULATORY BASICS

Section 1. General

1.1 Purpose and Authority

To provide for the best use of land in the Town of Woodbury, Connecticut; to conserve and stabilize the value of property; to promote health, safety and the general welfare; to regulate and determine the size and location of yards; to provide adequate open spaces for light and air; to secure safety from fire, panic, flood and other dangers; to prevent undue concentration of populations; to lessen congestion in the streets; to facilitate adequate provisions for community utilities and facilities, such as transportation, water, sewerage, schools, parks and other public requirements; and to provide for the preservation of desirable open space, tree cover, historic related resources, water resources, ridgelines, and other environmentally important lands, soils and geologic phenomena, the Zoning Commission of Woodbury (Commission), acting upon its own initiative under the authority conferred by Title 8, Chapter 124 of the Connecticut General Statutes, and believing it to be for the best interest of the Town and in conformity with the Plan of Conservation and Development for the Town, hereby adopts the following Zoning Regulations for the Town of Woodbury.

1.2 Zoning Use Districts

1.2.1 Use Districts

The following zoning districts are hereby established:

Use Districts	
R-40	Residence District
OS-60	Open Space Residence District
OS-80	Open Space Residence District
OS-100	Open Space Residence District
GA	Garden Apartment District
MSD	Main Street Design District
PI	Planned Industrial District
EE	Earth Excavation District
MQ	Middle Quarter District
MQ-H	Middle Quarter Residential Transition Sub-District
Overlay Districts	
EH	Elderly Housing Designation
FP	Flood Plain District

1.2.2 Zoning Map

1.2.2.1 The boundaries of all districts, as established herein and amended from time to time, are those shown on the Zoning Map, Town of Woodbury, Connecticut, filed in the office of the Commission, which map is part of these Regulations. Any facsimile maps, including the one appended to these Regulations, are not official and are for convenience only.

1.2.2.2 When in accordance with the provisions of these Regulations, changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be made on the Zoning Map immediately after the amendment has been approved by the Commission, together with an entry on the Zoning Map as follows: "As amended to (date)," such date to be that of the most recent amendment.

1.2.2.3 Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the Commission shall determine the location of the boundary based on the following rules:

A. Boundaries indicated as approximately following the centerlines of traveled ways, highways, or alleys shall be construed to follow such centerlines.
B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
C. Boundaries indicated as approximately following town lines shall be construed as following town limits.
D. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual line; boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed to follow such center lines.
E. Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (D) above shall be so construed. Distances not specifically indicated in the Zoning Map shall be determined by the scale of the map.

1.3 General Provisions

1.3.1 Applicability

1.3.1.1 Within the Town of Woodbury, no land, building or other structure shall be used or designed for use, and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these Regulations. No lot or land shall be subdivided, sold, encumbered or conveyed so as to make said lot or land nonconforming or more nonconforming to these Regulations, to make any use, building or other structure nonconforming or more nonconforming, or to render any setback, landscaping, open space or off-street parking and loading spaces nonconforming or more nonconforming to these Regulations.

1.3.1.2 Uses of land, buildings or structures not specifically permitted in the various zoning districts are prohibited.

1.3.1.3 Where a proposed use is not permitted or prohibited by these Regulations in a zoning district, the Commission shall make the determination as to whether the proposed use(s) is/are permitted in that district by Special Exception, or is/are prohibited.

1.3.1.4 In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinance, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

1.3.2 No building, other structure or accessory building or structure (other than a permitted fence or sign), or part thereof, shall be constructed, reconstructed, enlarged, extended, moved or structurally altered, and, except for occupancies and uses existing on the date of the adoption of these Regulations (April 1, 1969) or the date of any applicable amendment thereto, no land, building or other structure, or accessory building or structure, or part thereof, shall be used or occupied, or changed in use, until a Zoning Permit has been issued by the Zoning Enforcement Officer (ZEO).

1.3.3 Other Regulatory Permits: Permits required by these Regulations are in addition to, not in lieu of, all other permits and certificates required by other ordinances and regulations of the Town of Woodbury.

1.3.4 General Provisions

1.3.4.1 Construction Prior to Adoption of Regulations: Nothing in these Regulations shall require any change in plans, construction, or designated use of a building or other structure for which a permit has been issued prior to the adoption of these Regulations or any pertinent amendment thereto, provided that construction of such building or other structure is commenced within one year of the issuance of the permit.

1.3.4.2 Odd Shaped Lots: In cases of uncertainty as to the proper application of any requirements of these Regulations to a particular existing lot of record because of its peculiar or irregular shape, the Commission shall determine the application of any Regulations in question.

1.3.4.3 Undivided Tracts: An undivided tract of land occupied by two or more principal buildings prior to April 1, 1969, may, upon the issuance of a Special Permit by the Commission pursuant to Section 8, be divided into as many lots as there were such buildings even though the resultant lots will not conform to the applicable area, square, yard or frontage requirements of the Regulations provided the owner of the tract shall not own sufficient contiguous land to make conforming lots and each such lot shall be as nearly conforming as is feasible. The uses of the properties so divided shall be only those permitted for the zoning district in which the undivided tract is located, or as otherwise permitted by these Regulations.

1.3.4.4 Frontage on a Street: No structures shall be erected on any lot, other than an interior lot conforming to Section 4.2.2.2, unless the lot meets minimum lot frontage requirements defined by these Regulations.

1.3.4.5 Lots Adjacent to a More Restrictive District: Where a lot adjoins a lot in a more restrictive district, any adjoining side, front or rear yard shall conform to the minimum depths of the more restricted district except where a public street intervenes.

1.3.4.6 Lot in More than One District: Where a lot lies in more than one district, a use permitted in one district may be extended on the same lot in the other district, provided that:

A. Such use shall not extend more than 30 feet into the less restrictive district;
B. Total coverage by such use shall not exceed 25% of the area of that portion of the lot in the other district; and
C. The extension of a use from a non-residential zone into a residential zone shall require a Special Exception pursuant to Section 8 of these Regulations.

1.4 Non-Conforming, Structures, Lots, and Uses

1.4.1 General

1.4.1.1 A non-conforming structure, lot, or use is one which fails to conform to one or more of the applicable requirements of these Regulations or any amendment thereto, but which existed lawfully prior to the effective date of these Regulations (April 1, 1969) and any applicable amendment thereto.

1.4.1.2 A non-conforming structure or a structure containing a non-conforming use may be improved or restored. When such improvement or restoration involves changes to the exterior of a commercial or industrial building, site plan approval in accordance with Section 8 is required.

1.4.2 Non-Conforming Structures

1.4.2.1 A non-conforming structure may be expanded, altered, or extended provided such expansion, alteration, or extension conforms fully to the floor area, height, setback, bulk, lot coverage, and other dimensional or landscaping requirements of the use district within which it is located.

1.4.2.2 A non-conforming structure that is damaged or destroyed by fire, explosion, natural disaster, or accident may be reconstructed, repaired, or rebuilt provided that such reconstruction, repair, or rebuilding is on the identical location and is commenced within two years of the damage or destruction and completed within 4 (four) years, with the issuance by the Zoning Commission of site plan approval in accordance with Section 8 of these Regulations.

1.4.2.3 A legally pre-existing, non-conforming structure that encroaches into a required yard and which existed prior to April 1, 1969 may be expanded in volume or area within the required yard setback subject to the following:

A. acquisition of a Special Permit from the Zoning Board of Appeals; and

B. no portion of the structure expansion may encroach farther into the non-conforming yard than any existing portion of the structure.

1.4.3 Non-Conforming Lots

1.4.3.1 Any lot which does not conform to minimum area, minimum square, and frontage requirements for the use district in which it is located shall be designated a non-conforming lot, provided such lot shall have been shown on a map filed on the Land Records of the Town of Woodbury prior to the effective date of these Regulations (April 1, 1969) or any amendments to these Regulations that would otherwise make such lot non-conforming and further provided that such lot did not adjoin another improved or unimproved lot or lots owned or controlled by the person or persons owning or controlling the lot in question on such effective date or at any time thereafter.

1.4.3.2 No more than one (1) single family dwelling and allowed accessory structures may be constructed on a non-conforming lot located in a residential district, provided all other requirements of these Regulations are met.

1.4.3.3 A dwelling located on a lot which is non-conforming in lot size or yard requirements may be extended or expanded within the provisions of these Regulations provided no yard is made more non-conforming.

1.4.4 Non-Conforming Uses

1.4.4.1 Any use of a building or lot which was in existence prior to the adoption of these Regulations on April 1, 1969, or the date of any applicable amendments thereto, and is not permitted as of right or by Special Permit or Special Exception for the zoning district in which it is located, shall be designated a non-conforming use. A non-conforming use may be extended or expanded provided that the total use of a structure for such non-conforming use shall not exceed 125% of the floor area used for such non-conforming use as of April 1, 1969. Such use may continue subject to the provisions of this section, may be changed to an equally or less intensive non-conforming use provided a Special Exception is granted by the Zoning Board of Appeals as provided in Section 8.2, or may be changed to a conforming use.

1.4.4.2 No non-conforming use shall be moved from one portion of a lot to another portion of a lot unless it complies with the use provisions of the zone to which it is relocated.

1.4.4.3 No non-conforming use shall, if once changed to a conforming use, be changed back to such non-conforming use.

1.4.4.4 A building or other structure containing a non-conforming use may be maintained or repaired provided no structural alterations are made. No such building or structure shall be demolished and replaced by a new building or structure except where the use is changed to a conforming use or except as otherwise provided for in this section.

1.4.4.5 A building or other structure containing a nonconforming use which is damaged or destroyed by fire, explosion, natural disaster, or accident may be rebuilt, provided the setbacks, coverage, and height are not made less conforming to the requirements of the district in which such structure is located and provided that the floor area and building coverage of the structure is not increased and provided the reconstruction is commenced within two years of the calamity and completed within 4 (four) years.

1.4.4.6 Any non-conforming use which has been abandoned shall not be resumed. A non-conforming use shall be considered abandoned when there is an actual cessation of such use and no demonstration of intent to resume such use for a period of one year or more.

1.5 Administrative Provisions

1.5.1 **Separability**: If any section, subsection, paragraph, sentence, clause or provision of these Regulations shall be adjudged invalid, such adjudication shall apply only to the section, subsection; paragraph, sentence, clause or provision so adjudged invalid, and the rest of these Regulations as they shall now or hereafter exist shall be deemed to be valid and effective.

1.5.2 **Effective Date:** These Regulations shall be effective as of April 1, 1969. Amendments to these Regulations shall be effective as of the date of adoption.

Section 2. Definitions

2.1 General

2.1.1 In the application of these Regulations, the rules and definitions herein shall be observed and applied, except where the context clearly indicates otherwise.

2.1.2 Unless otherwise expressly stated, the following words and phrases shall be construed throughout these Regulations to have the meaning indicated in this Section:

2.1.2.1 Unless the context clearly indicates the contrary, words used in the singular shall include the plural, and the plural the singular; and words used in the present tense shall include the future.

2.1.2.2 The word "shall" indicates a mandatory and not discretionary condition.

2.1.2.3 The word "may" indicates a permissive condition.

2.1.2.4 The word "lot" shall be synonymous with the words "tract", "piece" and "parcel".

2.1.2.5 The words "zone", "zoning district", and "district" shall have the same meaning.

2.1.2.6 The word "use" and the word "uses" refer to any purpose for which a lot or part thereof is arranged, intended, or designed to be used, occupied, maintained, made available, or offered for use; and to any purpose for which a building or structure of part thereof, is arranged, intended, or designed to be used, occupied, maintained, made available, or offered for or erected, constructed, altered, enlarged, moved, or rebuilt with the intention or design of using the same.

2.1.2.7 The phrase "these Regulations" shall refer to the entire body of Woodbury Zoning Regulations.

2.2 Definitions

Words used in these Regulations shall be determined to have the meanings as defined in Appendix A. Doubt as to the precise meaning of other words and terms shall be determined by the Commission after reference to:

- The Connecticut General Statutes,
- Black's Law Dictionary,
- The Illustrated Book of Development Definitions, and,
- Webster's Third New International Dictionary.

ARTICLE II – USES WITHIN DISTRICTS

Section 3. Uses in All Districts

3.1 Uses Permitted in Any District

The following uses are declared to be compatible with any class of uses and are permitted in any district. All such permitted uses shall comply with the appropriate area, bulk, and dimensional standards.

3.1.1 Except as set forth in Section 3.2.1, farms and farming, including truck gardens, horticultural uses, forestry and the keeping of livestock, subject to the following standards and conditions:

3.1.1.1 Except as provided in Sections 4.1.2.3, 4.1.2.4 and 4.1.2.5, no livestock shall be kept on a lot of less than 5 acres, which for the purposes of this subsection of these Regulations may include abutting leased land, and

3.1.1.2 Buildings used for the housing of livestock or poultry shall be located at least 100 feet from any property or street line.

3.1.2 "Earth materials excavation", "deposition", and "processing activities", as those terms are defined in these Zoning Regulations, for the following purposes:

3.1.2.1 Necessary excavating, grading, removal, or deposition of earth materials as described on permits issued by the Town of Woodbury or any agency of the State of Connecticut with permitting authority for the construction on a property (individual building lot, subdivision site, project site, or other defined project area) of foundations, buildings, roads, driveways, storm sewers, utility services, fences or walls, swimming pools, septic systems, and other bona fide construction projects provided that:

A. The buildings, structures and site improvements shall be shown on the plot plan, approved subdivision site plans, or other approved construction plans provided with the Zoning Permit application; and

B. All necessary land use and construction approvals required by any municipal, state, or federal agency shall be provided with the Zoning Permit application; and

C. No topsoil shall be transported from the property, except that which is required to be excavated from the location of buildings and other structures, streets, driveways, sidewalks, terraces and other paved areas on the property in connection with the construction of same, as shown on the plot plan, approved subdivision site plans, or other approved construction plans provided with the Zoning Permit application, which plan must include the amount of topsoil to be removed from the property; and

D. No earth materials, including topsoil as authorized by paragraph C, above, shall be transported from or brought onto the property in excess of 100 (one hundred) cubic yards during any calendar year except as permitted in accordance with Section 3.4.9 of these Regulations.

3.1.2.2 Necessary excavating, grading, removal, and deposition of earth materials in connection with improvements on the premises solely for farming or

landscaping purposes, such as the construction or maintenance of ponds, draining of wet land, improvements of water courses, burying of stones, re-grading of difficult contours, and the excavation of gravel, dirt, loam or stone by a landowner on his own property for use on the same property, including normal agricultural activities involving soil preparation and grading, provided that:

A. such construction or excavation shall not result in the removal from or deposition onto such premises of more than 100 cubic yards of earth material during any calendar year unless permitted in accordance with Section 3.4.9 of these Regulations; and
B. proper soil erosion and sedimentation controls or appropriate agricultural soil conservation practices shall be implemented and any construction or excavation area stabilized upon completion.

3.2 Prohibited Uses in Any District

3.2.1 The following uses are specifically prohibited in any district:

A. Racetracks (vehicle or animal),
B. Drive-in theaters,
C. Correctional institutions,
D. Junk yards and junk businesses,
E. Commercial slaughtering, commercial manufacturing of fertilizer, or any commercial reduction or processing of animal matter,
F. Dumping or incineration of refuse, garbage, or junk except where controlled by the Town of Woodbury,
G. Raising, breeding, or keeping of pigs or mink,
H. Trailer parks,
I. Trailers, except as provided in Section 3.3.1.3 and 3.3.1.4,
J. Amusement parks, and
K. Buildings or other structures on any parcel without an existing principal building, except as otherwise permitted by these Regulations.

3.3 Temporary Uses & Structures in Any District

The following temporary uses and structures may be permitted subject to issuance of a zoning permit by the Zoning Enforcement Officer. The Zoning Enforcement Officer may place stipulations on any such permit which is issued to protect the health, safety and welfare of the neighborhood.

3.3.1 Temporary Farm Stands

A zoning permit for a temporary structure to be used for the display and sale of farm and garden products grown or raised on the premises or within the Town of Woodbury may be issued subject to the following standards:

a. Time period not to exceed nine months in any calendar year.
b. The stand shall be located a minimum distance of 20 feet from any property line.
c. A minimum of one off-street parking space shall be provided for each 50 square feet of farm stand sales area.

3.3.2 Temporary Structure

Any temporary structure to be located on a property for a period longer than one week requires issuance of a zoning permit.

3.3.3 Temporarily Occupied Recreational Vehicle

A zoning permit may be issued for a recreational vehicle to be used for temporary occupancy subject to the following standards:

a. A permit may only be issued as an accessory use to a single family dwelling.
b. Only one temporarily occupied recreational vehicle may be located on a property at any time.
c. The maximum permit duration is four weeks in any calendar year.

3.3.4 Non-Conforming Temporary Structure Pending Construction of a Conforming Building or Use

A zoning permit may be issued for a non-conforming temporary structure demonstrated to be necessary pending construction of a conforming building or use for a period not to exceed one year. The permit may be renewed for six month periods provided the permits or approvals for construction of the conforming building or use have not expired.

3.3.5 Tag Sales

A zoning permit may be issued for temporary sales, including tag sales and similar sales on a property not ordinarily used for the sale of personal property, subject to the following standards:

a. The permit shall be effective for a maximum of 4 consecutive days.
b. A maximum of one permit shall be issued for each 90 day period.
c. One tag sale is permitted per calendar year without a zoning permit when conducted as an accessory use to a residential dwelling. The duration of such tag sale shall not exceed four consecutive days.

3.3.6 Special Events

A zoning permit may be issued for a Special Event that constitutes a permitted use or a customary accessory use of an existing building or property subject to the following:

a. Submission of a zoning permit application including the following information:
    i. Details of the proposed event including estimated number of attendees and cars, hours of operation, dates
    ii. Site plan sketch including parking areas, sanitary facilities, etc.
    iii. Plan for crowd control which shall include security personnel or police officers as needed
    iv. Provision for adequate sanitation facilities
    v. Sign off on permit application indicating review and approval, as necessary by the Fire Marshal, Pomperaug Health District,

Parks and Recreation Director, Police Department and Building Official.

b. The Zoning Enforcement Officer and/or the Zoning Commission shall have the discretion to determine if an event is a permitted or customary accessory use.

3.4 Uses Permitted By Special Exception in Any District

Upon approval by the Commission of a site development plan in accordance with the provisions of Section 8 and the application procedures of Section 8, the following structures and uses may be permitted as Special Exceptions in any district except as may be specified and except the Main Street Design District, the Middle Quarter District, and the EE District in which case the provisions of Sections 5.1, 5.2, and 5.5, respectively, shall be applied.

3.4.1 Public utility installations needed for the public convenience and necessity.

3.4.2 Municipal, State and Federal government buildings including without limitation public schools and libraries.

3.4.3 Municipal and State commuter parking lots needed for public convenience and necessity.

3.4.4 Aircraft landing fields, heliports, private landing fields and hangars, subject to approval by requisite State and Federal authorities.

3.4.5 Commercial kennels, commercial stables and/or riding schools, provided that they are on lots of not less than 5 acres and provided that no dogs or horses are kept in any buildings or enclosures within 200 feet of any property lines; hobby kennels, provided that no dogs are kept in any buildings or enclosures within 100 feet of any property line; and veterinary hospitals, provided that no animals are kept in any buildings or enclosures within 150 feet of any property line; and further provided that none of these uses shall create offensive odors, noise or unsightly appearance noticeable off the premises.

3.4.6 Outdoor recreational uses including without limitation public, semi-public and private country clubs; parks and playgrounds; and athletic facilities for public use by more than eight (8) persons at one time.

3.4.7 Child day care center or group day care home, as those uses are defined by Connecticut General Statutes Section 19a-77.

3.4.8 Educational, instructional, religious, philanthropic and charitable institutions, including places of worship and cemeteries, certified, chartered, or otherwise documented to the satisfaction of the Commission.

3.4.9 Site development earth excavation activities consisting of any excavating, grading, removal, and deposition of earth materials not permitted under or subject to the provisions of Section 5.5 of these Regulations or not exempt in accordance with Section 3.1.2 of these Regulations must receive site development plan approval and, if determined necessary by the Commission, a Special Exception in accordance with

Section 8 of the Woodbury Zoning Regulations. Any such approval or Special Exception shall specifically include authorization for such excavation and/or deposition under Sections 6.1 and 6.2 if applicable. Such activities outside an Earth Excavation District shall comport with the provisions of Section 7.8 of these Regulations and any additional conditions the Commission may require and shall be limited to:

3.4.9.1 Necessary excavation and/or deposition in direct connection with construction or alteration of buildings, other structures, off-street parking and loading areas; installation or repair of approved septic systems; excavation or maintenance of a pond; restoration of a previously excavated or disturbed property; site preparation to accommodate future uses permitted by right or by Special Permit or Special Exception within the applicable Use District; or other improvements for which a Special Exception, Special Permit, or Zoning Permit is required; or

3.4.9.2 Necessary excavation or deposition in direct connection with the construction of streets, drainage and all other required improvements, and the altering of pre-existing contours, provided same is carried out as part of any approved subdivision or re-subdivision; or

3.4.9.3 Excavation, deposition, and processing associated with commercial earth materials activities in operation prior to May 25, 1970, and subsequently in continuous operation as permitted by Woodbury Zoning Regulations, provided that renewal permit applications for such operations are submitted every two years commencing in 2003, or as otherwise required by the Commission.

3.4.10 Wireless Communications Facilities, subject to the provisions of Section 7.10

3.4.11 Country Inns and Country Inns with Restaurants, subject to the provisions of Section 7.11.

3.4.12 Assisted living facilities in any district except OS-100, OS-80, GA, PI, and EE, subject to the provisions of Section 7.12.

Section 4. Uses in Residential Districts

4.1 Uses Permitted in Residential Districts

4.1.1 In R-40, OS-60, OS-80 and OS-100 Residence Districts structures and lots may be used and structures may be altered or erected, subject to issuance of a zoning permit, for the following purposes:

4.1.1.1 Single-family detached dwellings with floor area of 10,000 square feet or less.

4.1.1.2 Structures for use in conjunction with farming and/or land management activities on property without a residential building.

4.1.1.3 Structures containing dwelling units for not more than two families, not more than one such structure per lot provided the applicable minimum lot area requirement of Section 4.2 shall be doubled.

4.1.1.4 Two single-family residential dwelling units may be constructed per lot, provided the applicable minimum lot area requirements of Section 4.2 shall be doubled. Under no circumstances shall the lot subsequently be divided unless each dwelling unit and lot complies with the height, square, area and yard requirements listed in Section 4.2.

4.1.1.5 A single-family residential dwelling unit with one accessory apartment. For purposes of this regulation: 1) the term "accessory apartment" shall be defined as a separate, self-contained dwelling unit within, and subordinate to, any existing single family residence; 2) the term "primary dwelling" shall be defined as the unconverted portion of an existing single family residence; 3) the term "principal owner" shall be defined as the owner of not less than a 50% interest in the residence. A single family residence dwelling unit may contain one accessory apartment provided that:

A. The accessory apartment does not exceed 30% of the floor area of the single-family house.
B. The dwelling must retain its character and appearance of a single-family dwelling unit.
C. A maximum of two persons shall reside in an accessory apartment.
D. The addition of the accessory apartment must meet all building codes, fire codes, and health code requirements.
E. The Health District Officer shall certify that the septic system is adequate for an additional apartment, and will not create hazardous conditions for sanitary sewage.
F. An owner of the residence must reside in either the primary dwelling or the accessory apartment.
G. A Zoning Permit must be issued by the ZEO and a Certificate of the approval of the apartment recorded in the Woodbury Land Records in the form prescribed by the Commission in the name of the then current owner.
H. Off-street parking shall be provided in accordance with Section 7.4.

I. The owner of a single family residential unit containing an accessory apartment prior to the effective date of this regulation (8/1/87) and not otherwise authorized as a permitted use may apply for a Certificate of Zoning Compliance with the ZEO. A Certificate of the approval of the apartment shall be recorded in the Woodbury Land Records in the form prescribed by the Commission in the name of the then current owner, provided that the accessory apartment conforms to the requirements of this regulation.

4.1.1.6 Accessory buildings and structures, subject to the provisions of Section 7.2.

4.1.2 The following accessory uses are permitted of right in any residential district, subject to compliance with the requirements of Sections 4.2 and 7.2 as applicable.

4.1.2.1 Private detached decks, sheds or other accessory buildings or structures with no dimension exceeding 6 (six) feet for the personal use of the property resident subject to the provisions of Section 7.2.

4.1.2.2 Keeping of dogs, cats, or similar domesticated animals as pets provided that a total of no more than six (6) animals over six (6) months in age shall be kept and no hobby kennel or commercial kennel shall be operated other than as permitted by Section 3.4.5 of these Regulations.

4.1.2.3 Keeping of ducks, geese, chickens, turkeys, pigeons, or similar small fowl for non-commercial purposes on a lot of less than 5 acres, provided that a total of no more than twenty (20) such fowl shall be kept and that any building to house such fowl is located at least 100 feet from any property line and further provided that such fowl are to be secured within a compound or coop and that any accumulation of manure is located at least 100 feet from any property line, well, stream, or watercourse.

4.1.2.4 Keeping of five (5) or fewer head of livestock, excluding pigs or mink, being raised as part of a documented educational project, provided that any building to house such livestock is located at least 100 feet from any property line and further provided that any accumulation of manure is located at least 100 feet from any property line, well, stream, or watercourse.

4.1.2.5 On a lot of less than 5 acres, one horse or pony, or other similar head of livestock, for each 60,000 square feet owned and/or leased for each such horse or pony, provided that any building to house such livestock is located at least 100 feet from any property line and further provided that any accumulation of manure is located at least 100 feet from any property line, well, stream, or watercourse.

4.1.2.6 Provision of room and board for no more than one person unrelated to the property owner.

4.1.2.7 Parking of no more than two (2) recreational vehicles, including boats, on a property, provided that

A. any such vehicle shall not exceed forty (40) feet in length;

B. such vehicles shall either be parked or stored at all times in a fully enclosed structure or, if parked or stored outdoors, shall not be located within the front or side yards or within five (5) feet of the rear lot line and not visible from the street;

C. such vehicles shall not be used for living, recreation, or business purposes while parked or stored on the property; and

D. such vehicle shall be directly owned or leased by the owner or tenant of the premises on which they are parked or stored.

4.1.2.8 Parking of no more than one registered commercial vehicle, school bus, or public utility vehicle of twenty (20) feet or less in length and not more than two (2) ton capacity. Any other such vehicle parked or stored on a lot in a residential district shall be parked or stored in such a manner as not to be visible from any other lot or from any street.

4.1.2.9 Off street parking in accordance with Section 7.4 of these Regulations.

4.1.3 Home Occupation

The purpose of this section is to regulate activities carried out for financial gain and conducted by persons residing on a property, located entirely within a dwelling or within an accessory building on that property, which are clearly incidental and secondary to the use of the dwelling for residential purposes and not disruptive to adjacent properties or the neighborhood.

4.1.3.1 Standards

The following standards and requirements shall apply to all Home Occupations:

A. There shall be no external evidence of the home occupation, other than as specifically permitted.
B. This regulation shall not apply to farms.
C. Home Occupations may occupy an aggregate area in the dwelling and/or accessory building up to fifty percent (50%) of the floor area of the principal building.
D. Off street parking shall be provided to accommodate the needs of both the home occupation and the residence. Parking shall be properly graded and drained.
E. No finished goods or materials, except those products ancillary to the home occupation, shall be shipped to the home occupation location for resale.
F. At time of application the following information shall be submitted:
   i. A detailed site plan indicating location of proposed parking, how parking will be graded, surfaced and drained.
   ii. A detailed floor plan indicating location and area of all interior business uses.
   iii. A detailed narrative regarding the proposed home occupation including, but not limited to, hours of operation, number of employees, nature of business, method of deliveries to the home, anticipated number of motor vehicles that will visit the business weekly, number and types of vehicles and equipment associated with the business as well as submittal of copies registrations of vehicles associated with the business that will be stored on the subject property.
   iv. Details regarding any outside use of the property.

4.1.3.2 Home Office

Use of a portion of a residence or accessory building for a home business or professional office by residents of the property is permitted subject to the following additional standards and issuance of a zoning permit:

i. No non-resident employees
ii. Maximum of 35 motor vehicles associated with the Home Office to visit the site per week.

4.1.3.3 Minor Home Occupation

Use of a portion of a single family or two family residence or accessory building for the production of homemade goods and merchandise, homemade and home-grown foods and food products by residents of the property is permitted subject to the following additional standards and issuance of a zoning permit.

i. No non-resident employees
ii. Maximum of 35 motor vehicles associated with the Minor Home Occupation to visit the site per week

4.1.3.4 Major Home Occupation

Based on the potential for the following Major Home Occupations to negatively impact a residential neighborhood, these home occupations are permitted only as an incidental use to a single family or two family residence after approval of a Special Permit Application.

A. The sale of antiques, arts, and crafts not manufactured on the premises from a primary dwelling or accessory building.

B. Shop and storage use of principal and accessory buildings by contracting and building tradesmen and other similar occupations including but not limited to landscapers, tree service contractors and excavation contractors subject to the following standards:
   1. There shall be no outside storage of material, inventory, tools or machinery associated with the business. All of these items shall be stored in a permanent building.
   2. Any such use must be incidental to the work of such tradesman or contractor off the premises.
   3. Any motor vehicle associated with the General Home Occupation shall be appropriately located and screened.

C. Home Occupations, Offices or Businesses that employ persons not residing in the dwelling and/or anticipate more than 35 motor vehicles associated with the home occupation to visit the premises per week.

4.2 Height, Square, Area, and Yard Requirements

All lots created and structures erected or altered after the enactment of these Regulations shall conform to the requirements specified for the districts in which the lot or structure is located listed in the following schedules entitled "Height, Square, Area, and Yard Requirements."

4.2.1 Residential Districts Requirements

Height, Square, Area, and Yard Requirements: R-40, OS-60, OS-80, OS-100

District	Min. Lot Area Sq.ft. (1)	Min. Lot Frontage (2)	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Side Yard Setback	Min. Combined Side Yard Setback	Max. Bldg. Cov.	Min. Bldg. Square	Max Total Cov.	Max. Bldg. or Structure Height (3)
R-40	40,000	150'	50'	50'	20'	50'	12%	135'	30%	35'
OS-60	60,000	200'	50'	50'	30'	60'	10%	180'	25%	35'
OS-80	80,000	200'	50'	50'	30'	60'	10%	180'	25%	35'
OS-100	100,000	225'	50'	50'	40'	80'	10%	200'	25%	35'

1. In lots containing wetlands and/or watercourses, only 20% of the wetlands and/or watercourse area shall be counted toward the minimum lot area requirements.
2. Measured at the street line or, if an interior lot, at the interior lot line.
3. The provisions with respect to height shall not apply to the following.
   - Roof parapets and turrets 3 feet or less in height.
   - Church spires and belfries, pole type TV antennas, ground-mounted flagpoles, and chimneys.
   - Cupolas and domes not used for human habitation, clock towers, bell towers and roof ventilators; provided that
     - The cumulative square foot area of these structures cannot exceed 5% of the footprint of the roof area of the building on which it is located, or 100 square feet, whichever is less; and
     - The structure shall fit within a 10' x 10' square; and
     - The structure shall not extend more than 5 feet above the ridge of the roof or top of flat roof on which it is located.
   - Wireless Communications Facilities approved in accordance with Section 3.4.10.

4.2.2 Interior lots shall meet the following requirements:

4.2.2.1 In residence districts, a lot which lacks the required width at the street line or building line (an interior lot) may be used as otherwise permitted in these Regulations provided that a portion of said lot not less than 50 feet in width throughout its length (the access way) shall have frontage on a street and there shall be no other access strip within 150 feet, measured along the street line, of the access way for such lot. Rights of way shall not be deemed access strips. No portion of such lot lying between the street and the straight line closest to the street along which such lot meets that minimum width requirement of these Regulations (the interior lot line) shall be included in the determination of the area of such lot. The interior lot line shall be considered the street line for purposes of determining required yards.

4.2.2.2 In residence districts, interior lots of record prior to April 1, 1969, need not have frontage on a street provided any such lot shall have an unobstructed access strip or right of way not less than 20 feet wide to a street, unless the area of such lot shall exceed twice the area requirement of the district in which the lot is located, in which event such access strip or right of way shall be not less than 50 feet wide throughout its length. The lot line from which the right of access leads shall be considered the front line of the interior lot.

4.2.3 Miscellaneous Yard Requirements

4.2.3.1 Setback and coverage requirements for accessory buildings or other structures shall be as provided in Section 7.2.

4.2.3.2 Architectural Features: Uninhabitable architectural features that do not touch the ground may extend no more than three (3) feet into any required yard.

4.2.3.3 Dormers, no higher than the peak line of the subject roof, individually less than 15 feet wide, and collectively occupying no more than fifty (50%) percent of an existing roof, and extending into any required yard no more than the building wall. For the purposes of this section, a dormer is a permanent superstructure projecting from a sloping roof equipped with a window or a vent.

4.2.3.4 Porches: Whether or not enclosed, a porch shall be considered a part of the building for the purpose of determining the size of the yard or the amount of building coverage.

4.2.3.5 Swimming Pools/Tennis Courts: Swimming pools and tennis courts shall not be permitted to project into any required yard to a point closer than one - half of the minimum required building setback distance from any property line. The setback for a swimming pool shall be measured from the edge of any deck or platform structure adjacent to the swimming pool or otherwise the exterior lip of the swimming pool nearest a property line.

4.2.3.6 Fences: Fences are permitted in any yard with no height restriction except: a) at corners as set forth in Section 4.2.3.7; and b) within 15 feet of a property line, no fence may exceed a height of eight feet.

4.2.3.7 Corner Visibility: On a corner lot, no planting, structure or other obstructions to vision more than three feet in height shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines, each of which point is 25 feet distant from the point of the intersection.

4.2.3.8 Corner Lots: In all residence districts, front yard requirements must be met on both sides of a corner lot. All accessory buildings shall maintain front yard requirements for both street frontages.

4.2.3.9 Through Lots: A through lot shall maintain minimum front yard requirements along any street it adjoins.

4.2.3.10 Expansion of a Structure: Any horizontal or vertical expansion of an existing structure shall conform to the height, area, and yard requirements of Section 4.2.1 whether or not such existing structure is conforming to these Regulations, except for features regulated by Sections 4.2.3.1 and 4.2.3.2

4.3 Uses Permitted by Special Exception in Residential Districts

In addition to the provisions of Section 3.4, the following uses are permitted when authorized as Special Exceptions in accordance with Section 8 of the Regulations:

4.3.1 Single family detached dwellings with floor area of 10,000 square feet or more.

4.3.2 Hospitals (not including animal hospitals), sanitariums, rest homes, convalescent or nursing homes, provided that the predominantly residential character of the district is maintained and subject to the following conditions:

A. Location**:** No site shall be approved unless it is on or within 300 feet of a State highway and unless adequate potable water is available and the Health Officer certifies that sanitary facilities can be provided in such a way as to eliminate any possible sanitation hazard or nuisance.

B. Site Area**:** One acre of site shall be required for each 10 patient beds and in no case shall the site be less than five acres.

C. Site Requirements: In no case shall any structure or parking area be located less than 50 feet from any property line. Landscape planting meeting the requirements of Buffer yard "C", set forth in Section 7.3.2.8 shall be provided.

D. Parking areas required by Section 7.4 of these Regulations shall be provided.

E. Open Space**:** Suitable recreational facilities, as deemed appropriate in function and area by the Commission, shall be provided.

F. Drives and Access and Exit Points**:** Internal circulation shall provide for the easy movement of vehicular and pedestrian traffic and the convenient access of emergency vehicles.

G. None of these uses shall create offensive noises, odors or unsightly appearances noticeable off the premises.

4.3.3 The conversion of existing one family dwellings to contain two or more dwelling units, provided that:

A. Such dwelling shall have been erected not less than 10 years before conversion to two dwelling units and not less than 25 years before conversion to more than two dwelling units.

B. Such dwelling shall be located on a lot having an area of not less than one-and-one-half times the minimum lot size.

C. Each dwelling unit shall require three-quarters of the minimum lot size.

D. After conversion such dwelling shall retain substantially its original character and appearance as a one family residence.

E. Off-street parking shall be provided in accordance with Section 7.4.

F. The Health District Officer certifies in writing that the conversion will not create hazardous conditions for sanitation or other conditions affecting health and safety.

4.3.4 On a lot of not less than three acres, subject to provision of a landscaped buffer yard meeting the requirements of Buffer yard "B" as set forth in Section 7.3.2.8

A. A garden center, greenhouse, nursery or landscape service, including the sale of plants, whether grown on the premises or not, and related supplies and services;

B. The sale of farm produce and related products which are primarily grown and produced on the premises.

4.3.5 The provision of rooms as bed and breakfast service for transient visitors in a residential structure provided the following conditions are met:

A. The owner of the principal dwelling and lot shall reside on the property housing the bed and breakfast use.

B. There shall be provided a parking area sufficient to accommodate additional parking at the rate of one space per guestroom. Such parking shall be screened with a landscaped buffer yard meeting the requirements of Buffer yard "B" set

forth in Sections 7.3.2.8 and shall not be located in the front yard unless the Commission determines that such parking is more consistent with preserving the residential character of the neighborhood.

C. The structure must be able to accommodate guestrooms based upon interior arrangement, size and structural condition.

D. No more than four guestrooms rated for double occupancy are permitted in a structure.

E. The regional Health District shall certify that the existing or proposed modified subsurface sewage disposal system is adequate to serve the proposed use.

F. Complete bathrooms shall be provided at the rate of one per two guestrooms.

G. The length of stay shall not exceed fourteen consecutive days per guest. Food service shall be limited to breakfast for registered guests only.

4.3.6 The letting of more than one room or provision of board to not more than four persons unrelated to the owner of the premises provided that conditions A-F of Section 4.3.5, above, shall apply.

4.3.7 **Open Space Subdivisions**: To permit the development of residential subdivisions that apply conservation design principles to preserve substantial portions of subdivided parcels as open space, protect views, vistas, and visual focal points, and provide for circulation patterns which are compatible with variation of building setbacks and clustering of homes, the Woodbury Planning Commission may grant Special Exceptions for open space subdivisions on parcels of 10 acres or more, provided that the lots as proposed meet the requirements of this Section.

4.3.7.1 **Project Requirements**: In addition to other criteria contained elsewhere in these Regulations and the applicable provisions of the Woodbury Subdivision Regulations, applications for Special Exceptions to permit open space subdivisions shall comply with the following:

A. Neighborhood Compatibility: that the design elements of the proposed development will not adversely affect the characteristics of the neighborhood.

B. Adequate Utilities to Serve the Development: that the water supply, sewage disposal, and storm drainage facilities are or can be made adequate to serve the development as proposed and have been designed in accordance with accepted engineering standards.

C. Character and Extent of Area to be Preserved as Open Space: that the area proposed to meet the minimum open space requirement shall be of a size, configuration, and location to meet one or more of the following criteria:

i. Land meeting the objectives and criteria for open space preservation as specified in the Woodbury Plan of Conservation and Development.

ii. Areas providing for the expansion and/or protection of existing open space and recreational areas.

iii. Areas of woodland and/or farmland useful as wildlife habitat.

iv. Stream belts.

v. Prime agricultural land.

vi. Areas providing or protecting existing or potential drinking water supplies.

vii. Areas adjacent to town streets with features such as large trees and stone walls that retain the rural character of the Town.

viii. Ridge tops and other areas of scenic vistas, which add to the open space quality of the Town.

ix. Areas of significant tree cover, identified historic and archeological sites, water-related resources, or other agricultural or environmentally important lands, soils or geological phenomena.

x. Land which serves as buffer between existing residential development and proposed development areas.

4.3.7.2 **Height, Square, Area, Yard, and Open Space Requirements:** Where approved by the Planning Commission as a Special Exception, lots in an open space subdivision shall meet the following requirements, unless waived under Section 4.3.7.5 below:

Minimum Road Frontage	Front Yard*	Rear Yard	Side Yard	Min. Bldg. Square	Max. Bldg. or Structure Height	Max. Bldg. Cov.	Max. Lot Cov.
85’	25’	15’	15’	100’	35’	12%	25%

*measured at street line or interior lot line

At least 50% of the parcel to be subdivided shall be protected as open space meeting the standards of Section 4.3.7.1.C.

4.3.7.3 **Other Requirements for Open Space Subdivisions:**

A. Buildings on lots proposed along existing public streets shall meet the front yard setback requirements of Section 4.2. Buildings on lots proposed along new public streets shall be set back a minimum of 25 feet from the front lot line.

B. Proposed building lots shall meet the setback requirements for the underlying residential district for any side or rear lot line abutting property previously subdivided in accordance with the height, square, area, yard, and open space requirements of the underlying zoning district.

C. Principal buildings shall be separated by at least 30 feet or the height of the building, whichever is greater, from any other principal building on a separate lot.

D. The lot area shall be adequate to accommodate the required on-site utilities consistent with the standards of the Public Health Code.

4.3.7.4 **Interior Lots:** Notwithstanding other provisions of these Regulations to the contrary, interior lots are permitted in open space subdivisions provided they meet the requirements in Section 4.3.7.3, above. Additionally, up to two interior lots may have adjacent access ways provided they are at least 150 feet distant along the street line from the access to another interior lot. The owned access way leading to an interior lot shall be a minimum of 20 feet in width. No portion of such lot lying between the street and the straight line closest to the street along which such line meets the requirements of Section 4.3.7.2 (the interior lot line) shall be included in the determination of the area of such lot. The interior lot line shall be considered the street line for the purpose of determining required yards.

4.3.7.5 **Shared Access:** In an open space subdivision the Planning Commission may waive the requirements for road frontage and/or the demonstration of a feasible driveway for up to 25 percent of the proposed lots, each of which is accessed by a shared driveway. The right-of-way for a shared access driveway shall be at least 30 feet.

4.3.7.6 **Maintenance Requirements:** The applicant shall present sufficient information to the Planning Commission to demonstrate that adequate provisions can be made to ensure the sustained maintenance of the development. Such provisions shall specifically address proposed community water and sewer systems necessary to implement the development as proposed.

4.3.7.7 **Density Limitations:** The maximum number of lots shall be limited to that number as calculated under the provisions of the Open Space Subdivision standards in the Woodbury Subdivision Regulations.

Section 5. Uses in Special Use Districts

5.1 MSD - Main Street Design District

5.1.1 Main Street Design District (MSD) is declared to be a special use district subject to separate planning, use, design, and development standards to:

A. maintain the residential character of Main Street,
B. preserve the natural resources in and adjoining the Main Street area,
C. prohibit uses that will significantly intensify traffic congestion on the street, and
D. preserve and enhance the historic and aesthetic quality of Main Street.

5.1.2 All uses existing in the MSD District as of May 14, 1979 shall be considered conforming uses.

5.1.3 No land, building, or other structure (excluding signs) or part thereof shall be used, occupied, changed in use or constructed, enlarged or extended in the MSD District until a Site Development Plan has been submitted and approved by the Commission and a Special Permit has been granted by the Commission, except for those uses permitted in Sections 3.1and 4.1.1, of these Regulations, which uses are permitted as of right in the MSD District after issuance of a Zoning Permit.

5.1.4 The following uses are authorized in the MSD District after a Special Permit is issued pursuant to this Section:

A. Wireless Communications Facilities in accordance with Section 3.4.10.
B. Uses permitted in and meeting the requirements of Sections 4.1.3, Home Occupations and Shop and Storage by Contracting and Building Tradesmen; 4.3.3, Conversion of Existing One-Family Dwellings to Contain Two or More Dwelling Units; 4.3.4.B, Sale of Farm Produce and Related Products; and 4.3.5, Bed and Breakfast.
C. Use of an existing accessory building for a principal use or a use which is accessory to a permitted principal use provided that the requirements of Section 5.1.7 are met.
D. Site Development Earth Excavation activities in accordance with Section 3.4.9.
E. Special Events, in accordance with Section 3.3.6.
F. Other uses, except those listed in Section 3.2, determined by the Commission to be consistent with the uses listed in this Section.

5.1.5 Area, Bulk, and Dimensional Requirements for MSD District

Height, Area, and Yard Requirements – MSD Districts

District	Min. Lot Area Sq.ft. (1)	Min. Lot Frontage	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Side Yard Setback	Max. Bldg. Cov.	Max Total Cov.	Max. Bldg. or Structure Height(3)
MSD	40,000 sq ft	150’	20’ (1)	10’ (2)	10’ (2)	10%	50%	35’

1. No principal building shall be closer to the street than a distance equal to the average distance to the street of the principal buildings on the contiguous properties.
2. No principal building may be closer to a side or rear property line than the average height of the principal building.
3. The provisions with respect to height shall not apply to the following.
   - Roof parapets and turrets 3 feet or less in height.
   - Church spires and belfries, pole type TV antennas, ground mounted flagpoles, and chimneys.
   - Cupolas and domes not used for human habitation, clock towers, bell towers and roof ventilators; provided that
     - The cumulative square foot area of these structures cannot exceed 5% of the footprint of the roof area of the building on which it is located, or 100 square feet, whichever is less; and
     - The structure shall fit within a 10' x 10' square; and
     - The structure shall not extend more than 5 feet above the ridge of the roof or top of flat roof on which it is located.
   - Wireless Communications Facilities approved in accordance with Section 7.10.

5.1.6 All uses permitted by Section 5.1.4 shall comply with the following:

A. No such use(s) shall occupy an area in excess of 50% of the floor area of the principal residence (excluding for purposes of calculation attics, basements, and garages) except for a Bed and Breakfast, which may occupy an area of 80% of the floor area of the principal residence.

B. The remaining 50% of the floor area shall continue to be used for residential purposes and failure to use said area for residential purposes for a period of 90 days shall be grounds for revocation of the Special Permit.

C. Neither the owner of the premises nor the owner of the business is required to reside in the residence.

D. Not more than two nonresidential uses shall be permitted on a premise.

E. There shall be no external evidence of such use(s) other than the sign permitted pursuant to Section 7.5 of these Regulations.

F. Front, rear, and side yards shall be suitably landscaped to the satisfaction of the Commission.

G. Parking spaces required by Section 7.4 of these Regulations shall:

   i. Not be located in a front yard nor within 10 feet of a rear or side property line provided that such rear or side property lines do not abut a residential district in which case a 50 foot setback from said property line(s) is required;

   ii. Not be visible from Main Street;

iii. Not be located on any portion of the premises used as an existing driveway serving the residence or decrease the existing parking area for the residence; and

iv. Be approved by the Woodbury Historic District Commission (by issuance of a Certificate of Appropriateness), provided the property involved is within a Historic District.

H. Accessory buildings and structures are subject to the specifications of Section 5.1.5 except that setback and coverage standards are as provided in Section 7.2.

5.1.7 In order to preserve the existing accessory buildings located within the MSD, the Commission may allow nonresidential permitted use(s) in accessory buildings that existed prior to January 1, 1997 in their current configuration as follows:

A. There shall be at least one dwelling unit on the premises and the use of the accessory building shall not reduce the total number of dwelling units on the premises.

B. The accessory building(s) shall be serviced by an existing driveway.

C. The use in the accessory building must be either an extension or transfer of the permitted nonresidential use(s) in the principal residence or the establishment of a new nonresidential use.

D. No new permitted use(s) or separate business entity shall be established on the premises as the result of a transfer of a permitted use(s) into an accessory building(s) without prior approval of the Zoning Commission.

E. In addition to the parking requirements for the principal residence or building, parking spaces for accessory building(s) shall conform to the requirements of Section 7.4 of these Regulations.

5.1.8 In order to permit and encourage variety and flexibility in land use and the implementation of the objectives and policies set forth in Woodbury's Plan of Conservation and Development pertaining to the Main Street Design District, the Zoning Commission may, in its sole discretion after referral to the Planning Commission as prescribed in Section 5.1.9 below and after making the findings required by this Section:

A. Grant, grant with modification, grant subject to condition or deny a Special Permit for any use (except those uses prohibited by Section 3.2.1 of these Regulations) whether or not such use is authorized in this section or any other section of these Regulations; and

B. Approve, approve with modification, approve subject to condition, or disapprove a Site Development Plan (including size and placement of signs) proposing development which does not conform to Section 5.1.5 hereof provided, however, that maximum permissible building coverage shall not exceed 20% of lot area and maximum permissible total ground area coverage shall not exceed 65% of lot area.

5.1.8.1 No Special Permit shall be granted nor Site Development Plan approved pursuant to this section until the Zoning Commission has made a special finding that:

A. The proposed use and Site Development Plan are compatible with and implement the objectives and policies of Woodbury's Plan of Conservation and Development;

B. The proposed use and Site Development Plan are compatible with adjacent properties;

C. The proposed Site Development Plan is preferred to a plan conforming to the dimensional requirements of Section 5.1.5 or preferred to a plan which continues the current use of the property or, in the case of destruction, the immediate past use; and

D. The Woodbury Historic District Commission has approved (by the issuance of a Certificate of Appropriateness) all erections, alterations, restorations, movements and demolitions of buildings and structures, including parking spaces, within the jurisdiction of said Commission pursuant to Chapter 97 of the Connecticut General Statutes, provided the property involved is within a Historic District.

5.1.9 In the MSD District, no Special Permit shall be granted by the Commission until:

A. The application for use, alteration, or construction (excluding signs) shall be referred to the Woodbury Planning Commission prior to the commencement of the public hearing for its study of the proposed use, alteration or construction and its conformance to the plans and policies of the Woodbury Plan of Conservation and Development. The Planning Commission may issue a report on the conformance of the application with the Town Plan of Conservation and Development. The Zoning Commission shall not close the public hearing on any such application until the report of the Planning Commission is received or 35 days after referral of the application to the Planning Commission, whichever is sooner. An application disapproved by the Planning Commission may be approved by the Zoning Commission by a vote of not less than two-thirds of all members of the Commission; and

B. The Zoning Commission finds that the proposed use, alteration or construction is authorized pursuant to Section 5.1.4 or 5.1.8 herein; will be consistent with the existing uses in and adjacent to the District and will not impair the intent of these Regulations; will safeguard the appropriate use of the land in the immediate vicinity of the proposed construction, alteration or improvement; and conforms to the requirements set forth in Section 5.1.6 herein.

5.2 MQ - Middle Quarter District:

5.2.1 Purpose

The purpose of the Middle Quarter District is to allow service businesses in a location convenient to the general population on highways which are able to accommodate the traffic associated with such uses. These regulations seek to ensure a compatible relationship between existing and permitted uses within the district and those uses adjacent to it, and to consider the importance of preserving and protecting the quality of the underlying aquifer.

5.2.2 Permitted Uses

No land, buildings or structures shall be used, constructed, reconstructed, expanded or altered except in conformity with these regulations. Subject to the granting of a Special Permit and site plan approval by the Commission and issuance of a zoning permit by the zoning enforcement officer, the following uses are permitted in the Middle Quarter District:

1. Retail sales of consumer goods and services from a building
2. Restaurants, excluding fast food and formula food restaurants.
3. Business and Professional Offices
4. Educational, instructional, religious and charitable institutions
5. Lodging Uses
6. Residential dwelling units where included within a comprehensive development plan with commercial development including the following standards:
   a. Residential uses must be located above the principal commercial use.
   b. The total square footage of all residential uses does not exceed 40 percent of the total floor area of all uses.
   c. The residential uses are constructed at the same time or after the development of the principal area, but never before.

5.2.3 Design and Development Standards

A. Minimum Lot Area: 40,000 square feet.
B. Minimum Frontage Requirement: 100’
C. Setbacks:
   1. Front Yard Setback:
   a. All buildings and parking shall be setback a minimum of 50 feet from the front property line. In the case of a lot abutting more than one street, the front yard setback for parking and building shall be enforced along all street frontages.
   b. Exception: If all parking is located to the side or the rear of the building, all buildings and parking shall be setback a minimum of 25 feet from the front property line.
   2. Side and Rear Setback:

a. All buildings and parking shall be setback 10 feet from a side or rear property line.

b. Exception: Where a property line abuts a property line of a residentially zoned parcel, the required building and parking setback shall be 50 feet.

D. Building Size: The maximum allowable building floor area is 25,000 square feet.

E. Building Coverage: The maximum allowable Building Coverage is 30%.

F. Building or Structure Height: The maximum building or structure height is 40'.

G. Landscape Standards:

1. Minimum Landscaped Buffer. The required Landscape Buffer shall be as depicted in Section 7.3.2.8(E).

Required Buffer	Diagram
Front Yard 50'	B
Front Yard 25'	A
Residential Zone Setback 50'	C

2. A minimum of 30 percent of the lot shall be landscaped or left in a natural state.

H. Outside display or exhibits of merchandise, materials, or articles for sale may be permitted as part of a site development plan. Such outside display shall not exceed an area of five (5) percent of the total building coverage on the parcel and shall not be permitted within any required front or side yard setback and shall not include any signs except as otherwise permitted under these Regulations.

I. Pedestrian Circulation Plan: A pedestrian circulation plan shall be submitted with any new Special Permit Application for development. The plan shall demonstrate how the development will encourage a pedestrian oriented environment and shall include adequate pedestrian circulation along the street, pedestrian interconnections for uses within the development, other properties and principal pedestrian connection along Main Street South. The proposed development shall include the installation of a walkway along the street, where no other exists, at a minimum width of ten (10) feet.

J. Low Impact Development Techniques: A Special Permit Application for development shall include a narrative outlining the Low Impact Development Techniques which have been incorporated into the site development plan. Reference shall be made to the 2004 Connecticut Stormwater Quality Manual and the 2011 LID Appendix, and as may be amended from time to time.

K. Traffic Circulation Plan: A Special Permit Application for development shall include a traffic circulation plan demonstrating adequacy of turning radii, driveway widths, queueing lanes, and options for interconnectivity with adjacent properties. This plan shall include information for all types of vehicles anticipated to use the site, including delivery trucks, garbage trucks and emergency vehicles.

5.2.4 Minor Use Changes

The Commission may authorize the Zoning Enforcement Officer to issue a Zoning Permit without requiring a public hearing for a change in use if the new use is substantially similar to the use for which a Special Permit has been granted.

5.3 PI – Planned Industrial District

5.3.1 Industrial parks are declared to constitute a special use in Woodbury which is subject to site planning standards to insure a compatible relationship between such use and existing pattern of land use in Woodbury. No land may be used or buildings erected in a PI District without a Special Permit and the approval of a Site Development Plan by the Commission.

5.3.2 Subject to the granting of a Special Permit by the Commission, in a PI District structures and land may be used and structures may be altered or erected to be used for the following purposes:

A. The manufacture, production, fabrication, assembly, warehousing and distribution of products.
B. Laboratories and other facilities devoted to research, both basic and applied, and to the development of products and processes.
C. Offices for the general purposes of the owner or lessee of the land or building.
D. Accessory uses operated for the convenience of the employees and guests of the occupants of the land and not as commercial facilities with service to the general public.
E. Accessory operations reasonably necessary to maintain or support any of the foregoing uses.
F. Dwelling units as a Special Exception granted by the Commission.

5.3.3 General Requirements:

A. No permit shall be issued based on a plan for an area of less than two acres, of which area may be owned by more than one owner.
B. No noxious or offensive trade or activity shall be carried on, nor shall anything be done which may be or become an annoyance or nuisance at any point outside of the lot on which the operation is located by reason of unsightliness or the excessive emission of odors, dust, fumes, smoke, noise, vibration, or glare, or the discharge of any offensive or harmful wastes into any stream or water course or onto any property.
C. A landscaped buffer meeting the requirements of Buffer yard “C”, set forth in Sections 7.3.2.8 shall be provided where the property abuts a residential zone boundary. Buffer yards for all other property lines shall meet the standards of Buffer yard “A”.
D. Parking shall comport with the provisions of Section 7.4.
E. Accessory buildings and structures are subject to the specifications of Section 5.3.4 except that setback and coverage standards are as provided in Section 7.2.

5.3.4 Area, Bulk and Dimensional Requirements for the Planned Industrial District

Height, Area, and Yard Requirements – PI District

District	Min. Lot Area Sq.ft. (1)	Min. Lot Frontage	Min. Front Yard	Min. Rear Yard	Min. Side Yard	Min. Combined Side Yards	Max. Bldg. Cov.	Max Total Cov.	Max. Bldg. or Structure Height (1)
PI	2 Acres	100’	50’	50’	50’	100’	25%	40%	30’

1. The provisions with respect to height shall not apply to the following.
   - Roof parapets and turrets 3 feet or less in height.
   - Church spires and belfries, pole type TV antennas, ground mounted flagpoles, and chimneys.
   - Cupolas and domes not used for human habitation, clock towers, bell towers and roof ventilators; provided that
     - The cumulative square foot area of these structures cannot exceed 5% of the footprint of the roof area of the building on which it is located, or 100 square feet, whichever is less; and
     - The structure shall fit within a 10' x 10' square; and
     - The structure shall not extend more than 5 feet above the ridge of the roof or top of flat roof on which it is located.
   - Wireless Communications Facilities approved in accordance with Section 3.4.10.

5.3.5 In order to permit and encourage variety and flexibility in land use in the Planned Industrial District consistent with the objectives and policies set forth in Woodbury’s Plan of Conservation and Development, the Zoning Commission may, in its sole discretion after making the findings required by Section 5.3.5.1:

A. Grant, grant with modification, grant subject to condition or deny a Special Permit for any use (except those uses prohibited by Section 3.2 of these Regulations) whether or not such use is authorized in this section or any other section of these Regulations; and

B. Approve, approve with modification, approve subject to condition or disapprove a Site Development Plan proposing development with maximum building coverage up to 20% of the lot area and maximum total ground area coverage up to 50% of lot area.

5.3.5.1 No Special Permit shall be granted nor Site Development Plan approved pursuant to this section until the Zoning Commission has made a special finding that:

A. The proposed use and Site Development Plan are compatible with adjacent properties;

B. All applicable standards of Section 5.3 and Section 7 of these Regulations shall be met;

C. All other yard, dimension, bulk, and buffer yard designs comply with Sections 5.3.3 and 5.3.4 of these Regulations; and

D. Said Site Development Plan is preferred to a plan conforming to the dimensional requirements of Section 5.3.4 or preferred to a plan which continues the current use of the property or, in the case of destruction, the immediate past use.

5.4 GA – Garden Apartment District

5.4.1 Multi-family dwellings are declared to constitute a special use in Woodbury, which is subject to the granting of a Special Permit and the approval of a Site Development Plan to insure a compatible relationship between such use and the existing pattern of land use in Woodbury. No land may be used or buildings erected in a GA District unless and until applications for a Special Permit and a Site Development Plan have been submitted to and approved by the Commission.

5.4.2 No permit shall be issued unless the site is served by a public water supply system as defined by the Connecticut Department of Public Health.

5.4.3 Subject to the granting of a Special Permit, land may be used and structures may be altered or erected and used for multi-family dwellings, and only for such multi-family dwellings as defined in this section, together with such parking, recreation, homemaking and services uses as are intended and designed only for the use, maintenance or operation of the property and residents.

5.4.4 General Requirements:

5.4.4.1 The maximum number of dwelling units shall not exceed four units per acre. In determining such maximum number, only 20% of those areas classified as wetlands or watercourses may be used in calculating the total units for the lot.

5.4.4.2 Building separation shall be as follows:

A. When either of two adjoining buildings has a wall with a door or a window, principal buildings shall be separated by a distance of 30 feet or the height of the higher building, whichever is greater.

B. When neither of two adjoining buildings has a wall with an opening, principal buildings shall be separated by a distance of 15 feet or half the height of the higher building whichever is greater.

C. Principal buildings shall be separated from accessory buildings by a distance of 10 feet or the height of the accessory building, whichever is greater.

5.4.4.3 Other lot and building requirements shall be as follows:

A. The lot shall have at least 200 feet of frontage on an existing arterial road as shown in the Woodbury Plan of Conservation and Development.

B. Buildings shall not exceed two-and-one-half stories in height. Basements shall not be used for living areas.

C. Not more than eight dwelling units shall be contained in a single building, except as provided below. Not more than 12 dwelling units per building may be approved if the Commission finds that:

i. The allowance of more than eight units per building will permit fewer buildings to be constructed on the subject parcel than would be permissible if limited to eight units; and

ii. The parcel for which not more than 12 units per building is proposed abuts a nonresidential district on at least 10% of the subject property's boundary, and at least one of the lots contiguous to the subject parcel in said nonresidential district contains at least one building which has a greater number of square feet of first floor area than the number of square feet of first floor area in the largest building proposed under this regulation for the subject parcel; and

iii. Allowance of not more than 12 units per building will accomplish one or more of the following requirements as may be appropriate given the unique circumstances of the subject property:

a. The location, size and nature of the proposed buildings, and the extent of the landscaping connected therewith, will not hinder the appropriate development and use of abutting land;

b. Preserve and/or protect more of the natural features and resources of the subject parcel (e.g., (1) tree cover, open areas, wetlands and water-related resources, ridgelines, and other environmentally significant features, and/or (2) agricultural land, scenic views and vistas, historic sites and archeological features, or any area which by virtue of its location and visibility, will conserve the rural or historic character of the neighborhood); and

iv. These requirements shall be met through the provision of a Site Development Plan containing the following:

a. Total ground coverage shall not exceed 40% with the remaining 60% being free of ground coverage except for landscaping.

b. Total front, rear, and side yard aggregate setbacks shall not be less than 220 feet, and no single component setback shall be less than 50 feet.

c. A landscaping plan which provides a 10% increase in each of the requirements of Section 7.3.2.8 and a 10% increase in the requirements of 5.4.4.3.I, Open Space Area, and which shall be consistent with, and shall effectuate the purposes of subsections iii.a. and iii.b. of this section.

d. A conservation easement in favor of the Town of Woodbury for the preservation, conservation and protection of features identified pursuant to the above subsection iii b. in form and substance acceptable to the Commission and Town Counsel, respectively.

e. No building proposed shall exceed 220 feet in length; and

f. Where buildings containing more than eight units are allowed, separation distance between any principal buildings, whether existing or new, shall be a distance of 100 feet, or one-half the length of the longer building, whichever is greater, notwithstanding Section 5.4.4.2.

D. Number of Rooms: Each dwelling unit shall contain at least two rooms exclusive of bathrooms.

E. Parking Spaces: At least two parking spaces shall be provided for each dwelling unit. The parking areas shall be hard surfaced and located on the site not more than 200 feet from the dwelling units to be serviced. Parking areas shall comport with the storm water management standards of Section 7.3.2.4 of these Regulations.

F. Access Way: Principal access way(s) from town streets into the development shall be constructed to the current street specifications adopted by the Board of Selectmen or such lesser standards as may be determined by the Commission to be consistent with public safety and appropriate in light of the proposed location of such access ways, their grade, geometry, and the anticipated traffic volume.

G. Sidewalks: Sidewalks shall be provided on the site from parking areas to dwelling units and wherever else pedestrian traffic warrants.

H. Buffer Area: A landscaped buffer yard meeting the requirements of buffer yard "C" set forth in Section 7.3.2.8 shall be provided.

I. Open Space Areas: There shall be set aside, not to be built upon or paved, landscaped areas equal to a total of 4,000 square feet for each dwelling unit. Areas contained within front, side and rear yards, as well as buffer areas, may be used to meet this requirement. Areas set aside for active recreational use, defined as playing fields and playground areas, excluding structures, pools, and tennis courts, may be utilized to satisfy up to one-third of this open space requirement.

J. Accessory Buildings and Structures: Accessory buildings and structures are subject to the specifications of Section 5.4.5 except that setback and coverage standards are as provided in Section 7.2.

5.4.5 Area, Bulk, and Dimensional Requirements for GA Districts

Height, Area, and Yard Requirements – GA District

District	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Rear Yard	Min. Side Yard	Min. Combined Side Yards	Max. Bldg. Cov.	Max Total Cov.	Max. Bldg. or Structure Height(1)
GA	10 Acres	200'	50'	50'	50'	100'	30%	50%	35'

1. The provisions with respect to height shall not apply to the following.
   - Roof parapets and turrets 3 feet or less in height.
   - Church spires and belfries, pole type TV antennas, ground mounted flagpoles, and chimneys.
   - Cupolas and domes not used for human habitation, clock towers, bell towers and roof ventilators; provided that
     - The cumulative square foot area of these structures cannot exceed 5% of the footprint of the roof area of the building on which it is located, or 100 square feet, whichever is less; and
     - The structure shall fit within a 10' x 10' square; and
     - The structure shall not extend more than 5 feet above the ridge of the roof or top of flat roof on which it is located.
   - Wireless Communications Facilities approved in accordance with Section 3.4.10.

5.5 EE - Earth Excavation District

5.5.1 Within an earth excavation district:

A. The only permitted uses are the operation of stone, sand and gravel quarries; the removal of sand, stone, gravel, loam, peat and peat moss; and the processing of material extracted from the premises.

B. Any operations conducted within an Earth Excavation District shall be subject to the Earth Excavation Regulations of the Town of Woodbury and shall conform to the Earth Excavation Standards of Section 7.9 of these Regulations.

C. All information required by Section 5.5.5 shall be submitted to the Commission with any application for a change of district to Earth Excavation District.

D. All operations within an Earth Excavation District shall be so conducted that no dangerous conditions shall be created, and no dust, odor, smoke, fumes, noise or vibrations sufficient to constitute a nuisance shall result. Upon abandonment of quarrying operations, the area abandoned shall not be used until redistricted by the Commission.

5.5.2 General: These Regulations shall be construed and applied to promote their purposes and policies, which are as follows:

A. To regulate and control the excavation, deposition, and removal of soil, loam, sand, gravel, clay, rock or any other natural earth material (hereinafter, collectively or individually, earth materials) from land or premises within designated Earth Excavation Districts in the Town of Woodbury;

B. To control and regulate excavation, removal and deposition of earth materials so as to prevent, outside of Earth Excavation Districts, damage to property; the creation of any safety or health hazard including without limitation, noise, odor, soil erosion, stagnant water, water and air pollution; and excessive drainage runoff to the public or to owners of adjoining property and to preserve land values of premises and historic value of structures, archeological features, landscape features, and scenic landmarks situated within the Town of Woodbury and to provide for the quiet use and enjoyment thereof;

C. To preserve the vegetation and other natural growth on premises situated within the Town of Woodbury for the purpose of preventing erosion by wind or water;

D. To ensure that the existing topography of areas of the Town of Woodbury is not altered in a permanent manner inconsistent with the goals and recommendations of the Town of Woodbury Plan of Conservation and Development, September 1999 as may from time to time be amended; and

E. To accomplish such other purposes as permitted by the Connecticut General Statutes.

5.5.3 Applicability: These Earth Materials Regulations shall be applicable to all excavation and deposition of earth materials and to the processing of earth materials for commercial purposes within duly designated Earth Excavation Districts within the Town of Woodbury.

5.5.4 Permit Required: Before any excavation or deposition or processing of earth materials subject to these Earth Materials Regulations is commenced or continued, the owner and/or any other person, firm or corporation (hereinafter referred to as "applicant" or "permittee") claiming a right to excavate, deposit or process earth materials from or on premises shall obtain a written earth materials permit from the Zoning Commission of the Town of Woodbury.

5.5.4.1 Duration: Each permit issued hereunder shall be valid for a period of two years or for such shorter period of time as may be requested by the applicant or determined appropriate by the Commission based on a Long Term Mining and Reclamation Plan submitted in accordance with Section 5.5.7 of these Regulations or unless suspended or revoked due to certified violations.

5.5.4.2 Denial of Permit Application: The Commission may deny any permit application, if:

A. The applicant has previously failed to complete any required restoration of premises under any permit issued prior to the effective date of these Regulations in accordance with the provisions of prior applicable regulations governing said permits, as set forth in Section 5.5.9.1 of these Earth Materials Regulations, or has failed to restore the premises in accordance with these Earth Materials Regulations; or

B. The applicant has previously violated, and failed to correct such violation to the satisfaction of the Commission, these or any prior earth materials regulations, ordinances of the Town of Woodbury pertaining to earth materials, or any conditions of a previously issued Earth Materials Permit; or

C. The issuance of the permit would result in the violation of any other section of these Earth Materials Regulations, any provision of the Woodbury Zoning Regulations, or any other regulation, code or ordinance of the Town of Woodbury, or any statute or regulation of the State of Connecticut or of the United States, including, but not limited to, those relating to the conservation of natural resources.

5.5.5 Application Procedure: Each applicant for a permit shall submit to the Commission four complete sets of the following data, maps and plans, and other information necessary to define and explain the proposed activities. On written request of the applicant, the Commission may waive any of the required submittals for permit renewal applications if the Commission is satisfied that documentation provided with a previous permit application for the same premises reflects conditions existing at the time of the application for permit renewal as confirmed in writing by the applicant. Each applicant shall file a summary of the application with the Woodbury Board of Selectmen, Conservation Commission, Planning Commission, and Inland Wetlands Agency at the time of submittal. The Commission may direct that application materials be provided by the applicant to other Woodbury agencies or placed on file in the Woodbury Public Library.

5.5.5.1 Application: An application, in such form as the Commission may prescribe, shall contain the following information:

A. A deed description and property line survey of the premises on which the proposed excavation or deposition is to occur, which description shall include the volume and page reference of the recorded deed on the land records of the Town of Woodbury.

B. If the person, firm or corporation claiming a right to excavate from or deposit or process earth materials on the premises is other than the owner of record, a brief description of the nature of the interest granted to the applicant under which the right to work is claimed, which description shall identify the nature of the interest (e.g., leasehold, easement, license), the scope of the interest, and its term. A notice of any such interest, if not the lease, easement or other agreement itself, must be filed on the land records of the Town of Woodbury prior to the date of issuance of the Earth Materials Permit.

C. A detailed statement describing the existing premises, the proposed excavation and deposition activities and all associated processing and materials management, and the purpose and duration of the proposed work, consisting of the following information:

i. A statement of the acreage of the entire premises, of the acreage of the permit area for which a permit is requested, and of the acreage of all land restored under prior permits and to be restored in accordance with these Regulations, as shown on the map required by Section 5.5.5.4;

ii. A statement of the types of earth materials to be excavated, deposited and processed, and in the case of deposition a statement of the volume (cubic yards), source and types of materials that have been deposited on the permit area or the premises during any previous permit terms, the location within the permit area and the condition of the area to be filled;

iii. A calculation of the number of cubic yards of material to be excavated and/or deposited within the area for which a permit is requested and a statement as to how the calculation was made;

iv. Where on premise processing of earth materials excavated from the premises is permitted by these Regulations, a description of any equipment and/or structures to be erected on the premises, including muffler and other noise abatement systems, to perform such processing in order to provide a clear indication of the nature and extent of such permitted processing;

v. An inventory list of all equipment, including processing equipment, to be used to carry out the proposed work, including an estimate of the number of vehicles to be used solely to transport material to or from the premises;

vi. A description of any alterations to blasting procedures instituted as a result of any Seismic Monitoring Program required by Section 7.9.20 of these Regulations or other evaluation required by condition of previous earth excavation permits for the premises;

vii. A statement of the provisions to be made to prevent and to control any potential nuisance conditions which might result from the proposed work, including but not necessarily limited to blasting, dust, noise, truck traffic, material processing, and concrete and asphalt production;

viii. A statement and supporting documentation regarding potential impact, if any, of any change in surface or groundwater levels or water quality that may be caused by the proposed activities including impacts on private wells and wetlands habitats;

ix. Calculations of changes to velocities and volumes of water in watercourses within 2000 feet of any discharge from an Earth Excavation District property resulting from any permitted activities;

x. Certified water quality tests for all watercourses abutting or crossing the premises, taken at the upstream and downstream borders of the property;

xi. Documentation of compliance with the noise limits required by Section 7.9.20 consisting of tests of noise levels at property boundaries conducted in May and October during normal business hours;

xii. A description of any potential threats to populations or habitats of any species identified as endangered, threatened, or of special concern by the Connecticut Department of Energy and Environmental Protection and provisions to prevent or mitigate any such losses;

xiii. An archeological survey prepared by a professional archeologist or a report from the State of Connecticut archeologist, including identification of known sites of historic or archeological significance.

xiv. A description and photographs of any ridgeline or other defining landscape feature proposed to be removed in a permit application; and

xv. Any additional information that the Commission may deem necessary to evaluate the application and to carry out the purposes set forth in Section 5.5.2 of these Regulations.

D. A description of any revisions to the latest Long Term Mining and Reclamation Plan, submitted in accordance with Section 5.5.7 of these Regulations, for the subject premises made necessary by permitted activities subsequent to the latest Plan filing or by proposed activities.

E. A site reclamation and restoration plan for the Permit Area showing proposed final contours, landscaping, reclamation materials stockpiles, and proposed reclamation and restoration work during the term of the permit if applicable.

F. If blasting is proposed as part of a permit application, a plan for monitoring weather conditions for production blasts, including plans to schedule blasting well enough in advance to take advantage of the days when air shock is likely to be at a minimum and to avoid blasting on days

during times of unstable air masses and temperature inversions when air shock is more likely to occur.

G. A list of all current and required permits issued by any responsible authority other than the Town of Woodbury for any activity on the subject premises and the status thereof and a list of any outstanding notices of violation, citations, or other enforcement action by any such responsible authority including a status report on any such conditions.

H. A report on the results of any Seismic Monitoring Program instituted in accordance with Section 7.9.20.

5.5.5.2 Agreement Statement: An agreement, the text of which shall be contained in the application, by the owner and/or the applicant stating that they will comply with and fulfill all of the requirements and provisions of these Regulations, all conditions made part of the Earth Materials Permit, and all provisions contained in their application and in other submissions made to the Commission under this section.

5.5.5.3 Signatures: The names and signatures of the owner and the applicant.

5.5.5.4 Maps and Plans: Survey maps and plans and/or such other graphic documentation in such form as the Commission may require to carry out the purposes of these Regulations prepared by a Connecticut registered licensed surveyor (and by a Connecticut licensed professional engineer if engineering expertise and analysis is required and by a Connecticut licensed landscape architect or other qualified professional for visual impact assessments and restoration plans) all of which documentation shall be identified as part of the application. The survey maps and plans shall be drawn to a scale appropriate to the size of the premises and/or permit area and the nature of the proposal and may be consolidated as appropriate. The Commission may require additional maps and plans at other scales. Maps and plans shall show the following.

A. The entire premises owned by the owner, the location of permanent boundary markers as required by Section 7.9.2, and within said premises, the proposed permit area, the exterior limits of which having been determined by measurements from fixed reference points along the boundary lines of the premises. In addition, the area of the designated permit area shall be expressed in terms of acreage or square footage.

B. The names of all property owners adjoining the Earth Excavation District, including those separated from the Earth Excavation District by a road or watercourse.

C. The location, elevation and extent of all existing and proposed roads, highways, storm drainage, drainage ponds, water courses and bodies, swamps, wetlands, wells and septic systems on and within 200 feet of the permit area and existing and proposed improvements to ensure proper drainage and to avoid pollution of wetlands and groundwater.

D. A Restoration Plan, if applicable, for the proposed permit period comporting with Section 7.9.17 of these Regulations.

E. The location on the premises and description of wooded areas and natural vegetative communities, areas identified on the most recent Connecticut Department of Energy and Environmental Protection Natural Diversity Database Map of State and Federal Listed Species and Significant Natural Communities, unique geological features, rock outcrops, existing

buildings and structures, and existing and proposed ground cover and vegetation.

F. For rock quarries, such evidence, in the form of boring logs, data from monitoring wells or deep test pits, hydrogeological analyses, or otherwise, sufficient to demonstrate the feasibility of the proposed excavation and deposition to the proposed contour elevations within the permit area, the availability of sufficient water for any proposed water bodies, and the potential effect of excavation on ground water levels, wetlands and watercourses, and private wells within one-half mile of the permit area.

G. Existing contours and elevations, identifying where final grades have been established, and proposed final future contours and elevations in and within 200 feet of the permit area at two-foot intervals or at such intervals as deemed appropriate by the Commission in order to adequately evaluate the application; existing contours may be interpolated from ten-foot contours of U.S. Geologic Survey maps, if same are applicable to the premises; contours of the bottom of water bodies or courses to be altered or created shall also be shown.

H. A permanent benchmark or point existing in the permit area in a location safe from disturbance for the duration of the permit, with a designation of its elevation.

I. Delineation of all completed restoration areas, including calculation of land area restored in accordance with these Regulations.

J. Existing and proposed vehicular access to the permit area and any proposed work roadways within the premises.

K. The location and square footage of all storage area(s) within which the applicant proposes to stockpile reserve topsoil and fill and excavated or processed materials, and/or to locate any equipment and structures.

L. A soil erosion and sediment control plan prepared in accordance with the provisions of Section 7.6 of the Woodbury Zoning Regulations.

M. Delineation of fences as required by Section 7.9.13 of these Earth Materials Regulations.

N. Such other data as the Commission may conclude is necessary in order to carry out the purposes of these Regulations.

5.5.5.5 Release of Encumbrance: Proof that written notice of the excavation has been given to the holders of any mortgages or other encumbrances on the property as recorded with the Town of Woodbury and a written statement from the Tax Collector of the Town of Woodbury certifying that all taxes levied against the premises have been paid in full and that there are no unreleased tax liens encumbering the same.

5.5.5.6 Fee: A permit fee as prescribed by Appendix B to these Regulations.

5.5.5.7 Liability Insurance: Evidence by way of an insurance binder that the applicant has sufficient liability insurance naming the Town of Woodbury as an additional insured for any liability resulting from the permitted operations. Such evidence shall be reviewed and approved by Town Counsel prior to the issuance of a permit.

5.5.5.8 Right of Entry for Correction of Violations: A written agreement by the owner of the premises and the applicant which permits the Town of Woodbury or its designee to enter upon the premises and to perform all work necessary to correct and abate any violations of these Regulations and of stipulations which the permittee has made and failed to correct within the required time, such right of entry to arise upon the certification of such violation(s) by the Zoning Commission, its qualified engineer designee, or the ZEO and shall continue for such time thereafter as is required for the Town or its designee to remedy such default.

5.5.5.9 Notice of Hearings: In all earth excavation permit applications requiring public hearings, notice shall be provided by the applicant as specified in Section 8.1 of the Woodbury Zoning Regulations. Additionally, the applicant shall provide notice to the Woodbury Board of Selectmen, the Woodbury Planning Commission, the Woodbury Inland Wetlands Agency, and the Woodbury Conservation Commission. The Commission may require notice to other individuals or organizations, and will so notify the applicant, as it deems appropriate.

5.5.5.10 Renewal Procedure: Renewal applications containing all required documentation shall be submitted at least 60 days but not more than 90 days prior to the expiration of the existing permit. The Commission may renew a permit for the premises upon payment of the required permit fee; the filing of a new bond and the other documentation required under Section 5.5.5.2, 5.5.5.3, 5.5.5.5, 5.5.5.7, and 5.5.5.8; the filing of a statement of the number of cubic yards of earth material which have been removed and/or deposited under the existing permit; and the filing of updated application, map, and plan information required by these Earth Materials Regulations or written request for waiver of such filing requirements, provided the Commission finds that:

A. The permitted work is being diligently performed by the permittee. A failure by the permittee to actively work the area covered by the permit for a period of six months (excluding November, December, January, February and March) shall be prima facie evidence that the work authorized has been completed or abandoned, and the burden shall be on the applicant to show why the permit should be renewed;

B. The permittee has taken steps to restore those portions of the permit area where work is completed and has made provisions to assure that restoration can be effected in accordance with the original plan and these Regulations;

C. There are no violations of any Town of Woodbury, State of Connecticut, or United States regulations, ordinances or statutes for which corrective action has not been completed by the applicant or for which a plan for such actions has not been approved by the applicable regulatory authority;

D. The renewal will not extend the permit period beyond the applicant's estimated completion date as specified in the Long Term Mining and Reclamation Plan submitted pursuant to Section 5.5.7; and

E. All reclamation activities required by any previous permit have been completed to the Commission’s satisfaction.

5.5.6 Suspension, Revocation, Transfer, or Extension of Permit: A permit issued under these Regulations may be suspended, revoked, transferred or extended as set forth below.

5.5.6.1 Failure to Work: The failure of any permittee to actively work the permit area for a period of six months (excluding the months of November, December, January, February and March) without the prior written approval of the Commission, shall be cause for revocation of a permit. Such revocation shall become effective 30 days after the mailing of notice to the permittee and owner, unless the permittee sooner proves to the Commission that the area has been actively worked during such six-month period, or provides written assurances satisfactory to the Commission that work will be resumed and continued. The failure of the permittee thereafter to actively work the area in accordance with such written assurance shall be grounds for revocation without further notice.

5.5.6.2 Violations of Regulations: Any permit issued under these Earth Material Regulations may be suspended or revoked by the ZEO or the Commission when there has been a violation of any provision of these Regulations or any permit issued there under, provided that notice of said violation has been given to the permittee together with an order to comply therewith within 21 working days as set forth in said order, and the permittee has failed to comply with said order. Such permit shall be reinstated upon demonstration of compliance to the Commission's satisfaction and after submittal of all materials required for an initial permit application under Section 5.5.5 of these Regulations as determined necessary by the Commission. Upon revocation of a permit, restoration of the entire premises in accordance with Section 7.9.17 of these Regulations shall begin within 90 days of such revocation and proceed on the schedule included in the original conditions of approval.

5.5.6.3 Transfer of Permit: Any permit issued under these Regulations may be transferred only after approval by the Commission, which may require submittal of any or all of the information required for permit applications, including a revised Long Term Mining and Reclamation Plan, before approval of any transfer.

5.5.6.4 Extension of Permit: If the Commission is unable for good cause to act on a pending permit renewal application within the time limits prescribed by Connecticut General Statutes for Zoning Special Permit hearings, the Commission may grant an extension of the Earth Materials Permit currently in effect for up to two additional 30 day periods, provided there are no pending enforcement actions or violations of any permits issued by the Town of Woodbury.

5.5.7 Long Term Mining and Reclamation Plans for Earth Excavation District Premises: No application for an Earth Materials Permit shall be accepted by the Commission unless a Long Term Mining and Reclamation Plan has been submitted as provided in this Section. Commencing September 15, 2003 and subsequently every six (6) years on September 15, any holder of a permit for earth excavation on premises within an Earth Excavation district shall submit a Long Term Mining and Reclamation Plan for such premises containing the following information:

A. Estimates of remaining amounts of earth materials subject to removal, including results of boring tests conducted in a grid pattern determined by the Commission over all Earth Excavation district property subject to future excavation;
B. Estimated completion date for removal of earth materials identified in Section 5.5.7, above, including identification of economic and other assumptions used to develop such projections;
C. Long term restoration and reclamation goals for the next six-year period, developed in consultation with the USDA Natural Resources Conservation Service. Such goals shall comport with the standards in Section 7.9.17 of these Regulations, unless alternative design standards are approved by a three-fourths majority of the Commission.
D. Estimate of the final date (subject to any modification approved by the Commission and made public in writing) by which complete restoration of the premises shall be accomplished;
E. Status and condition of previously reclaimed areas;
F. Anticipated need for importation of fill materials for reclamation over the next six-year period;
G. Conceptual designs for post-completion restoration of the premises for potential reuse; and
H. Any other information requested by the Commission in previous permits or monitoring reports.

5.5.8 Bonding

5.5.8.1 Performance Bond Required: Prior to commencement of any excavation activities authorized under these Earth Materials Regulations, the permittee shall post a performance bond with the Town in an amount and form satisfactory to the Commission, to secure to the Town the permittee's compliance with Town of Woodbury Zoning Regulations and any conditions of approval of an Earth Materials Permit.

A. The permittee shall submit cost calculations for all drainage systems, sedimentation and erosion controls, and any other actions identified in conditions of approval as requiring bonding.
B. The performance bond shall be calculated to include the cost calculations in Section 5.5.8.1.A, above, plus $10,000 per acre of permit area for reclamation and restoration.

5.5.8.2 Form of Performance Bond: Performance bonds shall be in one or more of the following forms:

A. A certified check payable only to the Town of Woodbury, a money market account, or a passbook savings account, which account shall be Federally insured;
B. An unconditional and irrevocable letter of credit that may be presented at a banking institution office in the State of Connecticut.

5.5.8.3 Insufficient Bond: If for any reason the performance bond is insufficient to pay all costs of actions covered by the bond, and the permittee does not complete

such actions to the satisfaction of the Commission, the permittee shall remain liable for the costs in excess of the performance bond and such excess costs shall become a lien against the premises.

5.5.8.4 Bond Forfeiture: If the Commission, after providing written notice to the permittee, and an opportunity to be heard, finds that the permittee has violated these Zoning Regulations and/or permit conditions, and has failed to cure such violations within the time established by the Commission, then the Commission may determine that the permittee's bond shall be forfeited; whereupon the Town of Woodbury shall be authorized to enter on the property to take all action necessary to cure any such violation and to expend bond funds for such action. Any excess of the amounts paid over, after deduction of all disbursements required to abate the violation, shall be returned to the permittee.

5.5.8.5 Bond Release: Upon completion of the work authorized by a permit and the restoration of the premises pursuant to these Earth Materials Regulations, the permittee may file with the Commission an application for a return of the permittee's bond, together with a written statement from the Tax Collector of the Town of Woodbury certifying that all taxes levied against the premises and the machinery, equipment, and vehicles used or located thereon, and subject to assessment in the Town of Woodbury, have been paid in full. If the Commission is satisfied that the work and restoration have been completed as required by the permit and these Regulations, the bond shall be returned to the permittee, but otherwise the bond shall remain in full force and effect.

5.5.9 Miscellaneous

5.5.9.1 Existing Operations: Each permit issued under the Earth Excavation Regulations of Woodbury dated May 25, 1970, shall continue in effect, and shall be governed by those regulations until the expiration of such permit, unless sooner revoked for violation of other provisions of the applicable regulations. All legally permitted facilities, site development, and completed restoration activities involving properties subject to these Earth Materials Regulations shall continue as originally permitted whether such permit conditions conform or do not conform to these Earth Materials Regulations, subject to the operational standards of these Earth Materials Regulations.

5.5.9.2 Modification of Plans after Approval: If, during the conduct of work or restoration of the premises, special circumstances unforeseen at the time of the application are encountered, the Commission may grant modifications to the approved plan which, in the opinion of the Commission, are reasonably necessary to complete the work within the intent of these Regulations. No request for modification shall be considered if the applicant is in violation of the provisions of these Regulations.

5.5.9.3 Separability: Each word, phrase, clause, subsection or section capable of being separated from other words, phrases, clauses, subsections or sections without loss of essential meaning is hereby declared to be separable. If any such word, phrase, clause, subsection or section of these Regulations or the application thereof to any person or property is held invalid, such invalidity shall not affect the validity of the rest of these Regulations or their application to other persons, property or situations.

5.5.9.4 Inspection: Members of the Commission or its agents shall at all times have reasonable access to premises on which permitted activity is being performed for the purpose of inspection and determination of compliance with these

Regulations. The Land Use Office shall annually provide each permittee with a list of Zoning Commissioners and authorized agents. Each permittee and owner, by his agreement in the application to these Regulations, shall be deemed to have granted such reasonable rights of access to the Commission or its agents for this inspection purpose.

5.5.9.5 Fines: In addition to all other legal and equitable remedies to enforce these Regulations, any person, firm or corporation violating or assisting in the violations of any of the provisions hereof or any permit granted hereunder shall be subject to the procedures and penalties provided in Connecticut General Statutes Section 8-12. Each day of violation shall be deemed a separate offense.

5.6 Middle Quarter Residential Transition Sub-District – MQ-H

5.6.1 In the MQ-H residential transition sub-district the Commission may issue a Special Permit and Site Development Plan approval for adaptive reuse of residential property previously within the OS-60 residential district for a single business use for software development and design, internet website design or internet based company, or single entity business offices. The use may include a residential accessory apartment in each building approved for use under this section. No Special Permit shall be granted nor Site Development Plan approved pursuant to this section until the Zoning Commission has made a special finding that:

A. Conservation easements or restrictions shall apply to at least 50% of the property;
B. The site development plan provides a compatible transition between the abutting residential neighborhoods and the abutting MQ District;
C. All parking shall be buffered to prevent visibility from the street and all abutting properties;
D. There shall be no external evidence of commercial use(s) other than employee vehicle access and parking and the signage permitted by Section 7 of these regulations; any distribution of goods by mail or parcel and shipping pickup shall be limited to preserve the residential character of abutting residential properties;
E. Impervious surfaces shall be kept to a minimum and related drainage shall meet best management practices to achieve storm water renovation consistent with the State of Connecticut Department of Environmental Protection "Storm water Quality Manual".
F. Permitted commercial uses shall be of a character and intensity that will not have an adverse impact on the character and/or aesthetic qualities of neighborhood properties and that will generate less traffic than typically would be generated if the property were fully developed as a residential subdivision;
G. The transition use permitted shall be compatible, including hours of operation, with residential uses so as not to create disturbances to adjoining residential neighborhoods. The Commission may set hours of operation for this purpose, which hours shall not include 24-hour or routine night-shift operations; and
H. The proposed use and Site Development Plan are compatible with and implement the objectives and policies of the Woodbury Plan of Conservation and Development.

5.6.2 Standards

Minimum Lot Area: 10 acres
Minimum Frontage Requirement: 100 feet
Minimum Building Setback:
Front Yard Building Setback: 100 feet
Side and Rear Yard Building Setbacks: 50 feet
Building Size: The maximum allowable ground coverage by a single building is 12,500 square feet.
Building Coverage: The maximum allowable building coverage is 2 percent (2%).
Building or Structure Height: The maximum building or structure height is 35 feet.
Landscape Standards: The minimum landscaped buffer shall be as depicted in Section 7.3.2.8E. Diagram B shall be referred to for the front, side and rear yards.
Total Coverage: The maximum total coverage shall not exceed 10 percent (10%).
No outside storage is permitted.

Section 6. Uses in Overlay Districts

6.1 FP - Flood Plain District

6.1.1 The Flood Plain District is a class of district in addition to and overlapping one or more of the other districts delineated on the Zoning Map of the Town of Woodbury as may be revised from time to time. The boundaries of the Flood Plain District shall be co-terminus with boundaries of the areas of Special Flood Hazard, as identified on map(s) entitled "Flood Insurance Rate Map, Town of Woodbury, Connecticut, Community Panel Number 090133 0001A and 0002B, effective January 5, 1978 and October 20, 1978," respectively, and in the report entitled "Flood Insurance Study, Town of Woodbury, Connecticut, Litchfield County, U.S. Department of Housing and Urban Development, Federal Insurance Administration," which are on file in the Land Use Office and the Office of the Town Clerk. Such maps and study, together with accompanying floodway maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of these Regulations. In any Flood Plain District, no land, building or other structure shall be used, no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered and no land should be filled, graded or excavated except in accordance with this section.

6.1.2 In the delineation of the Flood Plain District, it is recognized that there are areas in the Town of Woodbury which are themselves, or which are surrounded by areas, that are subject to potential, periodic, or frequent flooding and which function as part of the natural drainage system of the Town. In order to promote the health, safety and general welfare of Woodbury residents and to minimize public and private losses due to flooding, it is necessary to place strict limitations on (i) the use of land, buildings and other structures within the flood plain, and (ii) the filling, grading or excavation of flood plain lands. Accordingly, the regulations in this section are designed to:

A. Restrict or prohibit uses which are determined to be dangerous to health, safety, and property due to erosion, flood heights or flood water velocities;

B. Minimize the need for rescue and relief efforts associated with flooding;

C. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

D. Control the alteration of natural flood plains, stream channels and natural protective barriers, which are involved in the accommodation of flood waters;

E. Control filling, grading, dredging and other development which may increase erosion or flood damage;

F. Prevent or regulate the construction of flood barriers which will divert flood waters or which may increase flood hazards to other lands;

G. Recognize that some flood plain areas serve a valuable conservation function which should not be disrupted unless the Commission determines that such areas can be used without creating a danger to the public health, safety and property values; and

H. Ensure that those who own or occupy areas within the flood plain assume responsibility for their actions.

6.1.3 For the purpose of this section, certain terms, words and phrases shall, whenever used in this section, have the following meanings:

A. **Base Flood:** The 100-year flood, the flood having a 1% chance of being equaled or exceeded in any given year.

B. **Base Flood Elevation:** The elevation of the 100-year flood shall be known as the base flood elevation as determined by the U.S. Army Corps of Engineers and the U.S. Soil Conservation Service indicated in the "Flood Insurance Study" for the Town of Woodbury, dated February 1976, and any revisions thereto.

C. **Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations located within the special flood hazard area.

D. **Flood Hazard Boundary Map:** An official map of the Town of Woodbury on which the Federal Insurance Administration has delineated the 100-year and 500-year flood boundaries.

E. **Flood Insurance Rate Map:** An official map of the Town of Woodbury on which the Federal Insurance Administration has delineated the areas of special flood hazards and the risk premium zones applicable to the Town, as well as base flood elevations at selected locations.

F. **Flood Insurance Study:** The official report provided by the Federal Insurance Administration. The report contains flood profiles, water surface elevation of the base flood and includes the Flood Boundary and Floodway Map and Flood Insurance Rate Map.

G. **Flood Plain District:** A zoning district, constituting the areas of special flood hazard delineated by the Federal Insurance Administrator on the Flood Insurance Rate Maps dated January 5, 1978 and October 20, 1978 or any revision thereto. The Flood Plain District is indicated on the official "Zoning Map" of the Town of Woodbury, Connecticut.

H. **Floodway:** The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

I. **Special Flood Hazard Area:** The land that is in the flood plain of a community and subject to a 1% or greater chance of flooding in any given year. The Special Flood Hazard Area includes all zones A and A1 - A30 as designated on the Flood Insurance Rate Map, and all lands within the Flood Plain Zone.

J. **Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure (as determined by the cost approach to value) either: 1) before the improvement or repair is started, or 2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: 1) any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or 2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historical Places.

K. **Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor.

L. **Mean Sea Level:** The reference point for the base flood elevations shown on the community's Flood Insurance Rate Map, for the purposes of the National Flood Insurance Program, or the National Geodetic Vertical Datum (NGVD) of 1929.

M. **Start of Construction:** (For other than new construction or substantial improvements under the Coastal Barrier Resources Act P.L. 97-348), includes substantial improvement, and means that date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers and foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

N. **Water Surface Elevation:** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or river line areas.

O. **Manufactured Home:** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

6.1.4 In the Flood Plain District, no building shall be constructed, reconstructed, enlarged, extended, moved or structurally altered and no land shall be filled, graded, or excavated for any purpose until a Flood Plain Permit has been granted by the Zoning Commission after the applicant has demonstrated compliance with the provisions of this Section 6.1 and other applicable provisions of the Woodbury Zoning Regulations. The Commission may hold a public hearing on any Flood Plain Permit application when deemed necessary, or in conjunction with any other required public hearing for any other permit required by these Regulations.

6.1.5 The Site Development Plan, prepared in accordance with Section 8 of these Regulations, for any use, building or other structures and permanent equipment and any filling, grading or excavation of land within the Flood Plain District shall be approved by the Zoning Commission when it determines that all of the appropriate standards of this Section are satisfied, to include the following:

A. All buildings and structures shall be:

i. designed with minimal flood damage potential;

ii. constructed and placed on a lot so as to offer the minimum resistance to the flow of flood waters;

iii. firmly anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effect of buoyancy;

iv. constructed with materials resistant to flood damage and by methods and practices that minimize flood damage.

B. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

6.1.6 Within Zone A, the applicant shall submit existing base flood elevation data to the Commission. Within Zones A, A1-A30, the following standards shall be met prior to the issuance of any permits for any proposed construction/development:

A. The proposed use, buildings and other structures shall conform to all of the requirements of the district where located;

B. The streets and driveways giving access to any building or other structure for human occupancy shall be above base flood elevation to allow access by emergency vehicles during flood;

C. All new and replacement water supply systems shall be designed to eliminate infiltration of flood waters into the system;

D. No sewage disposal system shall be located in the Flood Plain District;

E. Replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into the flood waters; and

F. The proposed use, buildings and other structures, and any filling, grading or excavation of land for any purpose shall not increase the potential for flooding on the lot or on any other lot and shall not otherwise endanger the public health or safety or property.

6.1.7 Within Zones A1-A30, AE, AH and all other areas where base flood elevations are available, the following standards shall be met prior to the issuance of any permits for any proposed construction/development:

A. Residential Construction: New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least to the base flood elevation.

B. Service Facilities such as utilities shall either be constructed at or above the base flood elevation or be structurally flood proofed.

C. Non-Residential Construction: New construction and substantial improvement of any commercial, industrial or other non-residential structure shall <u>either</u>:

i. have the lowest floor, including the basement, elevated to the level of the base flood elevation, <u>or</u>

ii. together with attendant utility services, shall:

a) Be flood proofed so that below the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water;

b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c) Require that a registered professional engineer or architect shall review and/or develop structural design specifications, and plans for construction, and shall certify to the Commission that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection.

D. Elevated Buildings: New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space below base flood elevations; and to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

i. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

b) The bottom of all openings shall be no higher than one foot above grade; and,

c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

ii. Electrical, plumbing and other utility connections are prohibited below one foot above the base flood elevation.

iii. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

E. Manufactured Homes:

i. All manufactured homes (including trailers placed on a site for 180 consecutive days or longer) to be placed, or substantially improved, shall be elevated so that the lowest floor is above the base flood elevation.

ii. Each such home shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

iii. Each such home shall be installed using methods and practices which minimize flood damage.

a) Adequate access and drainage shall be provided.

b) Elevation construction standards include, piling foundations placed no more than 10 feet apart, and reinforcement is provided.

F. Construction Below Base Flood Elevation: Non-supporting breakaway wall, lattice work or mesh screening shall be allowed below the base flood elevation provided it is not part of the structural support of the building and is designed so as to break away during flood conditions without damage to the structural integrity of the building on which it is to be used.

G. Floodways: In A-Zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which would increase base flood elevations more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development. In areas where floodways have been designated or determined, all encroachments, including fill, new construction, substantial improvements to existing structures and other developments within the floodway, shall be prohibited.

When utilizing data other than that provided by the Federal Emergency Management Agency (FEMA), the following standard applies: select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any one point.

H. Compensatory Storage: Neither the water holding nor conveyance capacity of the floodplain shall be reduced. Any potential reduction as a result of filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Compensatory storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the Commission.

I. Equal Conveyance: Within the floodplain as designated on the Flood Insurance Rate Map (FIRM) for the Town of Woodbury, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the flood plain and the land adjacent to the flood plain, including work to provide compensatory storage, shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

6.1.8 A Flood Plain Permit, in addition to or in conjunction with other permits required by local, state or federal agencies, shall be obtained from the Commission prior to development or construction in the Flood Plain District. When base flood elevation data or floodway data have not been provided, then the Building Official or Town Planner shall obtain from the applicant, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of these Regulations.

A. Application Stage: The applicant shall file the following information, in addition to any other information required under these Regulations:
   i. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
   ii. Elevation in relation to mean sea level to which any structure has been flood proofed;
   iii. Certification by a registered professional engineer or architect that flood proofing methods are adequate;
   iv. Description of the extent to which any water course will be altered or relocated as a result of proposed development; and,
   v. Delineation of the flood plain boundaries shown on the plans submitted as part of the application.
   vi. The foregoing information shall be shown on all appropriate plans in addition to any other information that may be required by the Building Official or Town Planner for their review.

B. Construction Stage: Upon completion of the applicable portion of construction, the applicant shall provide the Town Planner and the Building Official with verification of the as-built lowest floor elevation, defined as the top of the lowest floor (including basement) or, in the case of flood proofed buildings, the elevation to which the flood proofing is effective.

6.1.9 <u>Use Regulations</u>

6.1.9.1 <u>Permitted Uses in All Flood Plain Districts:</u> The following uses are permitted in Flood Plain Districts provided they comply with all other Town Regulations, codes and ordinances:

A. Farming, including grazing, crop, tree and truck farming, and other agricultural uses;

B. Recreation, including bathing places, seasonally-placed boat ramps, docks, picnic areas, playfields, golf, tennis and parking area;

C. Public utility wire and pipe lines for transmission and distribution purposes; and

D. Flood protective uses.

6.1.9.2 <u>Permitted Buildings and other Structures in Flood Plain Districts:</u> The following buildings and other structures are permitted in Flood Plain Districts, except for the floodway prohibitions in Section 6.1.7.G subject to the issuance of Zoning and Building Permits:

A. Buildings and other structures accessory to agricultural uses for storage of goods and equipment and the shelter of animals and fowl but not including dwellings or buildings for human occupancy;

B. Public utility buildings and other structures;

C. Parks and recreation areas and attendant facilities, including boat ramps, docks, parking areas, picnic areas, tables, shelters and fireplaces, golf courses, driving ranges, tennis courts and swimming facilities, but not including permanent buildings or other structures such as clubhouses or dwellings or buildings for human occupancy;

D. Dikes or other structures designed to divert or obstruct the flow of flood waters.

E. Buildings or other structures to facilitate fish passage.

6.2 Aquifer Protection (AP) District – (Section Deleted Effective 07/01/2015)

6.3 Elderly Housing Overlay District

6.3.1 Purpose: The purpose of this regulation is to provide adequate housing for the older, but self-sufficient population of the community. It is intended to serve as an incentive to private interests to gear their efforts toward high quality housing for this fast growing segment of the community.

6.3.2 Criteria: The Commission may designate a parcel in a Garden Apartment District as an Elderly Housing Overlay District if the following criteria are met:

A. The proposed zone shall be located in an area that is reasonably accessible by pedestrians to necessary retail and public services.

B. The development shall be restricted to a population where at least one tenant within each residential unit is 55 years of age or older.

C. The application for zone change is accompanied by applications for a Special Permit and Site Development Plan.

6.3.3 Restrictive Covenant: Upon the approval of the application for zone change to Elderly Housing Overlay District by the Commission, there shall be recorded on the Land Records of Woodbury by the owner of the property a restrictive covenant executed by the owner which shall contain the following elements:

A. Notice that the described parcel has been designated as an Elderly Housing Overlay District;

B. The provision for enforcement of the criteria required by these Regulations for this zone at law and in equity by the Town of Woodbury or any resident of the parcel.

6.3.4 In addition to the general requirements for a Garden Apartment District as set forth in Section 5.4 of these Regulations, the following items shall be required for the approval of a Site Development Plan and approval of a Special Permit (pursuant to Section 8 of these Regulations) where the area to be developed is within an Elderly Housing Overlay District:

A. Units shall include features designed to accommodate the needs of the elderly.

B. No less than 10% of the residential units shall be accessible to wheelchairs (i.e., entry doors accessible by ramps with slopes not exceeding 1:12 vertical to horizontal).

C. Available parking spaces for the residents shall be no more than 100 feet from the front entrance of the building housing said residents.

D. Each unit shall have not more than two bedrooms. Any room in a dwelling unit other than one kitchen, one living room, any bathrooms, or any open-air or screened porch shall be considered a bedroom for the purposes of this section. The applicant shall furnish architectural plans to the Commission showing the designation of each room within a unit.

E. The applicant shall furnish to the Commission documentation that the reviewing authority with jurisdiction has determined that the septic system has been designed in accordance with applicable law.

6.4 Planned Residential Development

6.4.1 The purpose of the Planned Residential Development is to provide opportunities for the protection and conservation of scenic areas, views, and vistas, desirable natural environments, and historic and archeological sites and to encourage planned development appropriate for parcels in and adjacent to the Middle Quarter District. Planned Residential Development is declared to constitute a special use in Woodbury, which is subject to the granting of a Special Permit by the Commission and subject to the approval by the Commission of a Site Development Plan. Planned Residential Development is only permitted on a lot that (a) abuts the Middle Quarter District (either directly or across a street) and is in a residential use district and/or (b) is in the Middle Quarter District.

6.4.2 No permit may be issued unless the site shall be served by a public water system as defined by the Connecticut Department of Public Health.

6.4.3 Subject to the granting of a Special Permit for Planned Residential Development, land may be used and structures may be altered or erected and used for multi-family dwellings consisting of detached single family dwelling units and two dwelling unit attached dwellings, together with such parking, recreation and services uses as are intended and designed only for the use, maintenance or operation of the property and its residents.

6.4.4 Open Space Objectives and Requirements

6.4.4.1 In each Planned Residential Development at least 60% of the lot shall be designated as open space and preserved in its natural state unless otherwise approved by the Commission and the use of the open space shall be limited to conservation, open space, recreational and other purposes (including drainage) that are determined by the Commission to be appropriate in light of the physical characteristics and nature of the open space land and its relationship with the proposed development and adjacent open space. A portion of the open space containing an area at least equal to 35% of the area of the lot shall be one continuous area. Except for structures for recreational facilities to be located in the open space and roadways serving them, open space located within 25 feet of any structure or driveway shall not be counted for purposes of meeting the open space requirements.

6.4.4.2 Suitable restrictions and reservations to implement the preservation and permitted use of the open space land, satisfactory in form and substance to the Commission, binding upon and enforceable by the homeowners and any homeowners association in the Planned Residential Development and also enforceable by the Town of Woodbury, shall be placed against the land comprising the Planned Residential Development.

6.4.4.3 Consistent with the purposes and intent of Planned Residential Development, in general, the development of the site and the location, configuration, topography and character of open space areas shall be consistent with the furtherance of one or more (but not necessarily all) of the following objectives as may be appropriate given the character of the property:

A. Preservation and enhancement of the character of existing development, e.g. preservation of rural character, streetscapes and/or provision for aesthetic transition between dissimilar uses;

B. Preservation, conservation and protection of natural features and resources, e.g. tree cover, open areas, wetlands and water related resources and other environmentally significant features; and

C. Preservation and protection of scenic views and vistas and historic and archeological sites.

6.4.5 The following special requirements shall apply to a Planned Residential Development, in addition to the requirements of Section 8 (relating to Site Plan and Special Permit review).

6.4.5.1 A proposed Planned Residential Development may only be approved if the Commission finds that all of the requirements of this Section are met and that:

A. The character of the proposed development is not inconsistent with the character of neighboring properties and the town as a whole;

B. The shape and mass of proposed buildings with regard to the visual effect of height, length and depth in relationship to the treatment of roof lines, facade breaks, dormers, windows and other exterior features is consistent with that of single family homes in the area;

C. The proposed development is compatible with the neighborhood with regard to the configuration and location of proposed buildings and other improvements;

D. There is an appropriate integration of the proposed development into the neighborhood by virtue of the configuration and location of open space areas and landscaping and buffering from adjacent properties that will be provided in the proposed development;

E. The location and massing of parking areas is appropriate; and

F. The capacity of adjacent and feeder streets (taking into account upgrades and/or improvements to such streets that are proposed to be done by the applicant as part of the development) is adequate to accommodate currently existing traffic loads with the traffic load that can reasonably be anticipated from the proposed development.

6.4.5.2 In addition to other required submissions, the applicant shall submit drawings and sketches prepared by or in conjunction with a land planner, registered architect or landscape architect showing the proposed open space areas and other relevant information to demonstrate compliance with the open space objectives and requirements of Section 6.4.4.

6.4.5.3 The constituent documents of the homeowners association for the development, including, but not limited to, the restrictions and reservations relating to the open space required by Section 6.4.4 and the septic system management plan required by Section 6.4.7.4 shall be subject to review and approval by the Commission.

6.4.5.4 Principal access way(s) from Town streets into the development shall be designed and constructed to the current street specifications adopted by the Board of Selectmen of the Town of Woodbury or such lesser standards as may be proposed by the applicant and supported by appropriate engineering studies and considered by the Commission to be consistent with public safety in light of their proposed location, grade, geometry and anticipated traffic volume.

6.4.6 Each application for a Planned Residential Development shall be referred to the Woodbury Planning Commission prior to the commencement of the public hearing for

a report on the conformance of the proposed development to the Woodbury Plan of Conservation and Development. The Planning Commission may issue a report on the conformance of the application with the Town Plan of Conservation and Development. The Zoning Commission shall not close the public hearing on any such application until the report of the Planning Commission is received or 35 days after referral of the application to the Planning Commission, whichever is sooner. An application disapproved by the Planning Commission may be approved by the Zoning Commission by a vote of not less than two-thirds (2/3) of all members of the Zoning Commission.

6.4.7 General Requirements

6.4.7.1 No lot shall be approved for Planned Residential Development unless it contains at least 10 acres and has at least 225 feet of frontage on an existing town road.

6.4.7.2 Only single family detached dwellings and two family attached dwellings shall be permitted. The number of two dwelling unit buildings may not exceed 50% of the number of buildings. The floor area of single family detached buildings shall not exceed 2,200 square feet and the floor area of two dwelling unit buildings may not exceed 3,700 square feet. The total number of dwelling units may not exceed 40.

6.4.7.3 The maximum permitted number of dwelling units shall be determined as follows:

A. Subtract from the area of the lot (expressed in square feet) 80% of the area (expressed in square feet) that is wetlands, water courses, and/or flood plain;

B. Divide the result of that subtraction by 60,000 square feet for property east of Route 6 and 80,000 square feet for property west of Route 6 and multiply the quotient of that division by 1.15;

C. The result of that multiplication rounded down to the nearest whole number is the maximum permitted number of dwelling units.

6.4.7.4 The sewage disposal system design must meet applicable local and state requirements. The sewage disposal system shall be operated, monitored, inspected, repaired, and maintained by the homeowners association pursuant to a management plan acceptable to the Commission and the Woodbury Water Pollution Control Authority. When the lot is located over an aquifer that is used for public water company wells, adequate monitoring well(s) shall be installed for the purpose of monitoring proper performance of the system, and the management plan shall provide for details of a monitoring program utilizing the monitoring well(s).

6.4.7.5 The distance between any two structures shall be no less than 35 feet.

6.4.7.6 No structure shall be erected or altered if the height were to exceed 35 feet.

6.4.7.7 No structure (other than permitted signs) shall be located within 100 feet of any street line or within 50 feet of any other boundary line of the lot.

6.4.7.8 At least two parking spaces shall be provided for each dwelling unit. The parking areas shall be hard surfaced and shall comport with the storm water management standards of Section 7.3.2.4of these Regulations.

6.4.7.9 Sidewalks shall be provided on the site from parking areas to dwelling units and elsewhere as pedestrian traffic warrants.

6.4.7.10 All streets and associated storm drainage systems constructed as part of the Planned Residential Development shall be deeded to the homeowners association established in accordance with Section 6.4.5.3.

ARTICLE III – REGULATORY STANDARDS

Section 7. Standards

7.1 General Performance

The following performance standards shall apply to all non-residential uses of land, buildings, and other structures wherever located:

7.1.1 No dust, dirt, fly ash, or smoke shall be emitted into the air so as to endanger health or safety, to impair values and enjoyment of property, or to constitute a critical source of air pollution.

7.1.2 No offensive odors or noxious, toxic, or corrosive fumes or gases shall be emitted into the air.

7.1.3 No noise which is objectionable due to volume, intermittence, beat frequency, or shrillness shall be transmitted outside the property from where it originates except for such devices that are used for warning of impending dangers.

7.1.4 Except as authorized as necessary by these Regulations, no offensive wastes shall be discharged onto the ground or into any river, stream or storm drain.

7.1.5 No material which is dangerous because of the potential for explosion, extraordinary fire hazard, or radioactivity shall be stored, used in manufacture of products, or manufactured except in accordance with applicable codes and Regulations of the Town of Woodbury, the State of Connecticut, and any Federal agency with applicable jurisdiction.

7.1.6 No offensive wastes which may constitute a source of water pollution shall be discharged into the ground water.

7.1.7 No exterior use of loud speakers for commercial advertising purposes or as a part of a business operation is permitted, except for uses permitted in accordance with Section 3.5 of these Regulations.

7.1.8 No display or exhibition of merchandise, materials, or articles associated with a non-residential use shall be exhibited or displayed for sale within the required front yard of a property except as specifically approved as part of a Special Permit or Special Exception application and no storage of merchandise, materials, or articles associated with a use permitted by these Regulations is allowed unless complying with Section 7.3.2.6 and unless such storage is screened from street view.

7.2 Accessory Buildings and Structures

Except as set forth herein, an accessory building or other structure shall be subject to the area, bulk, and dimensional requirements of the district in which it is to be located, except that setback and coverage limits shall be as provided in the following standards:

7.2.1 When the principal building is set back from the street line farther than the minimum distance required, the accessory building or other structure may be located in front of the principal building provided, however, that the accessory building or other structure meets all the height and yard requirements of a principal building. Otherwise, a detached accessory building or other structure shall be located no closer to the street line than the front of the principal building. In no case shall the accessory building or other structure be located within the minimum front yard setback except for an interior lot in which case an accessory building shall be no closer than twenty-five (25) feet from the interior lot line.

7.2.2 Any accessory building or structure not used for housing animals and located farther from the street line than the front wall of the principal building on the lot shall be set back from the side and interior lot lines as follows.

A. An accessory building or other structure having a height less than twelve (12) feet shall be located no less than a distance equal to its height, but in no case shall an accessory building be located less than five (5) feet from the side or rear lot line.
B. An accessory building or other structure having a height twelve (12) feet to twenty (20) feet shall be located a distance of at least twenty (20) feet from the side and rear lot lines.
C. An accessory building or other structure having a height over twenty feet (20) feet shall be located a distance not less than its height from the side or rear lot lines.
D. On a corner lot no accessory building or other structure shall be located on that portion of the lot comprising the corner.

7.2.3 The total building area of accessory buildings or structures not used for the housing of animals shall not exceed one and one-half (1.5) times the ground floor area of the principal building on the lot. Tennis courts, swimming pools and accessory agricultural buildings shall be exempt from this provision.

7.3 Site Development

7.3.1 General:

7.3.1.1 The development and use of land, buildings and other structures, the location and bulk of buildings and other structures and the development of the lot shall be compatible with the neighborhood to protect property values and to preserve and enhance the appearance and beauty of the community.

7.3.1.2 The development and use shall be in conformance with the purpose and intent of the Woodbury Plan of Conservation and Development, adopted by the Planning Commission as it pertains to the area in which the development and use is to be located, particularly with respect to, but not limited to, the following:

A. The location of streets;
B. The setback, scale, bulk, and appearance of buildings and other structures; and
C. The provision and location of landscaping features.

7.3.1.3 Any use of land, buildings, and other structures that is permitted only under these Regulations after issuance of a Special Permit or Special Exception or by approval of a Site Development Plan shall conform to the standards hereinafter specified. Any construction, reconstruction, enlargement, extension, moving, or structural alteration of buildings or other structures in connection with such use shall conform to the standards hereinafter specified. The requirements of this Section are in addition to other provisions of these Regulations applicable to the district in which the use is to be located.

7.3.1.4 No person who has obtained a Site Development Plan Approval shall attempt to erect any building or other structure, or establish any use of land, that is not in substantial conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted,

or any representations of fact made, to the Commission, without an amendment as provided in these Regulations.

7.3.1.5 No person who has obtained a Site Development Plan Approval shall violate any condition imposed thereon. Violation of this provision shall be grounds for the Commission to take legal action as may be required to secure compliance with the Site Development Plan Approval and the conditions attached thereto. The Commission may authorize the ZEO to grant minor, non-substantial deviations from the approved Site Development Plan Approvals.

7.3.1.6 Substantial changes to Site Development Plan approval shall be treated as a new application for approval and shall be submitted and acted upon in accordance with these Regulations.

7.3.2 The following standards shall apply to those uses which are only permitted under these Regulations after the approval of a Site Development Plan:

7.3.2.1 Provision shall be made for vehicular access to the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and on the lot and to avoid traffic congestion on any street. Access shall also conform to the following:

A. Where reasonable alternate access is available, the vehicular access to the lot shall avoid use of streets in Residence Districts.
B. The street providing access to the lot shall be suitably improved and have the capacity to accommodate the traffic generated by the proposed use and development.
C. Provision shall be made for turning lanes and traffic controls within the street.
D. Access driveways shall be designed with sufficient capacity to avoid queuing of entering vehicles onto the public street.
E. Driveways onto the lot shall not exceed a grade of 10% and shall meet the street line and travel-way of the street in such a manner as to conform to the standard cross-section for the street as defined in the Woodbury Regulations Pertaining to the Construction and Acceptance of Streets.
F. Except as required elsewhere in the Regulations, there shall be no more than two driveways entering any lot from any one street, except that there may be one additional driveway for each additional 300 feet of lot frontage in excess of 300 feet. Driveways shall not exceed 30 feet in width at the street line unless a greater width is required by the size of vehicles to be accommodated or by the State of Connecticut.

7.3.2.2 Where the lot has frontage on an existing street, grading and improvement of shoulders and sidewalk areas within the right-of-way of the street shall be provided. Where necessary, provision shall also be made for continuation of streets and improvements to ensure adequate safety and traffic capacity.

7.3.2.3 Off-street parking and loading spaces shall be provided in accordance with the provisions of Section 7.4 of these Regulations.

7.3.2.4 Provision shall be made for storm water management in accordance with sound engineering practice and the following standards.

A. Site Development Requirements:
   i. The collection and discharge of storm water on the lot shall mitigate post-development flooding of down-gradient properties and of off-street parking and loading spaces on the site;

ii. Onsite surface and/or subsurface storm water storage capacity shall provide for the infiltration of a minimum of one inch of storm water runoff from the area of impervious coverage that is increased between pre-development and post-development conditions;
iii. Development shall result in zero net increase in the rate of peak storm water run-off between pre-and post-development conditions for the 2, 10, and 25year storms;
iv. no hazards to pedestrian and/or vehicular traffic on the lot or in any street shall occur as a result of inadequate storm water facilities;
v. no discharge from sump pumps, sub drains, or any other storm water management structure, shall be directed across roadways, sidewalks and other pedestrian ways shall occur; and
vi. retention, infiltration, and treatment of storm water on the site shall be maximized using a designed storm water management system combining infiltration, rain gardens, detention basins, pollution control devices, and other environmentally acceptable components as described in the State of Connecticut Department of Energy and Environmental Protection Storm water Quality Manual [2004] as may from time to time be revised.

B. The design of storm water drainage shall be based on:
   i. Sound engineering practices and judgment based on the best available data:
   ii. the guidelines in the Connecticut Department of Energy and Environmental Protection Storm water Quality Manual; and
   iii. be based on a hydrological study that fully considers the calculated volume and rate of storm water runoff for the 2, 10 and 25 year storms and the capacity of downstream water courses, channels, and drainage structures to accept the discharge, taking into consideration the ultimate increase in runoff due to the maximum potential development of the sub-watershed under the zoning standards in effect.

C. Calculations of runoff, synthetic hydrographs, and flow routing shall be performed in accordance with the standards and procedures established by the U.S.D.A. Natural Resource Conservation Service. As a minimum, 10-year storm return frequency shall be used as the design basis for proposed on-site drainage systems. However, when warranted by surrounding site conditions, the Commission may require use of a larger design storm. Standards of the Woodbury Street Regulations shall be considered as a guideline for cross culverts under access roads and for catch basins.

D. Provision shall be made for the protection or improvement of existing watercourses, channels and other drainage systems on the lot or downstream from the lot, as needed to accept the proposed drainage discharge and taking into account total watershed runoff taking into consideration the ultimate increase in runoff due to the maximum potential development of the area under zoning standards in effect. When deemed necessary to meet the standards of paragraph A, above, the

Commission may require the construction of detention and infiltration structures or other runoff control measures.

E. Provision shall be made for the protection of swamps, flood plains, and other wetlands on the lot and down-gradient of the lot from sedimentation, siltation, erosion, pollution, and other potential impacts from construction and use of the lot.
F. Wherever proposed designs deviate from the Connecticut Department of Energy and Environmental Protection Storm water Quality Manual guidelines or any provisions of this section, an engineering analysis justifying alternative designs meeting the objectives delineated above shall be provided with the application and must be expressly approved by the Commission.
G. All storm water management designs shall conform to the Aquifer Protection and Flood Plain standards of these regulations and be approved, where applicable, by the Woodbury Inland Wetlands Agency and/or the Connecticut Department of Energy and Environmental Protection, the United States Army Corps of Engineers, and the Woodbury Department of Public Works and/or the Connecticut Department of Transportation.

7.3.2.5 Proper provision shall be made for the water supply and sewage disposal requirements for the proposed development and use. When public water supply and/or sewage disposal systems are not to be used, the private systems shall be designed and constructed in accordance with applicable State laws and ordinances, and the design shall be approved by the Director of Health of the Town of Woodbury prior to approval of the Site Development Plan.

In addition, provision shall be made for the collection, storage, and disposal of solid wastes accumulated from the proposed development and use and for control of litter by means of receptacles, fences, or other means approved by the Commission.

7.3.2.6 Outside storage (including without limitation, storage of merchandise, goods, supplies, wastes, machinery, motor vehicles and equipment, and processing or assembling of goods) shall be limited as follows:

A. Outside storage areas shall have restricted access to the public.
B. No outside storage area shall extend into the area required for setback from a street line or Residence District boundary line.
C. In GA, MSD, MQ and PI Districts, no outside storage area shall extend into the area required for setback from a property line or into the area required for a landscaped buffer.
D. The maximum permissible outside storage area shall be as follows:

District	% of Building Area
GA	10%
MSD	5%
PI	10%
MQ	As specified in Section 5.2.3.H

E. In GA, MQ, and PI Districts all outside storage areas shall be enclosed, except for access drives, by buildings and/or fences, walls,

embankments, or evergreen shrubs or trees to screen the storage area from view from any other lot or from any street.

F. In MQ and PI Districts the Zoning Commission at its sole discretion may permit an increase in the outside storage allowed by Section 5.2.3.H and this section, subject to the approval of a detailed site plan demonstrating that such outside storage is both necessary and customary for the type of business conducted on the property. All outside storage, including any increase granted under the provisions of this section, shall be subject to the total ground coverage standards of the underlying district.

G. All hazardous or toxic materials stored on the property shall be adequately contained to meet state and federal standards for storage of hazardous, flammable, explosive, or toxic material.

7.3.2.7 The location, intensity, height, design, and arrangement of outside lighting shall be such as to avoid glare on any other lot and to avoid hazards to traffic on any street. Where appropriate, the Commission may require that all exterior lighting shall be shielded so that the lamps (bulbs) or other light sources cannot be seen from beyond the property served.

7.3.2.8 Landscaping shall be provided and permanently maintained on the lot to conform to the following standards:

A. All areas of the lot not covered by buildings and other structures, outside storage and paving shall be suitably landscaped with trees and/or shrubs, lawns or other suitable landscaping or shall be left as natural terrain if not disturbed by filling, grading or excavation.

B. In GA, MSD, MQ, and PI Districts, the area required for setback from the Residence District boundary line shall be suitably landscaped with evergreen shrubs or trees. Where landscaped buffer areas are required, such areas shall meet the standards of this Section.

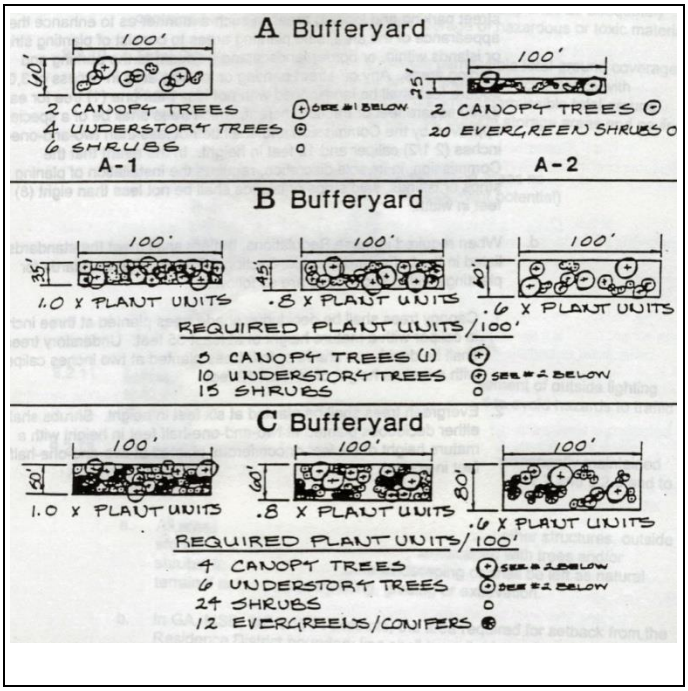
C. Landscaped planting areas shall be provided within or adjacent to off-street parking and loading areas so as to enhance the appearance of the area with said planting areas to consist of planting strips or islands within, or border landscaping adjacent to the parking and loading areas. Any off-street parking or loading area in excess of 3,000 square feet shall be landscaped with not less than one tree for each 1,000 square feet or fraction thereof, which trees shall be of a species approved by the Commission and shall be not less than two-and-one-half inches (2 1/2) caliper and 12 feet in height. In the event that the Commission, at its sole discretion, requires the installation of planting strips or islands, said strips or islands shall be not less than 8 feet in width.

D. When required by these Regulations buffers shall meet the standards listed in the buffer yard graphic, Section 7.3.2.8.E. The standards for plantings within such areas are as follows:

i. Canopy trees shall be deciduous shade trees planted at least three inches in caliper with a mature height of at least 35 feet. Understory trees shall be deciduous shade or fruit trees of at least two inches caliper with a mature height of at least 12 feet.

ii. Evergreen trees shall be at least six feet in height. Shrubs shall be either deciduous planted at two-and-one-half feet in height with a mature height of six feet or conifers of at least two-and-one-half feet in spread.

E. Buffer yard graphic.



Notes: 1. up to 50% may be evergreen 2. up to 100% may be evergreen

7.3.2.9 Design and construction in the GA, MSD, MQ, and PI Districts, including related streets, drainage systems, and other improvements, shall be executed in such a manner that these improvements shall not cause erosion, flooding, or the deposit of sediment on the property being developed or on surrounding properties, wetlands, or water courses. In addition to the requirements of Section 7.6 of these Regulations, all development in such districts shall comport with the following:

A. Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing, except as approved by the Commission when handled under special conditions.
B. Adequate provisions shall be made to prevent surface water from damaging the cut face or excavation or sloping surfaces of fills.
C. Cut and fills shall not endanger adjoining property.
D. Fill shall be placed and compacted so as to prevent sliding or erosion of the soil.
E. Fill shall not encroach on natural watercourses or constructed channels.
F. Grading shall not be done so as to divert water onto the property of another landowner without the expressed consent of that landowner and the approval of the Commission and the Inland Wetlands Agency.

7.4 Off-Street Parking & Loading

7.4.1 For any permitted use hereafter established, parking spaces and loading spaces shall be provided off the street for each use of land, buildings, and other structures in accordance with the standards in this Section. Required parking spaces shall be provided on the same parcel as the permitted use, unless otherwise permitted in accordance with Section 7.4.11. Any use already existing shall conform to these standards to the extent that it conforms at the time of adoption of these Regulations. Off-street parking and loading spaces required to be provided by this section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings, and other structures for which such spaces are herein required. If any existing use of land, building, or other structures is changed to a use requiring additional off-street parking and loading spaces to comply with this section, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified. Any existing use which does not conform to the standards of this section shall not be changed to a use which would need additional off-street parking and loading spaces to comply with the standards herein unless off-street parking and loading spaces are provided for such new use as required by this section.

7.4.2 For the purpose of this section, "parking space" and "loading space" are defined as follows:

A. Standard Parking Space: A space containing a rectangle not less than nine feet in width and 20 feet in length and having access and slope as to accommodate a vehicle having an overall length of 20 feet.

B. Handicapped Parking Space: A space of such shape as to contain a rectangle not less than 15 x 20 feet and located as near as possible to a building entrance or walkway, or as required by Connecticut General Statutes or the Federal Americans with Disabilities Act.

C. Compact Parking Space: A space of such shape as to contain a rectangle not less than 8.5 x 17 feet and having access and slope as to accommodate an automobile having an overall length of 15 feet.

D. Loading Space: A space of such shape as to contain a rectangle not less than 12 feet in width and 55 feet in length and having a vertical clearance of not less than 15 feet and such access and slope as to accommodate a truck having an overall length of 55 feet.

7.4.3 All off-street parking and loading spaces shall be designed and constructed in accordance with the following standards:

A. Turning: Each parking space shall be provided with adequate area for approach, turning, and exit of an automobile having an overall length of 20 feet without need to use any part of a public street right-of-way, except that this provision shall not apply to spaces provided in connection with a dwelling containing one or two dwelling units when the sole driveway access to such spaces does not connect to a State highway. No loading space, including any truck loading bay, ramp, or dock, shall be designed or arranged in a manner that a truck must use any part of a public street right-of-way to directly enter, back into and/or exit from such space.

B. All off-street parking and loading spaces shall be suitably improved, graded, stabilized, and maintained so as to cause no nuisance or danger from dust or from storm water flow. Except for necessary driveway entrances, and except for parking spaces provided in connection with a dwelling for one or two families, all off-street parking and loading spaces located within 20 feet of any street line shall be separated from such street line by a curb, a fence or wall, or an embankment in such a manner that cars will not overhang the street line.

C. All off-street parking areas shall be provided with parking stalls of suitable angle, width, and length and with access aisles not less than 24 feet in width and of suitable alignment to such stalls as to allow safe and convenient use of each required parking space by providing:

i. Suitable driveways giving access to parking aisles and stalls;

ii. Safe pedestrian circulation within parking areas;

iii. Channelized traffic flow within parking areas;

iv. Suitable markings, curbs, and islands, fences or other devices to encourage proper and efficient use of each parking space; and

v. Landscaping in accordance with Section 7.3.2.8.

D. All off-street loading spaces shall be provided with a suitable angle of approach and sufficient width and length to accommodate the types of trucks expected to use the space. No loading space shall be arranged in such a manner as to block use of required parking spaces or traffic circulation when the space is in use.

7.4.4 Not more than twenty-five percent of the parking area shall be devoted to compact car parking meeting the dimensional requirements of Section 7.4.2.C.

7.4.5 No off-street loading space or access aisles in connection therewith shall be located in the area required for setback from a street line or property line or within 50 feet of a Residential District boundary line.

7.4.6 Location - Parking

A. In a Planned Industrial (PI) District no parking space or access aisle shall extend within the following distances of a street line, property line or a Residence District:

Street Line	**Residential Property Line**	**Zone Boundary**
50’	25’	50’

B. For any use in a residential zone other than a single family dwelling or duplex, designated parking shall be at least 25 feet from a property line and 50 feet from a street line.

7.4.7 The purpose of this section is to assure that off-street parking spaces are provided to accommodate the vehicles of people regularly using or visiting a property, building or other structure at any one time. The number of spaces shall be in accordance with the following minimum standards:

Use	**Standard**
Dwellings	2 spaces located on the same lot for each dwelling.
Churches, Theaters, Assembly Halls	1 space for each 3 seats.
Hospitals, Rest Homes, Rooming Houses, Assisted Living Facilities	1 space located on the same lot for each 3 beds.
Retail Stores, Banks, Business Offices, Medical, Dental & Veterinary Clinics, and other similar commercial uses	1 space for each 150 square feet of floor area exclusive of storage area and 1 space for each 400 square feet of storage area.
Motor Vehicle Service and Repair Stations	10 spaces or 5 spaces for each garage bay, whichever is greater.
Hotels & Motels	1 space for each guest room plus 1 space for each employee.
Restaurants, Taverns and Bars	1 space for each 50 square feet of patron floor area.
Warehouses, Industrial Buildings and their Offices	1 space for each employee or 1 space for each 400 square feet of gross floor area, whichever is greater.
Bowling Alleys, Tennis Courts, & Similar Uses	5 spaces for each alley or court.
Other Uses	Space shall be provided for uses not listed above sufficient in number to maintain the purpose of Section 7.

7.4.8 Other than a dwelling or a farm building, each building having a ground floor area in excess of 4,000 square feet shall have one off-street loading space for each 10,000 square feet of gross floor area or fraction thereof, excluding basements. A loading space shall not obstruct any road or access to required parking.

7.4.9 Whenever two or more use classifications listed in Section 7.4.7 shall be applicable to a use of land, buildings or other structures, the standard requiring the larger number of parking spaces shall apply. Where separate parts of a building or other structure are used for different use classifications, the number of required spaces shall be determined by adding the number of spaces required for each type of use.

7.4.10 Joint parking areas and loading spaces may be established by the owners of separate lots in order to provide the total number of off-street parking and loading spaces required for the uses for each lot.

7.4.11 Alternate Parking

7.4.11.1 The Zoning Commission may grant a Special Exception authorizing off-street parking and/or loading spaces fewer in number than specified in Sections 7.4.7 if the Commission determines that:

A. The number of spaces provided on the site plan are sufficient to accommodate the vehicles of all persons using and visiting the particular use or occupancy of land, buildings or other structures;

B. There is sufficient and suitable area on the lot to provide the full number of spaces specified in Sections 7.4.7; and

C. The Special Exception shall be applicable only to the particular use or occupancy of land, buildings or other structures specified in the application, and such Special Exception shall become null and void in the event that such use or occupancy is changed to another use or occupancy.

7.4.11.2 The Zoning Commission may grant a Special Exception authorizing off-street parking on a separate lot to meet the minimum number of spaces requirement if the Commission determines that:

A. The spaces are to be located on an adjoining lot with a permanent easement for the specified number of spaces and a permanent easement for access, or

B. The use for which the parking is required is located within reasonable distance of a municipal parking facility with sufficient capacity.

7.5 Signs

7.5.1 Purpose: The purposes of these sign Regulations are to promote the effective use of signs as a means of communications; to provide the appropriate balance between the need to protect health, welfare, safety, and property values; to further the ability of the Town to attract residents and businesses; and to enable the fair and consistent enforcement of these Regulations.

7.5.2 General Definitions and Interpretations:

A. A sign is any material, structure, or device, or part thereof, composed of lettered or pictorial matter displaying an advertisement, announcement, notice, or name, and including any declaration, demonstration, display, representation, illustration, or insignia used to advertise or promote the interests of any person or business or cause when placed in view of the general public.

B. Signs in the Town of Woodbury shall be classified as either permanent, provisional or temporary:

   i. A permanent sign is one that is intended to remain for an indefinite period of time.

   ii. A provisional sign is a nonpermanent sign whose purpose is for a limited, undefined duration which is greater than thirty days and normally less than two years.

   iii. A temporary sign is any nonpermanent sign that is permitted for display for a specific, limited period of time.

C. Signs may consist of a principal sign and a supplemental sign depending on the zone where the sign is located:

   i. The principal sign customarily displays the name, address, and nature of a business.

   ii. The supplemental sign is a separate and distinct sign attached to a principal sign that may be used to display additional information about the business, such as a special event or a sale or to simply indicate whether the business is Open or Closed. A supplemental sign cannot be displayed without a principal sign.

7.5.3 Sign Construction Type or Style Definitions: Signs come in a variety of shapes and are constructed in various styles. For purposes of clarity, examples of the following types or styles are defined:

A. Animated Sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

B. Balloon Sign: Any inflatable device greater than one cubic foot that is intended to attract attention.

C. Banner Sign: Any sign containing a commercial message constructed of lightweight fabric or similar material, including a pennant that is mounted on a pole, rope, wire, or similar material or is mounted on a building by a frame at one or more edges.

D. Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.
E. Billboard: A freestanding or building sign that advertises products, services, or businesses at locations other than where the sign is located.
F. Building Sign: A sign attached to or painted on the wall of a building.
G. Canopy Sign: A sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.
H. Festoon: String of ribbons, tinsel, small flags, or pinwheels.
I. Flag Sign: A sign constructed of cloth or fabric material that has lettering relating to the operation of a commercial business.
J. Freestanding Sign: Any sign supported by structures or supports that are placed on or anchored in the ground, and independent from any building or other structure. The following are examples of freestanding signs:
    i. Pole Sign: A freestanding sign with the base of the actual sign area at least five feet above the ground supported by one or more vertical poles.
    ii. Post & Arm Sign: A freestanding sign consisting of a vertical post to which a perpendicular arm is attached and from which the sign hangs.
    iii. Monument Sign: A freestanding sign either with or without a base affixed to the ground, the overall height no greater than four feet.
    iv. Sandwich Board Sign: A freestanding sign that stands on its own supports in the shape of an “A” also commonly referred to as an A-frame.
K. Hanging or Projecting Sign: A sign attached to a wall or a building so that its leading edge extends more than six inches beyond the surface to which it is affixed or which is suspended from an architectural feature, pole, or frame.
L. Internal Sign: A sign within a building or other structure and not visible from the outside.
M. Internally Lit Sign: A sign that is illuminated from sources inside the sign.
N. Mailbox: Official or approved receptacle for receiving mail or newspapers.
O. Portable Sign: Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, whether on its own trailer, wheels, or otherwise. Such signs include those attached to or painted on vehicles parked and visible from public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
P. Poster: A paper or cardboard sign affixed to a tree, roadside vegetation, or on its own support.
Q. Roof Sign: Any sign erected and constructed wholly on and over any roof of a structure.
R. Umbrella Sign: Any visual message or advertisement on an umbrella.
S. Vehicular Sign: Any visual message or advertisement painted on or affixed to the side of a vehicle.
T. Wall Sign: A sign or message (including individual letters) that is painted on or attached directly to a wall or fence.
U. Window Sign: A sign visible from a sidewalk, street or public place, affixed or painted on glass or other window material and intended to be read from outside the building. Graphics in connection with customary window display of products are not considered a window sign.

7.5.4 Sign Purpose or Subject Definitions: Signs have also been identified as to their purpose. For clarity, examples of the following purposes are defined:

A. Agricultural Sign: A freestanding or building sign advertising roadside stands, farm stores, and agricultural products.
B. Apartment Sign: A sign identifying the apartment complex.
C. Building Marker: Any sign indicating the name of a building with incidental information about its construction, cut into a masonry surface or made of bronze or other permanent material and attached to the building or made a permanent part of it.
D. Business Sign: Any sign that has a message relating to a commercial enterprise.
E. Construction/Repair Sign: A freestanding provisional sign pertaining to and during construction or repair of property on which the sign is located.
F. Directory Sign: A freestanding or building sign listing names and locations of occupants or uses of a building or shopping area.
G. Event Sign: A sign publicizing an event being sponsored by civic, community, private, or institutional organization.
H. Farm Sign: A freestanding or wall sign that identifies a farm, which must be listed as such in the Tax Assessor's office.
I. Gas Station Sign:
   i. Identification Sign: A freestanding or building sign that identifies the company or brand.
   ii. Price Sign: A freestanding or building sign that displays the prevailing price of the petroleum products.
J. Historic District Sign: A sign that identifies the start of a Historic District.
K. Historical or Archeological Sign: A sign approved by a duly constituted local, state or federal authority that identifies or describes a historic event or place.
L. Home Occupation Sign: A freestanding or building sign located in a residential zone and identifying a permitted Home Occupation existing on the property where the sign is located.
M. Incidental Sign: A sign, informational in nature, such as "No Parking," "Parking in Rear," "Loading," "Building 'A'," "Entrance," "Exit," and "Deliveries," etc. No sign identifying a specific business or with a commercial message shall be considered incidental.
N. Institutional Sign: Any sign that identifies a public or private institution such as schools, churches, hospitals, or other municipal or public facilities.
O. Political Sign: Any sign promoting the candidacy of an individual for political office or expressing an opinion on a political issue.
P. Private Property Sign: Any sign with a message that intends to identify private property, provide a warning to others, and/or to keep others from trespassing. These signs include, but are not limited to, "No Hunting," "No Fishing," "No Trespassing," "No Swimming," "Keep Out," "Posted," and "Beware of Dog."
Q. Public Auction Sign: A sign that publicizes or identifies a public auction on the property upon which the sign is placed.
R. Real Estate Sign:
   i. Marketing Sign: A freestanding or building sign pertaining to the proposed sale, lease, or rental of property on which it is located.
   ii. Open House Sign: Signs to direct clients to an open house.
S. Recreational Sign: A sign that identifies a state, town, or nonprofit recreational area.
T. Residence Sign: Any sign that identifies a residence.

U. Shopping Center/Mall Sign: A freestanding sign that identifies the commercial area which is characterized as a structure or a number of structures exhibiting a unified architectural theme with an associated common parking area and containing a variety of commercial establishments and generally managed as a unit.

V. Subdivision Sign:

   i. Identification Sign: A sign identifying the subdivision.

   ii. Marketing Sign: A sign used to market the subdivision properties.

W. Tag Sale Sign: A sign advertising the sale of previously owned personal goods by casual seller, including estate, barn, truck, and garage sales.

X. Vending Machine Sign: Sign integral to vending machines.

7.5.5 Special Conditions:

A. Limitations: No sign visible from a street or an adjoining property shall be established, constructed, reconstructed, enlarged, extended, moved, or structurally altered unless it shall conform to these Regulations and unless the applicant obtains a permit from the Zoning Commission.

B. Abandonment: No sign shall be displayed on a site where the use for which the sign was originally permitted has not existed for a period of one year from the date of cessation of such use or from the effective date of this regulation. Signs remaining beyond the period shall be considered abandoned and shall be removed from public view within 30 days. If not removed, either voluntarily or in response to written notification from the Town, abandoned signs shall be removed by Town officials and the owner of the property shall be liable for the cost of removal and disposal of the sign.

C. Forfeited Signs: Any sign installed or placed on municipal property, except in conformance with the requirements of this Section, shall be forfeited and subject to removal and disposal by appropriate Town Officials. In addition to other remedies herein, the Town shall have the right to recover from the owner or person placing such a sign the full costs of its removal and disposal of such sign.

D. Signs in Violation: Any sign in violation of the regulations in effect at the time these revisions are enacted does not become a legal nonconforming to these revisions.

E. All sign permits are conditioned on payment of the fee set in Appendix B of these Regulations.

7.5.6 Design Standards:

A. Design guidelines, such as those developed by the Connecticut Department of Transportation., the International Sign Association, and the United States Sign Association, are available in the Land Use Office. These guidelines provide helpful information about how to make signs most effective. These studies show which uses of color, style, size of lettering, and number of words have maximum impact on viewers. Applicants are welcome to make use of this material in developing their respective signs.

B. The content of a sign shall direct attention only to objects, products, places, activities, persons, institutions, organizations, or businesses located, held or offered on the property on which the sign is displayed, except when a permit is authorized for a sign permitted under Sections 7.5.16.1.A; 7.5.16.2; 7.5.10.L.ii; 7.5.15.B;.

7.5.7 Sign Characteristics:

A. Sign Area: The sign face area consists of the following:

i. Sign measurement shall include any framed or outlined area.

ii. Sign measurement shall be based upon the entire area of the sign with a simple continuous perimeter enclosing the extreme limits of the actual sign surface, not including structural supports, provided that the supports are not used for advertising purposes. Any sign may be double-faced, and only one face shall be counted in determining conformity to size area limitations.

B. Size: The size permitted for a sign is governed according to the district in which the sign is to be displayed or as permitted in Subsection 7.5.15.A.

C. Height: Signs shall be measured from the ground to the highest point of the sign or support structure whichever is the highest according to the district. Signs affixed to buildings shall not extend above the highest portion of the building.

D. Construction: All signs shall be designed and constructed to support safely their weight and to withstand wind and other stress, meet electrical codes if illuminated, and be in compliance with the State of Connecticut Basic Building Code.

E. Location: Signs must be within the frontage of the property for which the sign is intended except as permitted under Subsections 7.5.16.1.A; 7.5.10.L.ii; 7.5.15.B; 7.5.16.2.

F. No sign shall be permitted at any location for any purpose which could interfere with or obstruct the view of traffic or could be confused with any authorized traffic sign, signal, or device.

G. Illumination: Any and all illumination used for the purposes of enhancing the visibility of signs shall be arranged in a manner that all light is concentrated on the sign and no light directly or by reflection shall be cast on to the street or adjacent property. Exposed unshielded lighting sources such as bulbs, tubes and similar devices are prohibited.

7.5.8 Exempt Signs: The following signs are exempted from this regulation:

A. Legal Obligations: Any sign required by a valid and applicable federal, state, or local law, regulation, ordinance, or judicial order.

B. Holiday Decorations: Holiday lights and decorations with no commercial message.

C. Historical and Archeological Signs: Memorial plaques or monuments, building markers, or historical plaques and similar items displayed for noncommercial purposes.

D. Mailboxes: Mailboxes, newspaper boxes and similar receptacles containing limited identification as permitted by the U.S. Postal Service or commercial mail carriers.

E. Internal Signs: Signs contained solely within a building, and intended solely for internal use and not for attracting attention from the outside.

F. Traffic signs installed by an authorized agency.

G. Signs required or recommended by the Manual of Uniform Traffic Control Devices.

7.5.9 Prohibited Signs: All signs not specifically permitted are prohibited. Prohibited signs include, but are not limited to the following:

A. Sign Types: Animated Signs, Balloon Signs, Banners, Beacons, Billboards, Festoons, Flag Signs, Inflatable Signs, Internally Lit Signs (including those inside a building that are visible from the road or adjacent property and in vending machines), Portable Signs, Roof Signs (except in Middle Quarter District), and vehicular signs that are not used in the normal course of business.

B. Off-Property Signs: Signs which advertise or direct attention to a business, commodity, service, or entertainment that is conducted or offered for sale elsewhere than upon or within the property where the sign is located, except as allowed in Subsections 7.5.16.1.A; 7.5.10.L.ii; 7.5.15.B; 7.5.16.2.

C. Subdivision Identification Signs: Signs are not permitted for subdivisions that have public streets and do not have a governing Homeowners Association.

7.5.10 Signs Permitted In Any Zone:

A. Agricultural Signs: One freestanding sign or building sign, attached but not painted, the principal sign area of which shall not exceed six square feet, and a supplemental sign, the area of which shall not exceed two square feet.

B. Building Marker Signs: One non-illuminated building sign, attached not painted, which sign area shall not exceed two square feet.

C. Construction/Repair Signs: One non-illuminated, provisional sign for each contractor, each sign not to exceed four square feet, provided that it is removed upon the completion of the work. The completion of the work shall be determined upon announcement by the contractor that the work is complete, and/or the submission of an invoice requesting payment in full which indicates all such work is complete.

D. Event Signs: As permitted by Section 7.5.16.2.

E. Farm Signs: One freestanding sign, the principal sign area not to exceed six square feet, and a supplemental sign, the area not to exceed two square feet, and/or a wall sign on a building behind the building line, in a total aggregate amount of signage not to exceed one square foot of area for each linear foot of wall of the principal building that faces the frontage of the property.

F. Historic District Signs: One or more signs, the sign area not to exceed six square feet.

G. Home Occupation Signs: One non-illuminated sign, freestanding or attached, but not painted on a building, not to exceed four square feet.

H. Institutional Signs: One or more signs, the total aggregate amount of signage not to exceed eight square feet.

I. Political Signs: One or more signs, the total aggregate amount of signage per property shall not be limited.

J. Private Property Signs: One or more non-illuminated signs, not to exceed one square foot per sign, and displayed no more frequently than one sign every 100 feet of property line.

K. Public Auction Signs: One non-illuminated sign not to exceed eight square feet that meets the requirements of Section 7.5.16.3.D.

L. Real Estate Signs:

i. Marketing Signs: One non-illuminated, provisional sign on the property being marketed not to exceed four square feet in area, provided that it is removed within five days following completion of the sale or lease. Corner lots may have two signs, each sign no closer than 25 feet of the corner.

ii. Open House Signs: Subject to landowner approval, up to four temporary signs, each sign limited to two square feet, are permitted at locations other than the property having the Open House. Such signs are permitted only during the period of the open house and must be removed immediately after the open house is terminated. Real Estate Agencies must have paid their annual fees and are limited to one such use of temporary signs in any one day.

M. Recreational Signs: One or more non-illuminated freestanding signs, the total aggregate sign area not to exceed eight square feet.

N. Residence Signs: One non-illuminated sign, freestanding or attached, but not painted on a building, not to exceed two square feet.

O. Subdivision Marketing Signs: One non-illuminated, provisional sign to be used for marketing purposes, not to exceed six square feet, provided that it is removed when 75% of the lots have been sold or within one year following the expiration of the subdivision approval, whichever occurs first.

P. Tag Sale Signs: Signs in accordance with Subsection 7.5.16.1.A.

7.5.11 Signs Permitted in Main Street Design District:

A. General: Signs, including those permitted by Subsection 7.5.10, are permitted in the MSD District upon receipt of a Certificate of Appropriateness from the Woodbury Historic District Commission and, as applicable, a Special or Sign Permit from the Zoning Commission.

B. Freestanding Signs: Freestanding signs within Main Street Design are limited in height so that the top edge of the principal sign shall not be higher than 12 feet. Freestanding signs are not allowed for properties that have less than 25 feet of area between the edge of the traveled way and the building line.

C. Single Business: One sign per lot, freestanding, projecting from, or attached to, but not painted on the building, the principal sign area not to exceed six square feet and a supplemental sign, the area not to exceed two square feet.

D. Multiple Businesses: One sign per lot, freestanding or projecting sign, the principal sign area not to exceed six square feet, and a supplemental sign, the area not to exceed two square feet, and one sign, projecting or attached, but not painted, on the building for each business, each sign area not to exceed four square feet. Total aggregate square footage for all signage shall not exceed one square foot per linear foot of frontage.

E. Multiple Businesses in Excess of 150 Feet from Main Street: Properties containing multiple businesses in buildings whose access is directly from Main Street and which are in excess of 150 feet from the traveled way are permitted one freestanding sign, the principal sign area not to exceed 15 square feet, and a supplemental sign, the area not to exceed three square feet. Additionally, the property is permitted to have a directory sign located within the property. The directory shall identify the businesses in the complex and shall not exceed two square feet per establishment. Businesses may also have individual signs on the building provided that such signs visible from Main Street shall not exceed four square feet.

F. Window Advertisements: One or more non-illuminated window signs which occupy no more than 10% of the total window area of the principal facade of the building or business segment within the building, whichever is smaller.

G. Incidental Signs: One or more signs within the property, each of which does not exceed one square foot.

H. Adjustment to Sign Size: In recognition that Main Street Design is a Special Use District consisting of both residential and business uses and in consideration of the mechanics of visual communications and to promote traffic safety, the size of business signs within Main Street Design may be adjusted based upon the following criteria:

i. Principal signs and supplemental signs located within 50 feet of the traveled way shall be limited to the size stipulated.

ii. Principal signs located between 50 and 100 feet of the traveled way may be increased 25%, e.g., the six square foot principal sign may be increased to seven and one-half square feet. The size of the supplemental sign shall not be increased.

iii. Principal signs located beyond 100 feet from the traveled way may be increased 50%, e.g., the six square foot principal sign may be increased to nine square feet. The size of the supplemental sign shall not be increased.

iv. Businesses availing themselves of the increase in signage are encouraged to consider sign designs suggested in the Design Guidelines.

7.5.12 Signs Permitted in Middle Quarter:

A. Signs, including those permitted by Section 7.5.10, are permitted in Middle Quarter upon approval of a site development plan and, as applicable, the issuance of a sign permit.

B. Business Signs: Signs relating to a business that are attached to or painted on the wall of such business behind the building line up to one square foot for all signs for each foot of building frontage actually occupied by the business, or 24 square feet, whichever is less.

C. Freestanding Signs: Freestanding signs within Middle Quarter are limited in height in order that the top edge of the principal sign shall not be higher than 16 feet.

D. Incidental Signs: Signs within the property and not visible from any public street, each sign not to exceed one square foot.

E. Roof Signs: Signs constructed on a roof provided that such signs neither extend beyond the edge of the roof nor are located higher than the ridge line of a building, excluding any chimneys, and the size shall not exceed 5% of the roof area that faces the road corresponding to the area of the building actually occupied by the individual business, or 24 square feet, whichever is less. A business may not utilize, for the purposes of calculations, roof area that does not directly correspond to the area of the structure actually occupied by the business.

F. Single Business on One Property: In addition to provisions of Section 7.5.12.B, one freestanding sign, the principal sign area shall not to exceed 24 square feet, and a supplemental sign not to exceed four square feet.

G. Multiple Businesses Up to Three on One Property: In addition to provisions of Section 7.5.12.B, one freestanding sign, the principal sign area not to exceed 24 square feet, and a supplemental sign not to exceed six square feet.

H. Shopping Center/Mall Signs: Where four or more business establishments are part of a planned shopping center/mall, the following signs are permitted:

i. One freestanding sign at the main entrance identifying the Shopping Center/Mall, the principal sign area of which shall not to exceed 24 square

feet, and a supplemental sign not to exceed six square feet. Any supplemental sign must be attached to the principal sign.

ii. One freestanding sign at a secondary entrance, provided there is a 200 foot separation between entrances, identifying the Shopping Center/Mall, the principal sign area which shall not exceed 24 square feet, and a supplemental sign which shall not exceed six square feet.

iii. A directory sign located within the property at either the primary or secondary entrance. The sign shall contain the word "Directory," and the size will be dependent upon the number of business establishments in an amount not to exceed two square feet per establishment, and in no case exceed a total aggregate size of 24 square feet.

iv. Individual business signs as permitted in Section 7.5.12.B, the total aggregate amount of signage visible from off the property must not exceed the amount allowable under Section 7.5.12.B.

v. Window Advertisements: One or more non-illuminated window signs occupying no more than 15% of the total window area of the principal facade of the building or business segment within the building, whichever is smaller.

7.5.13 Signs Permitted in Garden Apartment and Planned Residential Development Overlay Districts:

A. General: Signs, including those permitted by Section 7.5.10, may be authorized in Garden Apartment and Open Space Design Overlay Districts subject to approval of a site development plan and a sign permit.

B. Apartment Complex Identification Signs: One freestanding, projecting, or attached sign, the primary sign area of which shall not exceed six square feet, and a supplemental sign which shall not exceed two square feet.

C. Freestanding Signs: Freestanding signs are limited in height in order that the top edge of the principal sign shall not be higher than 10 feet.

D. Open Space Developments that have Private Thoroughfares, Common Property and a Governing Homeowners Association: One freestanding sign, the area of which shall not exceed eight square feet.

7.5.14 Signs Permitted in Earth Excavation and Planned Industrial Districts:

A. General: Signs, including those permitted by Section 7.5.10, may be authorized in the Planned Industrial District upon approval of a site development plan and a sign permit.

B. Business Identification Signs: Freestanding signs marking the entrances to the property, the total sign area not to exceed a total aggregate of 24 square feet or an amount equal to 12 square feet for each entrance, whichever is less.

C. Freestanding Signs: Freestanding principal signs are limited to a top edge height of no more than 14 feet.

7.5.15 Signs Permitted as Exceptions:

A Signs for Businesses on State Highways: Signs for businesses whose frontage is on a state highway and not otherwise located in districts covered under Sections 7.5.11, 7.5.12, 7.5.13 or 7.5.14:

i. The allowable size of a permitted sign in square footage will be determined in accordance with a formula based upon the posted speed limit within the frontage as follows: the posted speed limit divided by 10, represented as a

decimal, (e.g., 55 MPH is 5.5, 40 MPH is 4.0, etc.) and multiplied by 2; for example , a sign situated in a 40 MPH zone would be allowed eight square feet (40/10 = 4 x 2 = 8), a sign in a 35 MPH zone would be allowed seven square feet (35/10 = 3.5 x 2 = 7).

ii. The sign must be placed in accordance with Section 7.5.7.E.

iii. In addition to the allowable sign, one supplemental sign not to exceed two square feet is authorized.

B. Standardized International, National, or Fraternal Signs: These types of signs may be displayed off-property within the Town provided that the signs do not exceed four square feet and that there are no more than two such signs per organization and provided that a sign permit is issued.

7.5.16 Temporary Signs:

7.5.16.1 Private Individual Signs:

A. Tag Sale Signs: Tag Sale signs are permitted in any zone on an owner's property. Additionally, two off-site signs, each sign not to exceed two square feet, are permitted with a sign permit. On-site signs are not to exceed a total aggregate of six square feet and must be on the property where the sale is being held. Signs may be erected no earlier than three days prior to the date of the sale. Signs are permitted only during the period Friday through Monday. Off-site signs must be located in accordance with Town and State Statutes or Ordinances. Signs must be removed immediately after the sale.

7.5.16.2 Civic, Community and Institutional Organizations:

A. Holiday Event Signs: Holiday event signs are permitted in any zone with a permit. Signs are limited in size not to exceed six square feet per sign. Signs may be erected no earlier than 14 days prior to the event. Signs must be removed within three days after the event. The number of signs shall be limited to four per event. Additional signs may be allowed upon approval of the Zoning Commission depending on the size of the event and the number of organizations involved

B. Non-Holiday Event Signs: Non-holiday event signs, including special events approved under Section 3.3.6, are permitted in any zone, located only on the site of the event or, as specifically approved, on public property, with a permit. Signs are limited in size not to exceed six square feet. Signs may be erected no earlier than 14 days prior to the event. Signs must be removed within three days after the event. Each event is limited to four signs. Organizations are limited to four events per year with no two events being closer than 28 days.

7.5.16.3 Commercial Businesses:

A. New or Relocated Business "Grand Opening" Temporary Sign: A new business may, as a one-time exception and upon the issuance of a temporary sign permit, display a temporary sign or signs, the total aggregate amount not to exceed 20 square feet for a period not to exceed 28 consecutive days. The type and location of such temporary signs are to be specifically stated.

B. Going Out of Business Temporary Sign: A business that is legitimately going out of business may, as a one-time exception and upon the issuance of a temporary sign permit, display a temporary sign

or signs, the total aggregate amount shall not exceed 20 square feet for a period not to exceed 28 consecutive days. The type and location of such temporary signs are to be specifically stated.

C. In Lieu of a Permanent Sign: A temporary sign may be permitted in the event a permanent sign application is pending before the Zoning Commission or is under construction. Application for this circumstance must clearly state the size and location. Such sign shall not be larger than the size for permanent signs permitted in that district. The sign shall be located in the position where the permanent sign would be located. The display of such signs is limited to 28 consecutive days and must be removed when the permanent sign is erected or within five days of the date that the Zoning Commission denies the sign permit application.

D. Public Auction Signs: One non-illuminated, temporary sign on the property that identifies the auction, not to exceed eight square feet, not to be posted more than 14 days prior to the date of the auction, and to be removed immediately following the auction.

E. Real Estate Open House Signs: Signs as permitted by Section 7.5.10.L.ii.

F. Commercial Businesses Located Within all Zones Except Planned Industrial, Main Street Design, and Middle Quarter: Businesses in these zones are prohibited from displaying temporary signs except as allowed in Subsection 7.5.16.3A, B & C above. Businesses are encouraged to use their Supplemental Sign allowance in lieu of the need for a temporary sign.

G. Commercial Businesses Within Planned Industrial, Main Street Design, and Middle Quarter: Businesses may display one temporary freestanding sign advertising a special sale, promotion, or other important business event four times per calendar year under the following conditions:

i. Issuance of a temporary permit for each occurrence.

ii. Sign size shall not be more than six square feet nor more than four feet in total height.

iii. Permit period shall be for no more than 14 consecutive days.

iv. No sign shall be placed within the right-of-way of any Town or State road nor obstruct the sight line of any intersection.

v. All signs must be in good repair, sound construction, and have a professional appearance.

vi. Only one temporary sign may be displayed at a time for lots with road frontage under 150 feet. For lots with frontage is over 150 feet, temporary signs must be no closer than 150 feet of another temporary sign allowed under Section 7.5.16.

vii. Payment of the fee as provided in Appendix B.

7.5.17 Signs of a Special Nature: For any signs not specifically authorized by a category in these Regulations, the Zoning Commission may approve such signs in a category that most nearly resembles the use of the proposed sign or category that is consistent with the signs in the vicinity of the affected property.

7.5.18 Permit Application Procedure:

7.5.18.1 General Requirements: No signs shall be erected in the Town of Woodbury until a Zoning or Sign Permit has been issued based on receipt and approval of the following:

A. Rendering or Sketch: A rendering or sketch of the sign showing type, size, height, and lighting.

B. Plot or Site Plan: A plot or site development plan showing sign location in reference to property lines, setback lines and sight lines.

C. Certificate of Appropriateness: A certificate of appropriateness from the Historic District Commission for signs located within Historic Districts.

D. Authorization: Written authorization from the property owner where the sign will be placed.

E. Release: A release statement absolving the town of any liability for signs placed on town property.

F. Approvals: Approvals from appropriate agencies for signs used in conjunction with a use that requires approval from such agencies.

7.5.18.2 Exemptions: Building Markers, Incidental Signs, Political Signs, Private Property signs, Residence Signs, Tag Sale Signs (on an owner's property), and Window Signs do not require a permit.

7.5.18.3 Permanent Signs: Any new signs; modifications of size, shape or location of existing signs; and signs of a special nature shall require either a review or an approval by the Zoning Commission depending on the district. Signs used in conjunction with a use that requires a Special Exception or Permit shall be part of that permit application in accordance with Section 8 of these Regulations. For a use not requiring such applications, a Zoning or Sign Permit shall be issued by the ZEO.

7.5.18.4 Provisional Signs: Signs erected as provisional signs must have a Zoning Permit issued by the ZEO upon submittal of the following:

A. Real Estate Agencies: Proof of payment of annual sign fees to the Town of Woodbury.

B. Contractors: A statement indicating location, size, anticipated duration of the sign, and that the property on which the sign is to be located is not in violation of any Zoning Regulations.

7.5.18.5 Temporary Signs: Signs erected as temporary signs must have a Temporary Sign Permit Issued by the ZEO upon submittal of the following on forms provided by the ZEO:

A. Statement: A written statement indicating size, location, time period of display, and affirming that the applicant is not in violation of any Zoning Regulations.

B. Fees: A permit fee as provided in Appendix B.

C. Authorization, Approvals and Releases: As required by Section 7.5.18.1 above, and any other applicable requirements of these Regulations.

7.5.19 Enforcement:

7.5.19.1 General:

A. Records: The Land Use Office shall maintain a record of all sign permits and shall also maintain a log indicating the location(s) and date(s) of all temporary signs.

B. Responsibility: The owner of the property upon which a sign is located is responsible for ensuring the sign meets the provisions of these Regulations.

C. Enforcement Process: Enforcement of these Sign Regulations shall be consistent with the procedures as set forth in the Zoning Regulations.

7.5.19.2 Signs in Violation:

A. Without Permits:

i. Signs placed on or within Town Property shall be removed by the ZEO without notice.

ii. Signs placed on properties other than Town Property shall initiate the enforcement process stated in Section 7.5.19.1 above.

B. With Permits:

i. Applicant shall be notified in person or by telephone to remove the sign.

ii. If the sign is placed on Town Property and is not removed within 48 hours, the ZEO, in accordance with the provisions of the sign permit, shall remove the sign and the security deposit will be forfeited.

iii. If the sign is placed on properties other than Town Property and the sign is not removed within 48 hours, the security deposit shall be forfeited and the enforcement process as stated in Section 7.5.19.1 above shall begin.

7.6 Soil Erosion & Sediment Control

7.6.1 General: A soil and sediment control plan shall be submitted with any application for a zoning permit for development when the disturbed area of such development totals, cumulatively, more than one-half acre. Only a single family dwelling that is not part of a subdivision of land shall be exempt from the submission of a soil erosion and sediment control plan.

7.6.2 Definitions:

A. Certification: A signed, written approval by the Zoning Commission or ZEO that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.

B. Commission: The Zoning Commission of the Town of Woodbury, Connecticut.

C. County Soil and Water Conservation District: The Litchfield County Soil and Water Conservation District established under Subsection (a) of Section 22a-315 of the Connecticut General Statutes.

D. Development: Any construction or grading activities to improved or unimproved real estate.

E. Disturbed Area: A disturbed area is any area where the ground cover is or will be destroyed or removed thereby leaving the land subject to accelerated erosion.

F. Erosion: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

G. Grading: Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
H. Inspection: The periodic review of sediment and erosion control measures shown on the certified plan.
I. Sediment: A solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
J. Soil: Any unconsolidated mineral or organic material of any origin.
K. Soil Erosion and Sediment Control Plan: A plan that minimizes soil erosion and sedimentation resulting from development and including but not limited to a site plan map and narrative.

7.6.3 Best Methods and Practices: To be eligible for certification, a soil erosion and sediment control plan shall contain provisions to control adequately accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based upon the best available technology. Such principles, methods, and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. Alternative principles, methods and practices may be used providing that prior approval of the Commission has been received.

7.6.4 Components of Soil Erosion and Sediment Control Plan: Where required by these Regulations, the soil erosion and sedimentation control plan shall contain, but is not limited to:

A. A narrative describing:
   i. The proposed development.
   ii. The proposed schedule for grading and construction activities including:
      a. Starting and completion dates;
      b. The sequence of grading and construction activities;
      c. The sequence for installation and/or application of all soil erosion and sediment control measures;
      d. The sequence for final site stabilization.
   iii. The design criteria for proposed soil erosion and sediment control measures.
   iv. The construction details for proposed soil erosion and sediment control measures.
   v. The installation and/or application procedures for proposed soil erosion and sediment control measures; and
   vi. The operation and maintenance program for proposed soil erosion and sediment control measures.
B. A site development map that is in compliance with Section 8 of the Woodbury Zoning Regulations.
C. Any other information deemed necessary and appropriate by the Commission or its designated agent.

7.6.5 Minimum Acceptable Standards:

A. Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles outlined in Chapters 3 and 4 of the Connecticut Department of Energy and Environmental Protection (DEP)

Guidelines for Soil Erosion and Sediment Control (2004), as amended. Soil erosion and sediment control plans shall result in a development that:

i. Minimizes erosion and sedimentation during construction;

ii. Is stabilized and protected from erosion when completed; and

iii. Does not cause any off-site erosion and/or sedimentation problems.

B. The minimum erosion and sediment control standards for individual measures are those in the Connecticut DEP Guidelines for Erosion and Sediment Control (2004), as amended. The Commission may grant exceptions to these minimum standards when requested by the applicant only when technically sound reasons are presented.

7.6.6 Certification or Denial of Erosion and Sediment Control Plans:

A. The Commission shall certify a soil erosion and sediment control plan when the plan complies with the requirements and objectives of these Regulations. When the soil erosion and sediment control plan fails to comply with these Regulations, the Commission shall deny certification of the plan.

B. When the Commission requires that a soil erosion and sediment control plan be submitted to the Soil Conservation District and/or other agencies for review and comment, it shall be the responsibility of the applicant to submit the plans to the appropriate agencies. Any comments received from review agencies shall be submitted to the Commission as part of the application.

7.6.7 Conditions:

A. The estimated cost of measures required to control soil erosion and sedimentation and for site stabilization at any time during the construction phase may be covered in a performance bond at the discretion of the Commission.

B. Zoning permits shall not be issued for construction on the site until the erosion and sediment control plan is certified by the Commission and the specified control measures, as outlined in the plan, are installed properly.

C. The developer/owner shall be responsible for maintaining all erosion and sediment control measures and facilities in proper working order throughout the life of the project.

7.6.8 Inspections: Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and to ensure that control measures and facilities are properly installed and maintained.

7.6.9 Enforcement: Enforcement of the Soil Erosion and Sediment Control Regulations shall be the responsibility of the Commission or its designated agent. Failure to install and/or maintain properly any erosion and sediment control measures may result in the issuance of a stop-work order until the problem is satisfactorily corrected.

7.7 Commercial Cutting of Timber

Any permitted commercial timber cutting approved in accordance with Section 3.3 of these Regulations shall comply with the following standards.

7.7.1 Watercourse Protection:

A. During harvest operations watercourses shall be protected from siltation. Partial cuttings, designed to create uneven aged stands, shall be used within 100 feet of these watercourses. No more than 50% of the merchantable volume shall be removed, taking care in selection of leaf trees to minimize water temperature increases and visual impact. "Merchantable" is defined as "timber that is removed from a logging site."
B. Trees shall not be felled into or across streams in a manner that damages the streams or creates erosion. Logging debris accidentally dropped into streams and ponds shall be promptly removed.
C. Harvesting equipment shall not alter the channel. All stream crossings shall be at a right angle.
D. After the completion of a harvest operation, banks at stream crossings shall be graded and restored to their original condition. Re-seeding with an appropriate grass mixture may be required.

7.7.2 Logging Roads and Trails: The location of all main haul or skid roads, including alternate routes, shall be approved by the Commission prior to the commencement of harvesting operations.

A. All roads shall be located so as to minimize construction or use impact on the land.
B. Adequate drainage control systems and stabilization systems shall be provided and maintained to control erosion and siltation.
C. Unless otherwise stipulated, all roads, main skid trails, landings and sawmill sites shall be stabilized. Temporary culverts shall be removed, water bars installed where necessary, ruts filled or graded out and gutters cleaned.
D. Where required for erosion control or where required for wildlife protection, major skid roads, landings and/or sawmill sites shall be limed, fertilized, and seeded with an appropriate mixture of grass and legumes. The area must be stabilized within 21 days.

7.7.3 Aesthetic Considerations:

7.7.3.1 Border Strips:

A. Within 100 feet of any automobile road, recreation trail or other recreation area, or boundary line, harvesting of trees shall be partial cuttings. Not more than 50% of the merchantable volume may be removed. In high visibility areas, uneven age stands shall be required to provide change and variety in scenery.
B. Special consideration shall be given to those border strips in the following situations: 1) screen clear-cuts, sheltered cutting or other heavy cuts that would be deleterious to the landscape aesthetics; and 2) screen yarding and loading area, all debris shall be removed.

7.7.3.2 Brush Control:

A. When appropriate herbicide treatments are used, chemicals must carry a federal registration and be applied strictly in accordance with authorized uses, label directions, and federal and state guidelines.
B. Unusual tree specimens, flowering shrubs and trees, or those species that have value as food producers or den sites for birds and other wildlife shall be preserved as directed by the Commission.

7.7.3.3 Slash:

A. Slash shall be removed within 25 feet of any automobile road, established recreation trail, pond, lake or stream or residential boundary lines; or lopped to four feet or less.

B. Within 150 feet of a residential boundary, hiking trail, or automobile road, slash, severely bent or broken trees shall be dropped and/or lopped to a height not to exceed six feet.

7.7.4 Harvest Methods: Because of the wide variation in forest types, stand size classes, stocking levels, and timber volumes that exist in Connecticut woodlands, there is a variety of methods that can be used, either singly or in a combination, in harvesting and reforestation to meet the stated purpose. These methods include: clear-cutting with natural reproduction; direct seeding or planting; seed-tree cutting; selection cutting, including diameter limit harvesting; shelterwood cutting; and such other methods as shall be consistent with good forestry practice.

7.7.4.1 Clear Cutting: Although even-age management is an accepted silvicultural practice, particularly with hardwood species, its use should be practiced judiciously. A clear-cut area presents a severe visual impact to those unfamiliar with this harvest method; therefore, clear-cutting shall have the following restrictions:

A. Maximum of five acres in size, not renewable for a period of three years. In instances of severe insect infestation or disease more extensive clear-cutting may be approved by the Commission. In such instances, the Commission shall require certification of the existence of the disease or insect infestation by a consulting forester registered by the State Board of Registration for Foresters.
B. Irregular in shape; avoid linear cutting bounds.
C. Soften edges by partial cutting within 50 to 100 feet of clear-cut boundaries.
D. Screen clear-cut areas with border strips along roads, trails, or other areas of heavy public use.
E. No clear-cutting on ridge tops; these areas are the most visible.
E. In most cases even aged management may be accomplished through shelterwood cuttings rather than clear-cutting.

7.7.5 Bonding: The applicant shall post a bond in compliance with Section 9.5.

7.8 Site Development Earth Excavation

7.8.1 No processing of any earth materials excavated in accordance with this Section of these Regulations shall be permitted except for on-site use as specifically approved by a Special Exception issued pursuant to Section 3.4.9 or in connection with commercial earth materials activities in operation prior to May 25, 1970. Approved processing shall comply with the following unless otherwise specifically authorized by the Special Exception:

A. No processing equipment shall be located within 150 feet of a street line, a wetland or watercourse or within 100 feet of an abutting property line, unless such abutting property is owned by the owner of the property on which the processing will occur.

B. No processing equipment shall be located within 300 feet of any place of assembly.

C. No processing equipment shall be operated on Sunday or legal holidays.

D. All conveyors and chutes associated with the processing equipment shall at all times utilize noise reduction materials such as rubber lining or other noise abatement mitigating materials or procedures approved by the ZEO.

E. All processing equipment shall utilize muffler systems. Evidence of the same shall be submitted to the Commission at the time the application is filed.

7.8.2 Any blasting associated with earth materials excavation under this Section of these Regulations must be specifically authorized by the Special Exception.

7.8.3 No topsoil shall be transported from the lot, except that which is excavated from the location of buildings, structures, driveways, sidewalks, terraces, and other paved areas on the property as necessary for construction of same and as shown on the site development plans.

7.8.4 No excavation shall be made below grade of any abutting street within 150 feet, unless approved as part of a Site Development Plan, or below the grade of any adjoining property boundary within the applicable required yard unless expressly approved otherwise based on demonstrated need to meet site development objectives or as part of a legally existing operation as defined in Section 3.4.9.3 but in no event less than 25 feet or below the grade of any existing residence within 150 feet without written permission of the adjoining property owner.

7.8.5 No excavation or fill shall be made that would reduce the final elevation below flood plain, change the area of the flood plain, or expose groundwater unless after proper analysis it is determined that no pollution or silting of existing water courses, or increased flood or erosion hazards, or other effect on water supply or purity will result and any necessary permits have been issued by the Woodbury Inland Wetlands and Watercourses Agency.

7.8.6 Final restored slopes shall be graded to at least three feet horizontal to one foot vertical unless steeper grades are expressly approved as part of a site development plan. No slopes in excess of one foot vertical to two feet horizontal shall be created by excavation or deposition unless the site development plan shows sufficient soil stockpiles to create final slopes of one foot vertical to three feet horizontal. No excavation shall be made lower than three feet above ledge or such greater distance above ledge as may be required to permit the re-graded site to meet the final restored grades.

7.8.7 No excavation, deposition, or processing activities shall take place after 6:00 PM or before 7:00 AM.

7.8.8 Site restoration, including required buffer strips or other landscaping, shall be shown on the site development plans and shall be compatible with the adjoining properties and surrounding neighborhood.

7.8.9 The Commission may impose a site restoration bond as a condition of approval, in form and amount acceptable to the Town Land Use Office based on cost calculations provided by the applicant. Such bond shall be in addition to any bond required as a condition of approval of the proposed site development plan or other permit plans.

7.8.10 The Commission may require evidence of liability insurance naming the Town of Woodbury as an additional insured for any liability resulting from the permitted operations.

7.8.11 A Special Exception issued pursuant to this Section shall be valid for a period of two years and may be renewed upon re-submittal of a site development plan application representing current conditions. The Commission may require a public hearing on any renewal application if it determines that there has been a significant change in circumstances.

7.8.12 Violation of these standards or of any conditions of approval of a Special Exception pursuant to these Regulations shall result in enforcement action in accordance with Connecticut General Statutes Section 8-12, as determined appropriate by the Commission or the ZEO.

7.9 Earth Excavation

Any earth materials activities conducted pursuant to Section 5.5 of these Regulations shall be conducted in compliance with the following standards in addition to any conditions contained in any approved permit.

7.9.1 Location of Operation: No excavation, deposition, processing, or other disturbance of pre-existing ground cover, other than approved restoration and reclamation activities, shall occur on the premises outside the permit area. The permit area shall be worked in conformance with the approved plans and these Regulations.

7.9.2 Boundary Monuments: Any owner of property within an Earth Excavation district subject to a permit issued pursuant to these Earth Excavation Regulations shall mark the Earth Excavation district boundaries at all angle points and/or at one-hundred foot intervals of that property with permanent monuments and/or iron pins, unless otherwise provided by the Commission.

7.9.3 Depth Above Ledge: Except in rock quarries no excavation shall be made lower than three feet above ledge or such greater distance above ledge as may be required to permit the re-graded site to meet the proposed final contours at slopes not exceeding the maximum provided by these Regulations.

7.9.4 Relationship of Permit Area to Existing Features: No excavation or fill shall be made that would reduce the final elevation below flood plain, change the area of the flood plain, or expose ground water without specific prior approval of the Commission, which shall be given only when by proper analysis it is determined that no pollution or silting of existing water courses or increased flood or erosion hazards, or other effect on water supply or purity will result and any necessary permits have been issued by the Woodbury Inland Wetlands and Watercourses Agency. Within any rock quarry, to the greatest extent practical, any quarrying of rock which will affect existing ridge lines or create temporary exposed cliffs or create other permanent topographical features shall be done in a manner or adequately mitigated to assure compatibility with the Plan of Conservation and Development for the Town of Woodbury, as determined by the Commission. Any earth material excavation permitted by these Regulations shall, to the greatest extent possible, be done in a manner or adequately mitigated to preserve historic and archeological sites used for prehistoric and historic occupation, subsistence, industry, trade, agriculture, burial, and other cultural purposes, to assure compatibility with the Plan of Conservation and Development as determined by the Commission.

7.9.5 Depth of Excavation: No excavation conducted under a Special Permit issued pursuant to these Earth Excavation Regulations shall be made below the grade of any abutting highway within 150 feet thereof, unless approved by the Commission, or below the grade of any adjoining property at the property line within 50 feet thereof or within 150 feet of any dwelling existing at the date the permit is issued without the written approval of the abutting owner of private property or of the owner of the dwelling to be affected and the approval of the Commission.

7.9.6 Slopes During Excavation: Except in rock quarries no slopes having a grade greater than one foot vertical to two feet horizontal shall be created during excavation within 150 feet of any property not owned by the applicant or any street line unless the operator shall demonstrate to the reasonable satisfaction of the ZEO that material to re-grade the slope in accordance with Section 7.9.17 is available on the premises and that the slope is so re-graded within 60 days after excavation of the slope is commenced.

7.9.7 Reuse and Development: Excavation shall result in final grades and final rock quarry floor elevations that permit reasonable reuse and development as described in the Long Term Mining and Reclamation Plan filed in accordance with Section 5.5.7 of these Earth Materials Regulations.

7.9.8 Runoff and Erosion Controls: At all stages of work proper storm water drainage and erosion/sedimentation controls shall be provided to prevent excessive runoff and stagnant water, silting of streams or other water bodies, and damage to public or private property, streams, roads, or drainage facilities.

7.9.9 Equipment: No equipment directly or indirectly engaged in the excavation, processing, or transporting of earth materials shall be operated on the premises other than that listed in the application for a permit and approved by the Commission. No vehicles or equipment not used in connection with the work covered by the permit shall be operated, parked, repaired, or serviced within the permit area. No processing machinery not in place on April 1, 1969 shall be erected, maintained, or operated within 300 feet of any property or street line or such other distance as the Commission may establish as a condition of any Earth Materials Permit. Any processing machinery shall be used only to process earth material excavated from the permit area, earth materials and imported materials stockpiled on the respective earth excavation district prior to March 1, 2003**,** and imported materials as necessary for contractual obligations with any public entity or as demonstrated necessary for production purposes and specifically authorized in a permit.

7.9.10 Time of Operation: The following hours of operation shall apply to permitted earth materials activities subject to these Regulations:

A. Drilling, blasting, rock crushing, screening, and washing – 8:00 A.M. to 5:00 P.M. Monday through Friday, except holidays.

B. Production of asphalt, concrete, and other materials as authorized by a permit issued in accordance with these Earth Materials Regulations and transportation of materials within the premises and off-site – 6:30 A.M. to 7:00 P.M. Monday through Friday and 7:00 A.M. to 5:00 P.M. Saturday, except legal holidays. Pre-heating of production equipment may begin 30 minutes before the applicable start time.

For the purposes of this Time of Operation standard, holidays are New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas.

7.9.11 Tree Protection: All trees outside the permit area shall be protected from damage. Measures shall be taken by the permittee to insure that the boundaries of the permit area are clearly delineated for the duration of the permit.

7.9.12 Pollution Controls: Adequate provision shall be made for the muffling of sound and vibration; for soil erosion and sedimentation controls; and the prevention of dissemination of dust, including the treatment of all on-premise access routes with calcium chloride or similar material. Adequate provisions must be made to prevent the discharge of any pollution control chemicals, anti-sticking agents, sediment, oil, or other pollutants into any wetlands. The Commission may require water quality tests during the permit year as a condition of approval.

7.9.13 Warning Signs and Fencing: Adequate provisions shall be made for warning signs and security fencing as may be necessary or required, all subject to the approval of the ZEO or Commission.

7.9.14 Stockpile of Arable Soil: No arable topsoil existing within the permit area shall be removed from the premises until an amount adequate, in the opinion of the ZEO, to conform to these Regulations has been stockpiled at the storage area on the premises. Arable topsoil shall be separately stockpiled from subsoil and other fill material. All arable topsoil stockpiled for a period of more than 30 days shall be seeded with annual ryegrass.

7.9.15 Depth to Water Table: No excavation shall be made below the normal groundwater table, or soil contours changed, which results in a permanent lake or pond or drainage ditch, unless expressly approved by the Commission.

7.9.16 Securing Loads: It shall be the responsibility of the permittee to ensure that vehicles removing earth materials from the premises are so loaded and/or secured, including load covers, that there will be no spillage or release of such materials within the Town of Woodbury. The permittee shall be liable for the cost of cleaning any earth material spillage or repairing any damage to a road or roads of the Town of Woodbury caused by improper loading or securing of loads.

7.9.17 Restoration of Excavated Areas: All reclamation and restoration approved as a condition of any permit shall be completed within the permit period. The rest of the premises, including the permit area, except for the storage area, processing area and circulation routes, shall remain either undisturbed land or shall be graded to the proposed final contours and elevations and be otherwise restored, seasonal planting factors considered, pursuant to the Long Term Mining and Reclamation Plan. Within 90 days (excluding from said period the months of November, December, January, February and March) of the completion of the work authorized or the expiration or revocation of the permit, whether initial or renewed, the area of excavation, deposition, or disturbed ground shall be restored in accordance with the Long Term Mining and Reclamation Plan and the following standards, which may be waived or modified for good cause by a two-thirds votes of the Commission.

7.9.17.1 Finished Slopes: Reclamation areas shall be refilled, if necessary, with earth materials. Re-grading shall be to the final contours and elevations shown in the approved plans with slopes (measured from final lower elevation to final upper excavated elevation), not to exceed an average of one foot vertical in three feet horizontal or to such a lesser slope necessary for soil stability, safety of reasonable reuse, and development of the land but yet with sufficient grade to ensure adequate drainage, and sufficient diversity in land form to provide a more natural condition. Re-grading may include terracing

or shelving and the development of vertical rock faces as determined appropriate by the Commission. Rolling topography should be developed and sloped areas shall not exceed two hundred (200) feet of continuous length (measured perpendicularly to the contours) without a reverse bench or terrace, a change in grade (per cent of slope) or change in aspect (slope direction). Compaction of fill materials shall be based on calculations developed by a qualified engineer.

7.9.17.2 Drainage Swales: Adequate drainage swales of gradual contour shall be provided as needed to create positive flow. Minor depressions or detention areas may be developed to create diversity in landscape form and for storm water management purposes as deemed appropriate by the Commission.

7.9.17.3 Debris Removal: All loose boulders of less than 10 cubic yards and all debris shall be buried or removed from the site. Within any rock quarry, upon completion of the work in a specific area authorized by a permit, all natural debris and loose rock shall be buried or removed from the site.

7.9.17.4 Vegetation Restoration: A layer of arable topsoil which shall be substantially free of stones shall be spread evenly over the entire area to a minimum depth of six inches over reclaimed substrate or to a depth determined by the Commission to be necessary to support vegetation growth over natural substrate. Such cover soils shall be non-compressed and then fertilized, limed and seeded with a perennial grass/ground cover and maintained until the ground shall be stabilized with a dense cover in accordance with the provisions hereunder specified and until there exists no danger of erosion as determined by the Commission or ZEO. Restoration shall be done in accordance with the following:

i. The amount of fertilizer and lime to be applied shall be determined by the soil test prepared and/or approved by the U.S.D.A. Natural Resource Conservation Service.

ii. Grass/ground cover seed used shall be fresh and be in conformance with soil testing determinations with respect to liming, fertilizing, and watering. Seed composition and the application rate shall be based on sieve analysis and soil testing as performed by the permittee at a certified testing lab. Seeding shall be done as recommended by the seed manufacturer.

iii. Areas specifically proposed to include trees as a part of the restoration plan shall provide a minimum of two and one-half (2 ½) feet of earth material from the proposed grade to the ledge. Tree restoration shall include a combination of deciduous and evergreen trees and shrub species and shall identify the number, species type, size (height and caliper) and general locations of the planting. The plan shall also include a management plan narrative for general maintenance purposes including fertilizer type and application rate, liming rate, mulching, and a watering and pruning schedule.

iv. Trees to be used in restoration shall be young trees indigenous to the area. Size of the trees, planting density, and species type shall be approved by the Commission.

v. Soil erosion and sedimentation control provisions meeting the requirements of Section 7.6 of the Woodbury Zoning Regulations shall be incorporated in all restoration projects.

vi. Repairs: If the seeding or planting fails in whole or in part, the area shall be re-seeded, replanted and re-mulched until all eroded or

uncovered areas have been re-seeded and repaired to the satisfaction of the Commission.

7.9.18 Restoration Adjacent to Water Bodies: Areas shown as existing or proposed water bodies on the approved plans shall be considered restored when and to the extent that they have been excavated to the approved depth and all shore lines, other than those remaining within the permit area, have been re-graded to a slope not exceeding one foot vertical and two feet horizontal, and have been stabilized to the satisfaction of the Commission.

7.9.19 Failure to Work and Restore Site: The failure of a permittee, without the prior written approval of the Commission, to actively work the area covered by the permit for a period of six months (excluding the months of November, December, January, February and March) shall be prima facie evidence that the work authorized by the permit has been completed, and the burden shall be upon the permittee to prove to the contrary. Any failure to initiate restoration within the 90 day period following completion, expiration or revocation of the permit, such as to reasonably assure complete restoration by the end of said 90 day period (seasonal planting excepted) shall be a separate violation of these Regulations.

7.9.20 Blasting: Any blasting permitted in conjunction with a permit or renewal permit for a rock quarry shall comport with the following performance standards and procedures in addition to any other blasting performance standards or procedures the Commission may impose as conditions, based on specific permit application information, of any permit issued under these Earth Materials Regulations.

A. Performance Standards:

i. permittee shall plan all blasting in accordance with a plan for monitoring weather conditions approved by the Commission.

ii. blasting vibration shall be governed by a maximum resultant peak particle velocity of 0.5 inches per second in the earth for frequencies under 30 hertz, 1.0 inch per second in the earth for frequencies of 30 to 40 hertz, and 2.0 inches per second for frequencies over 40 hertz, as measured at any occupied structure off the premises and not owned by the applicant;

iii. the peak over-pressure (noise) from any blast shall be governed by a maximum of 0.0092 pounds per square inch (130 decibels) at any occupied structure off the premises and not owned by the applicant; and

iv. compliance with the above standards shall be confirmed by a continuous Seismic Monitoring Program and such other studies and analyses that the Commission determines necessary.

B. Blasting Notice, Monitoring, and Damage Complaint Procedures.

i. Permittee shall provide the Land Use Office with notification at least 24 hours prior to any anticipated production blast and shall notify other individuals requesting such notification of a production blast.

ii. All production and test blasts shall be monitored with air pressure, seismic, and decibel meters at no fewer than five (5) sites for each blast.

iii. Permittee shall notify in writing any property owner who has filed a complaint pursuant to Section 7.9.22 of these Earth Materials Regulations of the availability of a pre-blast survey and how to

request same. Upon such request, permittee shall conduct or arrange for a pre-blast survey that shall determine the condition of the dwelling or structure and document any existing damage and other physical factors that could reasonably be affected by the blasting. A written report of the survey shall be prepared and signed by the person who conducted the survey. A copy of the report shall be provided to the property owner requesting the survey. In the event that a permittee believes that a property owner is remote in location from any Earth Excavation District and is using this procedure in a manner inconsistent with the intent of these Regulations, the Commission may waive the requirement that the permittee provide a pre-blast survey to such property owner.

iv. Permittee shall assume all costs of repair/replacement due to damages to any structures and/or wells located within one-half (1/2) mile of an Earth Excavation district for which a permit has been issued or if such structure was surveyed pursuant to Section 7.9.20.B.iii, above, and if it is determined by a registered professional engineer selected by the homeowner from a list compiled by the Commission and approved by the permittee that in the engineer's professional opinion it is more probable than not that the damage to the structure or well was caused by blasting conducted in accordance with such permit. Permittee shall also pay for the cost of the engineering study.

7.9.21 Operations and Compliance Monitoring: If required as a condition of any permit issued under these Earth Materials Regulations, a permittee shall submit reports which shall include some or all of the following, as specified in any Commission approval:

A. On or before April 7 of each permit year and quarterly thereafter, a compliance report as detailed in conditions of approval consisting of:
   i. a complaint log and response report in accordance with Section 7.9.22;
   ii. a blasting log;
   iii. a tabulation of truck traffic;
   iv. A listing of overburden stockpiles and soil and erosion controls therefor;
   v. a description of all restoration work;
   vi. a report identifying the amount, type, and source of any clean earth materials imported onto the premises for reclamation;
   vii. a calculation of material excavated; and
   viii. such other information as the Commission may specify in any conditions of approval.

B. An Earth Materials Permit Progress Report on or before October 1 of each year during which any excavation activity occurs, consisting of the following:
   i. a signed and sealed A2, as-built survey of the premises, showing topography, structures, roads, drainage systems, wetlands, zoning district boundaries, permit area boundaries, and property ownership boundaries;
   ii. a report, signed and sealed by an engineer or surveyor registered and licensed to practice in the State of Connecticut regarding the progress

of the excavation, including the amount of material removed and existing contours in the area excavated in the previous one year period;

iii. a listing of all addresses for which pre-blast surveys were conducted and the dates thereof; and

iv. a report detailing restoration activities for the prior one-year period and describing all reclaimed areas including soil conditions and soil stability, survival rates of all plantings, and other information that may be requested by the Commission.

7.9.22 Complaints. All activities subject to these Earth Materials Regulations shall comport with the following complaint procedures.

A. All permittees shall maintain a local or toll-free telephone number for complaint referrals.

B. A log of all complaints received shall be maintained and filed with the Land Use Office, consisting of the date and time of the event, the nature of the complaint, a description of any physical damage identified, and an explanation of any actions taken in response by the permittee.

7.10 Wireless Communications Facilities

7.10.1 Purpose: The purpose of this section is to permit wireless communication facilities in accordance with applicable Federal and State jurisdictions within the Town of Woodbury while promoting the purposes of the Woodbury Zoning Regulations, including but not limited to protecting the public health and safety, protecting neighborhoods, minimizing the adverse visual and operational effects of wireless communication facilities, and specifically:

A. To encourage creative design measures to minimize adverse visual effects;
B. To provide standards for design, siting and vegetative screening to minimize adverse visual effects;
C. To reduce the number of antennas and towers needed in the future;
D. To accommodate the need for wireless communications towers and antennas while not unreasonably restricting their location and number; and
E. To encourage the joint use of any existing or new towers.

7.10.2 Location Preferences: The order of preference for siting the equipment associated with wireless communication facilities shall range from 1. as the most preferred to 6. as the least preferred as noted below.

1. On existing or approved towers.
2. On existing structures such as buildings, water towers, and utility poles.
3. On new towers less than 80 feet in height located in Planned Industrial (PI), Earth Excavation (EE) or Middle Quarter (MQ) districts.
4. On new towers 80 feet or greater in height located in PI, EE, or MQ districts.
5. On new towers less than 80 feet in height located in Main Street Design (MSD), Garden Apartment (GA), R40, OS60, OS80, and OS100 districts.
6. On new towers 80 feet or greater in height located in MSD, GA, OS-60, OS-80, and OS-100 districts.

7.10.3 Permits: Wireless Communication Facilities shall be permitted in all use districts subject to the following.

A. Permitted Use: Subject to the issuance of a Zoning Certificate of Compliance, a wireless communications facility mounted on a structure not exceeding a height of 45 feet above grade and otherwise meeting all applicable zoning requirements for structures may be located in any use district for the purpose of
   i. receiving wireless signals solely for non-commercial use, or
   ii. providing communications solely for Police, Fire, Ambulance, and other Emergency Dispatch.
B. Certificate of Zoning Compliance: Where the ZEO determines that an antenna proposed on an existing tower, structure or building meets one or more of the following criteria and all associated equipment is to be enclosed in an existing structure, the ZEO may issue a Certificate of Zoning Compliance for such antenna and wireless communication facilities subject to payment of a fee in accordance with Appendix B of the Woodbury Zoning Regulations.
   i. An omni-directional or whip antenna and support structure with a total length of 20 feet or less and 7 inches or less in diameter, provided its material and/or

color blends with the exterior of the structure.

ii. A directional or panel antenna or array of antennas each of which is six (6) feet or less in height and two (2) feet or less in width provided its location and appearance blend with the exterior of the structure or is similar to existing antennas on the same structure.

iii. A satellite or microwave dish antenna six (6) feet or less in diameter provided the building or rooftop mount is located or screened so it is not visible from abutting public streets.

C. Special Exceptions: Wireless Communication Facilities which do not qualify for Certificate of Zoning Compliance approval as provided above may be permitted only after the approval of a Special Exception as provided for in Section 8. Such use may be approved only after a finding that the use will comply with the standards of Section 8 and the special standards of this Section.

7.10.4 The following standards shall apply to any tower or wireless communications facility proposed in any Use District in the Town of Woodbury for the provision of commercial wireless communications services.

A. No lights shall be mounted on towers unless required by the Federal Aviation Administration (FAA). Strobe lighting shall be avoided where possible.

B. Towers not requiring special FAA painting or marking may be galvanized, painted a non-contrasting blue, gray, or other neutral color, or other such color as needed to blend into its location.

C. Towers may not be used to exhibit any signage or advertising.

D. No tower exceeding 80 feet in height shall be permitted within 500 feet of any Historic District as defined in the Woodbury Historic District Commission Regulations. No dish antenna visible from any adjoining property or public property shall be allowed in any Historic District as defined in the Woodbury Historic District Commission Regulations.

E. No tower may be permitted on any residential lot that is less than 200% of the minimum lot size for the use district.

F. Towers shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the proposed tower is over 100 feet in height; if over 50 feet in height, it shall be designed to accommodate at least one (1) additional comparable antenna.

G. Towers and guy wires shall be set back from all property lines a distance equal to their height or length, respectively. The Commission may waive this requirement when there is adequate documentation that the tower structure has been designed to collapse in a manner that will not affect adjacent properties. The Commission may increase this setback requirement if topography or other site conditions warrant.

H. Antennas or equipment buildings/boxes mounted to or on buildings or other structures shall to the greatest degree possible blend with the color and/or design of such structure/building.

I. Roof top antennas shall not exceed a height of fifteen feet above the highest part of a structure or building. Additionally, such antennas shall be set back from the roof edge a minimum of ten feet or 10% of the roof depth, whichever is greater.

J. Antennas mounted on the facade of a building shall match the color of the building and shall project no more than three (3) feet horizontally from the wall or facade of the building and project not more than five (5) feet vertically above the cornice line of the building or wall to which they are attached.

K. Unless waived by the Commission when there is satisfactory documentation that such antennas are screened from view from adjacent lots and from public streets,

dish antenna shall comply with the following:

i. Dish antennas shall not exceed 2 feet in diameter in residential zones.
ii. Dish antennas shall not exceed 6 feet in diameter in non-residential zones.

L. Accessory buildings used only for housing telecommunications equipment are permitted. Such buildings shall not exceed 750 square feet in area and shall be architecturally designed to blend into the neighborhood. Such buildings shall not exceed a height of 12 feet.

M. A fence of appropriate design eight feet in height shall enclose the facility. This requirement may be waived when the design of the facility does not warrant a fence, e.g., a flag pole design or a similar stealth design. Landscape buffers shall be provided around the perimeter of the facility as provided for in Section 7.3.2.8 or as otherwise specified by the Commission.

N. Access to the tower site must be over a driveway approved by the Woodbury Board of Selectmen or its authorized representative.

O. No proposed wireless communications facility shall be designed, located, or operated so as to interfere with existing or proposed public safety communications.

P. The design and operation of the wireless communication facility shall comply with the FCC standards regulating non-ionizing electromagnetic emissions.

Q. All utilities to serve the facility shall be installed underground unless otherwise approved by the Commission.

R. Towers and accessory structures shall comply with all applicable regulations pertaining to Woodbury Zoning, Flood Plain and Aquifer Protection; Woodbury Inland Wetlands and Watercourses; and Woodbury Historic Districts.

S. Generators, if utilized, shall comply with all state and local noise regulations.

T. A wireless communication facility not in use for twelve consecutive months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such twelve-month period. Upon removal, the site shall be restored to its previous appearance and, where appropriate, re-vegetated to blend with the surrounding area. The Commission may require that a bond be submitted as surety.

7.10.5 In addition to complying with other application requirements of these Regulations., an application for a Wireless Communications Facility shall include the following:

A. A Site Development Plan meeting the requirements of Section 8.

B. A map showing the extent of planned coverage within the town and adjacent communities and the location and service area of the proposed facility. This map shall be accompanied by a complete description of the radio frequency propagation analysis used to determine coverage and all supporting documentation.

C. A report that documents the need for the wireless communications facility to provide acceptable coverage and/or capacity for wireless communication as part of a regional system design. This report shall include, but not necessarily be limited to

i. the location of all existing or approved tower sites within 10 miles of the proposed facility, as well as the service coverage area for those sites associated with the proposed facility, and

ii. a demonstration that necessary coverage cannot be obtained for the prospective coverage area by the use of any existing or approved towers within reasonable proximity of the proposed site.

D. Documentation, if applicable, of any Federal Communications Commission

license for provision of wireless communications service.

E. A statement containing a description of the siting criteria and the process by which other possible sites were considered.

F. A visibility evaluation report including architectural rendering and/or photo simulations of views of the tower from nearby properties; maps indicating tower visibility above forest and terrain within two miles of the proposed site; and architectural renderings of the proposed tower and all associate facilities and equipment at the proposed location.

G. A report from a qualified radio frequency engineer that the proposed facility shall meet the Federal Communication Commission requirements for radio frequency radiation at the time that the facility will be operating at maximum capacity.

H. A report from a qualified radio frequency engineer that the proposed facility shall not interfere with existing or proposed public safety communications.

I. When a tower is proposed, a statement from the applicant indicating that the applicant shall raise a balloon, with a diameter of at least three feet at the proposed ground mounted tower site and to the proposed tower height. Such balloon shall be raised at least three days prior to the date of the public hearing scheduled on the application. A legal notice of the scheduled balloon raising shall be published in a local newspaper by the applicant. Proof of such publication shall be submitted at the public hearing.

J. A fee in accordance with Appendix B of these Regulations. Additionally, in all cases in which the Commission determines that an expert review of the applicant's service area, tower sharing, alternative location or other technical issues is reasonably warranted, the applicant shall be required to reimburse the Town for the cost of performing such review.

7.11 Country Inn and Country Inn with Restaurant

7.11.1 A Country Inn or Country Inn with Restaurant may be permitted as a Special Exception for properties located on an arterial road or within a Historic District as designated by the Woodbury Historic District Commission. This provision is consistent with the goals of the Town Plan of Development both to preserve mixed uses on Main Street and to encourage variety and flexibility in land use.

7.11.2 In assessing its compatibility the Zoning Commission shall consider usable land, topography, existing and planned vegetation, parking requirements, traffic impact and proximity of the facilities to neighboring houses.

7.11.3 The Commission may approve a Special Exception for a Country Inn or Country Inn with Restaurant subject to such conditions as it determines necessary and appropriate to the proposed use in the proposed location. Such conditions may include a limitation on the number of rooms, the type and nature of related uses and a limitation as to the hours of operation of the restaurant so as to preserve the public peace.

7.11.4 No Special Exception shall be granted pursuant to this section until the Zoning Commission has made a special finding that a Country Inn or Country Inn with Restaurant facility is compatible with the surrounding neighborhood in size, scale and architectural appearance and conforms to the following requirements.

A. Additions to any structure for use as a country inn must be compatible in architectural appearance with the principal structure. The principal structure may not be expanded more than 50% of its existing square footage.
B. Additional structures on the property may be approved as auxiliary space for guestrooms, provided that entry is from a central point to avoid a motel-like appearance. These buildings must also be compatible in architectural appearance with the principal structure and the neighborhood.
C. There shall be more than four and not more than twelve guestrooms on the property.
D. The owner shall reside on the property.
E. Bathrooms shall be provided to meet the standards of the Regional Health District.
F. Guest rooms shall have no cooking facilities.
G. Morning meals shall be served only to the occupants of the property and registered guests of the Country Inn.
H. The dining room of a Country Inn with Restaurant may serve meals other than morning meals to registered guests and may be open to the public provided the seating capacity does not exceed 48. All food prepared in connection with a Country Inn with Restaurant use shall be served on the premises. No off premise catering activities or take-out service shall be permitted.
I. Meeting parlors and common rooms shall be primarily for the use of registered guests unless public use is approved by the Commission as part of the Special Exception.
J. Any recreational facilities on the property shall be for the use of occupants of the property and registered guests only.
K. The minimum lot size for a Country Inn with Restaurant shall be three acres.
L. An interior floor plan shall be provided for all areas to be utilized in the operation of a Country Inn or Country Inn with Restaurant.

M. The application must be accompanied by reports from the Woodbury Building Official and the Woodbury Fire Marshal certifying that the site plan and interior floor plans of any structures are in compliance with the fire and safety codes.

N. Parking Areas:

   i. Parking areas shall be sufficient to accommodate a minimum of two spaces for the owner, one space for each guestroom and one space for each employee.

   ii. Additional parking for a Restaurant use and other approved accessory uses shall be in accordance with the standards of Section 7.4, with the provision that one-half of the spaces required for each guest room shall also count toward the restaurant use requirement. However, the site plan must show that all the spaces required by Section 7.4 could be made available.

   iii. Parking areas shall be landscaped in accordance with buffer yard "B" as set forth in Section 7.3.2.8.D. Parking areas shall be screened from neighbors and the street by such means as stone walls, hedges, topography, and plantings consistent with the character of the neighborhood. Parking areas shall be concentrated so as to avoid a motel-like appearance.

   iv. Parking shall be located more than 25 feet from adjoining property line unless the Commission determines that parking closer to the property line is more consistent with preserving the residential character of the neighborhood.

O. Applicants shall comply with the Site Development Standards and Plans requirements of Section 7.3 of these Regulations. In addition, the Commission shall require the applicant to submit an architectural and/or landscape rendering to demonstrate compliance with these standards.

P. In cases where the property is located within a Historic District, any proposed addition or external modification of existing structure shall first be approved by the Woodbury Historic District Commission by issuance of a Certificate of Appropriateness.

7.12 Assisted Living Facilities

7.12.1 In addition to the criteria listed in Section 8 of these Regulations for consideration of a Special Exception, the Zoning Commission shall consider usable land, topography, natural features, existing and planned vegetation, parking requirements, traffic impact, public safety, architectural appearance, proximity to residential dwellings, and proximity to emergency services in determining the appropriate size of buildings and number of units and assessing the compatibility of the proposal with the surrounding neighborhood and existing land uses in the vicinity.

7.12.2 An Assisted Living Facility shall comply with all applicable provisions of these Regulations and conform to the following standards.

A. Location: A parcel proposed for an Assisted Living Facility must have frontage on or be within three hundred (300) feet of a state highway. Such parcel must have at least 200 feet of frontage on an existing through road.

B. Utilities: Proposed sites shall be serviced by an adequate water supply as required by the Connecticut Public Health Code. On site septic systems shall be designed in accordance with the requirements of the Connecticut Public Health Code.

C. Other Site Requirements: Buildings shall be sited and landscaping and buffer areas provided to ensure privacy to the residents and adjoining uses. The architectural design, scale and mass of buildings, including exterior building materials, colors, roof lines, and building elevations shall be of a character to harmonize with and preserve the appearance of the surrounding area. Mechanical equipment and refuse containers shall be screened from view.

D. Drives and Access and Egress Points: Internal circulation shall provide for the easy movement of vehicles, loading and unloading of vehicles, pedestrian traffic, including handicapped pedestrian movement, and convenient access of emergency vehicles. Access roads or driveways must meet the applicable standards of the Town of Woodbury Regulations Pertaining to Construction and Acceptance of Streets.

E. Age Restrictions: Assisted Living Facilities are designed and intended for senior citizens and shall be restricted to those persons 55 years of age and older, subject to the exceptions provided for in state and federal fair housing laws.

F. Yard Area and Density Requirements: The minimum parcel size shall be 5 acres. Minimum front-, rear, and side-yard setbacks in residential zones shall be 50 feet plus height of the building. Yards, maximum building coverage, maximum total coverage, and maximum height shall be as specified for the underlying zone.

G. Building size and separation: Maximum building length on any side shall not exceed 220 feet. No more than three buildings shall be constructed for each five acres of the parcel. Multiple buildings shall be separated in feet as calculated by the formula: number of units in the largest building multiplied by 8. Buildings shall not exceed two and one-half stories or thirty-five (35) feet, whichever is lower, in height.

H. Parking and Loading: Paved off-street parking and loading areas shall be provided in accordance with the provisions of Section 7.4 of these Regulations. One parking space shall be provided for each three living units and an additional one space shall be provided for each employee expected on site during any given eight hour period.

I. Buffer Area: A landscaped buffer yard meeting the standards of Buffer yard "C" in Section 7.3.2.8 of these Regulations shall be provided along the rear and side lot lines whenever such lot lines abut residentially zoned property.

ARTICLE IV – PROCEDURES AND ADMINISTRATION

Section 8. Application Procedures and Action

8.1 General Procedures

8.1.1 Applications shall be:

A. submitted to the Woodbury Land Use Office on forms provided;
B. accompanied by the appropriate fees as specified in Appendix B except that the Commission, Board, and Town shall be exempt from any application fee;
C. accompanied by such supporting material, plans, and other information as required by these Regulations; and
D. signed by the applicant and, if applicable, the owner of the property affected.

8.1.2 For the purposes of calculating statutory time frames for processing applications, the date of receipt of an application to the Zoning Commission, Planning Commission, or Zoning Board of Appeals shall be the day of the next regularly scheduled meeting of the Zoning Commission, Planning Commission, or Zoning Board of Appeals immediately following the day of submission of an application to the Land Use Office or thirty-five (35) days after submission, whichever is sooner.

8.1.3 Each application shall be reviewed by the Land Use Office to determine whether the application is substantially complete. An application shall not be considered complete until all of the information required by these Regulations or the Zoning Commission, Planning Commission, or Zoning Board of Appeals has been received by the Zoning Commission, Planning Commission, or Zoning Board of Appeals at a regularly scheduled meeting. An incomplete application or an application filed without the required fee may be denied for failure to comply with the Zoning Regulations or may be withdrawn by the applicant.

8.1.4 When a proposed development or activity requires multiple applications, the Zoning Commission, Planning Commission, or Zoning Board of Appeals may conduct any public hearings simultaneously or in the order deemed appropriate.

8.1.5 The Commission, Board, or an authorized agent may

A. seek the advice and opinion of other officials, boards, or commissions to assist in evaluating applications;
B. retain an engineer, architect, landscape architect, professional land use planner, or other consultant to review, comment, and guide its deliberations on any application; and
C. require that the applicant, to the extent authorized by any Town ordinance, deposit funds with the Commission for the costs of any consulting review fees and reimburse the Commission for the cost of such consulting review.

8.1.6 Applicants for a Special Exception or Special Permit may request a pre-application review of a proposed project, which review may include members of the Zoning, Planning, Historic District Commissions and the Inland Wetlands and Watercourses Agency, as provided by Connecticut General Statutes Section 7-

159b. Such review shall be scheduled and coordinated by the Woodbury Land Use Office. Any scheduled meeting involving a quorum of Zoning Commission members shall be duly noticed pursuant to Connecticut General Statutes Section 1-225.

8.1.7 The Zoning Commission or Zoning Board of Appeals shall hold a public hearing on an application or request for a Special Exception or Special Permit within 65 days of receipt thereof or as otherwise provided in Section 8-7d of the Connecticut General Statutes, as the same may, from time to time, be amended. The public hearing shall be completed within 35 days of commencement or as otherwise provided by Connecticut General Statutes Section 8-7d as the same may, from time to time, be amended.

8.1.8 Upon scheduling of a public hearing by the Commission or Board, the Land Use Office shall cause notice of the hearing to be published in a newspaper having general circulation in Woodbury at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date of the hearing or as otherwise provided by Connecticut General Statutes Section 8-7d as the same may, from time to time, be amended.

8.1.9 Upon the scheduling of a public hearing by the Zoning Commission, Planning Commission and/or Zoning Board of Appeals, the applicant shall notify by mail all owners of property abutting the subject property according to the current Grand List together with any additional properties deemed by the Zoning Commission to be potentially impacted by the development, including parcels separated from the subject property by a public street or other municipal property, at least 7 days in advance of the initial public hearing. The notice shall include a brief description of the application along with the date, time, and location of the public hearing. The applicant shall submit to the Zoning Commission, Planning Commission, or Zoning Board of Appeals, as appropriate, a list of all property owners notified and certificates of mailing of the required notice to each such property owner as evidence of compliance with this requirement.

8.1.10 Upon the scheduling of a public hearing by the Commission and/or Board, the applicant shall provide written notice to a water company when any application, petition, or request is filed with the Zoning Commission, Planning Commission, or Zoning Board of Appeals concerning any project on a site which is within an aquifer protection area as delineated in accordance with Connecticut General Statutes Section 22a-354c or within the watershed of such water company provided such water company has filed a map with the Zoning Commission, Planning Commission, or Zoning Board of Appeals or on the Woodbury Land Records showing the boundaries of the watershed. Such notice shall be provided by Certified Mail, Return Receipt Requested, within seven days of the date of submission of any such application, petition, or request. Prior to the commencement of the scheduled meeting or hearing regarding the application, petition, or request the applicant shall submit a copy of the material provided to the water company and proof of mailing or the return receipt.

8.1.11 When an application is filed to conduct or cause to be conducted on a property, any portion of which is within a public water supply aquifer or watershed area as

depicted on the *Public Drinking Water Source Protection Areas* map on file in the Woodbury Land Use Office, the applicant shall notify the Commissioner of Public Health as required by CGS Section 8-3i and shall certify such notice to the Commissioner prior to any action by the Commission on the application.

8.1.12 The Zoning Commission or Zoning Board of Appeals shall notify the clerk of any adjoining municipality of the pendency of any application, petition, request or plan, by certified mail, return receipt requested, within seven days of the filing of an application, or as otherwise provided by Connecticut General Statutes Section 8-7d as the same may, from time to time, be amended, concerning any project on a site in which

A. When the Zoning Commission proposes to establish or change a zone or any regulation affecting the use of a zone any portion of which is within five hundred feet of the boundary of another municipality located within the area of operation of a regional planning agency, the Zoning Commission shall give written notice of its proposal to each regional planning agency of the region in which it and the other municipality are located. Such notice shall be made by certified mail, return receipt requested, or by electronic mail to the electronic mail address designated by the regional planning agency on the agency's Internet web site for receipt of such notice, not later than thirty days before the public hearing to be held in relation thereto. If such notice is sent by electronic mail and the Zoning Commission does not receive an electronic mail from a regional planning agency confirming receipt of such notice, then not later than twenty-five days before the public hearing, the Zoning Commission shall also send such notice by certified mail, return receipt requested, to such planning agency.
B. a significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site;
C. a significant portion of the sewer or water drainage from the project shall flow through and significantly affect the drainage or sewerage system of the adjoining municipality; or
D. water runoff from the project site shall affect streets or other municipal or private property within the adjoining municipality,

8.1.13 A decision on the Special Exception or Special Permit shall be rendered in accordance with the provisions of Connecticut General Statutes Section 8-7d as the same may, from time to time, be amended. The applicant may consent to one or more extension of any period specified in this section provided the total extension of such periods shall not be for longer than 65 days.

8.1.14 Whenever the approval of a site plan is the only requirement to be met or remaining to be met under the Zoning Regulations for any building, use or structure, a decision on an application for approval of such site plan shall be rendered within sixty-five days after receipt of such site plan application.

8.1.15 No Special Exception or Special Permit granted shall become effective until a copy of the approval and the final site development plan, if required, certified by the granting body, stating the name of the owner of record and description of the property, is recorded in the land records of the Town of Woodbury.

8.1.16 Modification of Use or Sign: Upon application clearly explaining a proposed modification of use or sign including such other information as may be required by the ZEO, the ZEO, shall refer the application to the Zoning Commission, which may authorize the issuance of a Zoning Permit for a modification of use or permitted sign if the new use is found not to be significantly dissimilar to the existing use or the use for which a Special Permit has been granted or if the alteration of the permitted sign is found to be minimal.

8.2 Special Permit/Exception Application Procedures

In dividing the Town of Woodbury into Zoning Districts, it is recognized that there are certain uses which may be necessary or desirable to the Town, but which may be detrimental to the Town or the neighborhood in certain locations, or if proper safeguards are not provided. The Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals, as the case may be, must evaluate the impact of each proposed use upon neighboring uses and the Town as a whole in determining the appropriateness of any use requiring a Special Exception or Permit for the proposed location. Where any use or development application requires more than one Special Permit or Special Exception pursuant to these Regulations, the application may be consolidated into a single application for the purposes of all notices, hearings, and decisions required by these Regulations and Connecticut General Statutes.

8.2.1 Within 65 days of the Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals granting of any Special Permit or Special Exception, the applicant shall submit the final site development plan on recordable mylar, reflecting all conditions and modifications required by the Commission, and accompanied by signed and sealed statement by the appropriate design professional(s) who have prepared the application materials, to the effect that the plans submitted are the same plans as granted by the Commission, except for the depiction of modifications and conditions required by the Commission in its approval vote. Any Special Exception or Special Permit site development plan filed in the Town Clerk's Office without the endorsement of the Commission's or Board's Chairman shall be void.

8.2.2 In accordance with Section 8-3(d) of the Connecticut General Statutes, no variance, Special Exception, or Special Permit issued in accordance with these Regulations shall be effective until a copy thereof, including any plans required by Section 8.2.1 of these Regulations, certified by the Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals, as the case may be, containing a description of the premises to which it relates and specifying the nature of such variance, Special Exception, or Special Permit, including the Regulation which is varied in its application or to which a Special Exception or Special Permit is granted, and stating the name of the owner of record, is recorded in the land records of the Town of Woodbury.

8.2.3 No person who has obtained a Special Exception or Special Permit, Site Development Plan Approval, or variance shall attempt to erect any building or structure, or establish any use of land, which is not in substantial conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted, or any representations of fact made, before the Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals, as the case may be, without an amendment as provided in these Regulations.

8.2.4 No person who has obtained a Special Exception or Special Permit, Site Development Plan Approval, or variance shall violate any condition imposed thereon. Violation of this provision shall be grounds for the Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals, as the case may be, to take legal action as may be required to secure compliance with said Special Exception or Special Permit or variance and the conditions attached thereto.

8.2.5 Failure to strictly comply with the terms and conditions of the approval granted by the Zoning Commission, Planning Commission, or Zoning Board of Appeals as a part of the Special Exception or Special Permit shall be a violation of these Regulations. The ZEO shall notify the applicant in writing of the specifics of the non-compliance and shall provide a reasonable time period for compliance therewith, not to exceed forty-five (45) days. Unless there is a full compliance within such time period, the Zoning Commission, Planning Commission, and/or Zoning Board of Appeals, in addition to any other remedies at law, may, after providing at least seven (7) days prior written notice and an opportunity to be heard to the violator, rescind and revoke such Special Exception or Permit.

8.2.6 The Zoning Commission or Planning Commission may authorize the ZEO to authorize minor, non-substantial deviations from the approved Special Exceptions or Special Permits and Site Development Plan Approvals. Likewise, the Zoning Board of Appeals may authorize the ZEO to authorize minor, non-substantial deviations from approved variances.

8.2.7 Substantial changes to a Special Exception or Special Permit, Site Development Plan Approval, or variance shall be treated as a new application for approval, and shall be submitted and acted upon in accordance with these Regulations.

8.2.8 An approved Special Exception or Special Permit may be amended or modified, provided that application shall be made in the same manner as the original application and subject to the same procedures for approval. Amendments to the Special Exception or Special Permit found to be of a minor nature or which would not substantially alter the Special Exception or Special Permit as determined by the ZEO may be approved by the Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals without another public hearing. Amendments to Special Exceptions or Special Permits which would substantially alter the Special Exception or Special Permit granted or increase the existing building coverage or gross floor area of the use by 10% or more may be approved by the Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals only after a public hearing.

8.2.9 The Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals may by resolution waive the submission of all or part of the information required under the applicable clauses of Sections 8.5 and this Section 8.2 if it finds the information is not necessary in order to decide on any application for change of use.

8.2.10 The Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals may waive the requirement for a Special Exception or Special Permit where it finds that:

A. one Special Exception or Permit use is being substituted for another similar use on the same lot;
B. the new use will require no greater parking or loading than the original, as set forth in Section 7.4 of these Regulations;
C. the new use shall entail no exterior change to the building or site; and
D. the new use shall have no impact on the site, neighborhood, or the Town which is different from the original, such impact to be measured by the standards set forth in Section 8.3 of these Regulations.

8.2.11 The Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals may grant a written request for waiver of the submission of any of the site development plan filing requirements if all of the following requirements are met:

A. The use will not increase the amount of required parking;

B. The use will not have a substantial impact on properties in the surrounding neighborhood by elements including, but not limited to: noise, traffic, environmental quality, character of use, and compatibility with surrounding uses;

C. The use will not substantially alter the nature of the existing building(s) or other structure(s); and

D. The use will not be inconsistent with the public welfare or impair the integrity of these Regulations.

8.2.12 Expiration, Extension, and Enforcement of Approval of Special Permit or Special Exception

A. Except in the case of Special Permits approved for staged development under Section 5.4, 6.3, and 6.4, if a building or use for which a Special Exception or Special Permit is required is not completed and/or used within five years after an application is approved, such approval shall expire and become void. The five-year period shall commence on the date of Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals approval. In addition, the approval shall be filed on the Woodbury land records by the applicant.

B. In the case of Special Permits providing for staged development, if the first stage of the development is not completed within two years after an application is approved, such approval shall expire and become void. Subsequent stages of development shall be completed by the expiration date established by the Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals in its approval; if any non-dwelling unit construction stage, is not completed by the applicable expiration date, the Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals may suspend the applicant from further construction of dwelling units until compliance with the development phasing sequence is achieved; if all dwelling unit construction is not completed by the final expiration date, then such approval shall expire and become void as to the balance of the stages.

C. The Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals may, in its discretion, on application made before the date any approval expires, extend the expiration date of such Special Exception or Special Permit approval for an additional period of up to two years if it finds that the standards of Section 8.3 continue to be met with respect to the proposed development.

C-1. Notwithstanding the provisions of this section, any site plan approval made under this section prior to July 1, 2011, that has not expired prior to the effective date of this section, except an approval of any site plan for a project consisting of four hundred or more dwelling units approved on or after June 19, 1987, shall expire not less than nine years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such site plan, provided no approval, including all extensions, shall be

valid for more than fourteen years from the date the site plan was approved.

D. Substantial changes to a Special Exception or Permit shall be treated as a new application for approval, and shall be submitted and acted upon in accordance with these Regulations.

8.3 Criteria for Decision

In reviewing the application for Special Exception or Permit, the Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals shall consider the following criteria and shall make findings that the use as proposed would not be inconsistent with the public welfare or would not impair the integrity of these Regulations, and would fully safeguard the appropriate use of land in the immediate neighborhood. Public use of land may be given consideration over private uses of land only when there is a clear necessity for essential public facilities. The Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals shall consider the following:

A. Complete Application: The application shall contain all information required by these Regulations and said information shall be prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity to permit the Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals to determine compliance with the criteria. The application shall be accompanied by all fees required by the Town of Woodbury. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet these criteria shall be grounds for denial without prejudice to future complete applications.

B. Compliance with Regulations: The application shall conform in all respects to these Regulations as a whole, unless a certified copy of a variance from any provisions is submitted with the application, or the Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals determines that the non-conformance is a legal, pre-existing nonconformance in accordance with Section 1.4 of these Regulations. Further, the application shall conform to the Woodbury Subdivision Regulations; Woodbury Inland Wetland and Water Course Regulations, as evidenced by submission of an Inland Wetlands Permit, issued by the Woodbury Inland/Wetland Agency; and the public health code, as evidenced by an approval report of the Health Director or authorized designee.

C. Public Health and Safety: The site and building plans shall be designed so as to minimize any delay, inconvenience, and expense of providing for the public health, safety, and welfare, including but not limited to the following: adequate access for emergency vehicles and equipment; adequate utility capacity, floodproofing measures, protection of the natural environment; and avoidance of glare visible from public streets or adjacent properties.

D. Appropriateness of Use: The proposed use shall be appropriate for the designated location with regard to:

   i. the size and intensity of the proposed use, and its relation to existing land use;
   ii. the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use;
   iii. the overall impact on the neighborhood property values and the special problems of fire and police protection inherent to the proposed use;
   iv. the preservation of the character of the neighborhood in terms of scale, density and intensity of use, architectural character, and similar factors;

v. the availability of adequate sewage disposal, water supply, storm water disposal systems, and other special burdens on utilities which the use may entail; and
vi. that the degree of population concentration and building density resulting from the use shall not exceed the existing provisions for fire and police protection, transportation, schools, parks and other public requirements.

E. Uses In, Adjacent To, or Impacting Residential Areas: In addition to the above criteria, in the case of any proposed use to be located in or directly adjacent to, or derive access from, a residential district, the Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals shall find that:
   i. The location and size of such use, and the nature and intensity of operations involved in or conducted in connection therewith, shall be such that both pedestrian and vehicular traffic to and from and in the vicinity of the use will not be hazardous or inconvenient to, or detrimental to the character of the said residential district or in conflict with the traffic characteristics of the neighborhood.
   ii. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
   iii. Consideration shall be given to the architectural design of buildings and the preservation of the character of the neighborhood.
   iv. Consideration shall be given to the preservation and enhancement of existing topographic and/or vegetative buffers between adjoining properties.

8.4 Conditions and Safeguards

In granting a Special Exception or Permit the Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations. Such conditions and safeguards may include, but shall not be limited to:

A. Hours of operation, including hours of construction activity;
B. Regulation of number, design, and location of access drives or other traffic features including pedestrian ways;
C. Improvement to existing public facilities to accommodate the use allowed by the Special Exception or Permit;
D. Conservation restrictions necessary to protect and permanently preserve unique natural features of the site;
E. Modification of the exterior features or appearance of any structure where necessary to be in harmony with the surrounding area;
F. Limitation of size, number of occupants, methods of operation, or extent of facilities;
G. Additional screening of parking areas or other parts of the property from adjoining property or from the street, by walls, fences, plantings, or other similar devices as specified by the Commission and/or Board;
H. Any data, plans, or drawings, including architect's plans or drawings, voluntarily submitted by the applicant or his duly authorized agent in support of the application and not required by these Regulations may be accepted in whole or in part by the

Commission and/or Board and may be made additional requirements and conditions of the permit granted.

8.5 Application Requirements

The following shall be required for an application for a Special Permit or Special Exception:

A. Four copies of a completed application form, including a written statement describing the proposed use.

B. Four paper copies of the following detailed plans. The Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals may also request a plan drawn to a scale of not less than 100 feet to the inch depending on the size of the property.

   i. A site development plan as provided in Section 8.6.

   ii. Preliminary architectural plans of all proposed buildings, structures and signs, including perspective drawings of exterior elevations, at a scale of not less than 40 feet to the inch.

   iii. A general location map showing the surrounding property within 500 feet and including the structures, roads, watercourses, names of contiguous property owners and other physical features which relate to the proposed Site Development Plan.

   iv. An interior floor plan.

C. In the case of uses or facilities requiring approval of any town, state and/or federal agency, department, and/or official the approval of such agency, department and/or official shall be submitted by the applicant. The Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals, in its discretion, may require as a condition of approval the later approval of uses or facilities by any other town, state or federal agency, department or official necessary to the uses or facilities, when the applicant can demonstrate that such other approval or approvals cannot reasonably be obtained before the decision. In cases where local approval is required prior to the issuance of state or federal approval, the applicant shall submit a copy of the state and/or federal approval prior to the issuance of a Zoning Permit.

D. All applications involving the construction of more than 20 dwelling units, 50 parking spaces, or 8,000 square feet of gross floor area, or any proposal which in the judgment of the Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals, would generate high levels of traffic, shall be accompanied by a traffic study prepared by a State of Connecticut Registered Professional Engineer qualified to prepare such studies, evaluating the impact of the proposal on the streets serving and/or affected by the development.

   At a minimum, the traffic study shall include data and information about existing and projected average daily vehicle trips on nearby roads; peak hour traffic; adequacy of rights of ways and traveled ways; existing roadway capacity; traffic accidents; the traffic impact of the proposed development; traffic generation data, the location of existing roads and driveways within 1,000 feet of the development site, traffic lights and intersections, and recommendations for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians. Where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation.

E. The Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals may require additional on site or off site information as may be needed to evaluate the appropriateness of the proposed use in the proposed location, including but not limited to: information concerning surrounding land uses, building locations, drainage, driveways, hydrants, streets, traffic lights and controls, public trees on public lands, topography, water courses and wetlands, utility poles and utility lines located adjacent to the streets, and the like; a traffic impact study prepared by a State of Connecticut Registered Professional Engineer qualified to prepare such studies; an environmental impact statement prepared by professionals qualified to prepare such studies; detailed architectural information such as screening of roof or ground mounted heating and air conditioning equipment, building and parking area illumination, construction materials, trash disposal, and zoning district boundary lines; and three dimensional physical or virtual electronic representations of the proposed development.

8.6 Form and Content of a Site Development Plan

A site development plan shall include the following information. In addition to the paper copies required by these Regulations, a site development plan shall be provided in ESRI GIS compatible electronic form or such other electronic form as required by the Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals

A. A Site Development Plan shall be drawn to a scale of not less than 1” = 100’. The site plan shall be based on a property perimeter survey meeting or exceeding the accuracy of a Class A-2 survey as set forth in the Code of Practice for Standards of Accuracy of Survey and Maps, adopted December 10, 1975, as amended, by the Connecticut Association of Land Surveyors, Inc. The location of existing structures or features shall have the same accuracy.

The Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals may grant a waiver to the A-2 accuracy requirement only when one of the following criteria is met and the Commission determines that such a waiver is in harmony with the general purpose and intent of the Zoning Regulations and will not endanger public health, safety, convenience, welfare and property values. To qualify for a waiver, an application must meet at least one of the following criteria:

i. The subject property shall consist of a minimum of 50 contiguous acres;
ii. The use shall not involve the use of a building or buildings;
iii. The use shall not involve the erection of a structure or structures, or alteration of the topography within 100 feet of a property line; or
iv. Proposed uses shall not be conducted within 50 feet of a property line.

B. All maps and documents submitted as part of a site development plan shall provide
   i. Name and address of the holder of the record title to the land to be developed, and the name and address of the applicant if different from the titleholder.
   ii. Date, scale, north point, town, state, assessor’s map and lot number.
   iii. Name, address, professional seal or stamp and signature of the individual(s) responsible for preparing the plan.

C. A Site Development Plan shall include, at a minimum, the following information on one or more maps and accompanying documents as appropriate.
   i. General location map showing the location of the site in relation to existing Town roads at a scale of 1” = 1,000’.

ii. Existing and proposed property and street lines; adjoining property and street lines; existing structures within a distance of 200 feet from the property proposed for development; and the names of all property owners, within a distance of 200 feet, as shown on the current records of the Tax Assessor.

iii. Existing and proposed relocation of water courses and streams whether intermittent or continuously flowing (if such relocation requires the approval of the Connecticut Department of Energy and Environmental Protection, said approval must accompany the application); existing and proposed ponds, easements, rights-of-way; the location and limits of all swamps, flood plains, and other land subject to potential flooding; conservation areas; and inland wetlands as shown on the "Inland Wetlands and Water Courses Map" of the Town of Woodbury.

iv. Existing and proposed contours at an interval not exceeding 2 feet based on field or aerial survey or based on United States Geological Survey data. Should any part of the property fall within 1,000 feet of a State grid coordinate reference point or U.S.G.S. elevation marker, the site plan should make reference to that point.

v. Existing and proposed permanent buildings and structures.

vi. Wooded areas and the approximate location of any large isolated trees; ledge outcrops, stone walls; fences; and any other significant physical features of the property.

vii. Dimensions of all proposed property and street lines to the nearest hundredth of a foot and the total acreage of land, to the closest tenth of an acre, to be included in the proposed development.

viii. The proposed width of all streets, rights-of-way, and easements; the proposed width and area of all pavement areas.

ix. Existing and proposed monuments; municipal boundary lines; the zoning district; and any zoning district boundary lines.

x. Existing and proposed storm drains, catch basins, manholes, ditches, watercourses, headwalls, sidewalks, gutters, curbs and other structures; and existing and proposed water lines, sewer lines and other related facilities.

xi. Spot elevations on both existing and proposed roads, drives, and parking areas to indicate tentative grading.

xii. The location of any seepage test holes, test pits, and borings; the locations proposed for water supply well sites; and the location and dimensions of on-site sewage disposal systems and the reserve area for future fields.

xiii. Existing wells and septic systems within 100 feet of a property line on adjoining properties.

xiv. An outline of all existing and proposed deed restrictions or covenants applying to the property.

xv. Identification of soils as indicated in the Soil Survey of Litchfield County or as delineated in the field by a certified soils scientist.

xvi. Erosion and sediment control plan.

xvii. Drainage and runoff control plan.

xviii. Landscaping plan.

xix. Lighting plan.

xx. In the case of uses or facilities requiring approval of any town, state and/or federal agency, department, and/or official; the approval of such agency, department and/or official shall be submitted by the applicant. The Commission, in its discretion, may require as a condition of approval by the Commission the later approval of uses or facilities by any other town, state or federal agency, department or official necessary to the uses or facilities, when the applicant can demonstrate that such other approval or approvals cannot reasonably be obtained before the Commission's decision. In cases where local approval is required prior to the issuance of state or federal approval, the applicant shall submit a copy of the state and/or federal approval prior to the issuance of a Zoning Permit.

xxi. The following signature block:

Approved by the Woodbury Zoning Commission

Final Approval

Chairman/Secretary _____Date:_____

Signature _____

Expiration Date for Completion of Construction in Accordance with Site Plan Approval: _____

Section 9. Administration and Enforcement

9.1 Fees

No permit application shall be accepted for processing unless accompanied by the applicable fee, including any State surcharges, in accordance with the fee schedule in Appendix B and posted in the Land Use Office pursuant to Town Ordinance, as may be amended from time to time.

9.2 Administrative Application Procedures

9.2.1 Zoning Permits and Certificates of Zoning Compliance

9.2.1.1 Requirements: Prior to the issuance of any Zoning Permit or Certificate of Zoning Compliance, the property owner shall provide a plan accurate to the standards of A-2 Classification as defined in the Code of Practices for Standards of Accuracy of surveys and maps adopted as amended by the Connecticut Association of Land Surveyors, Inc. Said plan shall show all required setbacks and boundary lines and the location of all new construction and other important features, including, but not limited to, new buildings, structures, parking areas, sanitary disposal systems, wells, wetlands, floodplains and other information required to determine compliance with these Regulations, the Woodbury Subdivision Regulations, or the Woodbury Inland Wetlands and Watercourses Regulations, or any permit issued there under. The ZEO may waive the requirement for an A-2 survey plan for any addition to an existing single family residential building or other structure or for any permitted residential accessory building or other structure.

9.2.1.2 Zoning Permit: Any use of land, buildings, or other structures or any expansion of such use, or the erection, extension, or alteration of any building or structure, for which a Special Exception or Permit is not required by these Regulations, shall require a Zoning Permit pursuant to these Regulations. Any Zoning Permit issued shall cease to be effective twelve months after the date of issuance (or after the date on which it is finally determined to be valid if challenged by appeal to the Zoning Board of Appeals or the courts) unless the use for which the Permit is sought is being actively conducted on the lot or unless work has commenced and is being diligently pursued on the building or other structure for which the Zoning Permit was issued. Upon the submittal of an application on forms provided by the ZEO the ZEO is hereby authorized to issue a Zoning Permit in the following cases:

A. For any Special Exception or Special Permit approved by the Zoning Commission and/or the Zoning Board of Appeals pursuant to these Regulations.

B. For any addition to, or expansion of, a legally existing single family dwelling, and/or any permitted accessory buildings, uses or structures located on a nonconforming lot.

C. For any single family dwelling and permitted accessory buildings, structures and uses, on a conforming lot.

9.2.1.3 Certificate of Zoning Compliance: Upon the request of any property owner or the Building Official, the ZEO is authorized to issue a certificate of zoning compliance in the following cases

A. For any site, building, or other structure which has been reviewed and approved by the Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals, as the case may be, pursuant to any provision of these Regulations.

B. For any legally existing use, building, or other structure for which no variance, Site Development Plan Approval, or Special Exception or Permit is required under these Regulations.

9.2.2 Building Permits and Certificates of Occupancy:

9.2.2.1 No Certificate of Occupancy for any building, use or structure shall be issued by the Building Official without the prior issuance of a Certificate of Zoning Compliance.

9.2.2.2 No Building Permit shall be issued for any activity which is not in conformance with the provisions of these Regulations, and no such Permit shall be issued unless and until the ZEO has issued a Certificate of Zoning Compliance, indicating that the plans submitted to the Building Official conform to these Regulations and any Special Exception or Permit, Zoning Permit, or variance issued in accordance with these Regulations.

9.2.2.3 During the course of construction the Building Official and the ZEO shall ensure continued compliance with these Regulations, and any Special Exception or Permit, Site Development Plan Approval, or variance, including, but not limited to, any erosion control plan approved by the Commission or its authorized agent. The Building Official or ZEO shall have the authority to require additional or different erosion control measures when those previously approved are found to be inadequate, or if they are not being maintained in accordance with the approved plan.

9.2.2.4 Any construction activity which is found to be in violation of these Regulations or any Special Exception or Permit, Site Development Plan Approval, or variance issued hereunder may be ordered to cease and desist, at the sole discretion of the ZEO or Building Official. In order to carry out the provisions of this Section, the property owner by filing an application consents to allow any official of the Town of Woodbury reasonable access to the site for inspection and to determine compliance with these Regulations and any Special Exception or Permit, Site Development Plan Approval, or variance.

9.2.2.5 No building or other structure shall be occupied or used, nor any use of land established, nor shall any addition, extension, or alteration of any building, other structure, or use be occupied or used, until the issuance of a Certificate of Occupancy by the Building Official of the Town of Woodbury. Such Certificate of Occupancy shall not be issued until a certificate of zoning compliance has been issued by the ZEO.

9.2.3 Inland Wetlands and Water Courses Regulations: In all matters wherein a formal application, request or appeal must be submitted to the Zoning Commission, the Zoning Board of Appeals and/or the ZEO and wherein the proposed use or activity qualified as a "Regulated Activity" as defined in the Inland Wetlands and Water Courses Regulations

of the Town of Woodbury, the applicant shall submit, as part of his application, a "License" as defined in said Inland Wetlands and Water Courses Regulations.

9.2.4 Certificate of Compliance for First Divisions and Lot Line Revisions: To ensure conformance with Section 1.3.1.1 and the applicable standards of these Regulations, a Certificate of Compliance shall be required for the creation or modification of lots and lot lines exempt from Woodbury Subdivision Regulations, including first division of land, lot line revisions, and divisions of land otherwise exempt pursuant to Connecticut General Statutes. The ZEO is authorized to issue such Certificate of Compliance subject to the submission and approval of the following;

A. An approved Certificate of Compliance shall be recorded on the Woodbury Land Records with the filing of any revised land record;

B. The following information as deemed necessary to determine compliance with applicable State Statutes and municipal regulations shall be provided by the applicant:

i. Written authorization from all property owners.

ii. A survey map prepared to A-2 standards showing existing and proposed property lines as well as any wetlands affected existing or proposed development and including lot area calculations demonstrating conformance to the Woodbury Zoning Regulations.

iii. In the case of a first division, a deed history of the subject property from the present dating back to 1955, with copies of deeds and land records references.

iv. A written narrative explaining the basis for the exemption of the proposed first division or lot line revision and, if the lot(s) being altered were created through subdivision approval by the Woodbury Planning Commission, a copy of the approval motion and the endorsed record subdivision map.

v. If to be served by septic systems, a copy of approval by the appropriate health authority for the proposed new or altered lot.

C. A survey map prepared to A-2 standards on mylar suitable for recording on the Woodbury Land Records.

9.3 Enforcement

9.3.1 Zoning Enforcement Officer(s) ZEO(s): These Regulations shall be administered and enforced by such ZEO or Officers as the Commission shall, by resolution, designate. ZEO's shall be employees of the Town of Woodbury. Designation of a ZEO by the Zoning Commission shall remain in effect for a maximum period of two years and shall automatically expire upon the individual leaving employment by the Town of Woodbury. Candidates for ZEO shall be submitted to the Zoning Commission for designation or re-designation by the First Selectman of the Town of Woodbury no less than 6 weeks prior to the expiration of such authority.

9.3.2 Enforcement: These Regulations shall be enforced by designated ZEO(s), subject to supervision and direction by the Zoning Commission, who is (are) empowered to cause any building, other structure, place, or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist there in violation of any provision of these Regulations, or any permit or approval issued hereunder.

9.3.3 A. Possible Violation: Upon first becoming aware that a violation of these regulations may exist, it is the duty and responsibility of the ZEO(s) to review the facts and verify

the violation. The ZEO will then issue a verbal and/or written notification of the facts of the possible violation to the individual property owner, tenant or other person(s) responsible for the violation taking place. As part of this communication, the ZEO will inform the individual property owner, tenant, or other person(s) responsible that the possible violation will be listed under Enforcement at the next Zoning Commission meeting, and will provide the date, time and location of the meeting. Details of this communication will be recorded in the property files at the land use office and will be forwarded to the Commission Clerk for inclusion on the next agenda.

B. The ZEO will determine the priority of possible zoning enforcement actions and deal with them accordingly as follows:

i. Possible violations that pose immediate danger to the public health, safety and general welfare of the community.

ii. Possible violations related to grading of land, the removal of earth or soil erosion and sediment control.

iii. Possible violations related to development projects that are in the construction phase.

iv. Proactive enforcement programs initiated by the Zoning Commission.

v. Reactive or complaint based enforcement programs.

vi. Those associated with neighbor/civil disputes will receive the lowest priority.

9.3.4 Notice of Violation and Request for Voluntary Compliance: The Zoning Commission, upon reviewing the ZEO's enforcement report and hearing any information provided by the individual property owner, tenant or other person(s) responsible, will instruct the ZEO as to enforcement. Should the Commission determine to move forward with enforcement, the ZEO, upon instruction from the Commission, will issue a Notice of Violation and Request for Voluntary Compliance. The ZEO will initiate dialogue and/or notify the individual property owner, tenant or other person(s) responsible in writing of the violation and request voluntary compliance. If the alleged violator is not the owner, a Notice of Violation should be sent to both the owner and the tenant/renter/lessee.

If the violation involves the grading of land, removal of earth or soil erosion and sediment control, or is determined to be an emergency or egregious in nature, a Cease and Desist Order may be issued (to be effective immediately) instead of a Notice of Violation. In such instances, the ZEO may issue such Order and then bring notice to the Commission at its next regular meeting.

9.3.5 Follow up Inspection: The Notice of Violation shall include a grace period, determined by the Zoning Commission, to allow voluntary compliance, depending on the severity of the violation. Public health, safety and welfare shall guide the Commission's decision regarding the length of the grace period.

9.3.6 Upon expiration of the grace period, the ZEO will conduct a follow up inspection to determine if compliance has been achieved. If substantial progress has been made toward correction of the violation, the Commission may extend the grace period for up to an additional 30 days.

9.3.7 Cease and Desist Order: If the first or second follow up inspection reveals that the property is still in violation, or if the violation and violator represent a persistent violation, the Commission may instruct the ZEO to issue a Cease and Desist Order,

If the violation involves the grading of land, removal of earth or soil erosion and sediment control, or is determined to be an emergency or egregious in nature, the Cease and Desist Order shall require the violation to be corrected immediately. For all other violations, the Commission shall provide the violator with no more than 30 days to correct the violation. This is an order to correct the zoning violation.

9.3.8 Notice of Violation: Following the issuance of a cease and desist order or order to remedy a zoning violation by the ZEO, and the subsequent failure of the individual property owner, tenant or other person(s) responsible, as the case may be, to comply with such order, unless any such order has been appealed to, and overturned by, the Zoning Board of Appeals:

A. The ZEO or other authorized municipal agent shall place the intent to file a Notice of Zoning Violation on the agenda of the Zoning Commission.
B. The ZEO or other authorized municipal agent shall file the Notice of Zoning Violation on the Woodbury Land Records.
C. Once any violation has been corrected to the satisfaction of the Zoning Commission and all fines or penalties been paid in full, the ZEO shall file a Notice of Release Zoning Violation on the Woodbury Land Records.

9.3.9 Penalties: The owner or agent of a building, other structure, or property where such violation shall have been committed or shall exist, or the lessee or tenant of an entire building or an entire lot where such violation shall have been committed or shall exist or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in such violation or who shall maintain any building or premises in which such violations exist shall be subject to the penalties as provided in Chapter 124 of the Connecticut General Statutes, including any municipal fines as authorized by ordinance in accordance with Connecticut General Statutes Section 8-12a.

9.3.10 Remedy Through the Courts: The Commission may request the Board of Selectmen to direct Town Counsel to commence criminal or civil action in State or Federal court for the purpose of enforcing the provisions of these Regulations.

9.4 Amendments to Zoning Regulations and Zoning Map

These Regulations and the Zoning District Map may be amended, changed or repealed and use districts may be established, changed or eliminated in the manner provided by the Connecticut General Statutes either on the initiative of the Commission or after receipt of a petition.

9.4.1 Petition requirements:

A. All petitions shall be submitted in writing and signed by the property owner(s) requesting such change.
B. Any petition for the establishment or change of a use district shall be accompanied by a legal description and an A-2 Survey Map showing in reasonable detail the

topographic and land characteristics of the area referred to in such petition, including the names of all property owners within such area and within 500 feet thereof and including the location of any Town boundary within 500 feet of the proposed district boundary.

C. Any petition for a change of these Regulations shall make specific reference to the portion of these Regulations to be changed and shall contain the text of the proposed amendment or change.

D. The Commission may require that petitions for the establishment or change of a use district include plans showing conceptual proposals for the development of the land involved in the change including the location of buildings, streets, and open spaces, and such other information as the Zoning Commission considers necessary for its decision.

E. All petitions shall be accompanied by a comprehensive analysis of the impacts of the proposed change that includes but is not limited to information concerning traffic flow and generation, storm-water run-off environmental impact, and compliance with the Plan of Conservation and Development.

F. The Zoning Commission may, at its sole discretion, require that the impact analysis be performed on the full potential build-out condition subsequent to the change being placed in effect.

9.4.2 Procedures for District Changes and Amendments to Regulations.

A. Any proposed changes to zoning district boundaries or the Woodbury Zoning Regulations shall be considered by the Commission following the procedures provided in Section 8-3 of the Connecticut General Statutes.

B. When any district boundary changes are proposed by the Commission, the Commission shall provide notice in accordance with Section 8.1.9 of these Regulations.

C. When any district or regulations changes are proposed by petition, the petitioner shall provide notice in accordance with Section 8.1.9 of these Regulations.

D. The Commission shall not be required to hear any petition for amendment, change or repeal within one year from the date after a decision by the Commission or a court decision on an earlier petition regarding the same parcel(s).

9.5 Bonds

9.5.1 Performance Bonds:

A. To ensure that a proposed development, excluding buildings, conforms to an approved Special Permit or Special Exception and other required documents, a performance bond shall be required by the Zoning Commission. The performance bond shall be posted prior to the endorsement of the final site plan and the issuance of any Zoning Permits. Approval of the plan shall become effective upon the date of filing and recording of a copy of an endorsed final plan and other required documents in the Office of the Town Clerk. No construction work shall be initiated prior to the final approval of said site plan. Exceptions may be granted if the performance bond amount is less than $1,000.

B. A performance bond shall be posted in one or more of the following methods and in a form that is acceptable to Town Counsel:

i. A cash bond;

ii. A savings bank deposit book;

iii. An irrevocable letter of credit; or

iv. Any other form of surety that the Commission deems acceptable.

C. The amount of the performance bond shall be established by the Commission. Applicants shall furnish the Commission with a listing of the type and estimated quantities of materials needed to complete the improvements as if let-to-bid by the Town without advantages of on-site building materials or the sale of removed earth material. In addition, the bond shall include an amount to cover the escalation of all improvement costs over a two year period.

D. The amount of the performance bond shall be sufficient to cover the cost of any proposed or required site improvement such as street grading, roadway paving, and street plantings; the installation of curbs, gutters, storm drainage facilities, landscaping, sidewalks, monuments, bridges, and culverts; erosion and sediment control measures; and all other such improvements that the Commission deems necessary to promote public health and safety and to safeguard the Town from undue expense in regard to the future maintenance of said improvements. All improvements shall be designed in accordance with established standards, rules and regulations applicable to the Town of Woodbury. The Commission may require a separate cash performance bond be posted for all erosion and sediment control and site stabilization measures.

E. Upon the completion of the proposed and required improvements, the applicant may be required to submit to the Commission:

i. As-built plans and survey of the improvements, sealed by a land surveyor licensed to practice in the State of Connecticut ;

ii. Certification of accurate monument location (supplied by a land surveyor licensed to practice in the State of Connecticut);

iii. Easements in a form satisfactory to Town Counsel including a written geometric description of all such easements; and

iv. Proof of fulfillment of any other requirements or conditions.

F. The bond shall be released upon certification that all required improvements have been completed to the satisfaction of the Commission and other appropriate town departments. In addition, a maintenance bond covering all site improvements completed for the development may be required by the Commission prior to the release of any performance bond. If the improvements are not installed as required, the Commission is under no obligation to accept the work. The Commission may recommend to the Board of Selectmen that the bond be declared defaulted and take the necessary action to call the bond.

9.5.2 Maintenance Bonds: When required by the Commission to assure proper maintenance of all site improvements and structures, a maintenance bond in the amount of 10% of the cost of the site improvements shall be submitted to the Town and approved by the Board of Selectmen. The maintenance bond shall be in effect for a maximum period of one year from the date the improvements are accepted by the Town. The bond shall be posted prior to the issuance of any Certificate of Zoning Compliance. The applicant shall maintain all site improvements and structures within the time frame of the bond.

9.5.2.1 During such period, the applicant shall, when notified by the Town, promptly and at his own expense, repair all failures and defects including but not

limited to, the construction of roads, drainage structures, appurtenances, bridges and other improvements as may occur during such maintenance period. The applicant shall similarly repair all defects, settlements, and irregularities of the structures and appurtenances of drains, pipes, mains, conduits, curbs, gutters, sidewalks, road surfacing, landscaping or other defective improvements detected during the maintenance period.

9.5.2.2 If the applicant fails to remedy any such defect within a reasonable time, the Town may, without prejudice to any other remedy, cause the required repairs to be made and paid for with the proceeds of the maintenance bond.

9.5.3 Completion of Work: Failure to complete all work associated with an application approved by the Commission within the prescribed amount of time, such approval shall expire and become null and void. Should an application be declared null and void, the Commission may recommend to the Board of Selectmen that any posted bond be declared defaulted and take the necessary action to call the bond so that the property is adequately stabilized and permanent erosion and sediment control measures are in place.

9.6 Zoning Board of Appeals

9.6.1 Powers and Duties: The Zoning Board of Appeals (ZBA) shall have all the powers and duties prescribed by Chapter 124, Section 8 of the Connecticut General Statutes, as revised, and by these Regulations, which powers and duties are summarized and more particularly specified below.

9.6.1.1 Appeals: The ZBA shall have the authority to hear and decide upon any appeal where it is alleged that there is an error in the order, requirements, decision or determination of the ZEO (ZEO). No question of hardship shall be involved in such an appeal, and the action of the ZBA thereon shall be limited to the question of whether or not, and to what extent such order, requirement, decision, or determination was a correct interpretation of the subject provision of these Regulations.

9.6.1.2 Variances: The ZBA shall have the authority to vary the application of the Zoning Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured. The Board shall consider the principle that hardship based on financial considerations alone or hardship created by willful act of the property owner are not considered grounds for exceptional difficulty or unusual hardship.

9.6.1.3 Special Exceptions: Upon the filing and processing of an application in accordance with Section 9.6.2, below, of these Regulations, the ZBA shall have the authority to issue a Special Exception for the change of a non-conforming use, as defined in Section 1.4.4, to another non-conforming use, upon finding that the proposed change:

A. Comports with Section 1.4.4 of these Regulations;

B. Is not materially different from the established use, or likely to have more significant impacts on the surrounding neighborhood and will result in the subject property being maintained as well or better;
C. Will not adversely affect the surrounding property or uses by reason of change in
   i. the character of any structure,
   ii. the location and character of proposed activities, equipment, products, services, and operations, as applicable,
   iii. the proposed signage, lighting, noise, dust, refuse, odor, and hours of operation, and
   iv. traffic.

9.6.2 The following requirements and procedures shall apply to any applications filed with the Zoning Board of Appeals under these Regulations.

9.6.2.1 All applications made to the ZBA shall be in writing, on forms prescribed by the ZBA and each application shall fully set forth the circumstances of the case.

9.6.2.2 Each application for a variance or appealing a decision of a ZEO shall refer to the specific provision of these Regulations involved, and shall exactly set forth as the case may be, the interpretation that is claimed or the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted.

9.6.2.3 Each application for a Special Exception shall provide
A. Historic use information and documentation,
B. Site plans and drawings depicting current and proposed use at scale and in sufficient detail to describe the proposal,
C. Documentation of intent to continue a non-conforming use, and
D. Such other information as the ZBA may determine necessary.

9.6.2.4 The Board may require the filing of an A-2 survey map of any property that is the subject of an appeal, request for variance, or application for a Special Exception under this Section 9.5, or any other information listed in Sections 8.5 and 8.6 of these Regulations.

9.6.2.5 All appeals and applications made to the ZBA shall be accompanied by the appropriate fee as specified in Appendix B of these Regulations.

9.6.2.6 All appeals to the ZBA from an order, requirement, decision or determination of the ZEO shall be taken within 30 days of such action by the ZEO.

9.6.2.7 The ZBA shall hold a public hearing on any appeal, request for variance, or Special Exception application, in accordance with the procedures of Section 8 of these Regulations.

APPENDIX A – DEFINITIONS

Abutting/Adjoining: Separated by no intervening private property and sharing a common boundary or land or separated only by a public street or private right-of-way.

Accessory Building or Structure: A detached building or structure the use of which is subordinate and customarily incidental to the principal use on the same lot.

Accessway: A piece of land containing a driveway intended to provide access to an interior lot or to land(s) of others. The extent of an accessway shall be that area beginning at a public street and ending at the point where the minimum required lot frontage is obtained, or that area as approved by the Commission.

Addition: An extension or increase in floor area or height of a building or other structure or an increase in building coverage.

Agent: An individual specifically authorized to act on behalf of or in the place of the property owner of record at time of the application. Proof of said authorization shall be presented to the Commission in form acceptable to it.

Agriculture: The primary production of products of the soil, involving the cultivation of the land and raising and harvesting of these products, including, but not limited to, nurseries, horticulture, forestry, livestock and poultry.

Alteration: As applied to a building or other structure, a change or rearrangement in the structural parts thereof, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in the appearance, character, or construction; an enlargement, whether by increasing in height, coverage, volume of floor area. As applied to a use, a change or enlargement in the character, area occupied by, intensity, or scope of the use, including, but not limited to, the extension of the hours of operation, the addition of other activities, equipment, functions, or processes, or the extension into additional land or building area.

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves.

Antique: A product, work of art, piece of furniture, decorative object, or the like that is sold or exchanged because of value derived by virtue of its age.

Aquifer: A geologic formation, group of formations or part of a formation that contains sufficient saturated, permeable materials to yield significant quantities of water to wells and springs.

Arcade: Any building or premise which contains three (3) or more electronic and/or mechanical pinball and/or video machines or games.

Assisted Living Facility: A managed residential community that is restricted, to the extent allowed by state and federal law, to persons who are 55 or more years of age, and that provides assistance with activities of daily living to the residents so that they may maintain a maximum level of independence. Services provided by the facility are provided on a 24 hour basis and include assistance with activities of daily living to include bathing, dressing, ambulating, toileting, medication monitoring, and meal preparation. Services are also provided in the following areas: linen service, recreation, security, transportation, shopping, and housekeeping. Assisted living facilities may also provide for the daily living needs of memory impaired residents.

Awning: A roof-like cover that is temporary or permanent that projects from the wall of a building for the purpose of shielding an area, doorway or window from the other elements.

Board of Appeals or Board: The Zoning Board of Appeals of Woodbury, Connecticut.

Buffer or buffer yard: Land area without buildings, other structures, or parking, used to visibly separate the use from another or to block noise, lights, or other nuisances, generally through the use of landscaping, fences and/or vegetation as specified in these Regulations.

Building: Any structure having a room and intended for the shelter, housing or enclosure of persons, animals or materials. All portions of a structure connected by enclosed access meeting the definition of floor area shall be considered part of the same building.

Building, Principal: A building or other structure in which is conducted the main or primary use of the lot on which said building is located, whether such use is permitted by zoning district designation, Special Permit, Special Exception, or as a non-conforming use.

Building Area: The area of ground beneath a building measured by the outer wall of habitable space, the drip line of coverage porches and covered decks and including 50% of the coverage by open patios, walkways, and entry platforms or steps connected to the building but not including seasonal awnings.

Building Coverage: The ratio between the "Building Area" and the "Lot Area", expressed as a percent.

Building Line: The rear limits of the minimum front yard defined by the setback requirements of these Regulations.

Building Official/Building Inspector: The State of Connecticut licensed building inspector of the Town of Woodbury, Connecticut.

Building Permit: A permit for construction issued by the Building Official.

Bulk: The size and shape of buildings, other structures or other site improvements; the physical relationships of their exterior walls or their relation to lot lines and other buildings or other walls of the same building, and all open spaces required in connection with a building. Bulk Regulations include regulations that deal with floor area, building height, lot area per dwelling unit, lot frontage, lot width, required yard areas, spacing between buildings on a single lot or development and length of buildings in a row.

Caliper, Tree: The diameter of a tree trunk, measured four feet above the ground.

Carnival: A traveling amusement show including, but not limited to, games and rides.

Certificate of Occupancy/Use: A certificate permitting the occupancy or use of a building, other structure or land and attesting to the applicant's having met all requirements of these Regulations and other applicable laws. Such certificate may be issued only after a final inspection by the Building Official and a certificate of zoning compliance by the ZEO.

Certificate of Zoning Compliance: A certificate issued by the ZEO stating that a specified use or structure is in conformance with all these Regulations or is a valid nonconformity.

Change of Use: Any proposed use which in the opinion of the Zoning Commission substantially differs from the existing use of a building, other structure, or lot by having different zoning requirements or is otherwise categorized differently in the Zoning Regulations.

Circus: A traveling show of acrobats, clowns, trained animals or other entertainment often performed in the open or under a tent.

Club: An organization of persons which is the owner, lessee, or occupant of an establishment operated principally for a recreational, social, patriotic, benevolent, or athletic purpose, but not for profit, and includes the establishment so operated. A club shall cater exclusively to its members and their guest accompanying them. A member of a club is a person who, whether as a charter member or admitted in agreement with the bylaws or rules of the club, has become a bona fide member thereof, who maintains membership by the payment of dues in a bona fide manner in accordance with such bylaws or rules and whose name and address are entered on the official list of club membership.

Commercial Use: Any activity carried out for pecuniary gain.

Commission: The Zoning Commission of Woodbury, Connecticut.

Concert: A public performance of music or dance.

Convalescent Home/Nursing Home: A dwelling in which more than two persons, other than members of the family of the person owning or renting said dwelling, suffering from abnormal physical conditions or the infirmities of old age are provided with lodging and furnished with meals and nursing care for hire. (Note: Such facilities that are required to be licensed and /or operated by certified personnel shall submit evidence of such current licensure and/or certification as provided by the state or federal agency having jurisdiction over such facilities, to the Land Use Office. Absence of such documentation may result in the determination by the ZEO or the Zoning Commission that the definition herein referenced is not met by this facility)

DAY CARE FACILITIES (Note: Such facilities that are required to be licensed and /or operated by certified personnel shall submit evidence of such current licensure and/or certification as provided by the state or federal agency having jurisdiction over such facilities, to the Land Use Office. Absence of such documentation may result in the determination by the ZEO or the Zoning Commission that the definition herein referenced is not met by this facility)

- **Adult Day Care Center:** An establishment which offers or provides a program of supplementary care for adult persons outside their home for part of the 24 hours in one or more days in the week.
- **Child Day Care Center:** Offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis for a part of the twenty-four hours in one or more days in the week.
- **Family Day Care Home:** A private family caring for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period and where care is given on a regularly recurring basis. During the regular school year a maximum of three additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three children who are in school full time, all the provider's children shall be permitted.
- **Group Day Care Home:** Offers or provides a program of supplementary care to not less than seven children nor more than twelve related or unrelated children on a regular basis for a part of the twenty-four hours in one or more days in the week.

Density: The maximum number of dwelling units permitted per acre of developable acreage or the maximum number of items per a given defined area.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to the construction of buildings, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or permanent storage of materials.

Disturbed Area: An area where the ground cover is destroyed or removed leaving the land subject to erosion.

Distribution Center: An establishment engaged in the receipt and distribution of goods, products, cargo and materials including trans-shipment of goods, products, cargo and materials by motor vehicle but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Drive-in: A use or an establishment designed or operated for such use, where a patron is served while seated in a vehicle parked in an off-street parking area.

Dry Cleaning Establishment/Commercial Laundry – An establishment which launders or dry cleans clothing and other fabric articles in bulk on the premises by persons or services other than the owner of the materials.

Dry Cleaning Pick-up/Drop-off Station – An establishment maintained for the pick-up and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises. No actual laundry or dry cleaning service or work is performed on the premises except for collection and distribution activities.

Dwelling: A building designed or used as the living quarters for one or more persons.

Dwelling, Single Family: A single detached building on one lot used for residential purposes for one family only.

Dwelling, Two Family: A single detached building containing two separate dwelling units on one lot used for residential purposes designed and/or used for occupancy by two families living independently of each other.

Dwelling, Multi-Family: A dwelling or group of dwellings on one lot, containing separate dwelling units for two or more families but which may have joint entrances, services and facilities other than kitchen and bathroom facilities.

Dwelling Unit: One room, or rooms connected together, constituting a single separate, independent housekeeping establishment for owner or renter occupancy, and containing independent cooking, sleeping, and toilet facilities.

EARTH EXCAVATION

Earth Materials: natural soil, loam, sand, gravel, clay, rock or any other excavated natural material.

Excavate: to sever from the earth's surface or to remove earth materials from the ground.

Deposit: to fill or alter by the addition of earth materials and/or fill existing swamps, wetlands, water courses, or other bodies of water, or to change, by filling or re-grading, existing contours and elevations.

Permit Area: the limits of the area within the premises for which a permit or permits exist or are requested for excavation, storage area, and processing of earth materials.

Premises: within an earth excavation district, the entire area of land owned by the applicant or permittee and identified as one piece of property by the Woodbury Tax Assessor's Office within which the permit area is proposed.

Storage Area: an area within the permit area in which the applicant proposes to stockpile excavated materials and/or approved fill materials and/or to locate any equipment and structures.

Rock Quarry: an earth excavation operation within an earth excavation (EE) District that involves removal of solid rock materials by any means.

Processing: alteration of earth materials excavated on site, including mixing with earth materials or other approved materials imported to the site using authorized processing equipment, including but not limited to screening and crushing and production of concrete, asphalt and other earth materials products.

Imported Materials: earth materials returned to a permit area as excess materials produced by permitted excavation activities, or as authorized by any permit issued in accordance with these Earth Materials Regulations.

Clean Fill: Materials as defined in Section 22a-209-1 of the Regulations of Connecticut State Agencies, but excluding

a. polluted soil as defined in subdivision (45) of subsection a of Section 22a-133k-1 of the Regulations of Connecticut State Agencies,
b. any materials containing asbestos, and
c. asphalt.

Easement: A right, established in a deed or other legal document, of one party to use land of a second party for a special purpose.

Elderly Housing: Dwelling units designed especially for the elderly, restricted, in perpetuity, for the occupancy of such persons.

Enlargement, or to enlarge: Any addition to the floor area of an existing building, an increase in size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. "To enlarge" is to make an enlargement.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Extension/Expansion: An increase or amplification, as distinguished from conditions of establishment or inception. "Extension" shall be deemed to include any increase in the scope of services offered, of any nonconforming, nonresidential use of land, buildings, or other structures. "Expansion" shall be deemed to be an increase in area or volume occupied or devoted to a use; the increase in living space or occupant capacity of a structure or adding uses or structures accessory to a non-residential use or structure; the addition of weeks or months to a use's operating season; additional days or hours of operation; change in the character of the operation or the increase in net floor area or ground area devoted to a particular use.

Fair: A gathering or public exhibition at which products or crafts are sold, displayed or judged competitively and/or at which amusements are provided for public enjoyment.

Family: One or more persons related by blood, marriage or adoption living together as a single housekeeping unit, including foster children and/or domestic help, but not including paying guests, boarders or roomers. A group of not more than four unrelated persons keeping house together shall be considered a family.

Farm/Agriculture: Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other Mollusca shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoophouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming

operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other Mollusca shellfish, on leased, franchised and public underwater farm lands; or as otherwise defined in the Connecticut General Statues § 1-1, as may be amended from time to time.

Fence: Any artificially constructed barrier of any material or combination of materials erected above grade to enclose or screen areas of land.

Floor Area: For purposes of determining floor area, those parts of a building which are part of the heated interior, with a minimum headroom of seven feet (floor to ceiling vertically), at ground floor level or accessible from the ground floor level by interior permanent stairway. Rooms partially below grade may be counted only if there is window area entirely two feet or more above grade equal to 1/8 or more of the floor space in each room, and 45% or more of such window area can be opened. Open or enclosed porches, verandahs, garages or other attached structures, basement rooms, cellars and rooms for heating equipment shall not be counted.

FOOD SERVICE ESTABLISHMENTS

- **Country Inn with Restaurant:** A building, a portion of which is occupied by the owner thereof as a permanent residence, and which building is designed or used for the short term rental of more than four (4) rooms and not more than twelve (12) rooms and a total of twenty-four (24) transient guests. Country Inn with Restaurant shall not include any cooking facilities in rooms, but may include meals served by the owner to guests and the general public. A Country Inn with Restaurant shall be designed so that normal access and egress are from a centralized point, as distinguished from a motel.
- **Restaurant:** A commercial enterprise whose primary function is the direct sale of food to the general public for consumption on the premises, with food service primarily to customers seated at tables or at counters in enclosed buildings. Music and entertainment may be provided as an accessory use provided an area set aside for such entertainment may not exceed five percent of the gross floor area of the restaurant. A restaurant shall not include drive-in, window service, or other outdoor service other than outdoor tables.
- **Restaurant, Fast Food-**Formula Food: Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in a ready-to-consume state for consumption within the building or on or off the premises and whose design, method of operation, or any portion of whose business includes:
  - sale of food, frozen desserts, or beverages in paper, plastic, or other disposable containers or
  - service of food, frozen desserts, or beverages directly to a customer in a motor Vehicle and
  - contractual or other arrangement, established or recognized business practice, or membership affiliation which maintains two (2) or more of any of the following characteristics; a) use of a business name common to similar businesses elsewhere, b) substantially standardized menus, ingredients, food preparation, uniforms, or other standardized features common to similar

businesses elsewhere, c) interior décor common to similar businesses elsewhere, d) architecture or exterior signage similar to similar businesses elsewhere, e) use of a trademark or logo (excluding logos used by chambers of commerce, rating associations, or better business bureaus), and f) a name, appearance, or food presentation which causes it to be substantially identical to another restaurant whether within or outside of Woodbury, Connecticut. "Fast Food" and "Formula Food" carry the same meaning and may be used interchangeably in the context of a business, a restaurant, a land use, or an occupation.

Garage, Private: A detached or accessory building or a portion of a main building for the parking and storage only of motor vehicles belonging to the occupants of the premises.

Garage, Public: A building other than a private garage used for the maintenance and repair of motor vehicles or for the storage of five or more motor vehicles.

Garden Apartments: A residential structure containing not less than four (4) dwelling units, or a group of such buildings.

Gas/Service Station: A building and required accessories needed to provide fuel, lubrication, and/or minor motor vehicle repairs, excluding activities pursuant to a general repair's license.

Grading: Any excavating, grubbing, filling or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Greenhouse: An agricultural structure constructed primarily of glass or other translucent material and used for the production of crops, nursery stock or similar agricultural product.

Guest House: An accessory structure for the occasional use of bona fide nonpaying transient guests of the occupants of the principal building on a lot.

Hazardous Materials or Wastes: Any element, compound, mixture, solution, substance or combination thereof, which, because of quantity, concentration, or physical, chemical, or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of into or on any land or water in the Town of Woodbury. "Hazardous materials or wastes" includes, but is not limited to, any substances regulated as a "hazardous waste," "hazardous material," or "hazardous substance" under any federal, state or local law, including, but not limited to, Connecticut General Statutes 22a-115(1), 22a-448 through 22a-457 and 29-336 through 29-341 and 42 United States Code Section 6903(5) and 42 United States Code Section 9601(14), as amended from time to time.

Health Care Facility: A building or group of buildings composed, at a minimum, of residences or sleeping quarters and common dining facilities, and offering limited medical care, all functioning in an integrated manner. (Note: Such facilities that are required to be licensed and /or operated by certified personnel shall submit evidence of such current licensure and/or certification as provided by the state or federal agency having jurisdiction over such facilities, to the Land Use Office. Absence of such documentation may result in the determination by the ZEO or the Zoning Commission that the definition herein referenced is not met by this facility)

Health Officer: The legally designated health authority of the Town of Woodbury or its authorized representative(s).

Height: The vertical distance measured in feet from the average existing level of the ground surrounding a building or other structure or addition thereto up to the midpoint between the ridgeline and the eave of a pitched roof, or up to the level of the highest main ridge or peak of any other type of structure, or to the top of any solar panels or roof top mechanical equipment, whichever is greater. The number of points necessary for an "average" computation shall be calculated as four points within six (6) feet of the foundation for every 1000 square feet of building coverage with at least one point adjacent to each wall of the building or as otherwise determined by the Commission or its agent. The existing level shall mean the actual grade elevations or grade elevations approved as part of a Site Development Plan of the property at the time of application.

Home Occupation: A nonresidential use not otherwise permitted in residential districts, which is clearly accessory and secondary to the residential use of the property. Any occupation entailing substantial patronage in excess of five (5) appointments per hour or which create nuisances, noise, glare or odor shall not be considered "Home Occupations".

Hospital: A place for the diagnosis, treatment or care of human ailments including, without limitation, a sanitarium, convalescent home, but not including correctional institutions or places to which persons may be involuntarily committed. (Note: Such facilities that are required to be licensed and /or operated by certified personnel shall submit evidence of such current licensure and/or certification as provided by the state or federal agency having jurisdiction over such facilities, to the Land Use Office. Absence of such documentation may result in the determination by the ZEO or the Zoning Commission that the definition herein referenced is not met by this facility)

Household Pet: A cat, dog or other animal which usually kept as a companion and housed with human occupants in a residential building.

Illegal Use of Land, Building or Structure: Any uses, whether of a building or other structure, or of a tract of land; or, the erection of any building or other structure, in/on which a violation of any provision of these Regulations has been committed or shall exist, or which use is not specifically listed as permitted in these Regulations. Such violation shall be determined as of the date of establishment of such use, as nearly as the same may be determined.

Impervious: Surfaces that do not readily absorb water; including but not limited to building footprints, parking areas, driveways, roads, sidewalks and any areas in concrete or asphalt, not including retention basins. Areas covered by materials designed to allow water infiltration and vehicle traffic, including stone, gravel and manufactured surfaces, shall be considered impervious in the percentage documented by engineering specifications.

Improvement: Any change or alteration to the existing conditions of a site for the purpose of complying with these Regulations or rendering the site more suitable for development and/or habitation. As used in these Regulations, improvements include, but are not limited to, paved streets, curbs, gutters, sidewalks, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sediment control measures, fire ponds, sewer and water systems, buildings, earth filling or removal, seeding, and grading.

Industrial Park: A tract of five or more acres of land which is planned in conformity with the comprehensive plan as the site for one or more industries.

Intensification or to Intensify: A change in the degree of a use that (a) reflects the nature and purpose of the original use; (b) does not change the character, nature or kind of use; and (c) does not effect a substantial difference upon the neighborhood. Intensification shall be deemed to include an improved technology or instrumentality that does not constitute a marked departure from the original use.

Interior Lot Line: For an interior lot, the straight line closest to the street along which such lot meets that minimum width requirement of these Regulations.

Interior Lot: A lot which lacks the required width at the street line or building line.

Junk Yards: Any land or building used in whole or in part for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or other similar material and including an automobile junk yard as defined in the Connecticut General Statutes, but not including Town refuse disposal areas and/or transfer stations.

Kennel, Commercial: A kennel licensed by the State of Connecticut Department of Agriculture maintained as a business for boarding or grooming dogs or cats, including a veterinary hospital boarding or grooming dogs and/or cats for nonmedical purposes.

Kennel, Hobby: One pack or collection of animals, not to exceed six adult animals, kept under one ownership on a single premise bred for pleasure, show, sports or sale.

Landscaped Buffer yard: The portion of the lot within the front, rear or side yard upon which there shall be no construction except for a driveway or sign and within which must be planted a combination of grass, trees and shrubs, to shield construction on-site from adjacent properties.

Livestock: All animals except household pets kept as part of a farm operation or as permitted of right, but excluding pigs and mink.

LODGING

- **Bed and Breakfast:** An owner-occupied private residence in which lodging and breakfast are provided for not more than eight transient paying guests who shall not utilize more than four rooms at any given time.
- **Country Inn with Restaurant:** A building, a portion of which is occupied by the owner thereof as a permanent residence, and which building is designed or used for the short term rental of more than four rooms and not more than 12 rooms and a total of 24 transient guests. Country Inn shall not include any cooking facilities in rooms, but may include meals served by the owner to registered guests. A Country Inn shall be designed so that normal access and egress are from a centralized point, as distinguished from a motel.
- **Hotel:** A building designed to be used as the more or less temporary abiding place of nine or more persons, or providing six or more sleeping rooms, in which lodging is provided for compensation with or without meal service including the general public.

- **Motel:** Any structure or group of structures having sleeping rooms, with separate outside entrance for each room or suite of rooms, in which lodging is provided for transient guests for compensation.

Lot: A plot or parcel of land under the same ownership occupied or capable of being occupied by one principal building and the accessory buildings and uses customarily incident to it, including such yards and areas as are required by these Regulations. In the case of public institutions, commercial or industrial buildings, a group of buildings under the same ownership may be considered as occupying the same lot. A lot may, but need not be delineated by, a recorded deed or map.

Lot Area: The area of horizontal plane bounded by the front, side, and rear lot lines of a lot.

Lot, Corner: A lot situated at the intersection of two streets which meet at an angle of not more than 135 degrees.

Lot, Through: A lot having both front and rear yards abutting on a street.

Lot Frontage: The distance between the side lines of a lot measured either along the front street line or the interior lot line.

Manufacturing: Any process whereby the nature, size, or shape of an article is changed or where articles are assembled or packaged in quantity.

Minimum Square: A square with sides of the length designated for a zone in which it is being applied and which must be capable of being drawn entirely within the boundaries and behind the minimum front yard setback line of a lot in said zone.

Motor Vehicle: Any vehicle as defined in Connecticut General Statutes Section 14-1(53).

Municipal Parking Facility: Any public parking area owned or controlled by the Town of Woodbury, the State of Connecticut, or any regional transit district and parking facilities owned by any other public agency.

Nonconforming Structure: A structure legally existing on the effective date of these Regulations, which met all requirements of the Zoning Regulations then in force, if any there were, on said effective date, but does not meet the current requirements of these Regulations; or a building legally existing on the effective date of any amendment hereto which caused such building to cease to meet the requirements of these Regulations.

Nonconforming Lot: A Lot of Record, subject to the requirements of Section 1.4 of these Regulations.

Nonconforming Use: The actual use of land, buildings, or premises which is not a use permitted by these Regulations, but which lawfully existed prior to the effective date of these Regulations or any amendment hereof or change in zoning classification which created the nonconformity.

Nonprofit Organization: An organization exempt from Federal Income Tax under Section 501(c) or successor provision of the Internal Revenue Code.

Nursery: The growing of flowers, plants, shrubs, or trees as the principal activity on the property. Commercial activities shall be limited to the sale of products grown on the premises and shall not include a retail outlet selling garden supplies or operation of a landscape service business or the storage of equipment related thereto.

Occupy: To take possession or enter upon for the purpose of using. When applied to a recreational vehicle, to use for dwelling purposes.

Open Space: All land permanently protected from use for the construction of dwellings, parking area, vehicular circulation, or private yards within a development shall be considered open space. The use of the land for agriculture, athletic, or passive recreational may be permitted after approval by the Commission. Open spaces may contain such auxiliary structures and improvements as are necessary to or desirable for the proper use and maintenance of the open space.

Owner of Record: The owner whose name is recorded on the most recent Grand List of Real Estate or field card maintained by the Tax Assessor's Office of the Town of Woodbury.

Parade: A public procession held on a festive or ceremonial occasion.

Park: An area of land and/or water, primarily in its natural state, except for man-made recreation facilities or other improvements related to the purpose of promoting health and enjoyment of the public as hereafter stated, and dedicated and used for nonprofit recreation, scenic, leisure, conservation, historic, or ornamental purposes, owned and operated by a public or nonprofit entity. A park as used herein does not include an "amusement park" or any type of park with mechanical rides, games, arcades, or a like, for profit or gain, either directly or indirectly.

Parking Area: An area other than a street used for the temporary parking of five or more automobiles.

Paving: Any type of all-weather surfacing including crushed stone, traprock, macadam, asphalt, and concrete.

Person: An individual, firm, partnership, joint venture, association, club, corporation, estate, trust, receiver, syndicate, or other entity or combination thereof.

Place of Worship: An institution intended for the primary use of conducting religious services, meetings and like activities.

Pollution: Any alteration of the natural environment including air, soil, or water by reason of deposition, discharge or storage of any hazardous material or operation of equipment that alters the physical, chemical or biological properties of the natural environment.

Porch: A structure, with or without a roof, projecting out from the wall or walls of a building, including a deck.

Premises: Any lot or combination of contiguous lots held in single ownership, together with the development including all buildings, other structures, and uses located on a lot constitutes one premise.

Primary/Principal Use: The primary purpose or function for which a premise is used, designed, or intended to be used.

Professional Office: An office for recognized professions such as doctors, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, and others, who through training or experience are qualified to perform services of a professional as distinguished from a business nature.

Public: Used or controlled exclusively by any department or branch of a governmental or municipal unit; excludes clubs, associations, and other private entities which may serve the public purpose.

Public Facilities and Services: Any activity or use, carried out by the Town of Woodbury or its duly authorized agents, such as public utilities, refuse disposal areas, schools, pollution control plants, highway garages, Town Halls, Town Office Buildings and other similar uses.

Public and Semi-Public Use: A nonprofit or quasi-public use or institution such as a place of worship, library, post office, hospital, school or facility of the Town, State, or Federal Government.

Recycling: The processing of concrete, refuse, pavement, solid waste, and other junk material to reclaim or remanufacture the resource material into a reusable state.

Refuse: Waste, junk, garage, debris, rubbish or trash, but not including sewage collected or disposed of in facilities duly licensed by the State of Connecticut or any agency thereof.

Right of Way: A servitude imposed by law or by convention, and by which one has a right to pass through the real property of another.

Salvage Yard: Any lot, land, parcel, or building, or other structure or part thereof, used for the exchange, storage collection, processing, purchase, sale, reclamation, or disposal of unwanted or discarded material. A salvage yard does not include a municipal operated transfer station in accordance with Connecticut General Statute.

School: An institution whose primary function is the instruction of academic subjects to adults or children, and the word school shall not be deemed to include an institution which is primarily a summer or winter camp, whose main function is the enjoyment of physical activities with or without instruction nor other institution which has a primary function of providing recreational facilities.

Setbacks: The minimum distance that buildings and/or other structures shall be set back from front, rear, or side property lines as required by these Regulations (see Yard, Front; Yard, Rear; Yard, Side).

Site Development Plan: Site Development Plan shall mean the plan(s) that are required to be filed by Sections 3, 4, 5, and 6 of these Regulations, the form and content of which is prescribed by Section 8.6 of these Regulations.

Special Event: An occasion or activity, advertised or otherwise promoted to the general public, including but not necessarily limited to carnivals, circuses, concerts, and fairs, when

a. held on private property and reasonably expected to attract in excess of 400 persons or 200 vehicles during any single hour over the term of the special event, or
b. held on public property and reasonably expected to draw more vehicles than can be accommodated by available permanent on-site parking during any single hour over the term of the special event.

Stable, Commercial: A stable maintained as a business for boarding or hiring horses, including riding schools.

Stable, Noncommercial: A stable used solely for horses owned by the resident-occupant which may board up to five horses not owned by the resident-occupant.

Storage Containers: Portable enclosures that are mounted or can be mounted on wheels or an unregistered trailer.

Story: That portion of a building above the basement included between any floor and the ceiling or roof above it.

Story, Half: Any place under a gable, hip, or gambrel roof, the floor of which is not more than two feet below the plate.

Street: Any town or state highway, except a limited access state highway, and any street shown on a subdivision map approved by the Woodbury Planning Commission and filed in the land records of the Town of Woodbury.

Street Line: The dividing line between the street and the lot. Where such line has not been established, it is deemed for purposes of these Regulations to be a line parallel to and 25 feet distant from the center line of the traveled surface.

Structure: A combination of materials assembled to give support or shelter such as buildings, towers including wind generation support towers, masts, sheds, roofed storage areas, and retaining walls and fences more than six (6) feet in height; this will normally include anything constructed or erected on the ground the use of which requires essentially permanent location on the ground or attachment to something having location on the ground, as determined by the Zoning Commission. All buildings shall be considered structures.

Tag Sale: The temporary use of land or the building thereon for the purpose of the public sale of personal household goods by the owner or the resident thereof in conjunction with the clean-out or vacating of the residential premises. In no way does the term “tag sale” encompass the sale of goods brought to the premises for the purpose of public sale at one location. The term “tag sale” shall include garage sale, yard sale, barn sale, attic sale and similar term or activity.

Temporary Structure: A structure without any foundation or footings which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

Tent/Sidewalk Sale: The temporary use of land or a building thereon for the purpose of public sale of commercial retail goods by a store owner in conjunction with the operation of an existing business located on the premises.

Terrace: A level, landscaped and/or surfaced area located on the ground with no structural supports other than subsurface base material and retaining walls. A patio or terrace located at grade level shall not be deemed a structure.

Total Coverage: The portion of the lot, expressed as a percentage of the total lot area that is covered by impervious surfaces. This shall include buildings, walkways, paved parking and drive areas, outside storage areas and all other areas that due to the development of the parcel or lot, render those portions impervious, but shall not include swimming pools and tennis courts.

Tower: A structure that is intended to support equipment for receiving and/or transmitting electromagnetic waves for provision of commercial wireless communications services. Design examples of towers include self-supporting lattice, guyed, and monopole towers and support structures for satellite dish antennas.

TRAILERS/RECREATIONAL VEHICLES

- **Camper Coach or Travel Trailers:** Any self-propelled or portable unit, whether or not currently operable, originally designed and constructed to be mounted on wheels and to be used for recreation, travel camping, vacationing, temporary construction office, or other shelter for one or more persons.
- **Pickup Coach:** A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel and recreational uses.
- **Recreation Vehicle:** A portable vehicle, built on a chassis, designed to be used as a temporary dwelling for travel, camping, recreation, and vacation uses, and a body width not exceeding eight feet. It shall be eligible to be registered, licensed, and insured for general use on the roadways. The term shall include a camper coach, pickup coach, and travel trailer.
- **Trailer:** A vehicle or construction (whether on temporary or permanent supports) designed to be drawn by or carried on a motor vehicle that transports boats, construction equipment or goods of any sort.
- **Trailer Park:** Any plot of land or any contiguous plots of land owned or controlled by an individual or group of individuals upon which two or more camper coaches, pickup coaches, travel trailers or recreational vehicles are located for dwelling or sleeping purposes.

Traveled Way: That portion of a public or private street from the edge of the road surface to the opposite edge of the road surface or from the inside curbface to the opposite inside curbface.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied and maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Veterinary Clinic/Hospital: A commercial facility where animals are brought in for medical treatment and may remain for observation, further treatment or recuperation.

Warehouse/Warehousing: A building primarily used for the storage of goods and materials.

Water Courses: Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, public or private, which are contained within, flow through or border upon the Town of Woodbury or any portion thereof.

Wetlands: Land, including submerged land, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and flood plain by the National Cooperative Soils Survey, as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture.

Wireless Communication Facility: The antennas, satellite dish antennas, telecommunications equipment, communication towers, monopoles, and/or support structures used in conjunction with the provision of commercial wireless communication services. These services may include, but are not limited to cellular communications, personal communication services, specialized mobilized radio, and paging.

Yard: The open, unoccupied space on a lot with a building, defined by a setback line extended along the entire length of a street or of any lot line, in which there shall be no structures other than permitted fences and permitted signs.

Yard, Front: The open, unoccupied space across the full width of a lot from the street line to the front yard setback line required by these Regulations.

Yard, Rear: The open, unoccupied space across the full width of a lot between the rear lot line and the rear yard setback line required by these Regulations.

Yard, Side: The open, unoccupied space between the side lines of a lot and the side yard setback lines required by these Regulations, extending from the minimum front yard to the minimum rear yard. The minimum side yard includes both a minimum for each side, and a minimum for the two sides combined.

Appendix B: Fee Schedule

General

A. **Establishment of Fees:** Fees are established and may be revised from time to time by the Zoning Commission pursuant to the Woodbury Town Ordinance Chapter 8, Article I, Sec. 8-17.

B. **Payment of Fee:** The fees set forth are payable at the time of submittal of an application to the Land Use Office. Failure to submit the required fees may result in denial of the subject application as incomplete.

C. **Outstanding Fees:** No Zoning Permits or Certificates of Zoning Compliance shall be issued until such time as all outstanding fees are paid in accordance with this fee schedule.

D. **Town of Woodbury Fee Waiver:** No fee shall be charged for any application submitted by or on behalf of the Town of Woodbury.

E. **Fee Waiver Damaged Structure:** No fee shall be charged for any application associated with the repair or replacement of an owner-occupied single family residential dwelling that has been destroyed or damaged by fire, storm or other casualty.

F. **Fee Waiver Other:** The Zoning Commission or Zoning Board of Appeals may waive or reduce a fee for good cause; in no case may the State fee or any fees incurred by the Town be waived.

G. Technical Review Fee: The fees set forth below are the minimum fees required. The Zoning Commission and the Zoning Board of Appeals reserve the right to hire, at the applicant's expense, outside consultants, including but not limited to attorneys and engineers, to assist in the review of any application submitted to the Zoning Commission, Zoning Board of Appeals, Zoning Enforcement Officer or Town Planner. If the Commission, Board or its staff believes the cost of processing or reviewing an application will exceed those fees set forth below, the Commission or Board may require additional fees be paid at the time of application. When the actual cost of processing and reviewing an application exceeds the actual fees paid, the Zoning Commission or Zoning Board of Appeals shall bill the applicant for the actual excess amount. If all fees required herein are not paid the Commission or Board may consider the application incomplete and deny the application.

H. **State Surcharge:** A $60.00 State of Connecticut mandated surcharge shall be applied to all land use applications, except those submitted by the municipality, as required by CGS Section 22a-27j. This fee is set by the State of Connecticut and may be amended from time to time.

I. **Permits and Application Fees Based on Cost of Construction:** Where a construction cost estimate is required to determine a zoning permit or site plan application fee, the applicant shall provide an estimate for review by Land Use Department Staff. The applicant may be requested to provide documentation to substantiate cost of construction estimates. The Town Planner and Land Use Enforcement Officer may refer to the Town of Woodbury Building Department Schedule of Permit Fees to determine estimated cost of construction.

Zoning Permit Fees

All stated fees are subject to a $60 State of Connecticut Surcharge

A. Zoning Permit Fees for Construction

The fee for zoning permits shall be based on the estimated cost of construction as determined by the Land Use Department staff in accordance with the following schedule.

FROM	TO	FEE
$0	$2,500	$15.00
2,501	5,000	$30.00
5,001	25,000	$75.00
25,001	50,000	$200.00
50,001	100,000	$250.00
100,001	200,000	$300.00
200,001	500,000	$350.00
500,001	750,000	$400.00
750,001	1,000,000	$550.00
1,000,001	And up	$600.00 plus $50 for each $100,000 or portion thereof over $1,000,000

B.	**Sign Permit Fee**	**$ 30**
C.	**Home Occupation Permit Fee**	**$ 30**
D.	**Accessory Apartment Permit Fee**	**$100**
E.	**Zoning Permit for Change of Use (no construction costs) Or Temporary Use**	**$ 30**

Zoning Commission Fees

All stated fees are subject to a $60 State of Connecticut Surcharge

A. Special Permit/Exception Application Fee $250

B. Site Plan Approval Application Fee shall be based on the estimated cost of construction as determined by the Land Use Department staff in accordance with the following schedule:

Up to $100,000 cost of construction $100

Plus $100 for each additional $100,000 or portion thereof cost of construction

C. Site Plan Approval Application Fee for Change of Use $150
(no construction/no public hearing required)

D. Minor Modification of Special Permit/ Site Plan $150
(No Public Hearing Required)

E. Earth Excavation District Application/Permit Renewal Fee $550

F. Earth Excavation District Monitoring/Inspection Fee $10/1,000 c.y.
Fee is due upon issuance of permit in accordance with Section 7.9. Fee is based on projected cubic yards of earth material to be excavated during permit term.

G.	**Application to Amend the Zoning Regulations**	**$300**
H.	**Application to Amend the Zoning Map**	**$300**

<u>Zoning Board of Appeals Fees</u>
All stated fees are subject to a $60 State of Connecticut Surcharge

A.	**Request for Variance**	**$200**
B.	**Appeal of the Decision of the Zoning Enforcement Officer**	**$100**

Appendix C: Revisions

05/11/1970	• Amended Section 2.2.1 - Accessory Building or Use • Amended Section 2.2.16 - Lot • Added Section 2.2 - Definition of "principal Building' • Amended section 3.1 and 4.2 to delete reference to "Flood plain" • Added Section 4.1.2 - Regulating construction of additional principal buildings on lot • Amended Section 4.3.9 - Height Exceptions • Amended Section 4.3.12 - Accessory Buildings • Added Section 4.3.13 - Housing for Animals • Added Section 4.3.14 - Undivided Tracts • Amended section s.1 - Uses permitted in Any District; s.1.5 - Farms; 5.1.6 - Excavating and Landscaping • Amended section s.2.6 - special Exceptions relating to commercial, stables, poultry farms, etc. • Added section 5.2.9 - special Exception for Earth Excavation • Added Section 5.3.2.a - Duplex Dwelling Units • Amended Section 5.9 - Flood plain • Amended Section 6 - Signs • Amended Section 11.2 - Application for Zoning permit
05/25/1970	Added Section 15 - Earth Excavation Regulations
03/01/1971	• Amended Sections 5.2.9, 5.9.2, 5.9.3, 15.2 and 15.4.2 relating to • Earth Excavation Regulations • Amended section 5.9.1 relating to Flood Plain Regulations • Adopted Map entitled "Topographic Map with Flood Plain, Town of • Woodbury, Connecticut, Woodbury Zoning Commission, Dated 11-23-70"
07/12/1971	• Amended Section 4.3.3 - Frontage on Street • Amended Section 4.3.4 – Interior Lots
07/19/1971	Amended section 4.2.4 - interior Lots, to correct technical error
09/15/1973	• Amended Section 6 - Signs • Added section 6.4.1 relating to Special Permits for special signs
04/27/1975	• Added Section 5.11.1.f relating to auction and tag sales • Amended Sections 6.4.c, 6.5.b and 6.6.d - Technical revisions relating to dimensional standards of signs
10/01/1975	Amended Section 15 - Earth Excavation Regulations – Minor technical revisions
09/01/1976	Addition to Preamble to Zoning Regulations Amended Section 3.1 - use Districts to establish Open Space Residence Districts (OS-60, OS-80, OS-1OO) • Amended section 4.2 - Height, Area and yard Requirements to establish minimum standards in open space subdivisions • Amended section 5.9 - Flood Plain District, to comply with Federal guidelines • Amended section 5.3 - Residence Districts, 6.2 and 6.4.a - signs, making miscellaneous technical changes • Amended the Zoning Map to delineate open space Residence Districts and establish boundary dimensions for all nonresidential zone boundaries not following streets, rivers or property lines

10/27/1976	Added section 14 - Interim Development Regulation relating to Middle Quarter Zone
02/07/1977	• Added Section 1.5 - Performance Standards for Nonresidential uses • Amended Section 5.3.5 relating to home businesses • Amended section 7 relating to off-street parking and loading standards
05/15/1977	• Added section 5.6A - Middle Quarter District, to establish a special use district and seven sub districts in the Middle Quarter area • Added Section 9 - site Development standards and Plan, to provide for design requirements and map information for site plans • Amended section 10 - special Exceptions and Special Permits to bring existing regulations in conformance with Connecticut General Statutes • Amended Section 11 - Administration, revising fee schedule for Special Permits and Special Exceptions • Amended Zoning Map to include Middle Quarter Zoning District
08/29/1977	• Amended section 4.3.12- Accessory Buildings and added subsections 4.3.12.1, 4.3.12.2, 4.3. 1 2.3 and 4. 3. 1 2.4 defining location of accessory buildings • Amended Section 5.1 - Uses permitted in Any District • Amended Section 5.2 - Special Exceptions Permitted in any District • Amended Section 5.3.6 – Shop and Storage use by contracting and building tradesmen
01/01/1978	• Amended sections 4.3.6, 4.3.14, 5.2.9, 5.4.4.k, 5.8.3, 6.3 and 6.6.c - Technical revisions • Amended section 5.3.7.3 to allow for expanded agricultural uses in residential districts • Amended sections 6.5 and 11.2.1 relating to real estate signs and fees • Amended section 5.9 to incorporate rules and regulations of National Flood Insurance Program
06/19/1978	Amended section 5.9 - Flood plain - Technical revision to comply with Flood Insurance Administration directive
10/15/1978	Added section 5.6A.8 to allow for modification by Special Exception of minimum landscaped buffer and setback from street requirements in Middle Quarter A, C and E sub districts

05/14/1979	• Deleted Section 5.5 - General Business District
	• Deleted Section 5.6 - Planned Business District
	• Added new section 5.6 - Main Street Design District (MSD) establishing new district with regulations pertaining to use, occupancy, changes in use and development
	• Miscellaneous technical revisions to the following sections to conform with MSD regulations:
	  o 6.3, 6.4, 6.4.1 - Signs
	  o 9.2.12.b - Landscaped Buffer
	  o 7.3.5 - Location of parking
	  o 2.2.36 - Definition of Site Development plan
	  o 3.1 - Use Districts
	  o 9.2.13 - Erosion, Sediment and Runoff Control
	  o 9.2.10 – Total Ground Coverage

	• Amended Woodbury Zoning Map to delete General Business District and Planned Business District and add Main Street Design District • Amended Zoning Map to include newly accepted town roads and correct errors regarding roads, abandoned rights-of-way and private rights-of-way
06/30/1980	• Added section 2.2.37 - Definition of 'Landscaped Buffer" • Amended section 5.6A.5.b and c relating to minimum landscaped buffer and minimum building setback requirements in Middle Quarter zone
09/24/1982	• Deleted section 4.3.1_relating to minimum floor area requirements • Amended sections 2.2.10 and 5.4.4.9 to delete references to minimum floor area requirements • Added section 10.6 to allow for staged developments • Added sections 10.7,10.1.1,10.7.2, and 10.7.3 relating to expiration of Special Permit and Special Exception approval
01/01/1984	• Amended sections 10.3, 1 1.2.1,12.4 and6.4.1 relating to the fee structure • Added section 5 6A.9 relating to minimum change of use or sign in Middle Quarter
01/01/1985	• Added section 6.7 relating to signs in Garden Apartment zone and amended section 6.2 to delete reference to GA zone • Amended section 9.2.6 relating to drainage and runoff control • Amended section 9.2.13 relating to erosion and sediment control
11/25/1985	Added section 16 - Erosion and sediment control Regulations
07/20/1986	• Added Section 2.2.2 - Definition of ,Application, • Amended section 5.9 relating to Flood Plain Regulations • Amended section 9.2.14 relating to Form and Content of Site Development Plan • Added Section 9.2.15 – Bonds
08/01/1987	• Added Section 1.5.6 relating to offensive wastes • Deleted Section 2.2.2 - Definition of "Application" • Deleted Section 2.2.29 - Definition of “Tourist Home' • Added to Section 2.2 new subsections to define "Bed and Breakfast, "Kennel", “Commercial Kennel', "Minimum Lot Size", and “Handicap and Compact parking Spaces” • Amended sections 2-2.12 – Floor Area, and 2.2.22 – Standard Parking Space - Minor technical revisions • Deleted section 4.1.2 relating to construction of more than one building per lot • Deleted Section 4.3.13 - Housing for Animals • Amended sections 4.2 and 4.2.1 to add new standards for area requirements • Added Section 4.3.13 - Satellite Dishes • Minor technical revisions to sections 4.2, 4.3.4 - Interior Lots, 4.3.6 - Corner Lots, 4.3.1 1 - Fences, 4.3.12 - Accessory Buildings and 4.3.14 - Undivided Tracts • Amended Section 5.1.1 relating to farming uses and keeping of livestock • Amended section 5.2.6 relating to kennels and stables • Added Section 5.3.2.b relating to construction of two residences per lot • Added Section 5.3.2.c relating to accessory apartments • Added Section 5.3.7.1.g relating to nursing homes

	• Added Section 5.3.7.2 relating to conversion of one-family to multiple-family dwellings • Added Section 5.3.7.4 - Bed and Breakfast regulations • Minor technical revisions to Section 5.6 MSD • Added Section 5.6.3.1 restricting uses in accessory buildings • Amended Section 5.6A.3 to add to prohibited uses in Middle Quarter zone • Amended section 5.6As and deleted section 5.6A.7 relating to height standards in MQ zone • Added Section 5.7.3.c requiring landscaped buffer in Planned Industrial zone • Technical revisions to section 5.9 - Flood Plain District in Sections 5.9.1, 5.9.2 and 5.9.4 to comply with Connecticut D.E.P. standards • Technical revisions to sections 6.2, 6.3, 6.4, 6.5, 6.6 and 6.7 relating to signs • Added Section 7.2.2 - Handicapped Parking Space • Added Section 7.2.3 - Compact Parking Space • Added section 7.3.4 relating to compact car parking standards • Technical revisions to Sections 7.3.5, 7.3.6, 7.3.6.1relating to parking and loading locations and 7.4.4 regarding parking standards • Added Sections 8.9, 8.9.1 and 8.9.2 defining duties and powers of Zoning Board of Appeals • Added Section 9.1.1 - Application for Site Development Plan • Technical revisions to Section 10.2.2- Application Requirements, 10.2.3 - Fee, 10.5 and 10.2.1 defining expiration date of Special Permits • Amended Section 11.2.1 relating to fee schedule for permits • Added new section 17 – Commercial Cutting of Timber, to regulate commercial timber harvesting
01/12/1988	Technical revisions to Section 17 - Commercial Cutting of Timber
08/08/1988	Added section 5.2.10 relating to raising and sale of fish, shellfish and crustaceans
09/15/1988	Amended section 5.2.3.b relating to commuter parking lots
01/31/1989	Amended section 5.2.7 relating to uses of an intermittent nature, (i.e. carnivals, circuses, concerts, events, fairs, parades)
08/08/1989	Deleted section 8.3 relating to nonconforming industrial buildings and uses
11/01/1989	Added section 5.12 - Open Space Residential Development
02/15/1990	Amended section 5.1 .1.b relating to keeping of livestock and Section 9.2.9.d relating to outside storage in PI Districts
04/10/1990	Minor technical revisions to Sections 5.6.2.a and 5.6A.2.a
08/01/1990	Added Section 5.13 - Aquifer Protection Regulations
01/05/1991	Amended Section 5.2.7.b defining "intermittent"
02/15/1991	Amended sections 4.2 (acreage requirements for Garden Apartments), 5.3.5 (home business), 5.3.7 (landscaping requirements for Special Exceptions), 5.4 (Garden Apartments, 5.6A.5 (landscaping requirements in Middle Quarter), 5.7.3 (landscaping requirements for Planned Industrial District),- 5.9.4.g (Flood Plain Regulations), 9.2.12 (landscaping requirements for special Permits)
04/15/1991	Amended Section 5.9 (Technical revisions)

07/01/1991	• Amended Section 4.2.1 (Revised minimum requirements for Open Space Subdivisions) • Added Section 5.3.8 (Special Exceptions for Open Space Subdivisions)
05/06/1993	Added Section 5.13.4 (Added Section 5.13.4.c - deleted Section 5.1 3.4.b.6 and Section 5.1 3.4.b.14)
07/01/1993	Deletion of Section 5.6A.3.m (Prohibited Uses in MQ District)
11/22/1993	Amended Section 9.2.9 (Outside Storage)
05/09/1994	Deletion of second paragraph of Section 5.4.3 (GA District)
10/24/1994	Amended Section 5.4.4.e (Garden Apartments)
03/25/1995	Amended Section 11.2.1 (Revised permit fees)
10/05/1995	Amended Section 15 (Added Section 15.8.8.1) (Temporary Equipment)
12/15/1995	• Amended Section 5 (Added Section 5.5, Housing for Elderly) • Amended Section 11 (Administration and Enforcement)
10/18/1996	• Amended Section 2 (Revised Zoning Definitions) • Amended Section 11 (Administration and Enforcement)
01/01/1997	• Amended Section 1 (General Provisions), 1.3, 1.5, 1.6 • Amended Section 2 (Zoning Definitions), additions and deletions • Amended Section 3 (Districts), 3.1.1, 3.1.2, 3.3.2 • Amended Section 5 (Use Regulations), 5.2.9, 5.6.3, 5.11 • Amended Section 6 (Signs, revised) • Amended section 11 (Administration and Enforcement – minor change • Deleted Sections 12 (Amendments) and 13 (Separability)
06/01/1998	• Amended Section 2 (Definitions) • Amended Section 5 • Amended Section 7
07/01/2000	• Amended Section 2.2 (Zoning Definitions) • Amended Section 5 (Added Sections 5.2.10 regarding Assisted Living Facilities)
03/01/2002	• Amended Section 2 (Definitions) • Amended Section 5 (Added Section 5.2.11 regarding Wireless Communications Facilities)
03/01/2003	• Amended Section 2 (Definitions) • Amended Section 5 regarding site development earth excavation • Amended Section 15 (Earth Materials Regulations)

01/01/2006	• Reorganized regulations into four articles, nine sections – all following references are to new Section numbers • Section 1.4 – revised regulation of non-conforming structures, lots and uses consistent with State Statute • Section 2 – relocated definitions to Appendix; revised several definitions • Section 3 – reorganized uses in all districts as permitted, prohibited, temporary, by Special Exception, or as special event; revised Site Development Earth Excavation specifications; revised Special Event specifications and procedures • Section 4 – reorganized uses in residential districts; minor revisions and clarification to bulk and area requirements and accessory use specifications including commercial vehicle storage weight limit; revised open space subdivision standards • Section 5 – consolidated special use district specifications into one section; revised minimum lot size for PI District • Section 6 – consolidated overlay district specifications into one section • Section 7 – consolidated regulatory standards into one section; minor revisions • Section 8 – consolidated application procedures and administration in one section; updated procedures for statutory consistency • Section 9 – consolidated administration and enforcement in one section; added enforcement procedures • Fee structure updated and put into Appendix
08/26/2006	• Section 5 – added new Middle Quarter Subdistrict H and accompanying standards
04/13/2010	• Section 1 – included “other” structure in non-conforming uses; minor revisions • Section 2 – minor revisions • Section 3 – included “other” structure in temporary uses, minor revisions • Section 4 – revised Section 4.1.2 to include incorporate setbacks for manure and add a coop or compound requirement for fowl; added Section 4.2.3.9 Expansion of a Structure • Section 5 – minor revisions, including Section 5.2.8 • Section 6 – updated Flood Plain Regulations; added referred to Storm water Management Standards and other minor revisions • Section 7 – consolidated regulatory standards into one section; minor revisions • Section 8 – added requirements pursuant to CGS 8-3i; revised Section 8.1.16 – modification of use or sign; other minor revisions • Section 9 – revised Section 9.3 enforcement; revised Section 9.4.1 petition regulations; revised section 9.4.2 notice requirements; other minor modifications • Definitions – added definition for Dry Cleaning Establishment/Commercial Laundry, Dry Cleaning Pick-up/Drop-off Station and Municipal Parking Facility. Revised definition for Restaurant- Fast Food – Formula Food and Health Care Facility; and other minor revisions to existing definitions. • Fee structure updated

10/26/10	• Revised Fee Schedule
03/18/13	• Section 4 – revised to include requirements and definition of Dormers • Section 7 – revised Section 7.5.10.C Construction/Repair Signs wording to eliminate total aggregate signage not to exceed six signs or 24 square feet and defining "completion of work." • Section 7 – revised Section 7.5.12.B Business Signs, minor revision • Section 7 – revised Section 7.5.12.E Roof Signs, minor revisions • Section 8 – revised to include Section 8.1.12.A and 8.2.12 C-1 • Definitions – revised definition for Farm
12/12/13	• Section 7 – revised Section 7.5.10.I Political Signs, definition
07/01/15	▪ Section 5.2 – revised the Middle Quarter District combining MQ-A through MQ-G, and moving MQ-H to Section 5.6 ▪ Section 6.2 – Aquifer Protection (AP) District deleted
03/01/16	• Section 1.4.2 Non-Conforming Structures – Added Section 1.4 .2.**3**
06/01/16	▪ Section 3.3 Temporary Uses & Structures in Any District - revisions to provide clarity and defined standards, eliminate regulations regarding commercial timber cutting, incorporate Special Event procedures and standards and eliminate the existing Section 3.5 regarding Special Events in Any District. ▪ Appendix B Fee Schedule - to provide clarity and to adjust fees to more accurately reflect the cost of administering the zoning regulations
09/01/16	▪ Section 4.1.3 Revisions regarding Home Occupations including revisions to provide clarity, defined standards, a Special Permit Hearing process for Major Home Occupations and elimination of Section 4.1.4 regarding non-permitted home occupations.