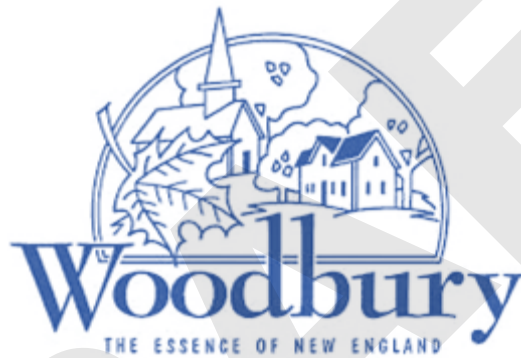


# Woodbury Connecticut



## DRAFT Zoning Regulations

Originally Effective  
April 1, 1969

2020 Revision  
Effective **Month Day, 2020**

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# Article I — Regulatory Basics

## Section 1. General Provisions

### 1.1 Purpose and Authority

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The purpose of these Zoning Regulations is 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 manage traffic growth; 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 these Zoning Regulations for the Town of Woodbury.

### 1.2 Zoning Map

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#### 1.2.1 Boundaries

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 Land Use Office, which map is part of these Regulations.

#### 1.2.2 Revisions

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 by the Land Use Office immediately after the amendment has been approved by the Zoning 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.

#### 1.2.3 Boundary Determination

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the Zoning 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

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#### 1.3.1 Applicability

- A. 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.
- B. 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. No action shall be taken 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 except as permitted by Section 1.4.20.
- C. Persons with disabilities have the right to request accommodation to any Section of these regulations when such accommodation may be necessary to afford such persons equal opportunity to access and use a property.
- D. Wherever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.
- E. All structures (other than a permitted fence or sign) constructed following the initial adoption of these Regulations (April 1, 1969), or the date of any applicable amendment thereto, shall require a Zoning Permit prior to occupancy, use, or change in use.

#### 1.3.2 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, State of Connecticut, and Federal Government.

#### 1.3.3 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 Irregularly 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 irregular shape, the Zoning Commission shall determine the application of any Regulations in question.

#### 1.3.5 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 Zoning Commission pursuant to Section 15, be divided into as many lots as there were such buildings. This subdivision of the lot may be conducted even if 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. 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.

### **1.3.6 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 restrictive district except where a public street intervenes.

### **1.3.7 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 district into a residential district shall require a Special Permit pursuant to Section 15 of these Regulations.

### **1.3.8 Provision of Adequate Utilities to Serve the Development**

All developments shall be served by water supply, wastewater disposal, and storm drainage facilities that are approved by the regional health district and state agencies as required and in accordance with Connecticut Public Health Code and accepted engineering standards.

## **1.4 Nonconforming Structures, Lots, and Uses**

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### **1.4.1 General**

- A. A nonconforming structure, lot, or use is one that 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.
- B. A nonconforming structure or a structure containing a nonconforming 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 15.1.12A is required.
- C. The Zoning Board of Appeals has the authority to grant variances for nonconforming uses or structures, subject to the provisions of Section 17.5.4.

### **1.4.2 Nonconforming Structures**

- A. A nonconforming 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.
- B. A nonconforming structure that is in a state of disrepair or 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. Issuance of a Zoning Permit in accordance with Section 15 of these Regulations is required for said reconstruction, repair, or rebuilding.
- C. A Special Permit shall be required for the reuse of a nonconforming structure that has been abandoned for two (2) or more years except for structures for which Site Plan approval has been issued commensurate with Section 16.1.
- D. The reuse of a nonconforming structure abandoned for four (4) or more years shall be prohibited unless a Zoning Permit has been issued commensurate with B above or the property owner has demonstrated intent to reestablish the use or structure.
- E. A nonconforming structure that encroaches into a required yard may, subject to the issuance of a Zoning Permit, be expanded in volume or area within the required yard setback provided that no portion of the expanded structure may encroach further into the nonconforming yard than any existing portion of the structure.
- F. Accessory structures that are non-conforming to setback requirements shall not be expanded in height.

## Section 1. General Provisions

### 1.4.3 Nonconforming Lots

- A. A single-family dwelling may be constructed on a nonconforming lot located in a residential district provided all other requirements of these Regulations are met. No more than one (1) single-family dwelling and allowed accessory structures may be constructed per lot.
- B. A dwelling located on a lot that is nonconforming in lot size or yard requirements may be expanded within the provisions of these Regulations provided no yard is made more nonconforming.

### 1.4.4 Nonconforming Uses

- A. A nonconforming use may be expanded in floor area provided that the total use of a structure for such nonconforming use shall not exceed 125% of the floor area used for such nonconforming use as of April 1, 1969.
- B. A nonconforming use shall not be relocated within a lot unless relocation would result in an increase in conformity to these Regulations.
- C. A nonconforming use, once changed to a conforming use, shall not be changed back to a nonconforming use.
- D. A nonconforming use that has been abandoned shall not be resumed. A nonconforming use shall be considered abandoned when there is a 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

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### 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

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#### 2.1.1 Contextual Application

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 Key Words and Phrases

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

- A. 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.
- B. The word “shall” indicates a mandatory and not discretionary condition.
- C. The word “may” indicates a permissive condition.
- D. The word “lot” shall be synonymous with the words “tract”, “piece” and “parcel”.
- E. The words “zone”, “zoning district”, and “district” shall have the same meaning.
- F. 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.
- G. The phrase “these Regulations” shall refer to the entire body of Woodbury Zoning Regulations.
- H. The word “Commission” unless otherwise specified shall refer to the Zoning Commission of Woodbury.

#### 2.1.3 Acceptable References for Definitions

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

- A. The Connecticut General Statutes
- B. Black’s Law Dictionary
- C. The Illustrated Book of Development Definitions, Fourth Edition
- D. Webster’s Third New International Dictionary

## 2.2 Zoning Terminology Definitions

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For the purposes of these Zoning Regulations the terms and words used herein shall be defined and interpreted as follows:

**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:** Subordinate and customarily incidental to the principal building, structure, or use on the same lot.

**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.

**Accessory Use:** A use of which is subordinate and customarily incidental to the principal use on the same lot.

**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 Zoning Commission in form acceptable to it.

**Alteration:** A change, rearrangement, or expansion to an existing building, structure or use.

**Alteration to a Building or 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 expansion, whether by increasing in height, coverage, volume, or floor area.

**Alteration to a Use:** A change or expansion 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.

**Antenna.** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves.

**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.

**Attic.** The unfinished space between the ceiling assembly and the roof assembly.

**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.

**Basement.** A story that is not above the grade plane (see Section 10.2.1B for definition of grade plane) representing the average of the finished ground level adjoining the building at all exterior walls.

**Bedroom:** Those areas within a residential building that have the potential to be utilized as a sleeping area on a consistent basis. In order to be deemed a bedroom the room must meet all of the following standards:

1. Be a habitable or planned habitable space per Building Code requirements.
2. Privacy is provided to the occupants.
3. Full bathroom facilities (containing either a bathtub or shower) are located on the same floor as the bedroom or directly accessed from a stairway.
4. Entry is from a common area, not through a room already deemed a bedroom.

**Buffer or Buffer Yard:** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, light, or other nuisances.

**Building:** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

**Building, Principal:** A building or other structure in which is conducted the main or primary use of the lot.



## Section 2. Definitions

**Building Area:** The total area of ground beneath all buildings on a lot as measured by the outer wall of said buildings inclusive of entry platforms and steps connected to the building; the drip line of covered porches and decks; and driveways and parking lots. Excludes seasonal awnings.

**Building Coverage.** The ratio between the “Building Area” and the “Lot Area”, expressed as a percent.

**Building Frontage:** The overall dimension of the building most nearly parallel to a street, measured parallel to the street.

**Building Line:** A line parallel to the street right-of-way line and representing the minimum distance that all or any part of the building is set back from the right-of-way line.

**Caliper, Tree:** The diameter of a tree trunk, measured four feet above the ground.

**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 that differs from the existing use of a building, structure, or lot by having different zoning requirements as classified in these Regulations.

**Deck:** An unroofed platform, either freestanding or attached to a building, that is supported by pillars or posts.

**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.

**Dwelling:** Any house or building, or portion thereof, containing one or more dwelling units.

**Dwelling Unit:** One room, or rooms designed, occupied, or intended for occupancy as a living quarters including permanent provisions for cooking, sleeping, and sanitation constituting a single, independent housekeeping establishment for owner or renter occupancy.

**Earth Materials:** Natural soil, loam, sand, gravel, clay, rock or any other excavated natural material.

**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.

**Enlargement:** 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.

**Expansion:** An increase or amplification, as distinguished from conditions of establishment or inception. By example, 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.

**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.

**Fence:** An artificially constructed barrier of any material or combination of materials erected above grade to enclose, screen, or separate areas of land.

**Fill:** Natural soil, rock, brick, ceramics, and concrete which are virtually inert and pose neither a pollution threat to ground or surface waters nor a fire hazard, but excluding polluted soil affected by a release of a

## Section 2. Definitions

substance at a concentration above the analytical detection limit for such substance as specified by Title 22a of the Regulations of Connecticut State Agencies.

**Flag:** A flag, pennant or insignia of any nation, state, city or political unit; or the official flag of any political, educational, charitable, philanthropic, civic, professional, or religious institution or of a company whose executive or division offices are located on the premises as the primary occupant of a building.

**Floor Area:** The area of a building that is 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. Open or enclosed porches, verandas, garages or other attached structures, basement rooms, cellars and rooms for heating equipment shall not be counted.

**Garage:** An attached structure or accessory building designed or intended for the parking of motor vehicles.

**Grade Plane:** See Section 10.2.1B.

**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.

**Gross Floor Area:** The sum of the horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies as measured from the outside of exterior walls to the centerline of common walls if present. Excludes any space with a floor-to-ceiling height of less than 6 feet, 6 inches.

**Ground Coverage:** The ratio between the "Impervious Surface Area" and the "Lot Area", expressed as a percent.

**Ground Floor:** The first floor of a building other than a cellar or basement.

**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.

**Height, Building.** See Section 10.2.

**Household:** All the people who occupy a housing unit (as defined by The United States Department of Housing and Urban Development). A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household.

**Impervious Surface:** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. 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.

**Livestock:** Any camelid or hooved animal raised for domestic or commercial use as so defined by Section 22-278 of the Connecticut General Statutes.

**Loading Space:** Any off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

**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, Corner:** A lot situated at the intersection of two streets which meet at an angle of not more than 135 degrees.

**Lot, Interior:** A lot that lacks the required frontage at the street line or building line.

**Interior Lot Line:** For an interior lot, the straight line closest to the street along which such lot meets the minimum frontage requirement of these Regulations.

**Lot, Through:** A lot having both front and rear yards abutting on a street. Through lots do not have a rear lot line.

**Lot Area:** The area of horizontal plane bounded by the front, side, and rear lot lines of a lot.

**Lot Coverage.** The percentage of lot that is covered by impervious surfaces.

**Lot Frontage:** The distance between the side lines of a lot measured either along the front street line or the interior lot line.

**Lot Line:** The boundaries of a lot.

**Front Lot Line:** The lot line shared with the Right-of-Way line.

**Rear Lot Line:** The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. In the case of a corner lot, the rear lot line shall be the line located behind the rear of the principal building.

**Side Lot Line:** The lot line shared with an adjacent lot that is not the rear lot line.

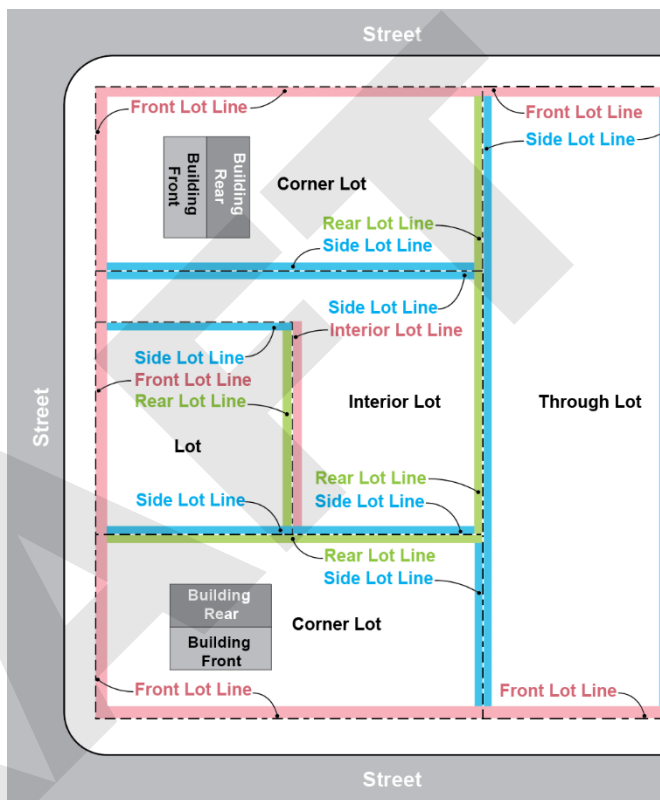
**Low Impact Development:** Systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat.

**Mixed-Use Building:** A building in which a combination of permitted principal uses are housed/conducted.

**Occupy:** To take possession or enter upon for the purpose of using. When applied to a recreational vehicle, to use for dwelling purposes.

**Off-Street Parking:** Parking on a property in accordance with Section 11.4 of these Regulations.

**Open Space:** All land permanently protected from use for the construction of dwellings, parking area, vehicular circulation, or private yards within a development. The use of the land for agriculture, athletic, or passive recreational may be permitted after approval by the Zoning 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.



## Section 2. Definitions

**Patio or Terrace:** An area on grade, which is covered with an surface material such as concrete, brick, or stone.

**Permeable or Pervious Surface:** A surface that allows the percolation of water into the underlying soil.

**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.

**Poultry:** Any species of domestic fowl, including, but not limited to, chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl and game birds raised for food production, breeding, exhibition or sale.

**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.

**Principal Use:** The primary purpose or function for which a premise is used, designed, or intended to be used.

**Processing (of Earth Materials):** 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.

**Public:** Used or controlled exclusively by any department or branch of Federal, State, or municipal government or a regional district. Excludes clubs, associations, and other private entities that may serve the public purpose.

**Recreational Vehicle:** A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes.

**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.

**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).

**Sign:** Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message.

**Site Plan:** The development plan for one or more lots on which is shown the existing and proposed features of the lot and other information that may be required to accompany a Zoning Permit or Special Permit application.

**Story:** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

**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.

**Street Frontage.** The side of a lot or structure that is oriented to the street.

**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.

**Trailer:** A structure standing on wheels, towed, or hauled by another vehicles, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office.

**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 curb-face to the opposite inside curb-face.

**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.

**Watercourse:** Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (A) Evidence of scour or deposits of recent alluvium or detritus, (B) the presence of standing or flowing water for a duration longer than a particular storm incident, and (C) the presence of hydrophytic vegetation.

**Wetlands:** Land, including submerged land, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain 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.

**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.

### 2.3 Principal Use Definitions

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For the purposes of these Zoning Regulations the terms and words used herein shall be defined and interpreted as follows:

**Adult Day Care Center:** See [Day Care Center](#).

**Aircraft Landing Facility:** Airports, airfields, heliports, or private landing fields and hangars for aircraft, subject to approval by requisite State and Federal authorities.

**Alcohol Manufacturer:** See [Industrial Use](#).

**Assisted Living Facility.** See [Senior Housing Facility](#).

**Athletic Field.** See [Outdoor Recreation Facility](#).

**Auction Facility:** A facility that conducts the public sale of goods or property to persons via a competitive bidding process.

**Auto Detailing.** See [Motor Vehicle Services](#).

**Bank.** See [Service Establishment](#).

**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.

## Section 2. Definitions

**Brew Pub:** See [Food Service Establishment](#).

**Building Supply:** A store that provides building materials for the construction and maintenance of residential and commercial structures.

**Car Rental:** See [Motor Vehicle Services](#).

**Car Wash:** See [Motor Vehicle Services](#).

**Cemetery.** Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.

**Child Day Care Center:** See [Day Care Center](#).

**Coffee Shop:** See [Food Service Establishment](#).

**Commercial Kennel:** 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.

**Commercial Stable:** A stable maintained as a business for boarding or hiring horses, including riding schools.

**Commercial Use:** An activity involving the sale of goods or services carried out for profit.

**Community Center.** See [Institutional Use](#).

**Community Residence:** A residential structure housing six (6) or fewer persons with intellectual disability and necessary staff persons and is licensed by the State of Connecticut -or- any child care residential facility that houses six (6) or fewer children with mental or physical disabilities and necessary staff persons and is licensed by the State of Connecticut -or- any community residence that houses six (6) or fewer persons receiving mental health or addiction services and necessary staff persons, which is paid for or provided by the Connecticut Department of Mental Health and Addiction Services and that has been issued a license by the Department of Public Health.

**Congregate Housing for the Elderly:** See [Senior Housing Facility](#).

**Continuing Care Retirement Community:** See [Senior Housing Facility](#).

**Contractor Shop and Yard:** See [Industrial Use](#).

**Convalescent Facility:** See [Health Care Facility](#).

**Country Inn:** A building, a portion of which is occupied by a caretaker 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 inns 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 shall be designed so that normal access and egress are from a centralized point, as distinguished from a motel.

**Day Care Center:** Facilities that provide adult and child day care as defined below.

**Adult Day Care Center:** An establishment that 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:** A facility that 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.

**Dollar Store:** A discount store that specializes in the sale of household items and packaged foods that are typically priced lower than local retailers. Unlike a convenience store, a dollar store typically does not offer freshly prepared food and beverages for consumption such as sandwiches and coffee. Unlike a drug store, a dollar store does not have a pharmacy.

**Dry Cleaning or Commercial Laundry:** See [Industrial Use](#).

**Dry Cleaning Storefront:** See [Service Establishment](#).

## Section 2. Definitions

**Earth Materials Processing Facility:** The alteration of natural soil, loam, sand, gravel, clay, rock or any other excavated natural material 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.

**Educational Studio:** See [Service Establishment](#).

**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, hoopouses 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 Statutes Section 1-1, as may be amended from time to time.

**Fitness Club.** See [Indoor Recreation Facility](#).

**Food Service Establishment:** A facility that provides on-site food and/or beverage service to the general public. Includes brewpubs, coffee shops, restaurants, and retail food establishments. Excludes fast food restaurants.

**Brew Pub:** An establishment, in accordance with Connecticut General Statute Section 30-16, where the manufacture of at least 5,000 gallons of beer per calendar year and retail sale of beer is conducted on the premises. May include the storage and bottling of beer, the retail sale of alcoholic liquor to be consumed on the premises with or without the sale of food, the retail sale of sealed containers of beer brewed on such premises for consumption off the premises, and the sale of sealed containers of beer brewed on premises to the holder of a wholesaler permit.

**Coffee Shop.** A high turn-over restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

**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. Includes establishments that serve alcohol. A restaurant shall not have a drive-in, drive-thru, window service, or other outdoor service other than outdoor tables.

**Retail Food Establishment.** A business that sells both packaged and prepared foods and beverages primarily for consumption off the premises, but which may have seating for on-site consumption for up to twelve patrons. Such establishments may include, but not be limited to, bakeries, candy stores, butchers, delicatessens, ice cream parlors, and similar establishments. Includes food service providers (caterers) who prepare and deliver and/or serve food off premises and may also include drive-thru services. Excludes coffee shops.

## Section 2. Definitions

**Funeral Service Business:** An establishment with facilities for the preparation of the human dead for burial or cremation, for the viewing of the body, and for funerals in accordance with Chapter 385 of Connecticut General Statute.

**Garden Center:** A retail establishment that may include a nursery and/or greenhouses, which imports most of the items sold including nursery products and stock, potting soil, hardware, power equipment and machinery, and other garden and farm tools.

**Gas Station:** See [Motor Vehicle Services](#).

**General Office.** Non-retail, non-personal service establishments which involve the transaction or provision of financial, professional, or business services, or the operation of service organizations. Office uses include but are not limited to accounting services, advertising agencies, business consultants, design professionals, financial institutions, investment companies, law firms, non-profit or social work agencies, public relations firms, offices of professional persons, sales agencies, technology professionals, etc. Also includes medical offices with up to two (2) licensed health care practitioners. Office uses are characterized by having limited storage consisting of office supplies or the like, but not stock for resale. Excludes banks and offices with three (3) or more licensed health care practitioners.

**Golf Course.** See [Outdoor Recreation Facility](#).

**Government Facility:** See [Institutional Use](#).

**Grocery Store, Small Format.** A food store with a gross floor area of less than 30,000 square feet offering food for sale primarily for preparing off the premises. Non-food items such as household supplies, toiletries and other miscellaneous items may be offered, but the supply of such items is secondary to the primary purpose of a supermarket to sell basic food products directly to the consumer.

**Grocery Store, Large Format.** Also referred to as a “supermarket”. A food store with a gross floor area between 30,000 and 50,000 square feet offering food for sale primarily for preparing off the premises. Non-food items such as household supplies, toiletries and other miscellaneous items may be offered, but the supply of such items is secondary to the primary purpose of a supermarket to sell basic food products directly to the consumer.

**Group Child Care Home.** A facility that offers or provides a program of supplementary care to not less than seven or more than twelve related or unrelated children on a regular basis, or that meets the definition of a family child care home as defined by CGS Sec. 19a-77 except that it operates in a facility other than a private family home.

**Group Fitness Studio.** See [Indoor Recreation Facility](#)

**Group Living Facility for the Elderly.** A facility for those age 60 or over that provides shared-living opportunities in a family-like environment to no more than 12 individuals, related or unrelated, exclusive of any staff. These individuals must be capable of living independently. Facilities are provided for room and board. Each person may have his or her own bedroom and may have own bath. Residents share kitchen/dining facilities and other common space. Shared activities may include sharing responsibilities for meals, social activities and daily living activities, but the residents retain the choice of being private or socializing. A group living facility for the elderly is not for people with alcohol or drug abuse problems, for those coming directly from correctional or custodial institutions, for those with a history of aggressive behavior toward persons or property, or for those requiring supervision. A group living facility for the elderly may have part-time or full-time staff to assist with normal household functions and domestic services such as laundry, shopping, building maintenance and management.

**Gym.** See [Indoor Recreation Facility](#)

**Health Care Facility:** A range of facilities that provide inpatient and/or outpatient health care and/or medical services. Includes convalescent facilities, health centers, hospitals, medical clinics, and medical offices. Excludes mental health or substance abuse treatment facilities.

**Convalescent Facility:** An institution having facilities and all necessary personnel to provide skilled nursing care under medical supervision and direction to carry out simple, non-surgical treatment and dietary



## Section 2. Definitions

procedures for convalescent stages of acute diseases or injuries. Also referred to as “inpatient rehabilitation facilities”.

**Health Center.** A medical care facility that is not part of a hospital and is organized and operated to provide comprehensive primary care service; by physicians and/or health care practitioners and may offer outpatient services and diagnostic testing. Health centers often integrate access to primary care, pharmacy, mental health, and oral health services to socially or economically vulnerable individuals and families.

**Hospital.** A facility with medical staff and all necessary personnel to provide diagnosis, care and treatment of a wide range of acute conditions, including injuries, on an inpatient and outpatient basis. Includes general hospitals, special hospitals, long-term hospitals, and hospice facilities as defined by Chapter IV of the Public Health Code of the State of Connecticut. Does not include facilities 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.)

**Medical Clinic.** A facility outside of a hospital that functions with or without an appointment system to provide on-the-spot medical aid to persons who present non-life-threatening problems but who need or want the convenience of immediate medical attention. A medical clinic is characterized by having limited facilities and personnel. Such a facility may be open 24 hours a day. A medical clinic is not characterized by providing patients with long-term follow-up medical care.

**Medical Office.** A facility operated by one or more physicians, dentists, chiropractors, mental health specialists, or other licensed health practitioners for the examination and treatment of persons solely on an outpatient basis. Includes outpatient medical services including, but not limited to, physical therapy and diagnostic testing and procedural centers.

**Health Center.** See [Health Care Facility](#).

**Hospital.** See [Health Care Facility](#).

**Hotel.** A facility offering transient lodging accommodations to the general public and that may include supporting facilities and services such as restaurants, meeting rooms, entertainment, and personal services. May include recreational facilities for guest use.

**Indoor Recreational Entertainment.** See [Indoor Recreation Facility](#)

**Indoor Recreation Facility:** A range of facilities that provide indoor exercise and physical recreation. Includes fitness clubs, group fitness studios, gyms, and recreational entertainment facilities.

**Fitness Club.** Multi-purpose fitness facility that may include a gym, ball courts, group fitness space, swimming pool, and spa functions.

**Group Fitness Studio.** An establishment or use where physical exercise or training is conducted in a group session with an instructor using exercise equipment or open floor space including, but not limited to, aerobics studios, yoga studios, spin classes, dance studios, and martial arts studios.

**Gym.** A commercial establishment or use where physical exercise or training is conducted on an individual basis, using exercise equipment or open floor space with or without one-to-one instruction with a personal trainer.

**Indoor Recreational Entertainment:** A for-profit establishment or use where indoor non-motorized recreation activity is conducted including, but not limited to, batting cages, bowling alleys, and skating rinks.

**Industrial Use:** A range of heavy commercial uses that are generally not compatible with residential or retail uses due to nuisances that may be generated by such uses. Includes alcohol manufactures, contractor shops and yards, dry cleaning or commercial laundry establishments, manufacturing facilities, self-storage facilities, warehouse and distribution facilities, and wholesale establishments.

## Section 2. Definitions

**Alcohol Manufacturer:** Any place or premises that manufactures, stores, bottles, and conducts wholesale distribution of alcoholic beverages such as beer, wine, and spirits in accordance Connecticut General Statute Section 30-16. Excludes farm breweries, farm distilleries, and farm wineries.

**Contractor Shop and Yard:** An indoor and/or outdoor storage facility used by contractors and building tradesman for storing equipment and materials related to services provided and for the parking of motor vehicles including commercial vehicles for use in providing such service.

**Dispatch Facility:** A facility housing service vehicles such as school buses, limousines, taxi cabs, and medical related emergency response vehicles. Includes supporting facilities such as offices.

**Dry Cleaning or Commercial Laundry:** A commercial establishment that launders or dry cleans clothing and other fabric articles in bulk on the premises.

**Manufacturing Facility:** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as oils, plastics, and resins.

**Self-Storage Facility.** A building or complex of buildings used for the storage of personal property where individual lessees control individual storage spaces.

**Truck, Van, or Heavy Equipment Rental:** A facility that rent or leases commercial trucks, moving vans, or heavy equipment.

**Warehouse and Distribution Facility:** A facility primarily used for the storage and/or distribution of goods and materials.

**Wholesale Establishment.** An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Institutional Use:** Facilities supporting the mission and operations of a government, municipal, religious, or not-for-profit organization. Includes community centers, governmental facilities, museum or historical institutions, philanthropic institutions, places of worship, and schools. Excludes health care facilities.

**Community Center.** A building to be used as a place of meeting, recreation, or social activity and not operated for profit and in which neither alcoholic beverages or meals are normally dispensed or consumed.

**Government Facility:** A building or property use of the Town of Woodbury, regional district, State of Connecticut, or United States Government.

**Museum or Historic Institution.** An institution that is devoted to storing, preserving, and exhibiting objects of art, history, science or other objects of lasting historical, educational or cultural value on a permanent basis in a building, portion of a building or outdoor location. Museums must be open to the public; provide museum services to the public in a building or portion of a building or outdoor location on a regular basis; and be public institutions or private not-for-profit institutions with a 501©(3) federal tax status.

**Philanthropic Institution:** A nonprofit nongovernmental entity that utilizes donated assets and income to provide social services. Includes foundations and charitable organizations.

**Place of Worship:** An institution intended for the principal use of conducting religious services, meetings and like activities.

**School.** An institution whose primary function is the instruction of academic subjects to adults or children, excluding institutions that function primarily as a summer or winter recreational camp.

**Laboratory or Research Facility:** A facility that provides controlled conditions in which scientific or technological research, experiments, and measurement may be performed.

**Landscape Service Yard:** Use of a property for the operation and storage of commercial vehicles, equipment, and materials for use in the improvement and maintenance of landscapes.

**Manufacturing Facility:** See [Industrial Use](#).

**Medical Clinic.** See [Health Care Facility](#).

**Medical Office.** See [Health Care Facility](#).

**Mental Health Treatment Facility:** Private freestanding mental health treatment facility providing evaluative, diagnostic, and treatment services in a residential setting for individuals who are experiencing mental, emotional or behavioral problems, disturbances, dysfunctions or disorders as defined in the most recent edition of the diagnostic and statistical manual of the American Psychiatric Association, as it may be revised from time to time, which do not require a hospital level of treatment.

**Motor Vehicle Sales.** Sale or lease, retail or wholesale, of automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated repair services and parts sales. Typical uses include automobile dealers and recreational vehicle sales agencies. This classification does not include automobile brokerage and other establishments which solely provide services of arranging, negotiating, assisting, or effectuating the purchase of an automobile for others.

**Motor Vehicle Services:** Services related to the maintenance or rental of automobiles, trucks, motorcycles, motorhomes, recreational vehicles, or boats. Includes auto detailing, car and truck rental, car washes, gas/service stations, and motor vehicle service and repair.

**Auto Detailing.** A facility which provides automobile-related services such as applying paint protectors, interior and exterior cleaning and polishing as well as installation of aftermarket accessories such as tinting, auto alarms, spoilers, stereos, sunroofs, headlight covers, and similar items.

**Car Rental:** A facility that rents cars, lightweight trucks, and/or passenger vans.

**Car Wash.** An establishment engaged in the washing, waxing, or cleaning of automobiles or similar light vehicle exteriors and/or interiors.

**Gas Station:** An establishment that provides retail sales of fuel for motor vehicles. May include accessory uses such as a convenience store and/or services such as lubrication and/or minor motor vehicle repairs as allowed under a "limited repairer" license (CGS Sec. 14-51).

**Motor Vehicle Service and Repair.** The use of a site for the repair of automobiles, trucks, motorcycles, motorhomes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. This use includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

**Motor Vehicle Service and Repair.** See [Motor Vehicle Services](#).

**Museum or Historic Institution.** See [Institutional Use](#).

**Nursery/Horticulture:** 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.

**Outdoor Performance Venue:** An outdoor facility with a stage and supporting facilities for the performance of plays, musicals, music, or similar entertainment performances. Excludes drive-in theaters.

**Outdoor Recreational Entertainment.** See [Outdoor Recreation Facility](#).

**Outdoor Recreation Facility:** A range of facilities that provides outdoor recreation and entertainment opportunities including athletic fields, golf courses, parks or playgrounds, outdoor recreational entertainment, and recreation camps. Excludes animal or motor vehicle race tracks.

**Athletic Field.** A wide stretch of open land used for outdoor games such as baseball, football, and soccer, not including bleachers, stands or other seating with capacity more than 150 spectators.

**Golf Course.** A facility providing a private or public golf recreation area designed for executive or regulation play along with accessory golf support facilities but excluding miniature golf. Includes country clubs with golf courses.

**Outdoor Recreational Entertainment.** A for-profit establishment or use where outdoor non-motorized recreation activity is conducted including, but not limited to miniature golf, skate parks, swimming pools, basketball and tennis courts, and other sports facilities.

## Section 2. Definitions

**Park or Playground:** 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.

**Recreation Camp:** Any parcel or parcels of land on which there are located dwelling units or buildings intended to accommodate children or adults for at least seventy-two consecutive hours and in which the campers attending such camps eat and sleep and engage in recreational or educational programming. Includes youth camps as defined by CGS Sec. 19a.

**Parcel Office.** See [Service Establishment](#).

**Park or Playground:** See [Outdoor Recreation Facility](#).

**Personal Service Establishment.** [Service Establishment](#).

**Personal Training Studio.** See [Service Establishment](#).

**Philanthropic Institution:** See [Institutional Use](#).

**Place of Worship:** See [Institutional Use](#).

**Printing Shop.** See [Service Establishment](#).

**Public Utility Installation.** Buildings, structures, and conveyance infrastructure that supports the delivery of public utilities for public convenience and necessity.

**Quarry Operation:** An earth excavation operation within an earth excavation (EE) District that involves removal of solid rock materials by any means.

**Recreation Camp:** See [Outdoor Recreation Facility](#).

**Repair Shop:** See [Service Establishment](#).

**Residential Care Home:** An institution with a capacity, residency, or planned residency of more than six (6) residents having facilities and all necessary personnel to furnish food, shelter and laundry for two or more persons unrelated to the proprietor and in addition, providing services of a personal nature which do not require the training or skills of a licensed nurse. Additional services of a personal nature may include assistance with bathing, help with dressing, preparation of special diets and supervision over medications which are self-administered. A residential care home can serve both elderly people and younger people with physical or mental disabilities and provide some help with personal care that is not as extensive as assisted living.

**Residential, Conversion to Multi-Family:** The conversion of a single-family dwelling to two or more dwelling units.

**Residential, Conversion to Office:** The conversion of a single-family dwelling located in a residential district to a principal office use.

**Residential, Open Space Subdivision:** A subdivision that applies 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.

**Residential, Mixed-Use.** A building or complex of buildings than includes multi-family residential dwelling units and commercial uses on the same parcel or site.

**Residential, Multi-Family.** Three (3) or more attached dwelling units.

**Residential, Single-Family.** A free-standing residential building comprised of one (1) dwelling unit.

**Residential, Two-Family.** A free-standing residential building comprised of two (2) dwelling units arranged either side-by-side or stacked.

## Section 2. Definitions

**Rest Home:** An institution with facilities and all necessary personnel to provide nursing supervision under a medical director twenty-four hours per day.

**Restaurant:** See [Food Service Establishment](#).

**Retail Establishment, Small Format:** A sales establishment, with a gross floor area less than 10,000 square feet, whose primary purpose is to display and offer for sale commodities or goods directly to the consumer, reserving a substantial amount of floor space and window space for display of goods. May also offer incidental services. Includes convenience stores, drug stores, antique shops, art galleries, florist shops, hardware stores, clothing stores, package stores, etc. Excludes grocery stores and dollar stores.

**Retail Establishment, Large Format:** A sales establishment, with a gross floor area between 10,000 square feet and 50,000 square feet, whose primary purpose is to display and offer for sale commodities or goods directly to the consumer, reserving a substantial amount of floor space and window space for display of goods. May also offer incidental services. Includes drug stores, antique shops, furniture stores, appliance and electronics stores, hardware stores, clothing stores, sporting goods stores, etc. Excludes grocery stores and dollar stores.

**Retail Food Establishment:** See [Food Service Establishment](#).

**Rooming or Boarding House:** A dwelling unit in which the letting of more than one room or provision of board to not more than four persons unrelated to the owner of the premises is conducted.

**School.** See [Institutional Use](#).

**Self-Storage Facility:** See [Industrial Use](#).

**Senior Housing Facility:** A range of facilities that provide housing to seniors with various levels of assistance and care. Includes assisted living facilities, congregate housing for the elderly, and continuing care retirement communities.

**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.

**Congregate Housing for the Elderly:** A housing facility (as defined and regulated by the Connecticut Department of Housing) for the frail elderly that provides services including individual apartments with private kitchen and bath facilities, meal service, housekeeping services, personal care services, and twenty-four hour emergency services. May provide transportation services and access to community services. Does not include rehabilitation or nursing services.

**Continuing Care Retirement Community:** A facility that offers a range of services and levels of care for elderly persons on a campus. Includes independent living units, private apartments or a houses. Social and housing-related services may be provided and the campus may include an assisted living residence, a nursing home, health care center, or hospice care center.

**Service Establishment:** Establishments primarily engaged in providing assistance, as opposed to products, to individuals and small businesses. Includes banks, dry cleaning storefronts, educational studios, parcel offices, personal service establishments, personal training studios, and printing shops, and repair shops.

**Bank.** A financial service business that primarily provides person to person retail banking services at that location including cash deposits and withdrawals using tellers and secondarily other banking services including personal business and mortgage loans and other financial services and is chartered and/or licensed as a bank by an agency of the Federal Government or Connecticut Department of Banking.

**Dry Cleaning Storefront:** An establishment that receives, stores and distributes clothing and other fabric articles that are cleaned off-site.

## Section 2. Definitions

**Educational Studio:** An establishment that provides educational lessons to individuals or groups of less than twenty (20) people at one time. Includes establishments that provide tutoring services, art and music lessons, cooking lessons, etc.

**Parcel Office.** A non-federal facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

**Personal Service Establishment.** An establishment primarily involved with the provision of personal care or other service directly to the consumer on a one to one basis by walk-in or appointment. Includes but not limited to beauty salons; nail salons; spas; barber shops; tailors; dressmakers; and photographic studios.

**Personal Training Studio.** An establishment or use where physical exercise or training is conducted with one instructor and one client using exercise equipment or open floor space at any one time.

**Printing Shop.** A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, volume printing, and large format printing.

**Repair Shop:** An establishment that specializes in the repair of personal items such as shoes, watches, clothing, locks, appliances, and other small items. Excludes motor vehicle repair.

**Shopping Center.** A commercial development under unified control consisting of two or more separate retail, service, or food service establishments, less than 15,000 square feet each, sharing a common building, or which are in separate buildings that share a common entranceway and parking area.

**Social 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, including the establishment so operated. A social 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.

**Social Club, Large Format:** A social club with a gross floor area of 5,000 square feet or more.

**Social Club, Small Format:** A social club with a gross floor area of less than 5,000 square feet.

**Solar Energy Field:** A Class I ground mounted solar energy system up to one (1) megawatt in nameplate capacity that provides energy for use off-site.

**Substance Abuse Treatment Facility:** A facility for the care or treatment of substance abusive or dependent persons - a facility providing either ambulatory chemical detoxification treatment, or care and rehabilitation, or chemical maintenance treatment, or day or evening treatment, or intensive treatment, or intermediate and long term treatment, or medical triage, or outpatient treatment or residential detoxification and evaluation to substance abusive or dependent persons.

**Theater.** A building or part of a building whose principal use is to show motion pictures or dramatic, dance, musical, or other live performances. Such establishments may include related services such as food, beverage sales, and other concessions.

**Truck, Van, or Heavy Equipment Rental:** See [Industrial Use](#).

**Veterinary Clinic:** A commercial facility where animals are brought in for medical treatment and may remain for observation, further treatment or recuperation.

**Warehouse and Distribution Facility:** See [Industrial Use](#).

**Wholesale Establishment.** See [Industrial Use](#).

**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.

## 2.4 Accessory Use Definitions

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**Accessory Apartment:** A separate, self-contained dwelling unit subordinate to the principal dwelling, use, or structure. Accessory apartments have a full kitchen and full bathroom that are exclusive to the accessory apartment.

**Accessory Motor Vehicle Sales:** The sale of used motor vehicles as accessory to a Motor Vehicle Service and Repair establishment. Outdoor display of limited to up to twenty (20) motor vehicles.

**Accessory Office:** Space in the building that houses a non-office principal use or a detached building on the same lot, which is used for management, operations, or administrative functions associated with the principal use.

**Accessory Structures:** A structure detached from a principal building located on the same lot and customarily incidental and subordinated to the principal building or use. Includes structures such as garages, guest houses, sheds, gazebos, and other similar structures and buildings. Also includes ground mounted solar energy systems and swimming pools.

**Ground Mounted Solar Energy System:** Solar energy system that is mounted on the ground as an accessory use and provides energy to only uses on the same parcel.

**Swimming Pool:** A structure, whether above or below grade level, designed to hold water more than 30 inches deep to be used for recreational purposes.

**Accessory Structures, Minor:** Private detached decks, sheds or other buildings or structures accessory to a residential dwelling with no dimension exceeding ten (10) feet and for the personal use of the property resident.

**Agricultural Virtual Net Metering Facility:** A Class I renewable energy source that is operated as part of a business for the purpose of agriculture, is served by an electric distribution company on land owned or controlled by an agricultural customer host and serves the electricity needs of the agricultural customer host and its beneficial accounts, is within the same electric distribution company service territory as the agricultural customer host and its beneficial accounts, and has a nameplate capacity rating of three (3) megawatts or less.

**Agritourism:** A commercial enterprise, accessory to a farm, that links agricultural production and/or processing with tourism in order to attract visitors onto a farm for the purposes of entertaining and/or educating the visitors and generating income for the farm. Specific examples of agritourism includes pumpkin picking patches; corn mazes; U-Pick operations; petting and feeding zoos; hay rides; cut-your-own Christmas tree farms; dude ranches; demonstration farms; agricultural museums; living history farms; and garden tours.

**Bank Drive-Thru.** A physical structure, manned or non-manned (automatic teller machine), where retail banking services and related financial business is transacted from within one's vehicle as accessory to a bank located on the same property.

**Family Child Care:** 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. Shall comply with CGS Sec. 19a-77.

**Farm Brewery:** Any place or premises that is located on a farm in which beer is manufactured and sold in accordance with Connecticut General Statute Section 30-16. Production is limited to not more than seventy-five thousand (75,000) gallons per calendar year. Permitted activities include the sale of sealed containers of beer brewed on premises to the holder of a wholesaler permit; the offering and tasting of free samples of beer manufactured by the farm brewery permittee and dispensed out of bottles or other sealed containers to visitors and prospective retail customers for consumption on the premises; the sale at retail from the premises of not more than nine (9) liters of beer to any person per day, in sealed bottles or other sealed containers, for

## Section 2. Definitions

consumption off the premises; and the sale at retail from the premises of beer by the glass and bottle to visitors on the premises of the farm brewery permittee for consumption on the premises.

**Farm Distillery:** Any place or premises that is located on a farm in which distilled alcohol or spirits including, but not limited to, whiskey, gin, vodka and rum is manufactured and sold in accordance with Connecticut General Statute Section 30-16. Production is limited to not more than ten thousand (10,000) gallons per calendar year. Permitted activities include the bulk sales from the premises where the products are manufactured; the sale and shipment to a retailer of distilled alcohol or spirits manufactured by the farm distillery permittee in the original sealed containers of not more than fifteen (15) gallons per container; the offering and tasting of free samples of such distilled alcohol or spirits, in amounts not to exceed two (2) ounces per day per person, to visitors and prospective retail customers for consumption on the premises of the farm distillery permittee; and retail sales from the premises of sealed bottles or other sealed containers, in amounts not to exceed four and one-half (4.5) liters per customer per day, of such distilled alcohol or spirits for consumption off the premises.

**Farm Produce Sales:** The sale of farm produce and related products that are primarily grown and produced on the premises.

**Farm Products Tasting Room:** An indoor or outdoor space, accessory to a farm, with more than five (5) tables or more than twenty (20) seats for the use of the patrons of a farm brewery, farm distillery, or farm winery in the on-premises consumption of the products of those operations.

**Farm Winery:** Any place or premises that is located on a farm in which wine and brandies distilled from grape products or other fruit products, including grappa and eau-de-vie is manufactured and sold in accordance with Connecticut General Statute Section 30-16. Permitted activities include bulk sales of such products manufactured on the premises; the sale and shipment of wine manufactured by the farm winery permittee to persons outside the state; the offering and tasting of free samples of such wine or brandy, dispensed out of bottles or containers having capacities of not more than two (2) gallons per bottle or container, to visitors and prospective retail customers for consumption on the premises of the farm winery permittee; the retail sales from the premises of sealed bottles or other sealed containers of such wine or brandy for consumption off the premises; the retail sales from the premises of wine or brandy by the glass and bottle to visitors on the premises of the farm winery permittee for consumption on the premises; and the sale and delivery or shipment of wine manufactured by the permittee directly to a consumer in Connecticut.

**Ground Mounted Solar Energy System:** See [Accessory Structures](#).

**Hobby Farm:** The keeping of a small number of ducks, geese, chickens, turkeys, pigeons, or similar small fowl on a tract of land and/or the keeping of a small number of livestock as an accessory use to a residential property. Includes the keeping of bees.

**Hobby Kennel:** One pack or collection of animals kept under one ownership on a single premise bred for pleasure, show, sports or sale as an accessory use to a residential property.

**Hobby Stable:** The keeping and boarding of a small number of horses and/or ponies as an accessory use to a residential property.

**Home Occupation:** A nonresidential use located on the premises of a residence not otherwise permitted in residential districts, which is clearly accessory and secondary to the residential use of the property. Examples include the conducting of a business or practice, or the production of homemade goods, products, and/or merchandise.

**Home Occupation, Major:** Home Occupations that have potential to adversely impact a residential area. Inclusive of the sale of antiques, arts, and crafts; and the shop and storage use of principal and accessory buildings by contracting and building tradesmen or other similar occupations.

**Home Occupation, Minor:** Home Occupations which use is not evident, or adversely impactful, to the surrounding residential area.

**Home Office.** Use of a portion of a residence or accessory building for a home business or professional office by residents of the property.



## Section 2. Definitions

**Keeping of Pets:** The keeping of dogs, cats, or other similar domesticated animals as pets in compliance with State and Federal laws with no more than six (6) animals over six (6) months in age.

**Outdoor Dining.** A seasonal use, ancillary and contiguous to a food service establishment, operating on an annual basis starting on April 1st and concluding on November 1st.

**Outdoor Display of Merchandise:** Outside display or exhibits of merchandise, materials, or articles for sale.

**Parking Lot:** An off-street, ground-level open area that provides parking for motor vehicles. Not inclusive of driveways for principal residential uses with two or fewer dwelling units.

**Rooming and Boarding:** The provision of room and board for no more than one person unrelated to the property owner or lease holder.

**Short Term Rental:** The rental of a room to one or more persons on a nightly or weekly basis within, or on the premises of, a resident-occupied dwelling.

**Swimming Pool:** See [Accessory Structures](#).

### 2.5 Temporary Use Definitions

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**Farm Stand:** A temporary structure to be used for the display and sale of farm and garden products grown or raised on the premises and/or within the region.

**Farmer's Market:** One or more vendors located on a common parcel of land for the purpose of selling agricultural products, including value - added farm goods such as jams, jellies, sauces and baked goods prepared in accordance with applicable state statutes and regulations, as well as hand-crafted items.

**Mobile Food Unit:** A movable, registered motorized-wheeled vehicle or a registered towed vehicle, designed and equipped to prepare and sell food to the general public, which is to be temporarily parked on a privately owned lot.

**Occupied Recreational Vehicle:** Use of a recreational vehicle for residency on a temporary basis.

**Pop-Up Store:** A retail store that is opened temporarily to take advantage of a trend or seasonal demand.

**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: held on public or private property and reasonably expected draw more vehicles than can be accommodated by available permanent on-site parking during any single hour over the term of the special event.

**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.

# Article II — Uses and Zoning Districts

## Section 3. Overview and Prohibited Uses

### 3.1 General

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No use is permitted unless it is allowed by this Article as an as of right use, by Zoning Permit, or by Special Permit. Uses permitted as principal, accessory, or temporary uses within each zoning district are those uses identified in this Article.

### 3.2 Uses Not Identified

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In the event that a particular use is not identified in this Article, and such use is not identified as a prohibited use in Section 3.3 and is not otherwise prohibited by law, the Zoning Enforcement Officer (ZEO) shall determine whether a materially similar use exists in this Article. A use not specifically identified in this article is prohibited unless determined to be materially similar to a permitted use. The ZEO shall determine if a use not identified as a permitted use can reasonably be interpreted to fit into a use category where similar uses are described. Interpretations of the ZEO may be ratified or reversed by the Zoning Commission upon recommendation by the ZEO to the Zoning Commission at a regularly scheduled meeting.

Should the ZEO determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not identified, and the ZEO's decision shall be recorded in writing. Should the ZEO determine that a materially similar use does not exist, the matter shall be referred to the Zoning Commission for consideration of amendment of these Regulations. In considering an amendment of these Regulations, the Zoning Commission shall consider whether the use in question should be identified as a permitted or prohibited use and, if permitted, by what mechanism that use should be permitted and in which districts.

### 3.3 Prohibited Uses

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Uses prohibited in Woodbury include but are not limited to:

- A. **Adult-oriented establishments:** Includes, without limitation, adult bookstores, adult motion picture theaters, adult minimotion picture theaters and commercial establishments containing one or more adult amusement machines. Adult-oriented establishment further means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or any premises wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An adult-oriented establishment further includes, without limitation, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.
- B. Amusement parks.
- C. Commercial slaughtering.
- D. Commercial manufacturing of fertilizer.
- E. Commercial reduction or processing of animal matter.
- F. Correctional institutions.
- G. Drive-in theaters.
- H. Dumping or incineration of refuse, garbage, or junk except where controlled by the Town of Woodbury

### Section 3. Overview and Prohibited Uses

- I. Fast food restaurants: 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:
  - 1. sale of food, frozen desserts, or beverages in paper, plastic, or other disposable containers or
  - 2. service of food, frozen desserts, or beverages directly to a customer in a motor vehicle and
  - 3. 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.
- J. Junk or salvage yards: Any lot, land, parcel, or building, or other structure or part thereof 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.
- K. Mobile manufactured homes: A detached residential unit having three-dimensional components which are intrinsically mobile with or without a wheeled chassis or a detached residential unit built on or after June 15, 1976, in accordance with federal manufactured home construction and safety standards, and, in either case, containing sleeping accommodations, a flush toilet, tub or shower bath, kitchen facilities and plumbing and electrical connections for attachment to outside systems, and designed for long-term occupancy and to be placed on rigid supports at the site where it is to be occupied as a residence, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and connection to utilities systems.
- L. Racetracks (motor vehicle or animal).
- M. Recreational Vehicle 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 recreational vehicles are located for dwelling or sleeping purposes.

## Section 4. Principal Use Regulations

### 4.1 Principal Use Summary Table

The table below indicates the permitted principal uses in Woodbury by district. Uses are permitted as follows: As of Right (R), by Zoning Permit (ZP), by Special Permit (SP). Uses prohibited within a district are identified by a dash (-). The provision of a Conceptual Site Plan, in addition to any required permit is indicated by a (+C). The provision of a Site Plan, in addition to any required permit is indicated by a (+S).

Principal Use	R-40	OS-60	OS-80	OS-100	RC	MSD	MQ	PI	EE
Aircraft Landing Facility	-	-	-	-	-	-	-	SP+S	-
Auction Facility	-	-	-	-	-	SP+C	ZP+C	ZP	-
Bed and Breakfast	ZP+C	ZP+C	ZP+C	ZP+C	-	ZP+C	-	-	-
Building Supply	-	-	-	-	-	-	ZP+S	ZP	-
Cemetery	-	SP+S	SP+S	SP+S	-	-	-	-	-
Commercial Cutting of Timber		ZP+S	ZP+S	ZP+S				ZP+S	ZP+S
Commercial Kennel	SP+S	SP+S	SP+S	SP+S	-	-	-	ZP+S	-
Commercial Stable	SP+S	SP+S	SP+S	SP+S	-	-	-	ZP	-
Community Residence	ZP	ZP	ZP	ZP	ZP	ZP	-	-	-
Contractor Shop and Yard	-	-	-	-	-	-	-	ZP	-
Country Inn	SP+S	SP+S	SP+S	SP+S	-	SP+S	SP+S	-	-
Day Care Center	-	-	-	-	-	ZP+S	ZP	-	-
Dispatch Facility	-	-	-	-	-	-	-	ZP+S	-
Dollar Store	-	-	-	-	-	-	SP+S	-	-
Earth Materials Processing Facility	-	SP+S	SP+S	SP+S	-	-	-	-	SP+S
Farm/Agriculture	R	R	R	R	R	R	R	R	R
Food Service Establishment	-	-	-	-	-	ZP+S	ZP+S	-	-
Funeral Service Business	-	-	-	-	-	SP+S	ZP+S	ZP+S	-
Garden Center	SP+S	SP+S	SP+S	SP+S	-	SP+S	ZP+S	ZP+S	-
General Office	-	-	-	-	-	ZP+S	ZP+S	ZP+S	-
Grocery Store, Large Format	-	-	-	-	-	-	SP+S	-	-
Grocery Store, Small Format	-	-	-	-	-	SP+S	ZP+S	ZP+S	-
Group Child Care Home	SP+S	SP+S	SP+S	SP+S	-	SP+S	-	-	-
Group Living Facility for the Elderly	SP+S	SP+S	SP+S	SP+S	-	SP+S	-	-	-
Health Care Facility	-	-	-	-	-	-	SP+S	SP+S	-
Hotel	-	-	-	-	-	-	SP+S	SP+S	-
Indoor Recreation Facility	-	-	-	-	-	-	SP+S	ZP	-
Industrial Use	-	-	-	-	-	-	-	ZP+S	-
Institutional Use	SP+S	SP+S	SP+S	SP+S	-	SP+S	SP+S	ZP+S	-
Laboratory or Research Facility	-	-	-	-	-	-	-	ZP+S	-
Landscape Service Yard	SP+S	SP+S	SP+S	SP+S	-	-	-	ZP+S	-
Mental Health Treatment Facility	-	-	-	-	-	-	SP+S	SP+S	-
Motor Vehicle Sales	-	-	-	-	-	-	SP+S	SP+S	-

Section 4. Principal Use Regulations

Principal Use	R-40	OS-60	OS-80	OS-100	RC	MSD	MQ	PI	EE
Motor Vehicle Services	-	-	-	-	-	-	SP+S	ZP+S	-
Outdoor Performance Venue	-	-	-	-	-	-	-	SP+S	-
Outdoor Recreation Facility	SP+S	SP+S	SP+S	SP+S	-	-	-	ZP+S	-
Public Utility Installation	SP+S	SP+S	SP+S	SP+S	-	-	SP+S	SP+S	-
Quarry Operation	-	-	-	-	-	-	-	-	SP+S
Residential Care Home	SP+S	SP+S	SP+S	SP+S	-	SP+S	-	-	-
Residential, Conversion to Multi-Family	SP+S	SP+S	SP+S	SP+S	-	SP+S	-	-	-
Residential, Conversion to Office	-	SP+S	-	-	-	-	-	-	-
Residential, Mixed-Use	-	-	-	-	-	SP+S	SP+S	-	-
Residential, Multi-Family	-	-	-	-	SP+S	-	-	-	-
Residential, Open Space Subdivision	SP+S	SP+S	SP+S	SP+S	-	-	-	-	-
Residential, Single-Family	ZP	ZP	ZP	ZP	-	ZP	-	-	-
Residential, Two-Family	ZP+C	ZP+C	ZP+C	ZP+C	-	ZP+C	-	-	-
Rest Home	SP+S	SP+S	SP+S	SP+S	SP+S	SP+S	-	-	-
Retail Establishment, Large Format	-	-	-	-	-	-	SP+S	-	-
Retail Establishment, Small Format	-	-	-	-	-	ZP+S	ZP+S	ZP+S	-
Rooming or Boarding House	SP+S	SP+S	SP+S	SP+S	-	SP+S	-	-	-
Senior Housing Facility	SP+S	SP+S	SP+S	SP+S	SP+S	SP+S	-	-	-
Service Establishment	-	-	-	-	-	ZP+S	ZP+S	ZP+S	-
Shopping Center	-	-	-	-	-	SP+S	ZP+S	ZP+S	-
Social Club, Large Format	-	-	-	-	-	SP+S	SP+S	ZP+S	-
Social Club, Small Format	SP+S	SP+S	SP+S	SP+S	-	SP+S	SP+S	ZP+S	-
Solar Energy Field	-	SP+S	SP+S	SP+S	-	-	-	ZP+S	-
Substance Abuse Treatment Facility	-	-	-	-	-	-	-	SP+S	-
Theater	-	-	-	-	-	SP+S	SP+S	ZP+S	-
Veterinary Clinic	-	-	-	-	-	-	SP+S	ZP+S	-
Wireless Communication Facility	ZP+S/ SP+S	ZP+S/ SP+S	ZP+S/ SP+S	ZP+S/ SP+S	ZP+S/ SP+S	ZP+S/ SP+S	ZP+S/ SP+S	ZP+S/ SP+S	ZP+S/ SP+S

**4.2 Bed and Breakfast**

Bed and breakfast establishments are permitted 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. Parking shall be provided as per Section 11.4. Such parking shall be screened with a landscaped buffer yard meeting the requirements of buffer yard set forth in Section 11.7E and shall not be located in the front yard unless the Zoning Commission determines that such parking is more consistent with preserving the residential character of the neighborhood.
- C. No more than four guestrooms rated for double occupancy are permitted in a structure.
- D. Full bathrooms shall be provided at the rate of one per two guestrooms.
- E. 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 Commercial Cutting of Timber**

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Commercial timber cutting shall comply with the following standards.

#### **4.3.1 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.

#### **4.3.2 Logging Roads and Trails**

- A. The location of all main haul or skid roads, including alternate routes, shall be approved by the Zoning Commission prior to the commencement of harvesting operations.
- B. All roads shall be located so as to minimize construction or use impact on the land.
- C. Adequate drainage control systems and stabilization systems shall be provided and maintained to control erosion and siltation.
- D. 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.
- E. 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.

#### **4.3.3 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.

#### **4.3.4 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 Zoning Commission.

#### **4.3.5 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.

#### **4.3.6 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.

#### **4.3.7 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 Zoning Commission. In such instances, the Zoning 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.
- F. In most cases even aged management may be accomplished through shelterwood cuttings rather than clear-cutting.

#### **4.3.8 Bonding**

The applicant shall post a bond in compliance with Section 17.4.

### **4.4 Commercial Kennel**

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Commercial kennels shall be permitted on lots not less than 5 acres and provided that no dogs are kept in any building or enclosure within 200 feet of any property lines. This use shall not create offensive odors, noise or unsightly appearance noticeable off the premises.

### **4.5 Commercial Stable**

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Commercial stables shall be permitted on lots not less than 5 acres and provided that no horses are kept in any building within 50 feet of any property lines. This use shall not create offensive odors, noise or unsightly appearance noticeable off the premises.

### **4.6 Community Residence**

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- A. The construction of group home or the conversion of a single-family residence to a group home shall only be conducted upon the issuance of a Zoning Permit.
- B. No group home shall be established within 1,000 feet of any other group home.
- C. A group home shall be designed, constructed, modified, or improved so as to be similar to other residential structures in the area where it is established.

### **4.7 Country Inn**

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#### **4.7.1 Location**

A country inn may be permitted by Special Permit for properties located on an arterial road or within a Historic District. This provision is intended to preserve mixed uses on Main Street and to encourage variety and flexibility in land use.

#### **4.7.2 General Requirements**

## Section 4. Principal Use Regulations

No Special Permit shall be granted pursuant to this Section until the Zoning Commission has made a special finding that a Country Inn 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 as originally constructed.
- 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. A caretaker shall reside on the property.
- E. Guest rooms shall have no cooking facilities.
- F. Morning meals shall be served only to the occupants of the property and registered guests of the country inn.
- G. 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.
- H. Meeting parlors and common rooms shall be primarily for the use of registered guests unless public use is approved by the Zoning Commission as part of the Special Permit.
- I. Any recreational facilities on the property shall be for the use of occupants of the property and registered guests only.
- J. The minimum lot size for a country inn with restaurant shall be three acres.
- K. 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.
- L. Parking Areas:
  - 1. Parking areas shall be provided in accordance with Section 11.4.
  - 2. Parking areas shall be landscaped in accordance with buffer yard "B" as set forth in Section 11.7E. 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.
  - 3. Parking shall be located more than 25 feet from adjoining property line unless the Zoning Commission determines that parking closer to the property line is more consistent with preserving the residential character of the neighborhood.
- M. Applicants shall comply with the site development requirements of Section 10.2 of these Regulations. In addition, the Zoning Commission shall require the applicant to submit an architectural and/or landscape rendering to demonstrate compliance with these standards.

### **4.8 Dollar Store**

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Because of the impact that dollar stores have on the viability of local retailers and grocers, and the established impact of the lack of healthy food choices in communities that lack local grocers, dollar stores are restricted in Woodbury so as to protect the health of the community and property value associated with local retail properties. Dollar stores are therefore restricted to one (1) store per minimum of 9,000 residents in Woodbury.

### **4.9 Earth Materials Processing Facility**

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Restricted to uses in operation prior to May 25, 1970, and subsequently in continuous operation as permitted by these Regulations, provided that an updated Site Plan (via an application for modification of Site Plan) for



## Section 4. Principal Use Regulations

such operations is submitted every two years commencing in 2003, or as otherwise required by the Zoning Commission. Operation of the facility must be conducted in accordance with Section 11.3.

### **4.10 Farm/Agriculture**

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#### **4.10.1 Livestock**

- A. On lots less than five (5) acres, the keeping of large livestock such as horses, mules, ponies, cattle, bison, alpaca is limited to one head per 60,000 sf of owned and/or leased land inclusive of horses and/or ponies belonging to a hobby stable on the premises.
- B. On lots less than five (5) acres, the keeping of small livestock such as goats, sheep, or pigs is limited to one head per 30,000 sf of owned and/or leased land inclusive of horses and/or ponies belonging to a hobby stable on the premises.
- C. The keeping of ducks, geese, chickens, turkeys, pigeons, or similar small fowl shall be limited to one (1) bird per 5,000 sf of owned and/or leased land.
- D. Roosters shall only be permitted in OS Districts and no more than one (1) rooster per 30,000 sf is permitted.
- E. The total number of animals shall be limited to twenty (20) or fewer ducks, geese, chickens, turkeys, pigeons, or similar small fowl on a tract of land and/or five (5) or fewer head of livestock over six (6) months in age inclusive of two (2) or fewer pigs.
- F. The keeping of bees shall be limited to a maximum of one (1) hive per 5,000 sf of owned and/or leased land.
- G. The keeping of pigs shall be limited to no more than twenty (20) pigs over two (2) months in age.
- H. Buildings used for the housing of pigs shall be located no closer than 300 feet of an existing residence located on another lot.
- I. Buildings used for the housing of livestock or poultry shall be located at least 100 feet from any property or street line.

#### **4.11 Garden Center**

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A garden center may be permitted as a stand-alone principal use on lots in residential districts not less than three (3) acres subject to the provision of a landscaped buffer yard as set forth in Section 11.7E.

#### **4.12 Landscape Service Yard**

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A landscape service yard may be permitted as a stand-alone principal use on lots in residential districts not less than three (3) acres subject to the provision of a landscaped buffer yard as set forth in Section 11.7E.

#### **4.13 Open Space Subdivision**

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Open Space Subdivisions shall be permitted pursuant to the Woodbury Planning Commission Subdivision Regulations.

#### **4.14 Residential, Conversion to Multi-Family**

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The conversion of an existing one-family dwelling to two or more dwelling units is permitted, 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. The dwelling is conforming with the lot standards of the district.
- C. After conversion such dwelling shall retain substantially its original character and appearance as a one family residence.
- D. Off-street parking shall be provided in accordance with Section 11.4.
- E. The health district officer certifies in writing that the conversion will not create hazardous conditions for sanitation or other conditions affecting health and safety.

#### 4.15 Residential, Conversion to Office

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The conversion of an existing one-family dwelling to an office use is permitted, provided that:

- A. The residential structure existed prior to **Month, Date, 2020**.
- B. The residential structure has a floor area of 10,000 square feet or more.
- C. The residential structure is located on a parcel with a lot area of ten (10) acres or more.
- D. Off-street parking is provided as follows: no less than one space per 1,000 sf and no more than three spaces per 1,000 sf. Parking shall be designed and located in accordance with Section 12.3.7.

#### 4.16 Residential, Multi-Family

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##### 4.16.1 Special Permit Considerations

In addition to the criteria listed in Section 16.7 of these Regulations for consideration of a Special Permit, 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.

##### 4.16.2 General Requirements

Multi-family housing shall comply with all applicable provisions of these Regulations and conform to the following standards.

- A. Parcel Area: **The** minimum parcel size shall be 3.5 acres where the parcel is bordered primarily by an OS-60 district and 10.0 acres where the parcel is primarily surrounded by an OS-80 or OS-100 district.
- B. Yard Requirements: Minimum front, rear, and side-yard setbacks in residential zones shall be equivalent to setback requirements of the district the parcel is located in plus the height of the building. Maximum building coverage, maximum total coverage, and maximum height shall be as specified for the district.
- 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. Building Size and Density: Maximum building length on any side shall not exceed 200 feet.
- E. Buffer Area: A landscaped buffer yard meeting the standards of Buffer Yard "C" in Section 11.7 E of these Regulations shall be provided along the rear and side lot lines whenever such lot lines abut residentially zoned property.
- F. The maximum number of dwelling units shall not exceed six **(6)** units per acre.
- G. No more than **twelve** (12) dwelling units shall be contained in a single building.
- H. Number of Rooms: Each dwelling unit shall contain at least two rooms exclusive of bathrooms.
- 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.

#### 4.17 Residential, Single-Family

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- A. Two (2) single-family (detached) residential dwelling units may be constructed on lots with twice the minimum lot area for the district or greater.
- B. Under no circumstances shall the lot subsequently be divided unless each lot complies with the area and yard requirements of the district.

#### **4.18 Residential, Two-Family**

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- A. No more than one such structure per lot.
- B. The structure shall be designed and constructed so as to resemble a single-family home.

#### **4.19 Rest Home**

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##### **4.19.1 Special Permit Considerations**

In addition to the criteria listed in Section 16.7 of these Regulations for consideration of a Special Permit, 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.

##### **4.19.2 General Requirements**

A rest home shall comply with all applicable provisions of these Regulations and conform to the following standards.

- A. Parcel Area: The minimum parcel size shall be 5 acres in all districts except as follows:
  - 1. When located in the RC District, and the parcel is primarily bordered by the OS-60 district, the minimum parcel size shall be 3.5 acres.
- B. Yard Requirements: Minimum front, rear, and side-yard setbacks in residential zones shall be equivalent to setback requirements of the district the parcel is located in plus the height of the building. Maximum building coverage, maximum total coverage, and maximum height shall be as specified for the district.
- C. Frontage: A parcel proposed for a rest home 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.
- D. 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.
- E. Building Size: Maximum building length on any side shall not exceed 200 feet.
- F. Buffer Area: A landscaped buffer yard meeting the standards of Buffer Yard "C" in Section 11.7 E of these Regulations shall be provided along the rear and side lot lines whenever such lot lines abut residentially zoned property.

#### **4.20 Senior Housing Facility**

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##### **4.20.1 Special Permit Considerations**

In addition to the criteria listed in Section 16.7 of these Regulations for consideration of a Special Permit, 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.

##### **4.20.2 General Requirements**

A senior housing facility shall comply with all applicable provisions of these Regulations and conform to the following standards.

- A. Parcel Area: The minimum parcel size shall be 5 acres in all districts except as follows:

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1. When located in the RC District, and the parcel is primarily bordered by the OS-60 district, the minimum parcel size shall be 3.5 acres.
- B. Yard Requirements: Minimum front, rear, and side-yard setbacks in residential zones shall be equivalent to setback requirements of the district the parcel is located in plus the height of the building. Maximum building coverage, maximum total coverage, and maximum height shall be as specified for the district.
- C. Frontage: A parcel proposed for a Senior Housing Facility must have frontage on or be within 300 feet of a state highway. Such parcel must have at least 200 feet of frontage on an existing through road.
- D. 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.
- E. Age Restrictions: 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. Building Size: Maximum building length on any side shall not exceed 200 feet.
- G. Buffer Area: A landscaped buffer yard meeting the standards of Buffer Yard "C" in Section 11.7 E of these Regulations shall be provided along the rear and side lot lines whenever such lot lines abut residentially zoned property.

### 4.21 Wireless Communication Facility

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#### 4.21.1 Jurisdiction

All free-standing tower-siting jurisdiction was awarded to the Connecticut Siting Council (CSC) in U.S. District Court in 2000 and upheld in federal court. Connecticut towns have been advised by the CSC to maintain their tower regulations as advisory to the CSC process, which is conducted in partnership with municipalities according to State statute. Connecticut Public Act No. 07-222 requires the CSC to officially take a town's regulations into consideration in tower siting. The aspects of this section pertaining to free-standing towers are considered advisory.

Per Connecticut General Statute, municipalities including Woodbury maintain full control over the placement, construction, and modification of telecommunications transmitting antennas, accessory buildings/equipment and antenna arrays placed on, or in, pre-existing buildings.

These regulations are intended to be consistent with The Telecommunications Act of 1996 in that: a) they do not prohibit, or have the effect of prohibiting, the provision of personal wireless services; b) they are not intended to be used to unreasonably discriminate among providers of functionally equivalent services; c) they do not regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC's regulations concerning such emissions.

#### 4.21.2 Exemptions

The following wireless telecommunications facilities are exempt from these regulations: police, fire, ambulance and other emergency dispatch; amateur (HAM) radio, citizens band radio; any existing commercial radio tower, and radio dispatch services for local businesses. Also exempt from this regulation are antennas used solely for residential household television and radio reception, and satellite dishes measuring 6 feet or less in diameter. No personal wireless service facility mounted on, or in, a pre-existing building shall be considered exempt from this article for any reason, whether or not said facility is proposed to share a tower or other structure with such exempt uses.

#### 4.21.3 Purpose

Wireless communication facilities are permitted in accordance with applicable Federal and State jurisdictions within the Town of Woodbury with the intent of protecting the public health and safety, protecting

## Section 4. Principal Use Regulations

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.

### 4.21.4 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), Residential Community (RC), R-40, OS-60, OS-80, and OS-100 districts.
- 6. On new towers 80 feet or greater in height located in MSD, RC, OS-60, OS-80, and OS-100 districts.

### 4.21.5 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 receiving wireless signals solely for non-commercial use, or 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 A of these Regulations.
  - 1. 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.
  - 2. 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.
  - 3. 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 Permits: 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 Permit as provided for in Section 16.7. Such use may be approved only after a finding that the use will comply with the standards of Section 16.7 and the special standards of this Section.

### 4.21.6 Standards

The following standards shall apply to any tower or wireless communications facility proposed in any zoning 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.

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- 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. No dish antenna visible from any adjoining property or public property shall be allowed in any Historic District.
- 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 Zoning 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 Zoning 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 Zoning Commission when there is satisfactory documentation that such antennas are screened from view from adjacent lots and from public streets, dish antennas shall comply with the following:
  - 1. Dish antennas shall not exceed 2 feet in diameter in residential zones.
  - 2. 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 11.7.E or as otherwise specified by the Zoning 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 Zoning 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.

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- 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 Zoning Commission may require that a bond be submitted as surety.

### 4.21.7 Application Requirements

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 Plan meeting the requirements of Section 16.1.
- 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:
  - 1. 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
  - 2. 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 A of these Regulations. Additionally, in all cases in which the Zoning 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.

## Section 5. Accessory Use Regulations

### 5.1 Accessory Use Summary Table

The table below indicates the allowed accessory uses in Woodbury by district. Uses are permitted as follows: As of Right (R), by Zoning Permit (ZP), by Special Permit (SP). Uses prohibited within a district are identified by a dash (-). The provision of a Conceptual Site Plan, in addition to any required permit is indicated by a (+C). The provision of a Site Plan, in addition to any required permit is indicated by a (+S).

Accessory Use	R-40	OS-60	OS-80	OS-100	RC	MSD	MQ	PI	EE
Accessory Apartment	ZP	ZP	ZP	ZP	-	ZP	-	-	-
Accessory Motor Vehicle Sales	-	-	-	-	-	-	-	ZP	-
Accessory Office	-	-	-	-	-	ZP	ZP	ZP	ZP
Accessory Structures	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Agritourism	ZP+C	ZP+C	ZP+C	ZP+C	-	ZP+C	-	-	-
Agricultural Virtual Net Metering Facility	SP+S	SP+S	SP+S	SP+S	-	-	-	SP+S	-
Bank Drive-Thru	-	-	-	-	-	SP+C	ZP+C	ZP+C	-
Family Child Care	R	R	R	R	R	R	R	-	-
Farm Brewery	ZP+C	ZP+C	ZP+C	ZP+C	-	ZP+C	-	-	-
Farm Distillery	ZP+C	ZP+C	ZP+C	ZP+C	-	ZP+C	-	-	-
Farm Produce Sales	ZP	ZP	ZP	ZP	ZP	ZP	-	ZP	-
Farm Products Tasting Room	ZP+C	ZP+C	ZP+C	ZP+C		ZP+C			
Farm Winery	ZP+C	ZP+C	ZP+C	ZP+C	-	ZP+C	-	-	-
Hobby Farm	R	R	R	R	-	ZP	-	-	-
Hobby Kennel	ZP	ZP	ZP	ZP	-	ZP	-	-	-
Hobby Stable	ZP	ZP	ZP	ZP	-	ZP	-	-	-
Home Occupation, Major	SP	SP	SP	SP	-	SP	-	-	-
Home Occupation, Minor	ZP	ZP	ZP	ZP	-	ZP	-	-	-
Home Office	R	R	R	R	R	R	R	-	-
Keeping of Pets	R	R	R	R	R	R	R	-	-
Minor Accessory Structures	R	R	R	R	R	R	R	-	-
Outdoor Dining	-	-	-	-	-	SP+C	ZP+C	ZP	-
Outdoor Display of Merchandise	-	-	-	-	-	ZP+C	ZP+C	ZP+C	-
Parking Lot	ZP+C/ S	ZP+C/ S	ZP+C/ S	ZP+C/ S	ZP+C/ S	ZP+C/ S	ZP+C/ S	ZP+C/ S	ZP+C/ S
Rooming and Boarding	R	R	R	R	R	R	R	-	-
Short Term Rental	ZP	ZP	ZP	ZP	-	-	-	-	-



Wireless Communication Facility	ZP+S/ SP+S	ZP+S/ SP+S	ZP+S/ SP+S	ZP+S/ SP+S	ZP+S/ SP+S	ZP+S/ SP+S	ZP+S/ SP+S	ZP+S/ SP+S	ZP+S/ SP+S
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## 5.2 Accessory Apartment

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### 5.2.1 Use Limitation

- A. Accessory apartments are only allowed as an accessory use to detached single-family dwellings and offices converted from a single-family residential structure.
- B. Accessory apartments are not allowed on lots with more than one principal dwelling unit.
- C. Only one accessory apartment is allowed per lot.
- D. The dwelling must retain its character and appearance of a single-family dwelling unit.
- E. An accessory apartment that is accessory to a single-family dwelling is limited in habitable floor area to 50% of the habitable floor area of the principal dwelling, exclusive of the area occupied by the accessory apartment.

### 5.2.2 Location

Accessory apartments may be located within the principal structure or within an accessory structure on the premises.

### 5.2.3 Certificate for New Apartments

If approved, the applicant shall file a Certificate of Approval of the apartment with the Town Clerk. Said Certificate shall be recorded in the Woodbury Land Records.

### 5.2.4 Certificate for Existing Apartments

The owner of a single family residential unit containing an accessory apartment prior to 8/1/1987 and not otherwise authorized as a permitted use may apply for a Certificate of Zoning Compliance with the ZEO. The Certificate shall only be granted if the accessory apartment conforms to the requirements of these Regulations. If granted, the owner shall file the Certificate with the Town Clerk. The Certificate shall be recorded in the Woodbury Land Records.

## 5.3 Accessory Structures

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Except as set forth herein, an accessory building or other structure shall be subject to the area 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:

### 5.3.1 Front Setback

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 from the interior lot line than the height of the structure.

### 5.3.2 Side Setbacks

Any accessory building or structure not used for housing animals shall be set back from the side and interior lot lines as follows.

- A. An accessory building or other structure shall be located no closer to the property line than the height of the structure.
- B. On a corner lot, no accessory building or other structure shall be located on that portion of the lot comprising the corner (the area at the intersection of the front and side yards).

### 5.3.3 Size

## Section 5. Accessory Use Regulations

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.

### **5.4 Agritourism**

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Agritourism operations shall provide off-street parking adequate to meet the needs of the operation.

### **5.5 Hobby Farm**

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#### **5.5.1 Number of Animals**

- A. The keeping of large livestock such as horses, mules, ponies, cattle, bison, alpaca is limited to one head per 60,000 sf of owned and/or leased land inclusive of horses and/or ponies belonging to a hobby stable on the premises.
- B. The keeping of small livestock such as goats, sheep, or pigs is limited to one head per 30,000 sf of owned and/or leased land inclusive of horses and/or ponies belonging to a hobby stable on the premises.
- C. The keeping of ducks, geese, chickens, turkeys, pigeons, or similar small fowl shall be limited to one (1) bird per 5,000 sf of owned and/or leased land.
- D. Roosters shall only be permitted in OS Districts and no more than one (1) rooster per 30,000 sf is permitted.
- E. The total number of animals shall be limited to twenty (20) or fewer ducks, geese, chickens, turkeys, pigeons, or similar small fowl on a tract of land and/or five (5) or fewer head of livestock over six (6) months in age inclusive of two (2) or fewer pigs.
- F. The keeping of bees shall be limited to a maximum of one (1) hive per 5,000 sf of owned and/or leased land.

#### **5.5.2 Location**

- A. Buildings used for the housing of livestock or poultry shall be located at least 100 feet from any property or street line.
- B. Buildings used for the housing of pigs shall be located no closer than 300 feet of an existing residence located on another lot.
- C. Beekeepers shall locate and maintain their hives and so that they do not pose a public health hazard or nuisance. In general, hives shall be sited as far as possible from abutting residential structures, sheltered from the wind, and wherever possible, proximate to undeveloped land.

#### **5.5.3 Conformance Standard**

- A. This use shall not create offensive odors, noise or unsightly appearance noticeable off the premises.
- B. Beekeepers shall be registered with the State Entomologist as required by Connecticut General Statute Section 22-89. Beekeepers shall monitor the bee colonies for defensive behaviors and for disposition to swarming. Beekeepers shall immediately report and seek technical assistance from The State Entomologist whenever there are any changes of bee behavior referenced in the aforementioned beekeeper management guidelines as “defensive behaviors” (e.g. “colony temperament”) in any hive under their control to prevent conditions that may cause a public health or public safety hazard.

### **5.6 Farm Brewery**

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Farm breweries shall only be permitted as accessory to farms on lots of eight (8) acres or more.

### **5.7 Farm Distillery**

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Farm distilleries shall only be permitted as accessory to farms on lots of eight (8) acres or more.

### **5.8 Farm Wineries**

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## Section 5. Accessory Use Regulations

Farm wineries shall only be permitted as accessory to farms on lots of eight (8) acres or more.

### **5.9 Hobby Kennel**

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#### **5.9.1 Number of Animals**

Limited to one pack or collection of animals, not to exceed six (6) adult animals.

#### **5.9.2 Location**

Buildings used for the housing of animals, excluding a residential dwelling, shall be located at least 100 feet from any property or street line.

#### **5.9.3 Conformance Standard**

This use shall not create offensive odors, noise or unsightly appearance noticeable off the premises.

### **5.10 Hobby Stable**

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#### **5.10.1 Number of Animals**

- A. Limited to one horse and/or pony per 60,000 sf owned and/or leased land inclusive of other livestock on the premises.
- B. No more than five (5) horses not owned by the resident-occupant may be boarded.

#### **5.10.2 Location**

Buildings used for the housing of horses and/or ponies shall be located at least 50 feet from any property or street line.

#### **5.10.3 Conformance Standard**

This use shall not create offensive odors, noise or unsightly appearance noticeable off the premises.

### **5.11 Home Occupation, Major**

---

#### **5.11.1 Use Limitation**

Permitted as accessory only to a single-family or two-family residence or accessory building.

#### **5.11.2 General Standards**

- A. There shall be no external evidence of the home occupation, other than as specifically permitted.
- B. The home occupation shall not occupy an aggregate area in the dwelling and/or accessory building of more than fifty percent (50%) of the floor area of the principal building.
- C. Off-street parking shall be provided to accommodate the needs of both the home occupation and the residence in accordance with Section 12.
- D. No finished goods or materials, except those products ancillary to the home occupation, shall be shipped to the home occupation location for resale.
- E. No more than two non-resident employees are permitted on the premises on a daily basis.

#### **5.11.3 Contractor Use Standards**

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:

- A. Outside storage of material, inventory, tools or machinery associated with the business shall be screened from adjacent properties and the street by a solid fence or landscape buffer.
- B. Any such use must be incidental to the work of such tradesman or contractor conducted off the premises.

### **5.12 Home Occupation, Minor**

---

#### **5.12.1 Use Limitation**

## Section 5. Accessory Use Regulations

Permitted as accessory only to a single-family or two-family residence.

### 5.12.2 General Standards

- A. There shall be no external evidence of the home occupation, other than as specifically permitted.
- B. The home occupation shall not occupy an aggregate area in the dwelling and/or accessory building of more than twenty-five percent (25%) of the floor area of the principal building.
- C. No finished goods or materials, except those products ancillary to the home occupation, shall be shipped to the home occupation location for resale.
- D. No non-resident employees.
- E. Maximum of ten (10) delivery, client, customer, vendor, or other business associate trips per day.

## 5.13 Home Office

---

### 5.13.1 General Standards:

- A. No non-resident employees.
- B. The use does not generate or rely upon more than four (4) client, customer, vendor, or other business associate trips per day.

## 5.14 Outdoor Dining

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### 5.14.1 Use Limitation

Permitted as accessory only to a food service establishment.

### 5.14.2 General Standards

- A. An outdoor dining area, if provided, must be located on the premises of a food service establishment and must not obstruct access to and from the establishment or neighboring establishments, offices, residences or any other use in a multi-tenant building.
- B. Outdoor dining shall not be located so as to create hazardous sight-line conditions for motor vehicle traffic.
- C. Outdoor dining areas shall be located a minimum of fifty (50) feet from the property boundary of an existing single-family or two-family residence.
- D. Physical barriers, comprised of a fence or railing no less than 36 inches in height, are required around areas where alcohol is served.
- E. Outdoor dining shall be conducted in such a manner so as not to create a noise nuisance or violate Section 10.1.2 of these Regulations.
- F. Outdoor dining furnishings including tables, chairs, and umbrellas shall be stored indoors during the off-season.

## 5.15 Parking Lot

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### 5.15.1 Use Limitation

Paved parking lots are permitted only as accessory to a principal land use.

### 5.15.2 General Standards

See Section 12 of these Regulations.

### 5.15.3 Plan Requirement

- A. The construction of a parking lot for a new use or change of use shall require the provision, and Zoning Commission approval, of a Conceptual Site Plan or Site Plan as required for the new use or change of use. The Plan shall include a detailed layout of the proposed parking lot sufficient to demonstrate compliance with the standards of Section 12 of these Regulations.

## Section 5. Accessory Use Regulations

- B. The construction or expansion of a parking lot for a new use or change of use that does not otherwise require a Conceptual Site Plan or Site Plan shall require the provision, and Zoning Commission approval, of a Conceptual Site Plan that provides a detailed layout of the proposed parking lot sufficient to demonstrate compliance with the standards of Section 12 of these Regulations.
- C. The expansion of an existing parking lot for a use that has a Conceptual Site Plan or Site Plan on file shall require the provision, and Zoning Commission approval, of a modified Plan. The modified Plan shall include a detailed layout of the proposed parking lot sufficient to demonstrate compliance with the standards of Section 12 of these Regulations.
- D. The paving of a gravel parking area for use as a parking lot shall require the provision, and Zoning Commission approval, of a Conceptual Site Plan or the provision of a modified Site Plan or Conceptual Site Plan if on file. The Plan shall provide a detailed layout of the proposed parking lot sufficient to demonstrate compliance with the standards of Section 12 of these Regulations.

### **5.15.4 Permit Requirement**

- A. Upon Zoning Commission approval of a Conceptual Site Plan, Site Plan, or modified plan, the ZEO shall issue a Zoning Permit authorizing the parking lot improvements as specified in the plan. No construction activities shall commence until the Zoning Permit is authorized.

## **5.16 Short Term Rental**

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### **5.16.1 Use Limitation**

Permitted as accessory only to a resident-occupied single-family dwelling.

### **5.16.2 General Standards**

- A. There shall be no external evidence of the operation of a short term rental.
- B. No more than one room within a single-family dwelling or on the premises of a single-family dwelling may be rented.
- C. No more than four guests per night.
- D. The property shall be conforming to the minimum lot area requirement of the district in which it is located.
- E. Off-street parking must be provided to accommodate guests.
- F. Physical expansion of a residence to specifically accommodate short-term rental facilities or operations shall not be allowed.

## **5.17 Wireless Communication Facility**

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See Section 4.20 of these Regulations.

## Section 6. Temporary Use Regulations

### 6.1 Temporary Use Summary Table

The table below indicates the allowed temporary uses in Woodbury by district. Uses are permitted as follows: As of Right (R), by Zoning Permit (ZP), by Special Permit (SP). Uses prohibited within a district are identified by a dash (-).

Temporary Use	R-40	OS-60	OS-80	OS-100	RC	MSD	MQ	PI	EE
Farm Stand	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Farmer's Market	-	-	-	-	-	ZP	ZP	ZP	-
Mobile Food Unit	-	-	-	-	-	SP	ZP	ZP	-
Occupied Recreational Vehicle	ZP	ZP	ZP	ZP	-	ZP	-	-	-
Pop-Up Store	-	-	-	-	-	ZP	ZP	ZP	-
Special Event	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Tag Sale	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	-
Temporary and/or Non-Conforming Structure	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Tent/Sidewalk Sale	-	-	-	-	-	ZP	ZP	ZP	-

### 6.2 Farm Stand

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 region 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.

### **6.3 Mobile Food Unit**

---

Mobile food units are subject to the following regulations:

#### **6.3.1 Permits**

- A. A Zoning Permit may be issued by the Zoning Enforcement Officer after determination that all requirements of the regulations have been met. The Zoning Enforcement Officer shall provide a monthly report of all permits issued to the Zoning Commission. The Zoning Enforcement Officer may at their discretion, refer an application to the Zoning Commission for location map review.
- B. Zoning applications for a mobile food unit shall include a location map indicating the location where the unit will be located, proposed parking for customers, the location of the mobile food unit in relation to the nearest street and driveway intersections and the number and location of garbage disposal facilities. The application shall also include the proposed days and hours of operation, as well as any approvals and permits required by the State of Connecticut and/or Pomperaug Health District.
- C. Once issued, a Zoning Permit will allow one (1) mobile food unit to operate on the premises for a period of one year from the date of issuance. Additional mobile food units may be allowed but require a separate permit and shall meet the requirements of this section.
- D. Mobile food units must have written permission from the owner of the property where they intend to locate. If permission is withdrawn from the property owner, the Zoning Permit will become void.

#### **6.3.2 Site Location**

- A. Mobile food units shall be located on an individual parcel where an existing permanent business operates in a building with a certificate of occupancy.
- B. The location of any mobile food unit shall not obstruct the line of sight or flow of traffic both on and off site.
- C. Mobile food units shall not be allowed within 50 feet of a permanent food service establishment.
- D. Mobile food units shall not exceed 30 feet in length.

#### **6.3.3 Parking**

The applicant shall demonstrate that there is sufficient on-site parking for the existing business and the mobile food unit(s) based on the requirements set forth in Section 11.4 of these Regulations.

#### **6.3.4 Operations**

- A. All signage must be attached to the vendor's vehicle. No separate free standing or temporary signs are permitted.
- B. Equipment and operations must be self-contained within the mobile food unit. No furniture, umbrellas, generators, objects or structures shall be placed outside the unit (except for required refuse and recycling containers).
- C. No lighting shall be provided, except that localized lighting may be used on or in the mobile food unit for the purpose of inside food preparation and menu illumination.

#### **6.3.5 Sales Restrictions**

Mobile food units shall not sell anything other than food and non-alcoholic beverages.

#### **6.3.6 Hours of Operation**

- A. Hours of operation shall be within 6:00 am and 11:00 pm.
- B. The mobile food unit must be removed from the location within 72 hours when not in operation.

#### **6.4 Occupied Recreational Vehicle**

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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.

#### **6.5 Temporary Structure and/or Nonconforming Structure**

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- A. Any temporary structure to be located on a property for a period longer than one week requires issuance of a Zoning Permit.
- B. A Zoning Permit may be issued for a nonconforming temporary structure 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.

#### **6.6 Special Event**

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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:
  - 1. Details of the proposed event including the estimated number of attendees and cars, hours of operation, dates;
  - 2. Site plan sketch including parking areas, sanitary facilities, etc.;
  - 3. Plan for crowd control which shall include security personnel or police officers as needed;
  - 4. Provision for adequate sanitation facilities;
- 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.

#### **6.7 Tag Sale**

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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.



## Section 7. Base Zoning Districts

For the purpose of these Regulations, the Town of Woodbury is hereby comprised of the following base zoning districts:

Residential Districts	
R-40	Residence District
OS-60	Open Space Residence District
OS-80	Open Space Residence District
OS-100	Open Space Residence District
Special Use Districts	
RC	Residential Community District
MSD	Main Street Design District
PI	Planned Industrial District
EE	Earth Excavation District
MQ	Middle Quarter District

# R-40 District

## 7.1 R-40 District

### 7.1.1 Purpose of District

The R-40 District is a medium density residential district that allows limited higher density residential and non-residential uses that are compatible with, and complementary to, neighborhoods of single-family residences on lots greater than 40,000 square feet.

### 7.1.2 Permitted Uses in the District

Permitted uses in the R-40 District are identified in Sections 4.1, 5.1, and 6.1 of these Regulations.

### 7.1.3 Lot, Coverage, and Setback Standards

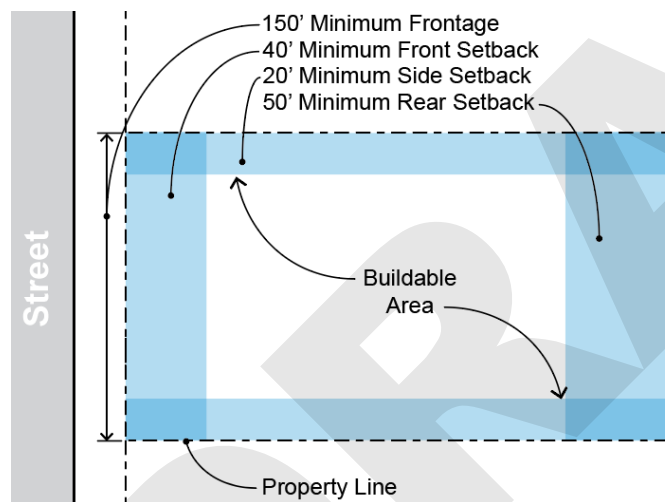
Lot Standard	Minimum Requirement
Lot area	40,000 sf
Frontage <sup>1</sup>	150 ft

Coverage Standard	Maximum Allowance
Building Coverage	12%
Ground Coverage	30%

Setback Standard	Minimum Requirement
Front	40 ft
Side	20 ft
Rear	50 ft

1. Measured at the street line or, if an interior lot, at the interior lot line.



### 7.1.4 General Standards

See Section 10.

### 7.1.5 Site Development & Landscape Standards

See Section 11.

### 7.1.6 Off-Street Parking & Loading Standards

See Section 12.

### 7.1.7 Sign Standards

See Section 13

### 7.1.8 Architectural Design Standards

See Section 14.

## 7.2 OS-60 District

### 7.2.1 Purpose of District

The OS-60 District is a low density residential district that allows limited higher density residential and non-residential uses that are compatible with, and complementary to, a rural, agricultural landscape comprised primarily of open space and single-family residences on lots greater than 60,000 square feet.

### 7.2.2 Permitted Uses in the District

Permitted uses in the OS-60 District are identified in Sections 4.1, 5.1, and 6.1 of these Regulations.

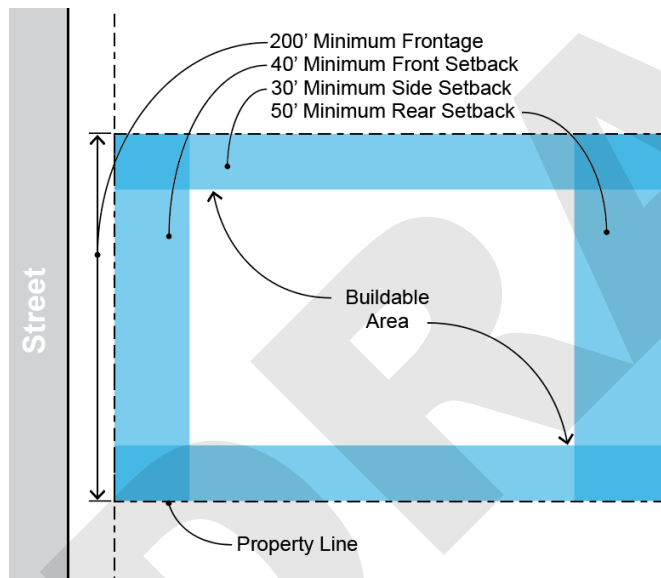
### 7.2.3 Lot, Coverage, and Setback Standards

Lot Standard	Minimum Requirement
Lot area	60,000 sf
Frontage <sup>1</sup>	200 ft

Setback Standard	Minimum Requirement
Front	40 ft
Side	30 ft
Rear	50 ft

Coverage Standard	Maximum Allowance
Building Coverage	10%
Ground Coverage	25%

1. Measured at the street line or, if an interior lot, at the interior lot line.



### 7.2.4 General Standards

See Section 10.

### 7.2.5 Site Development & Landscape Standards

See Section 11.

### 7.2.6 Off-Street Parking & Loading Standards

See Section 12.

### 7.2.7 Sign Standards

See Section 13

### 7.2.8 Architectural Design Standards

See Section 14.

**7.3 OS-80 District**

**7.3.1 Purpose of District**

The OS-80 District is a low density residential district that allows limited higher density residential and non-residential uses that are compatible with, and complementary to, a rural, agricultural landscape comprised primarily of open space and single-family residences on lots greater than 80,000 square feet.

**7.3.2 Permitted Uses in the District**

Permitted uses in the OS-80 District are identified in Sections 4.1, 5.1, and 6.1 of these Regulations.

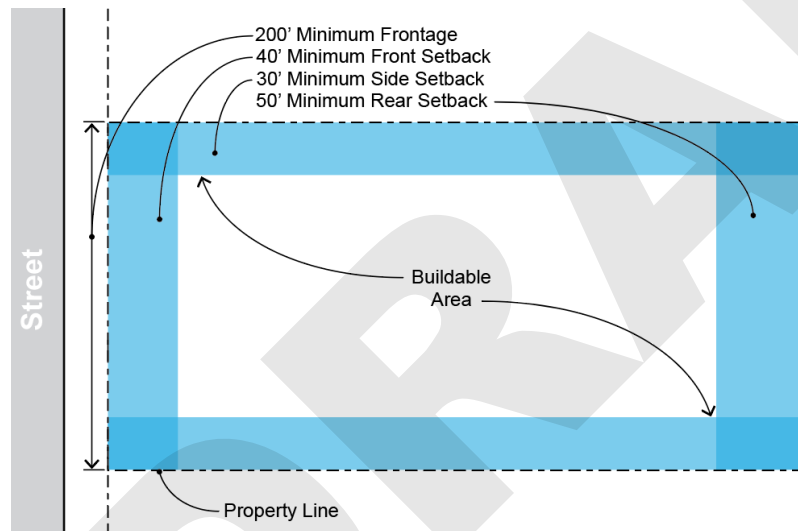
**7.3.3 Lot, Coverage, and Setback Standards**

Lot Standard	Minimum Requirement
Lot area	80,000 sf
Frontage <sup>1</sup>	200 ft

Setback Standard	Minimum Requirement
Front	40 ft
Side	30 ft
Rear	50 ft

Coverage Standard	Maximum Allowance
Building Coverage	10%
Ground Coverage	25%

1. Measured at the street line or, if an interior lot, at the interior lot line.



**7.3.4 General Standards**

See Section 10.

**7.3.5 Site Development & Landscape Standards**

See Section 11.

**7.3.6 Off-Street Parking & Loading Standards**

See Section 12.

**7.3.7 Sign Standards**

See Section 13

**7.3.8 Architectural Design Standards**

See Section 14.

**7.4 OS-100 District**

**7.4.1 Purpose of District**

The OS-100 District is Woodbury’s lowest density residential district. It allows limited higher density residential and non-residential uses that are compatible with, and complementary to, a rural, agricultural landscape comprised primarily of open space and single-family residences on lots greater than 100,000 square feet.

**7.4.2 Permitted Uses in the District**

Permitted uses in the OS-100 District are identified in Sections 4.1, 5.1, and 6.1 of these Regulations.

**7.4.3 Lot, Coverage, and Setback Standards**

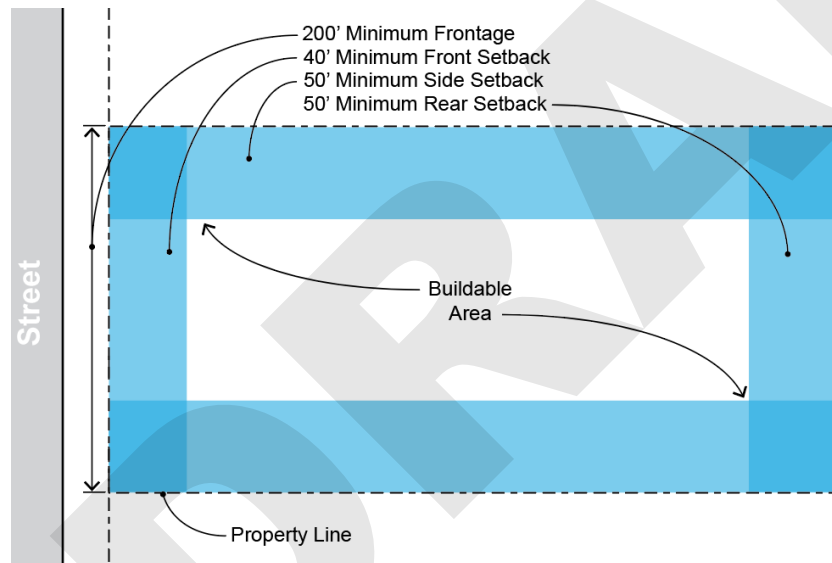
Lot Standard	Minimum Requirement
Lot area	100,000 sf
Frontage <sup>1</sup>	225 ft

Coverage Standard	Maximum Allowance
Building Coverage	10%
Ground Coverage	25%

Setback Standard	Minimum Requirement
Front	40 ft
Side	40 ft
Rear	50 ft

1. Measured at the street line or, if an interior lot, at the interior lot line.



**7.4.4 General Standards**

See Section 10.

**7.4.5 Site Development & Landscape Standards**

See Section 11.

**7.4.6 Off-Street Parking & Loading Standards**

See Section 12.

**7.4.7 Sign Standards**

See Section 13

**7.4.8 Architectural Design Standards**

See Section 14.

**7.5 RC District**

**7.5.1 Purpose of District**

The Residential Community (RC) District is a moderate density residential district that allows the development of senior housing, rest homes, and multifamily housing. Uses within the District should ensure compatibility with the surrounding residential and rural landscape, should ensure a compatible relationship between uses in the District and the existing pattern of land use in Woodbury, and shall be planned, designed, built, and maintained as such.

**7.5.2 Establishment of District**

The RC District may be established by a zone change of a parcel or parcels located in an OS residential district. Zone changes shall be approved at the discretion of the Zoning Commission.

- A. To be eligible for a zone change, parcels shall:
  - 1. Be located in an OS District;
  - 2. Have a minimum of 200 feet of frontage on an arterial roadway (as classified by the Connecticut Department of Transportation); and
  - 3. Have a lot area of 3.5 acres if the site is located within the OS-60 District and 10 acres when located in the OS-80 and OS-100 Districts.
- B. Applications for a zone change shall be accompanied by:
  - 1. A Conceptual Site Plan as specified in Section 16.1. that shows the location and arrangement of primary structures and planned roadways on the property.
  - 2. An estimate of the total number of dwelling units and/or occupancy of residents associated with the proposed use.
  - 3. A description of the planned water supply source and wastewater disposal strategy.
- C. In its consideration of an application for a zone change to Residential Community District, the Zoning Commission may:
  - 1. Refer such application to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.
  - 2. Request additional information from the applicant as necessary to make an informed decision regarding the application for zone change such as a request for a full Site Plan meeting A-2 standards, a traffic analysis, or other impact analyses.

**7.5.3 Permitted Uses in the District**

Permitted uses in the RC District are identified in Sections 4.1, 5.1, and 6.1 of these Regulations.

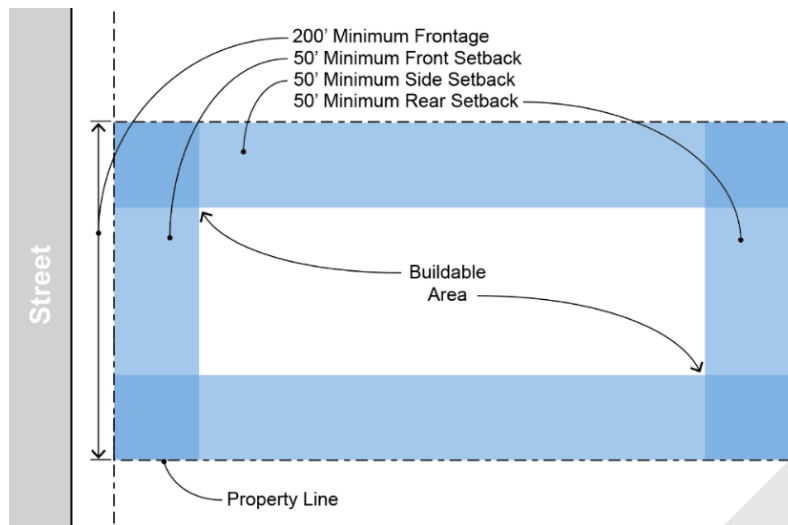
**7.5.4 Lot, Coverage, and Setback Standards**

Lot Standard	Minimum Requirement
Lot area	3.5 acres
Frontage <sup>1</sup>	200 ft

Coverage Standard	Maximum Allowance
Building Coverage	30%
Ground Coverage	50%

Setback Standard	Minimum Requirement
Front	50 ft
Side	50 ft
Rear	50 ft

- 1. Measured at the street line or, if an interior lot, at the interior lot line.



### 7.5.5 General Standards

See Section 10.

### 7.5.6 Site Development & Landscape Standards

See Section 11.

### 7.5.7 Off-Street Parking & Loading Standards

See Section 12.

### 7.5.8 Sign Standards

See Section 13

### 7.5.9 Architectural Design Standards

See Section 14.

### 7.5.10 Additional Standards Specific to the RC District

#### A. Building Stories and Occupied Floors

1. Buildings shall not exceed two-and-one-half stories in height. An occupied third floor, if provided, must be built into the roofline of the structure.
2. Basements shall not be used for living areas.

#### B. Building Separation

1. When either of two adjoining buildings has a wall with a door or a window, principal buildings shall be separated by a minimum distance of 30 feet or the height of the higher building, whichever is greater.
2. When neither of two adjoining buildings has a wall with an opening, principal buildings shall be separated by a minimum distance of 15 feet or half the height of the higher building whichever is greater.
3. Principal buildings shall be separated from accessory buildings by a minimum distance of 10 feet or the height of the accessory building, whichever is greater.

#### C. Accessory Buildings and Structures

Accessory buildings and structures are subject to the specifications of Section 5.2 and Section 7.5.4.

## 7.6 MSD District

### 7.6.1 Purpose of District

The Main Street Design (MSD) District is a special use district that is intended to preserve and enhance the historic and aesthetic quality of Main Street. The District will continue to be comprised of a mixture of residential, institutional, and commercial uses that are consistent with the historic character of Main Street.

### 7.6.2 Permitted Uses in the District

- A. Permitted uses in the MSD District are identified in Sections 4.1, 5.1, and 6.1 of these Regulations.
- B. All lots and use(s) associated with each specific lot existing in the MSD District as of May 14, 1979 shall be considered conforming. Uses associated with a specific lot as of that date shall not be conforming in a location other than the lot on which it was located at that time unless identified as a permitted use as referenced in Subsection A above.

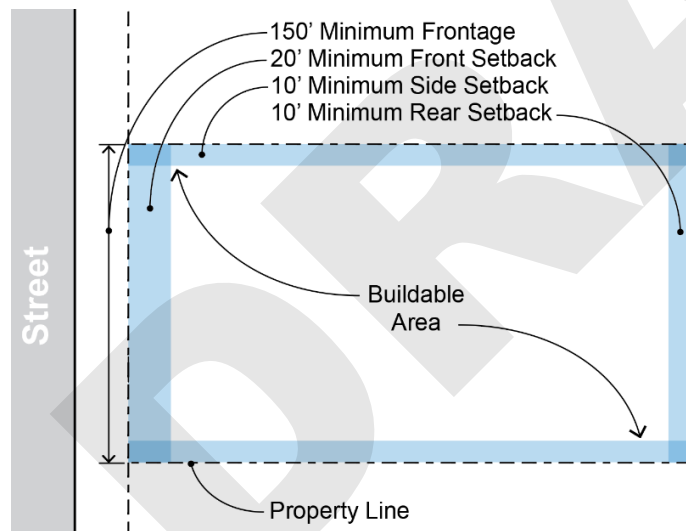
### 7.6.3 Lot, Coverage, and Setback Standards

Lot Standard	Minimum Requirement
Lot area	40,000 sf
Frontage <sup>1</sup>	150 ft

Setback Standard	Minimum Requirement
Front	20 ft
Side	10 ft
Rear	10 ft

Coverage Standard	Maximum Allowance
Building Coverage	10%
Ground Coverage	50%

1. Measured at the street line or, if an interior lot, at the interior lot line.



### 7.6.4 General Standards

See Section 10.

### 7.6.5 Site Development & Landscape Standards

See Section 11.

### 7.6.6 Off-Street Parking & Loading Standards

See Section 12.



**7.6.7 Sign Standards**

See Section 13

**7.6.8 Architectural Design Standards**

See Section 14.

**7.6.9 Additional Standards Specific to the MSD District**

All uses permitted by Special Permit in the MSD 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. 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.
- B. Not more than two nonresidential uses shall be permitted on a premise.
- C. There shall be no external evidence of such use(s) other than the sign permitted pursuant to Section 7.5 of these Regulations.
- D. Front, rear, and side yards shall be suitably landscaped to the satisfaction of the Zoning Commission.
- E. Parking spaces required by Section 11.4 of these Regulations shall:
  - 1. 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;
  - 2. Not be visible from Main Street;
  - 3. 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
- F. Accessory buildings and structures are subject to the specifications of Section 7.6.3 except that setback and coverage standards are as provided in Section 5.2.
- G. In order to preserve the existing accessory buildings located within the MSD, the Zoning Commission may allow nonresidential permitted use(s) in accessory buildings that existed prior to January 1, 1997 in their current configuration as follows:
  - 1. 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.
  - 2. The accessory building(s) shall be serviced by an existing driveway.
  - 3. 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.
  - 4. 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.
  - 5. 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 11.4 of these Regulations.

**7.6.10 Referral of Special Permits Applications to the Planning Commission**

- A. All Special Permit applications within the MSD shall be referred to the Woodbury Planning Commission prior to the commencement of a public hearing for the Special Permit application.
- B. The Planning Commission shall review the proposed use, alteration or construction and assess the application's conformance to the plans and policies of the Woodbury Plan of Conservation and Development.
- C. The Planning Commission may issue a report on the conformance of the application with the Town Plan of Conservation and Development.

- D. 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.
- E. 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 Zoning Commission.

**DRAFT**

**7.7 MQ District**

**7.7.1 Purpose of District**

The purpose of the Middle Quarter (MQ) District is to allow commercial and mixed-use development in a location convenient to the general population. Uses in the District must be compatible with and supportive of preserving and protecting the quality of the underlying aquifer.

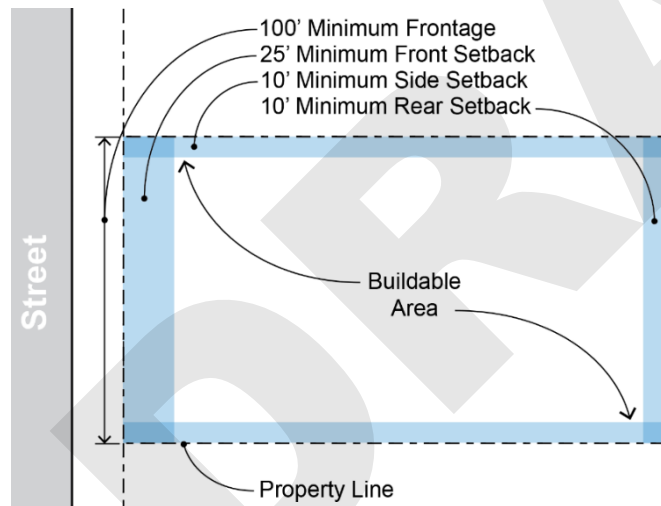
**7.7.2 Permitted Uses in the District**

Permitted uses in the MQ District are identified in Sections 4.1, 5.1, and 6.1 of these Regulations.

**7.7.3 Lot, Coverage, Setback, and Building Standards**

Lot Standard	Minimum Requirement	Setback Standard	Minimum Requirement
Lot area	40,000 sf	Front <sup>2</sup>	25 ft/40 ft
Frontage <sup>1</sup>	100 ft	Side <sup>3</sup>	10 ft
		Rear	10 ft
Coverage Standard	Maximum Allowance	Building Standard	Maximum Allowance
Building Coverage	30%	Floor area	25,000 sf per building
Ground Coverage	70%		

1. Measured at the street line or, if an interior lot, at the interior lot line.
2. Contingent upon location of parking.
3. 50 ft required abutting residential zone.



**7.7.4 General Standards**

See Section 10.

**7.7.5 Site Development & Landscape Standards**

See Section 11 and requirements below.

- A. Minimum Landscaped Buffer. The required Landscape Buffer shall be as required in Section 11.7E and as specified below.

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

- B. A minimum of thirty percent (30%) of the lot shall be landscaped or left in a natural state.

**7.7.6 Off-Street Parking & Loading Standards**

See Section 12.

**7.7.7 Sign Standards**

See Section 13

**7.7.8 Architectural Design Standards**

See Section 14.

**7.7.9 Additional Standards Specific to the MQ District**

- A. Outside Display: Outside display or exhibits of merchandise, materials, or articles for sale may be permitted as part of a site 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.
- B. Sidewalk Requirement: The proposed development shall include the installation of a walkway along the street, where no other exists, at a minimum width of five (5) feet.

## 7.8 Planned Industrial District

### 7.8.1 Purpose of District

The purpose of the Planned Industrial (PI) District is to provide areas for a wide range of commercial and industrial uses in which residential development is excluded so as to avoid conflict in land use character and to facilitate economic development.

### 7.8.2 Permitted Uses in the District

Permitted uses in the PI District are identified in Sections 4.1, 5.1, and 6.1 of these Regulations.-

### 7.8.3 Lot, Coverage, and Setback Standards

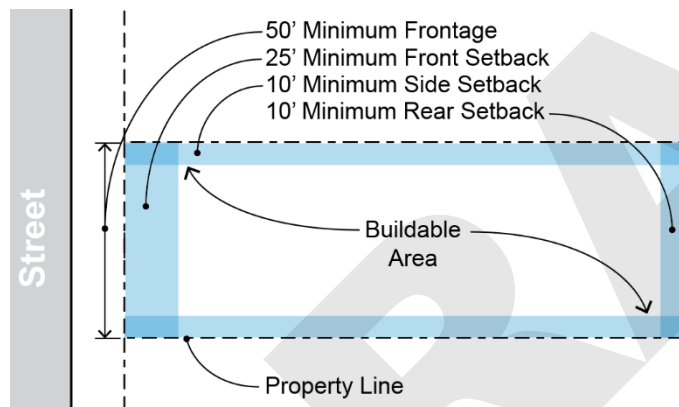
Lot Standard	Minimum Requirement
Lot area	80,000 sf
Frontage <sup>1</sup>	50 ft

Coverage Standard	Maximum Allowance
Building Coverage	50%
Ground Coverage	80%

Setback Standard	Minimum Requirement
Front	25 ft
Side <sup>2</sup>	10 ft
Rear <sup>2</sup>	10 ft

1. Measured at the street line or, if an interior lot, at the interior lot line.
2. Where a property line abuts a property line of a residentially zoned parcel, the required building and parking setback shall be 50 feet.



### 7.8.4 General Standards

See Section 10.

### 7.8.5 Site Development & Landscape Standards

See Section 11.

### 7.8.6 Off-Street Parking & Loading Standards

See Section 12.

### 7.8.7 Sign Standards

See Section 13

### 7.8.8 Architectural Design Standards

See Section 14.

## **7.9 Earth Excavation District**

### **7.9.1 Purpose of District**

The purpose of the Earth Excavation (EE) District is to provide for the operation of quarrying activities associated with the removal of sand, stone, gravel, loam, and the processing of material extracted from the premises.

### **7.9.2 Permitted Uses in the District**

Permitted uses in the EE District are identified in Sections 4.1, 5.1, and 6.1 of these Regulations. Any earth materials activities conducted pursuant to the Regulations of this Section shall be conducted in compliance with the standards of this Section in addition to any conditions contained in any approved permit.

### **7.9.3 Lot, Coverage, and Setback Standards**

Lot, coverage, and setback standards are not applicable within the EE District.

### **7.9.4 Definitions**

For the purpose of the Section, the following terms shall mean:

- A. 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.
- B. Premises: 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.
- C. 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.
- D. 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 Regulations

### **7.9.5 Restrictions**

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

### **7.9.6 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, as may from time to time be amended; and
- E. To accomplish such other purposes as permitted by the Connecticut General Statutes.

#### **7.9.7 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.

#### **7.9.8 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 Zoning Commission.

#### **7.9.9 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.

#### **7.9.10 Relationship of Permit Area to Existing Features**

No excavation or fill shall be made that would reduce the final elevation below floodplain, change the area of the floodplain, or expose ground water without specific prior approval of the Zoning 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 Zoning 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 Zoning Commission.

#### **7.9.11 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 Zoning 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 Zoning Commission.

#### **7.9.12 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 7.9.23 is available on the premises and that the slope is so re-graded within 60 days after excavation of the slope is commenced.

**7.9.13 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 16.10.19 of these Regulations.

**7.9.14 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.

**7.9.15 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 Zoning 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 Zoning Commission may establish as a condition of any Special 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.

**7.9.16 Time of Operation**

The following hours of operation shall apply to permitted earth materials activities subject to these Regulations:

- A. Drilling and blasting - 8:00 A.M. to 5:00 P.M. Monday through Friday, except holidays. Rock crushing, screening and washing – 7:00 A.M. to 6:00 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 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.

**7.9.17 Tree Protection**

All trees outside the permit area shall be protected from damage. Measures shall be taken by the permittee to ensure that the boundaries of the permit area are clearly delineated for the duration of the permit.

**7.9.18 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 Zoning Commission may require water quality tests during the permit year as a condition of approval.

**7.9.19 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 Zoning Commission.

**7.9.20 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.



**7.9.21 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 Zoning Commission.

**7.9.22 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.

**7.9.23 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 Zoning Commission.

**7.9.24 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 Zoning 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.

**7.9.25 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 Zoning Commission.

**7.9.26 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.

**7.9.27 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 Zoning 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 Zoning Commission or ZEO. Restoration shall be done in accordance with the following:

- A. 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.

- B. 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.
- C. 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.
- D. 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 Zoning Commission.
- E. Soil erosion and sedimentation control provisions meeting the requirements of Section 11.4 of these Regulations shall be incorporated in all restoration projects.
- F. 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 Zoning Commission.

#### **7.9.28 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 Zoning Commission.

#### **7.9.29 Failure to Work and Restore Site**

The failure of a permittee, without the prior written approval of the Zoning 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.

#### **7.9.30 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 Zoning Commission may impose as conditions, based on specific permit application information, of any permit issued under these Regulations.

- A. Performance Standards:
  - 1. Permittee shall plan all blasting in accordance with a plan for monitoring weather conditions approved by the Zoning Commission.
  - 2. 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;
  - 3. 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
  - 4. Compliance with the above standards shall be confirmed by a continuous Seismic Monitoring Program and such other studies and analyses that the Zoning Commission determines necessary.
- B. Blasting Notice, Monitoring, and Damage Complaint Procedures.

1. 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.
2. 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.
3. Permittee shall notify in writing any property owner who has filed a complaint pursuant to Section 7.9.32 of these 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 Zoning Commission may waive the requirement that the permittee provide a pre-blast survey to such property owner.
4. 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 a blast location for which a permit has been issued or if such structure was surveyed pursuant to Section 7.9.30B.3, above, and if it is determined by a registered professional engineer selected by the homeowner from a list compiled by the Zoning 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.

### 7.9.31 Operations and Compliance Monitoring

If required as a condition of any permit issued under these Regulations, a permittee shall submit reports which shall include some or all of the following, as specified in any Zoning 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:
  1. A complaint log and response report in accordance with Section 7.9.32;
  2. A blasting log;
  3. A tabulation of truck traffic;
  4. A listing of overburden stockpiles and soil and erosion controls therefor;
  5. A description of all restoration work;
  6. A report identifying the amount, type, and source of any clean earth materials imported onto the premises for reclamation;
  7. A calculation of material excavated; and
  8. Such other information as the Zoning Commission may specify in any conditions of approval.
- B. A Special Permit for Quarry Operation Progress Report on or before October 1 of each year during which any excavation activity occurs, consisting of the following:
  1. 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;
  2. 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;
  3. A listing of all addresses for which pre-blast surveys were conducted and the dates thereof; and
  4. If applicable, 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 Zoning Commission.

**7.9.32 Complaints**

All activities subject to these 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 Special Permit Requirements for Quarry Operations in Earth Excavation District**

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**7.10.1 Applicability**

These 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.

**7.10.2 Permit Requirement**

Before any excavation or deposition or processing of earth materials subject to the permit requirements of these 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 Special Permit as required for those activities from the Zoning Commission of the Town of Woodbury.

- A. 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 Zoning Commission based on a Long Term Mining and Reclamation Plan submitted in accordance with Section 16.10.19 of these Regulations or unless suspended or revoked due to certified violations.
- B. Denial of Permit Application: The Zoning Commission may deny any permit application, if:
  1. 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 16.10.21 of these Regulations, or has failed to restore the premises in accordance with these Regulations; or
  2. The applicant has previously violated, and failed to correct such violation to the satisfaction of the Zoning Commission, these or any prior applicable regulations, ordinances of the Town of Woodbury pertaining to earth materials, or any conditions of a previously issued Special Permit; or
  3. The issuance of the permit would result in the violation of any other Section of these Regulations, any provision of these 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.

**7.10.3 Application Procedure**

Each applicant for a permit shall submit to the Zoning Commission four (4) complete sets of data as required by Section 16.10.4 below including maps and plans, and other information necessary to define and explain the proposed activities. On written request of the applicant, the Zoning Commission may waive any of the required submittals for permit renewal applications if the Zoning 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 Zoning Commission may direct that application materials be provided by the applicant to other Woodbury agencies or placed on file with the Town Clerk.

**7.10.4 Application**

An application, in such form as the Zoning 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 Special 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:
  1. 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;
  2. 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;
  3. 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;
  4. 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;
  5. 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;
  6. A description of any alterations to blasting procedures instituted as a result of any Seismic Monitoring Program required by Section 7.9.30 of these Regulations or other evaluation required by condition of previous earth excavation permits for the premises;
  7. 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;
  8. 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;
  9. 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;
  10. Certified water quality tests for all watercourses abutting or crossing the premises, taken at the upstream and downstream borders of the property;
  11. Documentation of compliance with the noise limits required by Section 7.9.30 consisting of tests of noise levels at property boundaries conducted in May and October during normal business hours;
  12. 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;

13. 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.
  14. A description and photographs of any ridgeline or other defining landscape feature proposed to be removed in a permit application; and
  15. Any additional information that the Zoning Commission may deem necessary to evaluate the application and to carry out the purposes set forth in Section 7.9.6.A of these Regulations.
- D. A description of any revisions to the latest Long Term Mining and Reclamation Plan, submitted in accordance with Section 16.10.19 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 7.9.30.

#### **7.10.5 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 Special Permit, and all provisions contained in their application and in other submissions made to the Zoning Commission under this Section.

#### **7.10.6 Signatures**

The names and signatures of the owner and the applicant.

#### **7.10.7 Maps and Plans**

Survey maps and plans and/or such other graphic documentation in such form as the Zoning 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 Zoning 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 7.9.8, 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 7.9.23 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 Zoning 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 11.4.1 of these Regulations.
- M. Delineation of fences as required by Section 7.9.19 of these Regulations.
- N. Such other data as the Zoning Commission may conclude is necessary in order to carry out the purposes of these Regulations.

#### **7.10.8 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.

#### **7.10.9 Fee**

A permit fee as prescribed by Appendix A to these Regulations.

#### **7.10.10 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.

#### **7.10.11 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.

#### **7.10.12 Notice of Hearings**

In all earth excavation permit applications requiring public hearings, notice shall be provided by the applicant as specified in Section 15.1 of these 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.

#### **7.10.13 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 Zoning 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 16.10; 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 Regulations or written request for waiver of such filing requirements, provided the Zoning 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 16.10.19; and
- E. All reclamation activities required by any previous permit have been completed to the Zoning Commission's satisfaction.

#### **7.10.14 Suspension, Revocation, Transfer, or Extension of Permit**

A permit issued under these Regulations may be suspended, revoked, transferred or extended as set forth below.

#### **7.10.15 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 Zoning 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 Zoning Commission that the area has been actively worked during such six-month period or provides written assurances satisfactory to the Zoning 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.

#### **7.10.16 Violations of Regulations**



Any permit issued under these Earth Material Regulations may be suspended or revoked by the ZEO or the Zoning 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 Zoning Commission's satisfaction and after submittal of all materials required for an initial permit application under Section 16.10.3 of these Regulations as determined necessary by the Zoning Commission. Upon revocation of a permit, restoration of the entire premises in accordance with Section 7.9.23 of these Regulations shall begin within 90 days of such revocation and proceed on the schedule included in the original conditions of approval.

#### **7.10.17 Transfer of Permit**

Any permit issued under these Regulations may be transferred only after approval by the Zoning 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.

#### **7.10.18 Extension of Permit**

If the Zoning 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 Zoning Commission may grant an extension of the Special 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.

#### **7.10.19 Long Term Mining and Reclamation Plans for Earth Excavation District Premises**

No application for a Special Permit for a Quarry Operation shall be accepted by the Zoning 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 Zoning Commission over all Earth Excavation district property subject to future excavation;
- B. Estimated completion date for removal of earth materials identified in 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 7.9.23 of these Regulations, unless alternative design standards are approved by a three-fourths majority of the Zoning Commission.
- D. Estimate of the final date (subject to any modification approved by the Zoning 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 Zoning Commission in previous permits or monitoring reports.

#### **7.10.20 Bonding**

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

1. 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.
  2. The performance bond shall be calculated to include the cost calculations noted above, plus \$10,000 per acre of permit area for reclamation and restoration.
  3. Form of Performance Bond: Performance bonds shall be in one or more of the following forms:
  4. 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;
  5. An unconditional and irrevocable letter of credit that may be presented at a banking institution office in the State of Connecticut.
- B. 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 Zoning 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.
- C. Bond Forfeiture: If the Zoning 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 Zoning Commission, then the Zoning 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.
- D. Bond Release: Upon completion of the work authorized by a permit and the restoration of the premises pursuant to these Regulations, the permittee may file with the Zoning 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 Zoning 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.

#### **7.10.21 Miscellaneous**

- A. 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 Regulations shall continue as originally permitted whether such permit conditions conform or do not conform to these Regulations, subject to the operational standards of these Regulations.
- B. 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 Zoning Commission may grant modifications to the approved plan which, in the opinion of the Zoning 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.
- C. 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.
- D. Inspection: Members of the Zoning 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 Zoning Commission or its agents for this inspection purpose.

**7.10.22 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.

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## Section 8. Flood Plain Overlay District

### 8.1 Purpose of District

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It is the purpose of this Section to regulate floodplain development, promote public health, safety, and general welfare, and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. To protect human life and health, and prevent damage to property;
- B. To minimize expenditure of public funds for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions and other economic disruptions;
- E. To minimize damage to public facilities, infrastructure and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges, located in the floodplain;
- F. To help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize flood damage and flood blight areas;
- G. To ensure that potential buyers are notified that property is in a flood hazard area;
- H. To prevent increase in flood heights that could increase flood damage and result in conflicts between property owners;
- I. To ensure that those who occupy the flood hazard areas assume responsibility for their actions; and
- J. To discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

### 8.2 Permitted Uses in the District

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The following uses are permitted in Flood Plain Districts provided they comply with all other Town Regulations, codes and ordinances:

<b>Principal uses permitted as of right</b>
Farming/Agriculture
<b>Principal uses permitted by Flood Plain Permit</b>
Flood protective uses
Outdoor recreation facility
Public utility installation
Wireless communication facility

### 8.3 Permitted Buildings and Structures in the District

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The following buildings and other structures are permitted in Flood Plain Districts, except for the floodway prohibitions in Section 8.12.3 B 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.

#### **8.4 Boundaries of District**

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The Flood Plain Overlay 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.

#### **8.5 Statutory Authorization**

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The Legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7-148(c)(7)(A) and in Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of the Woodbury, Connecticut, does ordain as follows:

#### **8.6 Finding of Fact**

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The flood hazard areas of the Town of Woodbury are subject to periodic flood inundation which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in the floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damage. Uncontrolled development and use of the floodplains can adversely affect the community.

The Town of Woodbury has voluntarily participated in the National Flood Insurance Program (NFIP) since January 5, 1978. The NFIP is founded on a mutual agreement between the federal government and each participating community. Local, state and federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. The community's role is of paramount importance. Property owners are able to receive federally-subsidized flood insurance only if the community enacts and enforces the minimum floodplain regulations required for participation in the NFIP.

#### **8.7 Objectives**

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In order to accomplish its purposes, these Regulations includes objectives, methods, and provisions that:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to flood or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;
- D. Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- E. Prevent or regulate the construction of barriers or obstructions which will unnaturally divert flood waters or which may increase flood hazards to other lands.

## 8.8 Definitions

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Unless specifically defined below, words and phrases used in this Section shall have the same meaning as they have in common usage and to give this Section its most reasonable application.

**Area of Shallow Flooding (for a community with AO or AH Zones only):** A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Base Flood:** The flood having a one (1) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

**Base Flood Elevation (BFE):** The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

**Basement:** See Section 2.2 of these Regulations.

**Building:** See Section 2.2 of these Regulations.

**Development:** See Section 2.2 of these Regulations.

**Federal Emergency Management Agency (FEMA):** The federal agency that administers the National Flood Insurance Program (NFIP).

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation/runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM):** The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community.

**Flood Insurance Study (FIS):** The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purposes of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway".

**Functionally Dependent Use or Facility:** A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

**Highest Adjacent Grade (HAG) (for community with AO/AH zones):** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure:** Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

**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, provided that such an area meets the design requirements specified in Section 8.12.3A.3 of these Regulations.

**Market Value:** As related to substantial improvement and substantial damage, the market value of the structure shall be determined by (choose one of the following: an independent appraisal by a professional appraiser; the property's tax assessment, minus land value; the replacement cost minus depreciation of the structure; the structure's Actual Cash Value) prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

**Mean Sea Level (MSL):** The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**New Construction:** Structures for which the "start of construction" commenced on or after [effective date of floodplain regulations, date of initial adoption], the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

**Special Flood Hazard Area (SFHA):** The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

**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 the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the 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, or foundations or the erections 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure:** A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**Substantial Damage:** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. For 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 correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

**Variance:** A grant of relief by a community from the terms of the floodplain management of these Regulations that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

**Violation:** Failure of a structure or other development to be fully compliant with these Regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

**Water Surface Elevation:** The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

## **8.9 General Provisions**

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### **8.9.1 Areas to Which These Regulations Apply**

These Regulations shall apply to the Flood Plain Overlay District as described in Section 8.4.

### **8.9.2 Basis for Establishing the Special Flood Hazard Area (SFHA)**

The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Woodbury, CT, dated March 1977 and accompanying Flood Insurance Rate Maps (FIRM), dated January 5, 1978, and other supporting data applicable to the Town of Woodbury, and any subsequent revisions thereto, are adopted by reference and declared to be a part of these Regulations. Since mapping is legally adopted by reference into these Regulations, it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A, AE, AO, and AH, including areas designated as a floodway on a FIRM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Also included are areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the SFHA identified by FEMA, and where the land surface elevation is lower than the base flood elevation (BFE) as shown in the FIS, and the area is not protected from flooding by a natural or man-made feature. The FIRM and FIS are on file in the Land Use Office of the Town of Woodbury.

### **8.9.3 Structures Already in Compliance**

A structure or development already in compliance with these Regulations shall not be made non-compliant by any alteration, modification, repair, reconstruction, or improvement and must also comply with other applicable local, state, and federal regulations. No structure or land shall hereafter be located, extended, converted, modified, or structurally altered without full compliance with the terms of these Regulations and other applicable regulations.

### **8.9.4 Abrogation and Greater Restrictions**

These Regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these Regulations and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **8.9.5 Interpretation**

In the interpretation and application of the Regulations, all provisions shall be:

A. Considered as minimum requirements;



- B. Liberally construed in favor of the governing body, and;
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

**8.9.6 Warning and Disclaimer of Liability**

The degree of flood protection required by the Regulations is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. The Regulations does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. The Regulations shall not create liability on the part of the Town of Woodbury or by any officer or employee thereof for any flood damages that result from reliance on the Regulations or any administrative decision lawfully made thereunder. The Town of Woodbury, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Woodbury.

**8.9.7 Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of the Regulations should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of the Regulations, which shall remain in full force and effect; and to this end the provisions of the Regulations are hereby declared to be severable.

**8.10 Administration**

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**8.10.1 Designation of the Local Administrator**

The Zoning Enforcement Officer is hereby appointed to administer, implement, and enforce the provisions of the Regulations.

**8.10.2 Certification**

Where required under the Regulations, a registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of the Regulations. Such certification must be provided to the Zoning Enforcement Officer.

**8.10.3 Establishment of the Floodplain Development Permit**

A Floodplain Development Permit shall be required in conformance with the provisions of the Regulations prior to the commencement of any development activities. Permits issued under the Regulations shall expire if actual construction of a permitted structure does not commence within one hundred and eighty (180) days of the permit approval date. -OR-

**8.10.4 Establishment of the Flood Management Section of The Floodplain Permit**

The flood management section of the Floodplain Permit must be completed in conformance with the provisions of the Regulations prior to the commencement of any development activities. Permits issued under the Regulations shall expire if actual construction of a permitted structure does not commence within one hundred and eighty (180) days of the permit approval date.

**8.10.5 Permit Application Procedures**

A Floodplain Permit is hereby established for all construction and other development to be undertaken in Special Flood Hazard Areas in this community. Prior to any development activities, application for a Floodplain Permit shall be made to the Zoning Enforcement Officer on forms provided and may include, but not be limited to, plans in duplicate drawn to scale showing, at a minimum, the property lines and location of the parcel; the nature, location, dimensions, and elevations of the area in question; limit and extent of the 100-year floodplain and/or floodway boundary and base flood elevation(s); existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required to be submitted to the Zoning Enforcement Officer:

- A. Application Stage: The applicant shall provide at least the following information, where applicable. Additional information may be required on the permit application form.
1. Base flood elevation (BFE) for the site in question as determined in the FEMA Flood Insurance Study (FIS) or Flood Insurance Rate Map (FIRM). The FIS flood profiles provide more accurate BFE data than the FIRM. The extent of the 100-year floodplain and floodway must be depicted with a boundary line on any site plans and shown in relation to existing and proposed structures or development;
  2. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all new construction, substantial improvements or repairs to structures that have sustained substantial damage;
  3. Elevation in relation to mean sea level to which any non-residential new construction, substantial improvements or repair to structures that have sustained substantial damage will be dry flood-proofed;
  4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. Computations by a registered professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other materials required by the Federal Emergency Management Agency (FEMA) in order to officially amend or revise the Flood Insurance Rate Map. The applicant must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained;
  5. A statement and supporting documentation (all costs of project, market value of structure, etc.) verifying that the proposed alterations to an existing structure meets or does not meet the criteria of the substantial improvement and/or substantial damage definition. If a development meets the definition of substantial improvement and/or substantial damage, the structure must be brought into compliance with all floodplain regulations as if it was new construction;
  6. Where applicable the following certifications by a registered professional engineer or architect are required and must be provided to the Zoning Enforcement Officer. The design and methods of construction must be certified to be in accordance with accepted standards of practice and with the provisions of Section 8.12.3.
    - a. Non-residential flood-proofing must meet the provisions of Section 8.12.3A.2;
    - b. Fully enclosed areas below the base flood elevation (BFE) must meet the minimum design criteria in Section 8.12.3A.3;
    - c. No (0.00) increase in floodway water surface elevations are allowed. Any development in a floodway must meet the provisions of Section 8.12.3C.
- B. Construction Stage: Upon completion of the applicable portion of construction, the applicant shall provide verification to the Zoning Enforcement Officer of the following as is applicable:
1. Lowest floor elevation shall be verified for:
    - a. A structure in Zones A, AE, A1-30, AO or AH is the top of the lowest floor (including basement);
    - b. A non-residential structure which has been dry flood-proofed is the elevation to which the flood-proofing is effective (Note: For insurance purposes, a dry flood-proofed, non-residential structure is rated based on the elevation of its lowest floor unless it is floodproofed to one foot above the BFE.);
  2. Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

**8.11 Duties and Responsibilities of the Zoning Enforcement Officer**

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Duties of the Zoning Enforcement Officer shall include, but not be limited to:

- A. Review all permit applications for completeness, particularly with the requirements of Section 8.10.5A.
- B. Review all permit applications to determine whether the proposed development and building sites will be reasonably safe from flooding.
- C. Review all development permits to assure that the permit requirements of the Regulations have been satisfied.
- D. Review all permit applications to assure that all necessary federal or state permits have been received. Require that copies of such permits be provided and maintained on file with the permit application. Such permits include, but are not limited to, Coastal Area Management (CAM) Permit, Water Diversion Permit, Dam Safety Permit, and Army Corps of Engineers 401 and 404 Permits.
- E. Notify the regional planning agency and affected municipality at least thirty-five (35) days prior to a public hearing if any change of regulation or use of a flood zone will affect an area within five hundred (500) feet of another municipality.
- F. Notify the adjacent communities and the Department of Energy and Environmental Protection (DEEP), Inland Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- G. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- H. Obtain, record and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction, substantial improvements or repair to a structure that has sustained substantial damage.
- I. Obtain, record and maintain the elevation (in relation to mean sea level) to which the new construction, substantial improvement or repair to a structure that has sustain substantial damage has been flood-proofed.
- J. When flood-proofing is utilized for a particular structure, the Zoning Enforcement Officer shall obtain certification from a registered professional engineer or architect, in accordance with Section 8.12.3A.2.
- K. Where interpretation is needed as to the exact location of boundaries of the area of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning Enforcement Officer shall make necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in the Regulations.
- L. Require the applicant to provide base flood elevation data for all proposed development, including manufactured home parks and subdivisions.
- M. When base flood elevation data or floodway data have not been provided in accordance with Section 8.9.2 and Section 8.10.5, the Zoning Enforcement Officer shall obtain, 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 Section 8.12.
- N. All records pertaining to the provisions of the Regulations shall be obtained and maintained in the Town of Woodbury Land Use Office.
- O. Upon completion of the permitted development and prior to issuance of a Certificate of Occupancy (CO), necessary as-built surveys (prepared by a Connecticut Licensed Professional as per Connecticut State Statutes) and engineering and architectural certifications shall be provided to the Zoning Enforcement Officer demonstrating compliance with the approved plans and standards set forth in Section 8.10.5.

## **8.12 Provisions for Flood Hazard Reduction**

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### **8.12.1 General Standards:**

In all Special Flood Hazard Areas (SFHAs) the following provisions are required:

- A. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage.
- B. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed with materials and utility equipment that are flood-damage resistant and conform to the provisions of FEMA Technical Bulletin 2, Flood Damage-Resistant Material Requirements. This includes, but is not limited to, flooring, interior and exterior walls, wall coverings and other materials installed below the base flood elevation plus one (1.0) foot.
- C. New construction, substantial improvements, and repairs to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- D. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless they are a functionally dependent use or facility.
- E. The bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, appliances, fixtures and components, HVAC duct work and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure shall be elevated one (1.0) foot above the base flood elevation (BFE). This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation duct work, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes. Systems, fixtures, equipment and components shall not be mounted on or penetrate through breakaway walls intended to fail under flood loads. Connections or other equipment that must be located below the BFE plus 1.0 foot elevation are permitted only when no other elevation alternative is available and provided they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood event. Electrical wiring systems that must be located below the BFE plus 1.0 foot shall conform to the standards for wet locations.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- I. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood. Above-ground storage tanks which are located outside or inside of a structure must be elevated one (1.0) foot above the base flood elevation (BFE) or shall be securely anchored to prevent flotation, collapse or lateral movement under conditions of the base flood. Where elevated on platforms, the platforms shall be cantilevered from or knee braced to the building or shall be supported on elevated foundations that conform to the standards for the particular flood zone as described in Section 8.12.3. Anchored tanks must have the top of the fill pipe located at least one (1.0) foot above the BFE and have a screw fill cap that does not allow for the infiltration of flood water.
- J. In any portion of a watercourse that is altered or relocated, the flood carrying capacity must be maintained. Notify adjacent communities and the Connecticut Department of Energy and Environmental Protection (CTDEEP), Inland Water Resources Division (IWRD) prior to any alteration or relocation of a watercourse.
- K. If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be located within the SFHA and must meet the construction requirements of the flood zone.

The structure includes any structurally attached additions, garages, decks, porches, sunrooms, patios or any other structure attached to the main structure.

- L. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., VE zone is more restrictive than AE zone; structure must be built to the highest BFE). The structure includes any structurally attached additions, garages, decks, porches, patios, sunrooms, or any other structure attached to the main structure.
- M. Compensatory Storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by 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. 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 municipality.
- N. Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, 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 floodplain and the land adjacent to the floodplain, 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.

#### **8.12.2 Standards for Watercourses Without Established Base Flood Elevation (Un-Numbered A Zone), Adopted Floodways and/or Flood Mapping**

- A. The Zoning Enforcement Officer shall require base flood elevation (BFE) data be provided with any application for new construction, substantial improvement, repair to structures which have sustained substantial damage or other development in Zone A without a FEMA-published BFE (un-numbered A Zone). A registered professional engineer must determine the BFE in accordance with accepted hydrologic and hydraulic engineering practices and document the technical methods used. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval. The Zoning Enforcement Officer shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, including data developed for subdivision proposals, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in un-numbered A Zones on the community's Flood Insurance Rate Map (FIRM) meet the standards in Section 8.10.5 and Section 8.12.3. If no BFE can be determined, the lowest floor, including basement, must be elevated to two (2) feet above the highest adjacent grade next to the structure.
- B. When BFEs have been determined within Zones A1-30 and AE on the community's FIRM but a regulatory floodway has not been designated, the Zoning Enforcement Officer must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.
- C. The Zoning Enforcement Officer may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters

of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community.

- D. The Zoning Enforcement Officer shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in any area of potential, demonstrable or historical flooding within the community meet the standards in Section 8.10.5 and Section 8.12.3.
- E. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one (1.0) foot, provided that the community first completes all of the provisions required by Section 65.12.

### 8.12.3 Specific Standards

- A. Construction Standards in Special Flood Hazard Areas (SFHA), Zones A, A1-30, AE.
  - 1. Residential Construction: All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are residential structures shall have the bottom of the lowest floor, including basement, elevated one (1.0) foot above the base flood elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.
  - 2. Non-Residential Construction: All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial or non-residential structures shall:
    - a. Have the bottom of the lowest floor, including basement, elevated one (1.0) foot above the base flood elevation (BFE); or
    - b. In lieu of being elevated, non-residential structures may be dry flood-proofed to one (1.0) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this section. Such certification shall be provided to the Zoning Enforcement Officer on the FEMA Floodproofing Certificate, Form 81-65.
    - c. The bottom of all electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.
  - 3. Fully Enclosed Areas Below The Base Flood Elevation Of Elevated Buildings: All new construction, substantial improvements, or repair to structures that have sustained substantial damage, whether residential or non-residential, that include fully enclosed areas formed by a foundation and other exterior walls shall have the lowest floor elevated to one (1.0) foot above the base flood elevation (BFE). The elevated building shall be designed to preclude finished living space below the lowest floor and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect as meeting the requirements of ASCE 24 Section 2.6.2.2, or meet the following minimum criteria listed in sections (a)-(h) below:
    - a. Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. The enclosed area is measured on the exterior of the enclosure walls. These hydraulic openings must be located on at least two different exterior walls of each enclosed area. If the structure has

- more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;
- b. The bottom of all openings shall be no higher than one (1.0) foot above the higher of either the final interior grade or floor elevation, or the finished exterior grade adjacent to the outside of the foundation wall. At least one side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab or a crawlspace, must be set equal to the outside finished grade on at least one side of the building;
  - c. The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by a registered professional engineer or approved by the Zoning Enforcement Officer;
  - d. Openings shall not be less than three (3) inches in any direction in the plane of the wall;
  - e. The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the 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). The enclosed area shall not be used for human habitation;
  - f. All interior walls, floor, and ceiling materials located below one (1.0) foot above the BFE shall be unfinished and resistant to flood damage-resistant in accordance with FEMA Technical Bulletin 2, Flood Damage-Resistant Requirements.
  - g. Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washers and dryer hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE plus one (1.0) foot. Utilities or service equipment located in this enclosed even if elevated one (1.0) foot above the BFE in the space, will subject the structure to increased flood insurance rates.
  - h. A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Section 8.12.3A.3. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened do not meet the flood vent opening requirements in Section 8.12.3A.3. In addition to the automatic entry of floodwaters, the areas of the garage below BFE plus one (1.0) foot must be constructed with flood damage-resistant materials per the requirements of FEMA Technical Bulletin 2. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 8.12.3A.
- B. Floodways: Located within Special Flood Hazard Areas (SFHA) are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM) or Flood Boundary and Floodway Maps (FBFM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a registered professional engineer is

provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge published by FEMA. Buildings and structures meeting the standard above and located in whole or in part in the floodway shall be designed and constructed in accordance with ASCE 24. Fences in the floodway must be aligned with the flow and be of an open design. A permit may be given which allows encroachments resulting in increases in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirements of C.F.R. 44, Chapter 1, Subsection 65.12.

- C. Standards for Development in Areas of Shallow Flooding (Zones AO and AH): Located within the Special Flood Hazard Areas (SFHA) are areas designated as shallow flooding areas (AO and AH Zones). These areas have flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In AO and AH zones, the following provisions apply:
1. For residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the Flood Insurance Rate Map (FIRM). If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3.0) feet above the highest adjacent grade.
  2. For non-residential structures, all new construction, substantial improvements, and repair to structures that have sustained substantial damage shall:
    - a. Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the Flood Insurance Rate Map (FIRM). If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3.0) feet above the highest adjacent grade; or
    - b. Together with attendant utility and sanitary facilities be completely flood-proofed to above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the FIRM, or if no depth number is specified at least three (3.0) feet above the highest adjacent grade, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Designs for complying with this requirement must be certified by either a registered professional engineer or architect.
  3. On-site drainage for all proposed structures in AO and AH Zones located on slopes shall provide adequate drainage paths to guide flood waters around and away from such structures.
  4. Fully enclosed areas below the lowest floor in AO and AH Zones must comply with the provisions of Section 8.12.3A.3 for hydraulic flood vents.

## **8.13 Variance Procedures**

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### **8.13.1 Establishment of a Variance Process**

- A. The Zoning Board of Appeals, as established by the Town of Woodbury, shall hear and decide appeals and requests for variances from the requirements of the Regulations.
- B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Zoning Enforcement Officer in the enforcement or administration of the Regulations.
- C. Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which abuts or is within a radius of one hundred (100) feet of the land in question may appeal within fifteen (15) days after such decision to the State Superior Court of [Judicial District], as provided in Section 8-8 of the General Statutes of Connecticut.
- D. The Land Use Office shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) in its biennial report.



**8.13.2 Specific Situation Variances**

- A. Buildings on a Historic Register: Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally-adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.
- B. Functionally Dependent Use or Facility: Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meet all the requirements of Section 8.13.4
- C. Floodway Prohibition: Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

**8.13.3 Considerations for Granting of Variances**

In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of the Regulations and the items listed below as items A-K. Upon consideration of these factors and the purposes of the Regulations, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of the Regulations.

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger to life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
- F. The availability of alternative locations not subject to flooding or erosion damage for the proposed use;
- G. The compatibility of the proposed use with existing and anticipated development;
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- I. The safety access to the property in times of flood for ordinary and emergency vehicles;
- J. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- K. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

**8.13.4 Conditions for Variances**

- A. Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulation would create an exceptional hardship to the applicant or the surrounding property owners. Those characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors.
- B. Variances shall only be used upon:
  - 1. a showing of good and sufficient cause,

2. a determination that failure to grant the variance would result in exceptional hardship, and;
  3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations. Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify to meet subsection 2 above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-created circumstances are not sufficient cause for the granting of a variance.
- C. No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements and other development necessary for the conduct of a “functionally dependent use” provided that there is good and sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damages.
- D. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.

#### **8.14 Enforcement**

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- A. Each Floodplain Permit shall authorize, as a condition of approval, the Zoning Enforcement Officer or designated agents to make regular inspections of the subject property. The Zoning Enforcement Officer or designated agents are also authorized to inspect any property in a Special Flood Hazard Area (SFHA) where it appears that violations of these regulations may be taking place.
- B. If the Zoning Enforcement Officer finds that any person is undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which in violation of these regulations, the Zoning Enforcement Officer shall:
1. Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the activity cease and ordering the property owner to either seek to obtain a Floodplain Permit prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the Special Flood Hazard Area (SFHA) immediately.
  2. Notify the Building Official and request that any Building, Zoning, or Floodplain Permit(s) in force be revoked or suspended and that a stop work order be issued.
  3. The Zoning Enforcement Officer may suspend or revoke a Floodplain Permit if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application including application plans. Prior to revoking any permit, the Zoning Enforcement Officer shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action.
  4. Failure to comply with any written order issued under this section shall be considered a violation of these regulations and is subject to the penalties described in Section 8.14B.6 below.
  5. In the event violations or obstructions are not promptly removed from the Special Flood Hazard Area (SFHA), the Zoning Enforcement Officer may cause such removal and remediation work to be performed utilizing bond money held in escrow pursuant to Section 8.9 of these Regulations, or may direct the Director of Public Works or appropriate agent to cause such work to be done and to place a lien against the property.
  6. Any person subjected to enforcement action pursuant to the Regulations, may appeal any requirement, decision, or determination of the Zoning Enforcement Officer to the Zoning Board of Appeals, in accordance with Section 8.13 of the Regulations. Such person shall provide such

information as necessary including appropriate certifications from a registered professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the Zoning Enforcement Officer was in error or unwarranted.

**8.15 Penalties for Violation**

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Any violation of the provisions of the Regulations or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grant of variances or special exceptions, shall constitute a misdemeanor. Any person who violates the Regulations or fails to comply with any of its requirements shall, upon conviction thereof, be fined a penalty of \$250.00 per day and in addition shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Town of Woodbury from taking such lawful action as is necessary to prevent or remedy any violation.

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# PRD Overlay District

## Section 9. Planned Residential Development Overlay District

### 9.1 Purpose of District

The purpose of the Planned Residential Development (PRD) Overlay District is to provide opportunities for the development of moderate density housing in and adjacent to the Middle Quarter District. The regulations associated with this district seek to protect and conserve scenic areas, views, and vistas, desirable natural environments, and historic and archeological.

### 9.2 Boundaries of District

The PRD Overlay District overlaps one or more of the other districts as delineated on the Zoning Map of the Town of Woodbury as may be revised from time to time. The PRD Overlay District applies only to lots that are:

- A. located in the Middle Quarter District or
- B. abut the Middle Quarter District (either directly or across a right-of-way) and are in a residential use district.

### 9.3 Permitted Uses in the District

The following uses, in addition to the uses allowed in the base zoning districts, are permitted in the PRD Overlay District:

Principal uses permitted by Special Permit
Residential, single-family <sup>1</sup>
Residential, two-family <sup>1,2</sup>

- 1. The total number of dwelling units shall not exceed forty (40).
- 2. The number of two-family buildings shall not exceed 50% of the number of buildings.

### 9.4 Lot, Coverage, and Setback Standards

Lot Standard	Minimum Requirement
Lot area	435,600 sf
Frontage <sup>1</sup>	225 ft

Floor Area Standard	Maximum Allowance
Single-family	2,200 sf
Two-family	3,700 sf

Setback and Separation Standard	Minimum Requirement
From street line	100 ft
From boundary lines of lot	50 ft
Between buildings	35 ft

- 1. Measured at the street line.

#### 9.4.1 General Standards

See Section 10.

#### 9.4.2 Site Development & Landscape Standards

See Section 11.

#### 9.4.3 Off-Street Parking & Loading Standards

See Section 12.

#### 9.4.4 Sign Standards

See Section 13

**9.4.5 Architectural Design Standards**

See Section 14.

**9.5 Open Space Objectives and Requirements**

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The following objectives and requirements shall apply to a Planned Residential Development:

**9.5.1 Objectives**

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.

**9.5.2 Lot Requirements**

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 Zoning 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 Zoning 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.

**9.5.3 Use Restrictions**

Suitable restrictions and reservations to implement the preservation and permitted use of the open space land, satisfactory in form and substance to the Zoning 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.

**9.6 General Requirements**

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A proposed Planned Residential Development may only be approved if the Zoning Commission finds that all of the requirements of this Section, Section 10, and the following are met:

- 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;
- F. Sidewalks are provided on the site from parking areas to dwelling units and elsewhere as pedestrian traffic warrants; and

- G. 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.

**9.7 Application Requirements**

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- A. 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 9.5.
- B. 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 9.5 shall be subject to review and approval by the Zoning Commission.
- C. 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 (Appendix A of the Woodbury Subdivision Regulations) or such lesser standards as may be proposed by the applicant and supported by appropriate engineering studies and considered by the Zoning Commission to reduce the impact of stormwater runoff and be consistent with public safety in light of their proposed location, grade, geometry and anticipated traffic volume.

**9.8 Planning Commission Referral**

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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.

**9.9 Deed Requirements**

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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 9.7B.

# Article III — Regulatory Standards

## Section 10. General Standards

### 10.1 General Performance

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

#### 10.1.1 Emissions

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

#### 10.1.2 Noise

- A. 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.
- B. No exterior use of loud speakers for commercial advertising purposes or as a part of a business operation is permitted.

#### 10.1.3 Waste

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

#### 10.1.4 Hazards

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.

#### 10.1.5 Display

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 application, and no storage of merchandise, materials, or articles associated with a use permitted by these Regulations is allowed unless complying with Section 11.5 and unless such storage is screened from street view.

### 10.2 Building Height

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The maximum height of all buildings and structures in the Town of Woodbury except those identified in Section 10.2.2 below shall be limited to 35 feet.

#### 10.2.1 Measurement of Building Height

- A. Building height shall be established by the vertical distance from grade plane to the average height of the highest roof surface.
- B. Grade plane is established by the reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building

## Section 10. General Standards

and the lot line or, where the lot line is more than 6 feet from the building between the structure and a point 6 feet from the building.

### **10.2.2 Exemptions from Height Restriction**

Height restrictions shall not apply to the following.

- A. Roof parapets and turrets 3 feet or less in height.
- B. Church spires and belfries, pole type TV antennas, and chimneys.
- C. Cupolas and domes not used for human habitation, clock towers, bell towers and roof ventilators; provided that
  1. 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
  2. The structure shall fit within a 10' x 10' square; and
  3. 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.
- D. Wireless Communications Facilities approved in accordance with Sections 4.20 and 5.16.



## Section 11. Site Development & Landscape Standards

### 11.1 General Standards

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- A. 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.
- B. The development and use of land shall be in conformance with the purpose and intent of the Woodbury Plan of Conservation and Development 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:
  - 1. The location of streets;
  - 2. The setback, scale, and appearance of buildings and other structures;
  - 3. The provision and location of landscaping features; and
  - 4. The protection of natural resources.

### 11.2 Stormwater Management

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Provisions shall be made for stormwater management in accordance with sound engineering practice and the following standards.

#### 11.2.1 Site Development Requirements

- A. The collection and discharge of stormwater on the lot shall mitigate post-development flooding of down-gradient properties and of off-street parking and loading spaces on the site;
- B. Onsite surface and/or subsurface stormwater storage capacity shall provide for the infiltration of a minimum of one inch of stormwater runoff from the area of impervious coverage that is increased between pre-development and post-development conditions;
- C. Development shall result in zero net increase in the rate of peak stormwater run-off between pre-and post-development conditions for the 2, 10, and 25 year storms;
- D. No hazards to pedestrian and/or vehicular traffic on the lot or in any street shall occur as a result of inadequate stormwater facilities;
- E. No discharge from sump pumps, sub drains, or any other stormwater management structure, shall be directed across roadways, sidewalks and other pedestrian ways; and
- F. Retention, infiltration, and treatment of stormwater on the site shall be maximized using a designed stormwater 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 Stormwater Quality Manual [2004] as may from time to time be revised.
- G. Roof runoff shall not be directed into stormwater infrastructure.
- H. Where appropriate allow water to sheet drain into vegetated areas.
- I. Incorporate the use of pervious/porous/permeable pavement material as feasible.

#### 11.2.2 Stormwater Drainage Design

The design of stormwater drainage shall be based on:

- A. Sound engineering practices and judgment based on the best available data; and
- B. The guidelines in the Connecticut Department of Energy and Environmental Protection Stormwater Quality Manual; and
- C. Be based on a hydrological study that fully considers the calculated volume and rate of stormwater 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 because of the maximum potential development of the sub-watershed under the zoning standards in effect; and

## Section 11. Site Development & Landscape Standards

- D. The needs of the Town of Woodbury to comply with State of Connecticut Municipal Separate Storm Sewer Systems (MS4) requirements.

### 11.2.3 Calculations

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, a 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 Zoning 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.

### 11.2.4 Protection and Improvement of Waterbodies

- A. 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 Section 11.2.1 above, the Zoning Commission may require the construction of detention and infiltration structures or other runoff control measures.
- B. Provision shall be made for the protection of swamps, floodplains, 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.

### 11.2.5 Required Analysis

Wherever proposed designs deviate from the Connecticut Department of Energy and Environmental Protection Stormwater 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 Zoning Commission.

### 11.2.6 Relevant Standards

All stormwater 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.

## 11.3 Site Development Earth Excavation

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### 11.3.1 Activities Permitted by Right

The grading and clearing of land for the purposes of landscaping, site restoration, or maintenance is allowed by right provided that:

- A. No more than 100 cubic yards of earth material are imported to or exported from the site;
- B. No more than one-half acre of land is disturbed or trees are cleared; and
- C. Said grading and clearing is not being conducted in support of a land use or improvement that would otherwise require a zoning permit for the conduct of such work.

### 11.3.2 Activities Permitted by Zoning Permit

Site development earth excavation activities permitted by a Zoning Permit in any district include:

- A. 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:

## Section 11. Site Development & Landscape Standards

1. 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
  2. All necessary land use and construction approvals required by any municipal, state, or federal agency shall be provided with the Zoning Permit application; and
  3. No earth materials shall be imported to, or exported from, the site that are not integral to the construction of the permitted use. The intent of this regulation is to restrict the strip mining of topsoil otherwise not required by the permitted construction or the importing and disposal of fill materials not otherwise required for the permitted construction.
- B. 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, regrading of difficult contours, and the excavation of gravel, dirt, loam or stone by a landowner on his or her own property for use on the same property, including normal agricultural activities involving soil preparation and grading, provided that:
1. No earth materials shall be imported to, or exported from, the site that are not integral to the farm or landscaping purpose. The intent of this regulation is to restrict the strip mining of topsoil otherwise not required for the farm or landscaping purpose or the importing and disposal of fill materials not otherwise required for the farm or landscaping purpose.
  2. Proper soil erosion and sedimentation controls or appropriate agricultural soil conservation practices shall be implemented and any construction or excavation area stabilized upon completion.

### **~~11.3.3 Activities Permitted by Site Plan and/or Special Permit Approval~~**

~~Site development earth excavation activities permitted by Site Plan approval and, if determined necessary by the Zoning Commission, a Special Permit include:~~

- ~~A. 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 within the applicable District, or other improvements for which a Special Permit, or Zoning Permit is required, or~~
- ~~B. 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.~~

### **11.3.4 General Requirements**

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 Permit issued pursuant to Section 16.9.2. Approved processing shall comply with the following unless otherwise specifically authorized by the Special Permit:

- 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 Zoning Commission at the time the application is filed.

#### **11.3.5 Blasting**

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

#### **11.3.6 Topsoil**

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 Plans.

#### **11.3.7 Excavation Near Street**

No excavation shall be made below grade of any abutting street within 150 feet, unless approved as part of a Site 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 4.7 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.

#### **11.3.8 Floodplain**

No excavation or fill shall be made that would reduce the final elevation below floodplain, change the area of the floodplain, 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.

#### **11.3.9 Slopes**

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 Plan. No slopes in excess of one foot vertical to two feet horizontal shall be created by excavation or deposition unless the Site 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.

#### **11.3.10 Hours of Operation**

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

#### **11.3.11 Site Restoration**

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

#### **11.3.12 Bond**

The Zoning 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 Plan or other permit plans.

#### **11.3.13 Insurance**

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

#### **11.3.14 Special Permit**

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

### **11.3.15 Violations**

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

## **11.4 Site Grading**

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Design and construction of sites, 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 11.4 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 Zoning 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 Zoning Commission and the Inland Wetlands Agency.

## **11.5 Soil Erosion and Sediment Control**

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### **11.5.1 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.

### **11.5.2 Definitions**

For the purpose of this Section, the following definitions shall apply:

- A. Certification: A signed, written approval by the Zoning Commission or ZEO that the soil erosion and sediment control plan complies with the applicable requirements of these Regulations.
- B. Development: Any construction or grading activities to improved or unimproved real estate.
- C. 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.
- D. Erosion: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- E. 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.
- F. Inspection: The periodic review of sediment and erosion control measures shown on the certified plan.
- G. 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.
- H. Soil: Any unconsolidated mineral or organic material of any origin.
- I. 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.

### **11.5.3 Best Methods and Practices**

## Section 11. Site Development & Landscape Standards

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 Zoning Commission has been received.

### **11.5.4 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:
  - 1. The proposed development.
  - 2. 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.
  - 3. The design criteria for proposed soil erosion and sediment control measures.
  - 4. The construction details for proposed soil erosion and sediment control measures.
  - 5. The installation and/or application procedures for proposed soil erosion and sediment control measures; and
  - 6. The operation and maintenance program for proposed soil erosion and sediment control measures.
- B. A site development map that is in compliance with Section 15 of these Regulations.
- C. Any other information deemed necessary and appropriate by the Zoning Commission or its designated agent.

### **11.5.5 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 (DEEP) Guidelines for Soil Erosion and Sediment Control (2004), as amended. Soil erosion and sediment control plans shall result in a development that:
  - 1. Minimizes erosion and sedimentation during construction;
  - 2. Is stabilized and protected from erosion when completed; and
  - 3. 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 Zoning Commission may grant exceptions to these minimum standards when requested by the applicant only when technically sound reasons are presented.

### **11.5.6 Certification or Denial of Erosion and Sediment Control Plans**

- A. The Zoning 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 fail to comply with these Regulations, the Zoning Commission shall deny certification of the plan.
- B. When the Zoning 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 Zoning Commission as part of the application.

### **11.5.7 Conditions**

## Section 11. Site Development & Landscape Standards

- 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 Zoning Commission.
- B. Zoning permits shall not be issued for construction on the site until the erosion and sediment control plan is certified by the Zoning 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.

### 11.5.8 Inspections

Inspections shall be made by the Zoning Commission or the Zoning Enforcement Officer during development to ensure compliance with the certified plan and to ensure that control measures and facilities are properly installed and maintained.

### 11.5.9 Enforcement

Enforcement of the Soil Erosion and Sediment Control Regulations shall be the responsibility of the Zoning 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.

## 11.6 Outside Storage

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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 residential District boundary line.
- C. In the RC, 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	Percent of Building Area
RC	10%
MSD	5%
PI	10%
MQ	5%

- E. In the RC, MSD, 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 the MQ and PI Districts the Zoning Commission at its sole discretion may permit an increase in the outside storage allowed by Section 7.7.5 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.

## 11.7 Exterior Lighting

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- A. The location, intensity, height, design, and arrangement of exterior lighting shall be such as to avoid glare on any other lot and to avoid hazards to traffic on any street.

Section 11. Site Development & Landscape Standards

- B. Relative brightness differences should be avoided with adjacent dissimilar land uses (ie. brightly lit retail area adjacent to dimly lit residential area).
- C. Lighting fixtures should have shielding devices or sharp cut-off refractors to eliminate up lighting or light splay off-site.
- D. Lights should not blink, flash or change in intensity.

**11.8 Landscaping**

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 RC, MSD, MQ, and PI Districts the area required for setback from a residential 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 Zoning 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 Zoning 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 here and in Subsection E below. The standards for plantings within such areas are as follows:
  - 1. 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.
  - 2. 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 Requirement. The following planting schedule provides the minimum planting requirement per one hundred (100) linear feet of property boundary and is organized by the width (distance perpendicular to property boundary) of the buffer yard:

Buffer Yard Requirement						
Buffer Yard	Width	Canopy Trees	Understory Trees	Shrubs	Evergreens/ Conifers	Notes
A	25'	2*			20	*Up to 50% may be evergreen
A	60'	2	4	6		
B	35'	5	10*	15		*Up to 100% may be evergreen
B	45'	4	8*	12		*Up to 100% may be evergreen
B	60'	3	6*	9		*Up to 100% may be evergreen
C	50'	4*	6*	24	12	*Up to 100% may be evergreen
C	60'	3*	5*	19	10	*Up to 100% may be evergreen
C	80'	2*	4*	14	8	*Up to 100% may be evergreen



### **11.9 Vehicular Access**

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- A. 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:
  - 1. Vehicular access to lots in commercial districts should be provided from streets within the commercial district. The provision of access from streets in adjoining residential districts should be avoided.
  - 2. 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.
  - 3. Provision shall be made for turning lanes and traffic controls within the street.
  - 4. Access driveways shall be designed with sufficient capacity to avoid queuing of entering vehicles onto the public street.
  - 5. 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 allow for the safe movement of vehicles to and from the driveway.
  - 6. 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. Driveways must be spaced a minimum of 100 feet apart.
- B. 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.
- C. Off-street parking and loading spaces shall be provided in accordance with the provisions of Section 11.4 of these Regulations.
- D. The internal circulation of large developments shall provide for the easy movement of vehicles, loading and unloading of vehicles and convenient access of emergency vehicles.

### **11.10 Pedestrian Access**

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The following pedestrian access measures are required of all developments in all districts other than single-family and two-family dwellings:

- A. All developments shall provide sidewalks not less than three (3) feet in width from parking areas to the principal structure and occupied accessory structures and wherever else pedestrian traffic warrants.
- B. Where a public sidewalk is present within the street right-of-way, a sidewalk not less than three (3) feet in width shall be provided from the public sidewalk to the principal structure.
- C. All developments with frontage along the Town's recommended sidewalk network, as established by the Woodbury Plan of Conservation and Development, shall provide public sidewalks a minimum of five (5) feet in width as specified by the Plan.

## Section 12. Off-Street Parking & Loading Standards

### 12.1 General Requirements

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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 Sections 12.3.5 and 12.3.6. 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.

### 12.2 Definitions

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For the purpose of this Section parking and loading spaces are defined as follows:

- A. **Standard Parking Space:** A space containing a rectangle not less than nine feet in width and 18 feet in length and having access and slope as to accommodate a vehicle having an overall length of 18 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 16 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.

### 12.3 Off-Street Parking Requirements

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 except where an assessment is required by the Zoning Commission:

Use	Minimum Off-Street Parking Requirement
<b>Residential Uses</b>	
Bed and Breakfast	2.0 + 1.0 per guestroom
Group Living Facility for the Elderly	2.0 + 0.5 per resident bedroom
Residential Care Home	2.0 + 0.5 per resident bedroom
Residential, Conversion to Multi-Family	1.0 + 0.5 per bedroom per dwelling unit
Residential, Mixed-Use	1.0 + 0.5 per bedroom per dwelling unit
Residential, Multi-Family	1.0 + 0.5 per bedroom per dwelling unit
Residential, Open Space Subdivision	2.0 per dwelling unit
Residential, Single-Family	2.0 per dwelling unit + 1.0 per accessory apartment
Residential, Two-Family	2.0 per dwelling unit
Rest Home	1.5 per ksf
Rooming or Boarding House	2.0 + 1.0 per rented room
<b>Senior Housing Facilities</b>	
Assisted Living Facility	0.5 per dwelling unit
Congregate Housing for the Elderly	0.5 per dwelling unit
Continuing Care Retirement Community	1.0 per dwelling unit
<b>Food Service Establishments</b>	
Brew Pub	18.0 per ksf
Coffee Shop	12.0 per ksf
Restaurant	15.0 per ksf
Restaurant, bar with ten seats or more	18.0 per ksf
Retail Food Establishment	8.0 per ksf
<b>Health Care Facilities</b>	
Convalescent Facility	1.5 per ksf
Health Center	5.0 per ksf
Hospital	3.0 per ksf
Medical Clinic	5.0 per ksf
Medical Office	4.5 per ksf
<b>Indoor Recreation Facilities</b>	
Fitness Club	6.0 per ksf gym space+ 15.0 per ksf group fitness space+ 10.0 per basketball court+2.0 per tennis or racquetball court+ 3.0 per ksf swimming pool facilities
Group Fitness Studio	15.0 per ksf
Gym	6.0 per ksf
Indoor Recreational Entertainment	6.0 per ksf
<b>Institutional Uses</b>	
Community Center	4.0 per ksf
Government Facility	4.0 per ksf
Museum or Historic Institution	2.0 per ksf
Philanthropic Institution	4.0 per ksf
Place of Worship	0.3 per seat
School	Based upon Zoning Commission's determination

**Key:** ksf=1,000 square feet gross floor area

Section 12. Off Street Parking & Loading Standards

Use	Minimum Off-Street Parking Requirement
<b>Outdoor Recreation Facilities</b>	
Athletic Field	20.0 per acre
Golf Course	10.0 per hole
Outdoor Recreational Entertainment	Based upon Zoning Commission's determination
Park or Playground	10.0 per acre
Recreation Camp	Based upon Zoning Commission's determination
<b>Sales Establishments</b>	
Auction Facility	10.0 per ksf
Building Supply	2.5 per ksf
Dollar Store*	4.0 per ksf
Farmer's Market	4.0 per ksf sales area
Garden Center	2.5 per ksf
General Office	4.0 per ksf
Grocery Store, Large Format	4.0 per ksf
Grocery Store, Small Format	5.0 per ksf
Retail Establishment, Large Format	3.0 per ksf
Retail Establishment, Small Format	4.0 per ksf
Shopping Center	5.0 per ksf
<b>Service Establishments</b>	
Bank	6.0 per ksf
Dry Cleaning Storefront	3.0 per ksf
Educational Studio	10.0 per ksf
Parcel Office	3.0 per ksf
Personal Service Establishment	5.0 per ksf
Personal Training Studio	3.0 per ksf
Printing Shop	3.0 per ksf
Repair Shop	3.0 per ksf
<b>Other Commercial &amp; Institutional Uses</b>	
Cemetery	Based upon Zoning Commission's determination
Commercial Kennel	3.0 per ksf
Commercial Stable	0.5 per stall
Contractor Shop and Yard	2.0 + 4.0 per ksf office space
Country Inn	2.0 + 1.0 per guest room + 8.0 per ksf restaurant
Day Care Center	4.0 per ksf
Dispatch Facility	4.0 per ksf office space
Farm Brewery, Distillery, or Winery	8.0 per ksf indoor visitor space+4.0 per ksf office space+1.0 per ksf indoor production space
Funeral Service Business	10.0 per ksf
Group Child Care Home	4.0 per ksf
Hotel	1.0 per guest room + 10.0 per ksf restaurant + 7.0 per ksf banquet or meeting space
Industrial Use (except self-storage facility)	1.0 per ksf production/storage space + 4.0 per ksf office space
Laboratory or Research Facility	3.0 per ksf
Landscape Service Yard	2.0 + 4.0 per ksf office space
Mental Health Treatment Facility	3.0 per ksf
Motor Vehicle Sales	3.0 per ksf indoor office and display+0.15 per ksf outdoor display
Motor Vehicle Services	3.0 per service bay+4.0 per ksf retail space
Outdoor Performance Venue	0.3 per capacity of persons
Self-Storage Facility	0.2 per ksf storage space + 4.0 per ksf office space
Social Club	5.0 per ksf
Substance Abuse Treatment Facility	3.0 per ksf
Theater	0.4 per seat
Veterinary Clinic	3.0 per ksf

**Key:** ksf=1,000 square feet gross floor area

**12.3.1 Determination of Parking Requirement by Zoning Commission**

Multiple uses, as specified in 12.3 above, require the Zoning Commission to determine the number of parking spaces required for such use due to the unique or variable characteristics of the use. In determining the required number of parking spaces, the Commission shall consider the parking demand generated by all specific functions that comprise the use and the need to provide adequate parking supply for employees and visitors. The Commission may require the applicant to provide an estimate of peak parking demand as produced by a licensed traffic engineer to assist its determination.

**12.3.2 Handicap Parking Requirement**

Handicap spaces shall be provided in the quantities specified below and in accordance with United States Access Board Chapter 2 requirements.

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20+ 1 for each 100, or fraction thereof, over 1000

**12.3.3 Loading Area**

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.

**12.3.4 Multiple Uses**

Where separate parts lot, 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.

**12.3.5 Joint Parking and Loading**

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. An agreement between all property owners specifying the terms of the parking agreement shall be provided to the Commission for the consideration of allowing joint parking and/or loading areas to meet the parking and/or loading requirement.

### 12.3.6 Alternate Parking Requirements

- A. The Zoning Commission may grant a Zoning Permit authorizing off-street parking and/or loading spaces fewer in number than specified in this Section if the Zoning Commission determines that:
  - 1. 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;
  - 2. There is sufficient and suitable area on the lot to provide the full number of spaces specified in this Section; and
  - 3. The Zoning Permit shall be applicable only to the particular use or occupancy of land, buildings or other structures specified in the application, and such Zoning Permit shall become null and void in the event that such use or occupancy is changed to another use or occupancy.
  - 4. A reduction in the required parking is directly supportive of mitigating the impact of stormwater runoff from the site.
- B. The Zoning Commission may grant a Zoning Permit authorizing off-street parking on a separate lot to meet the minimum number of spaces required if the Zoning Commission determines that:
  - 1. 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
  - 2. The use for which the parking is required is located within a reasonable distance of a municipal parking facility with sufficient capacity.

### 12.3.7 Design Standards

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

- A. Turning
  - 1. 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.
  - 2. 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 22 feet in width and of suitable alignment to such stalls as to allow safe and convenient use of each required parking space by providing:
  - 1. Suitable driveways giving access to parking aisles and stalls;
  - 2. Safe pedestrian circulation within parking areas;
  - 3. Channelized traffic flow within parking areas;
  - 4. Suitable markings, curbs, and islands, fences or other devices to encourage proper and efficient use of each parking space; and
  - 5. Landscaping in accordance with Section 11.7.
- 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 in use.

## Section 12. Off Street Parking & Loading Standards

- E. Not more than twenty-five percent of the parking area shall be devoted to compact car parking meeting the dimensional requirements of Section 12.2.
- F. 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.
- G. Location of Parking
  - 1. 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:
    - a. Street Line: 50 ft
    - b. Residential Property Line: 25 ft
    - c. District Boundary: 50 ft
  - 2. For any use in a residential district 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.
- H. Inclusion of Low Impact Design Elements
  - 1. Bioretention areas such as swales, rain gardens, and/or landscaped islands without curbs should be integrated into parking areas so as to mitigate the impacts of stormwater runoff.

### 12.3.8 Recreational Vehicle and Boat Parking

Properties in residential districts are limited to the parking of two recreational vehicles, including boats, on a property, provided that:

- A. Such vehicle shall be directly owned or leased by the owner or tenant of the premises on which they are parked or stored.
- B. The vehicle or boat shall not exceed 40 feet in length.
- C. 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 required front yard or within five (5) feet of the side or rear lot lines and shall not be plainly visible from the street unless the lot size or topography is prohibitive of compliance with this requirement.

### 12.3.9 Commercial Vehicle Parking

- A. Properties in residential districts are limited to the outdoor parking of one (1) commercial vehicle, up to 20 feet in length, with a maximum gross vehicle weight of 15,000 pounds.
- B. Commercial vehicles as described in A above must be parked entirely behind the required front yard setback unless the lot size or topography is prohibitive of compliance with this requirement. Commercial vehicles that cannot be parked behind the front yard setback should be located so as not to obstruct roadway sight-lines or create a visual nuisance to adjacent properties.

### ~~12.3.10 Review Process for the Construction or Expansion of Parking Lots~~

- ~~A. The construction of a parking lot for a new use or change of use shall require the provision, and Zoning Commission approval, of a Conceptual Site Plan or Site Plan as required for the new use or change of use. The Plan shall include a detailed layout of the proposed parking lot sufficient to demonstrate compliance with the standards of this section.~~
- ~~B. With the exception of single family residences, the construction or expansion of a parking lot for a new use or change of use that does not otherwise require a Conceptual Site Plan or Site Plan shall require the provision, and Zoning Commission approval, of a Conceptual Site Plan that provides a detailed layout of the proposed parking lot sufficient to demonstrate compliance with the standards of this section.~~
- ~~C. With the exception of single family residences, the expansion of an existing parking lot for a use that has a Conceptual Site Plan or Site Plan on file shall require the provision, and Zoning Commission approval, of a modified Plan. The modified Plan shall include a detailed layout of the proposed parking lot sufficient to demonstrate compliance with the standards of this section.~~

## Section 13. Sign Standards

### 13.1 Purpose and Intent

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- A. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this Section is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. These regulations allow adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. These Regulations shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.
- B. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this Section is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection A of this section.
- C. These Regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- D. These Regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the Town of Woodbury. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- E. These Regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

### 13.2 Non-Commercial Use

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Signs containing a non-commercial message are permitted anywhere that advertising signs are permitted, subject to the same regulations applicable to such signs.

### 13.3 Definitions: Sign Type by Duration and Function

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Within these Regulations, signs are classified as follows with respect to their intended duration and function:

#### 13.3.1 Permanent Signs

A permanent sign is one that is intended to remain for an indefinite period of time and is comprised of the following sign types classified on the basis of function:

- A. Principal Sign: Customarily displays the name, address, and/or nature of an establishment.
- B. Supplemental Sign: The supplemental sign is a separate and distinct sign attached to a principal sign that may be used to display additional information about an establishment. A supplemental sign cannot be displayed without a principal sign.
- C. Incidental Sign: A sign, within a property and not necessarily visible from any public street, used to provide wayfinding or regulatory guidance.



### **13.3.2 Provisional Signs**

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 one year.

### **13.3.3 Temporary Signs**

A temporary sign is any nonpermanent sign that is permitted for display for a limited period of time as defined in these Regulations.

## **13.4 Definitions: Signs by Construction Type or Style**

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The following signs, classified by construction type or style, are permitted in Woodbury:

- A. Building Sign: A sign attached to or painted on the wall of a building.
- B. 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.
- C. 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:
  - 1. 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.
  - 2. Post & Arm Sign: A freestanding sign consisting of a vertical post to which a perpendicular arm is attached and from which the sign hangs.
  - 3. Monument Sign: A freestanding sign either with or without a base affixed to the ground, the overall height no greater than four feet.
  - 4. 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.
- D. 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.
- E. Roof Sign: Any sign erected and constructed wholly on and over any roof of a structure.
- F. Wall Sign: A sign or message (including individual letters) that is painted on, or attached directly to, a wall or fence.
- G. 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.

## **13.5 Prohibited Signs**

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In addition to the signs prohibited by Sections 13.5.1 and 13.5.2 below, all signs not specifically permitted are prohibited.

### **13.5.1 Signs Prohibited by Construction Type or Style**

Prohibited signs in Woodbury, classified based upon construction type, include the following:

- 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.

## Section 13. Sign Standards

- E. Billboard: A freestanding or building sign that advertises products, services, or businesses at locations other than where the sign is located.
- F. Festoon: String of ribbons, tinsel, small flags, or pinwheels.
- G. Flag Sign: A sign constructed of cloth or fabric material that has lettering relating to the operation of a commercial business.
- H. Internally Lit Sign: A sign that is illuminated from sources inside the sign including vending machine signs and those inside a building that are visible from a public road or adjacent property.
- I. 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.

### 13.5.2 Signs Prohibited by Location

Off-site signs (signs that direct attention to an establishment located on a different property from where the sign is located) are prohibited except as allowed in Sections 13.10.

## 13.6 Exempt Signs

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The following signs are exempted from these Regulations:

- 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.
- C. Historical and Archeological Signs: Memorial plaques or monuments, building markers, or historical plaques and similar items displayed for noncommercial purposes up to six (6) square feet per lot.
- 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: Any sign installed by an authorized agency or as required or recommended by the Manual of Uniform Traffic Control Devices.
- G. Government Signs: Signs erected, maintained or otherwise posted, owned or leased by the State of Connecticut, the federal government or the Town of Woodbury.

## 13.7 Special Conditions

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The use and display of signs are subject to the following conditions:

### 13.7.1 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, and subject to fine if not removed.

### 13.7.2 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.

### 13.7.3 Signs in Violation

Any sign in violation of these Regulations at the time applicable revisions are enacted does not become legally nonconforming to these revisions.

## **13.8 Design Standards**

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### **13.8.1 Sign Area**

The sign area consists of the following:

- A. Sign measurement shall include any framed or outlined area.
- B. 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.

### **13.8.2 Size**

The size permitted for a sign is governed according to the district and/or for the use in which the sign is to be displayed.

### **13.8.3 Height**

Signs shall be measured from the ground to the highest point of the sign or support structure, whichever is the highest. Signs affixed to buildings, with the exception of roof signs, shall not extend above the highest portion of the building.

### **13.8.4 Interference**

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

### **13.8.5 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.

**13.9 Signs Permitted for Any Use in Any District**

The following signs are permitted, and do not require the issuance of a Zoning Permit, for any land use associated with an individual property within any district in accordance with the following:

Signs Permitted for Any Use in Any District						
Sign Type	Maximum Number	Maximum Sign Face Area	Permitted Illumination	Maximum Length of Display	Required Permit	Other
Permanent Building Sign	One per building	2 sf (unless otherwise permitted within the district)	None	-	-	
Permanent Wall Sign	Up to one sign per 100 feet of property line	1 sf per sign	None	-	-	Signs must be spaced at least 100 feet apart.
Provisional Sign	One per lot (except corner lots which may have two signs, each sign no closer than 25 feet of the corner)	4 sf per sign	None	12 months within any contiguous 18 month period (applicable to any and all provisional signs on lot)	-	

**13.10 Signs Permitted for Specific Uses in Any District**

Signs are permitted for specific land uses in any district in accordance with the following:

<b>Signs Permitted for Specific Uses in Any District</b>						
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Sign Face Area</b>	<b>Permitted Illumination</b>	<b>Maximum Length of Display</b>	<b>Required Permit</b>	<b>Other</b>
<b><i>Farms/Agriculture</i></b>						
Permanent Building Sign	One sign permitted per building on buildings located behind the building line, inclusive of building signs displayed as permitted by Section 11.9	1 sf per linear foot of wall of the principal building that faces the frontage of the property less the total sign area of freestanding and supplemental signs that are displayed.	Exterior Illumination	-	Zoning Permit	Sign must be located behind building line (not within front yard setback) of structures that are non-conforming with the front yard requirement.
Permanent Freestanding Sign	One	6 sf	Exterior Illumination	-	Zoning Permit	
Supplemental Sign	One	2 sf	Exterior Illumination	-	Zoning Permit	
<b><i>Home Occupations</i></b>						
Permanent Freestanding or Building Sign	One	4 sf	None	-	Zoning Permit	Building signs shall be attached, not painted.
<b><i>Institutional Uses</i></b>						
Permanent Freestanding or Building Sign	-	Total aggregate of signage not to exceed 8 sf	Exterior Illumination	-	Zoning Permit	
Temporary On-Site Freestanding Signs	Four	6 sf	Exterior Illumination	14 consecutive days. Signs may be displayed up to four times per year with a minimum of 28 days between display. Signs shall not be displayed for more than 56 days of a calendar year.	Zoning Permit	

Section 13. Sign Standards

<b>Signs Permitted for Specific Uses in Any District</b>						
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Sign Face Area</b>	<b>Permitted Illumination</b>	<b>Maximum Length of Display</b>	<b>Required Permit</b>	<b>Other</b>
<b><i>Outdoor Recreation Facilities</i></b>						
Permanent Freestanding Sign	-	Total aggregate of signage not to exceed 8 sf	Exterior Illumination	-	Zoning Permit	
<b><i>Residential Uses</i></b>						
Permanent Freestanding Sign	One	2 sf	None	-	-	
Temporary On-Site Freestanding Signs	Five	3 sf per sign	None	28 consecutive days. No more than 112 days per calendar year?	-	
Temporary Off-Site Freestanding Signs	Two	2 sf per sign	None	3 consecutive days. No more than 12 days per calendar year?	-	
<b><i>Commercial Uses</i></b>						
Temporary On-Site Signs	-	Total aggregate of signage not to exceed 20 sf	None	28 consecutive days. No more than 112 days per calendar year?	-	
Temporary On-Site Sign in Lieu of a Permanent Sign	One	Such sign shall not be larger than the size for permanent signs permitted in that district.	Exterior Illumination	28 consecutive days. Sign must be removed when the permanent sign is erected or within 5 days of the date that the Zoning Commission denies the Zoning Permit application.	Zoning Permit	The sign may be permitted in the event a permanent sign application is pending with the Land Use Office or Historic District Commission. The sign shall be located in the position where the permanent sign would be located.
Temporary Off-Site Freestanding Signs	Four	2 sf per sign	None	3 consecutive days. No more than 12 days per calendar year?	Zoning Permit	

**13.11 Signs Permitted in the Main Street Design District**

Signs, including those permitted by Sections 13.9 and 13.10, are permitted in the MSD District in accordance with the following:

<b>Signs Permitted in the Main Street Design District</b>						
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Sign Face Area</b>	<b>Permitted Illumination</b>	<b>Maximum Length of Display</b>	<b>Required Permit</b>	<b>Other</b>
<b>Single Establishments</b>						
Permanent building, freestanding, or projecting sign	One	6 sf	Exterior Illumination	-	Zoning Permit	Building signs shall be attached, not painted.
Supplemental Sign	One	2 sf	Exterior Illumination	-	Zoning Permit	
<b>Multiple Establishments</b>						
Building or Projecting Sign	One per establishment	4 sf per sign	Exterior Illumination	-	Zoning Permit	Total aggregate area for all signage shall not exceed 1 sf per linear foot of frontage.
Freestanding Sign	One per lot	6 sf	Exterior Illumination	-	Zoning Permit	
Supplemental Sign	One per freestanding sign	2 sf	Exterior Illumination	-	Zoning Permit	
<b>Multiple Establishments in Excess of 150 Feet from Main Street</b>						
Building or Projecting Sign	One per establishment	4 sf per sign	Exterior Illumination	-	Zoning Permit	Total aggregate area for all signage shall not exceed 1 sf per linear foot of frontage.
Freestanding Sign	One per lot	15 sf	Exterior Illumination	-	Zoning Permit	
Supplemental Sign	One per freestanding sign	3 sf	Exterior Illumination	-	Zoning Permit	
<b>All Properties</b>						
Window Sign	-	Up to 10% of window area	-	-	-	
Incidental Sign	-	1 sf per sign	-	-	-	
Temporary Sign	Up to one per 150 linear feet of frontage and spaced a minimum of 150 feet apart.	6 sf per sign	-	14 consecutive days. No more than 56 days per calendar year?	Zoning Permit	Not to exceed 4 feet in height.

**13.11.1 Freestanding Signs**

- A. The top edge of the principal sign shall be no higher than twelve (12) feet.
- B. Freestanding signs are not permitted on properties where the distance between the edge of the roadway at the frontage of the property and the front setback line is less than 25 feet.

**13.11.2 Adjustment to Sign Size**

In recognition that the Main Street Design District 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 signs within the District may be adjusted based upon the following criteria:

- A. Principal signs and supplemental signs located within 50 feet of the roadway closest to the sign shall be limited to the size stipulated in Section 13.11 above.
- B. Principal signs located between 50 and 100 feet of the roadway closest to the sign may be increased by 50% (e.g. a 6 square foot principal sign may be increased to 9 square feet). The size of the supplemental sign shall not be increased.
- C. Principal signs located beyond 100 feet of the roadway closest to the sign may be increased by 100% (e.g. a 6 square foot principal sign may be increased to 12 square feet). The size of the supplemental sign shall not be increased.



**13.12 Signs Permitted in the Middle Quarter District**

The following signs, including those permitted by Sections 13.9 and 13.10, are permitted in the Middle Quarter District in accordance with the following table.

<b>Signs Permitted in the Middle Quarter District</b>						
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Sign Face Area</b>	<b>Permitted Illumination</b>	<b>Maximum Length of Display</b>	<b>Required Permit</b>	<b>Other</b>
<b><i>Up to Three Establishments on a Lot</i></b>						
Permanent building sign	One per establishment	Total aggregate of all signs: up to 1 sf per linear foot of building frontage occupied by the establishment, or 24 sf, whichever is less.	Exterior Illumination	-	Zoning Permit	Must be located behind the building line.
Permanent freestanding sign	One	24 sf	Exterior Illumination	-	Zoning Permit	The top edge of the principal sign shall be no higher than 16 feet.
Supplemental sign	One per freestanding sign	2 sf per establishment	Exterior Illumination	-	Zoning Permit	
<b><i>Four or More Establishments on a Lot</i></b>						
Permanent building sign	One per establishment	Up to 1 sf for all signs per linear foot of building frontage occupied by the establishment, or 24 sf, whichever is less.	Exterior Illumination	-	Zoning Permit	Must be located behind the building line.
Permanent freestanding sign	One at main entrance and one at secondary entrance provided there is 200 feet of separation between entrances.	24 sf per sign	Exterior Illumination	-	Zoning Permit	The top edge of the principal sign, shall be no higher than 16 feet
Supplemental sign	One per freestanding sign	2 sf per establishment, no more than 24 sf in total	Exterior Illumination	-	Zoning Permit	

Section 13. Sign Standards

Signs Permitted in the Middle Quarter District						
Sign Type	Maximum Number	Maximum Sign Face Area	Permitted Illumination	Maximum Length of Display	Required Permit	Other
<b>All Properties</b>						
Permanent Roof Sign	One	Shall not exceed 5% of the roof area that faces the road corresponding to the area of the building actually occupied by the individual establishments, or 24 square feet, whichever is less. An establishment 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 establishment.	Exterior Illumination	-	Zoning Permit	Such signs neither extend beyond the edge of the roof nor are located higher than the ridge line of a building, excluding any chimneys.
Window sign	One or more	Up to 20% of window area	None	-	-	
Incidental Sign	One or more	1 sf per sign	None	-	Zoning Permit	
Temporary Sign	Up to one per 150 linear feet of frontage and spaced a minimum of 150 feet apart.	6 sf per sign	None	14 consecutive days. No more than 56 days per calendar year?	Zoning Permit	Limited to 4 feet in height. No sign shall be placed within the right-of-way of any Town or State road nor obstruct the sight line of any intersection. All signs must be in good repair, sound construction, and have a professional appearance.

**13.13 Signs Permitted in the Residential Community District**

The following signs, including those permitted by Section 13.9, may be authorized in Residential Community District in accordance with the following:

Signs Permitted in Residential Community District						
Sign Type	Maximum Number	Maximum Sign Face Area	Permitted Illumination	Maximum Length of Display	Required Permit	Other
Permanent freestanding, projecting, or building sign	One	6 sf	Exterior Illumination	-	Zoning Permit	Freestanding signs are limited in height in order that the top edge of the principal sign shall not be higher than 10 feet.
Supplemental sign	One per freestanding sign	2 sf	Exterior Illumination	-	Zoning Permit	

**13.14 Signs Permitted in Planned Residential Developments**

The following signs, including those permitted by Section 13.9, may be authorized in Residential Community District in accordance with the following:

Signs Permitted in Planned Residential Developments						
Sign Type	Maximum Number	Maximum Sign Face Area	Permitted Illumination	Maximum Length of Display	Required Permit	Other
Permanent freestanding sign	One	8 sf	Exterior Illumination	-	Zoning Permit	Limited to developments that have private thoroughfares, common property and a governing homeowners association.

**13.15 Signs Permitted in Earth Excavation and Planned Industrial Districts**

The following signs are permitted in the Earth Excavation and Planned Industrial Districts in accordance with the following:

Signs Permitted in Earth Excavation and Planned Industrial Districts						
Sign Type	Maximum Number	Maximum Sign Face Area	Permitted Illumination	Maximum Length of Display	Required Permit	Other
Permanent building sign	One per lot	Up to 1 sf per linear foot of building frontage or 24 sf whichever is less.	Exterior Illumination	-	Zoning Permit	
Permanent freestanding sign	One per property entrance	12 sf per sign or 24 sf in total.	Exterior Illumination	-	Zoning Permit	Top edge of sign shall be no higher than 14 feet.
Temporary Sign	One per 150 linear feet of lot frontage.	6 sf	None	14 consecutive days. No more than 56 days per calendar year?	Zoning Permit	No more than 4 feet in height. No sign shall be placed within the right-of-way of any Town or State road nor obstruct the sight line of any shall be located at least 150 feet apart.

**13.16 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.

**13.17 Zoning Permit Application Procedure**

**13.17.1 Permit Requirements for Permanent Signs**

Zoning permit applications for permanent signs shall be accompanied by the following:

- A. Rendering or Sketch: A rendering or sketch, provided at scale, of the sign showing type, size, height, and lighting.
- B. Plot or Site Plan: A plot or site 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.

## Section 13. Sign Standards

- 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.
- G. Payment: The issuance of all Zoning Permits is conditioned on payment of the fee set in Appendix A of these Regulations

### **13.17.2 Permit Requirements for Temporary Signs**

Zoning permit applications for temporary signs shall be accompanied by the following:

- A. Statement: A written statement indicating size, location, time period of display, and affirmation that the applicant is not in violation of any Zoning Regulations.
- B. Fees: A permit fee as provided in Appendix A.
- C. Authorization, Approvals and Releases: As required by Section 13.17.1 D-F above, and any other applicable requirements of these Regulations.

### **13.17.3 Special Permit Applications**

Signs proposed in conjunction with a use that requires a Special Permit shall be part of that permit application in accordance with Section 16.7 of these Regulations provided the requirements of Section 13.17.1 are met.

### **13.17.4 Modification of a Sign**

Upon application clearly explaining a proposed modification of a sign including information as may be required by the ZEO, the ZEO may issue a Zoning Permit if the proposed alteration of the permitted sign is found to be minimal. The ZEO may instead refer the application to the Zoning Commission for review and approval or denial of the Zoning Permit application.

## **13.18 Enforcement**

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### **13.18.1 General**

- A. Records: The Land Use Office shall maintain a record of all Zoning Permits and shall also maintain a log indicating the location(s) and date(s) of all temporary signs for which permits were approved.
- 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 sign standards shall be consistent with the procedures as set forth in Section 16.3 of these Regulations.

### **13.18.2 Signs in Violation**

- A. Without Permits:
  - 1. Signs placed on or within Town Property shall be removed by the ZEO without notice.
  - 2. Signs placed on properties other than Town Property shall be enforced as set forth in Section 16.3 of these Regulations.
- B. With Permits:
  - 1. Applicant shall be notified by mail to remove the sign.
  - 2. If the sign is placed on Town property and is not removed within 48 hours, the ZEO or other designated Town employee, shall remove the sign in accordance with the provisions of the Zoning Permit.

## Section 14. Architectural Design Guidelines

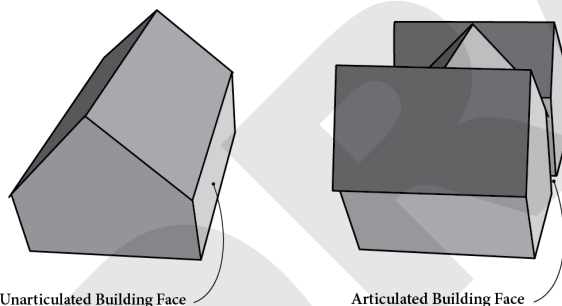
The following guidelines are applicable to all development in the MSD, MQ, and RC Districts and to development in residential districts other than single-family and two-family dwellings. These guidelines are advisory and not compulsory. However, compliance with these guidelines is highly recommended.

### 14.1 Building Design

#### 14.1.1 General Guidance

- A. Buildings are intended to be at a neighborhood scale and of traditional (versus contemporary) architectural style. The height, footprint, overall dimensions, layout, and character of such structures should not suggest a single big-box with long generic undifferentiated walls. Building design should suggest traditional architectural styles such as Colonial, Victorian, Federal, and Georgian styles.
- B. One story buildings are discouraged.
- C. A building may have more than one front; where the building meets the property line at a public street, the primary front should face the street.
- D. Each building front should not exceed 200 feet in length along the street.
- E. Long, large, unarticulated structures should be avoided as they do not add visual interest to the streetscape or surrounding landscapes.
- F. Building structures with a footprint of 5,000 square feet or more should be broken into smaller sections and structures. This may be accomplished via the use of horizontal offsets, bumpouts, cross-gable features, and other architectural features and elements.
- G. Blank wall surfaces greater than 50 feet in length should not be visible from streets or other public areas.

#### 14.1.2 Example of Articulated Building Face



#### 14.1.3 Example of Preferred Building Face Features

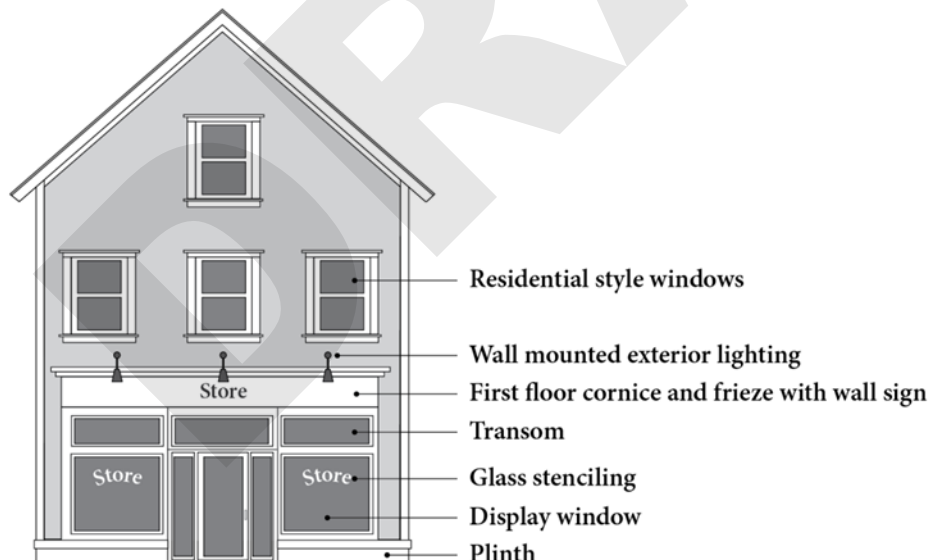


## 14.2 Facade Design

### 14.2.1 General Guidance

- A. Facades should be traditional but demonstrate some variety and complexity. This means that facades should be of traditional materials, but also incorporate elements such as shutters, dormers, gables and cupolas when suited to the overall architecture and building functions.
- B. Buildings at the property line and along the public street should be arranged so that they have a facade along that public way.
- C. Building facades that are greater than 40 feet in length should be broken up, such as with column lines, cornices and bays, changes in roof-lines, staggered front setbacks and other techniques.
- D. All building facades that are visible from a public street should be attractively designed with windows and other architectural elements (such as window sashes, cornices, transoms).
- E. All building facades should be complementary in design and materials.
- F. Street level facades may differ from upper story facades to convey a retail / commercial feel with upper story facades having a residential feel.
- G. Entry doors should be provided for all storefronts/businesses. Exclusive access via an internal corridor is not appropriate.
- H. Upper story windows should not be larger than street level windows; Upper story windows should be residentially scaled.
- I. Windows should be recessed at least one inch from the plane of the wall.
- J. Street level window glazing should be of clear vision glass. Stenciling that does not significantly obstruct vision may be acceptable.
- K. Upper floors above street level may be set back to provide visual interest and to distinguish between street-level commercial uses and upper floor residential uses. Residential balconies may be located in the setback area of an upper floor but should not protrude from the building façade out over the sidewalk or frontage area.

### 14.2.2 Example of Façade Design for a Commercial Building



### 14.3 Building Exteriors

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#### 14.3.1 General Guidance

- A. Traditional materials, or materials that closely resemble traditional materials, are preferred for building exteriors.
- B. Exterior building materials should be high quality materials. Materials should be traditional to New England, such as clapboards and shingles.
- C. Vinyl siding and stucco type Exterior Insulation Finishing Systems (EIFS) are not desirable.
- D. Brick and stone masonry may also be appropriate as accent materials.
- E. Colors should be non-reflective and selected using Colonial or Victorian historic color palettes.
- F. Long term maintenance and durability should be a consideration in the selection of building materials.

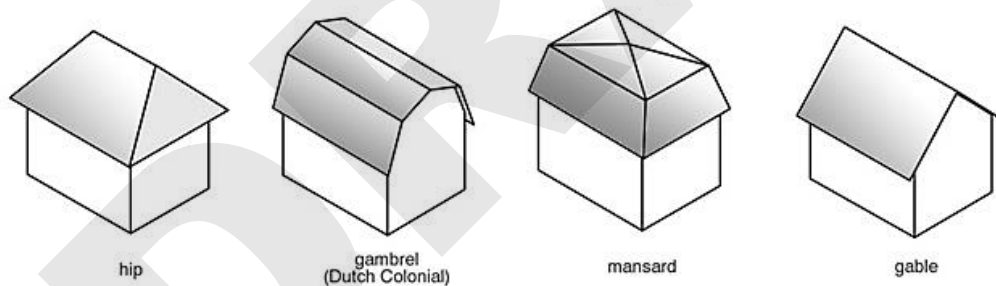
### 14.4 Roof Design

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#### 14.4.1 General Guidance

- A. Roofs should be front gabled, side gabled, gambrel, mansard or hip.
- B. Flat roofs or contemporary shed pitch roofs are not desirable.
- C. Variations in roof lines, pitch and orientation should be used to add visual interest, complement the character of the Town, and break up building bulk and massing.
- D. Dormer windows, gables or other architectural treatments should be used to break up the face of roofs that are steeply pitched or expansive. Flat-roof dormers should be avoided.
- E. Equipment such as HVAC units on the roof should be avoided, but if proposed, should be attractively screened from public view or hidden within the structure of the roof.
- F. If a green roof is proposed, a flat roof may be acceptable although the design of the building and roof should seek to harmonize to the extent feasible with other pitched roof structures in the immediate vicinity.

#### 14.4.2 Acceptable Roof Types



### 14.5 Storefront Awnings

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#### 14.5.1 General Guidance

- A. Awnings are allowed as a means of adding visual interest to the streetscape and to provide protection from the elements.
- B. A single awning spanning the length of single long building wall (e.g. one 100 foot awning) should be avoided.
- C. Awnings should fit the shape of the window or opening that it is affixed to.
- D. Awnings should not hide the façade's primary architectural details.
- E. All window awnings on a single building should be of similar style, using the same type of materials and have the same valance style.



## Section 14. Architectural Design Standards

- F. Fabric awnings are preferred; metal, plastic and vinyl awnings should be avoided.
- G. Awning colors should be coordinated with building colors and among other tenants in the same building. Subtle patterns such as striping are appropriate
- H. Lettering and logos are permitted on the valance or side of awnings: Lettering and logos on the valance should not cover more than 60% of the area of the valance; Lettering and logos on the side should cover no more than 40% of the area of the side. Lettering and logos displayed on an awning will contribute to the total sign allowance for the establishment per Section 13 of these Regulations.
- I. Internally illuminated awnings should be avoided unless the lighting is intended to and designed to illuminate a sidewalk directly under the awning.

### 14.5.2 Example of an Acceptable Storefront Awning



## 14.6 Lighting

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### 14.6.1 General Guidance

- A. Lighting should be at a pedestrian scale and designed to provide security, safety of travel, and aesthetic considerations that are complimentary to the overall site design.
- B. Pole mounted fixtures should be 10 to 14 feet in height and should not be directly powered by an overhead wire. Lower luminance levels with close spacing is preferred over high luminance levels from lighting spaced far apart.
- C. Victorian or other period fixture styles are preferred (modern style light fixtures are undesirable).
- D. Lighting fixtures should be coordinated with the architecture it serves.
- E. Soft, low luminance spotlighting of signs and signature architectural or site features is acceptable.

### 14.6.2 Examples of Acceptable Light Fixtures



# Article IV — Procedures and Administration

## Section 15. Application Procedures and Action

### 15.1 General Procedures

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#### 15.1.1 Applications

Applications shall be:

- A. Submitted to the Woodbury Land Use Office on forms provided;
- B. Accompanied by the appropriate fees as specified in Appendix A except that the Zoning 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.

#### 15.1.2 Statutory Time Frames

For the purposes of calculating statutory time frames for processing applications, the date of receipt of an application to the Zoning Commission, Planning Commission, Zoning Board of Appeals, Historic District Commission, and Inland Wetlands and Watercourses Agency shall be the day of the next regularly scheduled meeting of the respective Board, Commission, or Agency immediately following the day of submission of an application to the Land Use Office or thirty-five (35) days after submission, whichever is sooner.

#### 15.1.3 Review of Applications

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, Zoning Board of Appeals, Historic District Commission, and Inland Wetlands and Watercourses Agency has been received by the respective Board, Commission, or Agency 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.

#### 15.1.4 Multiple Applications

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.

#### 15.1.5 Advisement

The Zoning 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 Zoning Commission for the costs of any consulting review fees and reimburse the Zoning Commission for the cost of such consulting review.

#### 15.1.6 Pre-Application Review

Applicants for a Special Permit may request a pre-application review of a proposed project by staff of the Land Use Office. The Land Use Office may refer the review to the Zoning, Planning, Historic District Commissions

## Section 15. Application Procedures and Action

and/or the Inland Wetlands and Watercourses Agency, on a non-binding basis, as provided by Connecticut General Statutes (CGS) Section 7-159b.

### **15.1.7 Public Hearing**

The Zoning Commission or Zoning Board of Appeals shall hold a public hearing on an application or request for a Special Permit within 65 days of receipt thereof or as otherwise provided in CGS Section 8-7d, 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 CGS Section 8-7d as the same may, from time to time, be amended.

### **15.1.8 Notice of Hearing**

- A. Upon scheduling of a public hearing by the Zoning 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 CGS Section 8-7d as the same may, from time to time, be amended.
- B. Upon the scheduling of a public hearing by the Zoning Commission, 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, 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.
- C. Upon the scheduling of a public hearing by the Zoning 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 CGS 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.
- D. 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 and water company (as applicable) as required by CGS Section 8-3i and shall certify such notice to the Commissioner prior to any action by the Zoning Commission on the application.
- E. 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 CGS Section 8-7d as the same may, from time to time, be amended, concerning any project on a site in which:
  1. A significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site;
  2. 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
  3. Water runoff from the project site shall affect streets or other municipal or private property within the adjoining municipality,

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- F. 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.

### **15.1.9 Special Permit Decision**

A decision on the Special Permit shall be rendered in accordance with the provisions of CGS 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 sixty-five (65) days.

No Special Permit granted shall become effective until a copy of the approval and the final site plan, if required, is recorded in the land records of the Town of Woodbury. The required final site plan shall be certified by the granting body and shall state the name of the owner of record and description of the property.

### **15.1.10 Site Plan Decision**

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 (65) days after receipt of such Site Plan application.

### **15.1.11 Approved Applications**

- A. Any use of land, buildings, and other structures or any construction, reconstruction, enlargement, extension, moving, or structural alteration of buildings or other structures in connection with such use permitted under these Regulations after issuance of a Special Permit or by approval of a Site Plan shall conform to the applicable standards of these Regulations.
- B. No person who has obtained a Site 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 Zoning Commission, without an amendment as provided in these Regulations.
- C. No person who has obtained a Site Plan approval shall violate any condition imposed thereon. Violation of this provision shall be grounds for the Zoning Commission to take legal action as may be required to secure compliance with the Site Plan Approval and the conditions attached thereto. The Zoning Commission may authorize the ZEO to grant minor, non-substantial deviations from the approved Site Plan Approvals.
- D. Substantial changes to an approved Site Plan shall be treated as a new application for approval and shall be submitted and acted upon in accordance with these Regulations.

## Section 16. Permits, Certificates, and Site Plans

### 16.1 Zoning Permits and Certificates of Zoning Compliance

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#### 16.1.1 Requirements

Prior to the issuance of any Zoning Permit or Certificate of Zoning Compliance, the property owner shall provide a Conceptual Site Plan or Site Plan if so required.

#### 16.1.2 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 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 Permit approved by the Zoning Commission and/or the Zoning Board of Appeals pursuant to these Regulations.
- B. For any new single-family dwelling, allowed accessory structure or 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.

#### 16.1.3 Required Approvals

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 with the Zoning Permit application.

- A. The Zoning Commission, at its discretion, may require as a condition of approvals required by the Zoning 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 Zoning Commission's decision.
- B. 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.

#### 16.1.4 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 that 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 Plan Approval, or Special Permit is required under these Regulations.

## **16.2 Special Permits**

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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 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 Permit for the proposed location.

### **16.2.1 Multiple Permits**

Where any use or development application requires more than one Special Permit 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 (CGS).

### **16.2.2 Required Site Plan**

Within 65 days of the Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals granting of any Special Permit, the applicant shall submit the final Site 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 Zoning Commission, except for the depiction of modifications and conditions required by the Zoning Commission in its approval vote. Any Special Permit Site Plan filed in the Town Clerk's Office without the endorsement of the Zoning Commission's or Board's Chairman shall be void.

### **16.2.3 Recording**

In accordance with CGS Section 8-3(d), no variance, or Special Permit issued in accordance with these Regulations shall be effective until a copy thereof, including any plans required by Section 16.7.2 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, or Special Permit, including the Regulation which is varied in its application or to which a Special Permit is granted, and stating the name of the owner of record, is recorded in the land records of the Town of Woodbury.

### **16.2.4 Compliance**

- A. No person who has obtained a Special Permit, Site 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.
- B. No person who has obtained a Special Permit, Site 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 Permit or variance and the conditions attached thereto.
- C. 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 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 Permit.

### **16.2.5 Modifications**

- A. The Zoning Commission or Planning Commission may authorize the ZEO to authorize minor, non-substantial deviations from the approved Special Permits and Site Plan Approvals. Likewise, the Zoning Board of Appeals may authorize the ZEO to authorize minor, non-substantial deviations from approved variances.
- B. Substantial changes to a Special Permit, Site 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.
- C. An approved 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 Permit found to be of a minor nature or which would not substantially alter the 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 Permits which would substantially alter the 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.

### **16.2.6 Waiver of Requirements**

- A. 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 16.7.10 and this Section if it finds the information is not necessary in order to decide on any application for change of use.
- B. The Zoning Commission, Planning Commission, and/or the Zoning Board of Appeals may waive the requirement for a Special Permit where it finds that:
  - 1. One Special Permit use is being substituted for another similar use on the same lot;
  - 2. The new use will require no greater parking or loading than the original, as set forth in Section 1 of these Regulations;
  - 3. The new use shall entail no exterior change to the building or site; and
  - 4. 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 16.7.8 of these Regulations.
- C. 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 Plan filing requirements if all of the following requirements are met:
  - 1. The use will not increase the amount of required parking;
  - 2. 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;
  - 3. The use will not substantially alter the nature of the existing building(s) or other structure(s); and
  - 4. The use will not be inconsistent with the public welfare or impair the integrity of these Regulations.

### **16.2.7 Expiration, Extension, and Enforcement of Approval of Special Permit**

- A. Except in the case of Special Permits approved for staged development, if a building or use for which a 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



## Section 16. Permits, Certificates, and Site Plans

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, at its discretion, on application made before the date any approval expires, extend the expiration date of such Special Permit approval for an additional period of up to two years if it finds that the standards of Section 16.7.8 continue to be met with respect to the proposed development.
- D. 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 Zoning 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.

### 16.2.8 Criteria for Decision

In reviewing the application for a Special 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:
  - 1. The size and intensity of the proposed use, and its relation to existing land use;
  - 2. The capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use;

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3. The overall impact on the neighborhood property values and the special problems of fire and police protection inherent to the proposed use;
  4. The preservation of the character of the neighborhood in terms of scale, density and intensity of use, architectural character, and similar factors;
  5. The availability of adequate sewage disposal, water supply, storm water disposal systems, and other special burdens on utilities which the use may entail; and
  6. 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:
1. 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.
  2. 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.
  3. Consideration shall be given to the architectural design of buildings and the preservation of the character of the neighborhood.
  4. Consideration shall be given to the preservation and enhancement of existing topographic and/or vegetative buffers between adjoining properties.

### 16.2.9 Conditions and Safeguards

In granting a Special 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 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 Zoning 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 Zoning Commission and/or Board and may be made additional requirements and conditions of the permit granted.

### 16.2.10 Application Requirements

The following shall be required for an application for a Special Permit:

## Section 16. Permits, Certificates, and Site Plans

- A. Application Form: Four copies of a completed application form, including a written statement describing the proposed use.
- B. Plans: 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.
  - 1. A Site Plan as required by Section 16.1 or 16.2.
  - 2. 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.
  - 3. 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 Plan.
  - 4. An interior floor plan.
- C. Agency Approval: 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. Traffic Study: 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 the following data and information:
  - 1. Existing and projected average daily vehicle trips on nearby roads; peak hour traffic; assessment of the traffic impact of the proposed development including traffic generation data;
  - 2. The location of existing roads and driveways within 1,000 feet of the development site, traffic lights and intersections, existing roadway capacity; the adequacy of rights of ways and traveled ways; traffic crash history; and
  - 3. Recommendations for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians.
  - 4. Where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation.
- E. Traffic Circulation Plan: A traffic circulation plan demonstrating adequacy of turning radii, driveway widths, queueing lanes, and options for interconnectivity with adjacent properties shall be provided. This plan shall include information for all types of vehicles anticipated to use the site, including delivery trucks, garbage trucks and emergency vehicles.
- F. Pedestrian Circulation Plan: A pedestrian circulation plan demonstrating 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 public streets adjacent the development lot.
- G. LID Requirements: A narrative outlining the Low Impact Development (LID) Techniques that have been incorporated into the site 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.

- H. Additional Requirements: 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.

### **16.3 Conceptual Site Plans**

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A Conceptual Site Plan shall comply with the following:

#### **16.3.1 Format**

- A. In addition to the paper copies required by these Regulations, a Conceptual Site Plan shall be provided in electronic form (PDF).
- B. A Conceptual Site Plan shall be drawn to a scale of not less than 1" = 100'.
- C. The Conceptual Site Plan may be based on a lot plan as available from the Town of Woodbury Assessor's Office or as available from the Town of Woodbury Geographic and Property Information website and mapping tool. A high quality aerial photograph (as available from Google Earth or a comparable source), no more than five years old, may also be used as a base map. A Class A-2 survey may be used but is not required.

#### **16.3.2 Required Information**

A Conceptual Site Plan shall include, at a minimum, the following information on one or more maps and accompanying documents as appropriate.

- A. 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.
- B. Date, scale, north point, town, state, assessor's map and lot number.
- C. Name, address, and signature of the individual(s) responsible for preparing the plan.
- D. Existing and proposed property and street lines; adjoining property and street lines; existing structures within a distance of 100 feet from the property proposed for development; and the names of all property owners, within a distance of 100 feet, as shown on the current records of the Tax Assessor.
- E. Existing water courses and streams whether intermittent or continuously flowing and the location and limits of all swamps, floodplains, 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.
- F. Existing and proposed permanent buildings and structures.
- G. 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.
- H. Town boundary lines, existing zoning district boundaries, and any proposed zoning district boundary lines.
- I. Existing and proposed paved areas, curbs, and sidewalks.
- J. An outline of all existing and proposed deed restrictions or covenants applying to the property.

## 16.4 Site Plans

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A Site Plan shall comply with the following:

### 16.4.1 Format

- A. In addition to the paper copies required by these Regulations, a Site 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.
- B. A Site 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.

### 16.4.2 Waiver of A-2 Accuracy Requirement

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 Zoning 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:

- A. The subject property shall consist of a minimum of 50 contiguous acres;
- B. The use shall not involve the use of a building or buildings;
- C. 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
- D. Proposed uses shall not be conducted within 50 feet of a property line.

### 16.4.3 Required Information

A Site Plan shall include, at a minimum, the following information on one or more maps and accompanying documents as appropriate.

- A. 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.
- B. Date, scale, north point, town, state, assessor's map and lot number.
- C. Name, address, professional seal or stamp and signature of the individual(s) responsible for preparing the plan.
- D. General location map showing the location of the site in relation to existing Town roads at a scale of 1" = 1,000'.
- E. 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.
- F. 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, floodplains, 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.
- G. 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.
- H. Existing and proposed permanent buildings and structures.

Section 16. Permits, Certificates, and Site Plans

- I. 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.
- J. 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.
- K. The proposed width of all streets, rights-of-way, and easements; the proposed width and area of all pavement areas.
- L. Existing and proposed monuments; municipal boundary lines; the zoning district; and any zoning district boundary lines.
- M. 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.
- N. Spot elevations on both existing and proposed roads, drives, and parking areas to indicate tentative grading.
- O. 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.
- P. Existing wells and septic systems within 100 feet of a property line on adjoining properties.
- Q. An outline of all existing and proposed deed restrictions or covenants applying to the property.
- R. Identification of soils as indicated in the Soil Survey of Litchfield County or as delineated in the field by a certified soils scientist.
- S. Erosion and sediment control plan.
- T. Drainage and runoff control plan.
- U. Landscaping plan.
- V. Lighting plan.
- W. Final Site Plans required to be submitted on mylar shall include the following signature block:

<b>Approved by the Woodbury Zoning Commission</b>	
<b>Final Approval</b>	
Chairman/Secretary _____	Date: _____
Signature _____	
Expiration Date for Completion of Construction in Accordance with Site Plan Approval: _____	

## **16.5 Certificates of Occupancy and Building Permits**

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### **16.5.1 Certificate of Occupancy**

- A. 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 by the ZEO.
- B. 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.

### **16.5.2 Building Permits**

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 Permit, Zoning Permit, or variance issued in accordance with these Regulations.

### **16.5.3 Compliance**

- A. During the course of construction, the Building Official and the ZEO shall ensure continued compliance with these Regulations, and any Special Permit, Site Plan Approval, or variance, including, but not limited to, any erosion control plan approved by the Zoning 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.
- B. Any construction activity which is found to be in violation of these Regulations or any Special Permit, Site 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 Permit, Site Plan Approval, or variance.

## **16.6 Inland Wetlands and Watercourses Permit**

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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 "Permit" as defined in said Inland Wetlands and Water Courses Regulations.

## **16.7 Certificate of Compliance for First Divisions and Lot Line Revisions**

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### **16.7.1 Requirement for Certificate**

To ensure conformance with Section 1.3.1.A 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.

### **16.7.2 Issuance of Certificate**

The ZEO is authorized to issue such Certificate of Compliance subject to the submission and approval of the following information as deemed necessary to determine compliance with applicable State Statutes and municipal regulations.

- A. Written authorization from all property owners.
- B. A survey map prepared to A-2 standards and suitable for recording on the Woodbury Land Records showing existing and proposed property lines as well as any wetlands affected existing or proposed development and including lot area calculations demonstrating conformance to these Regulations.

## Section 16. Permits, Certificates, and Site Plans

- C. 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.
- D. 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.
- E. If to be served by septic systems, a copy of approval by the appropriate health authority for the proposed new or altered lot.

### **16.7.3 Recording**

An approved Certificate of Compliance shall be recorded on the Woodbury Land Records with the filing of any revised land record.

### **16.8 Special Permit for Quarry Operations in Earth Excavation District**

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See Section 7.10 of these Regulations.

### **16.9 Flood Plain Permit**

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See Section 8.10.5 of these Regulations.



## Section 17. Administration and Enforcement

### 17.1 Fees

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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 A and posted in the Land Use Office pursuant to Town Ordinance, as may be amended from time to time.

### 17.2 Enforcement

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#### 17.2.1 Zoning Enforcement Officer(s) (ZEO)

These Regulations shall be administered and enforced by such ZEO or Officers as the Zoning 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 Selectperson of the Town of Woodbury no less than 6 weeks prior to the expiration of such authority.

#### 17.2.2 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.

#### 17.2.3 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 Zoning Commission Clerk for inclusion on the next agenda.

#### 17.2.4 Enforcement Action

The ZEO will determine the priority of possible zoning enforcement actions and deal with them accordingly as follows:

- A. Possible violations that pose immediate danger to the public health, safety and general welfare of the community.
- B. Possible violations related to grading of land, the removal of earth or soil erosion and sediment control.
- C. Possible violations related to development projects that are in the construction phase.
- D. Proactive enforcement programs initiated by the Zoning Commission.
  1. Reactive or complaint-based enforcement programs.
  2. Those associated with neighbor/civil disputes will receive the lowest priority.

#### 17.2.5 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 Zoning Commission determine to move forward with enforcement, the ZEO, upon instruction from the Zoning 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 Zoning Commission at its next regular meeting.

#### **17.2.6 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 Zoning Commission's decision regarding the length of the grace period.

#### **17.2.7 Expiration of Grace Period**

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 Zoning Commission may extend the grace period for up to an additional 30 days.

#### **17.2.8 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 Zoning 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 Zoning Commission shall provide the violator with no more than 30 days to correct the violation. This is an order to correct the zoning violation.

#### **17.2.9 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.

#### **17.2.10 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 (CGS), including any municipal fines as authorized by ordinance in accordance with CGS Section 8-12a.

#### **17.2.11 Remedy Through the Courts**

The Zoning 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.

### **17.3 Amendments to Zoning Regulations and Zoning Map**

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These Regulations and the Zoning District Map may be amended, changed, or repealed and Districts may be established, changed, or eliminated in the manner provided by the Connecticut General Statutes (CGS) either on the initiative of the Zoning Commission or after receipt of a petition.

#### **17.3.1 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 Zoning 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.
- G. The Zoning 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 Zoning Commission or a court decision on an earlier petition regarding the same parcel(s).

#### **17.3.2 Procedures for District Changes and Amendments to Regulations.**

- A. Any proposed changes to zoning district boundaries or these Regulations shall be considered by the Zoning Commission following the procedures provided in CGS Section 8-3.
- B. When any district boundary changes are proposed by the Zoning Commission, the Commission shall provide notice in accordance with Section 15.1.8.B of these Regulations.
- C. When any district or regulations changes are proposed by petition, the petitioner shall provide notice in accordance with Section 15.1.8.B of these Regulations.

### **17.4 Bonds**

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#### **17.4.1 Performance Bonds**

- A. To ensure that a proposed development, excluding buildings, conforms to an approved Special Permit 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:
  - 1. A cash bond;
  - 2. A savings bank deposit book;
  - 3. An irrevocable letter of credit; or

## Section 17. Administration and Enforcement

4. Any other form of surety that the Zoning Commission deems acceptable.
- C. The amount of the performance bond shall be established by the Zoning Commission. Applicants shall furnish the Zoning 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 Zoning 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 Zoning 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 Zoning Commission:
  1. As-built plans and survey of the improvements, sealed by a land surveyor licensed to practice in the State of Connecticut;
  2. Certification of accurate monument location (supplied by a land surveyor licensed to practice in the State of Connecticut);
  3. Easements in a form satisfactory to Town Counsel including a written geometric description of all such easements; and
  4. 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 Zoning Commission and other appropriate town departments. In addition, a maintenance bond covering all site improvements completed for the development may be required by the Zoning Commission prior to the release of any performance bond. If the improvements are not installed as required, the Zoning Commission is under no obligation to accept the work. The Zoning Commission may recommend to the Board of Selectmen that the bond be declared defaulted and take the necessary action to call the bond.

### **17.4.2 Maintenance Bonds**

- A. When required by the Zoning 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.
- B. 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.
- C. 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.

### **17.4.3 Completion of Work**

Failure to complete all work associated with an application approved by the Zoning 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 Zoning 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.

## **17.5 Zoning Board of Appeals**

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### **17.5.1 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.

### **17.5.2 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.

### **17.5.3 Hardship 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.

### **17.5.4 Variances Reducing a Non-Conforming Use**

The Zoning Board of Appeals may grant a variance to allow changes or improvements, not otherwise permitted by these Regulations, to a nonconforming structure or use provided that the proposed variance will effectively allow for a reduction in the nonconformity and providing that the changes or improvements allowed by the variance are not inconsistent with the Town of Woodbury Plan of Conservation and Development.

### **17.5.5 Special Permits**

Upon the filing and processing of an application in accordance with Section 17.5.5 below, of these Regulations, the ZBA shall have the authority to issue a Special Permit for the change of a nonconforming use, as defined in Section 1.4.4, to another nonconforming 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:
  1. The character of any structure;
  2. The location and character of proposed activities, equipment, products, services, and operations, as applicable; and
  3. The proposed signage, lighting, noise, dust, refuse, odor, and hours of operation, and traffic.

### 17.5.6 Applications

The following requirements and procedures shall apply to any applications filed with the Zoning Board of Appeals under these Regulations.

- A. 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.
- B. 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.
- C. Each application for a Special Permit shall provide:
  1. Historic use information and documentation,
  2. Site plans and drawings depicting current and proposed use at scale and in sufficient detail to describe the proposal,
  3. Documentation of intent to continue a nonconforming use, and
  4. Such other information as the ZBA may determine necessary.
- D. 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 Permit under this Section 17.4, or any other information listed in Sections 16.7.10 and 16.1 of these Regulations.
- E. All appeals and applications made to the ZBA shall be accompanied by the appropriate fee as specified in Appendix B of these Regulations.
- F. 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.
- G. The ZBA shall hold a public hearing on any appeal, request for variance, or Special Permit application, in accordance with the procedures of Section 15 of these Regulations.

# Appendix A. Fee Schedule

## General

1. **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.
2. **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.
3. **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.
4. **Town of Woodbury Fee Waiver:** No fee shall be charged for any application submitted by or on behalf of the Town of Woodbury.
5. **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.
6. **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.
7. **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.
8. **State Surcharge:** A \$60.00 State of Connecticut mandated surcharge shall be applied to applications as noted in the fee schedule, 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.
9. **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.

Appendix A. Fee Schedule

**Zoning Permit Fees for Construction** (all exempt from State Surcharge)

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	\$25
\$2,501	\$5,000	\$50
\$5,001	\$25,000	\$100
\$25,001	\$50,000	\$200
\$50,001	\$100,000	\$250
\$100,001	\$200,000	\$300
\$200,001	\$500,000	\$350
\$500,001	\$750,000	\$400
\$750,001	\$1,000,000	\$550
\$1,000,001	And up	\$600 plus \$50 for each \$100,000 or portion thereof over \$1,000,000

**Other Zoning Permit Fees** (all exempt from State Surcharge)

Sign Fee	\$50
Home Occupation Fee	\$50
Accessory Apartment Fee	\$100
Change of Use (no construction costs)	\$50
Temporary Use Fee	\$50
Mobile Food Unit Fee	\$250 (initial fee) \$100 (annual renewal)
Certificate of Zoning Compliance	\$250



Appendix A. Fee Schedule

**Zoning Commission Fees** (All stated fees are subject to a \$60 State Surcharge.)

Special Permit Application Fee	\$250
Conceptual Site Plan or Site Plan Approval Application Fee (based on the estimated cost of construction as determined by Land Use Department staff in accordance with the schedule at right)	Up to \$100,000 cost of construction: \$150 Plus \$150 for each additional \$100,000 or portion thereof cost of construction.
Site Plan Approval Application Fee for Change of Use (no construction/no public hearing required)	\$150
Minor Modification of Special Permit or Site Plan (No Public Hearing Required)	\$150
Special Permit for Quarry Operation Application	\$550
Special Permit Renewal for Quarry Operation	\$550 plus \$10/1,000 projected cubic yards of earth material to be excavated during permit term
Application to Amend the Zoning Regulations	\$300
Application to Amend the Zoning Map	\$300
Floodplain Permit	\$100

**Zoning Board of Appeals Fees** (All stated fees are subject to a \$60 State Surcharge.)

Request for Variance	\$200
Appeal of the Decision of the Zoning Enforcement Officer	\$100