

ZONING REGULATIONS



TOWN OF WATERTOWN PLANNING & ZONING COMMISSION

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Watertown Zoning Regulations

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ARTICLE I - GENERAL PROVISIONS

SECTION 1 - INTENT AND PURPOSE

The Planning and Zoning Commission of the Town of Watertown, Connecticut, hereby adopts these Regulations in accordance with the purposes, authority and requirements of the General Statutes of the State of Connecticut, for the following intent and purpose:

- 1.1 To guide the future growth and development of the Town in accordance with a Plan of Conservation and Development designed to represent and promote the most beneficial and convenient relationships among the residential, commercial, industrial and public areas within the Town, considering the suitability of each area for such uses as indicated by existing conditions, trends in development and changing modes of living, and having due regard for the use of land, building development and economic activity, both within and adjacent to the Town;
- 1.2 To promote and protect the public health, safety, general welfare, convenience, and property values;
- 1.3 To provide adequate light and air;
- 1.4 To prevent the overcrowding of the land and to avoid undue concentration of population;
- 1.5 To secure safety from fire, panic, flood and other dangers;
- 1.6 To protect and conserve the character, the environment and the social and economic stability of all parts of the Town and to encourage the orderly and beneficial development of the Town;
- 1.7 To protect and conserve the value of land and buildings throughout the Town, appropriate to the various zones established by these Regulations;
- 1.8 To bring about the gradual conformity to the uses of land and buildings throughout the Town to the adopted Plan of Conservation and Development and to minimize conflicts among the uses of land and buildings;
- 1.9 To promote the most beneficial relationship of streets and traffic circulation throughout the Town and the arrangement of land uses, having particular regard for the minimizing of congestion in the streets and the promotion of safe and convenient vehicular and pedestrian access appropriate to the various uses throughout the Town;
- 1.10 To provide a guide for public policy and action in the efficient provision of public facilities and services, and for private enterprise in building development, investment and other economic activity relating to uses of land and buildings throughout the Town;
- 1.11 To assure that development takes place in an amount commensurate with the availability

and present and future capacity of public facilities and services, thereby facilitating adequate provision for transportation, water, sewerage, schools, parks, recreation, open space and other public requirements;

- 1.12 To prevent the pollution of watercourses and wetlands, safeguard the water table and public surface and ground drinking water supply and on the operation to collect spring water or well water, avoid hazardous conditions and damage resulting from storm water runoff and flooding, encourage the appropriate use and sound management of natural resources throughout the Town, have proper provision for soil erosion and sediment control, and conserve the Town's natural beauty and topography;
- 1.13 To consider the development of housing opportunities for all citizens of the Town, including cluster development, consistent with soil types, terrain, and infrastructure capacity;
- 1.14 To have reasonable consideration for the impact on agriculture;
- 1.15 To protect historic factors; and
- 1.16 To encourage energy efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation.

[Section 1 amendments effective May 28, 2010]

ARTICLE I - GENERAL PROVISIONSSECTION 2 - CERTIFICATE OF ZONING COMPLIANCE

- 2.1 Certificate Required: No structure or land, or part thereof, shall hereafter be occupied or used, or changed to another use, in whole or in part, until a Certificate of Zoning Compliance therefor shall have been issued by the Zoning Enforcement Officer. Such Certificate shall state that the structure or premises, or part thereof, and the proposed use thereon, are in complete conformity with all requirements of these Regulations.
- 2.2 Application and Approval: Within ten days of the receipt of a request for a Certificate of Zoning Compliance submitted by an applicant, the Zoning Enforcement Officer shall issue such Certificate if he determines that all requirements of these Regulations, including any additional limitations or conditions attached to any approved Special Permit, Site Plan or variance, have been complied with. In the event there is non-compliance, the Zoning Enforcement Officer shall refuse to issue the Certificate and shall state his reasons therefor in the records, with a copy thereof to be immediately forwarded to the applicant. No application for a Certificate of Zoning Compliance shall be accepted for a structure or use unless the street upon which the lot fronts has been constructed and completed in accordance with Town standards, or is a street in an approved subdivision which has been properly bonded in accordance with Town subdivision regulations.
- 2.3 Continued Conformity Required: A Certificate of Zoning Compliance is required for occupancy and use of the structure or land to which it applies. It shall continue in effect as long as such structure or land, and the use thereof, is in full conformity with the provisions of these Regulations and any requirements made pursuant thereto. On the serving of notice by the Zoning Enforcement Officer of any violation of any of the said provisions or requirements in respect to any structure or land, or the use thereon, the Certificate shall thereupon become null and void, and a new Certificate shall be required for any further occupancy or use of such structure or land. Any change of use, either new or a return to a previous use, shall require a new Certificate.
- 2.4 Records: The Zoning Enforcement Officer shall maintain a record of all Certificates of Zoning Compliance. Upon request and the payment of a fee, a copy of the Certificate shall be furnished to any person having a propriety or agency interest in the property affected. Upon written request from the owner and payment of fee, the Zoning Enforcement Officer, after inspection and verification, shall issue a Certificate of Zoning Compliance for any building or premises existing at the time of enactment of these Regulations, certifying that the extent and kind of use and disposition conforms to the provisions of these Regulations.

ARTICLE I - GENERAL PROVISIONS

SECTION 3 - ESTABLISHMENT OF ZONING DISTRICTS

3.1 Establishment of Districts - The Town of Watertown is hereby divided into the following types of Zoning Districts for the purpose of implementing the Town's adopted Plan of Development, and in recognition of the character, type, location and extent of existing development within the Town. **Additional map codes within the Watertown Fire District are described in Section 83.3.1**

<u>Districts</u>	<u>Map Code</u>
Residence R-90 District	R-90
Residence R-70 District	R-70
Residence R-30 District	R-30
Residence R-12.5 District	R-12.5
General Residence R-G District	R-G
Planned Community Development	PCD
Residential Transition – Professional Office District	RT
Age Restricted Housing Development (4 to 10 acres)	ARHa
Age Restricted Housing Development (150 to 200 acres)	ARHb
Aquifer Protection Zone	APZ
Aquifer Protection Level ‘A’ Area	APA
Central Business B-C District	B-C
Local Business B-L District	B-L
Medical and General Business B-MG District	B-MG
Shopping Center Business B-SC District	B-SC
General Business B-G District	B-G
Route 262 Planned Commercial District	B-PCD262
General Industrial IG-80 District	IG-80
Restricted Industrial IR-80 District	IR-80
Restricted Industrial IR-200 District	IR-200

ARTICLE I - GENERAL PROVISIONS

SECTION 4 - ZONING MAP

- 4.1 Map: The boundaries of the districts specified in Section 3 are hereby established as shown on a map entitled: "Zoning Map of the Town of Watertown, Connecticut", dated December 15, 1993, as revised, including any special maps and boundary description supplementary thereto and any amendments thereto, which map is hereby declared to be a part of these Regulations and is herein referred to as "Zoning Map".
- 4.2 Interpretation of Zone Boundaries - In interpreting the boundaries of zoning districts as shown on the Zoning Map, the following rules shall apply:
- 4.2.1 Boundaries indicated as abutting the right-of-way lines of streets, highways or alleys shall be construed to extend to the center line of such streets, highways, or alleys, and the areas of such rights-of-way shall be considered within the zoning district delineated by the boundaries.
 - 4.2.2 Boundaries indicated as approximately following plotted lot lines shall be construed to follow such lot lines as shown on the Town Assessor's maps or official A-2 survey data.
 - 4.2.3 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 - 4.2.4 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 to move with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, or other watercourses shall be construed to follow such center line.
 - 4.2.5 Boundaries indicated as parallel to or extensions of features indicated in subsections 4.2.1 through 4.2.4 above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
 - 4.2.6 In cases of uncertainty as to the location of boundaries of zoning districts, the Commission shall determine the location of the boundary.
- 4.3 Lots in More Than One Zoning District: Where a lot of record existing as of the date of adoption of these Regulations lies in more than one zoning district, a use permitted in one district may be extended on the same lot into the other district, provided that:
- 4.3.1 Such use shall not extend more than 25 feet into the other district;
 - 4.3.2 Such use shall not occupy more than 25% of the area of that portion of the lot in the other district; and
 - 4.3.3 The extension of a use from a more restrictive district into a less restrictive district shall require a Special Permit from the Commission.

ARTICLE I - GENERAL PROVISIONS

SECTION 5 - LANGUAGE AND DEFINITIONS

- 5.1 General Construction of Language: In the construction of these Regulations, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. When a question arises as to the expressed intent and purpose of a definition, the Commission, by resolution, shall determine its meaning.
- 5.1.1 Words used in the singular may include the plural, and the plural the singular; words used in the present tense may include the future tense.
 - 5.1.2 The word "shall" is mandatory and not discretionary.
 - 5.1.3 The word "may" is permissive.
 - 5.1.4 The word "lot" shall include the words "piece" and "parcel".
 - 5.1.5 The words "zone", "zoning district", and "district" shall have the same meaning.
 - 5.1.6 The phrase "used for", shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for" and vice-versa.
 - 5.1.7 The phrase "these Regulations" shall refer to the entire Zoning Regulations of the Town of Watertown.
 - 5.1.8 The word "Section" shall refer to a section of these Regulations, unless otherwise specified.
 - 5.1.9 The word "person" shall include any individual, firm, partnership, corporation, association, organization or other legal entity.
 - 5.1.10 The word "building" shall include the word "structure", and any part thereof.
 - 5.1.11 The word "built" shall include the words "erected", "constructed", "reconstructed", "altered", "enlarged", or "occupied".
 - 5.1.12 The word "premises" shall include land and buildings thereon.
 - 5.1.13 The "Town" means the Town of Watertown, Connecticut.
 - 5.1.14 The "State" means the State of Connecticut.
 - 5.1.15 The "Commission" means the Planning and Zoning Commission of the Town of Watertown, unless otherwise specified.

- 5.1.16 The abbreviation "ZBA" means the Zoning Board of Appeals of the Town of Watertown.
- 5.1.17 The abbreviation "ZEO" means the Administrator for Land Use / Zoning Enforcement Officer of the Town of Watertown. [Effective May 28, 2010]
- 5.1.18 Any agency, commission, board or department is that of the Town of Watertown, unless otherwise specified.
- 5.1.19 The word "original" means the conditions existing at the effective date of these Regulations.
- 5.1.20 Words which are specifically masculine or feminine shall be interpreted as interchangeable.
- 5.1.21 The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designated to be used or occupied", unless the natural construction of the sentence indicates otherwise.
- 5.1.22 All distances shall be measured horizontally unless otherwise indicated.
- 5.1.23 The term "Town Engineer" means the Town Engineer and/or Director of Public Works of the Town of Watertown or their duly authorized representative.
- 5.1.24 The term "General Statutes" means the General Statutes of the State of Connecticut as it may be amended from time-to-time.
- 5.1.25 The terms "Architect", "Landscape Architect", "Surveyor", "Land Surveyor", "Engineer", "Professional Engineer", "Civil Engineer", "Land Engineer" or "Soil Scientist" refers to that specific professional registered and licensed to do business in the State of Connecticut.

5.2 Definitions

- 5.2.1 **ACCESSORY ADULT USE:** An establishment having less than 10% of its stock in trade in books, magazines, videotapes, adult materials used for sexual stimulation or display, films for sale or rent or for viewing on premises by use of motion picture devices or any other coin operated means, and other printed materials which are distinguished or characterized by their emphasis on matter depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".
- 5.2.2 **ADULT BOOKSTORE:** An establishment having more than 10% of its stock in trade, books, magazines, adult materials used for sexual stimulation or display or films for sale or viewing on premises by use of motion picture

devices or any other coin operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".

- 5.2.3 **ADULT DAY CARE CENTER:** An establishment which offers or provides a program of supplementary care for adult persons outside their own home for a part of the 24 hours in one or more days in the week.
- 5.2.4 **ADULT ENTERTAINMENT CABARET:** A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators, or similar entertainers, or acts relating to "Specified Sexual Activities" or "Specified Anatomical Areas", for observation by patrons therein.
- 5.2.5 **ADULT MINI-MOTION PICTURE THEATER:** An enclosed building with a capacity for less than 50 persons used regularly and routinely for presenting materials having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
- 5.2.6 **ADULT MOTION PICTURE THEATER:** An enclosed building with a capacity for 50 or more persons used regularly and routinely for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
- 5.2.7 **ADULT PHYSICAL CULTURE ESTABLISHMENTS:** An establishment, club, or business by whatever name designated which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, baths or other similar treatment to members of the opposite sex, except for activities which are excluded below and therefor are not an adult physical culture establishment:
- a. Treatment by a licensed chiropractor, a licensed osteopath, a Connecticut licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;
 - b. Electrolysis treatment by a licensed operator of electrolysis equipment;
 - c. Hospitals, nursing homes, medical clinics or medical offices;
 - d. Barbershops or beauty parlors which offer massage to the scalp, the face, the neck or shoulders only;
 - e. Athletic facilities of an educational institution including alumni club, or of a philanthropic or charitable institution; and
 - f. Health establishments including commercial and non-commercial clubs, which are equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical

exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.

- 5.2.8 **ADULT VIDEO STORE:** An establishment having more than 10% of its stock in trade, videotapes or films for sale or rent or for viewing on premises by use of motion picture devices or any other coin operated means, and other printed materials which are distinguished or characterized by their emphasis on matter depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".
- 5.2.9 **AFFORDABLE HOUSING:** Dwelling units reserved for sale or rental to persons and families whose income is less than or equal to the maximum income level permitted by Section 8-30(a)(1)(B) of the General Statutes. The units of affordable housing shall be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in Section 8-39a of the General Statutes.
- 5.2.10 **AGE RESTRICTED HOUSING DEVELOPMENT:** A Planned Residential Housing Development wherein 100% of all of the dwelling units located therein are occupied by at least one person of the age 55 years or older ("the age qualified person"). No individual who has not attained the age of 21 years may be domiciled within the unit, for more than 30 days within a calendar year. Any person who is permitted to and did occupy a unit with an age qualified person may continue to occupy the unit, after the death of such age qualified person, or if such age qualified person becomes a permanent resident of a health care facility. An AR-PRD is designated to meet the needs and requirements of an active adult community. The community shall qualify as "housing for older persons" described in the "Fair Housing Act" except that (unless allowed by the proviso above) each unit shall have at least one resident age 55 or older. The above age restrictions shall be verified on an annual basis in writing by the Association. (Amendment adopted 12/07/2005 effective 01/04/2006)
- 5.2.11 **ALTERATION:** As applied to a building or structure: (1) a change or rearrangement in the structural parts; (2) an enlargement or reduction, whether horizontally or vertically; or (3) the moving from one location or position to another.
- 5.2.12 **ANTENNA:** A device used to collect, transmit and/or receive electro-magnetic transmissions or radio signals. Examples include panels, microwave dishes and single pole devices. (Effective Date 9/25/1998)
- 5.2.13 **AQUIFER:** A geologic unit capable of yielding usable amount of potable water.
- 5.2.14 **AQUIFER PROTECTION ZONE:** An area designated on the map entitled "Watertown Planning and Zoning Commission Aquifer Map" as a primary

recharge area for an aquifer yielding usable amounts of water for existing or potential water supplies.

- 5.2.15 **AREA OF SPECIAL FLOOD HAZARD:** Land in the floodplain subject to a one percent or greater chance of flooding in any given year.
- 5.2.16 **AUTOMOTIVE REPAIR AND SERVICE FACILITY:** Any building, place or location primarily providing automotive repairs or installation of automotive-related components, including but not limited to mufflers, transmissions, brakes, lubrication, body work, and sound systems.
- 5.2.17 **BASE FLOOD:** The flood having a one percent chance of being equaled or exceeded in any given year, also called the "100 year storm". Also see definition for FLOODPLAIN, 100 YEAR.
- 5.2.18 **BASE FLOOD ELEVATION:** Elevation of the base flood as recorded on the Flood Insurance Rate Map and Flood Insurance Study.
- 5.2.19 **BASEMENT:** A portion of a building located partly underground but having less than one-half of its clear floor-to-ceiling height below the average finished grade of the adjoining ground and with a floor-to-ceiling height of not less than seven feet.
- 5.2.20 **BED AND BREAKFAST ACCOMMODATIONS:** An establishment offering transient lodging accommodations to the general public operated by a resident manager, with a maximum of six (6) guest rooms, with the serving of meals limited to breakfast for guests.
- 5.2.21 **BED AND BREAKFAST INN ACCOMMODATIONS:** An establishment offering transient lodging accommodations to the general public, in historic or architecturally significant buildings, to be operated by a resident owner, with a maximum of twelve (12) guest rooms with the serving of meals limited to breakfast for guests.

The resident owner must reside on the premises either in the inn building or in an adjacent building and shall have no less than 51% ownership of the subject real estate at the time of the application and throughout the duration of the special permit.

Road frontage and access is required on a State of Connecticut highway. A Bed and Breakfast Inn cannot be located within two miles of another Bed and Breakfast Inn. (Amendment Effective 3/29/2002)

- 5.2.22 **BIKEWAY:** A path for non-motorized bicycles. (Amendment Effective 11/14/2008)

- 5.2.23 **BUFFER, BUFFER AREA OR BUFFER STRIP:** A strip of land free of any building, structure or use other than natural woody growth, landscaping, fencing or screening designed to shield or block noise, lights or other annoyances.
- 5.2.24 **BUILDING:** A structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any persons, animals or chattel.
- 5.2.25 **BUILDING, ACCESSORY;** A building subordinate to the principal building on the same lot, and used for purposes customarily incidental to that of said principal building.
- 5.2.26 **BUILDING COVERAGE:** The percentage of the total area of the lot covered by the ground floor area of all buildings and structures thereon, both principal and accessory, measured by the exterior dimensions of such building, including cantilevered areas.
- 5.2.27 **BUILDING HEIGHT:** The vertical distance to the level of the highest point of the roofs surface if the roof is flat, or to the mean level between the eaves and the highest point of the roof if any other type, measured from the average elevation of the finished grade adjacent to the exterior walls of the building. Where such finished grade is established by filling, however, its average elevation shall not be taken to be more than five feet above the average elevation of the outer perimeter of required yard spaces around the building. In no case, shall the height of a structure exceed ten feet from the lowest ground level adjacent to the structure to the highest point of the roof.
- 5.2.28 **BUILDING, PRINCIPAL:** A building in which is conducted the primary or principal use of the lot on which said building is situated. Any building containing over 750 sq. ft. of GFA shall be considered a principal building.
- 5.2.29 **CANTILEVER:** Any part of a structure projecting horizontally for more than three feet from the structure and anchored at one end only.
- 5.2.30 **CELLAR:** A portion of a building located partly or wholly underground and having one-half or more of its clear floor-to-ceiling height below the average finished grade of the adjoining ground.
- 5.2.31 **CERTIFICATION:** Approval by the Commission or its designated agent, of a Soil Erosion and Sediment Control Plan complying with the applicable requirements of these Regulations.
- 5.2.32 **CHANGE OF USE:** Any proposed use permitted by right which substantially differs from the existing use of a building, structure or lot, by having different zoning requirements or is otherwise categorized differently in the zoning

regulations.

- 5.2.33 **CHANNEL ENCROACHMENT LINES:** Lines established along any waterway or flood-prone area, in accordance with Section 22a-342 of the General Statutes, by the Commissioner of Environmental Protection, beyond which, in the direction of the waterway or flood-prone area, no obstruction shall be placed unless authorized by said Commissioner.
- 5.2.34 **CHILD DAY CARE CENTER:** An establishment which offers or provides a program of supplementary care to more than 12 related or unrelated children outside their own home: on a regular basis for a part of the 24 hours in one or more days in the week, as per General Statutes.
- 5.2.35 **CLEAN FILL:** Is materials as defined in section 22a-209-1 of the Regulations of Connecticut State Agencies (“R.C.S.A.”), but excluding asphalt paving fragments and materials containing asbestos. Clean Fill includes (1) natural Soil; (2) rock, brick, ceramics, and concrete, which are virtually inert and pose neither a pollution threat to ground or surface waters nor a fire hazard; and/or (3) Polluted Soil of the type defined in subsection (45) of subsection (a) of section 22a-133k-1 of the R.C.S.A., which Polluted Soil has been treated to reduce the concentration of pollutants to a level which does not exceed the applicable pollutant mobility criteria (typically groundwater and the environment) and the direct exposure criteria (typically human contact). These criteria are as established in R.C.S.A section 22a-133k-1 through 22a-133 k-3, which reuse, is in accordance with R.C.S.A. subsection (3) of subsection (h) of section 22a-133k-2, as amended. [Effective May 28, 2010]
- 5.2.36 **CLUB:** An association of persons which is the owner, lessee, or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose, whose activities are confined to the members and guests and are excluded to the general public, and includes the establishment so operated, but does not include clubs which are permitted in Commercial and Industrial Districts. (Amendment adopted 10/19/94.)
- 5.2.37 **CLUBHOUSE:** A building, structure or use operated by a non-profit recreational, fraternal political, benevolent or athletic organization on a not-for-profit basis for its members or guests accompanying them.
- 5.2.38 **COMMERCIAL:** Interchange of goods or commodities, including the offering and/or sale of personal and professional services.
- 5.2.39 **COMMERCIAL USE:** Activity carried out for pecuniary gain.
- 5.2.40 **COMMUNITY EVENT:** Event sponsored by the Town of Watertown, non-profit organizations, schools and churches. [Effective Date 10/ 20/2000]

- 5.2.41 **COMMUNITY FACILITY:** A building or structure occupied by a public or non-profit private organization or group for recreational, social or civic purposes, and containing no dwelling units, sleeping accommodations, or public merchandising facilities.
- 5.2.42 **CONGREGATE HOUSING:** A form of housing consisting of independent living assisted by on-site congregate meals, housekeeping and personal services for persons 62 years of age or older and/or handicapped persons under 62 together with spouses or others providing care to such individuals.
- 5.2.43 **CONVALESCENT HOME; CONVALARIUM:** An establishment licensed by the State which furnishes in single or multiple facilities food, shelter and laundry to two or more persons unrelated to the proprietor and in addition provides nursing care under medical supervision and direction to carry out non-surgical treatment and dietary procedures.
- 5.2.44 **CURB CUT:** The opening along the curb line of a street where vehicles may enter or leave the roadway.
- 5.2.45 **CURB LEVEL:** The permanently established grade of a street at the edge of pavement or at the base of the curb, in front of a lot.
- 5.2.46 **DECIBEL:** A unit of measurement of intensity of sounds (the sound pressure level).
- 5.2.47 **DECK:** A porch-like structure or portion of a structure, usually constructed of wood, with structural supports and having a height of more than eight inches above ground level.
- 5.2.48 **DEPOSIT:** For the purpose of these Regulations with respect to the movement of earth material, shall include, but shall not be limited to, fill, grade, dump, place, discharge or emit.
- 5.2.49 **DESIGNATED AQUIFER:** A geologic unit capable of yielding usable amounts of water and designated on a map entitled: "Watertown Planning and Zoning Commission Aquifer Map".
- 5.2.50 **DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- 5.2.51 **DIRECT LIGHT:** Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.
- 5.2.52 **DIRECT RECHARGE:** The process by which precipitation replenishes a

stratified-drift aquifer by natural infiltration through the unsaturated zone to the water table.

- 5.2.53 **DISTURBED AREA:** An area where the groundcover is destroyed or removed, having the land subject to accelerated erosion.
- 5.2.54 **DRAINAGE:** The controlled removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, to maximize groundwater recharge, and to prevent or alleviate flooding.
- 5.2.55 **DUST:** Solid particulate matter capable of being air or gas borne.
- 5.2.56 **DWELLING:** A building designed or used exclusively as living quarters for one or more families. The term shall not be deemed to include automobile courts, motels, hotels, rooming houses, boarding houses, camping trailers, mobile home trailers, tourist homes or tents.
- 5.2.57 **DWELLING, ATTACHED:** A building containing two or more dwelling units attached to each other by continuous vertical party walls, without openings except for utilities, which walls extend from basement or cellar to roof.
- 5.2.58 **DWELLING, DETACHED:** A dwelling surrounded on all sides by yards and which does not have any roof, wall or floor in common with any other dwelling unit.
- 5.2.59 **DWELLING, MULTI-FAMILY:** A building containing four or more dwelling units, but excluding dwellings with accessory dwelling units.
- 5.2.60 **DWELLING, SINGLE-FAMILY:** A dwelling containing one dwelling unit only.
- 5.2.61 **DWELLING, TWO-FAMILY:** A dwelling containing two dwelling units.
- 5.2.62 **DWELLING, THREE-FAMILY:** A dwelling containing three dwelling units.
- 5.2.63 **DWELLING UNIT:** A room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used, arranged or designed to be occupied for living sleeping, cooking and eating.
- 5.2.64 **EARTH:** Any material of which the ground is composed, including but not limited to soil, loam, sand, gravel, rock, stone, and clay.
- 5.2.65 **EROSION:** The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice or gravity.

- 5.2.66 EXCAVATION: The digging out, extraction, re-grading, or removal of earth, whether exposed or covered by water, so as to alter its contour.
- 5.2.67 FAMILY: One person, or a group of two or more persons related by blood, marriage, legal adoption or legal guardianship, or a group of not more than four unrelated persons, living and cooking together as a single housekeeping unit, including domestic help but excluding boarders or roomers.
- 5.2.68 FAMILY DAY CARE HOME: A private family home 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 12 hours during a 24-hour period, where care is given on a regularly recurring basis, and where the principal provider of the service resides on the premises. 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 of the provider's children shall be permitted, as per State Statute, as amended.
- 5.2.69 FARM: A parcel of land containing a minimum of 5 acres used principally for agricultural activities, forestry, nursery or truck gardening, or for the raising, keeping or sale of livestock or fowl, but excluding the raising of animals for laboratory use or for their fur.
- 5.2.70 FARM EQUIPMENT: Equipment regularly used for farm activity such as tilling the soil, harvesting crops, raising livestock or fowl, and forestry management.
- 5.2.71 FENCE: A structure designed of any material or combination of materials erected to enclose, separate, screen or buffer areas of land.
- 5.2.72 FILLING: The process of depositing Clean Fill, sand, gravel, and/or clay. [Effective May 28, 2010]
- 5.2.73 FLOODPLAIN, 100 YEAR: Areas of flood hazard having a one percent chance or greater of being partially or completely inundated by flood waters in any given year as identified Flood Zones A and AI-30 on the "Flood Insurance Rate Map, (FIRM), Town of Watertown, Connecticut" or the floodway and floodway fringe as designated on the "Flood Boundary and Floodway Maps, Town of Watertown, Connecticut" or any revision thereto, as prepared by the Federal Emergency Management Agency.
- 5.2.74 FLOODWAY: The channel of a watercourse and adjacent land areas that is reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, as designated on the "Flood Boundary and Floodway Map Town of Watertown, Connecticut", or any

revision thereto, as prepared by the Federal Emergency Management Agency.

- 5.2.75 FLOOR: The top surface of an enclosed area in a structure (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
- 5.2.76 FLOOR, LOWEST: 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.
- 5.2.77 FLOOR AREA, GROSS (GFA): The sum of the gross horizontal areas of every floor of a building, measured from the exterior face of outside walls or, where appropriate, from the centerline of a common wall separating two buildings, and including hallways, stairs, closets, columns, the thickness of walls and other features, but not including attached or built-in garages, porches or terraces.
- 5.2.78 FLOOR AREA, NET (NFA): For the purposes of these Regulations, 85 percent of Gross Floor Area.
- 5.2.79 FLOOR AREA, RATIO: The gross floor area of all buildings on a lot divided by the lot area.
- 5.2.80 FRONTAGE: The length measured along that side of a lot abutting on a public street.
- 5.2.81 FREQUENCY: The number of oscillations per second of a vibration.
- 5.2.82 FUEL: Residential and industrial heating fuel oil.
- 5.2.83 FULL CUT-OFF FIXTURE: a luminaire or light fixture that by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base, or the purpose of the design is defeated, and disability glare will result.
- 5.2.84 FULLY SHIELDED LIGHTS: Fully shielded luminaire light fixtures allow you to control the glare in any direction.
- 5.2.85 FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.
- 5.2.86 FUR-BEARING ANIMAL: An animal such as mink or fox which is customarily bred and raised for the use of its pelt for clothing or decoration of

clothing.

- 5.2.87 GARAGE, PRIVATE: An accessory building or portion of a principal building used for the parking and storage of motor vehicles and not available to the general public.
- 5.2.88 GARAGE, PUBLIC: A building or portion thereof, other than a private garage or carport, or any area above or below grade used for the parking and storage of motor vehicles and available to the general public.
- 5.2.89 GLARE: Light emitting from a luminaire with the intensity great enough to reduce a viewer's ability to see, and in extreme cases, causing momentary blindness.
- 5.2.90 GRADE, AVERAGE FINISHED: The mean of the highest and lowest finished grade at the base or foundation of the structure.
- 5.2.91 GRADE, FINISHED: The final elevation of the ground surface after the completion of grading, and compared to a given reference datum.
- 5.2.92 GRADING: Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth or any combination thereof, which results in a change of contour or elevation.
- 5.2.93 GREENHOUSE: A building constructed mainly of glass or other transparent material, and used as a conservatory for the growing and protection of flowers or plants, and for the propagation and culture thereof.
- 5.2.94 GROUNDWATER: Water in the subsurface area beneath the water table in which open spaces are filled with water.
- 5.2.95 GROUNDWATER RECHARGE AREA: That area from which water is added to the saturated zone by natural processes, such as infiltration of precipitation, or artificial processes, such as induced infiltration.
- 5.2.96 GROUP HOME, COMMUNITY CARE FACILITY: A residential facility which provides food, shelter personal guidance and. to the extent necessary, continuing health-related services to mentally retarded or autistic persons, in accordance with Section 8-3c of the General Statutes.
- 5.2.97 GROUP DAY CARE HOME: An establishment which offers or provides a program of supplementary care to not less than seven nor more than 12 related or unrelated children on a regular basis for a part of the 24 hours in one or more days in the week, as per General Statutes.
- 5.2.98 HANDICAPPED PERSONS: As applied to the congregate housing regulations

herein, persons who have been determined to have physical impairments which: (1) are expected to be of long continued and indefinite duration; (2) substantially impede the ability to live independently; and (3) are of such a nature that the ability to live independently could be improved by more suitable housing conditions.

- 5.2.99 **HAZARDOUS WASTE:** Waste material which may pose a present or potential hazard to human health or the environment when improperly stored, transported or disposed of or otherwise managed, including, without exception, hazardous waste identified and listed in accordance with" Section 3001 of the Resource Conservation and Recovery Act of 1976.
- 5.2.100 **HEIGHT OF LUMINAIRES:** The height of luminaires shall be the vertical distance from the ground directly below the centerline of the luminaires to the lowest direct light emitting part of the luminaire
- 5.2.101 **HOME OCCUPATION:** A commercial enterprise operated by the resident of a dwelling unit a permitted accessory use to the residence.
- 5.2.102 **HOTEL OR MOTEL:** An establishment offering transient lodging accommodations to the general public and which may provide additional services such as rooms for public assembly, the serving of food, and recreational facilities. A hotel has more than two floors of sleeping rooms in which there is no provision for cooking in any single sleeping room. (Last sentence Effective: 11/14/2008)
- 5.2.103 **IMPERVIOUS SURFACE COVERAGE:** The percentage which the ground floor area of all buildings and structures, specified building appurtenances and the pavement on a lot bears to the lot area.
- 5.2.104 **INDIRECT LIGHTING:** Direct light that has been reflected or has scattered off of other surfaces.
- 5.2.105 **ISODIAGRAM:** An isodiagram is a graphical representation of points of equal illumination drawn as a single line circular patterns or computer generated spot readings in a grid pattern on a site plan. Lighting designers and manufacturers generate these diagrams to show the level and evenness of a lighting design and to show how light fixtures will perform on a given site.
- 5.2.106 **JUNK YARD:** The term "junk yard" shall be construed to include any "junk yard", "motor vehicle junk business" and "motor vehicle junk yard" as defined in the General Statutes. The term shall also include any place of storage or deposit, whether in connection with a business or not, for two or more unregistered, used motor vehicles which are either no longer intended or in condition for legal use on the public highways and shall also include any place of storage or deposit of used parts of motor vehicles and old metals, iron, glass,

paper, cordite and other waste materials which on any lot have an aggregate bulk equal to one automobile.

- 5.2.107 KENNEL: Includes commercial kennel as defined in Section 22-327 of the General Statutes.
- 5.2.108 KITCHEN: A room, place or space within a structure equipped for the preparation and/or cooking of food, containing at a minimum a sink, stove and refrigerator.
- 5.2.109 LAMP: The light source component of luminaires that produces actual light.
- 5.2.110 LAMP POLLUTION: Stray or reflected light that is emitted into the atmosphere beyond the 90 degree horizontal plane. Dust, water, vapor and other pollutants reflect this light causing unwanted sky-glow.
- 5.2.111 LIGHT TRESPASS: Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.
- 5.2.112 LIVESTOCK: Animals kept, raised or offered for sale on a farm.
- 5.2.113 LOADING SPACE: An off-street area or berth for the loading or unloading of commercial vehicles.
- 5.2.114 LOT: Except as provided for in Section 6.5.2, a parcel of land which is either (1) owned separately from any contiguous parcel as evidenced by fee conveyance recorded in the land records of the Town or (2) is a building lot shown on a subdivision map, approved by the Commission and filed in the Office of the Town Clerk.
- 5.2.115 LOT AREA: The total area within the lot lines of a lot, excluding any street rights-of-way.
- 5.2.116 LOT, CORNER: A lot which abuts two or more streets at their intersection, or which abuts two parts of the same street forming an interior angle of less than 135 degrees.
- 5.2.117 LOT, INTERIOR. A lot located to the rear of another lot and served by an accessway owned by the owner of the interior lot.
- 5.2.118 LOT LINE: A line bounding the area of the lot.
- 5.2.119 LOT LINE, FRONT: The line separating the lot from the street right-of-way.
- 5.2.120 LOT LINE, REAR: The lot line which is generally opposite the front lot line; if the rear lot line is less than ten feet in length, or if the lot comes to a point at

the rear, the "rear lot line" shall be deemed to be a line parallel to the front lot line, not less than ten feet, long, and lying wholly within the lot and farthest from the front lot line.

- 5.2.121 LOT LINE, SIDE: Any property line extending from the front lot line to the rear lot line.
- 5.2.122 LOT, STREET: A lot abutting only one street.
- 5.2.123 LOT, THROUGH: A lot which abuts two parallel streets, or which abuts on two streets which do not intersect at the boundaries of the lot.
- 5.2.124 LOT WIDTH AND DEPTH: The horizontal distance of each side of the largest square that can be formed entirely within the lot or parcel.
- 5.2.125 LUMEN: A unit of luminous flux. One foot candle is one lumen per square foot. For the purpose of this regulation, the lumen output values shall be the INITIAL lumen output ratings of a lamp.
- 5.2.126 LUMINAIRE: A complete lighting system, and includes a lamp or lamps and a fixture.
- 5.2.127 MANUFACTURED HOME: A structure, transportable, in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities.
- 5.2.128 MANUFACTURED HOME PARK OR SUBDIVISION: A parcel or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.
- 5.2.129 MANUFACTURING: The making, processing, fabrication or assembling of goods or wares by manual labor or by machinery.
- 5.2.130 MEAN SEA LEVEL: The National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations on the FIRM are referenced.
- 5.2.131 MOBILE HOME: Any vehicle designed so that it can be drawn by or carried on a vehicle and which is equipped with bath facilities, flush toilet and which is designed to be connected to public water supply and to sewer connections and that can be used for permanent human habitation whether resting on wheels, jacks, piers, or other foundations of any kind.
- 5.2.132 MOTOR VEHICLE SERVICE STATION: Any area of land, including structures thereon, or any building or part thereof that is used for the sale of gasoline, diesel fuel or propane and which may include the sale of motor vehicle accessories and facilities for lubricating, washing or otherwise servicing

motor vehicles, but not including body work, major repair or painting thereof by mechanical means.

- 5.2.133 MULTI-USE BUILDING: A building containing two or more different uses, or two or more different commercial occupants.
- 5.2.134 NON-CONFORMING LOT: A lot of record of which the size and dimensions, was lawful at the time of creation, but which by revision or adoption or amendment of these Regulations, fails to conform to the present size or dimensional requirements of the zoning district in which it is located.
- 5.2.135 NON-CONFORMING STRUCTURE OR BUILDING: A structure or building of which the size, dimensions or location was lawful at the time of adoption or amendment of these Regulations, but which by reason of such adoption or amendment fails to conform to the present location, bulk or dimensional requirements of the zoning district in which it is located.
- 5.2.136 NON-CONFORMING USE: A use or activity which was lawful at the time of adoption or amendment of these Regulations, but which by reason of such adoption or amendment fails to conform to the present uses permitted in the zoning district in which it is located.
- 5.2.137 NON-PROFIT: A use, business, agency or entity recognized by the Internal Revenue Service as not being operated for profit.
- 5.2.138 NURSERY: Land devoted to the commercial raising and sale of trees, plants, flowers, or shrubs and which may include greenhouses.
- 5.2.139 OFFICE, GENERAL: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government but excluding those associated with the medical profession.
- 5.2.140 OFFICE, MEDICAL: A room, group of rooms, or facilities used for conducting the affairs of those associated with the medical profession.
- 5.2.141 ONE HUNDRED YEAR STORM: See definition for BASE FLOOD.
- 5.2.142 OUTDOOR LIGHTING: The night-time illumination of an outside area or object by any man made device located outdoors that produces light by any means.
- 5.2.143 OUTSIDE STORAGE: The outside storage or display of merchandise, supplies, machinery and materials and/or the outside manufacture, processing or assembling of goods, outside of a building or structure but excluding areas for parking or registered motor vehicles in daily use.

- 5.2.144 **PARKING AREA:** Any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.
- 5.2.145 **PARKING LOT:** An off-street, ground level area used for the temporary parking of more than four motor vehicles and available to the general public, whether for free or for compensation, or to accommodate employees, clients, customers or residents, but not including private driveways.
- 5.2.146 **PARKING SPACE, OFF-STREET:** The area designed or intended for the temporary parking of a motor vehicle, not including aisles and driveways giving access thereto, located in other than a public street or other public way and having a permanent means of access to a public street without requiring passage through another parking space.
- 5.2.147 **PARTICULATE MATTER:** Any finely divided liquid or solid matter, including smoke, capable of being air or gas borne.
- 5.2.148 **PET:** An animal that is domesticated and ordinarily kept in the home for personal use or enjoyment.
- 5.2.149 **PLACE OF WORSHIP:** A building which is intended for the conduct of religious services and which is maintained and controlled by a religious body organized to sustain public worship and recognized as such for non-profit status by the Internal Revenue Service.
- 5.2.150 **PORCH:** A structure, with or without a roof, projecting out from the wall or walls of a building, including a deck.
- 5.2.151 **PREMISES:** A lot, parcel or tract of land together with the buildings and structures thereon.
- 5.2.152 **PRIMARY RECHARGE AREA:** That area immediately overlying the stratified-drift aquifer and adjacent areas of stratified drift that may not have a sufficient saturated thickness to be part of the aquifer. The boundary of the primary recharge area is the contact between the stratified drift and adjacent fill or bedrock.
- 5.2.153 **PRIVATE:** Confined to or intended only for the person or persons immediately concerned.
- 5.2.154 **PRIVATE SCHOOL:** Any building or group of buildings the use of which meets the State's requirements for primary, secondary or higher education and which is not operated by the Town or State.
- 5.2.155 **PROFESSIONAL OFFICE:** The office of professions including, without

limitations, doctors, lawyers, dentists, architects, engineers, artists, musicians, writers, designers, teachers, clergymen and others who, through training or experience, are qualified to perform services of a professional, as distinguished from a business nature.

- 5.2.156 PROFESSIONAL OFFICE (as relates to Residential Transition Zone): The office of professions as follows: Doctors, lawyers, engineers, architects, computer engineers, land surveyors and accountants. (Amendment adopted 06/21/1999 Effective 07/07/1999)
- 5.2.157 PUBLIC: Belonging, or available, to all the people.
- 5.2.158 PUBLIC AND SEMI-PUBLIC USE: A non-profit or quasi-public use or institution such as a place of worship, library, post office, hospital, school or facility of the Town, State, or Federal Government.
- 5.2.159 PUBLIC SCHOOL: Any building or group of buildings the use of which meets the State's requirements for primary, secondary or higher education and which is operated by the Town or State.
- 5.2.160 QUANTITY: For the purpose of measuring the intensity of light, the amount of brightness, glare or luminescence for which these Regulations establish acceptable limits in terms of candlepower for a point source and lumens per square foot (foot lamberts) for an area source.
- 5.2.161 RATIO: Uniformity ratio describing the average level of illumination in relation to the lowest level of illumination for a given area. Example: U. ratio = 4:1 for the given area, the lowest level of illumination should be no less than $\frac{1}{4}$ the average level of illumination.
- 5.2.162 RECREATION FACILITY: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.
- 5.2.163 RECREATIONAL VEHICLE: A vehicle built on a single chassis, containing 400 s.f. or less measured at the longest horizontal projections, which can be towed, hauled or driven and primarily designed to be used as temporary living accommodations for travel, camping and recreational purposes, including but not limited to campers, travel trailers and motor homes but excluding mobile homes.
- 5.2.164 RESEARCH AND DEVELOPMENT LABORATORY: Any laboratory engaged exclusively in the pursuit of scientific research and development, including the research and development of manufactured, processed or compounded products.

- 5.2.165 RESIDENCE: A dwelling unit or group of dwelling units.
- 5.2.166 RESTAURANT, SIT-DOWN: An establishment or use whose principal business is the preparation and serving of food for consumption on the premises, primarily served by a waiter or waitress at tables, booths or similar sit-down accommodations within the restaurant building.
- 5.2.167 RESTAURANT, FAST FOOD: An establishment or use whose principal business is the sale of pre-prepared or rapidly prepared foods, frozen desserts or beverages to the customer in a ready-to-consume state, primarily served in paper, plastic or other disposable containers, for consumption within the restaurant building, elsewhere on the premises, or for carry-out or for consumption via drive-through facilities or off the premises.
- 5.2.168 RIGHT-OF-WAY, STREET: The area of a public or private street, between the two opposing street lines of that street.
- 5.2.169 RINGELMANN SMOKE CHART: A chart for determining the density of smoke issued by the Federal Bureau of Mines.
- 5.2.170 ROADSIDE STAND: Roadside stands shall not exceed an area of 150 square feet, shall not extend within less than 20 feet of any street line and shall be used only for the sale of produce grown on the premises.
- 5.2.171 SEDIMENT: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion or in a stream channel. [Effective May 28, 2010]
- 5.2.172 SEPTAGE: Sludge produced by domestic wastes that is pumped from septic tanks.
- 5.2.173 SETBACK LINE: The line measured from a property line, as established by the minimum yard requirements of these Regulations, behind which buildings and structures may be legally erected.
- 5.2.174 SIGN: Any structure or part thereof, or any device attached thereto or painted thereon, of any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, emblem, device, trademark or other representation used as an announcement, designation, direction or display, to advertise or promote any person, firm, group, organization commodity, service, event, profession or enterprise, when said display is placed out-of-doors or within twelve inches of a window in view of the general public, but not including the following: the flag or insignia of any government or governmental agency; the flag of any civic, political, charitable, religious, patriotic, fraternal or similar organization which is hung on a flagpole or a mast; or any Christmas or other seasonal holiday decorations which do not contain commercial lettering,

wording, designs, symbols or other devices.

- 5.2.175 **SITE COVERAGE:** That portion of the total area of a lot covered by buildings, structures, parking, drives, pavement or impervious surface treatment.
- 5.2.176 **SMOKE:** Any emission into the open air from any source, except emissions of an uncontaminated water vapor.
- 5.2.177 **SMOKE UNIT:** A measure of the quantity of smoke being discharged, which is the number obtained by multiplying the smoke density in the Ringelmann Smoke Chart by the time of emission in minutes. For example, the emission of Ringelmann Smoke Chart No. 1 for one minute equals one "smoke unit".
- 5.2.178 **SOIL:** Any unconsolidated mineral or organic material of whatever origin that is overlying bedrock, not including Sediment. [Effective May 28, 2010]
- 5.2.179 **SOIL EROSION AND SEDIMENTATION CONTROL PLAN:** A plan that indicates necessary land treatment measures, including a schedule for installation, which effectively minimizes soil erosion and sedimentation.
- 5.2.180 **SOLID WASTE:** Unwanted or discarded materials, including solid, or contained liquid or gaseous materials.
- 5.2.181 **SOUND LEVEL METER:** An instrument, standardized by the American Standards Association, used for measurement of the intensity of sound and calibrated in decibels.
- 5.2.182 **SPECIFIED ANATOMICAL AREAS:**
- a. less than completely and opaquely covered:
 - (1) human genitals, pubic region;
 - (2) buttock; and
 - (3) female breast below a point immediately above the top of the areola.
 - b. human genitals in a discernibly turgid state even if completely and opaquely covered.
- 5.2.183 **SPECIFIED SEXUAL ACTIVITIES:**
- a. human genitals in a state of sexual stimulation arousal;
 - b. act of masturbation, sexual intercourse or sodomy;
 - c. fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- 5.2.184 **SQUARE, MINIMUM:** A square with the minimum dimension specified for the district which will fit within the lot and in Residence Districts some portion of such square shall touch or cross the front setback line.
- 5.2.185 **STABLE:** A place where horses are kept, ridden, boarded, bred, shown,

trained, groomed, housed or sold.

- 5.2.186 **STOOP:** Any raised building entrance platform with one or more steps leading up to it.
- 5.2.187 **STORY:** That portion of a building including between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. An attic not used for human occupancy shall not be counted if its ceiling is more than four feet above the elevation from which the height of the building is measured.
- 5.2.188 **STORY, ONE-HALF:** A portion of a story directly above or below the story, as herein defined, in the same building and accessible by interior stairway or elevator from the said story, provided the floor area, as defined herein, of the said "half-story" does not exceed 50 percent of the floor area of the said story.
- 5.2.189 **STREET:** An existing State or Town highway or street improved and accepted in accordance with Town Ordinance, or a street shown upon a subdivision plan approved by the Commission and on file with the Town Clerk but not including private driveways or rights-of-way or a limited access State highway.
- 5.2.190 **STREET LINE:** A common line between a lot and a street right-of-way.
- 5.2.191 **STREET, PAPER:** A paper street is any street appearing on a map which has been officially filed and recorded in the Watertown Town Clerk's Office and which street has not been physically improved or constructed. Such streets are deemed to be dedicated for the public use but not accepted by the Town of Watertown.
- 5.2.192 **STREET, PRIVATE:** A private street is any street remaining in individual or association ownership and upon which the Town of Watertown performs no maintenance.
- 5.2.193 **STREET, UNIMPROVED DIRT:** An unimproved dirt road is any Town road for which the Town of Watertown performs minimal maintenance, such as grading, culvert replacement or the like, but is not considered an acceptable Town road or a Town road for which the Town performs no maintenance, yet upon which a right-of-way still exists.
- 5.2.194 **STRUCTURE:** Anything constructed or erected, the use of which required (1) location on, in or under the ground or water or, (2) attachment to something having location on the ground or water, including but not limited to: buildings, swimming pools, tennis courts, towers, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicap ramps, signs, permanent awnings, a gas or liquid storage tank (except residential propane tanks adjacent to the side or rear of the building Effective Date 9/15/2007) that is principally

above ground, ground-mounted antennas, ground-mounted solar panels and satellite dishes, and fences or walls more than six feet in height, other than retaining walls.

- 5.2.195 **STRUCTURE, ACCESSORY:** A structure, the use of which is customarily incidental and subordinate to that of the principal building, structure or use on the same lot.
- 5.2.196 **STRUCTURAL ALTERATION:** Any change in or addition to, the supporting members of a structure or building such as bearing walls, columns, beams or girders or other such work requiring a building permit under the State Building Code.
- 5.2.197 **STUDY:** A room located in an apartment, in addition to the living room, bedrooms, kitchen, dining room and baths, which is not used primarily for sleeping.
- 5.2.198 **SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the assessed value of the structure as of the latest Grand List as determined by the Building Inspector either before the improvement or repair is started, or before the damage occurred, if the structure has been damaged and is being restored, or by current market value as submitted by two certified appraisers paid for by the applicant.
- 5.2.199 **SWIMMING POOL:** A solid framed structure, above or below ground, with a surface area of 150 square feet or more or a depth in excess of 2 feet that is designed or intended to hold water for swimming purposes.
- 5.2.200 **TAG SALE:** The public sale of personal household goods by the owner thereof in conjunction with the cleaning out or vacating of residential premises. It does not encompass the sale of any goods brought to the premises for the purposes of public sale. "Tag Sale" shall also include "garage sale", "barn sale", "yard sale" and other similar activities.
- Tag sales may not be conducted more than three times per calendar year with no more than three continuous days for each sale. (Effective Date 04/06/2001)
- 5.2.201 **TEMPORARY STRUCTURE:** A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.
- 5.2.202 **TEMPORARY USE:** A use established for a fixed period of time with the intent to cease such use upon the expiration of the time period.
- 5.2.203 **TERRACE OR PATIO:** A level, landscaped and/or surfaced area located on

the ground with no structural supports other than subsurface base material and retaining walls. A terrace or patio located at grade or ground level shall not be deemed a structure.

- 5.2.204 TOWER: a structure, whether freestanding or attached to a building or another structure, that supports equipment used to collect, transmit and/or receive telecommunications or radio signals. Examples include monopoles and lattice construction steel structures. (Effective Date 09/25/1998)
- 5.2.205 TRAILER: Any vehicle which is, has been, or may be mounted on wheels designed to be towed or propelled by another vehicle which is self-propelled, and may or may not be equipped with sleeping or cooking accommodations, or afford traveling accommodations, or for the transportation of goods, wares or merchandise.
- 5.2.206 UNACCEPTABLE FILL: The processing of depositing Unacceptable Soil at the time such Soil or Sediment was deposited as fill material. [Effective May 28, 2010]
- 5.2.207 UNACCEPTABLE SOIL: Soil and/or Sediment which exceeds the applicable pollutant mobility criteria (typically groundwater) and the direct exposure criteria (typically human contact) established in section 22a-133k-1 through 22a-133k-3 of the Regulations of Connecticut State Agencies (“R.C.S.A.”), as amended. [May 28, 2010]
- 5.2.208 UP LIGHTING: Any light source that distributes illumination above a 90 degree horizontal plane.
- 5.2.209 USE: The specific purpose, of which land, water or any structure is designed, arranged, intended or occupied.
- 5.2.210 USE, ACCESSORY: A use which is customarily incidental and subordinate to the principal use on a lot and located on the same lot therewith.
- 5.2.211 VEHICLE, COMMERCIAL: Any motor vehicle with commercial license plates or with lettering, markings, racks or other apparent accessories indicating it is intended for use other than personal and/or recreational transportation.
- 5.2.212 VETERINARY HOSPITAL: A building for the medical and/or surgical care of sick or injured animals.
- 5.2.213 WAREHOUSE: A structure containing more than 2,500 s.f. of floor area used for the temporary storage of goods, materials, furniture, appliances and other merchandise.
- 5.2.214 WAREHOUSE, MINI: A warehouse partitioned into a number of individual

units or enclosures which are individually rented on a monthly or annual basis.

5.2.215 WATERCOURSE: As defined in Section 22a-38 of the General Statutes.

5.2.216 WATER TABLE: The interface between the saturated zone and the unsaturated zone.

5.2.217 WETLANDS: As defined in Section 22a-38 of the General Statutes.

5.2.218 WHOLESALE: The selling of goods normally in large bulk or quantity, especially for resale distinguished from retail.

5.2.219 WIND TURBINE: A device for converting wind energy into mechanical electrical or another form of energy having a rated capacity not greater than 10kW. A Wind Turbine shall not be used for commercial purposes or exporting more electricity than is used on the lot where it is located (Effective date of Amendment October 12, 2007)

5.2.220 WIND TURBINE HEIGHT: The vertical distance from ground level to the tip of a Wind Turbine blade where the blade is at its highest point.

5.2.221 YARD: An open space on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line, and is unoccupied and unobstructed from the ground upward, except for permitted accessory use and structures. In measuring a yard, as required by these Regulations, the line of building shall be deemed to mean a line parallel to the nearest lot line, drawn through the closest point of the building or group of buildings nearest to such lot line, and the measure shall be taken at right angles from the line of the building, as defined herein, to the nearest lot line.

5.2.222 YARD, FRONT: An open space extending across the full width of a lot and lying between the front lot line and the nearest facing wall of a building.

5.2.223 YARD, REAR: An open space extending across the full width of a lot and lying between the rear lot line and the nearest facing wall of a building on the same lot.

5.2.224 YARD, SIDE: An open space between the side line of a lot and the nearest facing wall of a building, and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front and rear lot line, as the case may be.

5.2.225 YARD, REQUIRED: An open space between a lot line and the required setback line within which no structure shall be located except as specifically permitted by these Regulations.

ARTICLE I - GENERAL PROVISIONSSECTION 6 - NON-CONFORMITY

- 6.1 Intent: Within the zoning districts established by these Regulations or by amendments that may later be adopted, there exist lots, uses, and structures which were lawful at the time these Regulations were adopted or amended but which would be prohibited, regulated, or restricted under the provisions of these Regulations or future amendments. Such lots, uses, and structures are declared by these Regulations to be non-conforming.

It is the intent of these Regulations to permit these non-conformities to continue until they are removed but not to encourage their survival. It is further the intent of these Regulations that non-conformities shall not be enlarged upon, expanded or extended if such a change would increase the non-conformity, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

- 6.1.1 Non-conforming uses are declared by these Regulations to be incompatible with permitted uses in the districts involved. After the effective date of adoption or amendment of these Regulations, a non-conforming use of land, a non-conforming use of a structure, or a non-conforming use of a structure and land in combination shall not be extended or enlarged by the attachment to a building or land or additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- 6.2 Approved Applications and Certificates: Unless otherwise specifically provided in these Regulations, nothing in these Regulations shall require any change in the use of any land, building or other structure, or part thereof, or in the area, location, bulk or construction of any building or other structure for which an application for Certificate of Zoning Compliance shall have been lawfully approved and any required Certificate of Zoning Compliance shall have been lawfully issued even though such use, building or structure does not conform to one or more provisions of these Regulations or any amendment hereto.
- 6.3 Change in Plans: Subject to the time limitations of Paragraph 6.3.1, nothing in these Regulations shall be deemed to require any change in the proposed use of any land, building or other structure of the area, location, bulk or construction of any building or other structure for which an Application for Certificate of Zoning Compliance has been lawfully approved and any required Building Permit shall have been lawfully issued even though such proposed use, building or other structure does not conform to one or more provisions of these Regulations or any amendment hereto,
- 6.3.1 Time Limit: An approved Application for Certificate of Zoning Compliance authorizing a proposed use, building or other structure that does not conform to one or more provisions of these Regulations or any amendment hereto, as described in Paragraph 6.3 shall become null and void unless (1) the use

authorized hereby shall have been established within one year from the effective date of such Regulations or any amendment thereto when such use does not involve the establishment of a building or other structure for which an Application for Certificate of Zoning Compliance shall have been approved or (2) the use, building or other structure authorized thereby shall be established and completed within two years from the effective date of such Regulations or any amendment thereto. The Commission may grant one extension for an additional period not to exceed one year after public hearing.

6.3.2 Previous Regulations The provisions of Paragraph 6.3 and 6.3.1 shall apply to Building Permits and Certificates of Occupancy issued under the Zoning Regulations in effect prior to these Regulations.

6.4 Repairs and Maintenance

6.4.1 Ordinary repairs may be made or remodeling done to any structure devoted in whole or in part to a non-conforming use, provided that such work does not increase the nonconformity.

6.4.2 Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to safe condition of any non-conforming structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

6.5 Non-Conforming Lots

6.5.1 In any single-family Residential District, a single-family dwelling and customary accessory buildings may be erected on a lot of record as of the effective date of adoption or amendment of these Regulations, notwithstanding requirements imposed by other provision of these Regulations. Such lot shall be in separate ownership and shall not have continuous frontage with other lots under the same ownership. This provision shall apply even though such lot fails to meet the lot area and /or lot width requirements of the district in which such lot is located, provided that the yard dimensions and requirements other than those applying to lot area and/or lot width shall conform to the requirements of the district in which such lot is located, and the lot contains a minimum area of 4,800 square feet.

6.5.2 If two or more lots or combinations of lots or portions of lots adjacent to other parcels or lots under common ownership are of record as of the effective date of adoption or amendment of these Regulations, and if all or part of the lots do not meet the lot width and/or lot area requirements of the districts in which such lots are located, the land involved shall be considered to be an undivided parcel for the purposes of these Regulation and no portion of said parcel shall be used or sold in a manner which would diminish compliance with the lot width and lot area requirements established by these Regulations.

- 6.5.3. A parcel of land which may be identified in one of the following titled maps, such as Oakville Heights, Oakville Park, Oakville Terrace, Buckingham Heights, Oakville Gardens, Section One and Two, Meadow Hill and Camp Estates, which are on file in the Town Clerk's Office, and is owned separately as evidenced by deed from other land, a division of the parcel may be made reducing lot area by 20% of the area requirements of the zone in which the lots are located with the approval of the Commission.
- 6.6 Non-Conforming Uses of Land: Where a lawful use of land exists at the effective date of adoption or amendment of these Regulations which is no longer permitted under the provisions of these Regulations as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- 6.6.1 Such non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these Regulations.
- 6.6.2 Such non-conforming use shall not be moved in whole or in part to any portion of the land other than that occupied by such use at the effective date of adoption or amendment of these Regulations.
- 6.6.3 If such non-conforming use is superseded by a permitted use, it shall thereafter conform to the requirements of the district in which it is located, and the non-conforming use shall not thereafter be resumed.
- 6.6.4 Such non-conforming use may be changed to another non-conforming use by a 2/3 (five) vote of the membership of the Commission following a public hearing. In approving such a change, the Commission shall find that the proposed use is more appropriate to the district than the existing non-conforming use. In permitting such change, the Commission may attach such conditions and safeguards as may be required to protect public health, safety and general welfare to ensure continued compliance with these regulations. Such conditions and safeguards may include, but shall not be limited to: a maximum number of employees, hours of operation or improvements to existing public facilities to accommodate the proposed use. (Amendment Effective 09/24/2006)
- 6.7 Non-Conforming Structures: Where a lawful structure exists at the effective date of adoption or amendment of these Regulations which could not be built under the provisions of these Regulations as enacted or amended by reason of restrictions on floor area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- 6.7.1 Such non-conforming structure shall not be enlarged or altered in a manner which extends or increases the non-conformity but may be altered to decrease the non-conformity, except that an existing dwelling, located in a district in which

dwelling is not a permitted use, may be enlarged, extended or altered, provided that no additional families are accommodated in the dwelling.

- 6.7.2 If such structure is moved for any reason for any distance whatsoever, it shall thereafter conform to the requirements of the district in which it is located after it is moved.
- 6.7.3 If any non-conforming building or other structure or any building or structure containing a non-conforming use shall be destroyed by fire or other casualty to an extent of more than 75% of its assessed valuation as of the latest Grand list as determined by the Building Inspector or by current market value as submitted by two certified appraisers paid for by the applicant, such building or other structure shall not be reconstructed or repaired and such use shall not be resumed unless the building or structure and use shall be made to conform in all respects to these Regulations. Where the destruction is 75% or less of its current appraised valuation, the building or other structure may be reconstructed or repaired and any non-conforming uses resumed, provided that such reconstruction is started within a period of one (1) year from such casualty and is diligently prosecuted to complete the same within 18 months from such casualty, or within such additional period, not exceeding six months, as the Commission may grant upon written application made to it, the right under this paragraph to reconstruct or repair such building or other structure and the right to resume such non-conforming use shall be lost and terminated.
- 6.7.4 Farm Buildings: Notwithstanding the provisions of Paragraph 6.7.3, a single detached dwelling for one family that is located on a bona-fide farm in a District in which dwellings are not a permitted use, or any farm building, may be reconstructed or repaired regardless of the extent of the casualty, provided that such work shall be commenced and completed within the time periods specified in Paragraph 6.7.3 for other buildings and structures.
- 6.8 Non-Conforming Uses of Structures and Land in Combination Where a lawful use of a structure, or of a structure and land in combination exists at the effective date of adoption or amendment of these Regulations which is no longer permitted under the provisions of these Regulations as enacted or amended, such lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- 6.8.1. Any existing structure devoted to such non-conforming use shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered in a manner which increases the non-conformity, except to change the use of the structure to a use permitted in the district in which it is located.
- 6.8.2. Such non-conforming use of a structure may be extended throughout any part thereof which was manifestly arranged or designed for such use at the time of adoption or amendment of these Regulations, but no such use shall be extended to occupy any land outside the structure.

- 6.8.3 A non-conforming use of a building or structure may be changed only to a conforming use.
- 6.8.4 If such non-conforming use is superseded by a permitted use, it shall thereafter conform to the requirements of the district in which it is located, and the non-conforming use shall not thereafter be resumed.
- 6.9 Uses Under Special Permit Provisions Not Non-Conforming Uses Any use which is permitted by Special Permit in a district under the provisions of these Regulations shall not be deemed a non-conforming use in such district, but shall without further action, be considered a conforming use.
- 6.10 Title: No change of title, possession or right of possession shall be deemed to affect the right to continue a non-conforming use, building or other structure.
- 6.11 Performance Standards: Any lawful use building or other structure which does not conform to one or more of the performance standards of Section 61 shall not be changed to increase such non-conformity, but may be changed to decrease or eliminate such non-conformity. Any such non-conformity so reduced or eliminated, shall not be resumed.
- 6.12 Signs: Lawful signs of a size or type not currently permitted in the district in which they are situated, or which are improperly located or illuminated, or which are non-conforming in any other way, shall be considered non-conforming structures under this Section, and any increase in size, illumination or flashing of such signs shall be deemed to be an enlargement or extension constituting an increase in non-conformity.
- 6.13 Off-Street Parking and Loading: Any lawful lot, use, building or other structure which does not conform to one or more of the parking and loading provisions of Section 63, shall continue to conform to such provisions to the extent that it conformed on the effective date of such Section.

ARTICLE I - GENERAL PROVISIONSSECTION 7 - APPLICATION OF ZONING REGULATIONS

- 7.1 Compliance with Regulations: Except as otherwise provided herein, no land, building or structure or part thereof shall be constructed, reconstructed, erected, extended, enlarged, moved, arranged, altered or used, or the use changed to one requiring more parking, or the dimensional requirements of lots, yards or courts changed, except in conformity with the requirements of these Regulations for the zoning district in which such land, building, structure or use is located.
- 7.2 Permitted and Prohibited Uses: Any use not permitted by right, by Site Plan Approval, or by Special Permit in a zoning district by these Regulations shall be deemed to be prohibited within such district. Where the permissibility of a proposed use is uncertain in a zoning district by these Regulations, the Zoning Enforcement Officer shall make the determination as to whether the proposed use is permitted in that district by right, requires a Special Permit and/or Site Plan approval, or is prohibited.
- 7.3 Change of Use: Any change of use proposed for, or within, an existing structure, occupied or vacant, or for an existing lot shall require a Zoning Permit from the Zoning Enforcement Officer in accordance with Section 72.3. Any proposed re-use which requires more parking and/or loading under the provisions of Section 63 than the use it is intended to replace, shall not be allowed unless such additional parking and/or loading shall be provided.
- 7.4 Use of Land For Access: Access to any use in a Business or Industrial Zone, or access to any Business or Industrial Use on any property, in any zone, or property not subject to Zoning Regulations shall be prohibited on or across land in a Residential Zone. (Effective Date 07/12/2000)
- 7.5 Yards and Open Space Required for Each Building: Except as otherwise provided herein, no part of any yard or other open space required around a building or structure shall be included as part of the yard or other open space required for any other building or structure.
- 7.6 Height Exceptions: The height limitations of these Regulations may be modified as follows:
- 7.6.1 The maximum building height limitations shall not apply to chimneys, antennas, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level, provided that:
- a. They do not extend more than 15 feet above the level of the roof on which they are located; and
 - b. The total area covered by such features does not exceed ten percent of the area of the roof upon which they are located.
 - c. The height and area limitations in (a) and (b) above shall not be exceeded

except under unique circumstances and subject to a Special Permit granted by the Commission.

- d. The provisions of this Section shall not apply to flagpoles, church spires, belfries, cupola and domes not used for human occupancy or farm related buildings.
- e. Water towers, standpipes, monuments and similar structures shall not exceed the maximum building height limitations unless a Special Permit therefor is granted by the Commission.
- f. Necessary mechanical appurtenances, such as elevator enclosures, air-conditioning equipment, exhaust fans and water tanks shall not be erected on any roof to such height as to be visible to any person standing at ground level on an adjoining residential property or the street, but in no case shall such mechanical feature be erected to a greater height than is necessary to accomplish the purposes they are intended to serve.

7.7 Corner Lots

- a. **Front Yard:** Each street line on a corner lot shall be deemed to be a front lot line, and the required yard along both lot frontages shall be the required front yard. Of the remaining yards, the property owner may choose the one to be considered the rear yard.
- b. **Visibility at Intersections:** On a corner lot, no fence, wall, hedge or other structure or planting shall be erected, placed or maintained more than two feet in height above the adjacent pavement or in such a way as to obstruct traffic visibility across the triangular area formed by the two intersecting street right-of-way lines and a straight line connecting points along said street right-of-way lines, which points are located 25 feet distant from the theoretical point of intersection of such lines measured along said street lines. This provision shall not apply to existing trees, provided that no branches are closer than eight feet to the ground.

7.8 Odd Shaped Lots: In cases of uncertainty as to the proper application of any of the requirements of these Regulations to a particular lot because of its peculiar or irregular shape, the Commission shall determine how such Regulations shall be applied.

7.9 Reduction of Lots: No lot shall be so reduced, divided, or created that the area, width or other dimensions of the lot or any of its required yards or required open spaces shall be less than prescribed by these Regulations.

7.10 Required Street Frontage: No Building Permit shall be issued for any building unless the lot upon which such building is to be built shall have the frontage required by these Regulations on a Town accepted street or a properly bonded street.

7.11 Accessory Buildings, Structures and Uses

- a. Except for bona-fide farm buildings, accessory buildings, structures and uses shall be located on the same lot as the principal building, structure or use to which they are accessory.

- b. Except for bona-fide farm buildings, accessory buildings, structures and uses shall not be located on a lot without the prior establishment of a permitted principal use, nor shall any new lot be created that has an accessory building, structure or use without a principal use.
 - c. Accessory buildings, structures and uses in the rear yard of a corner lot shall not be located within the required yard of any adjacent street.
 - d. Accessory Buildings in Residence Districts: In Residence Districts, unattached accessory structures located a minimum of 10 feet from a principal structure shall not extend within less than twice the minimum setback distance from a street line as required for other structures and shall meet all other setback requirements; however, if the unattached accessory structure is less than 20 feet high and 576 square feet floor area or is a swimming pool of less than 800 square feet in swim area, such structure may meet the lesser setback requirements for minor accessory structures as specified in the District.
- 7.12 Lot Required for Every Building: Every building hereafter erected shall be located on a lot. Except as otherwise provided herein, there shall be not more than one principal building on a lot.
- 7.13 Parts of Lot Not Counted Toward Minimum Area or Maximum Density Requirements: In determining compliance with minimum lot area and shape requirements of these Regulations:
- a. Land subject to easements for drainage facilities and underground public utilities may be included, but no street or highway, easement of vehicular access, private right-of-way for vehicles or easement for above ground public utility transmission lines may be included.
 - b. Area consisting of watercourse and/or wetland shall not be used for compliance with more than 25% of the minimum lot area requirements. Land in two or more Zoning Districts may be used to satisfy a minimum lot area requirement provided that the requirement of the District requiring the largest lot area is met, but no land in a Residence District shall be used to satisfy a lot area requirement in any other District. This paragraph shall apply to all land in an Industrial Zone, all land in a Commercial Zone and all land that is located in a Residence Zone, if the land in the Residence Zone is serviced with municipal water and municipal sewer service.
 - c. Area consisting of watercourses and/or wetland shall not be used for compliance with more than 15% of the minimum lot area requirements. This 15% limitation shall apply to land in a Residence Zone that is not serviced with municipal water and municipal sewer service.
- 7.14 Interior Lots: Rear lots shall be permitted in the R-70 and R-90 Residential Districts subject to the following conditions:
- a. Each interior lot shall comply with all applicable lot and building requirements for the zoning district in which it is located, except (1) that each interior lot shall contain a minimum lot area 50% greater than that required for the zoning district in which it is located; and (2) each interior lot shall have a required front yard

- setback line 50% farther back than that required for this zoning district in which it is located; the required front yard shall be provided between the lot line to which the accessway leads and the nearest facing wall of the principal building.
- b. Each interior lot shall have an accessway which has a continuous width of at least 30 feet, which is owned in fee simple by the owner of the interior lot; and which has frontage on an existing street.
 - c. All accessways shall be capable of providing physical access to the area of the lot on which the dwelling is to be constructed, with no physical limitations such as wetlands or steep slopes, or other environmental constraints, which would prevent the construction of a driveway of suitable width and grade.
 - d. There shall be no other accessway to an interior lot within 1,000 feet on the same side of the street when measured along the street line.
 - e. The area of the accessway shall not be calculated as part of the minimum required area of the interior lot.
- 7.15 Porches: A porch, whether enclosed or unenclosed, shall be considered a part of the building for the purpose of determining the size of yard or the amount of building coverage.
- 7.16 Terraces: A paved terrace shall not be considered a part of the building for the purpose of determining the size of yard or the amount of building coverage, provided, however, that such terrace shall be unroofed and without walls, parapets, or other forms of enclosure and shall not be located within eight feet of any lot line. Such terrace, however, may have an open guard railing not over three feet in height.
- 7.17 Lots Adjacent to a Railroad: In Business and Industrial Zones, that portion of a lot contiguous to a railroad line and served by a railroad siding or spur, shall not require a yard or open space.
- 7.18 Projection of Architectural Features: Except as otherwise provided herein, pilasters, columns, belt courses, window sills, cornices or similar building architectural features, shall not project more than one foot into any required yard or open space. Roofs or canopies over entrance doorways shall not extend more than three feet into any required yard.
- 7.19 Bay Windows: Bay windows, including their cornices and eaves, shall not project more than two feet into any required yard or open space, provided that the sum of the lengths of all such bay windows on any wall shall not exceed one-fourth the length of such wall.
- 7.20 Stairs and Ramps: Entry stairs, stoops, fire escapes and access ramps for the handicapped shall not extend more than three feet into any required yard or open space and shall not be located within four feet of any lot line.
- 7.21 Walls and Fences: The yard requirements of these Regulations shall not be applicable to the erection or construction of any fence or wall six feet or less in height. Orientation of fence is to be option of the owner.

- 7.22 Lots on Narrow Streets: The required front yard of any lot abutting a street with a right-of-way width of less than 50 feet shall be increased by one-half the difference between 50 feet and the actual width of the street right-of-way.
- 7.23 Lots with a Shared Driveway: In Business and Industrial Zones, the side yard requirements these Regulations shall not be applicable along the common side lot line which separates two or more adjoining lots containing no residential uses where such lots share a single driveway entrance and exit onto a street, provided that permanent vehicular access shall be provided to the rear of such lots.
- 7.24 Additional Setbacks: In any district, any portion of a building or other structure, which portion exceeds 35 feet in height, shall be set back from any street line, property line or Residence District boundary line by two additional feet for each foot or fraction thereof by which such portion exceeds 35 feet in height.
- 7.25 Trailers The owner or occupant of a lot containing a dwelling may permit the parking of one trailer on the lot for use by a non-paying guest as a dwelling, for a period not exceeding 4 weeks in any calendar year. A Certificate of Zoning Compliance shall be obtained within 48 hours of the time the land is so used. (Effective Date 04/06/2001)
- 7.26 Wind Turbines Wind Turbine, defined in Section 5.2 is permitted only by Special Permit as Accessory Structures subject to the following conditions:
- 7.26.1 Wind Turbine is permitted in zoning districts R-30, R-70 and R-90 only for the purpose of generating electricity pursuant to these regulations.
- 7.26.2 Wind Turbine may generate electricity to a maximum 10kw and is prohibited from exporting more electricity than is consumed at residential buildings on the lot where Wind Turbine is located.
- 7.26.3 Maximum one Wind Turbine per building lot.
- 7.26.4 Minimum setback from property lines is twice the Wind Turbine Height.
- 7.26.5 Maximum Height is defined in Article I Section 5.2 shall not exceed 55 feet.
- 7.26.6 Audible sound shall not exceed 45 decibels (dBA) measured from the base of Wind Turbine support structure to nearest property line.
- 7.26.7 Wind Turbine may be located in side yards and rear yards; and is prohibited in front yards and in yards where the side yards and rear yards are adjacent to a front yard of another residential property.
- 7.26.8 Signs are prohibited on Wind Turbine and support structure.

- 7.26.9 Wind Turbines and support structure must be a neutral color.
- 7.26.10 Prior to Special Permit approval applicant must provide to the Commission conditional interconnection approval from Connecticut Light and Power Company.
- 7.26.11 Wind Turbine not continuously generating electricity for 90 days must be disassembled at property owner expense; within 90 days thereafter support structure must also be disassembled with Wind Turbine at property owner expense if support structure is an accessory structure used primarily for Wind Turbine.
- 7.26.12 Wind Turbine is at no time a temporary structure.
- 7.26.13 Electrical cable(s) must be underground or concealed from view on the support structure and Wind Turbine.
- 7.26.14 Lack of wind is PROHIBITED as a reason for granting variances or waivers for Wind Turbine or Wind Turbine support structure.
- 7.26.15 The Commission shall consider the affect a wind turbine will have on property values. A Special Permit for Wind Turbine shall not be accepted by the Commission for review until a real estate appraiser licensed in the State of Connecticut is selected by the applicant and Commission to perform an appraisal on the Wind Turbine property and adjacent properties; and the appraisal report is submitted to the Commission. Appraisal expenses shall be paid by the applicant. The applicant and Commission are not obligated to accept the final appraisal report.

(All Section 7.26 Effective Date 06/27/2008)

ARTICLE II - RESIDENCE DISTRICTS

SECTION 21 - RESIDENCE R-90 DISTRICT

- 21.1 Purpose: To provide suitable areas for low density residential development consistent with a rural environment in areas with sensitive environmental characteristics and/or without public facilities to support more intensive development.
- 21.2 Permitted Uses: The following uses shall be permitted in the R-90 Residential District as a matter of right.
- 21.2.1 Single-family detached dwellings.
 - 21.2.2 Farms, including truck gardens, nurseries, greenhouses, silos, barns, forestry and keeping of livestock and poultry and roadside stands accessory thereto.
 - 21.2.3 Parks and open space.
 - 21.2.4 Interior lots, in accordance with Section 7.14.
 - 21.2.5 Renting of rooms without cooking facilities.
 - 21.2.6 Tag Sales (Effective Date 04/06/2001)
- 21.3 Special Permit Uses: The following principal uses shall be permitted in the R-90 Residential Districts subject to Special Permit and Site Plan approvals in accordance with Sections 51 and 52.
- 21.3.1 Child day care centers.
 - 21.3.2 Convalescent homes, private hospitals and sanitariums; licensed by the State and located on a minimum of five acres.
 - 21.3.3 The following uses when conducted by a non-profit organization and not as a business for profit: places of worship, parish halls, schools, colleges, universities, general hospitals, cemeteries, and educational, religious, philanthropic and charitable institutions.
 - 21.3.4 Summer day camps, provided that there is no furnishing of rooms.
 - 21.3.5 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries.
 - 21.3.6 Commercial kennels, livery or boarding stables, or riding academies; located on a minimum of five acres and provided that all structures and runs shall be located a

minimum of 150 feet from any side or rear lot lines.

- 21.3.7 Public utility substations or telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
 - 21.3.8 Water supply reservoirs, wells, towers, treatment facilities or pump stations,
 - 21.3.9 Buildings, uses and facilities of the Town, State of Connecticut or Federal Government and the Watertown Fire District.
 - 21.3.10 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards, or freight terminals.
 - 21.3.11 Bed and breakfasts.
 - 21.3.12 Special events when conducted on a bona-fide farm.
 - 21.3.13 Group Day Care Home (Effective Date 04/06/2001)
 - 21.3.14 Bed and Breakfast Inn Accommodations (Amendment Approved 03/29/2002)
- 21.4 Permitted Accessory Buildings, Structures and Uses: The following accessory buildings, structures and uses shall be permitted in the R-90 Residential District:
- 21.4.1 Private garages, sheds, garden houses, tool houses, playhouses, greenhouses, swimming pools or other detached accessory structures not used for human habitation or for housing animals or fowl, and not operated for profit, provided the height of such structures shall not exceed 20 feet and shall be located at least 10 feet from the principal building.
 - 21.4.2 Accessory buildings for housing domesticated animals or fowl permitted under these Regulations.
 - 21.4.3 Signs, subject to the requirements of Section 62.
 - 21.4.4 Family day care homes.
 - 21.4.5 Parking facilities for the use of the occupants of the premises and their guests, in accordance with Section 63, provided that no more than one commercial vehicle, not exceeding 10,000 lbs. gross vehicle weight other than a passenger car, shall be parked at the premises. Farm vehicles on a bona-fide farm are exempt. (Effective Date 04/06/2001)
 - 21.4.6 Outside storage of one camping trailer, mobile home trailer, boat or other single unregistered vehicle, provided that such area shall comply with all yard setback requirements for buildings, but shall not be permitted in the required front yard.

21.4.7 One unregistered vehicle may be permitted if not being dismantled. All other unregistered vehicles shall be garaged, except for vehicles which are excluded as per General Statutes.

21.4.8 Radio and television reception equipment, including satellite dishes.

21.4.9 Home occupations or home offices in accordance with the requirements of Section 28.

21.4.10 Accessory dwelling units in accordance with the requirements of Section 26.

21.5 Area and Dimensional Requirements:

21.5.1 Lot Dimensions

- a. Minimum Area 90,000 sq. ft.
- b. Minimum Dimensions of Square: 200 ft.
- c. Minimum Frontage: 150 ft.

21.5.2 Maximum Height: 3 stories or 35 feet.

21.5.3 Minimum Setbacks - Principal Buildings

- a. Front Yard 50 feet
- b. Rear Yard 50 feet
- c. Side Yard 25 feet each

21.5.4 Minimum Setbacks - Accessory Structures:

- a. Front Yard 50 feet
- b. Rear Yard 20 feet
- c. Side Yard 20 feet each

21.5.5 Building Bulk and Coverage

- a. Maximum Building Coverage 10%
- b. Maximum Impervious Surface Coverage 20%

ARTICLE II - RESIDENCE DISTRICTS

SECTION 22 - RESIDENCE R-70 DISTRICT

- 22.1 Purpose: To provide suitable areas for low density residential development consistent with a rural environment in areas with limited public facilities and/or environmental constraints which would limit more intensive development.
- 22.2 Permitted Uses: The following uses shall be permitted in the R-70 Residential District as a matter of right.
- 22.2.1 Single-family detached dwellings.
- 22.2.2 Farms, including truck gardens, nurseries, greenhouses, silos, barns, forestry and keeping of livestock and poultry and roadside stands accessory thereto.
- 22.2.3 Parks and open space.
- 22.2.4 Interior lots, in accordance with Section 7.14.
- 22.2.5 Renting of rooms without cooking facilities.
- 22.2.6 Tag Sales (Amendment Approved 04/06/2001)
- 22.3 Special Permit Uses: The following principal uses shall be permitted in the R-70 Residential District subject to Special Permit and Site Plan approvals in accordance with Sections 51 and 52.
- 22.3.1 Child day care centers.
- 22.3.2 Convalescent homes, private hospitals and sanitariums; licensed by the State, and located on a minimum of five acres.
- 22.3.3 The following uses when conducted by non-profit organization and not as a business for profit: places of worship; parish halls; schools; colleges; universities; general hospitals; cemeteries; and educational, religious, philanthropic and charitable institutions.
- 22.3.4 Summer day camps, provided that there is no furnishing of rooms.
- 22.3.5 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries.
- 22.3.6 Commercial kennels, livery or boarding stables, or riding academies; located on a minimum of five acres and provided that all structures and runs shall be located a minimum of 150 feet from any side or rear lot lines.

22.3.7 Public utility substations or telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.

22.3.8 Water supply reservoirs, wells, towers, treatment facilities or pump stations.

22.3.9 Buildings, uses and facilities of the Town, State of Connecticut or Federal Government and the Watertown Fire District.

22.3.10 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards, or freight terminals.

22.3.11 Bed and breakfasts.

22.3.12 Special events when conducted on a bona-fide farm.

22.3.13 Group Day Care Home (Effective Date 04/06/2001)

22.3.14 Bed and Breakfast Inn Accommodations (Amendment Approved 03/19/2002)

22.3.15 The conversion of an existing special permit use building to limited professional office use. Requirements to be eligible for conversion:

1. The existing building must have been used as a special permit use for not less than 10 years before applying for conversion
2. Existing building must never have been used for residential use
3. Professional office use to be limited to property owner or owner's immediate family
4. The floor area of the building cannot exceed 2,000 Sq. Ft. floor area
5. The sign must conform to Section 62.7.4, not exceed six square feet in area, cannot be internally illuminated, and the Commission shall be able to restrict the time of illumination and wattage of any illumination.
6. On site parking shall conform to Section 63 of the Zoning Regulations, Section 63.5.2c — one parking space per 300 square feet of building floor area, or part thereof.
7. The use must meet all other requirements of an R-70 zone.
8. The lights will be shielded to illuminate the sign only
(Effective Date 01/31/2003)

22.4 Permitted Accessory Buildings

Structures and Uses: The following accessory buildings, structures and uses shall be permitted in the R-70 Residential District.

22.4.1 Private garages, sheds, garden houses, tool houses, playhouses, greenhouses, swimming pools or other detached accessory structures not used for human habitation or for housing animals or fowl, and not operated for profit, provided

the height of such structures shall not exceed 20 feet and shall be located at least 10 feet from the principal building.

22.4.2 Accessory buildings for housing domesticated animals or fowl permitted under these Regulations.

22.4.3 Signs, subject to the requirements of Section 62.

22.4.4 Family day care homes.

22.4.5 Parking facilities for the use of the occupants of the premises and their guests, in accordance with Section 63, provided that no more than one commercial vehicle, not exceeding 10,000 lbs. gross vehicle weight other than a passenger car shall be parked at the premises. Farm vehicles on a bona-fide farm are exempt. (Effective Date 04/06/2001)

22.4.6 Outside storage of one camping trailer, mobile home trailer, boat or other single unregistered vehicle, provided that such area shall comply with all yard setback requirements for buildings, but shall not be permitted in the required front yard.

22.4.7 One unregistered vehicle may be permitted if not being dismantled. All other unregistered vehicles shall be garaged, except for vehicles which are excluded as per General Statutes.

22.4.8 Radio and television reception equipment, including satellite dishes.

22.4.9 Home occupations or home offices in accordance with the requirements of Section 28.

22.4.10 Accessory dwelling units in accordance with the requirements of Section 26.

22.5 Area and Dimensional Requirements:

22.5.1 Lot Dimensions

- a. Minimum Area: 70,000 sq ft
- b. Minimum Dimensions of Square: 150 ft
- c. Minimum Frontage: 125 ft

22.5.2 Maximum Height: 3 stories or 35 feet.

22.5.3 Minimum Setbacks – Principal Buildings:

- a. Front Yard 50 ft
- b. Rear Yard 50 ft
- c. Side Yard 25 ft

22.5.4 Minimum Setbacks - Accessory Structures:

- a. Front Yard 50 ft
- b. Rear Yard 20 ft
- c. Side Yard 20 ft

22.5.5 Maximum Lot Coverage:

- a. Maximum Building Coverage 15%
- b. Maximum-Impervious Surface Coverage 25%

ARTICLE II - RESIDENCE DISTRICTS

SECTION 23 - RESIDENCE R-30 DISTRICT

- 23.1 Purpose: To provide suitable areas for medium density residential development consistent with a suburban environment, in areas with no significant environmental constraints to development and with public facilities adequate to support the intensity of development.
- 23.2 Permitted Uses: The following uses shall be permitted in the R-30 Residential District as a matter of right.
- 23.2.1 Single-family detached dwellings.
- 23.2.2 Farms, including truck gardens, nurseries, greenhouses, silos, barns, forestry and keeping of livestock and poultry and roadside stands accessory thereto.
- 23.2.3 Parks and open space.
- 23.2.4 Renting of rooms without cooking facilities.
- 23.2.5 Tag Sales (Effective Date 04/06/2001)
- 23.3 Special Permit Uses
The following principal uses shall be permitted in the R-30 Residential District subject to Special Permit and Site Plan approvals in accordance with Sections 51 and 52.
- 23.3.1 Child day care centers.
- 23.3.2 Convalescent homes, private hospitals and sanitariums; licensed by the State, and located on a minimum of five acres.
- 23.3.3 The following uses when conducted by a non-profit organization and not as a business for profit: places of worship; parish halls; schools, colleges; universities; general hospitals; cemeteries; and educational, religious, philanthropic and charitable institutions.
- 23.3.4 Summer day camps, provided that there is no furnishing of rooms.
- 23.3.5 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries.
- 23.3.6 Commercial kennels, livery or boarding stables, or riding academies located on a minimum of five acres and provided that all structures and runs shall be located a minimum of 150 feet from any side or rear lot lines.
- 23.3.7 Public utility substations or telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.

- 23.3.8 Water supply reservoirs, wells, towers, treatment facilities or pump stations.
- 23.3.9 Buildings, uses and facilities of the Town, State of Connecticut or Federal Government and the Watertown Fire District.
- 23.3.10 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards, or freight terminals.
- 23.3.11 Bed and breakfasts.
- 23.3.12 Special events when conducted on a bona-fide farm.
- 23.3.13 Group Day Care Home (Effective Date 04/06/ 2001)
- 23.4 Permitted Accessory Buildings- Structures and Uses: The following accessory buildings structures and uses shall be permitted in the R-30 Residential District:
 - 23.4.1 Private garages, sheds, garden houses, tool houses, playhouses, greenhouses, swimming pools or other detached accessory structures not used for human habitation or for housing animals or fowl, and not operated for profit, provided the height of such structures shall not exceed 20 feet and shall be located at least 10 feet from the principal building.
 - 23.4.2 Accessory buildings for housing domesticated animals or fowl permitted under these Regulations.
 - 23.4.3 Signs, subject to the requirements of Section 62.
 - 23.4.4 Family day care homes.
 - 23.4.5 Parking facilities for the use of the occupants of the premises and their guests, in accordance with Section 63, provided that no more than one commercial vehicle, not exceeding 10,000 lbs. gross vehicle weight other than a passenger car, shall be parked at the premises. Farm vehicles on a bona-fide farm are exempt. (Effective Date April 6, 2001)
 - 23.4.6 Outside storage of one camping trailer, mobile home trailer, boat or other single unregistered vehicle, provided that such area shall comply with all yard setback requirements for buildings, but shall not be permitted in the required front yard.
 - 23.4.7 One unregistered vehicle may be permitted if not being dismantled. All other unregistered vehicles shall be garaged, except for vehicles which are excluded as per General Statutes.
 - 23.4.8 Radio and television reception equipment, including satellite dishes.

23.4.9 Home occupations or home offices in accordance with the requirements of Section 28.

23.4.10 Accessory dwelling units in accordance with the requirements of Section 26.

23.5 Area and Dimensional Requirements:

23.5.1 Lot Dimensions:

- a. Minimum Area
if not served by municipal water supply and sanitary sewer: 40,000 sq. ft.
- b. Minimum Area
if served by municipal water supply and sanitary sewers: 30,000 sq. ft.
- c. Minimum Dimensions of Square
if not served by municipal water supply and sanitary sewers: 150 ft.
- d. Minimum Dimensions of Square
if served by municipal water supply and sanitary sewers: 100 ft.
- e. Minimum Frontage: 75 ft.

23.5.2 Maximum Height: 3 stories or 35 feet.

23.5.3 Minimum Setbacks - Principal Buildings:

- a. Front Yard 35 feet
- b. Rear Yard 50 feet
- c. Side Yards 20 feet each

23.5.4 Minimum Setbacks - Accessory Structures:

- a. Front Yard 35 feet
- b. Rear Yard 15 feet
- c. Side Yard 15 feet each

23.5.5 Maximum Lot Coverage

- a. Maximum Building Coverage 15%
- b. Maximum Impervious Surface Coverage 25%

ARTICLE II - RESIDENCE DISTRICTS

SECTION 24 - RESIDENCE R-12.5 DISTRICT

- 24.1 Purpose: To provide suitable areas for more intensive single family residential development and related uses consistent with a suburban environment, in areas with no significant environmental constraints to development and a full range of public facilities to support development.
- 24.2 Permitted Uses: The following uses shall be permitted in the R-12.5 Residential District as a matter of right.
 - 24.2.1 Single-family detached dwellings.
 - 24.2.2 Farms, including truck gardens, nurseries, greenhouses, silos, barns, forestry and keeping of livestock and poultry and roadside stands accessory thereto.
 - 24.2.3 Parks and open space.
 - 24.2.4 Renting of rooms without cooking facilities.
 - 24.2.5 Tag Sales (Effective Date April 6, 2001)
- 24.3 Special Permit Uses: The following principal uses shall be permitted in the R-12.5 Residential Districts subject to Special Permit and Site Plan approvals in accordance with Sections 51 and 52.
 - 24.3.1 Child day care centers.
 - 24.3.2 Convalescent homes, private hospitals and sanitariums; licensed by the State and located on a minimum of five acres.
 - 24.3.3 The following uses when conducted by a non-profit organization and not as a business for profit; places of worship; parish halls; schools; colleges; universities; general hospitals; cemeteries; and educational, religious, philanthropic and charitable institutions.
 - 24.3.4 Summer day camps, provided that there is no furnishing of rooms.
 - 24.3.5 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries.
 - 24.3.6 Commercial kennels, livery or boarding stables, or riding academies; located on a minimum of five acres and provided that all structures and runs shall be located a minimum of 150 feet from any side or rear lot lines.
 - 24.3.7 Public utility substations or telephone equipment buildings provided that there is

no outside service yard or outside storage of supplies.

24.3.8 Water supply reservoirs, wells, towers, treatment facilities or pump stations.

24.3.9 Buildings, uses and facilities of the Town, State of Connecticut or Federal Government and the Watertown Fire District.

24.3.10 Railroad rights-of-way and passenger stations, including customary accessory-services therein but not including switching, storage sidings, freight yards, or freight terminals.

24.3.11 Bed and Breakfasts.

24.3.12 Two-family dwellings.

24.3.13 Three-family dwellings.

24.3.14 Special events when conducted on a bona-fide farm.

24.3.15 Small scale senior congregate housing at a maximum density of resident rooms not to exceed 1.5 times the number of dwelling units as allowed by the underlying zone. Such congregate housing facility shall be a minimum of one mile apart and located on a maximum of 5 acres. (Amendment Effective November 29, 2000)

24.3.16 Group Day Care Home (Effective Date April 6, 2001)

24.4 Permitted Accessory Buildings

Structures and Uses: The following accessory buildings, structures and uses shall be permitted in the R-12.5 Residential District:

24.4.1 Private garages, sheds, garden houses, tool houses, playhouses, greenhouses, swimming pools or other detached accessory structures not used for human habitation or for housing animals or fowl, and not operated for profit, provided the height of such structures shall not exceed 20 feet and shall be located at least 10 feet from the principal building.

24.4.2 Accessory buildings for housing domesticated animals or fowl permitted under these Regulations.

24.4.3 Signs, subject to the requirements of Section 62.

24.4.4 Family day care homes.

24.4.5 Parking facilities for the use of the occupants of the premises and their guests, in accordance with Section 63, provided that no more than one commercial vehicle, not exceeding 10,000 lbs. gross vehicle weight other than a passenger car, shall be parked at the premises. Farm vehicles on a bona-fide farm are exempt. (Effective

Date April 6, 2001)

- 24.4.6 Outside storage of one camping trailer, mobile home trailer, boat or other single unregistered vehicle, provided that such area shall comply with all yard setback requirements for buildings, but shall not be permitted in the required front yard.
- 24.4.7 One unregistered vehicle may be permitted if not being dismantled. All other unregistered vehicles shall be garaged, except for vehicles which are excluded as per General Statutes.
- 24.4.8 Radio and television reception equipment, including satellite dishes.
- 24.4.9 Home occupations or home offices in accordance with the requirements of Section 28.
- 24.4.10 Accessory dwelling units in accordance with the requirements of Section 26.
- 24.5 Area and Dimensional Requirements:
- 24.5.1 Lot Dimensions:
- | | | |
|----|---|-----------------------------------|
| a. | Minimum Area of Lot: if not served by municipal water supply and sanitary sewers: | 40,000 sq. ft. |
| b. | Minimum Area of lot if served by municipal water supply: | 12,500 sq. ft |
| c. | Minimum Lot Area for first dwelling unit on the lot: | 12,500 sq. ft. |
| d. | Minimum Additional Lot Area for each dwelling unit in excess of one: | 5,000 sq. ft. |
| e. | Minimum Dimensions of Square if not served by municipal water supply: | 150 ft. |
| f. | Minimum Dimensions of Square if serviced by municipal water supply: | 75ft. |
| g. | Minimum Frontage: | 75 ft except 50 ft on cul-de-sacs |
- 24.5.2 Maximum Height: 3 stories or 35 feet.
- 24.5.3 Minimum Setbacks - Principal Buildings:
- | | | |
|----|------------|--------------|
| a. | Front Yard | 35 feet |
| b. | Rear Yard | 30 feet |
| c. | Side Yard | 10 feet each |
- 24.5.4 Minimum Setback - Accessory Structures:
- | | | |
|----|------------|-------------|
| a. | Front Yard | 35 feet |
| b. | Rear Yard | 5 feet |
| c. | Side Yards | 5 feet each |
- 24.5.5 Maximum Lot Coverage:
- | | | |
|----|---------------------------|-----|
| a. | Maximum Building Coverage | 25% |
|----|---------------------------|-----|

- b. Maximum Impervious Surface Coverage 35%

ARTICLE II - RESIDENCE DISTRICTS

SECTION 25 - GENERAL RESIDENTIAL R-G DISTRICT

- 25.1 Purpose: To provide suitable areas for high density residential development consistent with a suburban environment, in areas with no significant environmental constraints to development and a full range of public facilities to support development.
- 25.2 Permitted Uses: The following uses shall be permitted in the R-G General Residential District as a matter of right:
 - 25.2.1 Single-family detached dwellings.
 - 25.2.2 Farms, including truck gardens, nurseries, greenhouses, silos, barns, forestry and keeping of livestock and poultry and roadside stands accessory thereto.
 - 25.2.3 Parks and open space.
 - 25.2.4 Renting of rooms without cooking facilities.
 - 25.2.5 Two family dwellings.
 - 25.2.6 Three family dwellings.
 - 25.2.7 Tag Sales (Effective Date April 6, 2001)
- 25.3 Special Permit Uses: The following principal uses shall be permitted in the R-G General Residential District subject to Special Permit and Site Plan approvals in accordance with Sections 51 and 52:
 - 25.3.1 Child day care centers.
 - 25.3.2 Convalescent homes, convalescent homes, private hospitals and sanitariums; licensed by the State of Connecticut, and located on a minimum of five acres.
 - 25.3.3 Summer day camps, provided that there is no furnishing of rooms.
 - 25.3.4 The following uses when conducted by a non-profit corporation and not as a business for profit: places of worship, parish halls, schools, colleges, universities, general hospitals, cemeteries, and educational, religious, philanthropic and charitable institutions.
 - 25.3.5 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries.

- 25.3.6 Commercial kennels, livery or boarding stables, or riding academies; located on a minimum of five acres and provided that all structures and runs shall be located a minimum of 150 feet from any side or rear lot lines.
- 25.3.7 Public utility substations or telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 25.3.8 Water supply reservoirs, wells, towers, treatment facilities or pump stations.
- 25.3.9 Buildings, uses and facilities of the Town, State of Connecticut or Federal Government and the Watertown Fire District.
- 25.3.10 Railroad right-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards, or freight terminals.
- 25.3.11 Bed and Breakfasts.
- 25.3.12 Multi-family dwellings in accordance with the requirements of Section 25.6.
- 25.3.13 Special events when conducted on a bona-fide farm.
- 25.3.14 Group Day Care Home (Effective Date April 6, 2001)
- 25.4 Permitted Accessory Buildings Structures and Uses: The following accessory buildings, structures and uses shall be permitted in the R-G Residential District:
 - 25.4.1 Private garages, sheds, garden houses, tool houses, playhouses, greenhouses, swimming pools or other detached accessory structures not used for human habitation or for housing animals or fowl, and not operated for profit, provided the height of such structures shall not exceed 20 feet and shall be located at least 10 feet from the principal building.
 - 25.4.2 Accessory buildings for housing domesticated animals or fowl permitted under these Regulations.
 - 25.4.3 Signs, subject to the requirements of Section 62.
 - 25.4.4 Family day care homes.
 - 25.4.5 Parking facilities for the use of the occupants of the premises and their guests, in accordance with Section 63, provided that no more than one commercial vehicle, not exceeding 10,000 lbs. gross vehicle weight other than a passenger car, shall be parked at the premises. Farm vehicles on a bona-fide farm are exempt. (Effective Date April 6, 2001)

- 25.4.6 Outside storage of one camping trailer, mobile home trailer, boat or other single unregistered vehicle provided that such area shall comply with all yard setback requirements for buildings, but shall not be permitted in the required front yard.
- 25.4.7 One unregistered vehicle may be permitted if not being dismantled. All other unregistered vehicles shall be garaged, except for vehicles which are excluded as per General Statutes.
- 25.4.8 Radio and television reception equipment, including satellite dishes.
- 25.4.9 Home occupations or home offices in accordance with the requirements of Section 28.
- 25.4.10 Accessory dwelling units in accordance with the requirements of Section 26.
- 25.4.11 Recreational facilities for multi-family dwellings for the use of residents and their non-paying guests.
- 25.5 Area and Dimensional Requirements:
- 25.5.1 Lot Dimensions:
- | | | |
|----|--|---------------|
| a. | Minimum Area: | 7,500 sq. ft. |
| b. | Minimum Additional Lot Area
for each dwelling unit in excess
of one or two and three family dwellings: | 5,000 sq. ft. |
| c. | Minimum Dimensions of Square: | 75 feet. |
| d. | Minimum Frontage: | 50 feet. |
- 25.5.2 Maximum Height: 3 stories or 35 feet.
- 25.5.3 Minimum Setbacks - Principal Buildings:
- | | | |
|----|------------|---------------|
| a. | Front Yard | 25 feet |
| b. | Rear Yard | 30 feet |
| c. | Side Yards | 10 feet each. |
- 25.5.4 Minimum Setbacks - Accessory Structures:
- | | | |
|----|------------|-------------|
| a. | Front Yard | 25 feet |
| b. | Rear Yard | 5 feet |
| c. | Side Yards | 5 feet each |
- 25.5.5 Maximum Lot Coverage:
- | | | |
|----|-------------------------------------|-----|
| a. | Maximum Building Coverage: | 40% |
| b. | Maximum Impervious Surface Coverage | 60% |
- 25.6 Additional Special Permit Requirements for Multi-Family Dwellings: The Commission shall not approve any Special Permit or Site Plan for the development of Multi-Family

Dwellings unless it determines that the Site Plan complies with the following:

- 25.6.1 All multi-family residential developments shall have a minimum parcel size of three acres and a density not exceeding 10 dwelling units per acre.
- 25.6.2 All multi-family residential developments shall be served by public sewer, public water supply and fire hydrants to the specifications of the Fire Marshal. All electric, telephone and other cable supplied services shall be installed underground.
- 25.6.3 Each residential unit shall have a private outside space, of at least 50 square feet, such as a terrace, deck, patio or courtyard adjoining and directly accessible to the residential unit.
- 25.6.4 The recreation area shall be of such grade and dimensions that the space shall be readily usable for same and shall be convenient to building entrances and planned in proper relation to buildings and other features, both on and off-site. In addition to the required private open space, at least 600 square feet of lot area per dwelling unit shall be allocated for outdoor recreational use; at least 75% of the area shall not exceed a grade of 10%, nor be identified as inland wetlands; and no dimensions shall be less than 40 feet. The areas allotted for outdoor recreational use shall be shown on the Site Plan, as well as the nature and type of recreation and facilities to be provided.
- 25.6.5 The architectural design, scale and mass of buildings and other structures, including exterior building materials, colors, roof lines and building elevations, shall be residential in character so as to harmonize with, and preserve the appearance of the surrounding residential area. There shall be no mechanical equipment, except solar collectors, on the roofs visible from the ground. Mechanical equipment and refuse containers shall be screened from view on all sides.
- 25.6.6 Buildings shall be designed for maximum solar access, preferably with an east-west orientation, and grouped in such a manner as to provide adequate light, air, ventilation and privacy for all habitable rooms.
- 25.6.7 Existing features of the site which are of value for the development or to the Town as a whole, such as trees, watercourses and similar irreplaceable assets, shall be preserved as far as possible through harmonious design and placement of the buildings, driveways, walkways and parking facilities.
- 25.6.8 All disturbed areas shall be suitably graded and landscaped with consideration given to its effectiveness at all seasons of the year.
- 25.6.9 Parking and Circulation Requirements.
 - a. Parking facilities for both passenger and service vehicles shall be

convenient to building entrances, adequately graded, drained, paved and maintained in all seasons to prevent dust, excessive water flow and congestion of driveways and to promote the safety of residents and visitors.

- b. A minimum of one garaged space per unit shall be provided. All garages shall be fully enclosed and have a minimum width of 10 feet and minimum depth of 20 feet per parking space.
- c. Major access roads, within the development, shall have a minimum pavement width of 20 feet. For dead-end streets within the development, turnarounds shall be provided with a minimum outside pavement diameter of 120 feet. All driveways and access roads shall be set back 20 feet from all property lines.
- d. Driveways shall be arranged in a suitable and convenient traffic-pattern and adequately graded, drained and maintained in all seasons to accommodate traffic and to afford satisfactory access to police, fire-fighting and snow removal equipment.
- e. Walkways shall be arranged in a suitable and convenient manner and shall be adequately surfaced, drained and maintained in all seasons.
- f. No parking shall be permitted in the required front yard. All parking shall be screened from view from the public street in accordance with the requirements of Section 70.6.
- g. Garage aprons and other parking spaces in tandem shall not be counted towards satisfying the minimum parking requirement.

25.7 Adaptive Reuse of a Former Public School (Amendment Adopted January 5, 2005, Effective January 16, 2005)

25.7.1 Purpose: To permit, subject to Special Permit and Site Plan approvals in accordance with Sections 51 and 52, the conversion of previously existing public school buildings served by a public water supply and sanitary sewer, which because of their functional design and the increased demands upon educational facilities are no longer considered acceptable for educational purposes but would lend themselves subject to proper safeguards and appropriate standards for conversion to active adult residential use. At least one adult resident of each dwelling unit shall be 55 years of age or older and there shall not be any permanent resident under the age of 18 years of age.

25.7.2 Compatibility: The Commission shall determine that the existing building and its environs will be suitable for elderly apartment conversion and will not adversely impact the character of the existing neighborhood.

25.7.3 Uses Permitted: A building above referred to may be converted to use set forth in Section 25.7.4.

25.7.4 Active Adult Residential Use, none of which shall be permitted to be located below ground level, subject to the following standards:

- a. Minimum lot area per dwelling unit (Areas occupied by lakes, rivers or wetlands shall not count as the basis for allowable dwelling unit) 1,000 sq.ft.
- b. Minimum Usable Open Space per dwelling unit. 100 sq. ft.
- c. Minimum Off-Street Parking Spaces 1.1 spaces
(per each dwelling unit)
- d. Minimum Floor Areas for dwelling units
 - For an Efficiency Unit 600 sq. ft.
 - For a 1-BR. Unit 700 sq. ft.
 - For a 2-BR. Unit 800 sq. ft.
- e. All active recreation areas shall not be less than 10 feet from any building or less than 10 feet from any lot line.
- f. Parking areas and driveways shall be adequately lighted and all lighting shall be full cut off fixtures and not directed onto adjacent properties.
- g. Stairways leading to the second or any higher floor shall be located within the wall of the building. Fire escapes shall be located on the rear wall in preference to either side wall and in no case on a front wall or side wall facing a street. There shall not be permitted any exterior fire escapes or stairways.
- h. Refuse collection areas shall be established and conveniently located for all uses. The collection areas shall be properly screened with covered receptacles.
- i. All buildings, structures and off-street parking areas shall be provided with suitable landscaping, including screening, and/or walls or fencing.

ARTICLE II - RESIDENCE DISTRICTS

SECTION 26 - ACCESSORY DWELLING UNITS

- 26.1 Accessory Dwelling Units in Single-Family Residences: A single-family dwelling unit in any district may be permitted to allow the incorporation of one additional dwelling unit per lot, subject to receipt of a zoning permit and the following conditions:
- 26.1.1 Maximum Size: The floor area of the accessory dwelling unit may not exceed one-third of the gross floor area of the building or 750 square feet, whichever is smaller. No more than two bedrooms are permitted in the accessory dwelling unit.
 - 26.1.2 Occupancy: One of the dwelling units shall be owner-occupied at all times.
 - 26.1.3 Location of Units: At least one side of each dwelling unit shall be at or above grade. Each unit shall have separate entrances, in addition, direct access shall be provided from the living area of the principal dwelling unit to the living area of the accessory dwelling unit.
 - 26.1.4 Adequacy of Facilities: Certification shall be required from the Town Sanitarian that the sewage disposal system is adequate to serve both dwelling units.
 - 26.1.5 Outdoor Stairways, Doors: No outdoor stairways serving the accessory unit on any floor other than the ground floor, shall be visible from a public street. Two separate doors shall not be permitted on the front facade of the building,
 - 26.1.6 Driveways: No additional driveways shall be created for the purpose of serving an accessory unit.
 - 26.1.7 Minimum Lot Size and Yard Requirements: Accessory units shall be located only in structures on lots which are in conformance with minimum area and dimensional requirements of the zoning district within which they are located; accessory units shall not be permitted by action of the Zoning Board of Appeals. The structure which contains the principal and accessory unit shall meet all applicable setbacks and bulk requirements and shall not detract from the single-family character of the neighborhood.
 - 26.1.8 Certification of Ownership: The owner of the property shall certify to the Planning Office, which shall file such affidavit on the Land Records, in the form of an affidavit that the owner is in residence in one of the dwelling units on the property. Such certification shall be made at the time of the initial application for the Zoning Permit and subsequently on an annual basis by January 15th of each year. The absence of annual certification shall void the Zoning Permit.

ARTICLE II - RESIDENCE DISTRICTS

SECTION 26A - ACCESSORY DWELLING

(Amendment Adopted 5/1/96)

26A1 Accessory Dwellings in Residential Districts:

A single family dwelling in any residential district may be permitted to allow the incorporation of one additional dwelling per lot subject to Special Permit and Site Plan approvals in accordance with Sections 51 and 52 and the following standards and requirements:

26A.1.1 Minimum Lot Size and Yard Requirements: Accessory dwellings shall be located only on lots with a minimum area of six acres and dimensional requirements of the zoning district within which they are located.

26A.1.2 Location of Dwellings: Each dwelling shall meet the minimum setback and bulk requirements of the district. Separating distance between dwellings shall be a minimum of 100 ft.

26A.1.3 Adequacy of Facilities: Certification shall be required from the Health District that the sewage disposal system is adequate to serve both dwellings.

26A.1.4 Driveways. No additional driveways shall be created at the street line for the purpose of serving an accessory dwelling.

26A.1.5 Occupancy: One of the dwellings shall be owner-occupied at all times.

26A.1.6 Certification of Ownership: The owner of the property shall certify to the Planning and Zoning office, which shall file such affidavit on the Land Records, in the form of an affidavit, that the owner is in residence in one of the dwellings on the property. Such certification shall be made at the time of the initial application for the Zoning and Special Permit and subsequently on an annual basis by January 15th of each year. The absence of annual certification shall void the Zoning and Special Permit. Termination of the Zoning Permit and Special Permit shall be evidenced by Notice of Termination of Zoning Permit and Special Permit signed by the Zoning Enforcement Officer and recorded in the zoning office, mailed by certified mail to the property owner as recorded at the zoning office and recorded on the land records. (Amendment Adopted 5/1/96)

ARTICLE II - RESIDENCE DISTRICTS

SECTION 27 - PLANNED COMMUNITY DEVELOPMENT (PCD)

27.1 Purpose: At its discretion, the Commission may approve Planned Community Developments in the R-90, R-70, R-30, and R-12.5 Residential Districts, subject to the standards and procedures set forth in this Section, provided it shall be determined by the Commission that such developments satisfy the following objectives:

27.1.1 Preserve the natural, scenic and ecologically important features of the Town's remaining undeveloped land.

27.1.2 Encourage flexibility of design and development in such a way as to promote the most appropriate use of land, considering its particular topography, size, shape, soils, natural features, historic assets and other similar features, and to prevent soil erosion and water pollution.

27.1.3 Preserve wetlands and otherwise control new developments so as to minimize hazards resulting from stormwater runoff and stream flooding.

27.1.4 Provide the maximum land area for open space, park and recreation purposes, including trails.

27.1.5 Protect and preserve the semi-rural character of the Town's residential areas.

27.1.6 Facilitate the economical construction and maintenance of roads, utilities and other public facilities in new developments.

To assist with its consideration for a PCD, the Commission at its discretion, may require a public hearing.

27.2 Permitted Uses: The following uses are permitted as of right in a PCD subject to Site Plan approval in accordance with the requirements of Section 51.

27.2.1 Single-family detached dwellings, in public sewerred and public water areas only. (Amendment adopted 10/19/94)

27.2.2 Single-family attached dwellings, in public sewerred and public water areas only.

27.2.3 Two-family dwellings, in public sewerred and public water areas only.

27.2.4 Open space, including conservation or park areas for passive recreation, park, horticultural gardening, conservation and flood control, with no structures or changes in contour or natural surface of the land; and recreational areas for active recreation and sports, and recreational facilities for use by residents of the development and their accompanying non-paying guests.

27.2.5 Agriculture, forestry or forest management.

27.3 Permitted Accessory Uses: The following accessory uses shall be permitted in a PCD:

27.3.1 All permitted accessory uses in the applicable zoning district.

27.3.2 Community centers or other recreational facilities intended solely for the use of residents of the Planned Community Development and their guests.

27.4 Lot and Floor Area Requirements:

27.4.1 Minimum parcel size: 35 acres in R-90; 25 acres in R-70; 15 acres in R-30; and 10 acres in R-12.5

27.4.2 Maximum number of lots per parcel: The maximum number of dwelling units permitted in a PCD, shall be determined by multiplying the total acreage of the site by the appropriate base density factor as indicated by the following and rounding off the result to the nearest whole number:

R-90 District 0.4

R-70 District 0.6

R-30 District 1.3

R-12.5 District 3.2

27.4.3 Minimum Lot Area:

Single-family detached, two-family detached: One half the lot area otherwise permitted in the zoning district.

Single-family attached - No minimum.

27.4.4 Side or Rear Yards: Minimum 15 feet. Side Yard setbacks shall not apply to adjacent single-family attached units.

27.4.5 Front Yard Setback: Minimum 20 feet.

27.4.6 Site Perimeter Setback: Single-family attached dwellings and two-family dwellings shall be setback a minimum of 150 feet from any property line on the perimeter of the site abutting residentially zoned land and along the main public road frontage, except where such property line shall abut another PCD site or multi-family development. The Commission may permit a lesser setback where severe topography, water bodies, or other unique physical conditions, create a separation of sites.

27.4.7 Maximum Building Height: 35 feet.

27.5 Open Space Requirements:

27.5.1 An open space area including recreational areas, conservation areas and park areas, shall be provided equal to, or greater than the difference between the total area of the lots which could be developed under conventional zoning, and the total area of the lots proposed under PCD provisions. A minimum of 35% of the total parcel area shall be established for open space, preferably in one continuous parcel exclusive of parking areas, driveways, access roads, or other impervious surfaces. Not more than 10% of said open space shall be a designated wetland. Only areas containing a minimum of one acre with a minimum dimension of 100 feet shall qualify as open space.

27.5.2 The location of any open space shall reflect consideration of open space systems which are designated in the Town Plan of Development, desirable watercourses and wetlands, the presence of unique natural features, access to and use of such space, and restrictions and conditions regarding its usage.

27.5.3 The open space area shall be noted on the plan as "Reserved for Open Space Purposes".

27.6 Control of Open Space

Land marked "Reserved for Open Space Purposes" on the plan shall be maintained as open space in perpetuity; either by donation to a non-profit conservation organization acceptable to the Commission; donation to and acceptance by the Town for use as park land or ownership by a property owner's association. If the open space is to be owned by an association of property owners, as a condition of approval of the PCD by the Commission, a document acceptable to the Commission's legal counsel shall be filed by the applicant in the Office of the Town Clerk which document:

- a. Shall establish an association of property owners to maintain the land reserved for open space purposes, with power to assess the members for all necessary costs;
- b. Shall be binding on all future owners;
- c. Shall be perpetual;
- d. Shall not be affected by any change in zoning or land use;
- e. Shall assure appropriate maintenance of the reserved land;
- f. May be enforced by adjoining property owners or the Town by appropriate court action; and
- g. Shall provide that if maintenance, preservation or use, of the open space no longer complies with the provisions of the document, the Town may take all necessary action to assure compliance and assess against the association, all costs incurred by the Town for such purposes.

27.7 Additional Design Requirements:

27.7.1 All buildings shall be located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible. An overall architectural theme or style shall be established for all dwellings and accessory structures to assure an overall harmony of roof lines, sizes, facades, materials and colors.

- 27.7.2 The Commission may permit a PCD wherein the land and common facilities shall be under single common ownership, in which case individual lots and yards shall not be required; however, no structure shall be within 30 feet of another structure nor closer than 20 feet to a road.
- 27.7.3 All lots and dwelling units shall be oriented towards the common open space, which shall serve as the focal point of the PCD.
- 27.7.4 A maximum of six dwelling units shall be attached by common walls, breezeways, porches, decks or other structural or architectural features.

ARTICLE II - RESIDENCE DISTRICTS

SECTION 28 - HOME OCCUPATIONS OR HOME OFFICES

- 28.1 Standards: A home occupation or home office may be conducted as an accessory use in residential districts subject to a Zoning Permit (See Section 72.3) and compliance with the following standards and requirements:
- 28.1.1 Other than one outside employee, no person other than family members residing on the premises shall be engaged in the conduct of a home occupation or home office.
 - 28.1.2 Not more than one commercial vehicle not to exceed 10,000 lbs. gross weight shall be permitted to park at such residence, which vehicle is incidental to the home occupation or home office.
 - 28.1.3 The home occupation or home office shall not impair the residential character of the premises and neighborhood, including more vehicular traffic and/or parking normally generated by residential use.
 - 28.1.4 Not more than 25% or 400 square feet of floor space, whichever is smaller, shall be used for the home occupation or home office.
 - 28.1.5 No objectionable noises, odors, vibrations or unsightly conditions shall be created.
 - 28.1.6 No radio or television reception interference shall be created in the vicinity.
 - 28.1.7 There shall be no mechanical or structural fabrication, assembly or processing of any products or items, except that which shall be incidental to the permitted accessory use.
 - 28.1.8 There shall be no outside storage and no display advertising or other visible evidence of such use outside the building in which it is located.
 - 28.1.9 No retail sales shall be permitted in connection with the use of the premises for a home occupation or home office.
 - 28.1.10 The home occupation or home office shall terminate when the applicant no longer resides in the dwelling unit.

ARTICLE II - RESIDENCE DISTRICTS

SECTION 29 - AFFORDABLE HOUSING

- 29.1 Purpose: To comply with the General Statutes, the Development of affordable housing to meet local housing needs so as to increase the diversity of housing within the Town.
- 29.2 Maximum Permitted Density: The maximum permitted density for residential developments in the General Residential R-G District, or Planned Community Developments, which include affordable housing dwelling units, may be increased by up to 40% from that otherwise permitted, subject to Site Plan and Special Permit approvals, in conformance with the requirements of Sections 51, 52 and 29.
- 29.3 Affordability Plan: An "Affordability Plan" shall be required for approval of a Site Plan and Special Permit, which shall describe in detail how the development will comply with this Section and how the affordability covenants and restrictions will be administered.
- 29.3.1 The Affordability Plan shall include provisions for: procedures for notice to the general public of the availability of affordable units; identification of which units throughout the project shall be designated as affordable; procedures for verification and periodic reverification of unit occupancy include and compliance with affordability requirements; administration of periodic reports to the Zoning Enforcement Officer or other authority as may be established concerning compliance with this Section. Such plans shall also include drafts of documents, such as deeds of conveyance and leases, which will be used in the administration of the affordability restrictions and any explanations which will be provided to the units occupants concerning such restrictions.
- 29.3.2 Implementation: The developer or his successors shall be responsible for the implementation of all terms and restrictions of the "Affordability Plan". Upon approval by the Commission, the appropriate local public agency shall assume the responsibility for implementation.
- 29.4 General Requirements: To receive the additional density, residential developments shall be in conformance with the following conditions:
- 29.4.1 For each dwelling unit constructed in excess of the number permitted by applicable density limits, the developer shall construct one unit of affordable housing within the proposed development.
- 29.4.2 The affordable units shall be reserved for sale or rental to persons and families of low and moderate income, as defined in Section 8-39a of the General Statutes, for a period of at least 30 years.
- 29.4.3 The affordable units shall be indistinguishable from the market-rate units in all manner, including but not limited to size, number of bedrooms, location,

appearance, provision of amenities and community facilities, quality and cost of construction and installation of utilities.

29.4.4 The developer or his successors shall certify to the appropriate local public agency on an annual basis that the units developed as affordable housing are being leased or have been sold to eligible persons or families, at prices or rents, consistent with the requirements of the General Statutes.

29.5 Permitted Uses: The principal and accessory uses otherwise permitted in a General Residence R-G District or a Planned Community Development, shall be permitted in affordable housing developments, subject to all applicable standards.

ARTICLE II - RESIDENCE DISTRICTSSECTION 29A - AGE RESTRICTED HOUSING DEVELOPMENT (ARHa) 4 to 10 acres
(Amendment Approved 06/16/2004, Effective 07/10/2004)

29A.1 Purpose: To provide an opportunity for the development of Age Restricted Housing to meet local housing needs through the use of an overlay to the R - 12.5 and R -30 Districts, in order to increase the diversity of housing options within the Town.

The establishment of an age restricted (ARHa) overlay zone within an existing zone shall be considered a zone change subject to the requirements and procedures of section 8.3 of the Connecticut General Statutes and the provisions of Section 81 of the Town of Watertown Zoning Regulations.

29A.2 Maximum Permitted Density: The maximum permitted density for Age Restricted Housing shall be six (6) Units per acre (two units shall be permitted for any additional 1/3 acre), and not more than three (3) Units per building. Wetlands, floodplains and slopes greater than 25% shall not be counted toward the total acreage to determine density. There shall be a maximum of two bedrooms per dwelling and at least one bedroom **and one full bathroom** shall be located on the first floor level. There shall be a maximum of three permanent residents per dwelling unit.

29A.3 Minimum Parcel Size: A minimum parcel size of four (4) acres in an R-12.5 and R-30 Zoning District

29A.4 Maximum Parcel Size: A maximum parcel size often (10) acres in an R-12.5 and R-30 Zoning District

29A.5 Minimum Distance Between Developments: A minimum distance of one half mile shall be required between Age Restricted Developments as provided herein.

29A.6 Area And Dimensional Requirements: Age Restricted Housing Developments shall be subject to the area and dimensional requirements of the underlying zone except that a minimum twenty (20) foot side yard setback shall be required for all structures. The Commission may, at its discretion, require buffering within the setback areas.

29A.7 Site Plan And Special Permit: An Age Restricted Housing Development Application shall be subject to Special Permit and Site Plan Approvals in accordance with Sections 51 and 52 of these regulations, and the following additional standards and requirements:

29A7.1 The site shall be served by public water and public sewer, and fire hydrants to the specifications of the Fire Marshal. All electric, telephone and other cable supplied services shall be installed underground.

29A7.2 Each residential unit shall have a private outside space of at least 50 square feet, such as a terrace, deck patio or courtyard adjoining and directly accessible to the

residential unit.

29A7.3 The Commission shall determine that the architectural design, scale and mass of buildings and other structures, including exterior building materials, colors, roof lines and building elevations shall be residential in character so as to harmonize with and preserve the appearance of the surrounding residential area. There shall be no mechanical equipment, except solar collectors, on the roofs visible from the ground. Mechanical equipment and refuse containers shall be screened from view on all sides.

29A7.4 Buildings shall be designed for maximum solar access, preferably with an east-west orientation, and grouped in such a manner as to provide adequate light, air, ventilation and privacy for all habitable rooms.

29A7.5 Existing features of the site which are of value for the development or to the Town as a whole, such as trees, watercourses and similar irreplaceable assets, shall be preserved as far as possible through harmonious design and placement of the buildings, driveways, walkways and parking facilities.

29A7.6 Parking and Road Requirements

- a. A minimum of one garage space per unit shall be provided. All garages shall be fully enclosed and have a minimum width of 12 feet and a minimum depth of 20 feet per parking space.
- b. Major access roads, within the development, shall have a minimum pavement width of 20 feet. For dead-end streets within the development, turnarounds shall be provided with a minimum pavement diameter of 120 feet, or a suitable configuration to be determined at the Commission's discretion. All driveways and access roads shall be set back 20 feet from property lines.
- c. The road and storm drainage facilities within the development shall be constructed to Town of Watertown standards and be owned and maintained by a private homeowners association pursuant to the Connecticut Common Interest Ownership Act (C.G.S. Chapter 828).
- d. Driveways shall be arranged in a suitable and convenient traffic pattern and adequately graded, drained and maintained in all seasons to accommodate traffic and to afford satisfactory access to police, fire-fighting and emergency equipment.
- e. No parking shall be permitted in the required front yard. All parking shall be screened from view from the public street in accordance with the requirements of Section 70.6.
- f. Garage aprons and other parking spaces in tandem shall not be counted towards satisfying the minimum parking requirements as specified in Section 63.5

29A.8 Open Space: Thirty-five (35%) percent of the site shall be set aside as open space. At the discretion of the Commission, Water Quality Basin Area and Conservation Restriction

Area may be included in determining the percentage. The Commission may increase or decrease the Open Space requirement by not more than 5% during site plan and special permit review based upon the specifics of the site.

- 29A.9 Adjacent To Major Roadways: An Age Restricted Community shall be approved only on lots adjacent to or that have direct access to the following major roadways:
- a. CT Route 63 (Litchfield Road, Main Street Watertown, Straits Turnpike)
 - b. CT Route 73 (Main Street Oakville)
 - c. U.S. Route 6
 - d. State Route 855 (262) (Buckingham Street)
 - e. Echo Lake Road
 - f. Falls Avenue
 - g. French Street
- 29A10 Affordable Housing: At the discretion of the Commission, the applicant may be required to designate up to 35% of the dwelling units as affordable housing as defined in Section 8-30g of the Connecticut General Statutes.
- 29A11 Community Association: Deed Restrictions: The Association for the Age Restricted Community must be established to the satisfaction of the Commission and in accordance with Connecticut Law.

The Association documentation must be recorded on the land records of the Town of Watertown and must, at a minimum, contain the age occupancy and other restrictions and limitations contained in this Age Restricted Housing Development regulation. The Association shall be responsible for ensuring compliance with said restrictions. The restrictions as to age and number of occupants shall be specifically included as an encumbrance on the deed of each unit to be recorded on the land records. (Effective Date 7/10/2004)

ARTICLE II - RESIDENCE DISTRICTS

SECTION 29B - AGE RESTRICTED HOUSING DEVELOPMENT (ARHb) 150 to 200 acres

(Amendment Adopted December 7, 2005, Effective January 4, 2006)

29B.1 Purpose: To provide an opportunity for the development of Age Restricted Housing to meet local housing needs through the use of an overlay to the Residential Zones R-G, R-12.5, R-30, R-70 and R-90 in order to increase the diversity of housing options within the Town.

The establishment of an age restricted (ARHb) overlay zone shall be considered a zone change subject to the requirements and procedures of Section 8-3 of the Connecticut General Statutes and Section 81 of the Town of Watertown Zoning Regulations.

1. Provide for age restricted occupancy
2. Provide a community with a consistent architectural theme
3. Provide for community ownership with privately owned roads
4. Provide for a variety of pedestrian walkways and trails
5. Provide for sheet flow drainage wherever it is practical to minimize curbing and drainage structures and allow for re-absorption of drainage water
6. Provide for open space areas
7. Provide for preservation of wetlands

The Commission must determine on the record that there is a need for an ARHb Zone prior to establishing said zone.

29B.2 Permitted Uses:

- Single-family detached buildings
- Single family attached buildings with up to 4 units per building
- Multifamily buildings of up to 4 units per building, provided that each unit shall have exterior ground level access
- Open space conservation land both public and private
- Recreational facilities appurtenant to the community
- Maintenance facilities appurtenant to the community

29B.3 Maximum Permitted Density: The maximum permitted density shall be two (2) units per gross acre, including any lands dedicated in any way as open space. The Owner shall have discretion as to the building mix within the community based upon market conditions but the overall maximum density shall not be exceeded. There shall be a maximum of 5 permanent residents per dwelling unit.

29B.4 Minimum Parcel Size

The minimum parcel size shall be one hundred fifty (150) acres and the maximum parcel size shall be two hundred (200) acres.

29B.5 Common Ownership And Standards: The age-restricted housing shall be developed pursuant to Connecticut General Statutes Chapter 828, the Connecticut Common Interest Ownership Act. The following standards shall apply:

- Building separation — no less than 10ft
- Setback from roads — no less than 15ft excluding driveways
- Setback from residential boundary — 50ft (The Planning and Zoning Commission shall have the authority to permit a lesser setback by a majority vote)
- Setback from Industrial boundary — 75ft
- Maximum building height — 35ft

All dwelling units constructed along existing Town roads shall be single family detached with a minimum setback of 50ft (from the Town road) or single family attached with a minimum setback of 150ft (from the Town road).

The Commission must determine on the record that there is a need for an ARHb Zone prior to establishing said zone.

29B.6 Site Plan And Special Permit: Age Restricted Planned Residential Application shall be subject to Special Permit and Site Plan approvals in accordance with Sections 51 and 52 of these Regulations, and the following additional standards and requirements:

- 29B6.1 Each residential unit shall have a private outside space of at least 50 square feet, such as a ten-ace, deck, patio, or courtyard adjoining and directly accessible to the residential unit.
- 29B6.2 The Commission shall confirm that the architecture is themed, that the exterior building materials are of good quality, and that the elevations are residential in character. There shall be no mechanical equipment, except solar collectors, on the roofs visible from the ground. Mechanical equipment and refuse containers shall be screened from view on at least three sides.
- 29B6.3 All driveways and access roads shall be set back no less than 20 feet from all property lines, excepting as required for access roads to connect with town roads. The Planning and Zoning Commission shall have the authority to permit a lesser setback by a majority vote. At no time shall on street parking be permitted within the development and shall be so signed.

29B.7 Public Water, Public Sewer And Underground Utilities: The Site shall be served by public water and public sewer. Fire hydrants to meet fire marshal specifications. Electric, telephone, and cable sendees shall be installed underground.

All water and sewer mains within the community road system shall be owned and maintained by the Watertown Water and Sewer Authority. All water and sewer laterals from the roadways to the buildings will be owned and maintained by the community.

- 29B.8 Parking Requirements: A minimum of two (2) off-street resident parking spaces shall be provided for each dwelling unit and located in proximity to each unit, at least one (1) of which shall be located within an enclosed garage. A minimum of (2) off-street visitor parking spaces shall be provided for every four dwelling units. Driveway parking spaces may be counted as either resident or visitor parking spaces.
- 29B.9 Road Requirements And Drainage Requirements: The roadway system shall be private. The Community Association shall be responsible for the maintenance, repair and replacement of the road system and shared driveways. Primary collector roads shall be twenty-four (24) feet in width, secondary arterial roads shall be eighteen (18) feet in width and shared driveways shall be fourteen (14) feet in width. The roadway and driveway plan shall meet the approval of the Commission. The profile of the primary collector road shall be constructed to Town standards to require a 12-inch gravel base and 4 inches of asphalt.
- 29B10 Drainage: All road and storm drainage facilities within the Development shall be constructed in accordance with Best Management Practices (BMP's) for storm water quality and management. Sheet flow techniques and roadside swaling shall be encouraged over curbing, catch basins and manholes. The storm water management plan shall provide for a zero increase in "peak runoff from the site. All road and storm drainage facilities within the development shall be maintained, repaired and replaced by the Condominium Association. An annual report of said maintenance and repairs shall be provided by The Condominium Association to the Town Engineer.
- 29B11 Open Space: Twenty-five (25%) percent of the site shall be set aside as contiguous public open space. Conservation Restriction Area may be included in determining the percentage. At least 25% of the minimum required public open space shall not be designated as wetlands or have greater than a 25% slope. In addition, at least another 10% of the site shall be designated as private open space. Water Quality Basin Area and Conservation Restriction Area may be included in determining the percentage of private open space. At least 25% of the minimum required private open space shall not be designated as wetlands or have greater than a 25% slope.
- 29B12 Community Association - Deed Restricted: The Association for the Age Restricted Community must be established in accordance with Connecticut Common Interest Ownership Act.
- The Association documentation must be recorded on the land records of the Town of Water-town and must, at a minimum, contain the age occupancy and other restrictions and limitations contained in this Age Restricted Housing Development regulation. The Association shall be responsible for ensuring compliance with said restrictions. The restrictions as to age and number of occupants shall be specifically included as an encumbrance on the deed of each unit to be recorded on the land records.
- 29B13 Community Clubhouse: The community shall have a clubhouse that provides at least 15 square feet of floor area per dwelling unit. The clubhouse shall be used for

recreational purposes and community meetings.

29B14 Architectural: Applicant shall submit conceptual images of each of the proposed product types, demonstrating a consistent architectural theme and a consistent application of good quality exterior siding and roofing materials, which shall be subject to approval by the Commission at the time of site plan approval.

29B15 Maximum Lot Coverage

- a. Maximum Building coverage 15%
- b. Maximum Impervious Surface Coverage 25%

29B16 Affordable Housing: The Commission may authorize a density bonus of up to 5% to be exercised at the developers discretion in accordance with the Connecticut Statutory Criteria for Affordable Housing.

ARTICLE II - RESIDENCE DISTRICTS

SECTION 30 - RESIDENTIAL TRANSITION – PROFESSIONAL OFFICE DISTRICT (RT)

(Effective: 7/7/99)

- 30.1 Purpose: An overlay zone to the R-12.5 and R-30 Districts intended to accommodate a transition of residential uses ranging from single-family dwellings to multi-family dwellings, while maintaining or preserving the existing character of the area.
- 30.2 Permitted Uses: Those uses currently permitted in the R-12.5 and R-30 Residential Districts as a matter of right subject to the uses, conditions, provisions and area and dimensional requirements of the respective districts.
- 30.3 Special Permit Uses: The uses currently permitted in the R-12.5 and R-30 Residential Districts subject to the Special Permit and Site Plan approvals in accordance with Sections 51 and 52, and subject to the uses, conditions, provisions, and area and dimensional requirements of the respective districts.
- 30.4 Additional Permitted Uses: The following additional principal uses shall be permitted in the R-T Zone by right:
 - 30.4.1 Two-family dwellings - existing.
 - 30.4.2 Two-family dwellings - new construction.
 - 30.4.3 The conversion or enlargement of exiting single-family dwellings to two-family dwellings provided that:
 - a. Any fire escapes or stairways added to the exterior of the building shall not be allowed on any wall facing the street,
 - b. Each dwelling unit shall have a minimum GFA of 650 square feet.
 - 30.4.4 Three-family dwellings - existing.
- 30.5 Additional Special Permit Uses
The following principle use shall be permitted in the R.T Zone subject to Special Permit and Site Plan approvals in accordance with Section 51 and 52. (Amendment approved June 2, 1999 Effective July 7, 1999)
 - 30.5.1 Three-family dwellings - new construction.
 - 30.5.2 The conversion or enlargement of existing single or two-family dwellings to three-family dwellings provided that:
 - a. Any fire escapes or stairways added to the exterior of the building shall not be allowed on any wall facing a street; and
 - b. Each dwelling unit shall have a minimum GFA of 650 square feet.

30.5.3 Multi-family dwellings in accordance with the requirements of Section 25.6 except that such development shall have a minimum parcel size of five acres and a density not exceeding eight units per acre.

30.5.4 Professional Office: Residential Transition Zone in areas of the Town of Watertown: such special use permit districts shall border Straits Turnpike or Bunker Hill Road within the designated (RT) Residential Transition Zone. [This paragraph amended effective July 11, 2008]

The purpose of a professional office "PO" use in an R-30/R-12.5 Residential Transition Zone is intended to accommodate a transition between the commercial zone B-SC and the residential R-30/R-12.5 Zone, while still maintaining and preserving the residential character of the area.

30.6 Qualifying Standards: No parcel of land shall be considered for a professional office use unless it complies with the following standards:

30.6.1 The minimum lot size for a PO zone is 1.5 acres. [Amendment approved July 2, 2008; effective July 11, 2008]

30.6.2 The maximum size (a) maximum building coverage is 25%; (b) maximum impervious surface coverage is 35%. [Amendment approved July 2, 2008; effective July 11, 2008]

30.6.3 Uses: Professional Offices

- | | | |
|----|---|---|
| A. | Maximum Building Height | 2 ½ stories 35 Ft.
Or whichever is less |
| B. | Minimum Building Setbacks | |
| | 1. Front Yard | 50 Ft |
| | 2. Side Yard | 25 Ft. |
| | 3. Rear Yard | 25 Ft. |
| C. | Minimum Parking Setbacks | |
| | 1. Front Yard | 60 Ft. |
| | 2. Side Yard | 15 Ft. |
| | 3. Rear Yard | 15 Ft. |
| D. | Residential Property Buffer | 50 Ft. |
| | For Buildings, Accessory Buildings and Parking | |
| E. | [This subsection deleted effective July 11, 2008] | |

30.6.4 Design Standards: The following design standards shall apply in a PO zone in an R-30/R12.5 Residential Transition Zone.

1. The proposed buildings or modifications to existing buildings be harmoniously related to their surroundings, to the terrain and to the use,

- scale and architecture of existing buildings in the vicinity that have a functional or visual relationship to a proposed building or modification.
2. All spaces and structures visible to the public from public roadways be designed to add to the visual amenities of the area consistent with those of the residential district in and around the proposed building or modification.
 3. The color, size, height, proportion of openings, roof treatments, materials and landscaping of the property and any proposed signs and lighting be evaluated for compatibility with the local architectural motif and the maintenance of views, historic buildings, monuments and landscaping.
 4. The removal or disruption of historic traditional or significant structures or architectural elements shall be minimized.
 5. The arrangement and orientation of any proposed building or site improvement shall be similar in the immediate residential neighborhood.
 6. The building and layout of buildings and parking lots shall reinforce existing buildings and streetscape patterns and the placement of buildings and parking lots shall assure there is no adverse impact on the immediate residential neighborhood.
 7. Open space of the proposed developments shall reinforce open space patterns of the immediate neighborhood, in form and siting.
 8. Locally significant features of the site such as distinctive buildings or vistas shall be integrated into the site design.
 9. The landscape design shall complement the neighborhood's landscape patterns and reinforce functional qualities.
 10. The exterior signs, site lighting and accessory structures shall support a uniform architectural theme and present a harmonious relationship with the surrounding neighborhood.
 11. The scale, proportions, massing and detailing of the proposed building shall be in proportion to the scale, proportion, massing and detailing in the neighborhood.
 12. The sign shall be limited to one freestanding sign eight square feet in area, a maximum of five feet in height and located 10 Ft from all property lines or such other dimensions as approved by the Commission.
 13. The site lighting shall conform to the requirements of Section 61, however, the height of any light posts in the associated parking area shall be determined by the Commission,
 14. The applicant shall provide a sample of the building material for commission review.
 15. A 50 Ft. landscape buffer shall be provided by the applicant between all residential homes and the PO. The buffer shall be sufficiently landscaped with continuous evergreen trees or hedges having a minimum height of seven feet providing screening and buffering.
 16. Existing trees shall be saved, if possible; if grading is required in their vicinity, trees shall be appropriately welled or mounded to protect them

- from damage.
17. No paving will be permitted within the buffer.
 18. The Commission may permit fencing or walls in addition to the landscape buffer.
 19. Parking shall be located to the rear and side of the PO.
 20. The amount of parking spaces shall be determined by the Commission.
(Amendment Approved June 2, 1999 Effective July 7, 1999)

ARTICLE III - BUSINESS DISTRICTS

SECTION 31 - CENTRAL BUSINESS B-C DISTRICT

- 31.1 Purpose: To encourage the orderly development of a shopping area for the Town which provides the opportunity for creative and flexible architectural design, the sound interrelationship of buildings to open spaces, pedestrian and vehicular circulation, landscaping, parking areas and business uses and to carry out the recommendations and proposals for circulation and use contained in the duly adopted plans and policies of the Commission.
- 31.2 Permitted Site Plan Uses: The following principal uses with a maximum gross floor area of 7 500 sq ft shall be permitted subject to site plan approval in accordance with Section 51. (Effective Date December 8, 1997)
- 31.2.1 Stores and shops for the conduct of personal service businesses.
 - 31.2.2 Retail dry cleaners or retail laundry establishments.
 - 31.2.3 Restaurants, sit-down, without drive-through facilities.
 - 31.2.4 Banks or financial institutions without drive-through facilities.
 - 31.2.5 General, medical and professional offices, above the first level of the building.
 - 31.2.6 Indoor theatres or auditoriums.
 - 31.2.7 Public or semi-public uses.
 - 31.2.8 Health or fitness clubs, gymnasiums or racquet clubs, above the first level of the building.
 - 31.2.9 Printing, lithography, photocopying, publishing or similar graphic arts services occupying not more than 2,000 sq. ft. GFA.
 - 31.2.10 Studios of dance, photography, graphic design, painting or similar artistic endeavors, above the first level of the building.
 - 31.1.11 Bottle Redemption Center occupying a maximum of 3,000 sq. ft. in an existing industrial building built before 1950. (Amendment approved May 7, 1998)
- 31.3 Special Permit Uses: The following uses shall be permitted subject to Special Permit and Site Plan approvals in accordance with Section 51 and 52:
- 31.3.1 All permitted site plan uses with a maximum gross floor area of 20,000 sq ft.

(Amendment Effective 11/17/1997)

- 31.3.2 One or more multi-family dwelling units not at street level nor on the first floor of a building, subject to the requirements of Section 25.6
- 31.3.3 Restaurants, fast-food, without drive-through facilities.
- 31.3.4 Bottle Redemption Center occupying a maximum of 3,000 sq. ft. in an existing industrial building built before 1950. (Amendment adopted May 7, 1998)
- 31.3.5 Stores or shops for the conduct of retail business with a maximum gross floor area of 20,000 sq ft for retail business including outdoor display, if any. (Amendment Effective November 17, 1997)
- 31.4 Permitted Accessory Uses: The following accessory uses shall be permitted:
 - 31.4.1 Uses normally accessory to a principal use requiring Site Plan approval, provided that such uses shall be applied for with, and included in, the Site Plan application.
 - 31.4.2 Uses normally accessory to a principal use requiring a Special Permit, provided that such uses shall be applied for with, and included in, the Special Permit application.
 - 31.4.3 Building mechanical equipment located outside the structure, including radio and television reception equipment, provided that such equipment shall be properly screened.
 - 31.4.4 Off-street parking and loading, excluding parking structures, subject to Section 63.
 - 31.4.5 Signs, subject to Section 62.
- 31.5 Design Requirements:
 - 31.5.1 All uses, except parking, loading and permitted signs, shall be conducted entirely within a building.
 - 31.5.2 All buildings shall include a principal entrance oriented towards the public right of way.
 - 31.5.3 Pedestrian facilities shall be provided to link the entrance to the buildings to the public pedestrian circulation system.
 - 31.5.4 The maximum front yard setback for all new buildings shall be 10 feet.
- 31.6 Area and Dimensional Requirements:

31.6.1 Minimum Lot Area

- | | | |
|----|--|----------------|
| a. | For all uses except multi-family dwellings | No minimum |
| b. | Multi-family dwellings | 15,000 sq. ft. |
| c. | Minimum additional lot area for each dwelling unit | 1,500 sq. ft. |

31.6.2 Maximum Height: 4 stories/50 feet

31.6.3 Minimum Setbacks

- | | | |
|----|---|------------|
| a. | Front Yard | No Minimum |
| b. | Rear Yard for Buildings without dwelling units | No Minimum |
| c. | Rear Yard for Buildings with dwelling units | 50 Feet |
| d. | Side Yard for Buildings without dwelling units | No Minimum |
| e. | Side Yard for Buildings with dwelling units, each | 25 Feet |
| f. | Side or Rear Yards abutting the boundary line of a multi-family residential district, each | 25 Feet |
| g. | Side or Rear Yards abutting the boundary line of a single-family residential district, each | 35 Feet |
| h. | Side or Rear Yards for parking and loading areas when abutting the boundary line of a multi-family residential district, each | 25 feet |

31.6.4 Bulk and Coverage

- | | | |
|----|-------------------------------------|-----|
| a. | Maximum floor area ratio | 2.0 |
| b. | Maximum impervious surface coverage | 90% |
| c. | Maximum building coverage | 75% |

ARTICLE III - BUSINESS DISTRICT

SECTION 32 - LOCAL BUSINESS B-L DISTRICT

- 32.1 Purpose: To accommodate retail stores and service establishments primarily serving the neighborhood needs of Town residents.
- 32.2 General Requirements: All uses, except parking, loading and permitted signs, shall be conducted entirely within a building.
- 32.3 Permitted Site Plan Uses: The following principal uses with a GFA of 3,000 s.f. or less located in buildings not exceeding 12,000 s.f. of GFA, shall be permitted subject to Site Plan approval in accordance with Section 51: (Amendment adopted 4/2/97 - Effective date - 4/25/97)
 - 32.3.1 Stores or shops for the conduct of retail business.
 - 32.3.2 Stores or shops for the conduct of personal service businesses.
 - 32.3.3 Banks or financial institutions without drive-through facilities.
 - 32.3.4 General, Medical or Professional offices.
 - 32.3.5 Retail dry cleaning or laundry outlets and associated pick-up stations.
- 32.4 Special Permit Uses: The following principal uses located in two or more buildings with a maximum ground floor area of 3,000 s. f. or less each shall be permitted in the Local Business B-L District subject to Special Permit and Site Plan approval in accordance with Sections 51 and 52. (Amendment adopted 4/2/97 - Effective Date - 4/25/97)
 - 32.4.1 All permitted Site Plan uses with a GFA greater than 3,000 s.f. or buildings with a GFA greater than 12,000 s.f.
 - 32.4.2 Restaurants without drive-through facilities.
 - 32.4.3 Banks or financial institutions with drive-through facilities.
 - 32.4.4 Public utility buildings or structures.
 - 32.4.5 Dwelling units located over street level stores or offices at a maximum density of three units per acre.
 - 32.4.6 Child day care centers or group day care homes.
 - 32.4.7 Public or semi-public uses.

32.4.8 Libraries, museums, art galleries or similar cultural uses.

32.4.9 Bed and Breakfast establishments.

32.4.10 Automotive fuel retail sales facility when conducted with a retail business, provided that no more than two gasoline dispensers, one diesel dispenser and one propane dispenser will be allowed and that no dispenser for the retail selling of fuel on any lot shall be located within less than 1,000 feet of a dispenser for the retail selling of fuel on any other lot regardless of the district in which such other lot may be located. (Amendment Adopted 8/22/96)

32.4.11 Cleaning Service Businesses provided service is conducted off site. (Effective Date 11/23/2006)

32.5 Permitted Accessory Uses: The following accessory uses shall be permitted in the Local Business B-L District:

32.5.1 Uses normally accessory to a principal use requiring Site Plan approval, provided that such uses shall be applied for with, and included in, the Site Plan application.

32.5.2 Uses normally accessory to a principal use requiring a Special Permit, provided that such uses shall be applied for with, and included in, the Special Permit application.

32.5.3 Building mechanical equipment located outside the structure, including radio and television reception equipment, provided that such equipment shall be properly screened.

32.5.4 Off-street parking and loading, excluding parking structures, subject to Section 63.

32.5.5 Signs, subject to Section 62.

32.6 Area and Dimensional Requirements:

32.6.1 Minimum Lot Requirements

- | | | |
|----|------------------|----------------|
| a. | Minimum Area | 10,000 sq. ft. |
| b. | Minimum Frontage | 50 feet |

32.6.2 Maximum Height: 2 stories
(Effective Date 06/12/2009) 30 feet

32.6.3 Minimum Setbacks:

- | | | |
|----|--------------------------------------|---------|
| a. | Front yard for building | 25 feet |
| | When abutting a residential district | 25 feet |

- | | | |
|----|---|-------------|
| b. | Rear yard for building | 25 feet |
| | When abutting a residential district | 25 feet |
| c. | Side yard for building | No minimum |
| | When abutting a residential district | 25 ft. each |
| d. | Side or rear yard for parking and loading areas | 10 ft. each |
| | When abutting a residential district | 25 ft. each |
| e. | Front yard for parking and loading areas | 10 ft. each |
| f. | Separation between buildings | 50 feet |

32.6.4 Bulk and Coverage

- | | | |
|----|-------------------------------------|-----|
| a. | Maximum Floor Area Ratio | 0.4 |
| b. | Maximum Impervious Surface Coverage | 75% |
| c. | Maximum Building Coverage | 30% |

ARTICLE III - BUSINESS DISTRICTS

SECTION 33 - SHOPPING CENTER BUSINESS B-SC DISTRICT

- 33.1 Purpose: To accommodate unified development of planned commercial facilities to serve a local and regional market.
- 33.2 Permitted Site Plan Uses: The following principal uses with a maximum gross floor area of 20,000 sq ft shall be permitted subject to site plan approval in accordance with Section 51. (Effective Date November 17, 1997)
 - 33.2.1 Stores or shops for the conduct of retail business with a maximum gross floor area of 20,000 sq ft including outdoor display, if any. (Effective Date November 17, 1997)
 - 33.2.2 Stores or shops for the conduct of personal service business.
 - 33.2.3 Banks or financial institutions.
 - 33.2.4 Restaurants, sit down or fast food, without drive-through facilities.
- 33.3 Special Permit Uses The following principal uses shall be permitted subject to Special Permit and Site Plan approvals in accordance with Sections 51 and 52:
 - 33.3.1 Addition to an existing manufacturing, processing or assembly facility, providing the use was established prior to December 24, 1993 and the use has been continuous and can meet all other requirements of the district. (Amendment adopted 1/11/95)
 - 33.3.2 Banks or financial institutions with drive-through facilities provided the drive-through facility is accessory to a bank or a bank branch. (Amendment adopted 1/11/95)
 - 33.3.3 Child day care centers or group day care homes.
 - 33.3.4 General, medical or professional offices.
 - 33.3.5 Hotels or motels.
 - 33.3.6 Restaurants, sit-down or fast food with a minimum patron floor area of 750 sq. ft. with drive-through facilities as an accessory use. (Amendment adopted January 11, 1995)
 - 33.3.7 Stores or shops for the conduct of retail business with a maximum gross floor area of 50,000 sq ft including outdoor display, if any (Effective Date: November 17, 1997)

33.3.8 Health Or Fitness Clubs, Gymnasium, Tennis or Racquet Clubs in existing buildings be approved. (Effective Date August 26, 2001)

33.3.9 New car sales; used car sales as an Accessory Use Only (Amendment Adopted September 15, 2005)

33.4 Permitted Accessory Uses: The following accessory uses shall be permitted:

33.4.1 Uses normally accessory to a principal use requiring Site Plan approval, provided that such uses shall be applied for with, and included in, the Site Plan application.

33.4.2 Uses normally accessory to a principal use requiring a Special Permit, provided that such uses shall be applied for with, and included in, the Special Permit application.

33.4.3 Building mechanical equipment located outside the structure, including radio and television reception equipment, provided that such equipment shall be properly-screened.

33.4.4 Off-street parking and loading, excluding parking structures, subject to Section 63.

33.4.5 Signs, subject to Section 62.

33.5 Area and Dimensional Requirements:

33.5.1 Parcel Size: The minimum size of a parcel shall be five acres. The parcel may be subdivided into lots of less than five acres in size if done as part of a unified development. If not done as part of a unified development, parcels of less than five acres shall only be permitted as a Special Permit in accordance with Section 51.

33.5.2 Maximum Height: 3 stories 40 feet

33.5.3 Minimum Setbacks:

- a. Front Yard for buildings 50 feet
 - When abutting a residential district 50 feet
- b. Rear Yard for building 25 feet
 - When abutting a residential district 75 feet
- c. Side Yard for building 25 feet
 - When abutting a residential district 75 feet each
- d. Side and rear yard for parking and loading areas 10 feet each
 - When abutting a residential district 25 feet each
- e. Front yard for parking and loading areas 25 feet

33.5.4 Bulk and Coverage:

- | | | |
|----|-------------------------------------|-----|
| a. | Maximum floor area ratio | 0.5 |
| b. | Maximum impervious surface coverage | 75% |
| c. | Maximum building coverage | 25% |

ARTICLE III - BUSINESS DISTRICTS

SECTION 34 - GENERAL BUSINESS B-G DISTRICT

- 34.1 Purpose: To accommodate larger retail and service establishments primarily serving the needs of the entire Town and neighboring communities.
- 34.2 Permitted Site Plan Uses: The following principal uses with a maximum gross floor area of 10,000 sq ft shall be permitted subject to site plan approval in accordance with Section 51. (Effective Date November 17, 1997)
- 34.2.1 Stores or shops for the conduct of retail business with a maximum gross floor area of 10,000 sq ft including outdoor display, if any. (Amendment Adopted November 12, 1997)
 - 34.2.2 Stores or shops for the conduct of personal service businesses.
 - 34.2.3 Banks or financial institutions without drive-through facilities.
 - 34.2.4 General, medical or professional offices.
 - 34.2.5 Retail dry cleaning or laundry outlets and associated pickup stations.
 - 34.2.6 Retail sales of home building and maintenance materials.
 - 34.2.7 Hotels or motels.
 - 34.2.8 Nurseries or garden supply stores.
 - 34.2.9 Funeral homes.
 - 34.2.10 Caterers.
 - 34.2.11 Equipment rental or leasing services, excluding motor vehicles.
 - 34.2.12 Printing, lithography, photocopying, publishing or similar graphic arts services occupying not more than 3,000 sq. ft. GFA.
 - 34.2.13 Health or fitness clubs, gymnasiums, tennis or racquet clubs.
 - 34.2.14 Restaurants, without drive-through facilities.
- 34.3 Special Permit Uses: The following principal uses shall be permitted with a maximum gross floor area of 20,000 sq ft including outdoor display, if any (Effective Date November 17, 1997)
- 34.3.1 Addition to an existing manufacturing, processing or assembly facility providing

the use was established prior to December 24, 1993 and the use has been continuous and can meet all other requirements of the district. (Amendment adopted 1/11/95)

34.3.2 Automotive rental

34.3.3 Automotive repair and service facilities subject to a Certificate of Approval from the Zoning Board of Appeals, providing that all maintenance, repair and automobile washing, shall be conducted entirely within an enclosed building.

34.3.4 Banks or financial institutions with drive-through facilities provided the drive-through facility is accessory to a bank or a bank branch. (Amendment adopted 1/11/95)

34.3.5 Car washes, when done entirely within an enclosed building

34.3.6 Commercial recreation facilities, if entirely enclosed, such as ice and roller skating rinks or bowling alleys.

34.3.7 Hospitals, convalescent or nursing homes

34.3.8 Motor vehicle service stations which have a limited repairer's license issued by the State, provided that no pump for the retail selling of gasoline on any lot shall be located within less than 1,000 feet of a pump for the retail selling of gasoline on any other lot, regardless of the district in which such other lot may be located.

34.3.9 New and/or used automotive sales and service, providing that all repair and service work, including car washing, shall be conducted entirely with an enclosed building. The outside storage or sale of wrecked vehicles shall not be permitted.

34.3.10 Public Utility buildings, structures or uses

34.3.11 Restaurants, sit down or fast food with a minimum patron floor area of 750 sq. ft. with drive-through facilities as an accessory use. (Effective Date 1/17/95)

34.3.12 Veterinary hospitals

34.3.13 Adult Day Care Center. (Amendment Adopted 8/28/96)

34.3.14 Stores or shops for the conduct of retail business with a maximum gross floor area of 20,000 sq ft including outdoor displays, if any. (Effective Date November 17, 1997)

34.3.15 Cleaning Service Businesses provided service is conducted off site with no outside storage and no retail use. (Effective Date September 11, 2009)

34.4 Permitted Accessory Uses: The following accessory uses shall be permitted:

- 34.4.1 Uses normally accessory to a principal use requiring Site Plan approval, providing that such uses shall be applied for with, and included in, the Site Plan application.
- 34.4.2 Uses normally accessory to a principal use requiring a Special Permit, provided that such uses shall be applied for with, and included in, the Special Permit application.
- 34.4.3 Building mechanical equipment located outside the structure, including radio and television reception equipment, provided that such equipment shall be properly screened.
- 34.4.4 Off-street parking and loading, excluding parking structures, subject to Section 63.
- 34.4.5 Signs, subject to Section 62.
- 34.4.6 Outside storage and displayed merchandise for sale on premises only provided that it shall be limited to a maximum of 25% of the lot area, except for automobile storage and that the Commission may require appropriate screening (e.g. landscaping, fencing).
- 34.4.7 Outside overnight parking of vehicles or equipment, provided that no vehicle or equipment shall be parked within any required yard and that the Commission may require appropriate screening (e.g., landscaping, fencing).
- 34.4.8 Wholesale or storage warehouses, provided that all equipment, materials and product shall be stored within fully enclosed buildings.

34.5 Area and Dimensional Requirements:

34.5.1 Minimum Lot Requirements:

- | | | |
|----|------------------|----------------|
| a. | Minimum Area | 20,000 sq. ft. |
| b. | Minimum Frontage | 50 feet |

34.5.2 Maximum Height: 3 stories 40 feet

34.5.3 Minimum Setbacks:

- | | | |
|----|---------------------------------------|--------------|
| a. | Front yard for building | 25 feet |
| | -When abutting a residential district | 50 feet |
| b. | Rear Yard for building | 25 feet |
| | -When abutting a residential district | 50 feet |
| c. | Side Yard for building | 10 feet |
| | -When abutting a residential district | 50 feet each |

- d. Side and rear yard for parking and loading areas 10 feet each
 - When abutting a residential district 30 feet each
- e. Front yard for parking and loading areas 10 feet

34.5.4 Bulk and Coverage:

- a. Maximum floor area ratio 0.5
- b. Maximum impervious surface coverage 80%
- c. Maximum building coverage 40%

ARTICLE III - BUSINESS DISTRICTSSECTION 35 - GENERAL REQUIREMENTS FOR ALL BUSINESS DISTRICTS

- 35.1 Accessory to Principal Use: Except as otherwise permitted all production, repair, treatment, storage and display of goods shall be accessory to the principal use of the premises.
- 35.2 Goods or Merchandise: No goods or merchandise shall be sold from a trailer, truck or cart situated on a lot except in connection with a non-profit organization or as an accessory use to an adjacent existing business in either case, subject to a Temporary Permit from the Zoning Enforcement Officer, not to exceed 21 days.
- 35.3 Yards: Yards on a common side lot line may be omitted where two or more lots containing no residential uses share a single joint entrance and single joint exit to a public street, provided permanent vehicular access shall be provided to the rear of such lots, or if building is attached to building on adjacent lot. Minimum side yard may be otherwise reduced, at the discretion of the Commission, where a common Site Plan application is submitted for adjacent properties.
- 35.4 Setback: No setback shall be required for parking and loading areas if they abut adjacent non-residential parking and loading areas, with physical and legal provisions for access between the parking and loading area.
- 35.5 All Permitted Site Plan Uses: With a gross floor area of 20,000 sq ft for retail business including outdoor display if any.
- 35.6 All Special Permit Uses: With a maximum gross floor area of 50,000 sq ft for retail business including outdoor display, if any.
- 35.7 Retail Business Over 20,000 sq ft: The following requirements shall apply:
- 35.7.1 All retail businesses shall provide sidewalks along the front of the property to the main entrance to the building. The applicant must submit evidence of consent required from the Town of Watertown and/or State of Connecticut for construction of sidewalks within the right of way. The location of sidewalks shall be consistent with existing sidewalks (if any) within one hundred (100) feet of the property.
- 35.7.2 The applicant shall provide a study showing the estimated number of trips to the business by pedestrians on an average day and during an average week. If the study shows that pedestrian access will be less than ten (10) percent of the total access, the applicant shall submit a plan for increasing pedestrian access to ten (10) percent to the site or construction of additional sidewalks to the site. The Commission has the right to waive the construction of additional sidewalks where such sidewalks cannot be provided

- 35.7.3 Space devoted to retail use shall not exceed fifty (50) percent of the development of the site.
- 35.7.4 At least thirty-five (35) percent of the front of the building shall include windows. No more than five (5) percent of the total window space shall be in a single area of the front of the building, excluding doors.
- 35.7.5 In addition to landscaping requirements of Section 70, the following landscaping standards are required:
- a. Parking lots shall be screened from the street by a) a ten (10)-foot wide landscaped low ground berm or b) a four (4) foot high hedge fence. Such screening shall be located along the street line.
 - b. Service yards, refuse storage areas, and parking areas shall be screened to preserve the street-scape in the neighborhood. Such screening shall include trees, shrubs, lawns, ornamental fencing, walks, brick, stone, cobbles and gravel where appropriate.
- 35.7.6 All parking shall be on ground level and below and parking shall be on the side or rear yard but the Commission has the right to waive parking location in special circumstances where parking cannot be provided in the side or rear yard.
- 35.7.7 In addition to the traffic study, required under Section 51 of the Regulations, the applicant shall provide a traffic study for any retail business that exceeds 20,000 sq ft that shall include an analysis of the traffic impact on all local residential streets within one mile radius of the site and general traffic circulation resolution within a two (2) mile radius of the site.
- 35.7.8 The applicant shall submit an economic impact study for the retail business that exceeds 20,000 sq ft showing that the proposed use is consistent with the Plan of Development which calls for the strengthening of Main Street as the business center of the Town and discourages further strip development along Straits Turnpike. Such study shall determine whether the proposal is likely to have an impact on existing stores on Main Street and whether it will serve unmet needs.
- 35.8 Outdoor Seating: Subject to a special permit by the Commission (Effective Date November 17, 1997)

ARTICLE III - BUSINESS DISTRICTSSECTION 36 - ROUTE 262 PLANNED COMMERCIAL DISTRICT (B-PCD262)

(Section 36 Effective Date: November 14, 2008)

36.1. Overlay District Purpose

The intent of the Route 262 Planned Commercial District is to:

- 36.1.1 Provide an opportunity for high quality commercial development near Route 8 along a portion of Route 262 and Echo Lake Road east of Turkey Brook within a Planned Commercial District overlay zone to be adopted in accordance with a Zoning Map petition on the existing IR-80 zoning District. The primary objectives of the District are to expand retail, office, and other compatible use options within the Town of Watertown, as defined in Section 36.9 and 36.10, and to increase the diversity of the town's tax base.
- 36.1.2 Create an attractive and high visibility entrance to the District, and to the Town of Watertown at Route 8 using landscaping and signage features. The design of a development determines much of streetscape character, attractiveness, and site friendliness. Marketing interests of corporations, even those with strong image-making building and landscaping designs, can be potentially detrimental to community aspirations and sense of place when they result in developments that do not contribute to and integrate with the Town in a positive way. The B-PCD262 zoning District includes special standards and guidelines for retail and office development that requires a basic level of architectural variety, compatibility of scale, and mitigation of the negative impacts of large scale development, and encourages site-specific design. The standards and guidelines in Section 36 are not intended to limit creativity.
- 36.1.3 Permit development flexibility and consequently more creativity and imaginative design than is generally possible under conventional zoning. Applicants must avoid submitting stereotypical or franchise-type buildings unless the buildings truly demonstrate architectural excellence.
- 36.1.4 Encourage pedestrian walkways, bikeways, arcades with benches and wide walkways, and high quality, attractive landscaping and outdoor lighting.
- 36.1.5 Require access management techniques to reduce the number of driveways and street cuts onto public roads, private service roads, and to individual buildings.
- 36.1.6 Require where feasible within the B-PCD262 zoning District, shared: (a) stormwater detention and retention systems, (b) site infrastructure utilities, (c) outdoor lighting, (d) parking lots, (e) driveways, (f) roads, (g) pedestrian walkways, and (h) bikeways.
- 36.1.7 Promote economical and efficient use of land while allowing a harmonious

variety of land uses by phasing public and private improvements in accordance with an approved Conceptual Plan and a Detailed Site Plan.

- 36.1.8 Promote development continuity by consolidating contiguous parcels within the District. “Consolidation” is defined here as the integration of two or more individually owned parcels into a single consolidated parcel for the purpose of creating a shared-use arrangement of selected site components.
- 36.1.9 Discourage strip commercial center development within the District. Strip commercial centers typically have large parking lots in front with many or most of the stores arranged in a straight row along an arterial street with an automobile-centric design.
- 36.1.10 Encourage on-site and off-site bus transit, pedestrian and bicycle transportation, conforming to the Town of Watertown Plan of Conservation and Development.

36.2. Overlay District Location

The Commission may adopt and may amend an overlay zoning District, hereinafter defined as “District”, “Planned Commercial District”, or “B-PCD262”, to an IR-80 District in accordance with the procedures, guidelines, standards, and conditions specified in Section 81 and these Regulations. On a lot or lots within the overlay District, only buildings, other structures, and site improvements associated with uses consistent with Section 36.9 and Section 36.10 are permitted. The outermost boundaries of the overlay District are Route 262, Turkey Brook, Echo Lake Road, Route 8, and Frost Bridge Road. The Commission may amend the Zoning Map to include all or a portion of land within said boundaries to be the B-PCD262 overlay District. A lot or any portion of a lot not within the adopted overlay District, as District is defined on the Zoning Map, is not in the District. The Planned Commercial District may be one or several lots, however, the Commission encourages all lots in the District to be developed as if one parcel. No lot may be developed inconsistent with the provisions and intent of Section 36, as determined by the Commission. The location, orientation, structure, texture, materials, landscaping, and other features shall be consistent with the character of the District, character of the neighborhood, character of the Town, the Zoning and Subdivision Regulations, the Zoning Map, and the Plan of Conservation and Development, all as interpreted by the Commission. Development of a parcel should demonstrate high quality design merit.

- 36.3. General Procedure: Development within the District requires a change to the Zoning Map and approval of a Conceptual Plan, and one or more Detailed Site Plans. **It is the intent of the Commission to amend Section 36 of the Regulations prior to approving the FIRST B-PCD262 District amendment to the Zoning Map, so as to include Regulations specific to information the Commission considered during a B-PCD262 Zoning Map amendment application.**

- 36.3.1. Overlay District Procedure: A request for a Planned Commercial District

overlay zone or B-PCD262 constitutes a petition for legislative action to amend the Zoning Map in accordance with Section 81 of the Regulations. Fifteen copies of the application and required information must accompany the petition at the time of submittal to the Commission. Application fees are in accordance with the Town Ordinance referenced in Section 36.3.1.2.6.

The standards the Commission shall use to consider approval of a B-PCD262 overlay Zoning Map amendment are:

- (1) The petitioners own a lot or lots that are all contiguous to each other and to other lots within the District, or to be within the District, as District is defined on the Zoning Map.
- (2) The petitioners of the Zoning Map amendment demonstrate they want the B-PCD262 District in a lot or lots they own within the boundaries described in Section 36.2.
- (3) The petitioners acknowledge the purpose of the District described in Section 36.1.
- (4) The Commission determines the application satisfies the requirements of Section 36.3.1.
- (5) The Commission determines no text amendments to the Zoning Regulations and Section 36 are required to additionally regulate development mitigation impacts, and to regulate additional development requirements.
- (6) The Commission determines the Zoning Map amendment is in compliance with the Watertown Comprehensive Plan, and is consistent with the Watertown Plan of Conservation and Development.

36.3.1.1. A petition for an amendment to the Zoning Map must be signed by all the owners, or their agents, of a lot or lots within the area that is the subject of the petition and on a lot or lots owned by at least one of the petitioners. The lot or lots must be within the area defined in Section 36.2. All owners of lots within the area defined in Section 36.2 should consent to the Zoning Map petition. In the event an owner of a lot does not consent to the petition, the applicant shall inform the Commission of the reason consent to the Zoning Map petition was not given. Lack of consent to the application by a lot owner whose lot is not the subject of the petition, is not a reason for the Commission to deny the petition. Notice of Zoning Map application should be sent by the petitioner by certified mail, return receipt requested to all the owners of lots within the area defined in

Section 36.2, and to all the owners of lots five hundred feet from the area defined in Section 36.2, such lot owners are as described on the Town Assessor's records. The return receipts must be submitted by the applicant to the Commission. The Commission may also include existing streets, highways and utility rights-of-way not owned by the applicant. The application need not be signed or approved by the owners of the streets, highways and utility rights-of-way.

The application should be complete at the time an application is submitted to the Commission. The Commission encourages, but does not require, the applicant to have informal discussions with the Commission prior to application for a Zoning Map amendment.

- 36.3.1.2. In addition to the requirements of Section 81, information is required of the applicant including the following type of information:
 - 36.3.1.2.1. Explain the purposes of the development within the Planned Commercial District
 - 36.3.1.2.2. Describe how the Planned Commercial District conforms to the stated purpose of the District as described in Section 36.1.
 - 36.3.1.2.3. Describe the intended uses of the land, and the anticipated site improvements, buildings, and other structures.
 - 36.3.1.2.4. Present Conceptual Plans and information in accordance with the Conceptual Plan requirements in Section 36.4.
 - 36.3.1.2.5. Comply with Section 36.4.6.3, assuming a fully built-out Conceptual Plan as defined by the applicant inclusive of all planned development phases.
 - 36.3.1.2.6. Pursuant to Section 3.1.5 of the Town of Watertown Ordinance 10-1-07-280 "Ordinance Establishing Fees for Planning and Zoning" as may be amended, the Commission may require the applicant to pay for consulting studies that are conducted independent of the applicant and under the direction of the Commission to review all or part of the applicant's submission, and to address those requirements of Section 36.4.5, Section 36.4.6, and Section 36.3.1.2 which, in the opinion of the Commission, requires additional information.

- 36.3.1.2.7. Submit renderings of the site, and architectural renderings of the types of buildings and architectural styles, in accordance with the provisions of Section 36.5 Site Design, and Section 36.6 Building Design.
 - 36.3.1.2.8. Describe the bus transit circulation network within the District.
 - 36.3.1.2.9. Prepare a building and site security report for review by the Commission and the Watertown Chief of Police in accordance with the provisions of Section 36.5.9.
 - 36.3.1.2.10. Submit a Permitted Sign Plan for approval by the Commission in accordance with Section 36.5.12.
 - 36.3.1.2.11. Submit a report on required parking spaces in accordance with the provisions of Section 36.5.1.4
- 36.3.2. Conceptual Plan Procedure: Fifteen copies of the application and required information shall accompany the petition at the time of application to the Commission. A public hearing is required. The application for Conceptual Plan approval must be signed by all the owners, or their agents, of lots within the area that is the subject of the petition, and on a lot or lots owned by at least one of the petitioners. The lot or lots must be within the area defined on the Zoning Map as B-PCD262. All the owners of a lot or lots within the area described in Section 36.2 should consent to the Conceptual Plan application. In the event an owner of a lot or lots does not consent to the application, the applicant shall inform the Commission of the reason consent to the Conceptual Plan was not given. Lack of consent to the application by a lot owner whose lot is not the subject of the petition, is not a reason for the Commission to deny or condition the petition. Notice of Conceptual Plan application should be sent by the petitioner by certified mail, return receipt requested to all owners of lots within the area described in Section 36.2, and to all owners of lots five hundred feet from the area described in Section 36.2, such lot owners are as described on the Town Assessor's records. The return receipts must be submitted by the applicant to the Commission. The Commission may require third party reviews; which costs shall be paid by the applicant in accordance with the Ordinance cited in Section 36.3.1.2.6. Applications shall conform to Section 36.4.5, Section 36.4.6, and the Regulations. As a condition of approval of the Conceptual Plan, the Commission may specify a time period within which a Detailed Site Plan may be submitted to the Commission for approval; which time shall not be greater than five years from the date of the Conceptual Plan approval. If the expiration date is not specified, the Conceptual Plan shall expire five years from the date the Commission approves the Conceptual Plan, unless at least one Detailed Site Plan has been approved by the Commission.

In the event at least one Detailed Site Plan is approved by the Commission, the Conceptual Plan shall expire in accordance with the provisions of Section 36.3.3. The Commission may extend such time periods for good cause shown, but not for a time exceeding the length of the original time period. A Mylar of the Commission approved Conceptual Plan signed by the Commission Chairman shall be filed by the applicant on the Watertown land records in the Town Clerk's Office.

- 36.3.3. Detailed Site Plan Procedure: Fifteen copies of the application and required information must accompany the application at the time of submittal to the Commission in accordance with the provisions of Section 51 and Section 36 of the Regulations. A Detailed Site Plan application may not be submitted concurrently with an application for amending the Regulations or the Zoning Map. A Detailed Site Plan application may not be submitted prior to the Zoning Map having a B-PCD262 District on all of the land subject to the Detailed Site Plan. Fees for submission of a Detailed Site Plan application are as described in the Ordinance cited in Section 36.3.1.2.6. The application for Detailed Site Plan approval must be signed by all the owners, or their agents, of lots within the area that is the subject of the petition, and on a lot or lots owned by at least one of the petitioners. The lot or lots must be within the area defined on the Zoning Map as B-PCD262. All the owners of a lot or lots within the area on the Zoning Map defined as B-PCD262 should consent to the Detailed Site Plan application. In the event an owner of a lot or lots does not consent to the application, the applicant shall inform the Commission of the reason consent to the Detailed Site Plan was not given. Lack of consent to the application by a lot owner whose lot is not the subject of the petition, is not a reason for the Commission to deny or condition the petition. Notice of Detailed Plan application should be sent by the petitioner by certified mail; return receipt requested to all the owners of the lots within the area defined on the Zoning Map as B-PCD262, such lot owners are as described on the Town Assessor's records. The return receipts must be submitted by the applicant to the Commission. Applications shall conform to Section 36.4.5, Section 36.4.6, Section 36.4.7, and the Regulations, including Zoning and Subdivision Regulations. The Commission may specify a time period within which a Detailed Site Plan expires. That time period shall not be greater than five years from the date of the Detailed Site Plan approval. Unless otherwise specified, the Conceptual Plan and the Detailed Site Plan shall expire five years from the date the Commission approves the Detailed Site Plan. The Commission may extend such time periods for good cause shown, but not for a time exceeding the length of the original time period.

36.4. General Requirements of the Conceptual Plan and the Detailed Site Plan:

- 36.4.1. Original construction, uses, site improvements, and modifications thereto shall require submittal to the Commission for review and approval, in accordance with the provisions of Section 51, Section 36, a Conceptual Plan, and a

Detailed Site Plan.

- 36.4.2. Both the “Conceptual Plan” and the “Detailed Site Plan” must be approved on the same land in order for a “Site Plan” to be approved, as “Site Plan” is defined by the Regulations and the Connecticut General Statutes.
- 36.4.3. The Conceptual Plan shall show proposed land use mix, land use areas, parking areas, land use intensity, the location and footprints of buildings, and the location of utility systems (including gas, water, sanitary sewer, electric, telephone, and cable television), roadways, bus transit and pedestrian circulation networks, bikeways, arcades, and stormwater drainage systems.
- 36.4.4. A Public hearing is required for the Conceptual Plan. Notice of a public hearing shall be sent by the applicant by certified mail, return receipt requested to owners of all the lots within the outermost boundaries described in Section 36.2 and to land owners of lots adjacent to the outermost boundaries described in Section 36.2, as described by the Town Assessor’s records; whether or not any lot is adjacent to land of the lot owner submitting the application. The return receipts must be submitted by the applicant to the Commission. The applicant may submit applications for a Special Permit, a Conceptual Plan, and a Detailed Site Plan at the same time, excepting a Special Permit application and a Detailed Site Plan application may not be submitted concurrently with an application to amend the Regulations or the Zoning Map. If a Conceptual Plan and a Detailed Site Plan are submitted at different times, approval of one, and not both, does not constitute approval of the “Site Plan”. The Detailed Site Plan shall not conflict with the Conceptual Plan, as determined by the Commission. The Detailed Site Plan may include all or a portion of land included in the Conceptual Plan, but should include land in the B-PCD262, as defined on the Zoning Map.
- 36.4.5. In addition to the procedures, standards, guidelines, and conditions imposed in Section 36 with respect to the Conceptual Plan, the applicant shall report the following to the Commission with a Conceptual Plan application:
- 36.4.5.1. Consistency with the Plan of Conservation and Development; provided the area permitted by the Zoning Map shall be available for application under Section 36.
 - 36.4.5.2. Effects on existing Watertown businesses
 - 36.4.5.3. Effects on business sprawl on Route 262 and Echo Lake Road
 - 36.4.5.4. Effects on municipal services including but not limited to police, fire, emergency medical services, public water, public sanitary sewer, stormwater drainage systems, streets, and schools

- 36.4.5.5. Effects on quality of life and Town character
 - 36.4.5.6. Street circulation and changes in traffic, fire hazard, panic hazard, and public safety
 - 36.4.5.7. Environmental impacts in accordance with the provisions of Section 81.2.5.
 - 36.4.5.8. Potential development constraints associated with brownfields and topographical conditions such as steep slopes, rock outcroppings, and Wetlands
 - 36.4.5.9. Effects on the values of land and buildings within the District and properties adjacent to the District
 - 36.4.5.10. Essential characteristics of the District should be described with particular attention to Section 36.5 “Site Design” and Section 36.6 “Building Design”. Renderings of the building and site showing these characteristics shall be provided with the Conceptual Plan application.
 - 36.4.5.11. Phasing plan of the Conceptual Plan and the Detailed Site Plan, if any
- 36.4.6. Conceptual Plan Requirements: The Conceptual Plan shall show proposed land use mix, proposed land use areas, parking areas, land use intensity, location and footprints of buildings, location of utility systems (including but not limited to gas, water, sanitary sewer, electric, telephone, and cable television), roadways, bus transit and pedestrian circulation networks, arcades, and location of stormwater drainage systems of all land in the B-PCD262. The Plan shall include:
- 36.4.6.1. Drawings in accordance with generally accepted standards of detail on 24” X 36” sheets of a scale not less than 1” = 100’ with match lines showing the entire zoning District and:
 - 36.4.6.1.1. The entire land area in the B-PCD262 shall be divided into discrete land use areas with land and use types in compliance with the Regulations
 - 36.4.6.1.2. Existing land use within the District and within 500 feet of the B-PCD262
 - 36.4.6.1.3. Location of all roadways (public and private) and access locations from connecting roads and driveways within the site to existing or proposed road systems and service

roads

- 36.4.6.1.4. Location of parking lots
 - 36.4.6.1.5. Location and footprints of buildings
 - 36.4.6.1.6. Location of pedestrian walkways, bikeways, bus transit network, and arcades
 - 36.4.6.1.7. A table of ratios for the Conceptual Plan indicating the area of proposed land use in acres, amount of building development proposed for each land use in square feet, wetland areas in acres, flood plain areas in acres, parking, overall site floor area ratios, and overall site lot coverage
 - 36.4.6.1.8. Existing topography with contours of sufficient spacing to show general gradient of the site, existing structures, existing roads and rights-of-way, site boundary descriptions, existing easements, adjacent landowners, major topographic features (including wooded and open areas, inland wetlands watercourses and flood plains)
 - 36.4.6.1.9. Proposed general system of utilities for public water, sanitary sewer, storm water drainage, and fire protection. Included must be sizes, connection points to existing systems, and the proposed location of major storm drainage culverts and drainage basins serving the site.
 - 36.4.6.1.10. Describe limits of planned development phases, if more than one phase is proposed
 - 36.4.6.1.11. Identification of landscaping areas, buffer yard areas, and general planting schemes
 - 36.4.6.1.12. Identification of spaces that are primarily intended to preserve natural features and those intended for active or passive recreation
- 36.4.6.2. An application to modify the Conceptual Plan shall depict the entire land area in the B-PCD262 and shall identify the land use areas to be modified.
 - 36.4.6.3. Reports accompanying the submission of a Conceptual Plan application or any modification thereto shall include:

- 36.4.6.3.1. A traffic report prepared by a professional traffic engineer licensed in Connecticut detailing existing traffic conditions and predicted traffic using ITE trip generation guidelines and generally accepted standards for measuring traffic flow assuming a fully developed and built-out Conceptual Plan. The traffic study need not address remedies for mitigating congestion; however for each area of roadway where traffic level of service resulting from the study is lower than the existing traffic level of service, there must be a statement of feasibility that, after improvements, a specific level of traffic service should result. Particular emphasis should be made to addressing traffic on municipal roadways. **The Commission intends to use traffic information considered at the time of application for Zoning Map amendment to determine traffic improvement requirements of a Detailed Site Plan. The Commission may amend the Regulations prior to approval of the Zoning Map amendment to reflect these requirements.** The applicant of a Detailed Site Plan, pursuant to Section 36.7, is required to submit “a comprehensive traffic study prepared by a professional traffic engineer licensed in Connecticut, detailing the effects of the proposed development and the measures necessary to mitigate those effects
- 36.4.6.3.2. A report prepared by a professional engineer licensed in Connecticut shall show, assuming a fully developed Conceptual Plan, the projected impact on public water supply and distribution systems, stormwater drainage system, sanitary sewer systems, and environmental impacts. The applicant shall comply with the “2004 Connecticut Stormwater Quality Manual”, as amended, and the “2002 Erosion and Sedimentation Control Guidelines”, as amended.
- 36.4.6.3.3. Such other relevant information as the applicant may want to present to the Commission, or as the Commission may reasonably request.
- 36.4.6.3.4. The applicant shall make a presentation of the proposed development to the Watertown Economic Development Commission prior to submitting an application for a Zoning Map amendment.

- 36.4.6.3.5. Prepare a building and site security report for review by the Commission and the Watertown Chief of Police in accordance with the provisions of Section 36.5.9.
- 36.4.6.4. The Commission shall evaluate and determine whether the proposed uses are compatible with the location and natural features of the site, whether the proposed location of the land use areas on the site avoids the placement of incompatible uses, whether there is suitable transition between different proposed uses, and whether there is sufficient buffering as required by the Regulations. The Commission shall also determine whether the proposed land uses meets the purpose and intent of Section 36 and the Regulations.
- 36.4.7. Detailed Site Plan Requirements: The Detailed Site Plan application shall be in accordance with the Regulations including Section 36 and Section 51. The Detailed Site Plan application is submitted for the purpose of providing detail sufficient for the Commission to evaluate the proposed development of a site of one or more lots within the District for conformance with the Regulations. The Detailed Site Plan shall, in the opinion of the Commission, conform to the Conceptual Plan, be compatible with other Detailed Site Plan approvals, if any, and be consistent with the character of the District, the neighborhood, and the Town. The Detailed Site Plan shall include drawings in accordance with generally accepted standards of detail on 24" X 36" sheets of a scale not less than 1" = 100' with match lines showing all the B-PCD262 zoning District and:
- 36.4.7.1. Site information and engineering plans should show an accurate description of the area covered by the Detailed Site Plan prepared and sealed by a registered land surveyor and registered engineer, as applicable, showing existing topographic and geographic features including contour lines at no more than two foot intervals, existing structures and easements, proposed grading and contours at no more than two foot intervals, proposed storm water drainage design and details, including storm detention/retention basin calculations, typical details for this development, and impact on a fully developed Conceptual Plan, public sanitary sewer and public water details including connection points to existing systems, fire hydrant locations, roadways, pedestrian walkways, bikeways, arcades, driveway locations, delivery traffic circulation, motorists traffic circulation, pedestrian traffic circulation, bus transit circulation, generally accepted standards of plan details in accordance with the provisions of Section 51, and names of roadways, driveways, and buildings. A name of a building does not mean a name of a building tenant.
- 36.4.7.2. Detailed Site Plan should show the locations of all building and

accessory structures, outdoor lighting, vehicle parking areas with number of parking spaces, landscaping, signage, and a table of ratios indicating the proposed uses, floor areas, parking and floor area ratios, distance between buildings and lot lines, the distance between buildings, distance between buildings and parking areas, lot coverage, open space ratios, height of buildings and lot sizes. Landscaping plans shall be prepared and sealed by a registered landscape architect and shall show the Detailed Site Plan landscape integration with the Conceptual Plan and other Detailed Site Plan approvals, if any.

- 36.4.7.3. Architectural plans, building elevations, and other details necessary to show the size, scale, height, building materials and colors for proposed buildings. Buildings shall be of an architectural design which visually reduces the scale and impact of large buildings, and is constructed of materials which in color and texture are compatible with adjacent buildings and other buildings either in the District, or on adjacent properties outside the District, and will not have a materially negative impact upon property values in the District or upon adjacent properties outside the District. District is defined in accordance with the Zoning Map.
- 36.4.7.4. Reports from a professional engineer licensed in Connecticut: (1) stating that traffic conditions as described in the traffic report submitted to the Commission for Conceptual Plan approval, and any modifications approved thereto, have not changed; or, if traffic conditions have changed, in what ways; and (2) a comprehensive traffic study as defined in Section 36.7.
- 36.4.7.5. A copy of the application to the State Traffic Commission
- 36.4.7.6. A copy of the application to the Department of Environmental Protection for a General Discharge Permit
- 36.4.7.7. Site lighting plans conforming to Section 61.4 and the Regulations
- 36.4.7.8. Fire hydrant and hookup up locations, and fire equipment access approvals from the Watertown Fire Marshall
- 36.4.7.9. Approvals from the Torrington Area Health Department
- 36.4.7.10. Public water and public sewers are required
- 36.4.7.11. The applicant shall report to the Watertown Chief of Police in accordance with the provisions of Section 36.5.9.

- 36.4.7.12. Utilities shall be underground, except where approved by the Commission for above ground. Above ground utilities should be screened or buffered, as approved by the Commission, to make them attractive.
- 36.4.7.13. A tabular statement on the Detailed Site Plan showing with respect to each land use area:
 - 36.4.7.13.1. Total land area already developed or subject to an approved Detailed Site Plan
 - 36.4.7.13.2. Land area included in applicant's Detailed Site Plan
 - 36.4.7.13.3. Remaining land area
 - 36.4.7.13.4. Total floor area already developed or subject to an approved Detailed Site Plan
 - 36.4.7.13.5. Floor area included in the Detailed Site Plan
 - 36.4.7.13.6. Remaining buildable floor area
- 36.4.7.14. The Detailed Site Plan shall be submitted in accordance with Section 51 and the Regulations including:
 - 36.4.7.14.1. Engineering plans at a scale of not less than 1" = 40' showing details of all public improvements to be deeded in fee simple to the Town of Watertown
 - 36.4.7.14.2. The Commission may require additional plans, maps, and other relevant information to evaluate the submitted application
- 36.4.7.15. A Zoning Permit or Certificate of Zoning Compliance shall be issued for construction or site work only when they comply with a Commission approved Conceptual Plan, Detailed Site Plan, and Special Permit, if any.
- 36.4.7.16. The applicant shall comply with the "2004 Connecticut Stormwater Quality Manual", as amended, and the "2002 Erosion and Sedimentation Control Guidelines", as amended.
- 36.4.7.17. The applicant shall comply with Section 64 "Earth Materials Removal, Moving, Re-grading, Excavating, and Filling of Land". [Effective May 28, 2010]

36.4.8. Changes to the Conceptual Plan and the Detailed Site Plan:

- 36.4.8.1. Material changes to an approved Conceptual Plan require a public hearing. A Detailed Site Plan does not require a public hearing, but does require Commission approval in accordance with the provisions of Section 51 and Section 36. A material change shall be (a) any increase in floor area ratio, (b) change in lot area coverage, or (c) increase in traffic generated by site uses which adds traffic to an approved Conceptual Plan or Detailed Site Plan by more than 100 trips at any single point during peak hour. Following Commission approval of any material changes, the applicant shall submit a revised Detailed Site Plan with one Mylar copy and two paper copies, signed and sealed by a professional engineer licensed in Connecticut.
- 36.4.8.2. Non-material changes to an approved Conceptual Plan and a Detailed Site Plan do not require a public hearing, but do require Administrator for Land Use / Zoning Enforcement Officer approval in accordance with the provisions of Section 51 and Section 36. Non-material changes may include, as interpreted by the Administrator for Land Use / Zoning Enforcement Officer, but are not limited to, changes in the location of buildings, parking areas or landscaped areas, minor expansion, demolition, or reconstruction of buildings, alterations of building facades features such as materials and colors, changes of less than twenty six parking spaces, and in the opinion of the Administrator for Land Use / Zoning Enforcement Officer non-significant changes to grading or landscaping..
- 36.4.8.3. Minor changes to an approved Conceptual Plan or Detailed Site Plan may be approved by the Administrator for Land Use / Zoning Enforcement Officer. Minor changes do not effect the overall layout, design or density of a Conceptual Plan or Detailed Site Plan. Such minor changes may include, but are not limited to, the relocation of sidewalks, arcades, driveways, and other such physical improvements due to unforeseen topographical or subsurface geological features, location and screening of trash disposal and mechanical facilities, slight alterations of finished contours, minor rearrangement of lighting fixtures, benches, and other incidental outdoor furniture. A narrative describing and justifying the need for the minor changes and plans calling out the minor changes must be provided for consideration of approval by the Administrator for Land Use / Zoning Enforcement Officer.

36.5. General Requirement of the Site Design

Site design requirements for the Conceptual Plan and the Detailed Site Plan are intended to control vehicular access, promote pedestrian access, provide snow shelves, provide

efficient and safe delivery access, and reduce the negative visual impacts of large parking lots and buildings.

- 36.5.1. **Parking Lots:** In addition to standards contained elsewhere in the Regulations, excepting the number of required parking spaces as described in Section 36.5.1.4 which shall prevail, lots shall be constructed according to the following standards. Where these standards conflict with the standards found elsewhere in the Regulations, the more stringent standards shall prevail.
 - 36.5.1.1. Parking lots shall be separated from street right-of-way subject to Section 36.5.6.10. Berms, walls, landscaping or existing vegetation shall be used to screen parking lots from streets and to filter views of large buildings to reduce their scale.
 - 36.5.1.2. In addition to trees or shrubs specified elsewhere in the Regulations, there shall be at least eight (8) shrubs with an 18” to 24” spread planted within the area of the parking lot for every ten parking stalls.
 - 36.5.1.3. Curbing shall be constructed of granite or concrete conforming to Town of Watertown standards.
 - 36.5.1.4. The Commission shall determine the number of required parking spaces in the District after considering the applicant’s planned uses and uses the Commission anticipates may be in the District. Commission anticipated uses are limited to Permitted Uses defined in Section 36.9 and Section 36.10.
- 36.5.2. **Access Management:** Regulation of vehicular access is necessary to maintain the efficient and smooth flow of traffic, and to maintain public safety and minimize traffic impact outside the District to protect the functional level and maximize traffic capacity within the District. An Access Management Plan and program must be developed and approved by the Commission to address:
 - 36.5.2.1. Limiting the number of driveways
 - 36.5.2.2. Choosing driveway locations to reduce conflicts
 - 36.5.2.3. Designing driveways to reduce conflicts and the severity of conflicts
 - 36.5.2.4. Roadway improvements that reduce or control conflicts
 - 36.5.2.5. All sites within the B-PCD262 zoning District must be designed to incorporate access management practices and techniques to accomplish the above objectives. Access management practices may include such considerations as:
 - 36.5.2.5.1. Shared access between two adjacent lots

36.5.2.5.2. Consolidated access for contiguous lots

36.5.2.5.3. Alternative access via side streets

36.5.2.5.4. Frontage roads

36.5.3. Sidewalks: Pedestrian sidewalks are required along public street frontage, and connecting building entrances and exits to parking lots. Additional sidewalks and pedestrian access ways located within the site are encouraged. Sidewalks should interconnect to existing or future walkways on abutting properties within the boundaries described in Section 36.2. Sidewalks, including non-public sidewalks, shall be constructed to Town sidewalk specifications and the Regulations. The applicant is encouraged to provide site interior pedestrian walkways and bikeways that link to existing or future multimodal trail systems. A unified system of sidewalks shall be provided to facilitate safe pedestrian access in accordance with the following standards:

36.5.3.1. Pedestrian sidewalks shall be constructed of concrete with concrete or granite curbing and shall be a minimum of five (5) feet in width to accommodate passing shopping carts.

36.5.3.2. If bikeways are proposed, the bikeway shall be wide enough to also accommodate pedestrians, in the opinion of the Commission.

36.5.3.3. Sidewalks that are perpendicular to adjacent parking stalls shall be a minimum of seven (7) feet wide to account for vehicular overhang, unless concrete wheel stops are provided in the parking stalls.

36.5.3.4. Sidewalks may be flush with adjacent parking stalls to facilitate wheelchair and shopping cart access if concrete wheel stops are provided.

36.5.3.5. Sidewalks with a minimum of five (5) feet in width shall be provided with a ten foot buffer from the road pavement along the entire public street frontage. Maintenance of public sidewalks, including the clearing of snow, shall be the responsibility of the abutting property owner.

36.5.3.6. At least one sidewalk must connect to the public sidewalk at the public street and to the vicinity of the entrances to each building.

36.5.4. Mechanical Equipment, Loading Docks, Waste/Trash Disposal Equipment, Outdoor Sales, Outdoor Storage, and Other Standards shall conform to the following standards:

- 36.5.4.1. Mechanical equipment such as HVAC units and electrical equipment shall be screened by landscaping or architectural elements integrated into the design of the building and land.
- 36.5.4.2. Loading docks visible from a public street or adjacent property shall be contained in masonry (or other material acceptable to the Commission) enclosures supplemented with landscaping acceptable to the Commission.
- 36.5.4.3. Waste and recycling dumpster/compactors shall have screened doors or lids that shall remain closed when not being loaded or emptied and shall be contained in masonry enclosures (or other material acceptable to the Commission) supplemented with landscaping acceptable to the Commission. To prevent pavement damage, dumpster / compactor pads and tractor trailer loading spaces shall be constructed of high strength concrete.
- 36.5.4.4. No delivery, loading, trash removal, trash compaction, or other similar operations shall be permitted between the hours of 10:00pm and 7:00am unless the applicant submits evidence under the Special Permit in accordance with the provisions of Section 52, and the Detailed Site Plan in accordance with the provisions of Section 51 and Section 36, that sound barriers between all areas for such operations effectively reduce noise emissions to a peak level of 45 decibels inclusive of all noise emanating from the District at approximately 11:00PM on a non-holiday weekday, as measured at any B-PCD262 boundary line defined on the Zoning Map.
- 36.5.4.5. Except as qualified hereafter, outdoor storage or display of goods for retail sale shall be enclosed within permanent walls attached to the building, or screened fences attached to the building or within three feet of the building, which are integrated into the design of the buildings and which are not higher than the lowest roof line of the nearest building. The permanent walls and screened fences shall be designed to prevent viewing the outdoor storage area from the exterior of the building. Storage or display racks and goods thereon shall not exceed the height of the screening walls or fences. Goods shall not be displayed or merchandise for sale in landscaped areas, on exterior walls, or in parking lots. The Administrator for Land Use / Zoning Enforcement Officer may permit outdoor display and sale of merchandise only on sidewalks. Display and sale of merchandise may only be (a) on sidewalks adjacent to the applicant's store, and/or (b) on sidewalks of an adjacent store subject to the approval of the owner of the adjacent store. The period of time of such displays and sales may not be greater than two months in any calendar year provided a written request

accompanies the application that states the nature of the outdoor sales including: the location, duration, and types of merchandise to be sold. Display and sale of merchandise must be clearly Permitted Uses for that store. Outdoor displays shall be delineated on the application and plans, and shall not impede normal use of sidewalks. Signage for outdoor displays shall be by approval of the Administrator for Land Use / Zoning Enforcement Officer, subject to the provisions of Section 36.5.12.

- 36.5.4.6. Outdoor cafes and outdoor sale of food requires Special Permit approval in accordance with the provisions of Section 52.
- 36.5.4.7. No vending machines shall be installed outside of buildings, except bottle return machines that are within three feet of an exterior building wall, and are accessory to a Permitted Use at that building.
- 36.5.4.8. The applicant shall describe energy efficiencies designed into buildings and site improvements.
- 36.5.5. Side Yards and Rear Yards: Side yard and rear yard requirements are waived at common lot boundaries within the District, as District is defined by the Zoning Map.
- 36.5.6. Yard and Bulk Requirements:
 - 36.5.6.1. Minimum lot frontage: 100 feet
 - 36.5.6.2. Minimum front yard building setback: 50 feet
 - 36.5.6.3. Minimum side yard building setback: 35 feet
 - 36.5.6.4. Minimum rear yard building setback: 35 feet
 - 36.5.6.5. Minimum setback abutting a residential district: 100 feet
 - 36.5.6.6. Minimum setback for parking and loading areas: 25 feet
 - 36.5.6.7. Maximum impervious surface coverage: 75%
 - 36.5.6.8. Maximum floor area ratio: .5
 - 36.5.6.9. Maximum building height for building:
 - 36.5.6.9.1. Predominately General Office or Hotel: 80 feet
6 stories

- 36.5.6.9.2. Not predominately General Office or Hotel: 60 ft
- 36.5.6.10. Minimum parking lot landscaped buffer from public street right-of-way: 100 feet
- 36.5.7. Outdoor Lighting: Driveways, parking lots, sidewalks, and building exteriors shall incorporate standard fixtures and poles in order to obtain a uniform lighting appearance. Outdoor lighting shall have full cut-off fixtures and comply with Section 61.4 and the Regulations.
- 36.5.8. Amplification of sound is prohibited outdoors.
- 36.5.9. A report shall be submitted by the applicant to the Watertown Chief of Police prior to submitting an application for a Zoning Map amendment, a Conceptual Plan, or a Detailed Site Plan that describes anticipated security outside buildings and within buildings. The Commission shall review this report at time of application.
- 36.5.10. Shopping Cart Management: Shopping carts can become an unattractive facet of retail operation when not actively managed. Outside storage of carts and parking lots with shopping carts strewn around can detract from even the most attractive building and site design.
- 36.5.10.1. Any retail business that permits shopping carts to be used outside of its building shall have a Cart Management Plan approved by the Commission. The plan must describe in detail the terms of the retail company cart management program and prevention of accumulation of carts in parking lots, sidewalks, and roads.
- 36.5.10.2. Shopping carts shall not be stored outside overnight.
- 36.5.10.3. The Cart Management Plan must require that carts be returned to the interior of the store within two hours after customer use.
- 36.5.10.4. The approved Cart Management Plan must be implemented. Failure to maintain the standards of the shopping Cart Management Plan as approved by the Commission will be subject to enforcement as a zoning violation. Notice of this requirement shall be stated in building tenant leases.
- 36.5.11. Streets: All public and private streets and driveways shall conform to Section 36 and the Zoning and Subdivision Regulations. The standard paved width of roadways and driveways is 30 feet. The Commission may determine with a 2/3's (5 members) vote of approval that the paved width of roadways and driveways within the B-PCD262 to be no less than 12 feet and no more than 36 feet. Parking or parking standing is prohibited on any roadway or driveway,

excepting for bus transit. The roadways and driveways shall be signed noticing “No Parking” and “No Standing”, in accordance with the provisions of Section 36.5.11 and Section 36.5.12.

- 36.5.12. Signage: Permitted signs are subject to Section 62.8 “Alternative Signage Program for Large Developments” and require the submission of a Permitted Sign Plan. The applicant shall submit a Permitted Sign Plan for approval by the Commission which shall regulate signage in the B-PCD262. The Permitted Sign Plan shall limit sign application permits subject to Commission approval, to sign classification types listed herein, as those classification types defined in Section 62.2 as (a) Freestanding sign when at a public street, (b) Roof sign, and (c) Billboard. Other sign application submitted for permit is subject to approval by the Administrator for Land Use / Zoning Enforcement Officer in accordance with the provisions of the Permitted Sign Plan and Section 62.

36.6. General Requirements of the Building Design

The following building design guidelines are not intended to limit creativity but to address issues of architectural variety, compatibility of design and scale within the District, the surrounding neighborhood, and pedestrian access.

36.6.1. Articulation:

36.6.1.1. Wall plan projections or recesses should be utilized to limit uniform facades to less than 100 continuous linear feet. The aggregate length of a projection or recess shall be at least 20% of the facade length.

36.6.1.2. Architectural elements such as arcades, display windows, entry areas, awnings, or other such features should account for at least 60% of the horizontal length of the ground floor facade.

36.6.1.3. At least three of the following should be repeated along the facade at intervals of approximately 30 feet and at least one should repeat horizontally:

36.6.1.3.1. Color

36.6.1.3.2. Texture change

36.6.1.3.3. Material change

36.6.1.3.4. Expression of architectural or structural bay through a change in plane no less than 12” in width, such as an offset, reveal, projecting rib or pilaster.

36.6.2. Human Scale Elements: The following human scale elements should be incorporated into the design of buildings to reduce their visual impact and

create motorist and pedestrian friendly experiences:

36.6.2.1. Banding of exterior materials and architectural details should be incorporated at eye-level to break up large facades and to create human scale elements.

36.6.2.2. The bottom six feet of all facade walls should be of the highest quality material being used on the building. To avoid damage from shopping carts, vehicles, or vandalism; the use of exterior insulation finish systems or other easily damaged building materials may not be used within this area.

36.6.2.3. Arcades are encouraged as a means of providing human scale elements. Arcades should conform to the following requirements:

36.6.2.3.1. An arcade should be inviting to pedestrians; incorporating benches, wide walkways, display windows or similar features.

36.6.2.3.2. When there are multiple tenants in a building, signs should be incorporated into the design to allow pedestrians to easily recognize establishments from beneath arcades. Signs are subject to the provisions of Section 36.5.12.

36.6.3. Rooflines: The following guidelines are intended to reduce the massive scale of large buildings and complement the character of the District and nearby areas. Roofs should include at least two of the following elements:

36.6.3.1. Parapets concealing flat roofs and rooftop equipment. The average height of such parapets should not exceed 15% of the height of the supporting wall; and at no point should a parapet exceed 30% of the height of the supporting wall. Parapets should feature three dimensional cornice treatments.

36.6.3.2. Overhanging eaves extending no less than three feet past supporting walls.

36.6.3.3. Sloping roofs should not exceed the average height of supporting walls with an average slope not greater than one foot of vertical rise for every three feet of horizontal run, and not less than one foot of vertical rise for every one foot of horizontal run

36.6.3.4. Three or more roof slope planes

36.6.4. Materials and Colors: Exterior building materials and colors should be

compatible with materials and colors used in the District. Building materials should comply with the following guidelines:

- 36.6.4.1. Predominant exterior building materials should be of high quality including brick, stone, wood, or tinted, textured, concrete block. Exterior insulation finish systems, smooth-face concrete blocks, and pre-fabricated steel panels may not be used as the predominant exterior building material.
- 36.6.4.2. Predominant exterior building materials should be non-glossy and have subtle, neutral, or earth tone colors. The use of high intensity, metallic, black, or fluorescent colors is prohibited.
- 36.6.4.3. Building trim and accent areas may feature brighter colors, including primary colors, but not neon tubing features.

36.6.5. Entrances:

- 36.6.5.1. To orient customers to entrances, each building shall have no less than three of the following elements:
 - 36.6.5.1.1. Canopies or porticos
 - 36.6.5.1.2. Overhangs
 - 36.6.5.1.3. Recesses / projections
 - 36.6.5.1.4. Arcades
 - 36.6.5.1.5. Raised, corniced parapets over the door
 - 36.6.5.1.6. Peaked roof forms
 - 36.6.5.1.7. Arches
 - 36.6.5.1.8. Outdoor patios
 - 36.6.5.1.9. Display windows
 - 36.6.5.1.10. Architectural details such as tile work and moldings integrated into the building
 - 36.6.5.1.11. Integrated planters or wing walls that incorporate landscaped areas and places for sitting.
- 36.6.5.2. Where more than one store is located in a building, each ground

level store shall have a least one exterior customer entrance.

36.6.5.3. Large retail buildings shall incorporate multiple entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments of a store.

36.6.5.4. At least one entrance should be located on two facades of a building that directly faces an abutting public street.

36.7. Traffic Requirements

The following requirements are intended to minimize the traffic impacts of large scale commercial developments on roadways.

36.7.1. A comprehensive traffic study prepared by a professional traffic engineer licensed in Connecticut, detailing the effects of the proposed development and the measures necessary to mitigate those effects, shall be submitted with the application for a Detailed Site Plan approval. Particular attention in the report should be given to effects on non-State roads.

36.7.2. When two or more access driveways are located on one site, they shall be located no closer than 150 feet apart unless they are one-way driveways.

36.7.3. Except for driveways permitting only right turns into or out of a site, access driveways shall align with opposing public or private streets and driveways.

36.7.4. Parking lots shall be configured to provide access to adjacent commercial parking lots through either a driveway or a separate service road.

36.7.5. For proposed developments on corner lots, the Commission may limit access onto a street if the street is residential in character and the traffic impact on that residential character outweighs the need for street access.

36.8. Modifications

The intent of Section 36 is not to limit design creativity. If the Commission determines that modifying the requirements in Section 36.6 "Building Design" would result in a Conceptual Plan, Detailed Site Plan, or Special Permit that meets the intent of this Section, the Commission may modify the requirements in Section 36.6 upon a two-thirds (5 members) vote of approval of the Commission. The Commission shall, among other issues, consider safety and the character of the District, the neighborhood, and the Town when making the determination to waive any requirements.

36.9. Permitted Uses

The following principal uses shall be permitted without a drive-thru. Prior to approval of any Zoning Permit and Application for Certificate of Zoning Compliance, a Conceptual

Plan and a Detailed Site Plan must be approved by the Commission in accordance with the provisions of Section 36 and Section 51:

- 36.9.1. Retail store
- 36.9.2. Personal services
- 36.9.3. Bank, financial, and insurance institution
- 36.9.4. Restaurant
- 36.9.5. Medical office and out-patient services
- 36.9.6. General office
- 36.9.7. Hotel
- 36.9.8. Theater, bowling alley, museum, cultural facility
- 36.9.9. Food or grocery store
- 36.9.10. Health club and gym
- 36.9.11. Radio and television studio
- 36.9.12. Performing arts studio
- 36.9.13. Food court

36.10. Permitted Accessory Uses

The following accessory uses shall be permitted. Prior to approval of any Zoning Permit and Application for Certificate of Zoning Compliance, a Conceptual Plan and a Detailed Site Plan must be approved by the Commission in accordance with the provisions of Section 36 and Section 51:

- 36.10.1. Uses normally accessory to a principal use requiring Detailed Site Plan approval, provided that such uses shall be applied for in the Detailed Site Plan application.
- 36.10.2. Uses normally accessory to a principal use requiring a Special Permit, provided that such uses shall be applied for in the Special Permit application in accordance with the provisions of Section 52.
- 36.10.3. Building mechanical equipment located outside the structure, including radio and television reception equipment; provided that such equipment shall be properly screened.

- 36.10.4. Signs in accordance with the provisions of Section 36.5.12 and the Permitted Sign Plan.
 - 36.10.5. Off-street parking and loading, including parking garages and parking structures, subject to Section 36, Section 51, Section 63, Section 70.5 and Section 70.6.
 - 36.10.6. No vehicle or equipment shall be parked within any required yard or landscaped area.
 - 36.10.7. Medical Clinics, cafeterias, and day-care for employees only must be conducted inside a building.
 - 36.10.8. Recreational facilities, provided that all such uses are inside a building and on the same lot to which they are accessory to the primary use.
 - 36.10.9. The display and sale of goods outside of a building is subject to Section 36.5.4.5. Such use shall be clearly accessory to the principal use. No other goods shall be displayed or merchandise for sale outside of a building.
 - 36.10.10. Assembly hall for meetings incidental to the business of the principal use
 - 36.10.11. Utilities necessary for the operation of the uses within the B-PCD262.
- 36.11. Use Variances
The Zoning Board of Appeals is not permitted to grant use variances in the B-PCD262 zoning District.

ARTICLE III - BUSINESS DISTRICTS

SECTION 37 - MEDICAL AND GENERAL BUSINESS B-MG DISTRICT

37.1 Purpose

To accommodate outpatient medical offices, general offices, professional offices, financial institutions, restaurants, and retail stores and service establishments for mostly medical purposes; serving the needs of the entire Town and neighboring communities.

37.2 Permitted Site Plan Uses

The following principal uses shall be permitted subject to site plan approval in accordance with Section 51:

37.2.1. Offices, outpatient Medical, General, or Professional

37.2.2. Banks or financial institutions, without drive-through facilities

37.2.3. Restaurants, sit-down with indoor seating and without drive-through facilities

37.2.4. Medical use only: research and clinical laboratories, testing laboratories

37.2.5. Medical rehabilitation facilities, outpatient and not overnight

37.2.6. Stores or shops for the conduct of retail business mostly for medical purposes in each store or shop, as determined by the Commission

37.2.7. Stores or shops for the conduct of personal service business mostly for medical purposes in each store or shop, as determined by the Commission

37.3 Special Permit Uses

The following principal uses shall be permitted subject to approval in accordance with Section 52:

37.3.1. Medical transportation

37.3.2. Veterinary hospital, without general boarding of animals

37.3.3. Child day care centers

37.4 Permitted Accessory Uses

The following accessory uses shall be permitted:

37.4.1. Uses normally accessory to a principal use requiring Site Plan approval, provided that such uses shall be applied for, with, and included in, the Site Plan application

- 37.4.2. Uses normally accessory to a principal use requiring a Special Permit, provided that such uses shall be applied for, with, and included in, the Special Permit application

37.5 Conditions

The following conditions for all uses:

- 37.5.1. Building mechanical equipment located outside the structure, provided that such equipment shall be properly screened
- 37.5.2. Off-street parking and loading, excluding parking structures, subject to Section 63
- 37.5.3. Signs, subject to Section 62
- 37.5.4. Recycling containers, grease containers, and dumpsters for trash and garbage, shall be screened and not in Front Yard.
- 37.5.5. Outdoor lighting: driveways, parking lots, sidewalks, and building exteriors shall incorporate standard fixtures and poles in character with the District to obtain a uniform lighting appearance. Outdoor lighting shall have full cut-off fixtures and comply with Section 61.4.
- 37.5.6. Outside overnight parking of vehicles or equipment, provided no vehicle or equipment shall be parked within any required yard and that the Commission may require appropriate screening (e.g., landscaping, fencing). Medical transportation outside overnight parking limited to ten vehicles.
- 37.5.7. Amplification of sound is prohibited outdoors
- 37.5.8. Storage or displays is prohibited outdoors
- 37.5.9. Building exteriors shall be in keeping with the character of the District
- 37.5.10. More than one principal use and/or more than one principal building to be permitted
- 37.5.11. Access to public water and public sanitary sewer

37.6 Area and Dimensional Requirements

37.6.1. Minimum Lot Requirements:

- | | |
|-------------------------------------|--------------|
| 37.6.1.1. Minimum Area | 20,000 sq ft |
| 37.6.1.2. Minimum Frontage | 50 feet |
| 37.6.1.3. Maximum Height: 3 stories | 40 feet |

- 37.6.2. Minimum Setbacks:
 - 37.6.2.1. Front yard for building 25 feet
 - When abutting a residential district 50 feet
 - 37.6.2.2. Rear Yard for building 25 feet
 - When abutting a residential district 50 feet
 - 37.6.2.3. Side Yard for building 10 feet
 - When abutting a residential district 50 feet
 - 37.6.2.4. Side and rear yard for parking and loading areas 10 feet
 - When abutting a residential district 30 feet
 - 37.6.2.5. Front yard for parking and loading areas 10 feet
- 37.6.3. Bulk and Coverage:
 - 37.6.3.1. Maximum floor area ratio 0.5
 - 37.6.3.2. Maximum impervious surface coverage 80%
 - 37.6.3.3. Maximum building coverage 40%

[Section 37 Effective May 28, 2010]

ARTICLE IV - INDUSTRIAL DISTRICTS

SECTION 41 - GENERAL INDUSTRIAL IG-80 DISTRICT

- 41.1 Purpose: To accommodate basic industrial uses and heavy commercial operations incompatible with residential environments and is intended to be less restrictive than the Restricted Industrial Districts.
- 41.2 Permitted Site Plan Uses: The following principal uses shall be permitted subject to Site Plan approval in accordance with Sect.51:
 - 41.2.1 Manufacture, processing or assembly of goods.
 - 41.2.2 Research or development laboratories.
 - 41.2.3 General Office.
 - 41.2.4 Banks or financial institutions.
 - 41.2.5 Wholesaling or distribution.
 - 41.2.6 Building or construction contractors.
 - 41.2.7 Trucking services, including terminal facilities.
 - 41.2.8 Fuel oil dealers.
 - 41.2.9 Sanitary services (e.g. trash haulers, septic tank cleaners).
 - 41.2.10 Building services (e.g. pest control service, building maintenance service).
 - 41.2.11 Lumber yards or building materials suppliers.
 - 41.2.12 Equipment rental or leasing services, excluding motor vehicles.
 - 41.2.13 Electrical repair shops.
 - 41.2.14 Upholstery or furniture repair shops.
 - 41.2.15 Printing, lithography, photocopying, or similar graphic arts services; publishing facilities.
 - 41.2.16 Industrial laundries or dry cleaners.
 - 41.2.17 Carpet or upholstery cleaning establishments.

- 41.2.18 Public utility buildings or facilities.
- 41.2.19 Buildings or facilities of the local, State or Federal government.
- 41.2.20 Restaurants, sit-down.
- 41.2.21 Hotels or motels
- 41.2.22 Health or fitness clubs, gymnasiums, tennis or racquet clubs.
- 41.3 Special Permit Uses: The following principal uses shall be permitted, subject to Site Plan and Special Permit approvals in accordance with Section 51 and Section 52:
 - 41.3.1 Child day care centers.
 - 41.3.2 Establishments for the sale of new automobiles and new trucks; establishments for the sale of used automobiles, trucks, trailers, and farm equipment when clearly accessory and subsidiary to another permitted use on the same lot; motor vehicle repair garages, including automobiles, truck, trailer and farm equipment repairing when clearly accessory and subsidiary to another permitted use on the same lot; establishments for the rental of automobiles, trucks, trailers and farm equipment.
 - 41.3.3 Vocational Schools Operated for Profit (Amendment approved: July 5, 2006)
 - 41.3.4 Subject to Section 64, the storage of Clean Fill and the processing and storage of reclaimed asphalt directly reused in the construction of roads, bridges, incidental construction, and parking areas. (Effective May 13, 2011)
- 41.4 Permitted Accessory Uses: The following accessory uses shall be permitted:
 - 41.4.1 Uses normally accessory to a principal use requiring Site Plan approval, provided that such uses shall be applied for with, and included in, the Site Plan application.
 - 41.4.2 Uses normally accessory to a principal use requiring a Special Permit, provided that such uses shall be applied for with, and included in, the Special Permit application.
 - 41.4.3 Building mechanical equipment located outside the structure, including radio and television reception equipment, provided that such equipment shall be properly screened.
 - 41.4.4 Signs, subject to Section 62.
 - 41.4.5 Off-street parking and loading, including parking garages and parking structures, subject to Section 63.

- 41.4.6 Outside overnight parking of vehicles or equipment, provided that no vehicle or equipment shall be parked within any required yard and that the Commission may require appropriate screening (e.g. landscaping, fencing).
- 41.4.7 Clinics and cafeterias, for employees only, when conducted within a building.
- 41.4.8 Recreation facilities, provided that all such buildings and uses shall be planned as an integral part of the development and located on the same lot with the use to which they are accessory.
- 41.4.9 Assembly hall for meetings incidental to the business of the principal use.
- 41.4.10 The display or sale of goods made, processed or assembled on premises only, provided that:
- a. Such use shall be clearly accessory to the principal use.
 - b. Such use shall take place entirely within the confines of the principal building.
 - c. Such use shall occupy no more than 2,500 square feet or 10% of the gross floor area devoted to the principal use, whichever is less.
 - d. No goods shall be displayed outside.

41.5 Area and Dimensional Requirements:

41.5.1 Minimum Lot Requirements

- a. Minimum Area 80,000 sq. ft.
- b. Minimum Frontage 50 ft.

41.5.2 Maximum Height: 4 Stories 60 ft.

41.5.3 Minimum Setbacks

- a. Front yard for building 50 ft.
-When abutting a residential district 50ft.
- b. Rear yard for building 25 ft.
-When abutting a residential district 50ft.
- c. Side yard for building 10 ft.
-When abutting a residential district 50 ft. each
- d. Side and rear yard for parking and loading areas 10 ft. each
-When abutting a residential district 50 ft. each
- e. Front yard for parking and loading areas 10 ft.

41.5.4 Bulk and Coverage

- a. Maximum floor area ratio 0.5
- b. Maximum impervious surface coverage 80%
- c. Maximum building coverage 40%

ARTICLE IV - INDUSTRIAL DISTRICTS

SECTION 42 - RESTRICTED INDUSTRIAL IR-80 AND IR-200 DISTRICTS

- 42.1 Purpose: To provide a favorable and stable environment for the growth of industry to strengthen Watertown's employment opportunities and economy. The Restricted Industrial Districts are intended to foster coherent development of manufacturing, warehousing, distribution, plants, research and development, offices, and supporting private and public facilities at modern site development standards while minimizing disturbances to residential areas.
- 42.2 General Requirement: All permitted operations and related storage, except for the parking motor vehicles, shall be conducted within a building.
- 42.3 Permitted Site Plan Uses: The following principal uses shall be permitted subject to Site Plan approval in accordance with Section 51:
- 42.3.1 Manufacturing, processing or assembly of goods.
 - 42.3.2 Research or development facilities.
 - 42.3.3 Printing, lithography, photocopying or similar graphic arts services; publishing facilities.
 - 42.3.4 Radio or television broadcast facilities.
 - 42.3.5 Trucking or courier services.
 - 42.3.6 Wholesaling or distribution facilities.
 - 42.3.7 Public utilities buildings or facilities.
 - 42.3.8 Buildings or facilities of the local, state or federal government.
 - 42.3.9 Document or Electronic Data Storage Facility. (Amendment Adopted 1/8/97)
 - 42.3.10 In an IR-80 zone, Building or Construction Contractors with no outside storage of unregistered vehicles, equipment, materials or supplies. (Effective: January 30, 2009)
- 42.4 Special Permit Uses: The following principal uses shall be permitted subject to Special Permit and Site Plan approvals in accordance with Sections 51 and 52:
- 42.4.1 Vocational schools operated for profit.
 - 42.4.2 Health or fitness clubs, gymnasiums, tennis or racquet clubs, only as part of a unified complex.

- 42.4.3 Child day care centers, only as part of a unified complex.
- 42.4.4 Hotels or motels.
- 42.4.5 Restaurants, sit-down.
- 42.4.6 Sanitary Services (e.g. trash haulers) only in an IR-80 Restricted Industrial Zoning District (Effective Date December 16, 2002)
- 42.5 Permitted Accessory Buildings, Structures and Uses: The following accessory buildings, structures and uses shall be permitted:
 - 42.5.1 Uses normally accessory to a principal use requiring Site Plan approval, provided that such uses shall be applied for with, and included in, the Site Plan application.
 - 42.5.2 Uses normally accessory, to a principal use requiring a Special Permit, provided that such uses shall be applied for with, and included in, the Special Permit application.
 - 42.5.3 Building mechanical equipment located outside the structure, including radio and television reception equipment, provided that such equipment shall be properly screened.
 - 42.5.4 Signs, subject to Section 62.
 - 42.5.5 Off-street parking and loading, including parking garages and parking structures, subject to Section 63.
 - 42.5.6 Outside overnight parking of vehicles or equipment provided that no vehicle or equipment shall be parked within any required yard and that the Commission may require appropriate screening (e.g.. landscaping, fencing).
 - 42.5.7 Clinics and cafeterias, for employees only, when conducted within a building.
 - 42.5.8 Recreation facilities, provided that all such buildings and uses shall be planned as an integral part of the office building or research laboratory development and located on the same lot with the use to which they are accessory.
 - 42.5.9 Assembly hall for meetings incidental to the business of the principal use.
 - 42.5.10 The display or sale of goods made, processed or assembled on premises only provided that:
 - a. Such use shall be clearly accessory to the principal use;
 - b. Such use shall take place entirely within the confines of the principal building;

- c. Such use shall occupy no more than 2,500 square feet or 10% of the gross floor area devoted to the principal use whichever is less;
- d. No goods shall be displayed outside.

42.6 Area and Dimensional Requirements

42.6.1 Minimum Lot Requirements

- a. Minimum Area: IR-80 80,000 sq. ft.
 IR-200 200,000 sq. ft.
- b. Minimum Frontage 50 ft.

42.6.2 Maximum Height: 4 stories 60 feet

42.6.3 Minimum Setbacks.

- a. Front yard for building 50 ft.
-When abutting a residential District:
 IR-80 75 ft.
 IR-200 100 ft.
- b. Rear yard for building 35 ft.
-When abutting a residential District:
 IR-80 75 ft.
 IR-200 100 ft.
- c. Side yard for building 35 ft.
-When abutting a residential District:
 IR-80 75 ft. each
 IR-200 100 ft. each
- d. Side and rear yard for parking and loading areas 25 ft. each
-When abutting a residential district:
 IR-80 75 ft. each
 IR-200 100 ft. each
- e. Front yard for parking and loading areas
-When abutting a residential District:
 IR-80 25 ft.
 IR-200 40 ft.

42.6.4 Bulk and Coverage

- a. Maximum floor area ratio
 IR-80 0.5
 IR-200 0.4
- b. Maximum impervious surface coverage
 IR-80 65%
 IR-200 50%
- c. Maximum building coverage
 IR-80 40%
 IR-200 30%

ARTICLE IV - INDUSTRIAL DISTRICTS

SECTION 43 - GENERAL REQUIREMENTS FOR ALL INDUSTRIAL DISTRICTS

- 43.1 Uses: All uses shall conform to the Environmental and Performance Standards of Section 61.
- 43.2 Waste or Scrap Material: Waste or scrap materials, debris, discarded or used materials, non-registered or non-operable motor vehicles or parts, or other unsightly material, shall be stored within a structure at least six feet in height, which does not extend into any required yard, or shall be screened in accordance with the provisions of Section 70.5.
- 43.3 Frontage: The frontage of two or more lots making use of a single joint entry and a single exit to a frontage street may be computed as a single frontage.
- 43.4 Yards: Yards on a common side lot line may be omitted where two or more lots containing no residential uses make use of a single joint entry and single joint exit to a frontage street, provided permanent vehicular access shall be provided to the rear of all such lots.
- 43.5 In the IR-200 District
More than one principal use and/or more than one principal building to be permitted.
- All other requirements of the Regulations remain applicable. (Amendment effective 01/12/2007)
- 43.6 Manufacturing, Processing or Assembly of Goods:
The “manufacture, processing or assembly of goods” does not include that which is the subject of Section 64. (Effective May 13, 2011)

ARTICLE IV - INDUSTRIAL DISTRICTSSECTION 44 - CONVERSION OF CERTAIN EXISTING INDUSTRIAL BUILDINGS

- 44.1 Purpose: To permit, subject to Special Permit and Site Plan approvals in accordance with Sections 51 and 52, the conversion of existing multi-story industrial buildings served by a public-water supply and sanitary sewer and erected before 1950 which because of their functional design are no longer considered efficient by contemporary standards for manufacturing uses but would lend themselves subject to proper safeguards and appropriate standards for conversion to office, retail and/or residential use.
- 44.2 Compatibility: The Commission shall determine that the existing building and its environs will be suitable for multi-family, retail and/or office conversion and will not adversely impact the character of the existing area nor be adversely impacted by the existing area character.
- 44.3 Uses Permitted: A building above referred to may be converted to any of the following purposes:
- 44.3.1 Residence, none of which shall be permitted to be located below ground level, subject to the following standards:
- a. Minimum lot area per dwelling unit
(Areas occupied by lakes, rivers or wetlands shall not count as the basis for allowable dwelling unit) 2,000 sq. ft.
 - b. Minimum Usable Open Space per dwelling unit. 250 sq. ft.
 - c. Minimum Off-Street Parking Spaces - 2 spaces(per each dwelling unit)
 - d. Minimum Floor Areas for dwelling units
(Efficiency units shall exceed 10% of all units to be provided)
 - For an Efficiency Unit 650 sq. ft.
 - For a 1-BR. Unit 775 sq. ft.
 - For a 2-BR. Unit 900 sq. ft.
 - e. All active recreation areas shall not be less than 10 feet from any building or less than 10 feet from any lot line.
 - f. Parking areas and driveways shall be adequately lighted and said lighting shall not be directed onto adjacent properties.
 - g. Stairways leading to the second or any higher floor shall be located within the walls of the building. Fire escapes shall be located on the rear wall in preference to either side wall and in no case on a front wall or side wall facing a street.
 - h. Separate entrances, stairways and/or elevators shall be provided for residents as distinct from any office use in a building to be converted to joint usage.
 - i. Refuse collection areas shall be established and conveniently located for all users. The collection areas shall be properly screened with covered receptacles.

- j. All buildings, structures, and off-street parking areas shall be provided with suitable landscaping, including screening, and/or walls or fencing, as required by Section 70.

44.3.2 Office uses as follows:

- a. Offices and studios of doctors, dentists, architects, artists, designers, accountants, lawyers, engineers, tutors, real estate and insurance agents, brokers, and members of other recognized professions (excluding veterinarians, barber shops, beauty and massage parlors, and other similar uses), together with incidental laboratory and mechanical equipment; government offices; and offices of charitable; philanthropic organizations and corporate headquarters. All such offices shall meet the following standards:
 - 1. No storage of a stock in trade or sale of commodities on the premises:
 - 2. No visits by the general public as purchasers of goods or as customers as distinguished from patients or clients.

44.3.3 Retail uses as follows:

- a. Retail uses shall be limited to those permitted in the underlying zone and subject to the provisions thereof.
- b. Retail uses shall be limited to ground floor location.
- c. Offices and/or residences may be permitted on floors above retail use.

44.4 Additional Construction: If additional dwelling units and/or offices are desired beyond that in the existing building, the Commission may permit an addition to the existing building provided that:

- 44.4.1 The number and type of dwelling units shall be in accordance with the provisions Section 44.3 above;
- 44.4.2 The addition shall not exceed 50% of the GFA of the existing building;
- 44.4.3 The addition shall conform to all other zoning requirements of the zoning district which it is located; and
- 44.4.4 The addition shall be compatible architecturally and in scale to the existing building.

ARTICLE V - SITE PLANS AND SPECIAL PERMITS

SECTION 51 - SITE PLANS

(Revisions Effective June 25, 2010)

51.1 Purpose

The Site Plan approval process assures that all aspects of property development and land use within the Town of Watertown complies with the standards and specifications of the Regulations and is in accordance with the intent and purpose of the Regulations in Section 1. The Site Plan process also assures that adequate provision is set forth in development of a site for vehicular and pedestrian access and circulation, parking, landscaping, buffers, signage, lighting, drainage, building relationships, utilities, soil erosion and sedimentation controls, and other aspects of a proposed development and use of land.

51.2 Authority

An application and the Commission approval of a Site Plan, a Special Permit, and a Flood Prone Areas Permit is subject to zoning authority of the Watertown Zoning Regulations. Application and Commission approval of a Subdivision Plan and a Resubdivision Plan is subject to planning authority of the Watertown Subdivision Regulations. An application and the Aquifer Protection Agency approval of an Aquifer Protection Areas Permit is subject to authority of the Watertown Aquifer Protection Areas Regulations.

Site Plan approval shall be obtained from the Commission prior to the establishment, expansion or change of any use of land and or structure, which is permitted by right and requires Site Plan approval in compliance with Section 51 and the Regulations. Special Permit approval shall be obtained from the Commission prior to the establishment, expansion or change of any use of land and or structure, which is permitted by Special Permit and requires Special Permit approval in compliance with Section 52 and the Regulations. A required **Special Permit** application shall be submitted to the Commission **prior to or with** a **Site Plan** application. A required **Flood Prone Areas Permit** application shall be submitted to the Commission **with** a **Site Plan** application **and** a **Special Permit** application in compliance with Section 66 and the Regulations. A required application for an **Aquifer Protection Areas Permit** shall be submitted to the Commission **with** a **Site Plan** application **and** a **Special Permit** application in compliance with Section 68, the Regulations, and the Watertown Aquifer Protection Areas Regulations. The Commission, at its discretion, may not accept an application for review if an application is submitted to the Commission different from the foresaid order of applications.

The process for Site Plan Modification is the same as for a Site Plan. The process for Special Permit Modification is the same as for a Special Permit. The process for Flood

Prone Areas Permit Modification is the same as for a Flood Prone Areas Permit. The process for an Aquifer Protection Areas Permit Modification is the same as for an Aquifer Protection Areas Permit.

When a Site Plan is required, Site Plan approval shall be obtained from the Commission prior to the ZEO issuing a Zoning Permit in accordance with Section 72 and the Regulations. A building permit and a building foundation permit shall only be issued subsequent to the issuance of a Zoning Permit. [Section 51.2 effective September 10, 2010]

51.3 Pre-Application Procedure

The pre-application procedure for property development is established herein to assist the applicant with the permitting process. The Commission encourages the applicant to obtain answers to their questions prior to submitting to the Commission a formal Site Plan application or any other application. A good starting point to understand the permitting requirements is to visit the Town of Watertown website at www.watertownct.org. To be clear and to avoid uncertainty, the official documents are in the Watertown Planning and Zoning Commission office. Those documents control and take precedence over conflicts with documents and information on the website. Visitors of the website are encouraged to verify the official version of all documents upon which they plan to rely. On the home page of the website is a tab menu titled “Departments” with a link to “Planning and Zoning” where most Watertown land use regulations, administrative procedures, and application forms are located. On the home page is “Contact List” linking to a directory of town officials. On the home page is “Sign Up for Watertown Mailing Lists” linking to a form for notice by email of updates to Watertown land use meeting agendas, meeting minutes, and changes to regulations, administrative procedures, and application forms. The sign up for Watertown mailing lists is the procedure the Commission uses to comply with Connecticut General Statute Section 8-7d(g), “Public Notice Registry”.

The applicant is NOT REQUIRED to do any pre-application activity as a condition of approval. Pre-application discussions and submittals are not binding upon the applicant, the Commission, town officials, or any person as “person” is defined in Section 5.1.9.

51.3.1 Pre-Application Conferences with Town Officials:

Prior to submitting a formal Site Plan application, the applicant may find it helpful to them to meet with town officials to view the locations available for development and become acquainted with public and private facilities, to discuss general concepts of application requirements, and to obtain answers to questions about application procedures.

51.3.1.1 Welcome to Watertown:

The town Economic Development Coordinator and the Town Manager are typically the first persons to contact for discussions about mid-size and larger site development plans. The Coordinator

will arrange meetings for the applicant with town officials, community and business leaders, and local State Legislators. All town officials are committed to “Working for You” (the Town of Watertown motto) to provide the high quality services expected.

51.3.1.2 Commission Staff Conferences: The ZEO will coordinate Site Plan meetings. The applicant and town officials involved with the permitting process typically attend these meetings. At the applicant direction the meetings may be with all or a select group of town officials. The applicant establishes the meeting agenda and directs the conversation towards getting their questions answered and their pre-application plans reviewed.

51.3.2 Commission Pre-Application Site Plan Review:

A proposed applicant in his sole discretion may elect to submit a pre-application plan to the Commission for the purpose of preliminary discussion. The meeting agenda is directed by the applicant to obtain guidance for submitting a formal Site Plan application. If practical for the applicant, twelve (12) copies of maps, drawings, documents, and written questions may be given to Commission staff in time for staff to include them in the Commission meeting packet. This should allow Commissioners time to prepare thoughtful responses. If requested by the applicant the Commission at its meeting will take preliminary consensus on specific issues. The applicant should not assume preliminary consensus by comment of a few Commissioners or by no comment at all. The applicant should also not assume the Commission would review the pre-application submittals to the level of detail as with a formal application. Pre-application Site Plan discussions and reviews are not a form of Site Plan approval, and are not binding upon the Commission, the applicant, town officials, or any person. The applicant shall agree as a condition of coming to the Commission for pre-application discussions and or a review of written documents that he waives all claims of Commission prejudgment of the application.

For the purpose of the applicant’s advance planning, the Commission gives notice that there may be third-party consulting services required by the Commission (e.g. traffic impact study).

51.4 Application Procedure

51.4.1 All applications for Site Plan approval shall be submitted to the Commission in writing in a form determined by the Commission. The Commission shall adopt administrative procedures including, but not limited to, application forms, map submission requirements, number of copies, and filing deadlines. Efforts to comply with the application submission requirements of the Regulations and the Commission administrative procedures will insure timely action by the Commission on the proposed application.

- 51.4.2 The Commission expects at the time of its receipt of a formal Site Plan application to have all the application documents, maps, and Site Plans in final form and in full compliance with the Regulations. If there are wetlands or a watercourse on the subject property the Commission suggests, but does not require, that the applicant first have a pre-application meeting with the Commission prior to submitting an application to the Watertown Conservation Commission / Inland Wetlands Agency (“IWA”). This is not intended to influence an IWA decision. This voluntary procedure recognizes the location and use of buildings, structures, open spaces, conservation areas, and land are in the jurisdiction of the Commission to determine in accordance with C.G.S. Section 8-2(a) and the Zoning Regulations. An IWA decision without having had a pre-application meeting with the Commission may conflict with the Commission’s jurisdiction. Appropriate pre-application discussions may be helpful to avoid delays and unnecessary expense. After the IWA issues a report and decision and preferably not before an IWA decision, the Commission suggests the applicant submit a Site Plan application to the Commission. An applicant may submit a Site Plan application to the Commission before an IWA decision. Pursuant to C.G.S. Section 8-7d(e), the Commission may not render a decision on the Site Plan application until the IWA, or the IWA staff in the situation that there are no wetlands and watercourses on the property, has reported their decision to the Commission.
- 51.4.3 Upon written request by the applicant, the Commission may by a two-thirds vote (5 affirmative votes) of the Commission, waive or modify one or more of the map submission requirements of the Site Plan application, provided in the judgment of the Commission the proposed waiver or modification has no more than a minor and insignificant effect on Uses, parking, traffic circulation, drainage, soil erosion and sedimentation controls, building relationships, landscaping, signs, lighting, or other considerations of Site Plan approval.
- 51.4.4 Upon written request by the applicant, the Commission may by a two-thirds vote (5 affirmative votes) of the Commission, waive or modify one or more of the requirements of Section 51 if the Site Plan application or Site Plan Modification application is only for Commission approval of Uses and is without site work other than signs and/or outdoor lighting. The Commission may condition approval of a Use on compliance with Regulation requirements.
- 51.5 Site Plan Preparation Requirements
All Site Plan applications shall be prepared in accordance with the following general requirements:
- 51.5.1 The Site Plan shall be prepared at a scale of not less than 1"=100' on maps with blue lines or black lines having a sheet size of 24" X 36". All maps shall be of the same scale. The Site Plan shall include an accurate and up-to-date Class A-2 survey of the property prepared in accordance with the standards of Sections 20-300b-1 thru 20-300b-20 of the Regulations of Connecticut State Agencies –

“Minimum Standards for Surveys and Maps in the State of Connecticut” and endorsed by the Connecticut Association of Land Surveyors Inc, in the “Code of Recommended Standards for Surveys and Maps in the State of Connecticut”, adopted on September 24, 1992, and effective January 1, 1993, as amended. A land surveyor licensed in the State of Connecticut shall prepare a Class A-2 survey with an A(N) Zoning Location Survey and an A(N) Dependent Resurvey, as applicable. The requirements shall include but are not limited to monumentation, contours of elevation, the boundaries of the property by course and distance, the location of all improvements, the location and width of all easements, utility lines, rights-of-way and building setback lines, the location of all encroachments and restrictions including environmental restrictions, such as but not limited to, wetlands, if any affecting the property, and the latitude and longitude of the center of the subject property. The survey map shall be certified, signed, and sealed by a registered land surveyor. If a separate survey map is used, a copy shall be attached to the Site Plan certified, signed, and sealed by a registered land surveyor.

51.5.2 The Commission requires the survey map to tie-in by metes and bounds description to all properties adjoining the subject property including properties directly across any street.

51.5.3 The Site Plan shall be prepared, signed and sealed by a Professional Engineer, a licensed architect, or a licensed landscape architect, whichever is appropriate.

51.5.4 The applicant shall submit twelve (12) copies of: (a) the application, (b) maps and Site Plans on paper having sheets 24” X 36” in size with blue lines or black lines and, (c) all other documents to the Commission office in sufficient time for: (1) Commission staff to review and comment, and (2) for Commission members to review staff reports and applicant submittals in preparation for comments and questions at a Commission meeting. “Sufficient time” of review depends on the complexity of an application. Commission staff may provide guidance as to the period. The applicant is encouraged to request from Commission staff a dated receipt for each submittal and or witness the Commission staff placing the received date stamp on each submittal.

51.6 Required Information

All Site Plan applications shall include the following information:

51.6.1 Title of development, date and revisions date

51.6.2 Name, address, email address, and telephone number of: (1) the applicant, and (2) the Agent of Record responsible for preparing the application and presenting the application to the Commission. If the applicant is not the owner of the subject property, the owner of the property shall sign the application or provide evidence acceptable to the Commission of written authorization for the Agent of Record by signature to execute the application.

- 51.6.3 The application may include a certified copy of the subject property Certificate of Title, and shall provide a certified Certificate of Title when requested by the Commission or the Commission staff.
- 51.6.4 North arrow and numerical and graphical scale on each map
- 51.6.5 A written description of the proposed Use
- 51.6.6 An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. The Commission may require technical assistance pursuant to Section 51.20. In particular, the Commission may require a traffic impact study to evaluate the impact of the proposal on streets serving and or affected by the development. A qualified traffic engineer or transportation planner shall prepare the technical assistance report.
- 51.6.7 A table or chart indicating the proposed number or amount and types of Uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, landscaping, conservation and open spaces as they relate to the requirements of these Regulations.
- 51.6.8 A key map showing the location of the subject property on a town-wide map or quadrant thereof
- 51.6.9 An accurate scale map at a scale of 1"=1,000' shall be submitted showing the subject property and all properties and streets within 1,000 feet of the subject property
- 51.6.10 The zoning districts of the subject property and all properties within 1,000 feet of the subject property
- 51.6.11 Location, width, and purpose of all existing and proposed easements and rights-of-way on the Site Plan property
- 51.6.12 Written approval from the holder(s) easement and rights-of-way on the subject property when work is proposed in or affecting the easement or rights-of-way
- 51.6.13 Proposed Buildings and Uses:
- 51.6.13.1 Location, dimensions, area, height and setbacks of all existing and proposed buildings, signs, fences, and walls
- 51.6.13.2 Location of all existing and proposed Uses and facilities not requiring a building including, but not limited to, swimming pools, tennis courts, light standards, tanks, transformers, recycling containers, grease containers, and dumpsters for trash, garbage, recycling, or

other purposes.

51.6.13.3 Preliminary architectural drawings showing exterior wall elevations, roof lines, and facade materials

51.6.14 Parking, Loading and Circulation:

51.6.14.1 Location, arrangement, and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits, and ramps

51.6.14.2 Location, arrangement, and dimensions of loading and unloading areas

51.6.14.3 Location and dimensions of pedestrian walkways, entrances, and exits

51.6.15 Location, size, height, lighting, orientation and plans of all signs

51.6.16 Location, size, height, model, orientation, and design of outdoor lighting

51.6.17 Location and design of all existing and proposed sanitary sewer and water supply facilities; other utilities; curb cuts; streets lights type, location and lumens; fire hydrants; recycling, grease, and refuse collection areas and screening of containers for these purposes. All public utilities shall be placed underground. This underground utilities requirement may be waived by a two-thirds (5 members) affirmative vote of the Commission if engineering data, accepted and approved by the Commission, substantiates that such placement of utilities underground would be impractical.

51.6.18 A topographic map illustrating the existing and proposed conditions of the property including existing and proposed contours with intervals of two feet, (referred to U.S.G.S. datum), and location of all existing wooded areas, watercourses, wetlands, flood hazard areas, rock outcrops, and other significant physical features. Contour intervals of five feet may be shown for those sections of the site not affected by the proposed development. A statement from a Soil Scientist (as "Soil Scientist" is defined by the Connecticut Department of Environmental Protection), a licensed land surveyor, or a registered professional engineer verifying that the boundaries of wetlands and watercourses are accurately located on the map. A statement of professional qualifications is required of a land surveyor or a registered professional engineer if they are establishing wetlands and or watercourses boundaries. A statement may alternatively be provided from one of the foresaid persons, the Watertown Wetlands Enforcement Officer or the IWA that there are no wetlands or watercourses on the subject lot.

51.6.19 An Open Space and Landscaping Plan illustrating the existing and proposed landscape development of the property, including location, general layout, type

and size of buffer or landscape area, plant material, fencing, existing trees eight inches in diameter or greater in diameter size, screening devices, decorative paving, or other materials proposed.

- 51.6.20 In cases where the applicant plans to develop in phases, an overall site and staging plan at the same scale as the Site Plan indicating the ultimate development of the entire property shall be submitted to the Commission. The Commission may grant Site Plan approval limited to each phase of development. Each phase shall be capable of independent existence without the completion of succeeding phases. Buffer and setback requirements shall not apply to the common line between the phases of development.
- 51.6.21 The design of any proposed development shall include a storm water management plan, which is subject to acceptance by the Commission and shall be shown on or accompany the Site Plan.
- 51.6.21.1 The stormwater runoff system shall be sized to accommodate runoff from a 25-year design storm.
- 51.6.21.2 The system shall be designed to prevent runoff from parking lots, roofs, and access drives from flowing into a street or an adjacent property.
- 51.6.21.3 If the storm water system shall be tied into the town or the State street drainage system, the applicant shall secure from the town or the State the necessary permits to make such connection or show evidence that is acceptable to the Commission at the time of Site Plan application, that the applicant can obtain the necessary drainage system permits.
- 51.6.21.4 The storm water management plan shall evaluate the Site Plan property prior to Site Plan application and separately in the storm water management plan submitted at application, an evaluation of the Site Plan property as if the Site Plan improvements were complete.
- 51.6.22 An Erosion and Sedimentation Control Plan in accordance with the requirements of Section 69
- 51.6.23 The applicant shall secure from the town or the State, as applicable, the necessary permits for curb cuts and driveway paving in the public right-of-way or show evidence that is acceptable to the Commission at the time of Site Plan application that the applicant can obtain the necessary permits. The Commission may require a different number of curb cuts and or a different width of curb cuts than was permitted by the town or ConnDOT, or the applicant made application for said permits.

51.7 Additional Information

At any time during its consideration of an application for Site Plan approval, the Commission may require the applicant to submit additional information as the Commission deems reasonable and necessary to determine compliance to these Regulations. The Commission may conduct a site walk of the subject property and other properties to observe the site and obtain information about the site. The public may attend the site walk, except for cause acceptable to the Commission.

51.8 Referrals

To assist with its consideration of an application for Site Plan approval, the Commission may refer any matter pertaining to the application to any town or State department, agency, official, or to any public or private experts that the Commission deems appropriate for review, comment, and recommendation. Referrals shall be in accordance with Section 51.20, "Technical Assistance".

51.9 Public Hearing Procedure

The Regulations and State Statutes determine the requirement whether the Commission shall hold a public hearing. The Commission By-Laws, as amended, determines the conduct and rules of a public hearing. If a public hearing is not required, by these Regulations or by State Statutes the Commission may hold a public hearing or a public information meeting. Notice of a **public hearing** requires conformance to all of Section 51.9. Notice of a **public information meeting** requires conformance only to Section 51.9.1.

At a Commission public hearing the rules of the public hearing allow an intervenor, petitioner, neighbor, or other person (as "person" is defined in Section 5.1.9) to make comments and ask questions through the Commission Chairman to the applicant, to the Commission, and to the public hearing participants. Whereas State and Federal law may provide a status for an intervenor at a public hearing, the Commission's conduct and rules of a public hearing provide the same status to all persons. Therefore, special statuses are not necessary at a public hearing. After the public hearing is closed, only Commission staff and Commission regular and alternate members may participate in discussions at a Commission meeting.

For an application that does not have a public hearing and to which an intervenor has filed in writing with the Commission notice of intervenor status at or prior to the commencement of the applicable Commission meeting agenda item, the intervenor is required to identify the State and or Federal authority for intervention in a Commission proceeding. Provided the intervenor's status is accepted as an intervenor by vote of the Commission, the intervenor may participate in discussions with the Commission limited to those matters the intervenor has intervenor status. The Commission may determine and notice the intervenor that at a certain point, typically late in the discussions, the deliberations shall include only Commission staff and Commission regular and alternate members.

The Commission prefers, but does not require, from a person who is not the applicant, to submit twelve (12) copies of documents to the Commission office in

sufficient time for Commission staff to include the submittals in a Commission meeting packet; usually seven days in advance of a meeting. This typically provides Commission members sufficient time to review the submittals. The person submitting documents is encouraged to request from Commission staff a dated receipt for the submittal and or witness the Commission staff placing the Commission received date stamp on the submittal.

The Commission and its staff are not required to automatically or by standing order, to copy a document, to distribute a document, or to notice any person who is not a Commission member of the receipt of a document. The documents may include, but are not limited to, a Site Plan application, an application document, letters of support of an application, letters in opposition to an application, or any other document received by Commission staff. Commission staff shall in accordance with State of Connecticut Freedom of Information law, provide for inspection of documents during Planning and Zoning Department business hours. The Commission staff has no obligation to copy documents during non-business hours, including at an evening Commission meeting. Fees for copying documents shall be in accordance with the Watertown Code of Ordinances for Planning and Zoning Fees and Gifts, as amended. Section 8-7d of the Connecticut General Statutes, as amended, defines periods of review and decision which commences the earlier of when the Commission accepts an application for review, or at a regular Commission meeting following the filing of an application in the Watertown Planning and Zoning Department office, or 35 days after filing an application in that office.

51.9.1 Publish Notice in the Newspaper:

In addition to publishing a meeting agenda in the Town Clerks office and with Commission members, the Commission shall in accordance with C.G.S. Section 8-7d publish notice of a public hearing or a public information meeting in a newspaper having a general circulation in town at least twice, at intervals of not less than two days; the first not more than fifteen days or less than ten days, and the last not less than two days before the date set for public hearing or public information meeting. The Commission notice shall include the purpose, place, time, and date of the public hearing or the public information meeting, and the address where written statements may be mailed, and where applications, maps, and documents that are on file with the Commission may be open for public inspection.

51.9.2 Public Hearing Notice Signs Posted on Subject Property:

The applicant shall, in advance of a public hearing post a public hearing notice sign on the subject property as required by Section 51.21 "Posting Public Hearings Notices on Subject Property".

There is no requirement for posting a sign noticing a public information meeting.

51.9.3 Mailing Notice of Public Hearing:

The applicant in advance of a public hearing shall mail at their expense a copy by registered mail return receipt requested, the public hearing notice prepared by the Commission staff for publication in a local newspaper and in the same mailing a narrative summary of the Site Plan application prepared by the applicant or the Commission staff. The narrative summary is intended to assist the recipient of the registered mail with an understanding of the purpose of the public hearing. Not having a summary of the Site Plan application in a mailing or issues concerning the quality of the summary, is not cause for claims of notice defect. These documents shall be sent by the applicant to persons who own land that are the subject of the application and owners of land in all directions from the subject land, including across any street, that have any portion of land within 150 feet of the subject land. The applicant shall mail the notice not more than fifteen (15) days or less than ten (10) days prior to the commencement of the public hearing. Proof of mailing shall be evidenced by a returned receipt of mailing either given by the applicant to the Commission by the commencement of the public hearing, or the applicant produces evidence of mailing that is acceptable to the Commission by the commencement of the public hearing. The person who owns land subject to this requirement is the owner indicated on the last completed town grand list or on the property tax map current as of the date of mailing notice.

In the event a public hearing is required or the Commission determines a public hearing shall be held, an application for Site Plan approval that does not have evidence of mailing notice of the public hearing in accordance with Section 51.9.3 shall be cause for the Commission to deem an application incomplete and reason to deny the application.

The Commission shall NOT conduct a public hearing for a Site Plan and or a Special Permit application if there is NOT evidence satisfactory to the Commission that public hearing notice was in accordance with C.G.S. Section 8-7d and the requirements of the Regulations Section 51.9.1, Section 51.9.2, and Section 51.9.3. In such event of non-compliance, the Commission may continue the public hearing to another date and time provided the applicant grants an extension of decision time to the Commission for the period to the continued public hearing, or the applicant may withdrawal the application. If additional time is not granted by the applicant or the applicant does not withdrawal the application or, in accordance with C.G.S. Section 8-7d, the extension of all periods exceeds sixty-five days, then the Commission shall have reason to deny the application without prejudice.

A public hearing continued to another time shall not require re-notice by mail or re-publication in a local newspaper provided the Commission has established at each public hearing meeting when the next continued public hearing date, time, and place is to occur. The announced location of the public hearing is subject to availability of the meeting room and may be changed by meeting agenda notice. Meeting locations that are changed shall have notice placed on the doorway to

the original noticed room during the time of the public hearing, which notices the place where the public hearing is re-located. The date and time of the continued public hearing may be changed due to emergencies.

Public hearing notice by mail in accordance with this Section 51.9.3 is not required for a public information meeting.

51.10 Standards for Site Plan Approval

In reviewing and acting upon an application for Site Plan approval, the Commission shall take into consideration the effects of the Site Plan on the subject property, the immediate neighborhood, and the town including considerations of the intent and purpose of Section 1, property values, the health, safety, and welfare of the public, and the following factors:

- 51.10.1 The general conformity of the Site Plan with the intent of the Town Plan of Conservation and Development; however, the Plan of Conservation and Development shall not take precedence over specific provisions of these Regulations.
- 51.10.2 The arrangement of buildings, structures and Uses on the site
- 51.10.3 The adequacy of design of the Site Plan property interior vehicular circulation system, to provide safe and convenient access to all structures, Uses, parking spaces, and loading spaces
- 51.10.4 Provision for safe pedestrian movement within the site and adjacent to the site
- 51.10.5 The adequacy of vehicular access to all of the Site Plan property for fire, police, and emergency medical services and, if applicable, for school buses
- 51.10.6 The adequacy of the storm drainage system to minimize soil erosion and sedimentation, and to accommodate a designed 25-year stormwater run-off as of (1) existing prior to the Site Plan application, and (2) resulting from the Site Plan application completed work
- 51.10.7 The location, intensity and direction of outdoor lighting and the proposed times for lighting outdoors, subject to Section 61.4
- 51.10.8 The size, location, and type of any outdoor storage facilities including, but not limited to, outdoor dumpsters used for recycling, trash, garbage, grease or other purposes. These facilities shall be covered and screened from public street view as is acceptable to the Commission.
- 51.10.9 The size, location, lighting, and type of signs and their appropriateness to the neighborhood, subject to Section 62
- 51.10.10 The adequacy of the landscaping treatment, including any buffers and other

screening, subject to Section 70

51.10.11 Other conditions the Commission deems reasonable and necessary

51.11 Conditions and Safeguards

In granting Site Plan approval the Commission may attach such conditions and safeguards as may be required to protect property values, the public health, safety and general welfare, and to ensure continued compliance with these Regulations including the intent and purpose in Section 1.

51.12 Environmental and Historic Features

The development of the site shall conserve as much of the natural terrain and existing vegetation as possible, shall preserve sensitive environmental land features such as steep slopes, wetlands and large rock outcroppings, and shall preserve public scenic views and historically significant buildings and site features.

51.13 Bond Requirements

51.13.1 General Requirements

51.13.1.1 The Commission **may** determine it is in the public interest and in the interests of persons and property at and near a Site Plan lot, to condition a Site Plan and a Special Permit approval on the applicant posting a bond and surety satisfactory to the Commission to ensure or guarantee satisfactory completion of non-public Site Plan and Special Permit Work.

The Commission **shall** require the applicant to post a performance bond and or a maintenance bond satisfactory to the Commission to ensure or guarantee satisfactory completion of public improvements for Site Plan and Special Permit Work.

“Work” for purposes of Section 51.13 means all physical improvements required by the approved Site Plan and Special Permit, and includes but is not limited to, the construction and installation of streets, maintenance of streets during the period prior to the Commission and the Town of Watertown Town Council acceptance of the streets including maintenance periods, sidewalks, street lights, stormwater drainage systems, wetlands, watercourses, soil erosion and sedimentation controls, landscaping, street trees, paving curb cuts in the public right-of-way for driveways and streets, monuments and pins, fire suppression holding tanks, fire hydrants, utilities for water and sanitary sewer services, all public and private improvements, and as-built drawings. The Commission at its discretion and with a 2/3 (5 members) affirmative vote, may waive the requirement to bond public improvements.

- 51.13.1.2 The bond term, form, amount, conditions, and surety shall be acceptable to the Commission in accordance with the Regulations.
- 51.13.1.3 The applicant shall fully indemnify and save the town and the Commission harmless from all costs and damages the town and the Commission may suffer due to failure of the applicant to well and truly complete the bond obligation to the satisfaction of the Commission including maintenance periods. The Commission may require in addition to a maintenance bond that a performance bond remain in effect during a maintenance period of one year commencing with the date the Commission accepts the site plan improvements as satisfactorily complete. The applicant shall reimburse and pay to the town all outlay and expense which the town may incur in making good on any default of the bond obligation, or damage that may be done to the improvements or caused by the improvements, and may include court costs and legal expenses.
- 51.13.1.4 Any portion of a Site Plan and a Special Permit that is not required to have a bond has no fewer standards for satisfactory completion than that portion of a Site Plan and a Special Permit which is required to have a bond.

51.13.2 Performance Bond, Maintenance Bond, and Other Bond

The bond shall be for the purpose and in the form, surety, conditions, amount, and term satisfactory to the Commission:

51.13.2.1 Form

- 51.13.2.1.1 For owner/applicants, the form is satisfied if it is the form in Bond Appendix – Schedule A
- 51.13.2.1.2 For non-owner/applicants, the form is satisfied if it is the form in Bond Appendix – Schedule B
- 51.13.2.1.3 For a cash bond pledged by a Bank savings time deposit account, the form is satisfied if it is the form in Bond Appendix – Schedule C, or in the judgment of the Town Attorney is substantially the same form as the form in Bond Appendix – Schedule C.

“Bank” is defined herein Section 51.13 as a financial institution licensed by the State of Connecticut to do business as a Bank.

- 51.13.2.1.4 For a letter of credit, the form is satisfied if it is the form in Bond Appendix – Schedule D, or in the judgment of the Town Attorney is substantially the same form as the

form in Bond Appendix – Schedule D. The letter of credit shall be an original letter from a Bank.

51.13.2.1.5 For applicants that are the Town of Watertown or any of its departments, its schools, or the Watertown Fire District; and which the Commission determines all or a portion of the Site Plan and the Special Permit Work requires a bond that is NOT A CASH BOND, the form is satisfied if it is the form in Bond Appendix – Schedule E

51.13.2.1.6 For applicants that are the Town of Watertown or any of its departments, its schools, or the Watertown Fire District and which the Commission determines A CASH BOND is required for all or a portion of the Site Plan and the Special Permit Work, the form is satisfied if it is the form in Bond Appendix – Schedule F

51.13.2.2 Surety

Bonds shall be secured by:

51.13.2.2.1 Cash held by the town in a town account

51.13.2.2.2 Cash pledged to a Bank savings time deposit account

51.13.2.2.3 A letter of credit held by a Bank

51.13.2.2.4 Any combination of the fore mentioned

51.13.2.2.5 For the Town of Watertown or any of its departments, its schools, or the Watertown Fire District, Commission approval of payment to a contractor is required prior to town payment of bond Work.

51.13.2.2.6 Surety bonds, performance bonds, mortgages, or other surety shall not be accepted.

51.13.2.2.7 Cash

51.13.2.2.7.1 Surety held as cash by the town in a town account is the Commission preferred surety for the entire construction and maintenance period.

51.13.2.2.7.2 Surety held as cash in a Bank savings time deposit account shall be for withdrawals in the control of the

Commission for the entire construction and maintenance period. The applicant is required to submit evidence that the Bank has a rating not inferior to green and three (3) stars from Veribanc Inc., Woonsocket, Rhode Island (contacts: Veribanc.com and 800-442-2657). The ZEO shall verify such evidence. In the event the Bank is inferior to the fore stated standard, the Bank is then not acceptable to the Commission as surety for a Bank savings time deposit account; otherwise, the Bank is acceptable.

51.13.2.2.8 Letter of Credit

51.13.2.2.8.1 A letter of credit should be for the entire construction and maintenance period or for a minimum of two (2) years.

51.13.2.2.8.2 The applicant is required to submit to the ZEO a resolution from the Bank Board of Directors, or other appropriate documentation, stating the Bank signer of the letter of credit is authorized to issue the letter of credit on behalf of the Bank.

51.13.2.2.8.3 The applicant is required to submit evidence that the Bank has a rating not inferior to green and three (3) stars from Veribanc Inc, Woonsocket, Rhode Island (contacts: Veribanc.com and 800-442-2657). The ZEO shall verify such evidence. In the event the Bank is inferior to the fore stated standard, then the Bank is not acceptable to the Commission as surety for a letter of credit; otherwise, the Bank is acceptable.

51.13.2.3 Conditions

An itemized cost estimate of the Site Plan and Special Permit Work required by the Commission to be bonded, shall be prepared by the applicant's Professional Engineer and approved by the Commission prior to commencing Work. There shall be a separate inflation factor for the entire construction period. The itemized cost estimates shall be submitted by the applicant to the ZEO who shall forward a copy to the Town Engineer or the ZEO duly

authorized representative (herein Section 51.13 defined as “the Officials”). The Officials shall review the estimates and provide recommendation to the Commission for review and bond approval. The applicant may make comment and recommendation to the Commission. The Commission approved cost estimates are the “Bond Obligation Schedule”. The Officials may require ten (10) business days to process the itemized cost estimates. The applicant should take notice of the Commission regular meeting schedule and should not anticipate the Commission will review and approve the bond recommendation at a special meeting, although the Commission may do so.

51.13.2.3.1 The applicant shall present surety documents to the ZEO. The ZEO and the Town Attorney shall review and approve the surety documents as to compliance with Section 51.13.

51.13.2.3.2 In the event a bond is required by the Commission the ZEO may issue a zoning permit only after the Commission has approved the Bond Obligation Schedule, the ZEO and the Town Attorney have reviewed and approved the surety documents, and other conditions of Section 51.22 and the Regulations are satisfied.

51.13.2.3.3 The ZEO shall be the custodian of the original bond and surety documents, the Bond Obligation Schedule, and site inspection reports.

51.13.2.4 Amount

The amount of the bond and surety shall be the Commission approved estimated cost of the Site Plan and Special Permit Work, including a separate inflation factor for the entire construction period. This amount shall be the amount of the Commission approved Bond Obligation Schedule.

51.13.2.5 Term

The term of a bond shall be for the entire construction and maintenance period and include the period until the Commission releases all sureties.

51.13.3 Bond Reduction and Increase The Commission may in its discretion reduce or increase a bond amount, change the Bond Obligation Schedule, and change the bond term, conditions, and surety.

51.13.3.1 The applicant may request a bond reduction. The applicant’s

Professional Engineer shall submit to the ZEO a letter of bond reduction request and an accurate cost estimate detailing the bond reduction, and the estimated outstanding bond cost obligations including a separate inflation factor for the entire remaining construction period. The Officials may require ten (10) business days to process the request for approval by the Commission. The applicant may make comment and recommendation to the Commission. The applicant should take notice of the Commission regular meeting schedule and should not anticipate the Commission will review and approve the bond reduction request at a special meeting, although the Commission may do so.

- 51.13.3.2 The Officials shall review the bond cost estimates prepared by the applicant's professional engineer, and inspect the site to determine if the portion of required site improvements for which the bond reduction is requested has been completed and is satisfactory and in compliance with the Commission approved Site Plan and Special Permit.
- 51.13.3.3 The balance of the bond, less the proposed reduction, shall be sufficient in amount to cover the cost of the estimated outstanding bond obligation, including a separate inflation factor for the remaining construction period. In the event the bond is not sufficient in amount at any time to cover the estimated cost of the outstanding bond obligation including a separate inflation factor for the remaining construction period, the bond may be revised at the discretion of the Commission so as to be in sufficient amount to be the estimated cost of the outstanding bond obligation including a separate inflation factor for the remaining construction period. A bond revision may be initiated by the applicant, the Officials, or the Commission for Commission approval.
- 51.13.3.4 The Commission may authorize a bond amount reduction and may increase a bond amount.
- 51.13.3.5 At the time a bond reduction is paid the interest earned by the town on the cash surety held by the town in a town account shall be paid to the applicant.
- 51.13.3.6 The applicant through their Professional Engineer may submit to the ZEO a request for a bond reduction for the Officials to review in the event BOTH of the following conditions are met: (1) after the first bond reduction request, all subsequent bond reduction requests are no more frequent than once every three months from the date the previous bond reduction was approved by the Commission, and (2) no more frequent than once for any of the following criterion. The Town

of Watertown or any of its departments, its schools, and the Watertown Fire District is exempt from the frequency of bond reduction requests in this Section 51.13.3.6.

51.13.3.6.1 Work is satisfactorily completed for 25% to 40% of the total estimated Site Plan and Special Permit costs that are required to be bonded

51.13.3.6.2 Work is satisfactorily completed for 50% to 70% of the total estimated Site Plan and Special Permit costs that are required to be bonded

51.13.3.6.3 Work is satisfactorily completed for 75% to 90% of the total estimated Site Plan and Special Permit costs that are required to be bonded

51.13.3.6.4 100% of the Site Plan and Special Permit Work has been satisfactorily completed AND the following conditions are met:

51.13.3.6.4.1 As-built drawings on Mylar are delivered to the ZEO and comply with Section 51.19.

51.13.3.6.4.2 The applicant's Professional Engineer submits a letter to the ZEO certifying all Site Plan and Special Permit Work is completed and satisfies the Commission requirements.

51.13.3.6.4.3 A maintenance bond shall be posted, if required by the Commission. The applicant may provide surety for the maintenance bond as part of the surety for the performance bond, which is sufficient in amount if either bond is recalled. The maintenance bond need not have separate surety.

51.13.4 Release of Performance Bond, Maintenance Bond, and Other Bond

51.13.4.1 Upon recommendation of the Officials, the Commission in its discretion and upon its finding that the bonded Site Plan and Special Permit Work has been satisfactorily completed, may approve release of the performance bond, the maintenance bond, and other bond and surety. The applicant may make comment and recommendation to the

Commission.

51.13.5 Call of Performance Bond, Maintenance Bond, and Other Bond

51.13.5.1 The Commission in its discretion and by its action, may call a performance bond, a maintenance bond, and other bond and surety subject to:

51.13.5.1.1 The Commission shall conduct a hearing before rendering a decision whether or not to call a bond. Such hearing is not a public hearing, although the Commission may call and conduct a public hearing.

51.13.5.1.2 The applicant and surety shall be notified by certified return receipt mail of the date, time and place of the hearing no fewer than ten (10) days in advance of the hearing, unless an earlier date is agreed to by the Commission, the applicant, and the surety. The applicant and surety may make comment and recommendation at the Commission hearing.

51.13.5.1.3 The Commission shall determine whether the applicant is likely to complete the required Site Plan and Special Permit Work to the satisfaction of and acceptance by the Commission within the time period permitted for completing the Site Plan and Special Permit Work. The Commission may in its discretion (1) call the bond and surety or (2) modify the Site Plan and Special Permit Work conditioned on (a) an extension of time to complete the Site Plan and Special Permit Work, and or (b) modify the Bond Obligation Schedule, the bond form, term, surety, and or conditions.

51.13.5.1.4 In the event the Commission calls the bond, the Commission shall notify the Watertown Town Council of the Commission action to call the bond. The Commission retains jurisdiction and authority after calling the bond to determine Site Plan and Special Permit Work and to accept as satisfactorily complete the Site Plan and the Special Permit Work.

51.14 Expiration of Site Plan

In accordance with Section 8-3 of the Connecticut General Statutes, as amended, a Site Plan for any **residential project** consisting of **less than 400 dwelling units** or any **non-residential project** consisting of **less than 400,000 square feet of floor area** shall be **valid for five years** from the date of approval by the Commission. For any **residential**

project consisting of **400 or more dwelling units**, all work in connection with the approved Site Plan shall be completed within **ten years** from the date of Commission approval. For any **non-residential project** containing **400,000 square feet of floor area or greater**, the Commission in approving a Site Plan, shall set a date for completion of all work in connection with such Site Plan, which date shall **not be less than five years or more than ten years** from the date of approval of such Site Plan. Failure to complete all work within the specified time period shall result in automatic expiration of the Site Plan approval.

51.15 Amendments to Site Plan and Field Corrections

51.15.1 Site improvements shall be carried out in strict compliance with the Site Plan approved by the Commission. All proposed amendments and modifications to the Site Plan shall require approval of the Commission, except field corrections and minor amendments to the Site Plan that do not effect overall layout, design, or density. It is not possible to define a comprehensive list of field corrections and minor amendments in advance of receiving same. The ZEO and the Town Engineer are authorized to determine compliance to the Site Plan for a field correction and a minor amendment. For information purposes only and not later than the second regular Commission meeting following decision, the ZEO shall notify the Commission in writing of field corrections and minor amendments. Without fee and application requirement, an applicant may appeal to the Commission a minor Site Plan amendment or a field correction decision of the ZEO or the Town Engineer, in which event the Commission shall determine a field correction and a minor Site Plan amendment. The Zoning Board of Appeals shall not decide variances for a minor Site Plan amendment or a field correction.

51.15.2 The following is a partial list of what is NOT a minor amendment:

51.15.2.1 The proposed changes to the size of a building footprint (less or greater in size) exceeds Site Plan approval by greater than 10,000 square feet of Ground Floor Area (GFA) or 10% of the total Site Plan approved GFA, whichever is less.

51.15.2.2 Encroachment into required yards, heights, setbacks, buffer areas, or that which causes more non-conformance to these Regulations than exists or has been approved by variance of the Zoning Board of Appeals

51.15.2.3 Addition or reduction of parking spaces by more than 10% of parking spaces approved by Site Plan and or Special Permit. Parking spaces remaining shall be in a sufficient number of spaces in accordance with the requirements of Section 63 or Section 83.63 as applicable, or by variance approved by the Zoning Board of Appeals.

51.16 Continuance

All conditions and improvements shown on the approved Site Plan shall remain with the site and continue in full force and effect as long as the Use indicated on the approved Site Plan shall be in continuous operation, regardless of any change in the ownership of the property.

51.17 Certificate of Zoning Compliance

A Certificate of Zoning Compliance shall be issued by the ZEO in conformance with Section 2, the approved Site Plan, and satisfactory completion of all site improvements. A conditional Certificate of Zoning Compliance may be issued by the ZEO for a period not to exceed 180 days if: (1) the site improvements cannot be completed because of weather, or (2) an alteration of the building or site improvements does not require the vacating of the premises when a portion of the building or development is ready for occupancy before the completion of the entire building or development, or (3) for other pertinent reasons acceptable to the ZEO. If a bond has been posted as required by the Commission, that portion of the posted bond that has site work not satisfactorily completed shall be retained in an amount sufficient to cover the cost of completing the remaining site improvements including an inflation factor for the remaining construction period or, if necessary, a new bond shall be posted. Upon satisfactory completion of the remaining site work and with written request of the applicant, the Commission shall release the bond in accordance with Section 51.13.

51.18 Certificate of Occupancy

A Certificate of Occupancy shall not be issued by the Building Inspector until the ZEO has determined that the site improvements have been satisfactorily completed in compliance with the approved Site Plan and or Special Permit, and the ZEO has issued a Certificate of Zoning Compliance or Conditional Certificate of Zoning Compliance.

51.19 As-Built Drawings

No Certificate of Zoning Compliance shall be issued until "as-built" drawings are submitted either on a photographic wash-off mylar, not less than 3 mils thick, or an original ink mylar not less than 3 mils thick and having a sheet size of 24" X 36" and two paper copies having a sheet size of 24" X 36" with blue lines or black lines. The ZEO and or the Town Engineer shall determine as-built drawings compliance. The "as-builts" shall show the installation of all site work, exact location of buildings and other site improvements existing on the site prior to Site Plan approval and after completion of Site Plan work at a level of detail at or exceeding that of the original approved Site Plan. The "as-builts" shall be prepared by a Professional Engineer or a licensed land surveyor, as applicable, at the same scale and on the same paper size as the original Site Plan, and shall include a certification by said person as to compliance with the original approved Site Plan. This person shall submit to the ZEO a list of all deviations from the original approved Site Plan. The ZEO shall submit to the Commission all "as-builts" which substantially deviate from the original approved Site Plan for the Commission to determine: (1) acceptance of the Site Plan work and as-builts, or (2) to require the applicant to comply with the approved Site Plan, or (3) to require an application for Site Plan Modification.

51.20 Technical Assistance

The Commission may require technical assistance services performed independent of the applicant to evaluate an application and Site Plan and Special Permit work. The Commission shall determine the scope of the technical assistance services and who shall provide the services. If there is to be an expense to the applicant for these services, there shall be a third-party agreement between the Commission, the applicant, and the provider of the technical assistance in a form acceptable to the Commission and executed prior to commencement of the services. The Commission and town are not liable for the quality of the technical assistance services, completion of the services, payment and collection, and matters not in the direct control of the Commission. The agreement shall define the terms of communication between the applicant, the provider of the technical assistance services, and all other persons, as "person" is defined in Section 5.1.9. After determination by the Commission that third-party technical assistance is required and the Commission has selected a third-party provider, the ZEO may negotiate and endorse by signature on behalf of the Commission, the third-party agreement, and is responsible to the Commission for monitoring the progress of said services.

Prior to submitting a formal Site Plan application, the applicant may at their option, request the Commission to determine if third-party technical assistance services may be required for Site Plan and Special Permit approval. This Commission determination is not final and may later be change when the Commission reviews the formal Site Plan application. The applicant is encouraged to require technical advisors to have data and fieldwork available to the applicant so that if third-party technical assistance is required by the Commission, duplicate work is minimal (e.g. traffic counts).

Providers of technical assistance whether they be town officials or other persons, do not substitute for Commission decision on matters within Commission jurisdiction.

51.21 Posting Public Hearing Notice Signs on Subject Property

51.21.1 Purpose: For many applications, public hearings are required in the process of deciding compliance to these Regulations. Public hearings provide an opportunity for public comment and recommendations, and participants often give thoughtful advice to the Commission. Public hearings are not a forum for taking a poll. Commission decisions runs with the land. Such poll would be inaccurate in that it is not possible to notice to a hearing future owners affected by the Site Plan and Commission decision. Section 51.9 provides that two public hearing notices are required for publication in a local newspaper having general circulation in town, and required is public hearing notices mailed by the applicant to owners of the subject property and owners of properties within 150 feet of the Site Plan property. An additional means of informing the public of land use hearings is established herein Section 51.21, which requires the applicant to place public hearing notice signs on their Site Plan property so that motorists and pedestrians passing the property can observe the notice.

51.21.2 Requirements: It is required that public hearing notice sign(s):

- 51.21.2.1 Be placed no further apart than 500 feet along paved street frontage that is the subject property of a Commission public hearing and be in proximity to the street with clear and unobstructed visibility to persons passing the sign, and not obstruct the visibility of motorists. If a property has no paved street frontage the sign(s) shall be posted at location(s) determined by the ZEO.
- 51.21.2.2 Be no less in size than 2 feet wide by 1½ feet high displaying notice of the public hearing and the Commission office telephone number for contact during business hours to obtain information about the hearing.
- 51.21.2.3 Be provided to the applicant by the Commission upon receipt of application fees. The applicant shall post the sign(s) on the subject property for display during the ten (10) day period prior to commencement of a public hearing and during the public hearing. The first sign is provided at no cost to the applicant. Additional signs require a fee as determined by the Watertown Code of Ordinances for Commission Fees and Gifts, as amended.
- 51.21.2.4 Be reasonably maintained and replaced if necessary by the applicant until the day following the close of the public hearing, at which time all signs shall be removed by the applicant and returned to the Commission office in good condition within ten (10) days. These signs are the property of the Town of Watertown.
- 51.21.2.5 Are not required for text amendment public hearings. The sign(s) are required for notice of zoning district boundary line public hearings.
- 51.21.2.6 Are required of the applicant, on forms determined by the Commission, to make return to the Commission under oath stating compliance with Section 51.21.
- 51.21.2.7 Are cause for the Commission to deem an application incomplete and reason for the Commission to deny an application in the event the applicant fails to post or maintain the signs as required by Section 51.21.
- 51.21.2.8 In the event the Commission determines non-compliance to Section 5.21 was not the fault of the applicant, or non-compliance was for a reason acceptable to the Commission, the Commission may waive Section 5.21 by a 2/3 (5 members) vote of approval to waive the requirements.

51.22 Required After Site Plan Approval

- 51.22.1 Mylars and Paper Copies: A final Site Plan mylar submitted either on a photographic wash-off mylar, not less than 3 mils thick, or an original ink mylar

not less than 3 mils thick and having a sheet size of 24" X 36" and three paper copies with blue lines or black lines having sheet size of 24" X 36" is required for all approved Site Plans, Site Plan Modifications, and Special Permits. After expiration of the fifteen (15) day appeal period following notice of approval in a local newspaper the applicant must submit said mylar and paper copies to the ZEO for the Commission Chairman or Secretary endorsement by signature. The mylar and paper copies shall show all final Commission approvals including a listing of the conditions of approval. The mylar and paper copies are subject to review and approval by the ZEO and the Town Engineer, and are subject to review and approval by the Commission at the discretion of the Commission Chairman or the Commission. The applicant shall file the signed mylar in the Town Clerk's Office within ninety (90) days after the expiration of the said fifteen (15) day appeal period. Failure to file the mylar on a timely basis as required herein and in accordance with Section 51, the Site Plan approval shall automatically and without further action be rendered null and void. If an appeal is properly taken to an appropriate jurisdiction, the ninety (90) days shall be temporally suspended as of the date of filing the appeal, and the ninety (90) days shall resume the day of the next regular Commission meeting following the appeal decision or the appeal withdrawal. The Commission, the ZEO, and or the Town Engineer at their discretion and at the applicant expense, may require additional drawings on mylars and paper. The Commission may extend the period for filing the mylar in the Town Clerk's Office if the applicant requests such an extension within ninety (90) days following the fifteen (15) day appeal period after notice of Commission decision in a local newspaper, or the day of the next regular Commission meeting following the appeal decision or the appeal withdrawal. The Commission may grant two extensions for filing the mylar, a period not to exceed ninety days each. The applicant shall demonstrate cause acceptable to the Commission for an extension of period. **A mylar is null and void if the mylar is filed in the Town Clerk's Office without endorsement by signature of the Commission Chairman or Secretary.**

51.22.2 Site Plan Development Agreement:

In the event there are public or private improvements on the site that the Commission determines a Performance Bond is required, a Site Plan Development Agreement is required and shall be executed by signature of the developer and the Commission Chairman or Secretary. All terms and conditions of the Site Plan Development Agreement shall remain unchanged and remain in full force and effect for the term of the Agreement and until all sureties for completion of the Site Plan work and or the Special Permit work are released by the Commission. The Regulations herein require:

51.22.2.1 There be no sale and no offer for sale of the Site Plan property, in whole or in part until:

51.22.2.1.1 The Record Site Plan Mylar Map is approved when endorsed by signature thereon of the Commission Chairman or Secretary and is recorded by the applicant

at the expense of the applicant in the Watertown Town Clerk's Office. The recording of the Record Site Plan Mylar Map in the Watertown Town Clerk's Office is null and void without said approval and endorsement, AND is null and void without satisfactory compliance to ALL of Subsection 51.22.2.1.

51.22.2.1.2 The Developer and the Commission Chairman or Secretary endorse a Site Plan Development Agreement by their signatures. Said agreement shall be filed and recorded in the Watertown Town Clerk's Office by the applicant at the expense of the applicant. The form of the Site Plan Development Agreement is acceptable if it is the form titled "Site Plan Development Agreement" in the Watertown Zoning Regulations Appendix A-15. The Site Plan Development Agreement is null and void without said approval, endorsement, and filing.

51.22.2.1.3 The applicant produces evidence to the ZEO that the property taxes, liens, encumbrances, and assessments not deferred with approval of the Town of Watertown, are paid for property the subject of the Site Plan.

51.22.2.1.4 Easements, deeds, rights-of-way, and other instruments such as for roads, traffic lights, or sidewalks, that are required by the approved Site Plan, the Regulations, and or the Site Plan Development Agreement shall be recorded by the applicant on the Watertown Land Records at the expense of the applicant and as is acceptable to the Town Attorney as to form. The applicant shall provide a copy of each recorded instrument to the ZEO.

51.22.2.2 Zoning Permit, Building Permit, and Foundation Permit

Only after all requirements of Section 51.22 including the following are satisfactorily completed may a zoning permit be issued by the ZEO. Only subsequent to issuance of a zoning permit may a foundation permit and a building permit be issued. The applicant shall provide to the ZEO prior to issuance of a zoning permit:

51.22.2.2.1 If a Performance Bond (Security) is required by the Commission in accordance with the Regulations, a Performance Bond is provided in compliance with Section 51.13 and the Commission approved Bond Obligation Schedule.

51.22.2.2.2 Evidence that Commission fees and gifts have been paid to the town in accordance with the Town of Watertown Code of Ordinances, as amended. The applicant shall pay to the town gifts in an amount equal to three (3%) percent of the Commission approved Bond Obligation Schedule prior to contingency, or in the event said bond is not required, 3% of the ZEO approved estimate of construction and site improvement costs which are the subject of the approved Site Plan and or Special Permit, and amendment thereto. Expenditures using gifts shall pay town direct costs for technical assistance services and related expenditures and for non-town consultants that the Commission finds reasonable and necessary for the applicant to comply with its regulations, and for the Commission and or its agents to review and process an application, and to inspect, test, and monitor construction and site improvement installations. The deposits may pay for legal and paralegal services and related expenses that are not for litigation. The deposits may pay expenditures approved by the ZEO for completion of permitted work resulting from Commission called bonds or securities for unsatisfactory performance of Site Plan and Special Permit work. The applicant shall also be responsible for payment of foresaid costs in excess of the three (3%) percent deposit and shall deposit with the town additional gifts in accordance with the ordinance. The ZEO shall account for gift revenues and expenditures. The Commission shall refund to the applicant any balance remaining of gift deposits after satisfactory completion of the Site Plan work and the Commission releases all sureties. The applicant shall pay to the town fees and gifts of original deposit prior to issuance of a zoning permit and subsequently the issuance of a foundation permit and a building permit.

51.22.2.2.3 A Certificate of Liability insurance is issued and a copy given to the ZEO naming the "Town of Watertown" as an additional insured. The insurance shall be in an amount not less than \$1,000,000 and be acceptable to the ZEO and the Town Attorney as to the insurance provider, conditions, form, period, and amount. This insurance is to protect the Town from any liability of any nature due to private or public travel or use of on-site or off-site roads, sidewalks, drainage facilities or

other public and private improvements included or not included on the Site Plan approved by the Commission. The applicant shall save the Town harmless and indemnify the Town for any claim or loss of any nature, including costs of defense, due to private or public travel or use of any site improvement areas.

- 51.22.2.2.4 Evidence that all property lines and wetland boundaries including the 100 foot upland review areas have been marked clearly and correctly
- 51.22.2.2.5 Evidence that all rear and side lot pins have been placed clearly and correctly, and are of the correct size and type
- 51.22.2.2.6 Evidence by a copy of a ConnDOT permit or a ConnDOT application for said permit for any proposed road, driveway curb cut, or storm drainage system that joins with a State Highway and or which permit or permit application includes all potential drainage flow from the site and land in the watershed draining through the site.
- 51.22.2.2.7 Evidence to the ZEO that final arrangements have been made for provision of an approved water supply system and an approved sewage disposal system.
- 51.22.2.2.8 A pre-construction meeting is held with attendees satisfactory to the ZEO. This meeting is typically with the ZEO, the Town Engineer, the Wetlands Enforcement Officer, the Building Inspector, the Developer, and the Developer's on-site contractor and site design engineer.
- 51.22.2.2.9 All requirements of Site Plan approval required prior to commencement of Site Plan work shall have been completed to the satisfaction of the ZEO.

ARTICLE V - SITE PLANS AND SPECIAL PERMITSSECTION 52 - SPECIAL PERMITS

52.1 Purpose Uses for which conformance to additional standards is required by these Regulations shall be deemed to be permitted uses in their respective districts subject to a Special Permit from the Commission, and subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of these Regulations. Uses requiring a Special Permit are declared to possess characteristics of such unique and special form that each specific use shall be considered on its individual merits on a case-by-case basis.

52.2 Application All applications for a Special Permit shall be submitted in writing to, and in a form prescribed by, the Commission. The Commission shall adopt administrative procedures therefor, including but not limited to application forms, map submission requirements, number of copies, and filing deadlines. Failure to comply with the application submission requirements of these Regulations and the Commission's adopted administrative procedures shall be grounds for the Commission to deny such application.

The application submission shall cover all off-site and on-site impacts, requirements, improvements and considerations including, but not necessarily limited to, building location, traffic, storm drainage, sanitary sewerage, water supply, parking and circulation, landscaping, environmental and aesthetic considerations. Sufficient information in enough detail to address the major impacts listed above shall be provided by the applicant but may be generalized or shown in sketch form except as hereafter noted.

52.3 Site Plan Requirement Any Special Permit approved by the Commission shall require a subsequent Site Plan application in accordance with the provisions of Section 51 to be submitted to and approved by, the Commission in order for the applicant to be granted a Building Permit. The applicant may choose to submit the Site Plan application concurrently with the Special Permit application.

52.4A Special Permit Uses Involving High Traffic Generators

All applications for a Special permit involving the construction or expansion of a development totaling more than 50 dwelling units, 100 parking spaces or 20,000 square feet of gross floor area which, in the Commission's judgment, would generate high levels of traffic, shall be accompanied by a traffic study, submitted prior to the beginning of the public hearing, evaluating the impact of the proposal on streets serving and/or affected by the development. At a minimum, the study shall include data on existing and projected average daily traffic, peak hour volumes, adequacy of rights-of-way and travel ways, existing and projected roadway capacity, traffic accidents and the traffic impact of the proposed development. Also to be considered, traffic generation data, the location of existing roads, traffic lights and intersections, and recommendations of safe pedestrian and vehicular circulations, including provisions for safe sidewalks and crosswalks for pedestrians determined by the study to be impacted by the development. Where applicable the applicant shall include the written recommendations of the Connecticut

Department of Transportation. The traffic analysis of the roadway system shall extend to the point where the number and impact of additional vehicles on roads resulting from the proposed development, drops to a number deemed acceptable for existing conditions, by generally accepted traffic flow analysis. The most recent ITE Trip Generation Guide for a similar development shall be used as the primary source for estimating additional vehicles resulting from the development. The Commission shall have the study reviewed by an independent State of Connecticut certified/licensed traffic engineer chosen by the Commission, funded by the applicant and paid by the applicant directly to the consultant. The Commission retains the option to determine the relative importance of the findings of the traffic study.

In addition, for residential and commercial/retail development, the Commission may, by a two-thirds vote of the entire Commission (5 members), require an evaluation of the impact on surrounding property values and taxes within the community, to be submitted prior to the beginning of the public hearing. The evaluation shall require objective research on issues related to the community's current and future well-being. The purpose of this portion of the study is to analyze the impact the proposed development could have on the community during the ten years following the implementation of the project. The Commission, by a majority vote of the entire Commission (4 members), may have the study reviewed by an independent consultant for the purpose of verifying the results. The consultant shall be selected by the Commission, funded by the applicant and paid by the applicant directly to the consultant. (Effective Date December 15, 2006)

52.4B Special Permit Involving New Car Sales for Existing Automobile Dealers (Amendment effective 09/02/2005) All applications for a Special Permit involving the expansion or improvement of a new car automobile dealership, selling used cars as an accessory use, received on or after September 15, 2005, shall be subject to the following standards:

- a. There shall be landscaped island buffers at least 10 feet in width, except for clearly defined lanes of ingress and egress, along the street in front of the dealership. Such buffer shall be measured from the edge of pavement of the road, or such line further back as is required by the highway authority having jurisdiction. Edge of pavement shall mean the outer edge of the shoulder of the street. The buffer shall be planted with an attractive ground cover of grass and shrubs as approved by the Commission, but may include a sidewalk. Only plantings and sidewalks shall be within buffers.
- b. No fence shall be constructed along the street frontage, except in the rear or side yards of the dealership abutting a street and then not within 10 feet of street lines, not higher than 6 feet, and only for the purpose of providing security to the property.
- c. No side yard buffer shall be required where the immediately adjoining property is also an existing new car sales business. Where other businesses directly abut a side yard then a 5 foot side yard buffer shall be maintained; except a 25 foot buffer shall be required where abutting a residential district.
- d. There will be no rear yard buffer where the property abuts a new car

- automobile dealership. Wherever a rear yard abuts another use however, a 5 foot buffer shall be maintained; except a 25 foot buffer shall be required where abutting a residential district.
- e. Side and rear yard buffers where required shall be planted with grass and such shrubs as shall be acceptable to the Commission.
 - f. The maximum coverage requirements shall be as follows:
 - (i) Maximum impervious surface coverage may be 100%, except for buffer areas, and except that if new land is added the maximum coverage on such new area will be 80% of such area;
 - (ii) Maximum building coverage 30% except such coverage may be increased to 45% to include expanded service areas as shall be acceptable to the Commission;
 - (iii) Maximum floor area ratio 60%.
 - g. Inventories of new and used automobiles may be stored outside or within a garage or other structure.
 - h. The minimum parking requirements of Section 63.5 shall not apply to new car automobile dealerships that exist on September 15, 2005.
 - i. The minimum parcel size shall not apply to new car automobile dealerships that exist on September 15, 2005, so long as the parcel is not thereafter reduced in lot area.
 - j. The minimum setbacks shall be as provided in Section 33.5.3 except as follows:
 - (i) Rear Yard for building 15 feet - when abutting a residential district 75 feet;
 - (ii) Side Yard for building 15 feet - when abutting a residential district 75 feet;
 - (iii) Side and rear yard for parking and loading areas 5 feet each - when abutting a residential district 25 feet;
 - (iv) Front yard for parking and loading areas 10 feet from pavement, as defined in subparagraph (a) above
 - k. All outdoor area lighting shall be located at a height not more than 16 feet above ground level and shall be so directed that no source of illumination shall be visible beyond the lot line. Existing poles must be retrofitted to full cut off fixtures. Notwithstanding the foregoing, lighting may be located on lighting poles that are up to, but no higher than, 30 feet from ground level, but only if a photometric map and glare and view shed analysis indicate to the satisfaction of the Commission that higher light poles are warranted.
 - l. All Special Permit applications by new car automobile dealerships existing on September 15, 2005 must comply with the provisions in Article VI Section 62 with respect to new signs. Signs existing on September 15, 2005, however, may remain even if not in compliance, but shall be ultimately brought into compliance by reducing the non-conformity by at least 10% each time the sign is replaced. In addition, pursuant to Section 62.7.6, no new car sales business sign shall exceed 48 square feet in area. The Zoning Enforcement Officer may approve

temporary signs used in the ordinary course of business for periods not exceeding 10 consecutive days and totaling no more than 30 days in any calendar year.

- m. If a new car automobile dealership existing on September 15, 2005 acquires land in one or more conveyances totaling cumulatively one acre or more, and said new parcel directly abuts the parcel on which the dealership is located, then the provisions of Section 52.4C below shall apply to said new parcel alone. This Section 52.4B shall continue to apply to the original parcel and any additions thereto which are less than one acre.

52.4C Special Permit Involving New Car Sales Automobile Dealerships After 09/15/2005 All applications for a Special Permit involving the establishment, expansion or improvement of a new car automobile dealership, selling used cars as an accessory use, which is established after September 15, 2005, on a parcel of land where no automobile dealership exists on said date shall be subject to the following standards:

- a. There shall be landscaped island buffers at least 20 feet in width, except for clearly defined lanes of ingress and egress, along the street in front of the dealership. Such buffer shall be measured from the property line. The buffer shall be planted with an attractive ground cover of grass and shrubs as approved by the Commission, but may include a sidewalk. Only plantings and sidewalks shall be within the buffer.
- b. No fence shall be constructed along the street frontage, except in the rear or side yards of the dealership abutting a street and then not within 10 feet of property lines, not higher than 6 feet, and only for the purpose of providing security to the property.
- c. No side yard buffer shall be required where the immediately adjoining property is also a new car sales business. Where other businesses directly abut a side yard then a 10 foot side yard buffer shall be maintained, unless the Commission in its discretion permits a reduced buffer; except 25 feet where abutting a residential district.
- d. There will be no rear yard buffer where the property abuts a new car automobile dealership. Wherever a rear yard abuts another use however, a 10 foot buffer shall be maintained; except 25 feet where abutting a residential district.
- e. Side and rear yard buffers where required shall be planted with grass and such shrubs as shall be acceptable to the Commission.
- f. The maximum coverage requirements shall be as follows:
 - (i) Maximum impervious surface coverage may be 80%.
 - (ii) Maximum building coverage 30%;
 - (iii) Maximum floor area ratio 50%.
- g. Inventories of new and used automobiles may be stored outside or within a garage or other structure.
- h. The minimum parking requirements of Section 63.5 shall not apply to new car automobile dealerships.
- i. The minimum setbacks shall be as provided in Section 33.5.3 except as

follows:

- (i) Front Yard for buildings, 50 feet from the property line, except in the case of an interior lot, the Commission may in its discretion approve a reduced set back;
 - (ii) Side Yard for building, 20 feet from the property line - when abutting a residential district 75 feet;
 - (iii) Side and rear yard for parking and loading areas, 10 feet each from the property line- when abutting a residential district 25 feet each;
 - (iv) Front yard for parking and loading areas, 25 feet from the property line.
- j. All outdoor area lighting shall be located at a height not more than 16 feet above ground level and shall be so directed that no source of illumination shall be visible beyond the lot line and have full cutoff fixtures. Notwithstanding the foregoing, lighting may be located on lighting poles that are up to, but no higher, than 30 feet from ground level, but only if a photometric map and glare and view shed analysis indicate to the satisfaction of the Commission that higher light poles are warranted.
- k. All Special Permit applications for new car automobile dealerships must comply with the provisions in Article VI Section 62 with respect to signs. In addition, pursuant to Section 62.7.6, no new car sales business sign shall exceed 48 square feet in area. The Zoning Enforcement Officer may approve temporary signs used in the ordinary course of business for periods not exceeding 10 consecutive days and totaling no more than 30 days in any calendar year.

52.5 Environmental Impact Statement All applications for Special Permits shall include environmental information for the purpose of compiling a complete environmental impact analysis. The statement shall address at least the following; however, upon written request from the applicant, the Commission may waive or modify any of the required information.

52.5.1 The likely impact of the proposed development on the characteristics of the surrounding neighborhood addressing such issues as congestion on public streets, harmony with surrounding development and effect on property values, and overall neighborhood stability.

52.5.2 How the proposed development is consistent with the objectives of the Town's Plan of Development.

52.5.3 The extent to which any sensitive environmental features on the site may be disturbed and what measures shall be taken to mitigate these impacts. Consideration shall be given to steep slopes, (including erosion control), wetlands, drainage ways and vegetation and any other land feature considered to be significant.

52.5.4 The impact of the proposed development on the water, supply, sanitary sewer and

storm drainage system of the Town and an indication of improvements that may be necessitated by the project.

- 52.5.5 Analysis of vehicular and pedestrian traffic impact on the street system and proposed methods of handling situations where the street system is found to be inadequate.
- 52.5.6 Analysis of how the proposed project will affect various Town services such as police, fire, schools and recreation.
- 52.5.7 Adverse impacts which cannot be avoided.
- 52.5.8 Alternatives to the proposed action.
- 52.5.9 Mitigation proposed for adverse impacts.
- 52.6 Additional Information At any time during its consideration of an application for a Special Permit, the Commission may require the submission by the applicant of such additional information as the Commission deems necessary to determine compliance of the proposed use with these Regulations.
- 52.7 Referrals To assist with its consideration of an application for a Special Permit, the Commission may 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.
- 52.8 Procedure
The Commission shall hold a public hearing on an application for a Special Permit in accordance with the General Statutes. Applicants for Special Permit that have a public hearing scheduled by the Commission shall conform to the requirements of Section 51.21 "Posting Public Hearings Notices on Subject Property". (Last sentence effective date October 10, 2008)
- The applicant shall at their expense and by their action send a copy of the public hearing notice prepared by the Commission for publication in a local newspaper, to the record owners of property, as shown on the Assessor's records, which is within 150 feet in all directions from the nearest subject property perimeter boundary, including property located across the street. The notice shall be sent by certified return receipt mail not later than ten (10) days prior to the hearing. The date of the hearing may be included in calculating the ten (10) days prior notice requirement. Not later than the commencement of the public hearing the applicant shall present the return receipts to the Commission as evidence of compliance. (Effective date August 14, 2009)
- 52.9 Standards for Approval Unless otherwise specified, a use allowed by Special Permit shall conform to all requirements of the zoning district in which it is proposed to be located and the standards contained herein. The Commission may grant a Special Permit

after considering the health, safety and welfare of the public in general, and the immediate neighborhood in particular, as well as the following factors:

- 52.9.1 The location and size of the proposed use; the nature and intensity of the operations associated with the proposed use; the size, shape and character of the site in relation to the proposed use.
- 52.9.2 The location, type, size and height of buildings and other structures associated with the proposed use in relation to one another and in relation to neighborhood development.
- 52.9.3 The impact of the proposed use on traffic safety and circulation on neighborhood streets; the ability of such streets to adequately accommodate the traffic to be generated by the proposed use.
- 52.9.4 The existing and future character of the neighborhood in which the use is proposed to be located, and the compatibility of the proposed use with the neighborhood.
- 52.9.5 The impact of the proposed use on the natural characteristics of the site or the surrounding environment.
- 52.9.6 The adequacy of water, sewer, drainage and other public facilities to accommodate the proposed use.
- 52.9.7 Where the proposed use involves the conversion of a structure designed and built originally for other uses, the adaptability of the structure to the proposed use, particularly in relation to the public health and safety.
- 52.9.8 Where the proposed use involves a drive-through facility, the applicant must demonstrate that the stacking lane area designated for the drive-through can accommodate not less than twelve vehicles on site. This requirement must be in addition to the normal parking requirements for the proposed use. The site plan shall include appropriate pedestrian walkways, appropriate lanes for bypass traffic to enter and exit the site with additional landscape areas, the drive-through facility window should be located so that it is not visible from the street.

No special permit shall be issued for a facility with a drive-through within 500 feet of another facility providing a drive-through. (Effective Date January 17, 1995. Amendment adopted 1/11/95)

- 52.10 Conditions and Safeguards In granting a Special Permit, the Commission 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:

- 52.10.1 A maximum number of employees.
- 52.10.2 Hours of operation.
- 52.10.3 Periodic review and renewal of the Special Permit by the Commission to determine continuing compliance therewith.
- 52.10.4 Improvements to existing public facilities to accommodate the use allowed by the Special Permit.
- 52.10.5 Conservation restrictions necessary to protect and permanently preserve unique natural site features.
- 52.10.6 Sedimentation and erosion control measures in accordance with Section 69.
- 52.10.7 A bond in accordance with Section 51.13.
- 52.11 Permitted Uses A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.
- 52.12 Effective Date No Special Permit shall become effective until it has been filed in the Town Land Records in accordance with provisions of the General Statutes.
- 52.13 Duration Unless otherwise established by the Commission, a Special Permit, along with any conditions and safeguards attached thereto, shall remain with the property as long as the use allowed by the Special Permit does not cease operation for a period in excess of 12 months. Such conditions and safeguards shall continue in force regardless of any change in ownership of the property. Any change in ownership shall require a statement from the new owner to be submitted to the Planning Office describing the proposed new use.
- 52.14 Non-Compliance with Special Permit Failure to strictly comply with the documents, plans, terms, conditions and/or safeguards approved by the Commission as a part of the Special Permit shall be a violation of these Regulations. The Zoning Enforcement Officer shall notify the applicant in writing of the specifics of the non-compliance and shall provide a reasonable time period for compliance therewith. Unless there is full compliance within such time period the Commission may, following a duly advertised public hearing, rescind and revoke such Special Permit.
- 52.15 Amendments or Modifications 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 provided in Section 51.15 may be approved by the Town Planner without another public hearing. Amendments to the Special Permit which would increase the scale, alter the scope, or significantly alter the approved Special Permit except as

provided in Section 51.15 shall be subject to approval by the Commission only after another public hearing.

- 52.16 Expiration of Special Permits A Special Permit shall expire if the Site Plan associated therewith is not submitted within 12 months following approval of the Special Permit, however, an extension of not more than six months may be granted by the Commission, upon written request by the applicant, prior to the expiration date.
- 52.17 Termination A Special Permit shall terminate once a different use is established for the property in accordance with the Town of Watertown Zoning Regulations and the issuance of a Certificate of Zoning Compliance. (Amendment Approved 10/19/94)

ARTICLE VI SUPPLEMENTARY REGULATIONS

SECTION 60 - TELECOMMUNICATIONS FACILITIES

(Amendment Effective Date September 25, 1998)

- 60.1 Purpose The intent of this section is to permit the location of wireless telecommunications within the Town of Watertown while protecting neighborhoods and minimizing the adverse visual and operation effects of towers through careful design, siting and screening.
- 60.2 Preference The order of preference for facility locations shall be:
- 60.2.1 On existing structures such as buildings, smokestacks, water towers and ground signs.
 - 60.2.2 On existing or approved towers
 - 60.2.3 On new towers located on property occupied by one or more existing towers
 - 60.2.4 On new towers in commercial and industrial districts
- 60.3 General Requirements for All Applications
- 60.3.1 Each application shall include a map showing
 - a. the extent of planned coverage within the network of planned coverage in the service area and any or all overlap with the Town of Watertown
 - b. approved locations of all other telecommunication sites in Watertown, including the applicants
 - c. existing towers owned/used by the applicant within one-quarter mile of Town's borders and closest network
 - d. the location and service area of the proposed telecommunication site and
 - e. the search radius for the proposed telecommunications site
 - f. Intermediation Study of existing emergency frequencies as specified by Town administration
 - 60.3.2 Availability of suitable existing towers and other structures as discussed in this regulation:
 - a. A complete list of all facilities contemplated by the applicant or any associate thereof to be constructed within the Town of Watertown.
 - b. A demonstration of whether and how each such facility will provide a seamless network of coverage within the Town
 - c. A showing of how applicant's plan will connect with networks in neighboring towns so as to provide such a seamless network

- 60.3.3 The following information shall also be submitted in accordance with each particular application where applicable.
- a. a plan showing where and how the proposed antenna will be affixed to a particular building or structure
 - b. details of all proposed antenna and mounting equipment including size and color
 - c. elevations of all proposed -physical shielding and details of materials including color
 - d. an elevation of all proposed equipment buildings/structures with details of all proposed fencing including color
 - e. all proposed landscaping with list of plant material
- 60.3.4 In addition, all applications for new towers shall include a site plan showing:
- a. height of the proposed tower
 - b. proximity of the tower to residential structures and residential district boundaries
 - c. nature of uses on adjacent and nearby properties
 - d. surrounding topography within 1,000 feet at interval not exceeding five feet based on town datum
 - e. design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness
 - f. a design drawing including cross section and elevation of all proposed towers
 - g. a topographic profile showing the proposed tower and its associated equipment from adjoining properties
 - h. proposed ingress and egress
- 60.3.5 In all cases in which the Commission feels that a peer review of the applicant's service area, tower sharing, or other technical issues is warranted, the applicant shall be required to reimburse the Town for the cost of the peer review. This payment shall be made to the Town prior to the decision by the commission on the application.
- 60.3.6 No proposed commercial wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.

60.4 General Standards for Towers

- 60.4.1 no signs shall be permitted on any tower or antenna
- 60.4.2 no lights or illumination shall be permitted unless required by the FCC or FAA
- 60.4.3 towers shall be surrounded by a fence or wall not more than six (6) feet in height; type to be determined by the Commission. If barbed wire is included in the fence, it shall be within the six (6) feet height limit. All telecommunication structures

shall be screened with appropriate landscaping.

- 60.4.4 Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for least two additional users if the tower is over 100 feet in height or for at least one additional comparable antenna if the tower is over 50 feet in height and less than 100 feet. The commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
- 60.4.5 No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Commission that no existing tower or structure can or will accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any or the following:
- a. no existing towers or structures are located within the geographic area required to meet applicant's engineering requirements
 - b. existing towers or structures are not of sufficient height to meet applicant's engineering requirements
 - c. existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment
 - d. the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna

60.5 General Standards For Equipment Buildings/Structures

- 60.5.1 Each building/structure shall not contain more-than 750 square feet of gross floor area or be more than twelve (12) feet in height.
- 60.5.2 Each building/structure shall comply with the setback requirements for accessory buildings for the zone in which it is located.
- 60.5.3 If located on the roof of a building, equipment buildings/structures shall not occupy more than 15% of the roof area and shall be designed to blend with the color and design of the building to the extent possible. Such building or structure shall not cause the overall structure that it is mounted on to exceed the height requirement for the zoning district.
- 60.5.4 Guaranteed location for two antennas only on a newly constructed tower
- 60.5.5 Any buildings that are constructed to service telecommunication facilities shall be constructed of materials consistent with the apparent structure and neighboring buildings as determined by the Commission

60.6 Additional Approval Requirement For Structure or Rooftop Mounted Antennas

60.6.1 Structure or rooftop mounted panel and whip antennas, with an equipment building or equipment structures, shall be permitted by a special permit in all zoning districts, subject to the following:

- a. shall not be attached to a one family to four family dwelling unit nor to an accessory building on a lot containing a one family to four family dwelling
- b. shall be of a material or color which matches the exterior of the building or structures
- c. if roof mounted, shall not exceed a height of fifteen (15) feet above the highest part of the structure or building, and the height permitted in the zoning district
- d. if facade mounted:
 - (i) shall project not more than two (2) feet beyond the wall or facade of the structure
 - (ii) shall not project more than five (5) feet above the cornice line
- e. all equipment buildings and/or structures shall be screened with appropriate landscaping.
- f. satellite and microwave dish antennas shall not exceed six (6) feet in diameter in industrial or commercial zones and two (2) feet in residential zones in diameter and shall be located or screened so as not to be visible from abutting public streets or neighboring properties.

60.7 Additional Approval Requirements For Telecommunication Towers

60.7.1 Towers with equipment buildings/structures shall be permitted by special permit as provided by for in Sections 51 and 52

- a. shall not exceed in height that is necessary to participate in applicant's network and in no case to exceed two hundred (200) feet
- b. shall be a monopole unless otherwise approved by the Commission
- c. shall be located a minimum of five hundred (500) feet from any residential structure located within a residential district. Distance shall be measured from the base of the tower to the foundation.

60.8 Additional Approval Requirements for Telecommunication Towers and/or Antenna

60.8.1 All telecommunication facilities such as towers and or antennas shall be permitted in all zoning districts by Special Permit and site plan approval in accordance with Sections 51, 52 and 60 of the Zoning Regulations. The applicant must demonstrate that every effort has been made to find a location in a nonresidential zone. The applicant must show the commission that there is no other place that will work other than a residential zone.

The applicant shall demonstrate the following:

- a. describe the efforts and measures taken to pursue preferences 1 through 3 and describe why a higher preference location was not technologically,

- legally or economically feasible, including an evaluation of the following:
- (i) the planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost. In addition, a description of the efforts and measures taken to pursue preferences,
 - (ii) the planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies as documented by a qualified licensed engineer and that such deficiencies cannot be eliminated at a reasonable cost.
 - (iii) the existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost.
 - (iiii) Any restriction or limitation imposed by the FCC

60.8.2 In addition to a review of all the information provided by the applicant, the commission shall consider the following in acting on the special permit:

- a. height of the proposed tower
- b. proximity of the tower to residential structures and residential district boundaries
- c. nature of uses on adjacent and nearby properties
- d. surrounding topography
- e. design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness and the effect of reducing or eliminating visibility from public roads or adjoining property
- f. proposed ingress and egress
- g. availability of suitable existing towers and other structures as discussed in this regulation
- h. radio and television interference in residential zones

60.8.3 The commission will require that applicants provide simulations of tower locations and impacts as part of the review of a Special Permit application. Such simulations may entail the erection of balloons or other devices, necessary to visualize the proposed facility.

60.9 Removal Of Abandoned Towers and Antennas

A telecommunications site not in use for six (6) months shall be removed by the facility owner. This removal shall occur within ninety (90) days of the end of such six (6) month period. Upon removal, the site shall be restored to its previous appearance and where appropriate, revegetated.

60.10 Co-utilization

In order to ensure the construction of a minimum number of these facilities, each such facility must be constructed in such a manner as to allow co-utilization of as much of such facility as possible by other vendors of telecommunication services.

60.11 Bonding

No application for such a facility will be accepted which is not accompanied by a cash bond in a sufficient amount to cover the complete cost of dismantling the facility and restoring the site to its original condition. The total amount of such bond shall include an amount sufficient to cover estimated inflation over the projected life of the facility. Non use of the facility for six months shall revoke the Special Permit and the bond will be called to remove such facility.

60.12 Historic Districts And Scenic Views

No such facility shall be constructed in a designated historic district or on a building over 75 years old or in a scenic view as indicated in the Watertown Plan of Development.

60.13 Radio or Television Reception or Transmission Facilities

Shall be permitted in all districts subject to special permit and site plan approvals in accordance with the requirements of Sections 51 and 52 and subject to the conditions stated in this Section.

ARTICLE VI – SUPPLEMENTARY REGULATIONSSECTION 61 - ENVIRONMENTAL PERFORMANCE STANDARDS

- 61.1 Purpose and General Provisions All uses of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to the performance standards hereinafter specified. The purpose of these performance standards is to establish certain standards of nuisance which if committed or exceeded in the use of land, buildings or other structures will be detrimental to the use, enjoyment and value of other land, buildings and structures, will be detrimental to the public health, safety and welfare and will be contrary to the Comprehensive Plan of Zoning. The Zoning Enforcement Officer is authorized to make surveys and take measurements to determine compliance. No Certificate of Zoning Compliance shall be issued by the Zoning Enforcement Officer until he has made a determination that the proposed use of land, buildings and other structures will be established and conducted in accordance with the performance standards hereinafter specified and with the standards stated in other relevant Town, State or Federal codes, ordinance or regulations. The performance standards hereinafter specified shall be of continuing application.
- 61.2 Noise No noise which is objectionable due to volume, duration, frequency or shrillness shall be transmitted outside the property from which it originates. In no case shall such noise exceed 80 decibels during daylight hours or 55 decibels from 10:00 P.M. to 7:00 A.M. at any lot line, as registered on the DBA network of a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.
- 61.3 Water Pollution
No discharge into any watercourse, groundwater, wetlands or storm sewers shall be permitted except in accordance with applicable Local, State and Federal requirements.
- 61.4 Outdoor Lighting
- 61.4.1 Purpose The purpose of these regulations is to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare. All business, residential, and community roadways, sidewalks, and town property luminaries should be planned and installed with the idea of being a “good neighbor” by keeping unnecessary direct light from shining onto abutting properties or roadways, both public and private.

Except as herein provided, these regulations shall apply to any outdoor lighting fixture installed, modified, refurbished, repaired or serviced within the Town of Watertown. This regulation applies to all sites located in non-residential zones and special permit uses in residential zones. Section 61.4.5 of this regulation

applies to all sites in residential zones and all sites used strictly for residential uses in all other zones. These regulations apply to the entire Town including the Fire District.

61.4.2 Lighting Plan

Outside lighting for non-residential and multifamily uses will be subject to a Site Plan review and shall be accompanied by a lighting plan showing:

- a. the location, height and type of any outdoor lighting luminaries, including building mounted;
- b. the luminaire manufacturer's specification data, including lumen output and photometric data showing cut off angles;
- c. The type of lamp, metal halide, compact fluorescent, high pressure sodium;
- d. the Commission may require an isodiagram showing the intensity of illumination expressed in foot candles at ground level

61.4.3 General Requirements (Effective Date September 15, 2007)

- a. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at (and glare across), the property lines and disability glare at any location on or off the property. The "maintained" horizontal illuminance recommendations: set by the Illumination Engineering Society of North American (IES) shall be observed (see appendix A-14) unless approved by four concurring votes of the Commission.
- b. All lighting for parking and pedestrian areas will be full cut off type fixtures.
- c. Lighting for display, building and aesthetics shall be from the top and shine downward, not up lighted, except as otherwise provided. The lighting must be shielded to prevent direct glare and/or light trespass and must also be, as much as physically possible, contained to the target area.
- d. All building lighting for security or aesthetics will be full cut off or a fully shielded/recessed type, not allowing any upward distribution of light.
- e. Flood lighting is prohibited.
- f. Adjacent to residential property and in all residential zones, no direct light source will be visible at the property line at ground level or above.
- g. Gasoline Service Stations: maintained illumination recommendations set by the Illuminating Engineering Society of North American will be observed and not exceeded. All area lighting will be full cutoff. Lighting under canopy will be recessed so that the lens is recessed or flush with the bottom surface, to reduce off site glare for roadways.
- h. All street lighting shall be "cut-off" fixtures
- i. Outdoor playing area. Where playing fields or other special activity areas are too illuminated, lighting fixtures shall be specified, mounted and aimed so that their beams fall within the primary playing area and immediate surroundings,

- and so that no direct illumination is directed off the site.
- j. Employ soft, transitional light levels, which are consistent from area to area. Minimize contrast between light sources, lit areas and dark surrounds.
 - k. All non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security – motion or infrared sensor lighting is encouraged. (“Non-essential can apply to display aesthetic, parking and sign lighting”)
 - l. Lighting designed to highlight flagpoles shall be low level, should be targeted directly at the flag.
 - m. The height of luminaries, except street lights in public right of ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of 30 feet.
 - n. Exemptions - Traditional seasonal lighting and temporary lighting used by Police, Fire Department, or Emergency Services are exempt from these regulations.

61.4.4 General Requirements

The Planning and Zoning Commission may grant a Special Permit modifying the requirements of this Section, provided it determines that such modification is consistent with the purpose of these regulations in the following cases:

- a. where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists
- b. where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas
- c. where a minor change is proposed to an existing non-conforming lighting installation such that it would be unreasonable to require replacement of the entire installation
- d. where special lighting is indicated for historic buildings
- e. where special consideration is given to maintain a uniformity with similar uses in the immediate vicinity
- f. where ornamental up lighting of sculpture, buildings or landscape features will enhance the character of the area.

61.4.5 Properties with Residential Uses

The source of light (lamp or reflectors contained within the luminaire) shall not be visible from beyond the boundaries of the property on which they were installed.

61.5 Refuse

No refuse or other waste materials shall be dumped on any land except as otherwise permitted by these Regulations and with the approval of the local health district.

ARTICLE VI - SUPPLEMENTARY REGULATIONSSECTION 62 - SIGNS

62.1 Purpose To address the need for adequate business identification, advertising and visual communication within the Town through the display of attractive, well-designed signs, while recognizing the Town's responsibility to promote public safety, protect property values, minimize visual clutter and enhance the physical appearance of the Town.

62.2 Classification of Signs

Signs shall be classified by structural type and by functional type.

62.2.1 Structural Types of Signs

- a. Freestanding sign: A sign placed on the ground or supported by one or more uprights, poles or other supports placed in or upon the ground.
- b. Wall Sign: A sign attached to the exterior wall of a structure in such a manner that the wall becomes the support for, or forms the background surface of, the sign and which does not project more than 15 inches from the structure.
- c. Projecting Sign: A sign which is wholly or partly dependent upon a building for support and which projects more than 15 inches from the building.
- d. Roof Sign: A sign mounted on, against or directly above the roof or on top of, or above, the parapet of a building or structure.
- e. Marquee or Canopy Sign: A sign attached to the vertical face of a building marquee or canopy.
- f. Portable Sign: a sign which is not permanent, and not affixed to a building, structure or the ground.
- g. Window Sign: A sign of temporary nature, located within the building intended for viewing through the window of the structure by people outside the building, whether or not it is attached to the window.

62.2.2 Functional Types of Signs

- a. Identification Sign: A sign located on the premises, which indicates the name, address and/or identifying symbol of (i) a development containing two or more occupants such as a professional office building, a residential development, an industrial park, or commercial shopping center; or (ii) a school, park, place of worship, hospital, or other public or semi-public facility.
- b. Nameplate Sign: A temporary sign, located on the premises, which indicates the name and occupation or profession of each occupant of the premises.
- c. Real Estate Sign: A sign which pertains to the sale, lease or rental of the premises, or a portion of the premises, on which the sign is located.
- d. Construction Sign: A temporary sign, located on the premises on which

construction is taking place during the period of such construction, which may indicate the names of the design professionals, contractors, owners, financial supporters, sponsors, and/or similar individuals or firms having a role or interest with respect to the structure or project,

- e. **Billboard:** A sign which directs attention to a business, commodity, service or entertainment conducted, sold, offered or manufactured at a location other than the premises on which the sign is located,
- f. **Business Sign:** A sign which directs attention to a business commodity, service or entertainment conducted, sold, offered or manufactured on the premises on which the sign is located. Such signs shall include those of individual retail, wholesale, industrial or commercial establishments.
- g. **Directional Sign:** A sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance" or "parking",
- h. **Temporary Sign:** A sign which announces a business opening, a festival, a bazaar, a special event, a tag sale or a political campaign.
- i. **Welcome Sign:** A sign constructed by a not for profit organization which announces welcome to Watertown and which contains no other advertisement on the sign except the name of the not for profit organization(s) erecting the sign. (Effective Date 10/20/2000)
- j. **Community Bulletin/Event Sign:** A sign constructed by a not for profit organization which announces community events and contains no advertisement except for the name of the not for profit organization(s) erecting the sign (Effective Date 10/20/2000)
- k. **Service Organization Sign:** A sign constructed by a not for profit organization which announces welcome to Watertown and identifies the national service organizations in the Town of Watertown and contains no other advertisement except for the name of the not for profit organizations(s) erecting the sign. Twelve not for profit organizations shall be limited to each sign. (Effective Date 10/20/2000)

62.3 General Provisions

- 62.3.1 No Zoning Permits or Site Plans shall be approved if the signage indicated is not in conformance with these Regulations.
- 62.3.2 Signs shall not conflict with the corner visibility requirements of Section 7.7.b.
- 62.3.3 Signs shall be so located as to not obstruct or interfere with the visibility of vehicular or pedestrian traffic.
- 62.3.4 Signs shall be so located as to not obstruct or interfere with the view of any traffic control sign, signal or device.
- 62.3.5 This Section shall not prohibit or regulate the installation by the Town, State or Federal Government of street signs, emergency signs, traffic control signs, warning signs or directional signs.

63.3.6 Nothing in this Section shall be construed as prohibiting signs viewed from within a building.

62.3.7 The area of all existing signs on a lot shall be counted toward the maximum sign area allowable on that lot by this Section. The number of existing signs on a lot shall be counted toward the maximum number of allowable signs on that lot.

62.3.8 Directional signs shall contain no advertising.

62.3.9 Political campaign signs shall be exempt from these Regulations.

62.4 Sign Design and Area

62.4.1 Computation of Sign Area

- a. The area of a sign shall be computed from the outer dimensions of the frame, trim or molding by which the sign is enclosed,
- b. When a sign consists of unframed individual letters, symbols or characters, its area shall be computed as the area of the smallest rectangle which encloses all of the letters, symbols or characters,
- c. When a sign consists of two or more faces, only one face of the sign shall be used in computing the sign area if the faces are parallel to and within 15 inches of each other. Otherwise, all faces of the sign shall be used to compute the sign area.

62.4.2 Standards for Wall Signs

- a. No wall sign shall extend beyond the outer edge of any wall of the building to which it is attached.
- b. A marquee sign may extend the full length of the marquee but shall not extend beyond the ends of the marquee.
- c. A wall sign shall be parallel to the wall to which it is attached and shall not project more than 15 inches therefrom.
- d. No wall sign shall be painted directly upon any wall.
- e. No wall sign shall extend above the eaves of the building to which it is attached.

62.4.3 Standards for Freestanding Signs

- a. In Residential Districts, the height of any freestanding sign shall not exceed five feet except for community bulletin/event signs and service organization signs which shall not exceed 8 Ft in height. In Non-Residential Districts the height of any freestanding sign shall not exceed the height of the building to which it relates or a height of 15 Ft (whichever is less), except the following:
 - (1) Welcome signs shall be no more than (8) eight feet in height.
 - (2) Community Bulletin/Event Signs shall be no more than 8 ft. in height

(3) Service Organization Signs shall be no more than 8 ft in height.
(Amendment approved 10/20/2000)

- b. In Non-Residential Districts, the bottom edge of a freestanding sign shall be at least seven feet above ground level when located in an area where the public walks or where it would impair visibility.
- c. No part of any freestanding sign shall be located within ten feet of any property line.
- d. Except as otherwise provided herein, only one freestanding sign shall be permitted on a lot for each street from which the lot has vehicular access, even if there is more than one building or use on that lot.

62.4.4 Standards for Projecting Signs and Marquee or Canopy Signs.

- a. The bottom edge of a projecting sign shall be at least seven feet above ground level when located in an area where the public walks.
- b. No projecting sign shall extend more than six feet from the wall to which it is attached.

62.5 Sign Illumination

62.5.1 When a sign is internally illuminated, the light source shall be completely covered

62.5.2 When a sign is externally illuminated, the light source shall be shielded so that the beams or rays of light do not shine or reflect directly onto adjacent properties or streets.

62.5.3 Any illuminated sign located on a lot adjacent to, or across the street from, a Residential District, shall not be illuminated between the hours of 10:00 P.M. and 7:00 A.M.

62.5.4 Signs shall not utilize or contain flashing digital, or moving lights, except such portions thereof which display the time, temperature and/or date.

62.5.5 In Residential Districts, no sign shall be internally illuminated

62.5.6 In BL Zones, no signs shall be internally illuminated, including outdoor vending machines

62.6 Prohibited Signs The following signs shall be prohibited in all districts:

62.6.1 Rotating, moving or animated signs

62.6.2 Temporary A-Frame, sandwich board or portable signs

62.6.3 Attention-getting devices such as banners, pennants; valances, flags, streamers, searchlights, string or festoon lights, flashing lights, balloons or similar devices designed for purposes of attracting attention, promotion or advertising.

62.6.4 Roof signs

62.6.5 All signs not expressly permitted by this section.

62.6.6 Any sign which could be mistaken for, or confused with, a traffic control sign, signal or device.

62.6.7 Signs painted, posted or otherwise attached to any rock, fence, tree, automobile, truck or utility pole.

62.6.8 Billboards

62.7 Permitted Signs

62.7.1 Signs Permitted in All Districts Without a Sign Permit

- a. One real estate sign for each street frontage of the lot on which the sign is located, such sign not to be illuminated nor exceed six square feet in area in Residential Districts, nor 18 square feet in area in Business Districts, nor 32 square feet in Industrial Districts.

62.7.2 Signs Permitted in the B-C Central Business, B-G General Business, B-L Local Business and B-SC Shopping Center Business District Without a Sign Permit

- a. Window signs, the total area of such signs not to exceed one square foot of sign area for each linear foot of building frontage, such signs not to be illuminated.

62.7.3 Signs Permitted in All Districts With a Sign Permit

- a. Signs pertaining to service club meetings; such signs not to exceed six square feet in area.
- b. Notwithstanding the provisions of this Section, the Commission may by resolution, authorize the establishment of temporary signs for periods not exceeding 10 consecutive days, and totaling more than 30 days in any calendar year, for the purpose of announcing special events. In a Residence District, any such sign shall pertain only to a use permitted in such District.
- c. One construction sign for each street frontage, of the lot on which the sign is located, such sign not to exceed 18 square feet in area in Residential Districts or 32 square feet in area in Non-Residential Districts.
- d. One identification sign, not to exceed 18 square feet in area, to identify a public or semi-public facility. The identification sign for a place of worship, school, museum or similar institution may include as part of its sign area a non-electronic bulletin board on which messages and announcements of activities and programs can be displayed.
- e. Directional signs not to exceed three square feet in area.
- f. Welcome Signs: at locations in the Town of Watertown as approved by the Planning and Zoning Commission. These signs shall not exceed 20 Sq.

- Ft. in area. (Effective Date: October 20, 2000)
- g. Community Bulletin/Event Signs: at locations in the Town of Watertown as approved by the Planning and Zoning Commission. These signs shall not exceed 20 Sq. Ft. in area and events areas shall not exceed 28 Sq. Ft. for a total of 48 Sq. Ft. for sign. (Effective Date: October 20, 2000)
 - h. Service Organization Sign: at locations in the Town of Watertown approved by the Planning and Zoning Commission. These signs shall not exceed 20 Sq. Ft. in area and service organization areas shall not exceed 28 Sq. Ft. for a total of 48 Sq. Ft. for sign. (Effective Date: October 20, 2000)
 - i. The Welcome Signs, Community Bulletin/Event Signs and service organization signs shall be landscaped and maintained by an individual company or organization. A sign 2 Sq. Ft. in area may be located within the landscaped area indicating the individual company or organization maintaining this landscaping. A landscape plan shall be subject to the approval of the organization erecting the sign and a copy of the plan shall be submitted to the Zoning Enforcement Officer for review prior to the installation. (Effective Date: October 20, 2000)
 - j. All welcome signs, community bulletin/event signs and service organization signs located within the Town of Watertown, or State of Connecticut right-of-way shall get permission from the Town of Watertown and the State of Connecticut. (Effective Date October 20, 2000)

62.7.4 Additional Signs Permitted in the Residence R-90, Residence R-70, Residence R-30, Residence R-12.5 and General Residence R-G Districts.

- a. One identification sign, not to exceed six square feet in area, to identify a unified development; or
- b. One nameplate sign, not to exceed two square feet in area, per building occupant.

62.7.5 Additional Signs Permitted in the Local Business B-L District.

Two business signs per building occupant provided that:

- a. No freestanding sign shall exceed 18 square feet or 10 feet in height.
- b. No projecting sign shall exceed eight square feet.
- c. One wall, marquee, or canopy sign per building occupant not to exceed 14 feet of the area, except that business establishments having an excess of 20 linear feet of building frontage shall be allowed an additional one square foot of sign area for each two linear feet of such additional frontage, provided, however, that no such business establishment shall have a total sign area in excess of 36 square feet. (Amendment Approved 8/22/96)

62.7.6 Additional Signs Permitted in the Shopping Center Business B-SC District, General Business B-G District, and General Industrial IG-80 District.

- a. One identification sign, not to exceed 24 square feet, to identify a unified office or mixed-use development.

- b. One identification sign, not to exceed 48 square feet, to identify a unified business or industrial development.
- c. Two business or nameplate signs, as applicable, per building occupant, provided that:
 - (1) No freestanding sign shall exceed 24 square feet.
 - (2) No projecting sign shall exceed 16 square feet.
 - (3) One wall, marquee or canopy sign per building occupant not to exceed 18 square feet of area, except that business establishments having an excess of 20 linear feet of building frontage shall be allowed an additional one square foot sign area for each two linear feet of such additional frontage, provided, however, that no such business establishment shall have a total sign area in excess of 48 square feet. In the Shopping Center Business B-SC District, five signs may be permitted on the wall provided the total sign area does not exceed that which is otherwise allowed. (Amendment Approved 8/22/96)

62.7.7 Additional Signs Permitted in the Restricted Industrial IR-80 and IR-200 Districts.

- a. One identification sign, not to exceed 32 square feet, to identify a unified office, industrial or mixed-use development.
- b. Two business or nameplate signs, as applicable, per building occupant, provided that:
 - (1) No freestanding sign shall exceed 32 square feet;
 - (2) No projecting sign shall exceed 16 square feet;
 - (3) One wall, marquee or canopy sign per building occupant not to exceed 18 square feet of area, except that business establishments having an excess of 20 linear feet of building frontage shall be allowed an additional one square foot of sign area for each two linear feet of such additional frontage, provided, however, that no such business establishment shall have a total sign area in excess of 48 square feet. (Amendment Approved 8/22/96)

62.7.8 Signs Permitted in the Central Business B-C District.

- a. One freestanding sign, not to exceed 10 square feet in area, nor extend more than 10 feet in height; and
- b. One projecting sign per building applicant not to exceed eight square feet; or
- c. One wall or marquee sign per building occupant not to exceed 14 square feet of area, except that business establishments having an excess of 20 linear feet of building frontage shall be allowed an additional one square foot of sign area for each two linear feet of such additional frontage; provided, however, that no such business establishment shall have a total sign area in excess of 30 square feet.

62.8 Alternative Signage Program for Large Developments

Due to the complexities of site design and occupancy associated with large developments such as shopping centers, office parks and mixed-use facilities, the owner of a unified non-residential development containing more than 65,000 square feet of gross floor area may submit to the Commission, for approval of a sign Permit, an “alternative signage program” differing from the standards contained in this section. (Effective Date October 20, 2000)

62.8.1 Such signage program shall, at a minimum, contain the information required under 62.9 herein below of the issuance of Sign Permits.

62.8.2 When reviewing an application for an Alternative Signage Program, the Commission shall consider the following factors:

62.8.3

- a. Whether the signage program would be consistent with the purpose of this section.
- b. Whether the signage program would result in a more comprehensive and attractive arrangement and display of signs that could otherwise be accomplished under the standards of this section.
- c. The extent to which the proposed wall signage would not be visible from any public street.
- d. The extent to which the amount of proposed wall signage is not concentrated in a single sign. (Effective Date: October 20, 2000)

62.9 Sign Permits

62.9.1 Except as otherwise provided herein, no sign shall be constructed, erected, altered or otherwise changed unless a Sign Permit has been issued by the Zoning Enforcement Officer.

62.9.2 All applications for a Sign Permit shall be signed or countersigned by the owner of the lot on which the sign will be located and shall be accompanied by the following:

- a. For freestanding signs, a plot plan of the premises and, for any signs attached to structures, a measured elevation drawing of the building facade, each drawn to scale, showing the location, dimensions and area of all existing and proposed signs on the premises; and
- b. Plans and specifications of the proposed sign, including its dimensions, area, maximum and minimum height, proposed message and design, materials, colors, method of construction and method of illumination.

62.10 Sign Maintenance, Compliance or Removal

62.10.1 All signs, together with their supports, braces, guys and anchors, shall be kept in good working order and safe condition.

- 62 10.2 The owner of the lot on which the sign is located shall be directly responsible for keeping such sign, including its illumination sources, in good working order and safe condition.
- 62 10 3 Unsightly, damaged, deteriorated signs or signs in danger of falling shall be put in order or removed within 30 days following written notice to the sign owner by the Zoning Enforcement Officer.
- 62.10.4 Any sign which pertains to a business no longer conducted on the premises where such sign is located, shall be removed by the owner of the lot on which the sign is located, within 30 days following cessation of the relevant activity.
- 62.10.5 Any sign which replaces an existing non-conforming sign shall comply with this Section.

ARTICLE VI – SUPPLEMENTARY REGULATIONS

SECTION 63 - PARKING AND LOADING

- 63.1 Purpose: An adequate supply of off-street parking and loading spaces shall be provided to meet the needs of persons making use of such structures or land uses, but in no case less than the minimum standards specified herein for all new buildings and uses for the expansion of existing buildings and uses, and for a change of use when such change would result in a use whose parking, and/or loading requirements would be greater than those of the use it is replacing.
- 63.2 Amount of Parking Required
- 63.2.1 The amount of off-street parking provided shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers and visitors normally at the premises at any one time.
- 63.2.2 Structures and land uses in existence, or for which building permits have been issued prior to the adoption of these Regulations, shall not be subject to any additional parking or loading space requirements of these Regulations, provided that any parking or loading facilities then existing to serve such structures or uses shall not in the future be reduced, except where they exceed such requirements, in which case they shall not be reduced below such requirements. Required parking and loading facilities for the existing portion of such structures or uses however, shall be provided at the time of any enlargement of such, existing structures or uses in the future.
- 63.2.3 When two or more different uses occur on a single lot, the total amount of parking facilities required shall be the sum of the requirements for each individual use on the lot, except that the Commission may approve the joint use of parking space by two or more establishments, the total capacity of which space shall be no more than 20% less than the sum of the spaces required for each, provided the Commission finds that the capacity to be provided shall substantially meet the intent of this Section by reason of variation in the probable time of maximum usage by patrons and employees among such establishments.
- 63.3 Improvement and Maintenance Required off-street parking and loading facilities may be enclosed in a structure or may be open, except as otherwise required, provided that all parking and loading facilities shall be properly graded, surfaced, drained and suitably maintained to the satisfaction of the Town Engineer, to the extent necessary to avoid nuisances of dust, erosion, or excessive water flow across public ways or adjacent lands. Required off-street parking and loading facilities shall be properly maintained as long as the use or structure exists which the facilities are designed to serve.
- 63.4 Handicapped Parking Parking spaces for the physically handicapped shall be located as close as possible to ramps, walkways and building entrances. Parking spaces

shall be so arranged as to eliminate or minimize the need for physically handicapped persons to wheel or walk behind parked cars to reach entrances, ramps and walkways. The number, size, designation, location and markings of parking spaces for the handicapped shall be as per General Statutes. All parking spaces for the handicapped that are provided shall be credited to the total required number of parking spaces.

63.5 Minimum Parking Requirements The following requirements shall be considered the minimum number of parking spaces required for each use. Where the number of parking spaces is calculated to be a fraction, it shall be rounded up to the nearest whole number.

63.5.1 RESIDENTIAL USES: PUBLIC AND SEMI-PUBLIC USES	MINIMUM NUMBER OF SPACES REQUIRED
a. Single, two and three-family dwellings.	2 per dwelling unit, plus 1 per guest sleeping room for roomers and boarders
b. Multi-family dwellings: Studio (efficiency) dwelling units.	1.5 per dwelling unit
One-bedroom dwelling units	2 per dwelling unit
Two-bedroom dwelling units.	2.5 per dwelling unit
c. Senior Citizen Housing	1.1 per dwelling unit
d. Home occupations, home offices or adaptive use of historic structures as permitted in a residence district.	2 per dwelling unit plus 1 per 300 s.f. of GFA of area in non-residential use
e. Private schools	1 per teacher, plus 1 per other staff member, plus 1 per each 10 pupils
f. Private Clubs	1 per member or family memberships; or 2 per maximum capacity of the facilities; whichever is less
g. Public Utility substations	2 spaces
h. Libraries, museums, art galleries or similar uses	1 per each 400 s.f. of GFA
i. Group homes	2 per home, plus 1 per 2 employees
j. Hospitals, nursing or convalescent homes	1 per 2 beds

k.	Places of Worship	1 per 3 seats, plus additional spaces as may be required by the Commission (one seat = 18 linear inches of pew bench)
l.	Day Care Centers	1 per employee, plus 1 per 10 enrollees plus adequate drop-off/pick-up area as determined by the Commission
m.	Boarding, rooming or lodging houses.	1 per 2 beds plus 1 per 2 employees
n.	Congregate Housing.	1.5 per dwelling unit
o.	Public or Semi-Public buildings not otherwise listed.	As determined by the Commission
63.5.2 BUSINESS USES, EXCEPT AUTOMOTIVE:		
a.	Theaters, auditoriums or other places of public assembly	1 per each 3 seats, or in places without seats, 1 per each 100 s.f. of floor space used for public assembly
b.	Retail stores not otherwise listed or personal service establishments not otherwise listed	1 per 250 s.f. of GFA on the main floor, plus 1 per each 300 s.f. of GFA on other floors; a minimum of 4 spaces
c.	General, business or professional offices, non-medical	1 per 300 s.f. of GFA
d.	Banks and financial institutions	1 per 300 s.f. of GFA
e.	Drive-in Bank Windows	5 off-street waiting spaces per window for approaching cars, plus 1 off-street waiting space per window for cars leaving
f.	Medical or dental offices or clinics.	1 per 150 s.f. of GFA
g.	Restaurants or other places serving food or drink	1 per 75 sq. ft. of gross floor area or 1 per 2.5 seats, whichever is greater

(Amendment Adopted 8/22/96)

- h. Bowling establishments 5 per bowling lane
- i. Commercial kennels or veterinary hospitals 1 per employee, plus 1 per 400 s.f. of GFA
- j. Funeral Homes 1 per 3 seats, plus additional spaces as may be required by the Commission (one seat = 18 linear inches of pew bench)
- k. Commercial recreation facilities, enclosed or not enclosed As determined by the Commission
- l. Amusement or entertainment facilities with fixed seats, such as theaters, auditoriums and sports arenas 1 per 3 seats, plus additional spaces as may be required by the Commission
- m. Amusement or entertainment facilities, enclosed but without fixed seats, such as dance halls and billiard parlors 1 per 200 s.f. of GFA plus additional spaces as may be required by the Commission
- n. Bed and Breakfast establishments 1 per bedroom, one per employee, plus additional spaces as may be required by the Commission (Amendment effective 3/29/2002)
- o. Hotels or Motels 1.5 per bedroom, plus additional spaces as may be required by the Commission
- p. Self-service storage facilities 1 per 1,000 s.f. of GFA; minimum of 5 spaces
- q. Studios of dance, photography, graphic design or similar artistic endeavor 1 per 400 s.f. of GFA
- r. Furniture or carpet stores 1 per 500 s.f. of GFA
- s. Shopping Centers 1 per 250 s.f. of GFA

63.5.3 BUSINESS USES.

AUTOMOTIVE

- | | | |
|----|--|--|
| a. | Automobile sales establishments | As determined by the Commission |
| b. | Carwashes | 3 per facility, plus 5 spaces stacking room per stall |
| c. | Motor Vehicle service stations
– with service bays
- with sale of convenience items/food products/snacks | 4 per facility
plus 2 per bay
plus 1 per 150 s.f. of GFA devoted to such use |
| d. | Automotive repair or service facilities | 3 per bay |

63.5.4 INDUSTRIAL USES

- | | | |
|----|--|---|
| a. | Manufacturing or research facilities; wholesaling or distribution facilities | 1 per 500 s.f. of GFA |
| b. | Lumberyards, building materials suppliers | 1 per 400 s.f. of GFA of buildings, plus 1 per 1,000 s.f. of outdoor storage area |
| c. | Building, construction or landscape contractors' yards | As determined by the Commission |
| d. | Bus facilities; trucking terminals; trucking or courier services | As determined by the Commission |
| e. | Public warehousing or storage, excluding self storage | 1 per 1,000 s.f. of GFA |
| f. | Document or Electronic Data Storage Facility | 1 per 1,000 s.f. of GFA
(Amendment adopted 1/8/97) |

63.5.5 The minimum number of parking spaces required for other uses not listed above shall be as determined by the Commission.

63.5.6 Where the minimum number of parking spaces required for a particular use is to be determined by the Commission, the Commission shall be guided by the nature, intensity and/or mix of the proposed use, including projected attendance, the number of employees, visitors and/or customers and the experience of similar facilities elsewhere.

63.6 Use of Parking Facilities

63.6.1 Required parking areas to serve specific structures and uses shall be reserved at

all times for those persons who are employed at, or make use of, such structures and land uses, except when dedicated to and accepted by the Town as public parking areas.

63.6.2 Required off-street parking and loading facilities which, after development, shall be later dedicated to and accepted by the Town, shall be deemed to continue to serve the uses or structures for which they were originally provided.

63.7 Off-Street Loading Requirements

63.7.1 Off-street loading and unloading facilities shall be provided as follows, except that the Commission in granting Site Plan approval may require additional off-street loading where the Commission determines that such is necessary in accordance with the purposes set forth in this section.

<u>USE</u>	<u>Minimum Required Off-Street Loading Spaces</u>
<u>Retail and service business establishments, restaurants and other places serving food and drink:</u>	
3,000 to 12,500 s.f. of GFA	1
12,501 to 30,000 s.f. of GFA	2
Over 30,000 s.f. of GFA	3 plus 1 per additional 20,000 s.f. of GFA
<u>Manufacturing, industrial, warehousing or wholesale establishments:</u>	
5,000 to 15,000 s.f. of GFA	1
15,001 to 40,000 s.f. of GFA	2
Over 40,000 s.f. of GFA	3 plus 1 per additional 30,000 s.f. of GFA
<u>Offices:</u>	
Up to 40,000 s.f. of GFA	1
40,001 to 125,000 s.f. of GFA	2
Over 125,000 s.f. of GFA	3 plus 1 per additional 75,000 s. f. of GFA
<u>Hospitals, nursing homes, congregate housing and similar facilities</u>	1 per 120 patient beds or part thereof
<u>Other uses not listed</u>	Off-street loading requirements for uses which do not fall within the categories listed above shall be determined by the Commission

63.7.2 Each off-street loading space shall have a width of at least 15 feet, a length of at least 40 feet and a height of at least 14 feet, except if the Commission determines that because of the nature of the particular use to be served, spaces of such size are not required, the Commission may permit a reduction of loading space size to not less than 10 feet in width 25 feet in depth and 14 feet in height.

63.8 Driveways and Curb Cuts

63.8.1 Curb Cuts: Combination of curb cuts and access drives to parking for more than one use shall be encouraged and may be specified by the Commission on any Site Plan as submitted under the provisions of Section 51.

63.8.2 Driveways Servicing Single Family Dwellings.

- a. The maximum grade for a driveway serving a single-family dwelling shall be 15% from the street to an area sufficient to park at least two cars for each dwelling served.
- b. Where substantial amounts of cut and/or fill would be required to construct any portion of a driveway serving a single-family dwelling or dwellings, plans shall be reviewed and approved by the Town Engineer prior to the issuance of a driveway permit to ensure that adequate drainage shall be provided and that soil erosion shall be minimized.
- c. Notwithstanding the maximum permitted grades specified in 63.8.2.a, no driveway serving a single-family dwelling or dwellings shall have a grade in excess of five percent within 35 feet of the centerline of the traveled way of the street nor within 10 feet of the street right-of-way line, whichever distance is greater.

63.8.3 The maximum grade for new driveways access to uses other than single-family dwellings and connecting the required off-street parking area to the street shall not exceed seven percent except that the Commission may permit increased grades where excessive cut and/or fill would be required, provided that such grades shall not exceed ten percent.

63.8.4 Notwithstanding the maximum permitted grades specified above, no driveway serving a use other than a single-family dwelling shall have a grade in excess of two percent within 50 feet of the centerline of the traveled way of the street, nor within 25 feet of the street right-of-way line, whichever distance is greater. The Commission may require increased platform area of this type in situations where, because of the nature of the proposed use, substantial traffic volumes would be anticipated.

63.8.5 Driveway alignment and location

- a. Any driveway entering onto a street shall be located and aligned in such a way as to create the minimum possible traffic hazard. The platform portion of the driveway, as required above, shall be aligned at approximate right angle to the street.

- b. The Commission may require that only one driveway serve a lot, regardless of the amount of street frontage, if deemed necessary for public safety purposes.
- c. Driveways serving the same lot shall be at least 150 feet apart (measured center line to center line), unless they are one-way driveways.
- d. For corner lots, driveways shall be located as far from the intersection of the street lines of the lot as is practical, but a driveway shall not be located within 60 feet of such intersection.
- e. Joint use of driveways for non-residential uses by adjacent lots shall be encouraged.
- f. The maximum driveway width shall be 30 feet, measured at and parallel to the street line, except for two-way access to non-residential uses with a raised island in the center, for which the maximum width shall be 44 feet.
- g. The minimum driveway width for non-residential uses shall be 20 feet for two-way access and 12 feet for one-way access.
- h. Driveways shall cross the street line so that the angle between the centerline of the driveway and a line perpendicular to the street right-of-way line, measured at such street line, does not exceed 30 degrees.

63.8.6 Sight Distance Clear visibility shall be provided in both directions at all exit points so that the driver of a vehicle stopped on the platform portion of any new driveway shall have an unobstructed view of the highway for a reasonable distance (commensurate with the speed and volume of traffic on such highway), and so that the driver of a vehicle traveling on the highway shall have a similar view of the vehicle in the driveway.

- a. For all driveways, except those serving single-family dwellings, no fence, wall hedge or other structure or planting shall be erected, placed or maintained in such a way as to obstruct traffic visibility across the triangular area formed by the intersecting street right-of-way and driveway lines and a straight line connecting points along said street right-of-way and driveway lines, which points are located 50 feet distant from the theoretical point of the intersection of such lines measured along said lines. This provision shall not apply to existing trees, provided that no branches are closer than eight feet to the ground.

63.9 Location of Parking

63.9.1 Except as otherwise provided for herein, off-street parking spaces shall be located on the same lot as the principal use they are designed to serve.

63.9.2 At the time of Site Plan approval, the Commission may allow all of a portion of the required parking spaces to be located either on a separate lot under the same ownership as the use being served or on a separate lot under a different ownership than the use being served, provided that arrangements satisfactory to the Commission shall have been made to guarantee long-term access to and use of such spaces. All spaces approved under this provision shall be located within 500

feet of the main building entrance of the use being served.

63.9.3 No parking area or portion thereof, including parking spaces, driveways and access aisles, shall be located within the required front yard, except for driveways directly from the street or driveways which serve as parking areas for single-family dwellings.

63.9.4 No parking area or portion thereof, including parking spaces, driveways and access aisles, shall be located within 10 feet of any side or rear property line except for shared driveways and shared access aisles between adjoining properties.

63.9.5 No parking area or portion thereof, including parking spaces, driveways and access aisles, shall be located within six feet of any portion of a building other than for garage entrance or loading area aprons. Such six-foot clear area shall be used for walkways, plantings or other landscaping.

63.9.6 No parking area which serves a use in a Business or Industrial District shall be permitted on land in a Residence District; no access to such parking area shall be permitted across land in a Residence District.

63.10 Parking Structures Parking spaces may be located beneath, attached to, or within the principal structure they are intended to serve or in a detached structure. A parking structure shall be considered an accessory use for purposes of these Regulations unless said structure shall be the only use on the parcel of land. Parking structures which are not part of the principal structure shall not be closer than 25 feet to the principal structure.

63.11 Layout, and Dimensions of Parking

63.11.1 Except as otherwise specified herein, the minimum dimensional requirements for parallel, angled and perpendicular parking spaces shall be as follows:

a.	Parking angle (degrees)	0	45	60	90
b.	Curb length per space (feet)	23	13	10	9
c.	Space depth (feet)	9	18	19	18
d.	Access aisle width (feet)	15	15	18	25
e.	Space width (feet)	9	9	9	9

63.11.2 Parallel and angled parking spaces shall be served by one-way access aisles only.

63.11.3 Perpendicular (90 degree) parking spaces shall be served by two-way access aisles only, unless otherwise approved by the Commission.

63.11.4 Where necessary to control traffic flow, directional arrows shall be painted on the surface of access aisles or driveways, and directional signs shall be installed.

63.11.5 No parking space shall be designed or constructed in a manner that would require a vehicle to use any part of a public street to enter, back into and/or exit from such space, except for parking spaces in driveways which serve single - or two-family dwellings.

63.11.6 Except for parking spaces in driveways which serve single - or two-family dwellings, the perimeter of all parking area, islands and driveways shall be curbed, to prevent damage to landscaping and lighting and to prevent interference with pedestrian use of walkways.

63.11.7 All parking spaces shall be delineated by painted lines, except for parking spaces in driveways which serve single - or two-family dwellings.

63.12 Waiver of Improvement

63.12.1 Upon request by the applicant, a determination by the Commission that the immediate need for off-street parking and loading, facilities shall be less than that required by this Section, the Commission may waive the improvement of up to one-third of the required spaces, provided that a suitable legal instrument or bond shall be filed with the Commission in satisfactory form and amount to ensure that if, within a five-year period, the Commission determines the need for the improvement of some or all for the spaces so waived, such spaces shall be improved. All such spaces shall be shown on the required Site Plan.

63.12.2 The Commission shall require all areas which are not devoted to parking as a result of any waiver or permitted reduction to be suitably landscaped.

63.13 Commercial Vehicles in Residential Districts

63.13.1 Commercial Vehicles in Residential Districts

Not more than one commercial vehicle not exceeding 10,000 lbs. gross vehicle weight, other than a passenger car per dwelling unit shall be regularly parked on and off street in residential districts. (Effective Date April 6, 2001)

63.13.2 Camping trailers, recreational vehicles, motor home trailers, boats or other single unregistered vehicles may be stored on the premises of property in residential districts provided that such trailers, boats or vehicles shall comply with all yard setback requirements for buildings but shall not be permitted in the required front yard.

ARTICLE VI - SUPPLEMENTARY REGULATIONSSECTION 64 - EARTH MATERIALS ACTIVITY64.1 Purpose

The purpose of Section 64 is to regulate “Earth Materials Activity”, herein defined as Earth materials removal from a lot, moving to or within a lot, re-grading, excavating, processing, compaction, blasting, stockpiling, and filling of land. These activities are generally for a short period and are conducted in a manner to:

- 64.1.1 Protect the public health, safety, and general welfare of the neighborhood and the Town, and to comply with the intent and purposes of Section 1
- 64.1.2 Protect the values of all parcels
- 64.1.3 Protect the subject lot so that the Earth Materials Activity provide for the reasonable use of the property as permitted by the Regulations
- 64.1.4 Protect public and private water supplies
- 64.1.5 Protect the land, watercourses, and wetlands from damage caused by stormwater drainage, erosion, sedimentation, siltation, and pollution
- 64.1.6 Protect the appearance of the Town
- 64.1.7 Protect from defacing, areas of historic interest, scenic landmarks, and archeological sites

64.2 General Provisions

64.2.1 Except as otherwise provided in Section 64, there shall be no Earth Materials Activity on any property, in any zoning district, for any length of period, and in any quantity.

64.2.2 Unacceptable Soil

Earth Materials Activity with Unacceptable Soil is subject to an Earth Materials Permit (“Permit”) in accordance with Section 64 and the Regulations.

64.2.3 100 cubic yards and fewer quantity

No Permit for Earth Materials Activity is required for quantities of Clean Fill that in a two-year period is 100 cubic yards or fewer quantity, except if determined by the ZEO or the ZEO’s designated representative, that the Earth Materials Activity may adversely affect the wetlands, watercourses, causes damage by erosion, sedimentation, siltation, stormwater drainage, or may be Unacceptable Soil. If any of these events is believed by one of these persons to be true or is in fact true, Earth Materials Activity of 100 cubic yards or fewer

quantities are subject to Permit issued by the ZEO and enforcement of the Regulations may commence at any time. Such enforcement is not restricted to be only subsequent to issuance of a Permit.

64.2.4 More than 100 cubic yards and fewer than 500 cubic yards

The ZEO may issue a Permit for quantities of Clean Fill and Unacceptable Soil that in a two-year period is more in quantity than 100 cubic yards and fewer than 500 cubic yards.

64.2.5 500 cubic yards and more quantity

Subject to Special Permit in accordance with Section 52 and with Permit approvals subject to Section 64, the Commission may issue a Permit for quantities of Clean Fill and Unacceptable Soil that in a two-year period is 500 cubic yards or greater quantity.

64.2.6 There shall be no removal or stripping of topsoil from a lot, conduct of borrow pits for fill, and stone quarry operations, except incidental rock removal in connection with the restoration of a lot; provided however that topsoil excavated from under the location of buildings and structures and driveways, sidewalks, terraces and other paved areas may be removed from the lot to not lower than three feet above ledge, except as otherwise approved by the ZEO or the Commission, and then only if the lot has remaining topsoil cover of not less than five inches substantially free of stones.

64.2.7 The property owner and the Permittee shall notify the ZEO and the Connecticut Department of Environmental Protection (“DEP”) when they suspect Unacceptable Soil is on their property. Unacceptable Soil shall be treated in compliance with DEP regulations. Unacceptable Soil may adversely affect the public health and safety, and in most circumstances does adversely affect property values and the general welfare of the neighborhood and the Town.

64.2.8 Farm or Agricultural Parcel

In any quantity, moving, re-grading, filling of land, excavating Clean Fill (not Unacceptable Soil) **within** the property boundaries of a Farm parcel or an Agricultural parcel, or to an adjacent Farm parcel or an Agricultural parcel of the same property owner, is exempt from Section 64 provided the Use of the parcel is not changed by this activity and is for farming or agriculture. An Agricultural parcel for purposes of definition in Section 64 is land classified by the Town Assessor as “Farm” or “Agriculture”. All other Earth Materials Activity including, but not limited to, moving Clean Fill **from** a Farm parcel or an Agricultural parcel not owned by the same adjacent property owner, is subject to Permit.

64.2.9 At the applicant or the permittee expense, a Permit may require services of a Registered engineer, a Soil Scientist, and/or remediation by a Licensed Environmental Professional (“LEP”), the latter two positions defined by DEP

regulations, as amended. The ZEO or the Commission may require investigation, testing, monitoring, environmental services, and other reasonable conditions of approval that furthers the purposes of Section 64.

- 64.2.10 Earth Materials Activity containing treated Polluted Soil, as Polluted Soil is defined within the definition of “Clean Fill” in Section 5:
- 64.2.10.1 Shall not be placed below the normal groundwater table
 - 64.2.10.2 Shall not be placed in an area subject to erosion or sedimentation
 - 64.2.10.3 Shall not be placed in a flood plain
 - 64.2.10.4 Requires a map submitted to the ZEO, or the ZEO’s duly authorized representative, showing the location, elevation, and depth of treated Polluted Soil
- 64.2.11 There is no minimum or maximum size of site for Earth Materials Activity, however, the size shall have a compatible relationship to existing development and the neighborhood and shall be compatible with the ability to complete the operation within the period set by Permit. The Permit typically expires six months after its approval. The ZEO or the Commission, at their discretion, may set or amend the Permit expiration to a greater length of period not to exceed a total of five years after original Permit approval. A Permit is automatically void on the date of Permit expiration, at which time the permittee shall cease all activity authorized by the Permit. The ZEO or the Commission may extend the period to remedy a violation or to achieve restoration of the site in as short a period as is practical. An Earth Materials Permit is temporary and is not transferable to any Person, as “Person” is defined in Section 5.1.9 without approval from the ZEO or the Commission, the latter in the event Section 64.2.5 is true.
- 64.2.12 The provisions of Section 64 are required for review and approval of Site Plans, Subdivision Plans, and Re-Subdivision Plans.
- 64.2.13 The permittee may be required by the Commission, the ZEO, or the ZEO’s duly authorized representative, to cease and desist Earth Materials Activity provided: (1) the Earth Materials Activity are not conducted, or is incapable of being carried out in accordance with the approved Permit and Section 64, (2) the Earth Materials Activity is causing damage to land, a waterway, a wetland, or stormwater drainage facilities, (3) the Permit has expired, or (4) for other reasonable cause determined by the ZEO or the Commission. A violation of Section 64 is subject to remedy in accordance with Section 72.2 and Section 73. If a bond was required, then in accordance with Section 51.13, the Commission shall hold a hearing and may call the bond, and thereafter may void the Permit, cease Earth Materials Activity, and take enforcement action.

- 64.2.14 In the event there is Unacceptable Soil or Clean Fill in additional size of area or in quantities exceeding that approved by Permit, an amended Permit is required. When determining jurisdiction of either the ZEO or the Commission as to who reviews and approves the amended Permit, the new quantities added to the quantities previously Permitted is determinative. If the Permit amendment is approved, a bond and liability insurance naming the Town as an additional insured for liability resulting from the Permit work, may be required.
- 64.2.15 The requirements of Section 64 are in addition to federal, state, and local regulations. Earth Materials Activity that affects wetlands and watercourses and are within 100 feet of a wetland or a watercourse requires compliance to the Watertown Conservation Commission / Inland Wetlands Agency regulations.
- 64.2.16 A Permit shall not derogate any right or power of the Planning and Zoning Commission, and conveys no property right or exclusive privilege.
- 64.2.17 Blasting associated with Earth materials excavations requires a Permit and a Special Permit subject to Section 52 .
- 64.2.18 In granting a Permit, the applicant shall satisfy the following standards, conditions, and safeguards to protect the groundwater, the public health and safety, property values, the general welfare of the neighborhood and the Town, and to ensure compliance with these Regulations. The ZEO and the Commission, may determine:
- 64.2.18.1 The days and hours of operation. Unless otherwise permitted, hours of operation shall be within the period 8:00AM to 5:00PM, Monday through Friday, except State holidays
 - 64.2.18.2 The specific area of a property to which the Earth Materials Activity shall be confined
 - 64.2.18.3 The extent of stockpiling Earth Materials on the property
 - 64.2.18.4 Protective measures to minimize noise, dust, vibration, and flying debris
 - 64.2.18.5 A bond to be posted in accordance with Section 51.13, and liability insurance to be obtained naming the Town of Watertown as an additional insured. Such insurance shall comply with Section 51.22.2.2.3.
 - 64.2.18.6 The location of vehicular access into, out of, and travel within the subject property to avoid hazards and to assure accommodation for traffic and pedestrians

- 64.2.18.7 Limits to the duration of Earth Materials Activity
- 64.2.18.8 Limitations on the property where processing equipment may be located, the number of processing equipment, and the location of Earth Materials Activity near adjacent properties
- 64.2.18.9 Provision for adequate transition and parcel restoration from adjacent properties, such as with landscaping, earth berms, or fences
- 64.2.18.10 Provision shall be made to prevent spillage of debris and Earth materials from vehicles and from the premises. It is the responsibility of the applicant to promptly clean spillage. The permittee shall be liable for the cost of cleaning any Earth material spillage or repairing any damage to streets of the Town of Watertown or the State of Connecticut caused by improper loading or securing of loads, or improper spillage from the premises.
- 64.2.18.11 Vehicular access to the Earth Materials Activity site may require a gate or other suitable closure, which may be required to be maintained in a locked condition when the operation is not in progress.
- 64.2.18.12 In addition to five inches of topsoil substantially free of stones; seeding, sufficient trees and shrubs may be required to provide transition to adjacent property and to hasten the return of the subject property to a natural appearance.
- 64.2.18.13 The permittee shall pay Commission costs of Permit inspections, monitoring, and testing.
- 64.2.18.14 Excavations of rock that affects the existing ridgelines or creates temporary exposed cliffs, or creates other permanent topographical features shall be done in a manner to be adequately mitigated to assure compatibility with the Watertown Plan of Conservation and Development, as determined by the Commission.
- 64.2.18.15 No excavation or filling of land shall be made that reduces the final elevations below flood plain, changes the area of the flood plain, or exposes ground water, without approval of the ZEO or the Commission.
- 64.2.18.16 The processing of excavating Earth materials shall be permitted only for on-site use subject to Special Permit in accordance with Section 52, unless otherwise approved by the ZEO, or if Section

64.2.5 is applicable, approved by the Commission.

- 64.2.18.17 The ZEO or the Commission may establish restrictions as to where Earth Materials may be moved to temporarily or permanently, including the prohibition from moving any such materials.
- 64.2.19 A Permit approved by the Commission may require a bond. A bond may be required for assuring conformance with the purposes of Earth Materials Activity including property restoration. If the Commission requires a bond to ensure the faithful performance of the work, the Permit shall not become effective until the applicant posts a bond with the Commission in accordance with Section 51.13. The bond shall ensure completion of the Earth Materials Activity in accordance with the requirements of the approved Permits and may include maintenance activities conditioned by the Permit. Such bond shall provide for the completion of any uncompleted or required work covered by the bond, or when the Permit expires or is void for failure to comply with the requirements of the Permit, or is for required maintenance. Such bond shall not be released in full by the Commission until all conditions of the Permit that are the subject of the bond, have been satisfactorily completed, and not earlier than the third growing season after planting, and the required permanent vegetation cover is growing in healthy condition.
- 64.2.20 The “processing and storage of reclaimed asphalt directly reused in the construction of roads, bridges, incidental construction, and parking areas”, may only be in zoning districts where this Use is specifically permitted by Special Permit in accordance with Section 52. This activity shall comply with Section 64 and with DEP regulations; otherwise, this activity is not permitted. Asphalt and other materials shall not cause pollution, adversely affect the wetlands, watercourses, or cause damage by erosion, sedimentation, siltation, or stormwater drainage. Asphalt shall not be used for the filling of land. Storage of reclaimed asphalt on a parcel in the above said zoning districts for twelve months or greater length of period is filling of land and is not permitted.
- 64.2.21 Exempt from Permit expiration is the storage of Clean Fill in zoning districts that permits by Site Plan or Special Permit a Use of “building or construction contractors” that is not restricted to not allowing outside storage of materials or supplies; provided the storage of Clean Fill is compliant with DEP regulations, this Section 64, and conditions of the Permit. Non-compliance to said regulations voids the Permit, and the Permit automatically expires.
- 64.2.22 The failure of a permittee, without written approval of the ZEO or the Commission, to actively work the area covered by the Permit for a period of six month (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 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 the 90-day period (seasonal planting excepted) shall be a separate violation of the Regulations.

64.3 Application Requirements

A Permit application shall have reports, maps, plans and cross-sections prepared by a licensed surveyor, landscape architect, or registered engineer which, at a minimum, shall contain the following information:

- 64.3.1 The boundaries of the entire property, the location and extent of the Earth Materials Activity, any wetlands and watercourses, any wooded areas (denoted by foliage lines), Earth excavation areas, and all intersecting streets on or within 200 feet of the property.
- 64.3.2 Existing contours of the entire property, 20 feet beyond the property line, and in the area of the Earth Materials Activity. Longitudinal and transverse cross-sections of the area shall be based on USC&G datum and drawn at an interval not to exceed two feet. Existing contours shall be based upon an actual field survey or an aerial survey with established ground elevations. The map scale shall be 1"=40'.
- 64.3.3 The amount of cubic yards of Earth materials is the quantity of Earth Materials Activity
- 64.3.4 The location, surface treatment and grading of truck and vehicle access to the property
- 64.3.5 The location, type, size, number of, and purpose of any existing and proposed buildings, structures, areas for stockpiling, and equipment used for the storage and processing Earth materials on the subject property
- 64.3.6 Existing and proposed drainage on the property and existing rivers, streams, watercourses, ponds and swamps, wetlands and siltation traps on or within 200 feet of the property
- 64.3.7 The location of test pits and borings, if any
- 64.3.8 The location of wooded areas and rock outcrops, if any
- 64.3.9 The applicant may be required to prepare a concept plan showing the possible re-use of the property after completion of the Earth Materials Activity. The concept plan shall show general building and parking locations, a general layout of stormwater drainage, water lines, sanitary sewer lines, septic systems, proposed grades, and site access. A determination by the Commission that the concept plan is acceptable shall not constitute Commission approval of the concept plan or any other plan (e.g. Site Plan).

- 64.3.10 Reports and plans such as, but not limited to:
- 64.3.10.1 Wind-borne Erosion and Vibration Plan
 - 64.3.10.2 Soil Erosion and Sedimentation Control Plan in accordance with Section 69
 - 64.3.10.3 Maintenance and Operations of Storm Drainage Facilities Plan
 - 64.3.10.4 Stormwater Pollution Protection Plan having two components: (1) pollution caused by soil erosion and sedimentation during and after the Earth Materials Activity and (2) stormwater pollution caused by use of the property after Earth Materials Activity
 - 64.3.10.5 Filling and Compaction Activities Plan
 - 64.3.10.6 A written program describing how the Earth Materials Activity are to be conducted is to include the sequence and period of operations for site preparation, stockpiling, stormwater drainage, siltation, erosion and sedimentation controls, periods of operations, and site restoration.
- 64.3.11 The ZEO may require less detail and information than is required in Section 64.3 for ZEO review of an application. A Permit application that is subject to Section 64.2.5 and the Commission has received a written request from the applicant or the property owner to waive requirements of Section 64.3, the Commission may waive Section 64.3 requirements with a two-thirds membership (5 members) vote of approval. The ZEO or the Commission must determine on the record that a waiver is in the best interests of the subject property, the neighborhood, and the Town.

64.4 Performance of Earth Materials Activity

The permittee or applicant shall comply with the following standards:

- 64.4.1 Excavation and grading shall provide for proper positive flow drainage of the property during and after completion of the Earth Materials Activity. The Permit may be conditioned to restrict Earth Materials Activity from within 150 feet of a property line abutting a residential district, within 100 feet of a property line abutting a business district, or within 50 feet of a property line abutting an industrial district. No excavation shall be conducted below grade within 150 feet of an existing abutting public street without written permission from the Town Engineer, below grade within 50 feet of an abutting property line without written permission from the abutting property owner, or within 150 feet of dwellings existing as of the Permit date without written permission from these dwelling owners. The ZEO or the Commission may decide the

reasonableness of not obtaining written permission from anyone, and may decide the Permit otherwise. No excavation shall be lower than three feet above ledge, except as approved by Permit.

- 64.4.2 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 ZEO or the Commission.
- 64.4.3 The final grade of any excavated slope shall not exceed one foot of vertical rise per three feet of horizontal distance. The slope within 50 feet of a waterway shall not exceed one foot of vertical rise per two feet of horizontal distance. Slope stabilization shall occur before a new slope is created and the existing slopes disturbed. Where ledge rock or similar geological conditions are encountered, a steeper grade may be approved by Permit subject to further requirements for fencing, other protective safety measures, and engineering controls to stabilize the slope. Rolling topography should be developed and sloped areas shall not exceed 200 feet of continuous length (measured perpendicularly to the contours) without a reverse bench or terrace, a change in grade (percent of slope) or change in aspect (slope direction).
- 64.4.4 Clean Fill shall not be over 12-inches in greatest dimension within 24-inches of the ground surface, and 5-inches in greatest dimension within 12-inches of the ground surface.
- 64.4.5 The Permit may restrict processing machinery erected and/or used on the property that is within 150 feet of any street line or adjacent property not owned by the owner of the subject property, or is within 300 feet from any place of assembly. Processing machinery shall be removed from the property within 30 days following termination of the approved Earth Materials Activity or expiration of the Permit, whichever is earlier.
- 64.4.6 Proper measures shall be taken to minimize noise, dust, vibration and flying debris during operations, including the treatment of on-premise access routes with calcium chloride or similar material. Adequate provision shall be made to prevent the discharge of any pollution control chemicals, anti-sticking agents, sediment, oil, or other pollutants into any waterway, wetland, or groundwater.
- 64.4.7 All processing equipment shall have approved by Permit, a muffler system and noise reduction materials for equipment parts. No vehicle or equipment not used directly in connection with the work covered by the Permit shall be operated, parked, repaired or serviced within the Permit area. The Commission may require water quality tests, paid by the permittee.
- 64.4.8 Vehicle access to the property and the work area shall be arranged to minimize traffic hazards. Warning signs of Earth Materials Activity may be required on streets.

- 64.4.9 The use of buildings, structures and equipment for storing or processing Earth materials are subject to a Permit.
- 64.4.10 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 the Regulations has been stockpiled at the storage areas on the premises. Arable topsoil shall be separately stockpiled from subsoil and other fill material. All arable topsoil stockpiled for a period more than 30 days shall be seeded with annual ryegrass.
- 64.4.11 Upon completion of the Earth Materials Activity, all disturbed areas of the property, except waterways and rock exposed by excavation, shall be covered with a minimum of five inches of topsoil substantially free of stones. Such topsoil shall be evenly spread over the disturbed area, rolled, fertilized and planted with a permanent vegetation cover suitable to prevent erosion and to hold all slopes. Clean Fill should be in 12-inch lifts and compacted to the standards required by Section 64. All disturbed areas shall be stabilized in accordance with the Permit.
- 64.4.12 Any time prior to the satisfactory completion of the Earth Materials Activity, the ZEO or the ZEO's duly authorized representative, may require those areas where Earth Materials Activity are substantially complete, to be final graded, covered with a minimum of five inches of topsoil substantially free of stones, and seeded to establish a permanent vegetation cover.
- 64.4.13 All Earth Materials Activity shall be performed in conformance with the requirements of Section 69 "Erosion and Sediment Control". At all stages of the work, proper drainage shall be provided to avoid stagnant water, soil erosion problems, and excessive run-off, silting of wetlands and watercourses, and damage to property, streets, or drainage facilities.
- 64.4.14 The embankment and disposal of surplus material caused by Earth Materials Activity during roadway excavation in addition to Section 64 requirements, shall also comply with the Connecticut Department of Transportation (CONNDOT) regulations section 2.02.01 through 2.02.04, as amended. Commission Regulations shall prevail if there are conflicts with CONNDOT regulations.
- 64.4.15 The filling material shall consist of a minimum 80% Clean Fill with the remainder woody vegetation and masonry only. No trash, garbage, building materials, or junk of any nature shall be permitted. Trees, tree stumps, woody vegetation and masonry shall be located on the property as approved by the ZEO, or the ZEO's duly authorized representative.
- 64.4.16 The compaction of Earth materials may be required by Permit to a standard of

95% for every foot of filling of dry density for that soil and tested in accordance with the American Association of State Highway Traffic Officials (“AASHTO”) T-180 method; or another lesser standard approved by the ZEO or the Commission. The permittee, at their expense, shall show compliance with the Permit, evidenced by reports prepared by licensed professionals, which reports are acceptable to the ZEO or the ZEO’s duly authorized representative.

- 64.4.17 Any Earth materials excavation permitted by the 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 Watertown Plan of Conservation and Development as determined by the Commission.
- 64.4.18 The Town, Commission, their staff, employees and agents, shall as a condition of the Permit, have permission from the permittee or the property owner to enter and travel onto the subject property at times determined by Town officials to inspect work and to take measurements. The permittee or property owner may require appropriate and reasonable safety equipment for protecting said persons.
- 64.4.19 The permittee shall employ best management practices consistent with the terms and conditions of the Permit to control stormwater discharges and to prevent pollution, siltation, erosion, and sedimentation.
- 64.4.20 The permittee shall immediately notify the ZEO, or the ZEO’s duly authorized representative, of pollution, siltation, erosion and sedimentation impacts on the property including the wetlands and watercourses as this becomes known to the permittee.
- 64.4.21 The recommendations of the ZEO or the ZEO’s duly authorized representative, shall be followed. This may include, but is not limited to siltation, erosion and sedimentation controls, grading, and proper stormwater management.
- 64.4.22 Before commencing Earth Materials Activity, the permittee shall clearly mark at minimum 50-foot intervals, all property boundaries, the area of the Permit activities, and the inland wetlands boundaries, including the 100 foot regulated area from the wetlands. A convenient benchmark shall be approved by the ZEO. The permittee shall maintain these markings throughout the Permit activities until the activities have been inspected and determined by the ZEO to be satisfactorily complete.
- 64.4.23 The permittee shall notify the ZEO or the ZEO’s duly authorized representative of the locations of Earth Materials Activity prior to performing those activities to ensure that all necessary soil erosion and sedimentation controls in the areas of such activities are in place and maintained in accordance with the Regulations.

64.4.24 All reclamation and restoration approved as a condition of 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.

64.4.25 Reclamation areas shall be refilled, if necessary, with Clean Fill. Re-grading shall be to the final contours and elevations shown in the approved plans and slopes in accordance with Section 64.4.3.

64.5 Variance Procedure

As provided in Section 71, the Zoning Board of Appeals shall hear and decide requests for variances from the requirements of Section 64. In passing upon such applications, the Zoning Board of Appeals shall consider the purposes of Section 64, and all technical evaluations, relevant factors, and standards specified in Section 64 and may attach such conditions to the granting of variances limited to furthering the purposes of Section 64. The ZEO and the Commission shall have original jurisdiction of Section 64 matters.

[Section 64 amendments and repeal of former Section 65 “Filling of Land” are effective May 28, 2010. Several amendments to Section 64 are effective May 13, 2011.]

ARTICLE VI – SUPPLEMENTARY REGULATIONS

SECTION 66 - DEVELOPMENT IN FLOOD PRONE AREAS

- 66.1 Purpose To promote the health, safety and general welfare within the Town through the regulation of development in flood-prone areas to secure safety from flood and prevent property damage and losses.
- 66.2 Regulated Areas These regulations shall apply to all properties located within the 100 year flood plain, more specifically defined as the flood hazard areas identified as Flood Zones A and AI-30 on the "Flood Insurance Rate Map (FIRM), Town of Watertown, Connecticut, effective date November 5, 1980", or any revision thereto, prepared by the Federal Emergency Management Agency, and the floodway and floodway fringe as shown on the "Flood Boundary and Floodway Map (FBFM), Town of Watertown, Connecticut, effective date November 5, 1980", or any revision thereto prepared by the Federal Emergency Management Agency.
- 66.3 Definitions Additional specific definitions for terms used herein, other than those of Article I Section 5.2 of these Regulations, shall be as defined in Title 44 of the Code of Federal Regulations Section 59.1.
- 66.4 Interpretation of Flood Prone Boundaries For a watercourse, where no base flood elevation data is available, a base flood elevation equal to four feet above the mean annual elevation of the surface of the watercourse shall be assumed or best available data from State, Federal or other sources for the best purpose of this Section. Unless otherwise indicated on the Zoning Map, Flood Prone Areas shall be a minimum of 75 feet from the center of any stream. When interpretation is needed as to the exact location of the boundaries of the Zone as shown on the official zoning map, as for example where there appears to be in conflict between a mapped boundary and actual field conditions, the Commission shall make the necessary interpretation.
- 66.5 Use Regulations The Flood Prone Areas shall be considered as overlying other Districts. Any use permitted in the portions of the Districts so overlaid may be permitted as an exception if authorized by Special Permit by the Commission.
- 66.6 Permitted Uses The following uses which have low flood damage potential and do not represent a hazard to other lands during times of flood may be permitted within the Flood Prone Areas as a matter of right.
- 66.6.1 Conservation of soil, water, plants and wildlife, including wildlife management shelters.
- 66.6.2 Outdoor recreation, including but not limited to play areas, nature study, boating, fishing and hunting, where otherwise legally permitted.

- 66.6.3 Foot, bicycle, horse path, and bridges, provided such uses do not affect the natural pattern of any watercourse.
- 66.6.4 Agriculture of all types, including but not limited to grazing, crop farming, nurseries, truck gardening and harvesting of crops.
- 66.6.5 Forestry including landscaping and accessory uses, such as flowers or vegetable gardens, lawns and fences.
- 66.7 Special Permits In the Flood Prone Areas, the Commission may grant a Special Permit for any use, including public utilities and/or structures, subject to the following:
- 66.7.1 The proposed use will not be detrimental to the public health, safety and welfare; and will not detract from the purpose of these Regulations. The proposed use will comply in all respects to the provisions of the underlying district or districts within which the land is located.
- 66.7.2 The requested use will not overload any public water, drainage, or sewer system or any other municipal system to such an extent, that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subjected to hazards, affecting health, safety or the general welfare.
- 66.7.3 No encroachment including fill, new construction, substantial improvements, and other development shall be permitted in a floodway, unless a technical evaluation demonstrates that the encroachment will not result in any increase in flood levels during the base flood discharge. All other Flood Prone Area standards shall also be satisfied.
- 66.7.4 Structures and improvements shall be designed to cause the least possible impediment to the flow of floodwater and debris.
- 66.7.5 Any reduction in the water-holding capacity of the flood plain caused by structures, improvements, filling or re-grading of land shall be compensated by deepening and widening of the flood plain, prior to issuance of a Building Permit.
- 66.8 Non-Conforming Use Requirement In a Flood Prone Area, no non-conforming use shall be expanded, but may be modified, altered, or repaired to incorporate flood-proofing measures in compliance with the State Building Code, provided such measures do not raise the level of the 100 year flood.
- 66.9 Application In addition to the requirements of Article V, Section 51, and Article V, Section 52 all Site Plan and Special Permit applications submitted for structures and uses in Flood Prone Areas shall include the following:
- 66.9.1 Statement of Use: A written statement describing the proposed use in sufficient detail to determine compliance with the use provisions of these Regulations and

the performance standards of Section 61; four copies shall be submitted.

- 66.9.2 Architectural /Engineering Plans: Architectural/engineering plans of all proposed buildings, structures, anchoring to prevent flotation and lateral movement, and signs which plans may be in preliminary form, but shall include exterior elevation drawings, generalized floor plans and perspective drawings prepared by an architect or professional engineer except for drawings for signs; four copies shall be submitted.
- 66.9.3 State and/or Federal Permit: Copies of all State and/or Federal permits shall be submitted as required.
- 66.10 Standards In reviewing and acting upon an application for Site Plan and Special Permit approval, the Commission shall consider consistency with the factors described in Section 51.10 and 52.9 and find all of the following standards to be fulfilled:
- 66.10.1 Convenience and safety of vehicle and pedestrian movement within the site, and in relation to adjacent streets and property.
- 66.10.2 Location and construction of utilities so as to minimize or eliminate flood damage.
- 66.10.3 All new construction and substantial improvements in the Flood Prone Area shall be elevated and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, and shall be constructed of materials and utility equipment resistant to flood damage and using methods and practice that minimize flood damage.
- 66.10.4 New replacement water system shall be designed to minimize infiltration of floodwater. New and replacement sanitary systems shall be designed to minimize infiltration of floodwater and discharge from the system into floodwater. On-site sanitary disposal system shall be located to avoid impairment to them or contamination from them during flooding.
- 66.10.5 The floor of the basement, or if none, the lowest floor of new construction or substantial improvement of structure for residential use shall be at or above one foot above the base flood elevation.
- 66.10.6 The floor of the basement, or if none, the lowest floor of construction or substantial improvement of structures for non-residential use shall be at or above one foot above the base flood elevation or flood-proofed in compliance with the requirements of the State Building Code and FEMA regulations.
- 66.10.7 No use or land filling will raise the 100 year flood level more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

- 66.10.8 New or modified uses within the flood area will not raise the level nor impede the flow of the 100 year flood.
- 66.10.9 Base flood elevation data shall be provided for all subdivision proposals greater than fifty lots or five acres, whichever is less, whether or not such data is available from the Federal Insurance Administration.
- 66.10.10 Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 66.10.11 All manufactured homes (including recreational vehicles) placed on a site for fewer than 180 consecutive days shall be elevated so that the lowest floor is above the base flood elevation.
- 66.10.12 All manufactured homes (including recreational vehicles) placed on a site for 180 consecutive days or longer shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.
- 66.11 Information to be Recorded The Commission shall record and maintain a record of the actual as-built elevation of the lowest floor, including basement, of all new or substantially improved structures in the Flood Prone Areas. The Commission shall also record actual as-built elevation and flood-proofing certifications for all new or substantially improved flood-proofed structures.
- 66.12 Iteration of Watercourses The Commission shall be provided with assurance by the applicant that maintenance will be provided within the altered, or relocated portion of said watercourses so that the flood-carrying capacity will not be diminished. The Commission shall notify adjacent municipalities and the Water Resources Unit of the Connecticut Department of Environmental Protection prior to any alteration or relocation of a watercourse, and submit evidence, of such notification to the Federal Insurance Administration. [Effective May 28, 2010]
- 66.13 Variance Procedure As provided in Section 71, the Zoning Board of Appeals shall hear and decide requests for variances from the requirements of Section 66 Flood Prone Areas. In passing upon such applications, the Zoning Board of Appeals shall consider the purposes of Section 66, and all technical evaluations, relevant factors, and standards specified in Section 66 and may attach such conditions to the granting of variances limited to furthering the purposes of Section 66. [Effective May 28, 2010]
- 66.14 Conditions Under Which Variances May be Granted
- 66.14.1 Generally, variances may be issued for new construction and substantial

improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level.

- 66.14.2 Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places.
- 66.14.3 Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 66.14.4 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 66.15 Written Notice to Applicant Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation. Such notice shall also advise the applicant that the project is not exempted from flood insurance requirements and that insurance costs will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- 66.16 Records The Zoning Board of Appeals shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.
- 66.17 Warning and Disclaimer of Liability The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages.

ARTICLE VI - SUPPLEMENTARY REGULATIONS

SECTION 67 - ADULT USES

- 67.1 Purpose The intent of this Section is to regulate uses which have been proven to adversely affect neighborhood children, community improvement efforts, retail trade, commercial and residential property values, particularly when several of such uses are concentrated in a small area of the community. The primary purposes of these Regulations are to prevent a concentration of these uses in any one area, to minimize any adverse impacts, and to protect and preserve the quality of Watertown's neighborhoods/commercial districts, and the quality of urban life through effective land use planning.
- 67.2 Exemptions Nothing in this Section shall prohibit the following uses and activities:
- 67.2.1 Treatment by a licensed chiropractor, a licensed osteopath, a Connecticut licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse.
 - 67.2.2 Electrolysis treatment by a licensed operator of electrolysis equipment.
 - 67.2.3 Hospitals, nursing homes, medical clinics or medical offices.
 - 67.2.4 Barbershops or beauty parlors which offer massage to the scalp, the face, the neck or shoulders only.
 - 67.2.5 Athletic facilities of an educational institution including alumni club, or of a philanthropic or charitable institution, and
 - 67.2.6 Health, establishments including commercial and non-commercial clubs, which are equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.
- 67.3 Regulated Uses Regulated uses refer to all Adult Uses which include, but are not limited to the following:
- 67.3.1 Adult Bookstores.
 - 67.3.2 Adult Entertainment - Cabarets.
 - 67.3.3 Adult Mini-Motion Picture Theaters.
 - 67.3.4 Adult Motion Picture Theaters.
 - 67.3.5 Adult Video stores.

- 67.4 Separation Requirements All regulated uses identified in Section 67.3 shall be permitted subject to the following separation restrictions:
- 67.4.1 Separation Between Adult Uses- No adult use shall be allowed within 1,000 feet of another existing adult use.
 - 67.4.2 Separation Between Adult Uses in Residential Zones: No adult use shall be located within 800 feet of any residentially zoned land.
 - 67.4.3 Separation Between Adult Uses and Schools, Churches, Public Parks and Public Libraries: No adult use shall be located within 1,000 feet of any public or private school, church or place of worship, public park or public building.
- 67.5 Location Requirements All regulated uses identified in Section 67.3 shall be permitted to locate in the General Business B-G Districts.
- 67.6 Sign and Exterior Display Requirements No adult uses shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, shop window or other opening.
- 67.7 Application Procedure Adult uses are permitted subject to the Special Permit requirements Section 52.
- 67.8 Prohibited Uses Adult physical culture establishments are not permitted in any District.

ARTICLE VI - SUPPLEMENTARY REGULATIONSSECTION 68 - AQUIFER PROTECTION ZONE (APZ)

- 68.1 Purpose To protect the public health, safety and welfare through the preservation of the Town's major groundwater resources to ensure a future supply of safe and healthy drinking water for the Town and its residents. The Aquifer Protection Zone is designated as an overlay zone to regulate development activities within these zones in order to reduce the potential for groundwater contamination.
- 68.2 Applicability
- 68.2.1 These regulations shall apply to all land and uses encompassed within the APZ as designated on a map entitled: "Watertown Planning and Zoning Commission Aquifer Map", which map is hereby made a part of these regulations.
- 68.2.2 These regulations shall be in addition to the requirements for the underlying zoning districts as designated on the Zoning Map. Both the requirements of the Zoning Regulations as set forth in other sections and the requirements contained herein for the APZ shall apply within such zone, and in the event of a conflict, the more restrictive requirements shall control.
- 68.2.3 Within the boundaries of the APZ comprising the primary recharge areas of designated aquifers, no land shall be used except in compliance with the provisions of these Regulations.
- 68.3 Permitted Uses The following are permitted uses in the APZ:
- 68.3.1 All uses permitted in the underlying district except as provided in Sections 68.4 and 68.6.
- 68.3.2 On-site sewage disposal systems provided that no such system shall discharge more than 500 gallons of sanitary wastewater per acre per day.
- 68.3.3 On-site storage of petrochemicals for heating use in tanks of less than 550 gallons installed above-ground, provided that such tanks shall be designed and constructed in accordance with the standards of Underwriters Laboratories, Inc., Canadian Standards Association, National Fire Prevention Association or Section 29-62 of the General Statutes.
- 68.4 Special Permit Uses The following uses are permitted subject to Special Permit and Site Plan approvals in accordance with Sections 51 and 52:
- 68.4.1 On-site sewage disposal systems that discharge more than 500 gallons of sanitary wastewater per acre per day.

68.4.2 Any uses which include the use of storage of potential groundwater contaminants, either liquid or dry materials, including but not limited to, on-site storage of petrochemicals in tanks installed in-ground, or tanks larger than 550 gallons installed above-ground.

68.4.3 Groundwater heat pumps supplying heating and cooling for other than a detached single-family residence, provided that such systems shall be restricted to closed-loop types.

68.4.4 Public garages.

68.5 Conditions for Special Permit Uses

68.5.1 The handling, use or storage of dry materials which are potential groundwater contaminants, including but not limited to chemical fertilizers, pesticides, or road salt and de-icing materials, shall be done in a manner to prevent leachate contamination, utilizing both structural and non-structural measures. Such measures may include, but are not limited to, building enclosures, impervious pads and pavements, self-contained drainage systems, detention basins, filters, separators or other devices and sound management practices.

68.5.2 All tanks for the storage of materials which are potential groundwater contaminants shall be designed and constructed in accordance with the standards of Underwriters Laboratories, Inc., Canadian Standards Association, National Fire Prevention Association or Section 29-337 of the General Statutes. Underground storage shall be prohibited and secondary containment shall be required.

68.5.3 The handling, storage or use of liquid materials which are potential groundwater contaminants including but not-limited to, dry-cleaning establishments, laundries, printing and photo finishing establishments, shall be in conformance with the following conditions:

- a. There shall be no discharge of liquid to the ground.
- b. The liquid and the equipment using the liquid material shall be kept in an area with no floor drains, designed and constructed to contain a spill of at least the maximum amount of liquid material on the premises at one time. The Special Permit shall establish the maximum amount of liquid material to be stored on the premises at one time.
- c. The liquid material shall be stored in clearly labeled, Department of Transportation Approved, containers.
- d. The hazardous material shall be removed from the premises every 90 days or less by waste haulers licensed by the State and transported to permitted treatment or disposal sites in accordance with Part III of the Connecticut Department of Environmental Protection Hazardous Waste Regulations, as amended.
- e. Spill Protection. Control and Containment Plan: In order to obtain a Special Permit to handle, store or use liquid materials which are potential

groundwater contaminants, as provided by these regulations, the applicant shall prepare for approval by the Commission, a spill protection, control and containment plan, which shall include but not be limited to the following items: the precautions to be taken during the handling or transfer of the liquid material; provision of sufficient absorbent materials on-site; a schedule for the inspection and maintenance of equipment and containers; the method of detection of spills and leaks and the name(s) of the person(s) responsible for implementing the spill protection, control and containment plan. The approved plan shall be kept on file in the office of the Commission. All spills shall be reported to the Zoning Enforcement Officer. Failure to report a spill may result in revocation of the Special Permit.

- f. Agricultural operations shall employ best management practices as recommended by the Soil Conservation Service and/or the Agricultural Stabilization Service for the application, storage and handling of manure, fertilizers or pesticides and management of animal wastes.

68.6 Prohibited Uses The following uses are prohibited in the Aquifer Protection -Zone:

68.6.1 Where the manufacture, use, handling, storage or disposal of hazardous or materials is a principal activity.

68.6.2 The treatment of hazardous material.

68.6.3 The storage of hazardous waste generated off-site.

68.6.4 The storage of hazardous waste generated on-site for a period in excess of 60 days.

68.6.5 Motor vehicle service stations.

68.6.6 Oil, gasoline or hazardous material pipelines.

68.6.7 Septage disposal.

68.6.8 Any permitted industrial use which discharges hazardous materials or pollutants into the groundwater.

68.6.9 Dry cleaners, photo processors, or furniture strippers.

68.7 Waiver of Use Regulations Where it can be determined through on-site investigation which meets the standards of the U.S. Geological Survey that a parcel of land within the APZ is not within a primary or secondary recharge area, the restrictions above shall not apply.

68.8 Modification of APZ Map The Commission, following a public hearing, may change the

boundaries of the APZ Map. The Commission may change such Map on its own motion or upon the filing of a written petition. Following the public hearing, the APZ Map may be changed to delete areas which are not within the primary recharge area of the aquifer in question, or the APZ Map may be changed to include other areas which are within the primary recharge area of such aquifer, but were not previously shown as such on the APZ Map.

ARTICLE VI - SUPPLEMENTARY REGULATIONSSECTION 69 - EROSION AND SEDIMENT CONTROL

- 69.1 Purpose To minimize soil erosion and sedimentation resulting from land use changes which cause the disposition of sediment in storm drains, ditches, watercourses and ponds, increases the potential of flooding and reduces water quality and supply.
- 69.2 Regulated Activities No land development which is cumulatively more than one-half acre in area shall be undertaken in any district unless certification of a Control Plan in compliance with the provisions of this Section has first been obtained from the Commission or its designated agent. No Zoning or Building Permit shall be issued until a Control Plan has been approved by the Commission or its designated agent or it has been determined that a Control Plan is not required.
- 69.3 Exemption A single-family dwelling that is not part of a subdivision of land shall be exempt from this section.
- 69.4 Certification Means approval by the Commission or its designated agent that a Control Plan complies with the applicable requirements of this Section.
- 69.5 Required Submission The submission of material required to obtain approval of a Control Plan shall include, but not be limited to:
- 69.5.1 A narrative describing:
- a. The development.
 - b. The schedule for grading and construction activities including:
 1. Start and completion dates.
 2. Sequence of grading and construction activities.
 3. Sequence for installation and/or application of soil erosion and sediment control measures.
 4. Sequence for final stabilization of the project site.
 - c. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
 - d. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
 - e. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
 - f. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- 69.5.2 A Site Plan Map drawn to a scale of not less than 100 feet to the inch to show:
- a. The location of the proposed development and adjacent properties.
 - b. The existing and proposed topographic including soil types, wetlands, watercourses and water bodies.
 - c. The existing structures on the project site, if any.

- d. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.
- e. The location of, and design details for all proposed soil erosion and sediment control measures and storm water management facilities.
- f. The sequence of grading and construction activities.
- g. The sequence for installation and/or application of soil erosion and sediment control measures.
- h. The sequence for final stabilization of the development site.

69.6 Minimum Acceptable Standards

69.6.1 Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in the 2002 Connecticut guidelines for soil erosion and sediment control as amended or such later Connecticut guidelines for soil and erosion that shall be issued by the State. Control Plans shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation. (Effective Date 04/17/2003)

69.6.2 The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.

69.6.3 The appropriate method from the 2000 Connecticut Department of Transportation drainage manual as amended or such later Connecticut Department of Transportation drainage manual that shall be issued by the State shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission (Effective Date 04/17/2003)

69.7 Issuance or Denial of Certification

69.7.1 The Commission shall either certify that the Control Plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

69.7.2 Nothing in these regulations shall be construed as extending the time limited for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.

69.7.3 Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within 30 days of the receipt of such plan.

69.7.4 The Commission may forward a copy of the development proposal to the

Conservation Commission or other review agency or consultant for review and comment.

69.8 Bond or Other Assurance

69.8.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the Control Plan, that are a condition of certification may be required to be covered in a bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 51.13.

69.8.2 Site development shall not begin unless the Control Plan is certified and these control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

69.8.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the Control Plan.

69.8.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the Control Plan.

69.9 Inspection

69.9.1 Inspections shall be made by the Zoning Enforcement Officer during development to ensure compliance with the Control Plan and that control measures and facilities are properly performed or installed and maintained.

ARTICLE VII - SUPPLEMENTARY REGULATIONSSECTION 70 – LANDSCAPING, SCREENING AND BUFFERING

- 70.1 Purpose To improve and maintain the aesthetic and environmental quality of the Town, preserve areas of significant natural vegetation, visually screen unsightly features of sites and provide buffers to minimize the impact of potentially incompatible land uses.
- 70.2 Applicability All developments which require Site Plan approval in accordance with Section 51 shall be landscaped in accordance with a plan which conforms to the requirements of this Section.
- 70.3 General Standards for Landscaping Shall include the following:
- 70.3.1 All shrubs and trees shall be native species to Connecticut, or otherwise suitable for the soil, climate and other growing conditions of the site. The species selected should be able to thrive without requiring excessive water or fertilization.
- 70.3.2 Landscaped areas may include land left in its natural state, with the approval of the Commission, if doing so is consistent with the intent and purpose of this Section.
- 70.3.3 Major trees shall include any of the appropriate varieties of shade trees, ornamental trees or evergreens.
- 70.3.4 Shrubs shall include any of the appropriate varieties of evergreen or deciduous plants.
- 70.3.5 At the time of planting, trees shall be of the following minimum size:
- Shade trees, three-inch caliper measured at four feet above grade.
 - Evergreen trees, seven foot height.
 - Flowering tree, two inch caliper, single stem, eight foot height, clump form.
- 70.3.6 Trees, shrubs and groundcover within five feet of any paved areas, or which receive drainage from paved areas, shall be of a variety capable of withstanding damage from salt.
- 70.3.7 All plant material shall be nursery grown and conform to the standards of the American Association of Nurserymen.
- 70.3.8 Mulched planting beds of an appropriate size shall be placed around all trees and shrubs to retain moisture. Acceptable mulching material shall be bark, woodchips, gravel or stone, at least four inches in depth.

- 70.3.9 Suitable ground cover shall be placed on all disturbed site areas not covered by paving, buildings or mulching for trees and shrubs. Suitable ground cover shall be grass, turf, myrtle, pachysandra, stone, gravel or an appropriate substitute.
- 70.3.10 A maximum of 10% of the landscaped area shall be covered by stone or gravel. All such areas shall include an impenetrable barrier under the stone or gravel to prevent weeds.
- 70.3.11 No stone or gravel shall be used for planting beds or ground cover within four feet of pedestrian walkways or paved areas unless the material is suitably contained within its area.
- 70.3.12 Existing trees shall be saved if possible, if grading is required in their vicinity, trees shall be appropriately welled or mounded to protect them from damage.
- 70.3.13 No trees eight inches or greater in caliper, measured three feet above ground, shall be removed unless so approved by the Commission.
- 70.3.14 No paved surface, except for entry ways or terraces, shall be permitted within six feet of any principal structure.
- 70.4 Landscaped Buffers Shall be provided between any use in a Business or Industrial District and an adjacent Residential District, or between any Non-Residential or Multi-Family Residential use and adjacent uses in a Residential District.
- 70.4.1 The minimum width of a buffer for multi-family residential uses shall be 20 feet for non-residential uses, 50 feet.
- 70.4.2 A buffer shall be sufficiently landscaped with continuous evergreen trees or hedges; having a minimum height of five feet, providing screening and separation.
- 70.4.3 No paving shall be allowed within a buffer.
- 70.4.4 The Commission may reduce or waive this buffer requirement and instead, authorize the substitution of screening as fencing or walls in accordance with the requirements of Section 70.5.
- 70.5 Screening Shall be provided for any objectionable area or view which might be visible from adjacent properties or from the street, including (but not limited to) loading areas, refuse storage areas and ground-fixed mechanical equipment. Acceptable screening materials shall include:
- 70.5.1 Evergreen hedges having a minimum height of seven feet at the time of planting.

70.5.2 Fences of timber construction, of a suitable height.

70.5.3 Masonry walls of a suitable height.

70.5.4 Earthen berms, when covered with shrubs, trees and/or groundcover except grass, stone or gravel; or

70.5.5 Any combination of the above materials.

70.6 Landscape and Screening Standards for Parking Lots

70.6.1 Objective: To preserve and/or enhance the appearance of off-street parking and loading areas.

70.6.2 Specific Goals:

- a. To provide natural visual screening of parking and loading areas;
- b. To moderate the microclimate of parking areas by providing shade absorbing reflected heat from paved surfaces and creating natural wind breaks;
- c. To ensure public safety by using landscaping materials to define parking and loading areas and manage internal vehicular and pedestrian circulation; and
- d. To enhance the overall aesthetic quality of parking and loading areas by providing a variety of landscaping materials.

70.6.3 Parking Lot Standards:

- a. In off-street parking lots of 10 or more parking spaces, at least 10% of the parking area shall be suitably landscaped with appropriate trees, shrubs, and other plant materials and ground cover. Such landscaping shall be subject to approval by the Commission, based upon consideration of the adequacy of the proposed landscaping to assure the establishment of a safe, convenient and attractive parking lot which needs a minimum amount of maintenance, including plant care, snow plowing, and the removal of leaves and other debris.
- b. Landscaped areas shall be provided in parking lots, distributed among end islands, interior islands and planting strips; there shall be allocated at least 20 square feet of net planting area per parking space and at least one shade tree and three shrubs per 12 parking spaces or major fraction thereof. There shall be no more than 12 contiguous parking spaces without an interior or end island.
 - (1) End islands shall be:
 - (a) Provided at each end of each row of parking spaces;
 - (b) Curbed and landscaped; and
 - (c) A minimum of 9 feet wide by 17 feet long for a single row of spaces and 9 feet wide by 34 feet long for a double row of spaces.

- (2) Interior islands shall be:
 - (a) Provided within the parking area in an arrangement subject to approval by the Commission;
 - (b) Curbed and landscaped; and
 - (c) A minimum of 9 feet wide by 17 feet long for a single row of spaces and 9 feet wide by 34 feet long for a double row of spaces.
- (3) Planting strips shall be:
 - (a) Provided in every other set of interior parking spaces between abutting rows of spaces;
 - (b) Curbed and landscaped; and
 - (c) A minimum width of 10 feet (15 feet if a pedestrian walkway is provided).
- c. Screening shall be provided for parking areas visible from adjacent properties or from the street. Acceptable screening materials shall include:
 - (1) Evergreen hedges having a minimum height, of four feet at the time of planting;
 - (2) Earthen berms, when covered with shrubs, trees and/or groundcover, except grass, stone or gravel.
 - (3) Fences of timber construction or masonry walls, if approved by the Commission; or
 - (4) Any combination of the above materials.
- d. Trees in or adjacent to parking lots shall be of a variety suitable for a parking lot environment which provide shade or are capable of providing shade at maturity.

70.7 Maintenance Required landscaping shall be maintained in a healthy growing condition at all times. The property owner shall be responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning and other maintenance of all plantings as needed. Any plant that dies shall be replaced with another living plant that complies with the approved landscape plan within 90 days after notification by the Zoning Enforcement Officer, or during the earliest appropriate time of the appropriate planting season.

ARTICLE VII - ADMINISTRATION AND ENFORCEMENT

SECTION 71 - ZONING BOARD OF APPEALS (ZBA)

- 71.1 Powers and Duties The Zoning Board of Appeals shall have all of the powers and duties prescribed by these regulations and the General Statutes and may adopt rules and procedures necessary to exercise its authority.
- 71.2 Appeals The Zoning Board of Appeals 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 Zoning Enforcement Officer. No question of hardship shall be involved in such an appeal, and the action of the Zoning Board of Appeals 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.
- 71.3 Variances The Zoning Board of Appeals shall have the authority to vary or adjust the strict application of these Regulations in only those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situation thereon, make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.
- 71.4 [This subsection deleted effective July 11, 2008]
- 71.5 Variances in Flood Prone Areas The Zoning Board of Appeals shall hear and decide requests for variances from the requirements of Section 66-Flood Prone Areas of these regulations, in accordance with Section 66.13 through 66.17.
- 71.6 Use Variances No use variance shall be granted by the Zoning Board of Appeals which would permit:
- 71.6.1 A use allowed only in a residential zone to be established in a business or industrial zone;
- 71.6.2 A use allowed only in a business zone or industrial zone to be established in a residential zone;
- 71.6.3 A use allowed only in a business zone to be established in an industrial zone;
- 71.6.4 A use allowed only in an industrial zone to be established in a business zone;

71.6.5 A use prohibited either implicitly or explicitly by these regulations, to be established in any zone;

71.6.6 The expansion of a non-conforming use; or

71.6.7 The number of dwelling units in a building not to exceed the maximum allowed in the subject zone.

Prior to a public hearing on any application for a use variance, the Zoning Board of Appeals shall transmit the application to the Commission for its review and comment. Any report submitted by the Commission to the Zoning Board of Appeals shall be read into the record of the public hearing of the subject application.

71.7 Findings No variance shall be granted by the Zoning Board of Appeals unless it finds:

71.7.1 That there are special circumstances or conditions, fully described in the findings of the Zoning Board of Appeals, applying to the lot or structure for which the variance is sought which are peculiar to such lot or structure and do not apply generally to lots or structures in the neighborhood and which have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation from which the variance is sought whether in violation of the provisions herein, or not.

71.7.2 That, for reasons fully set forth in the findings of the Zoning Board of Appeals, the aforesaid circumstances or conditions are such that the particular application of the provisions of these regulations would deprive the applicant of the reasonable use of the lot or structure, that the granting of the variance is necessary for the reasonable use of the lot or structure, and that the variance as granted by the Zoning Board of Appeals is the minimum adjustment necessary to accomplish this purpose.

71.7.3 That the granting of the variance shall be in harmony with the general purposes and intent of these Regulations and the Town's Plan of Development and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare; and

71.7.4 That the granting of the variance is not based upon the non-conformity of neighboring lots, uses, buildings or structures, nor upon a financial or economic hardship. Previous variances granted by the Zoning Board of Appeals shall not be considered precedent for new variances.

71.8 Procedures The Zoning Board of Appeals shall follow the following procedures on all applications and appeals:

71.8.1 Appeals: All appeals to the Zoning Board of Appeals from an order, requirement decision or determination of the Zoning Enforcement Officer, shall be taken

within such time as is prescribed by a rule adopted by the Zoning Board of Appeals. Such appeals shall be made in writing on a form prescribed by the Zoning Board of Appeals and shall be accompanied by a filing fee to cover the cost of processing the appeal.

- 71.8.2 Application: All applications for variances shall be submitted in writing in a form prescribed by the Zoning Board of Appeals. The Zoning Board of Appeals may deny an application for incomplete information having been submitted. Included in such application shall be the names and addresses of the current owners of land adjacent to, and across the street from, the subject property.
- 71.8.3 Referrals: The Zoning Board of Appeals may refer such appeal or application to any department, agency or official it deems appropriate, to review and comment.
- 71.8.4 Public Hearing: The Zoning Board of Appeals shall hold a public hearing on all appeals and applications for variances, shall decide thereon, and shall give notice of its decision as required by the General Statutes.
- 71.8.5 Basis of Decisions: Whenever the Zoning Board of Appeals grants a variance, it shall include in its minutes as part of the record, the reason for its decision, the specific provision of these Regulations which was varied, the extent of the variance and the specific hardship upon which its decision was based.
- 71.8.6 Conditions and Safeguards: In exercising any of its authority, the Zoning Board of Appeals may attach any conditions and safeguards as may be required to protect the public health, safety and general welfare, and to ensure ongoing compliance with these regulations. Violation of such conditions and safeguards shall be deemed to be a violation of these regulations.
- 71.8.7 Date of Effectiveness: Any variance granted by the Zoning Board of Appeals shall become effective upon its filing by the applicant in the office of the Town Clerk.
- 71.8.8 Exercise of Variance: Any variance granted by the Zoning Board of Appeals which is not filed and exercised within three years from its effective date, shall be null and void.
- 71.8.9 Re-submittal of Application: If the Zoning Board of Appeals denies a variance, it shall not be required to hear an application for the same variance or substantially the same variance for a period of six months after the date of denial, unless the circumstances associated with the application have substantially changed. A change in ownership of property or any interests therein shall not be deemed a substantial change.
- 71.9 Alteration of Special Permits No appeal or variance shall be granted that would alter, revise or otherwise change any of the conditions attached to the granting of a Special

Permit by the Commission, if such conditions are more restrictive than otherwise provided for in these regulations or if such conditions do not refer to specified standards in these regulations.

71.10 Posting Public Hearings Notices on Subject Property
(Effective October 10, 2008)

Public hearings are required in the process of deciding appeals to zoning compliance. By law notices of hearings are published in a local newspaper having substantial circulation in Town. An additional means of informing the public of zoning appeals hearings is by placing public hearing notice signs on the subject property so passing motorists and pedestrians can observe the notice. It is required by this regulation that public hearing notice sign(s) be:

- 71.10.1 Placed no further than 500 feet apart along paved street frontage of property which is the subject of a Zoning Board of Appeals public hearing, and shall be in proximity to the street with clear and unobstructed visibility to motorists passing the sign(s). If a property has no paved street frontage, sign(s) shall be posted in location(s) determined by the Administrator for Land Use / Zoning Enforcement Officer.
- 71.10.2 Provided by the Zoning Board of Appeals upon receipt of an application fee and shall be posted on the subject property by the applicant during the ten day period prior to commencement of and during a Zoning Board of Appeals scheduled public hearing. More than one sign may require an additional fee.
- 71.10.3 No less in size than 2 feet wide by 1½ feet high, indicating a land use public hearing is scheduled and displays Zoning Board of Appeals office telephone number to contact for information about the public hearing.
- 71.10.4 Reasonably maintained and replaced if necessary by the applicant until the day following the close of the public hearing, at which time all sign(s) shall be removed by the applicant.
- 71.10.5 Required of the applicant, on forms determined by the Zoning Board of Appeals, to make return to the Zoning Board of Appeals under oath stating compliance with this regulation.
- 71.10.6 Cause for the Zoning Board of Appeals to deem an application incomplete in the event the applicant fails to post and/or maintain sign(s) as required by this regulation.
- 71.10.7 May be waived by vote of four Zoning Board of Appeals members as reason for denial of an application in the event the Board determines non-compliance to this regulation was not fault of the applicant or for other reason(s) determined by the Zoning Board of Appeals.

ARTICLE VII - ADMINISTRATION AND ENFORCEMENT

SECTION 72 - ADMINISTRATION

- 72.1 Interpretation In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. These regulations are not intended to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance, or any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to law, relating to the use of lots, buildings or structures; nor are these regulations intended to interfere with, abrogate or annul any easements, covenants or other agreement between parties, provided, however, that where these regulations impose a greater restriction upon the use or height or buildings or structures, or require larger yards, courts, or other open spaces than are imposed or required by existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of these regulations shall control.
- 72.2 Enforcement These regulations shall be enforced by the Zoning Enforcement Officer who is hereby empowered to cause any building, structure, place or premises, to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation or any provisions of these regulations or, when the violation involves grading or filling of land or the removal of earth, to issue in writing, a cease and desist order to be effective immediately. The owner or agent of a building or premises where a violation of any provision of these regulations has been committed or exists; or the lessee or tenant of an entire building or an entire premises where such violation has been committed or exists; or the owner, agent, lessee or tenant of any part of a building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists, shall be subject to penalties in accordance with the provisions of Section 8-12 of the General Statutes, Town Ordinances or any other remedy permitted under Connecticut law.
- 72.3 Zoning Permits
- 72.3.1 Permit required: No building or structure shall be erected, constructed, enlarged, altered or moved, or excavation made therefor, or work begun thereon, or use made of any land or premises, until a Zoning Permit therefor has been issued by the Zoning Enforcement Officer. A Zoning Permit shall be required in addition and prior to, the issuance of a Building Permit. Except upon a written authorization of the Zoning Board of Appeals, under circumstances as set forth in 71.7.2 and 71.7.4 no Zoning Permit shall be issued for any building, structure or use which, when constructed, altered, expanded, moved or established, would be in violation of any of the provisions of these regulations. No Zoning Permit shall be issued for a use subject to a Special Permit approval or Site Plan approval, except in full accordance with all conditions and requirements of such approvals.

- 72.3.2 Application: Application for a Zoning Permit shall be made in duplicate to the Zoning Enforcement Officer. Such application shall contain, or be accompanied by the following:
- a. Three copies of an A-2 plot plan, drawn to a scale acceptable to the Zoning Enforcement Officer and certified substantially correct by a land surveyor, showing the actual shape, dimensions and area of the lot to be built upon, the actual size and location on the lot of any building(s) proposed to be built and of any existing building(s) or structure(s) that are to remain, the existing and intended future use to be made of the proposed improvements and the premises, and such other information with regard to the subject property and neighboring properties as may be necessary to determine and provide for the proper enforcement of these regulations. Under special circumstances which shall be noted on the application, the Zoning Enforcement Officer may waive any of the above-mentioned plot plan requirements.
 - b. One copy of the plan shall be returned to the applicant and one copy shall be forwarded to the Building Inspector subsequent to action by the Zoning Enforcement Officer. In the case of an application requiring Special Permit or Site Plan approval, the plan approved by the Commission shall be deemed adequate to fulfill this requirement.
 - c. Proof of approval by any other official or agency whose approval is required for such proposed structure or use, other than the Building Inspector.
- 72.3.3 Action on Application: Within 30 days of receipt, the Zoning Enforcement Officer shall either issue a Zoning Permit upon determination that the proposed development is in accord with these regulations, or shall disapprove any application for a development which is not in accord with these regulations, and shall state his reasons for such disapproval in writing.
- 72.3.4 Time Period: A Zoning Permit shall be valid as the basis for the issuance of a Building Permit for a period of six months from the date of issuance thereof. Such permit, however, may be extended by the Zoning Enforcement Officer for an additional period of six months if applied for, and if the Zoning Enforcement Officer determines that there have been no material changes with respect to the proposed application and that it would still comply with all provisions of these regulations.
- 72.3.5 Foundation Survey: In the case of an application involving a building or structure, the applicant, upon completion of the foundation walls of the building or structure, shall be required to submit to the Zoning Enforcement Officer, an A-2 Survey prepared by a registered land surveyor, showing the actual location of such foundation walls on the lot. No building or structure thereafter shall be constructed above the foundation walls until said foundation survey has been approved by the Zoning Enforcement Officer as complying with the pertinent

provisions of the Zoning Permit and these regulations. The Zoning Enforcement Officer, at his discretion, may waive the foundation survey requirements for a building or structure.

72.3 6 Permit Invalid Any permit issued on the basis of false information supplied by the applicant, shall be null and void.

72.4 Temporary Permits

724.1 Special Events: Upon written application by the sponsor, the Zoning Enforcement Officer may issue a Temporary Permit at least 30 days prior to the proposed event for the use of property in all zoning districts for carnivals, fairs, art exhibitions, antique shows and similar activities on a temporary basis only. If granted, a Temporary Permit shall be valid for a specific period not to exceed ten days. No more than one such permit shall be issued for the same applicant for the same property within any six-month period. The Zoning Enforcement Officer, at his discretion, may refer the application to the Commission, who may hold a public information meeting on any request for a Temporary Permit.

72.4.2 Location: Special Events shall be permitted only on properties within a non-residential district or on properties in a residential district which front on a major road, as shown in the Town Plan of Development, or have direct access to such a road without requiring traffic to pass through local residential street.

72.4.3 Off-street Parking: Off-street parking facilities deemed adequate by the Zoning Enforcement Officer, shall be provided for any permitted Special Event. The amount of such parking shall be based upon the nature and scope of activity and facilities proposed.

ARTICLE VII - ADMINISTRATION AND ENFORCEMENT

SECTION 73 - PENALTIES AND REMEDIES

- 73.1 Penalties Any person, firm or corporation who shall violate any provisions of these regulations shall be subject to penalties in accordance with the General Statutes pertaining to zoning.
- 73.2 Remedies The proper authorities of the Town of Watertown may institute any appropriate action or proceeding to enforce the provision of these regulations, or to prevent, restrain, enjoin, correct or abate any violation of these regulations, as may be authorized by law.

ARTICLE VIII – AMENDMENTS, VALIDITY AND EFFECTIVE DATESSECTION 81 - ZONING AMENDMENTS

- 81.1 Authority The Commission, either on its own initiative or by petition of others, may amend these Regulations or the Zoning Map, in accordance with the General Statutes.
- 81.2 Petition for Amendment Any owner of property within the Town may petition the Commission for an amendment to the text of these Regulations or the Zoning Map. Three copies of such petition shall be submitted to the Commission prior to a Commission meeting and shall include or be accompanied by the following information, as appropriate;
- 81.2.1 The proposed wording of any requested amendment to the text of these Regulations clearly indicating any suggested repeal or elimination of existing provisions, as well as any proposed new provisions.
- 81.2.2 A map drawn to a suitable scale, acceptable to the Zoning Enforcement Officer, showing property lines, building locations, section, lot and block numbers, according to the Tax Assessor's records, and any other relevant information concerning such properties, including neighboring lands, which are the subject of an application for an amendment to the Zoning Map. A metes and bounds description of the area proposed to be changed shall also be included as well as all properties and lot area within 500 feet of the proposed change.
- 81.2.3 A written statement of the reasons for the proposed amendment, including full disclosure of any special interest the petitioner may have, by virtue of property ownership, or otherwise, in such change.
- 81.2.4 The name and address of each petitioner.
- 81.2.5 Environmental Impact Statement, including environmental information for the purpose of compiling a complete environmental impact analysis. The statement shall address at least the following:
- a. The likely impact of potential development resulting from the zoning amendment on the characteristics of the surrounding neighborhood, addressing such issues as congestion on public streets, harmony with surrounding development and effect on property values, and overall neighborhood stability.
 - b. How the proposed amendment is consistent with the objectives of the Town Plan of Development.
 - c. The extent to which any sensitive environmental features may be disturbed and what measures shall be taken to mitigate these impacts. Consideration shall be given to steep slopes, (including erosion control), wetlands, drainage ways and vegetation and any other land feature considered to be

significant.

- d. The impact of the potential development resulting from the proposed amendment on the water supply, sanitary sewer and storm drainage system the Town and an indication of improvements that may be necessitated.
- e. Analysis of vehicular and pedestrian traffic impact on the street system and proposed methods of handling situations where the street system is found to be inadequate.
- f. Analysis of how the potential development resulting from the proposed amendment would affect various Town services such as police, fire, schools and recreation.
- g. Adverse impacts which cannot be avoided.
- h. Alternatives to the proposed action.
- i. Mitigation proposed for adverse impacts.

81.2.6 The Commission may waive any or all of the requirements of Section 81.2.5 by a two-thirds vote of the entire Commission.

81.2.7 The Commission may require the petitioner to submit, at or prior to the public hearing on such application, any other information which the Commission deems necessary or appropriate to permit it to arrive at a proper determination concerning the requested amendment.

81.3 Referrals

81.3.1 Any proposed amendment to the Zoning Map or Zoning Regulations affecting the use of a zoning district any portion of which is within 500 feet of the town line, shall be referred by the Commission to the appropriate regional planning agency, as required by the General Statutes.

81.3.2 To assist with its consideration of any petition to amend these Regulations or the Zoning Map, the Commission may refer such petition 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.

81.4 Public Hearing The Commission shall hold a public hearing on all proposed amendments to these Regulations or to the Zoning Map, shall decide thereon, and shall give notice of its decision as required by the General Statutes.

The applicant for a Zoning Map amendment (not for a Zoning Regulations text amendment) shall at their expense and by their action send a copy of the public hearing notice prepared by the Commission for publication in a local newspaper to the record owners of property, as shown on the Assessor's records, which is within 150 feet in all directions from the nearest subject property perimeter boundary including property located across the street. The notice shall be sent by certified return receipt mail not later than ten (10) days prior to the hearing. The date of the hearing may be included in

calculating the ten (10) days prior notice requirement. Not later than the commencement of the public hearing the applicant shall present the return receipts to the Commission as evidence of compliance. Applicant shall post notice of public hearing on subject property for Zoning Map amendment and shall conform to requirements of Watertown Zoning Regulation 51.21 "Posting Public Hearings Notices on Subject Property. [This paragraph is effective November 13, 2009.]

ARTICLE VIII – AMENDMENTS, VALIDITY AND EFFECTIVE DATE

SECTION 82 - VALIDITY AND EFFECTIVE DATE

- 82.1 Provision of Regulation Adjudged to be Invalid If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions, of these Regulations shall continue to be valid and fully effective.
- 82.2 Provision Adjudged to be Invalid as Applies to Particular Building or Structure or Lot If any provision of these Regulations are adjudged by a court of competent jurisdiction to be invalid as such provision applies to a particular building, other structure or lot, the effect of such decision shall be limited to the particular building, other structure or lot, and the general application of such provision to other buildings, structures or lots, shall not be affected

ARTICLE IX – WATERTOWN FIRE DISTRICT

SECTION 83.1 JURISDICTION

83.1.1 Jurisdiction

Watertown Fire District voters and the Watertown Fire District Commission on April 26, 2007 relinquished the right to exercise zoning powers within the Watertown Fire District territory effective July 1, 2007. On June 13, 2007 the Watertown Planning and Zoning Commission adopted portions of the Watertown Fire District zoning regulations first adopted September 15, 1947, later repealed coincident with new regulations effective April 13, 1973 and last revised April 21, 2006, as Article IX Section 83 of the Town of Watertown Zoning Regulations, effective June 29, 2007. Article IX regulations shall be used to interpret zoning regulations within the Watertown Fire District territory and shall not be used to interpret zoning regulations outside Fire District territory.

Article IX shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or any liability, penalty, forfeiture or punishment incurred prior to the effective date of Article IX on June 29, 2007; but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if Article IX had not be effected.

83.1.2 Nonconformity

Any use, building or other structure or any lot which existed lawfully, by variance or otherwise, on the date of these Regulations or any amendment hereto became effective, and fails to conform to one or more of the provisions of these Regulations or such amendment hereto, may be continued subject to the provisions and limitations of Section 83.6.

ARTICLE IX – WATERTOWN FIRE DISTRICT

SECTION 83.3 DISTRICTS

83.3.1 Districts

For the purpose of these regulations, the Watertown Fire District is hereby divided into the following classes of districts:

<u>District</u>	<u>Map Code</u>
Residence R-30F	R-30F
Residence R-20F	R-20F
Residence R-10F	R-10F
Residence R-GF	R-GF
Designed Residence District	DRD-F #
Central Business B-CF District	B-CF
Office Business B-OF District	B-OF
General Business B-GF District	B-GF
General Industrial I-G20F District	I-G20F

83.3.2 Designed Residence District

Each Designed Residence District (DRD-F #) is a class of district that is in addition to, within and overlapping a portion of a Residence R-20F District. Each DRD-F is established in accordance with the provision of Section 83.53.

ARTICLE IX – WATERTOWN FIRE DISTRICTSECTION 83.5 DEFINITIONS AND USE STANDARDS

- 83.5.1 General The Definitions and Use Standards in this Section 83.5 are exclusively for zoning districts within the Watertown Fire District. This Section 83.5 is not for Definitions and Use Standards in zoning districts outside the Fire District. The paragraphs which follow define and explain certain words used in these Regulations and set forth standards for particular uses. Other words used in these Regulations shall have the meaning commonly attributed to them. Doubts as to the precise meaning of words in these Regulations shall be determined by the Commission by resolution, giving due consideration to the expressed purpose and intent of these Regulations.
- 83.5.2 Accessory Use An accessory use, customary with and incidental to a permitted use, is subject to approval of a SPECIAL USE under Section 52 or approval of a SITE DEVELOPMENT PLAN under Section 51 if such approvals are required for the permitted use to which such use is accessory. The following additional standards and conditions are applicable in Residence Districts:
- 83.5.2.1 The accessory shall be located on the same lot with the permitted use to which it is accessory.
- 83.5.2.2 Accessory uses may include off-street parking spaces and garages, but except in connection with a farm a) any vehicle bearing advertising or other commercial identification and any commercial vehicle with or without advertising or commercial identification shall be parked or stored only in a garage, and b) there shall be no more than one (1) commercial vehicle parked or stored on any lot, and such vehicle shall not exceed 7,500 pounds gross vehicle weight (weight empty plus rated load capacity).
- 83.5.2.3 No part of a lot located in a Residence District shall be used for vehicular access accessory to a use permitted only in a Business or Industrial District.
- 83.5.3 Commission The term “Commission” shall mean the Watertown Planning and Zoning Commission.
- 83.5.4 Conversion of Dwelling Dwellings existing on September 15, 1947 may be converted so as to contain two (2) dwelling units in Residence R-20F and R-10F and Business B-OF Districts and two (2) or more dwelling units in Residence R-GF Districts, subject to the following provisions:

- 83.5.4.1 Each dwelling shall contain not less than 2,000 square feet of floor areas, and each dwelling unit in excess of one (1) shall contain not less than 500 square feet of floor area exclusive of the minimum floor area required for dwellings in the District.
 - 83.5.4.2 The dwelling shall conform to all of the setback requirements of the District.
 - 83.5.4.3 Separate cooking facilities and a separate bathroom shall be provided within each dwelling unit.
 - 83.5.4.4 There shall be no structural alterations of the dwelling except to provide means of egress from each dwelling unit, and in making changes in the exterior of the dwelling; the appearance and character of a single family dwelling shall be preserved.
- 83.5.5 Child Day Care Terms “family day care home”, “group day care home” and “child day care center” used in these Regulations area as defined in Section 19a-77 of the Connecticut General Statutes as amended through 1989 and do not include day care services administered by public and private school systems, public and private recreation operations, informal arrangements among neighbors or relatives in their homes and drop-in supplementary child care operations where parents are on the premises for education or recreation purposes and the child receives such care infrequently, and such child day care facilities are subject to the following provisions as well as standards that may be applicable under Section 51 and Section 52:
- 83.5.5.1 A family day care home is not subject to these Regulations;
 - 83.5.5.2 The group day care home and child day care center shall be licensed by the State of Connecticut;
 - 83.5.5.3 The maximum number of children to be cared for shall be specified and if located in a Resident District shall not exceed 12 unless the facility is an adjunct to an existing public or private school, church or place of religious worship, convalescent home, or non-profit membership club, lodge or community house;
 - 83.5.5.4 The facility shall be served by public water supply and sanitary sewers and shall be provided with one (1) off-street parking space for each staff person and each consultative person expected to be on premises;
 - 83.5.5.5 There shall be safe and adequate provision for boarding and off-boarding children from motor vehicles without hazards to pedestrians and traffic; and

- 83.5.5.6 In addition to the general intent of plan review under Section 51 and Section 52, the use shall be located in a building and on a lot having such size, shape, landscaping, outdoor play yard space and parking as to be in harmony with and conform to the character of the neighborhood.
- 83.5.6 Dwelling A “dwelling” is a building containing one or more “dwelling units”.
- 83.5.7 Dwelling Unit A “dwelling unit” is a building or a part of a building designed for occupancy, and so occupied by one (1) “family”. Accommodations occupied for transient lodging in a hotel or motel shall not be considered to be a “dwelling unit”.
- 83.5.8 Family A “family” is a person or group of related person, plus guests and domestic servants thereof, or a group of not more than five (5) persons who need not be so related, who are living as a single housekeeping unit maintaining a common household. A roomer or boarder to whom rooms are rented as permitted by these Regulations shall not be considered a member of a “family” for the purposes of this definition.
- 83.5.9 Farm Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock and poultry, and roadside stands accessory thereto, shall conform to the following provisions:
- 83.5.9.1 Farms shall not include commercial piggeries or the raising of mink.
- 83.5.9.2 No livestock or poultry shall be kept on a lot of less than five (5) acres and any building in which livestock or poultry are kept shall not extend within less than 60 feet of any street line and 100 feet of any property line, except that an aggregate of not more than 20 chickens or similar poultry may be kept on a smaller lot if kept in a building or enclosure conforming to the setback requirements for the buildings and other structures.
- 83.5.9.3 Roadside stands shall not exceed an area of 150 square feet, shall not extend within less than 20 feet of any street line and shall be used only for the sale of produce grown on the premises.
- 83.5.10 Floor Area, Dwelling or Dwelling Unit In determining compliance with minimum floor area requirements for “dwellings” and “dwelling units” and compliance with maximum floor area requirements for a professional office in a “dwelling unit” or a home occupation in a “dwelling unit”, only finished livable floor area having a ceiling height of at least seven (7) feet shall be counted and shall exclude garages, terraces, outside vestibules, bay windows, any basement rooms except a basement “story” as defined in Paragraph 83.5.30, utility rooms for heating apparatus, attics,

open porches, enclosed porches not heated by a central heating system for the “dwelling”, and hallways and other space designed for common use by occupants of two (2) or more “dwelling units”. Measurements of floor area for any “dwelling” or “dwelling unit” shall be taken from the inside surfaces of exterior walls or partitions enclosing the floor area. Any floor other than a ground floor must have access thereto by a permanent inside stairway to be included in computing floor area.

83.5.11 Floor Area, Maximum In computing the total floor area of all buildings and other structures on any lot to determine compliance with maximum floor area provisions, measurements of floor area shall be taken to the outside surfaces of exterior walls enclosing the floor area.

83.5.12 Frontage “Frontage” is defined as a property line that is also a “street line”.

83.5.13 Ground Coverage, Buildings and Structures The aggregate ground coverage by buildings and other structures is measured from the outermost edge of the building or structure, projected to nadir, but excluding any architectural projections of the type that are permitted to extend into the area required for setback from a street line, property line or Residence District Boundary Line and also excluding buildings and structures that are completely below the finished grade of the lot.

83.5.14 Height In measuring the height of a building, or part thereof, or other structure to determine compliance with the maximum height provisions, measurements shall be taken from the average level of the highest roof of the building, or part thereof, and from the highest feature of a structure to a “ground elevation datum” consisting of the average elevation of the finished grade of the building, or such part thereof, or structure. A separate ground elevation datum is applicable to each building, or part thereof, having a separate roof, and to each structure on a lot. When two (2) buildings having a different ground elevation datum are interconnected, such as by common areas, other floor area or other architectural features or structures, the ground elevation datum applicable to the interconnection feature or structure is the same as the building having the lower ground elevation datum.

83.5.15 Historical Structure The term “historic structure” includes historic building and means any structure or building that is in any of the following categories:

83.5.15.1 listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting requirements for individual listing on the National Register;

83.5.15.2 certified or preliminary determined by such Secretary of the Interior as contributing to the historical significance of a registered historic

district or a district preliminary determined by the Secretary to qualify as a registered historic district;

83.5.15.3 listed individually on the Connecticut State Inventory of Historic Places; and/or

83.5.15.4 listed individually as contributing to an historic district or as constituting an historic property, as established by ordinance of the Town of Watertown under the provisions of Chapter 97a of the Connecticut General Statutes.

83.5.16 Home Occupations In zoning districts within the Watertown Fire District the term “home occupations” consists of activities including an office, conducted for profit within a “dwelling unit” and, except as provided hereinafter, to which the public is not invited and does not come to the premises. In residence R-20F, R-10F and F-GF Districts and Office Business B-OF Districts, the “home occupation” shall conform to the following requirements:

83.5.16.1 The “home occupation” shall be conducted only by members of the family residing in the dwelling unit.

83.5.16.2 There shall be no external evidence that the dwelling contains “home occupation”, and the floor area used for such occupation shall not exceed 25% of the floor area of the dwelling unit, as defined in Section 5 or 400 square feet, whichever is less.

83.5.16.3 No finished consumer goods shall be acquired outside the dwelling unit for sale on the premises in connection with such occupation, and no mechanical equipment is permitted in the conduct of the occupation except as is customary for domestic, household or office use.

83.5.16.4 After due notice and public hearing as required by law and subject to the General Considerations and General Standards of Section 52, the Zoning Commission, upon application by the owner of the premises, may approve a SPECIAL USE authorizing occasional or intermittent visits to the premises by the public in connection with a particular home occupation after review and determination of the number, schedule and time of day for such visits by the public and the parking needs generated by such visits.

83.5.17 Junk Yard The term “junk yard” shall be construed to include any “junk yard”, “motor vehicle junk business” and “motor vehicle junk yard” as defined in the General Statutes of the State of Connecticut. The term shall also include any place of storage or deposit, whether in connection with a business or not, for two (2) or more unregistered, used motor vehicles which are either no longer intended or in

condition for legal use on the public highways and shall also include any place of storage or deposit of used parts of motor vehicles and old metals, iron, glass, paper, cordage and other waste materials which on any lot have an aggregate bulk equal to an automobile.

83.5.18 Kennel The term “kennel” shall have the same meaning as defined in the General Statutes of the State of Connecticut and shall include commercial kennel as defined in such Statutes.

83.5.19 Lot A “lot” is defined as a parcel of land which is either 1) owned separately from any contiguous parcel as evidenced by fee conveyance recorded in the land records of the Town of Watertown or 2) is a building lot as shown on a subdivision map, approved by the Watertown Planning and Zoning Commission and filed in the Office of the Watertown Town Clerk.

83.5.20 Lot, corner A lot which abuts two or more streets at their intersection, or which abuts two parts of the same street forming an interior angle of less than 135 degrees (Effective August 1, 1997)

83.5.20.1 Front yard Each street on a corner lot shall be deemed to be a front lot line, and the required yard along both lot frontages shall be the required front yard. Of the remaining yards, the property owner may choose the one to be considered the year yard.

83.5.20.2 Visibility at Intersections On a corner lot, no fence, wall, hedge or other structure or planting shall be erected, placed or maintained more than two feet in height above the adjacent pavement or in such a way as to obstruct traffic visibility across triangular area formed by the two intersecting street right-of-way lines and a straight line connecting points along said street right-of-way lines, which points are located 25 feet distant from the theoretical point of intersection of such lines measured along said street lines. This provision shall not apply to existing trees, provided that no branches are closer than eight feet to the ground.

83.5.21 Lot Area and Shape In determining compliance with minimum lot area and shape requirements of these Regulations, land subject to easements for drainage facilities and underground public utilities may be included, but no street or highway, easement or vehicular access, private right-of-way for vehicles or easement for above ground public utility transmission lines may be included. Area consisting of wetlands and water courses, including ponds and lakes shall not be used for compliance with more than 15% of the minimum lot area requirement. Land in two or more Zoning Districts may be used to satisfy a minimum lot area requirement provided that the requirement if the District requiring the largest lot area is met, but no land is a Residence District shall be used to satisfy a lot area requirement in any other District.

- 83.5.22 Nonconforming Use, Building, Structure or Lot See Paragraph 83.6.2 of Section 83.6.
- 83.5.23 Outside Storage “Outside Storage” shall mean the outside storage or display of merchandise, supplies, machinery and materials and/or the outside manufacturing, processing or assembling of goods, but excluding areas for parking of registered motor vehicles in daily use.
- 83.5.24 Professional Office The term “professional office” shall mean the office of recognized professions such as physicians, dentists, engineers, architects, teachers and clergymen who through training and experience are qualified to perform services of a professional as distinguished from a business nature.
- 83.5.25 Property Line, Rear A “rear property line” is any property line which is parallel to or within 45 degrees of being parallel to a street line except for a lot line that is itself a street line, and except that in the case of a “corner lot”, only one lot line shall be considered a rear property line.
- 83.5.26 Renting of Rooms The person or persons renting rooms in a dwelling unit shall reside in the dwelling unit. No accessory building shall be used for renting of rooms, and there shall be no provision of cooking facilities to rooms other than the sharing of cooking facilities of the dwelling unit.
- 83.5.27 Restaurant, Indoor “Indoor restaurants and other indoor food and beverage service establishments” shall be establishments where customers are serviced only when seated at tables or counters and at least 75% of the customer seats are located within an enclosed building. Such establishments may include a food take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles or served primarily at food take-out counters.
- 83.5.28 Signs The term “signs” shall include every sign, billboard, illustration, icon, insignia, logo, lettering, picture, display, banner, pennant, flag or other device, however made, displayed, painted, supported or attached, intended for use for the purpose of advertisement, identification, publicity notice, when visible from any street or from any lot other than the lot on which the sign is located and either 1) located out-of-doors, or 2) located indoors and within 12 inches of any window or door.
- 83.5.29 Soil, Erosion, and Sediment Control Plan See Paragraph 66.2 of Section 66, including related definitions.
- 83.5.30 Story; ½ Story A “story” is that portion of a building between the surface of any floor and the surface of the floor, ceiling or roof next above. Attics not used for human occupancy shall not be considered a “story”. A “1/2 story” is a habitable

attic that is the highest most story of the building and a) which has a stairway for access and egress located within the walls of the building, and b) in which the horizontal ceiling area at a height of 7-1/3 feet above the attic floor is not more than one-third the area of the floor next below. When the ceiling of a basement is four (4) feet or more above the average ground level within 10 feet of the building, the basement shall be considered a “story”.

83.5.31 Street A “street” shall mean any Town street or State Highway, except limited access State Highway, or any street shown on the subdivision map approved by the Watertown Planning and Zoning Commission and filed in the Office of the Watertown Town Clerk.

83.5.32 Street, Width The “width” of a “street” shall mean the distance between the “street lines”.

83.5.33 Street Line The term “street line” shall mean the right-of-way, easement or taking line of any “street” or of any easement of vehicular access or private right-of-way 25 feet or more in width.

83.5.34 Trailers The term “trailer” shall include any vehicle or contrivance which is used, or designed for use, for human habitation and which is or may be mounted on wheels and which is or may be propelled either by its own power or by another power-driven vehicle, and whether resting on wheels, jacks or a foundation; the term “trailer” shall include mobile home, camper and camp trailers used, or designed for use, for human habitation. The following additional provisions shall apply to “trailers”:

83.5.34.1 On any lot, one (1) “trailer” may either be parked or stored in a garage or other building accessory to a permitted use on the lot or parked or stored so as not to extend within less than 25 feet of any property line or within the area required for setback of accessory buildings from any street line. The owner of the “trailer” shall also be the owner or occupant of a dwelling or other permitted use on the lot.

83.5.34.2 The owner or occupant of a lot containing a dwelling may permit the parking of one (1) “trailer” on the lot for use by a nonpaying guest as a dwelling, for a period not exceeding four (4) weeks in any calendar year. A CERTIFICATE OF ZONING COMPLIANCE for this purpose shall be obtained within 48 hours of the time the land is so used.

83.5.34.3 A “trailer” may be used as an office in connection with and for the duration of a construction project on the lot where the “trailer” is located, provided that such “trailer” is located so as to meet all the setback requirements for buildings and other structures and is removed within 30 days after completion of the project.

83.5.34.4 “Trailers” may also be used or occupied for human habitation when located on a lot owned by the Town of Watertown or State of Connecticut and designated for camping purposes and when permitted by such Town or State.

83.5.35 Tag Sales, etc. Tag sales, auction sales, garage sales and similar occasional sales may be conducted on a lot not ordinarily used for the sale of personal property by family members residing therein. Sales may not be conducted more than two times per year with no more than 3 continuous days for each sale. All such sales are subject to rules and regulations of the State Tax Department relating to sales taxes. Continuous sales are prohibited.

ARTICLE IX – WATERTOWN FIRE DISTRICTSECTION 83.6 NONCONFORMITY

- 83.6.1 Intent It is the intent of these Regulations that nonconformities are not to be expanded, that they should be changed to conformity as soon as the fair interest of the owners permit and that the existence of any existing nonconformity shall not of itself be considered grounds for the approval of a variance for any other property.
- 83.6.2 Definitions A nonconforming use, building or other structure, or lot, is one which existed lawfully, whether by variance or otherwise, on the date these Regulations or any amendment hereto became effective, and which fails to conform to one or more of the provisions of these Regulations or such amendment hereto. No nonconforming use, building or other structure, or lot shall be deemed to have existed on the effective date of these Regulations unless 1) it was actually in being on a continuous basis on such date, and 2) if such nonconformity is a use, such use had not been discontinued within the meaning of Paragraph 83.6.5.
- 83.6.3 Approved Applications and Certificates Unless otherwise specifically provided in these Regulations, nothing in these regulations shall require any change in the use of any land, building or other structure, or part thereof, or in the area, location, bulk or construction of any building or other structure for which an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE shall have been lawfully approved and any required CERTIFICATE OF ZONING COMPLIANCE shall have been lawfully issued even though such use, building or structure does not conform to one or more provisions of these Regulations or any amendment hereto.
- 83.6.4 Change in Plans Subject to the time limitations of Paragraph 83.6.4.1 nothing in these Regulations shall be deemed to require any change on the proposed use of any land, building or other structure or the area, location, bulk or construction of any building or other structure for which an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE has been lawfully approved and any required Building Permit shall have been lawfully issued by the Town of Watertown even though such proposed use, building or other structure does not conform to one or more provisions of these Regulations or any amendment hereto.
- 83.6.4.1 Time Limit An approved APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE authorizing a proposed use, building or other structure that does not conform to one or more provisions of these Regulations or any amendment hereto, as described in Paragraph 83.6.4 shall become null and void unless 1) the use authorized thereby shall have been established within one (1) year from the effective date

of such Regulations or any amendment thereto when such use does not involve the establishment of a building or other structure for which an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE must be approved or 2) the use, building other structure authorized thereby shall be established and completed within two (2) years for the effective date of such Regulations or any amendment thereto. The Commission may grant one (1) extension of such period for an additional period not to exceed one (1) year after public hearing for good cause demonstrated to the satisfaction of the Commission.

- 83.6.4.2 Previous Regulations The provisions of Paragraph 83.6.4 and 83.6.4.1 shall apply to Permits and Certificates of Occupancy issued under Zoning Regulations in effect prior to these Regulations.
- 83.6.5 Discontinuance No nonconforming use of land, buildings or other structures which shall have been discontinued with the intent to abandon said use shall thereafter be resumed or replaced by any other nonconforming use. No nonconforming use of land which shall have been discontinued for a continuous period of one (1) year shall thereafter be resumed or replaced by any other nonconforming use; no nonconforming use of buildings or other structures which shall have been discontinued for a continuous period of two (2) years shall thereafter be resumed or replaced by any other nonconforming use.
- 83.6.6 Repair Nothing in this Section shall be deemed to prohibit work on any nonconforming building or other structure when required by law to protect the public health or safety, provided that such work does not increase the nonconformity. Nothing in this Section shall be deemed to prohibit work on ordinary repair and maintenance of a nonconforming building or other structure or replacement of existing materials with similar materials.
- 83.6.7 Enlargement No nonconforming use of land shall be enlarged, extended or altered, and no building or other structure or part thereof devoted to a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, except where the result of such changes is to reduce or eliminate the nonconformity. No nonconforming use of a building or other structure shall be extended to occupy land outside such building or other structure or space in another building or other structure. No nonconforming building or structure shall be enlarged, extended, reconstructed or structurally altered, if the result would be an increase in nonconformity.
- 83.6.8 Moving No nonconforming use of land shall be moved to another part of a lot or outside the lot, and no nonconforming use of a building or other structure shall be moved or extended to any part of the building or other structure not manifestly arranged and designed for such use at the time the use became nonconforming, and no building or other structure containing a nonconforming use shall be moved, unless the result of any such move is to end the nonconformity. No

nonconforming building or structure shall be moved unless the result of such moving is to reduce or eliminate its nonconformity.

- 83.6.9 Change No nonconforming use of land, buildings or other structures shall be changed to any use which is substantially different in nature and purpose from the former nonconforming use except such uses that are permitted uses in the District in which they are to be located. No nonconforming use of land, buildings or other structures if once changed to conform or to more nearly conform to these Regulations shall thereafter be changed so as to be less conforming again. No nonconforming building or structure if once changed to conform or to more nearly conform to these Regulations shall thereafter be changed so as to be nonconforming or less conforming again.
- 83.6.10 Casualty If any nonconforming building or other structure or any building or structure containing a nonconforming use shall be destroyed by fire or other casualty to an extent more than 75% of its assessed valuation on the last completed tax assessment list of the Town of Watertown, such building or other structure shall not be reconstructed or repaired and such use shall not be resumed unless the building structure and use are made to conform in all respects to these Regulations. Where the destruction is 75% or less of its assessed valuation, as above determined, the building or other structure may be reconstructed or repaired and any nonconforming use resumed, provided that such reconstruction is started within a period of one (1) year from such causality and is diligently prosecuted to completion. In the event of failure to start such reconstruction or repair within a period of one (1) year from such causality and to complete same within 18 months from such causality, or within such additional period, not exceeding six (6) months, as the Commission may grant upon written application made to it, the right under this Paragraph to reconstruct or repair such building or other structure and the right to resume such nonconforming use shall be lost and terminated.
- 83.6.11 Lots A parcel of land, which fails to meet the area, shape or frontage or any other applicable requirements of these Regulations pertaining to lots, may be used as a lot, and a building or other structure may be constructed, reconstructed, enlarged, extended, moved or structurally altered thereon, provided that all of the following requirements are met:
- 83.6.11.1 The use , building or other structure shall conform to all other requirements of these Regulations;
 - 83.6.11.2 If used for a dwelling, the lot shall contain a minimum area of 4,000 square feet; and
 - 83.6.11.3 If the parcel fails to meet the area requirements of these Regulations, the owner of the parcel shall not also be the owner of the contiguous land which in combination with such parcel that fails to conform

would make a parcel that conforms or more nearly conforms the area requirements of these Regulations pertaining to lots.

83.6.12 Title No change in title, possession or right of possession shall be deemed to affect the right to continue a nonconforming use, building or other structure.

83.6.13 Performance Standards Any use, building or other structure which does not conform to one or more of the performance standards of Section 61 shall not be changed to increase such nonconformity but may be changed to decrease or eliminate such non-conformity. Any such nonconformity so reduced or eliminated shall not be resumed.

83.6.14 Signs Signs of a type, purpose, size or dimension not permitted under these Regulations on the lot where located, or which fail to conform to the location, height, illumination or any other applicable requirements of these Regulations, are deemed nonconforming structures, and any increase in size, dimension, height, illumination or flashing of such nonconforming signs is deemed an enlargement or extension constituting an increase in nonconformity contrary to the provisions of Paragraph 83.6.7. Any sign which so fails to conform to any applicable requirements of these Regulations and which is not heretofore illuminated, shall not be eligible for illumination and shall not be illuminated. When the structure, panel or illumination facility is part thereof, of a nonconforming sign is moved or structurally altered, such moving or structural alteration shall bring the sign into conformity with these Regulations. When the structure, panel or illumination facility, or part thereof, of a nonconforming sign is removed, the nonconforming sign is deemed to be discontinued and terminated.

83.6.15 Off-Street Parking and Loading Any lot, use, building or other structure which does not conform to one or more of the parking and loading provisions of Section 83.63 shall continue to conform to such provisions to the extent that it conforms on the effective date of such Section. Any use of land, buildings or other structures which does not conform to one or more of the provisions of Section 83.63 shall not be changed to a use which would need additional off-street parking or loading spaces to comply with the provisions of Section 83.63 unless such spaces are provided as required for the new use under Section 83.63.

ARTICLE IX – WATERTOWN FIRE DISTRICTSECTION 83.7 PERMITTED USES

- 83.7.1 Uses Land, buildings and other structures in any district may be used for one or more of the uses listed as permitted in the district under Section 83.3. Certain uses listed as permitted in the B-OF Districts and all uses listed as permitted in B-CF, B-GF and I-G20F Districts are permitted subject to submission and approval of a SITE DEVELOPMENT PLAN by the Commission in accordance with Section 51. Uses listed as SPECIAL USES are permitted in the district subject to the approval of the Commission in accordance with the provisions of Section 52. To further assist in the interpretation of permitted uses, certain uses are listed as prohibited in a district even though the listing of uses prohibited is not intended to be exhaustive; any use not specified as permitted in the district is prohibited. The following uses are specifically prohibited in all districts:
- 83.7.1.1 The use or occupancy of a trailer as a dwelling; the parking or storage of a trailer except in accordance with the provisions of Section 83.5.
 - 83.7.1.2 Commercial piggeries and mink farms.
 - 83.7.1.3 The outdoor storage in any Residence District of any unregistered motor vehicle.
 - 83.7.1.4 Any establishment, including arcade, amusement center, store or shop, where more than two (2) coin operated mechanical games machines or devices are available for use by the public; bowling alleys; commercial billiard or pool halls; commercial rides, carnivals, circuses, shooting galleries and amusement parks, except those that are sponsored by a local philanthropic or charitable organization and then for a period not to exceed six (6) days.
 - 83.7.1.5 Except when located on a lot in the B-CF District, which lot is not less than 1,000 feet in a direct line from a lot in any District where a public or other grade school or a church or other place of worship is located, any establishment showing “sexually explicit” motion pictures, offering “sexually explicit” entertainment or offering “sexually explicit” materials; “sexually explicit” motion pictures, entertainment and materials are those which show, portray, describe or otherwise primarily relate to sexual intercourse or excretory functions or which portray or show male or female genitalia, the breasts, anus or buttocks, and which are primarily intended to appeal to the erotic interest whether or not the same could be defined as obscene.

- 83.7.2 Performance Standards The use of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to the performance standards specified in Section 61.
- 83.7.3 Parking and Loading As specified in Section 83.63, parking and loading spaces shall be provided off the street in connection with certain uses of land, buildings and other structures. In addition, all off-street parking and loading spaces shall conform to the requirements of Section 83.63.

ARTICLE IX – WATERTOWN FIRE DISTRICTSECTION 83.8 AREA, LOCATION AND BULK

- 83.8.1 General The following regulations shall apply to the area, shape and frontage of lots and the location and bulk of buildings and other structures in each district under Sections 83.21, 83.22, 83.23, 83.31, 83.32, 83.33, and 83.41.
- 83.8.2 Lot Area, Shape and Frontage Each lot shall have at least the minimum area specified in the district. Each lot to be used for a dwelling shall have at least the minimum area as specified in the district, and each lot to be used for a dwelling containing more than one (1) dwelling unit shall have at least the minimum additional area for each dwelling unit in the dwelling in excess of one (1) specified in the district. Each lot be of such shape that a square with the minimum dimensions specified in the district shall fit on the lot, and in Residence Districts some proportion of such square shall lie within less than the required building setback distance from a street line. Each lot shall have the minimum frontage on a street specified in the district.
- 83.8.2.1 Exceptions The lot area, shape and frontage requirements shall not be construed to prohibit condominium ownership of a building or buildings on a lot meeting the requirements specified in the district; the lot area, shape and frontage requirements shall not be construed to prohibit other forms of ownership of a portion of a building and its related lot provided that a SPECIAL USE therefor has been approved by the Commission in accordance with Section 52 and a subdivision map therefor has been approved by the Watertown Planning and Zoning Commission in accordance with the standards of the Subdivision Regulations of the Town of Watertown and recorded in the Office of the Watertown Town Clerk.
- 83.8.3 Height No building or other structure shall exceed the number of stories and/or the maximum height, whichever is less, as specified in the district. This limitation, however, shall not apply to the following when not used for the human occupancy: church spires, ornamental cupolas, towers, chimneys, flagpoles and silos, as well as such features plus tanks and elevator, heating, ventilating, air conditioning and similar equipment that are located on the roof of a building and do not occupy more than 25% of the area of the roof.
- 83.8.4 Setbacks No building or other structure shall extend with less than the minimum distances of any street line, rear property line, other property line or Residence District boundary line as specified in the district, subject to the following exceptions and additional limitations:

- 83.8.4.1 Signs Certain permitted signs, as specified in Section 83.62, may extend within lesser distances of a property or street line.
- 83.8.4.2 Projections Pilasters, belt courses, sills, cornices, marquees, canopies, awnings, eaves and similar architectural features and open fire escapes may project into the area required for setback from a street line, property line or Residence District boundary line for the distance specified in the district.
- 83.8.4.3 Additional Setbacks In any district, any portion of a building or other structure, which portion exceeds 35 feet in height shall be set back from any street line, property line or Residence District boundary line by two (2) additional feet for each foot or fraction thereof by which such portion exceeds 35 feet in height.
- 83.8.4.4 Narrow Streets The required setback from a street line of a street having a width of less than 50 feet shall be increased by one half of the difference between 50 feet and the actual width of the street.
- 83.8.4.5 Railroads In Business and Industrial Districts no setback is required from the right-of-way line of a railroad.
- 83.8.4.6 Form of Ownership The setback requirements shall not be construed to prohibit condominium ownership of a building or buildings which otherwise conform to such requirements; the setback requirements shall not be construed to prohibit other forms of ownership of a portion of a building and its related lot provided that a SPECIAL USE therefor has been approved by the Commission in accordance with Section 52 and a subdivision map therefor has been approved by Town of Watertown Planning and Zoning Commission in accordance with the standards of the Subdivision Regulations of the Town of Watertown and recorded in the Office of the Watertown Town Clerk.
- 83.8.4.7 Fences, Walls and Terraces The required setbacks distances shall not apply to fences or walls six (6) feet or less in height nor to necessary retaining walls or to unroofed terraces, but no fence, wall or terrace shall be located within the right-of-way of any street.
- 83.8.4.8 Accessory Buildings in Residence Districts In Residence Districts, unattached accessory buildings and structures shall not extend within less than twice the minimum setback distance from a street line as required for other buildings and structures and shall meet all other setback requirements; if, however, the unattached accessory building or structure is less than twenty (20) feet in height and 576 feet in floor area, or is a swimming pool of less than 800 square feet in swim area, such building or structure may meet the lesser setback requirements

for minor accessory buildings and structures as specified in the District. No accessory building may be constructed on a parcel prior to erection of the principal building.

- 83.8.5 Building Bulk and Coverage The total floor area of all buildings and other structures on any lot, excluding basements, shall not exceed the percentage of lot area as specified in the district, and the aggregate ground coverage of all buildings and other structures on any lot shall not exceed the percentage of lot area as specified in the district, which floor area and coverage requirements are subject to the following exceptions and additional limitations:
- 83.8.5.1 Form of Ownership The floor area and coverage requirement shall not be construed to prohibit condominium ownership of a building or buildings which otherwise conform to such requirements; the floor area and coverage requirements shall not be construed to prohibit other forms of ownership of a portion of a building and its related lot provided that a SPECIAL USE therefor has been approved by the Commission in accordance with Section 52 and a subdivision map therefor has been approved by the Watertown Planning and Zoning Commission in accordance with the standards of the Subdivision Regulations of the Town of Watertown and recorded in the Office of the Watertown Town Clerk.
- 83.8.5.2 Central Business B-C Districts In the Central Business B-C Districts, the limitations on total floor area shall not apply to the floor area in or on a building or structure used for parking or loading spaces.
- 83.8.6 Minimum Floor Area – Dwelling and Dwelling Units Each dwelling shall have a minimum floor area as specified in the district. Each dwelling containing two (2) or more dwelling units shall also have a minimum floor area for each dwelling unit as specified in the district.

ARTICLE IX – WATERTOWN FIRE DISTRICT

SECTION 83.20 RESIDENCE R-30F DISTRICT
(This Section 83.20 is effective December 11, 2009)

83.20.1 Permitted Uses

- 83.20.1.1 A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot
- 83.20.1.2 [Reserved]
- 83.20.1.3 Home occupation in a dwelling unit, subject to the provisions of Section 83.5
- 83.20.1.4 The renting of rooms, with or without meals, in a dwelling unit to a total of not more than four (4) persons, subject to the provisions of Section 83.5
- 83.20.1.5 Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock and poultry and roadside stands accessory thereto, subject to the provisions of Section 83.5
- 83.20.1.6 Conversion of dwellings existing on September 15, 1947, so as to contain two (2) dwelling units, subject to the provisions of Section 83.5
- 83.20.1.7 Signs as provided in Section 83.62
- 83.20.1.8 Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 83.5

83.20.2 Special Uses

- 83.20.2.1 Child day care
- 83.20.2.2 The following uses when conducted by a non-profit corporation and not as a business for profit: churches and places of worship; parish halls; schools; colleges; universities; cemeteries; and educational, religious, philanthropic and charitable institutions
- 83.20.2.3 Accessory uses customary with and incidental to any aforesaid SPECIAL USES, subject to the provisions of Section 83.5

83.20.2.4 Buildings, uses and facilities of the Town of Watertown and Watertown Fire District

83.20.3 Prohibited Uses

83.20.3.1 Dwellings containing two (2) or more dwelling units, except as provided in Paragraph 83.20.1.6

83.20.3.2 Convalescent homes, private hospitals, general hospitals and sanitarium

83.20.3.3 Commercial kennels, livery and boarding stables and riding academies

83.20.4 Lot Area, Shape and Frontage

83.20.4.1 Minimum Lot Area:

a. Served by municipal water supply: 30,000 square feet

b. Not served by municipal water supply: 40,000 square feet

83.20.4.2 Minimum Dimensions of Square:

a. Served by municipal water supply: 100 feet

b. Not served by municipal water supply: 150 feet

83.20.4.3 Minimum frontage: 5 feet

83.20.5 Height

83.20.5.1 Maximum Number of Stories: 3 stories

83.20.5.2 Maximum Height: 35 feet

83.20.6 Setbacks

83.20.6.1 From Street Line: 35 feet

83.20.6.2 From Rear Property Line: 50 feet

83.20.6.3 From Other Property Line: 20 feet

83.20.6.4 Projection Into Setback Area: 3 feet

83.20.6.5 Minor Accessory Buildings and Structures:

- a. From longest street line of corner lot: 35 feet
- b. From Rear Property Line: 15 feet
- c. From Other Property Line: 15 feet

83.20.7 Building Bulk and Coverage

83.20.7.1 Maximum Floor Area 40%

83.20.7.2 Maximum Ground Coverage: 20%

83.20.8 Minimum Floor Area

83.20.8.1 Each Dwelling: 1,000 square feet

83.20.8.2 Each Dwelling Unit in dwelling containing two
(2) or more dwellings units: 500 square feet

ARTICLE IX – WATERTOWN FIRE DISTRICT

SECTION 83.21 RESIDENCE R-20F DISTRICT

83.21.1 Permitted Uses

83.21.1.1 A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.

83.21.1.2 [Reserved]

83.21.1.3 Home occupation in a dwelling unit, subject to the provisions of Section 83.5.

83.21.1.4 The renting of rooms, with or without meals, in a dwelling unit to a total of not more than four (4) persons, subject to the provisions of Section 83.5.

83.21.1.5 Buildings, uses and facilities of the Town of Watertown and Watertown Fire District.

83.21.1.6 Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock and poultry and roadside stands accessory thereto, subject to the provisions of Section 83.5.

83.21.1.7 Conversion of dwellings existing on September 15, 1947, so as to contain two (2) dwelling units, subject to the provisions of Section 83.5.

83.21.1.8 Signs as provided in Section 83.62.

83.21.1.9 Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 83.5.

83.21.2 Special Uses

83.21.2.1 Child day care.

83.21.2.2 The following uses when conducted by a non-profit corporation and not as a business for profit: churches and places of worship; parish halls; schools; colleges; universities; cemeteries; and educational, religious, philanthropic and charitable institutions.

- 83.21.2.3 Summer day camps, provided that there is no furnishing of rooms; and bed and breakfast transient lodging.
- 83.21.2.4 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries.
- 83.21.2.5 Golf, tennis, swimming or similar clubs, whether operated as a business or for profit or not, including customary accessory services and eating facilities incidental to the club, but not including golf driving ranges, miniature golf or commercial amusement parks.
- 83.21.2.6 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 83.21.2.7 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 83.21.2.8 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 83.21.2.9 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 83.21.2.10 Accessory uses customary with and incidental to any aforesaid SPECIAL USES, subject to the provisions of Section 83.5.

83.21.3 Prohibited Uses

- 83.21.3.1 Dwellings containing two (2) or more dwelling units, except as provided in Paragraph 83.21.1.7.
- 83.21.3.2 Convalescent homes, private hospitals, general hospitals and sanitarium.
- 83.21.3.3 Commercial kennels, livery and boarding stables and riding academies.

83.21.4 Lot Area, Shape and Frontage

- 83.21.4.1 Minimum Lot Area:
 - a. Served by municipal water supply: 20,000 square feet.
 - b. Not served by municipal water supply: 40,000 square feet.

83.21.4.2 Minimum Dimensions of Square:

- a. Served by municipal water supply: 100 feet.
- b. Not served by municipal water supply: 150 feet.

83.21.4.3 Minimum frontage: 75 feet.

83.21.5 Height

83.21.5.1 Maximum Number of Stories: 3 stories.

83.21.5.2 Maximum Height: 35 feet.

83.21.6 Setbacks

83.21.6.1 From Street Line: 25 feet.

83.21.6.2 From Rear Property Line: 50 feet.

83.21.6.3 From Other Property Line: 15 feet.

83.21.6.4 Projection Into Setback Area: 3 feet.

83.21.6.5 Minor Accessory Buildings and Structures:

- a. From longest street line of corner lot: 35 feet.
- b. From Rear Property Line: 10 feet.
- c. From Other Property Line: 10 feet.

83.21.7 Building Bulk and Coverage

83.21.7.1 Maximum Floor Area: 40%.

83.21.7.2 Maximum Ground Coverage: 20%.

83.21.8 Minimum Floor Area

83.21.8.1 Each Dwelling: 1,000 square feet.

83.21.8.2 Each Dwelling Unit in dwelling containing two (2) or more dwellings units: 500 square feet.

ARTICLE IX – WATERTOWN FIRE DISTRICT

SECTION 83.22 RESIDENCE R-10F DISTRICT

83.22.1 Permitted Uses

- 83.22.1.1 A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.
- 83.22.1.2 A dwelling containing two (2) dwelling units.
- 83.22.1.3 [Reserved]
- 83.22.1.4 Home occupations in a dwelling unit, subject to the provisions of Section 83.5.
- 83.22.1.5 The renting of rooms, with or without meals, in a dwelling unit to a total of not more than four (4) persons, subject to the provisions of Section 83.5.
- 83.22.1.6 Buildings, uses and facilities of the Town of Watertown and Watertown Fire District.
- 83.22.1.7 Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock and poultry and roadside stands accessory thereto, subject to the provisions of Section 83.5.
- 83.22.1.8 Conversion of dwellings existing on September 15, 1947, so as to contain two (2) dwelling units, subject to the provisions of Section 83.5.
- 83.22.1.9 Signs as provided in Section 83.62.
- 83.22.1.10 Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 83.5.

83.22.2 Special Uses

- 83.22.2.1 Child day care.
- 83.22.2.2 The following uses when conducted by a non-profit corporation not as a business for profit: churches and places of worship; parish halls; schools; colleges; universities; cemeteries; and educational, religious, philanthropic and charitable institutions.

- 83.22.2.3 Summer day camps, provided that there is no furnishings of rooms; and bed and breakfast transient lodging.
- 83.22.2.4 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries.
- 83.22.2.5 Golf, tennis, swimming or similar clubs, whether operated as a business or for profit or not, including customary accessory services and eating facilities incidental to the club, but not including golf driving ranges, miniature golf or commercial amusement parks.
- 83.22.2.6 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 83.22.2.7 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 83.22.2.8 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 83.22.2.9 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 83.22.2.10 Accessory uses customary with and incidental to any aforesaid SPECIAL USES, subject to the provisions of Section 83.5.

83.22.3 Prohibited Uses

- 83.22.3.1 Dwellings containing three (3) or more dwelling units, except as provided in Paragraph 83.22.1.8.
- 83.22.3.2 Convalescent homes, private hospitals, general hospitals and sanitarium.
- 83.22.3.3 Commercial kennels, livery and boarding stables and riding academies.

83.22.4 Lot Area, Shape and Frontage

- 83.22.4.1 Minimum Lot Area:
 - a. Served by municipal water supply: 10,000 square feet.
 - b. Not served by municipal water supply: 40,000 square feet.

- 83.22.4.2 Minimum Lot Area for each dwelling:
- a. Served by municipal water supply: 10,000 square feet.
 - b. Not served by municipal water supply: 40,000 square feet.

- 83.22.4.3 Minimum Additional Lot Area for each dwelling unit in the dwelling in excess of one (1):
- a. Served by municipal water supply: 10,000 square feet.
 - b. Not served by municipal water supply: 40,000 square feet.

- 83.22.4.4 Minimum Dimensions of Square:
- a. Served by municipal water supply: 75 feet.
 - b. Not served by municipal water supply: 150 feet.

- 83.22.4.5 Minimum frontage: 50 feet.

83.22.5 Height

- 83.22.5.1 Maximum Number of Stories: 3 stories.

- 83.22.5.2 Maximum Height: 35 feet.

83.22.6 Setbacks

- 83.22.6.1 From Street Line: 25 feet.

- 83.22.6.2 From Rear Property Line: 30 feet.

- 83.22.6.3 From Other Property Line: 10 feet.

- 83.22.6.4 Projection Into Setback Area: 3 feet.

- 83.22.6.5 Minor Accessory Buildings and Structures:

- a. From longest street line of corner lot: 35 feet.
- b. From Rear Property Line: 5 feet.

- c. From Other Property Line: 5 feet.

83.22.7 Building Bulk and Coverage

- 83.22.7.1 Maximum Floor Area: 50%.

- 83.22.7.2 Maximum Ground Coverage: 25%.

83.22.8 Minimum Floor Area

- 83.22.8.1 Each Dwelling: 750 square feet.

- 83.22.8.2 Each Dwelling Unit in dwelling containing two (2) or more dwellings units: 500 square feet

83.22.9 Adaptive Reuse of a Former Public School
(Effective September 10, 2010)

83.22.9.1 Purpose: To permit a previously existing public school building to be converted to an active adult residential use, subject to Site Plan and Special Permit approval in accordance with Section 51 and Section 52. The functional design and the increased demands upon educational facilities shall have caused a public school building located within an R-10F zoning district to be unacceptable for public educational purposes, and impractical to use as a single-family or a two-family residence due to the large size of the former school building.

83.22.9.2 Compatibility: The Commission determines a previously existing public school building and its environs are suitable for active adult residential use. The character of the neighborhood is protected by the standards set forth in this Section, by the Site Plan and Special Permit review processes set forth in the Regulations, and by a Certificate of Appropriateness approved by the Town of Watertown Historic District Commission in accordance with Connecticut General Statutes Chapter 97a, Section 7-147 as may be amended.

83.22.9.3 Uses Permitted: A previously existing public school building having a minimum 20,000 square feet of Gross Floor Area and located in an R-10F zoning district may be converted to an active adult residential use. A parcel having a Site Plan and Special Permit approved for an active adult residential use shall thereafter not have the benefit of uses permitted in the R-10F zoning district to the extent other than an active adult residential use in accordance with Section 83.22.9.

83.22.9.4 Standards: The active adult residential use is subject to the following standards:

- a. Use of all dwelling units shall be in accordance with Section 5.2.10, “Age Restricted Housing Development”.
- b. No dwelling unit shall be on the parcel except in the previously existing public school building and precisely in the area of the footprint occupied by the former public school building as was conveyed by the Town of Watertown.
- c. Alterations or changes to the façade of Baldwin School should respect the historical significance of the former school, are subject to a Certificate of Appropriateness issued by the Town of Watertown Historic District Commission, and in certain circumstances may according to the zoning regulations be subject to a Site Plan and a Special Permit approval.
- d. The site shall be served by municipal water supply and municipal sanitary sewers
- e. Minimum Size Parcel: 2.5 acres
- f. Maximum number of dwelling units
on Minimum Size Parcel: 17 dwelling units
- g. The maximum height of the building where the dwelling units are located is the height of the Baldwin School building as was conveyed by the Town of Watertown.
- h. Minimum Floor Area per dwelling unit measured from the outermost interior walls of the dwelling unit:
 - 1-BR Unit: 700 sq. ft.
 - 2-BR Unit: 1,000 sq. ft.
- i. No dwelling unit shall have more than two bedrooms and two bathrooms. No dwelling unit shall have less than one bedroom and one bathroom.
- j. There shall be a common meeting area interior to the building having a minimum 2,400 square feet of contiguous Floor, or alternatively in a separate one-story building located on the property having a minimum 2,400 square feet of contiguous Floor. The common meeting area shall not be used as a dwelling unit.
- k. Any outdoor active recreation area shall be screened from adjacent properties to reduce noise to the street and to the neighbors, and have minimum setbacks of 10 feet from any building, 10 feet from

any side or rear lot line, and 35 feet from the front lot line.

- l. All required stairways and elevators shall be located within the exterior walls of the building.
- m. There shall be a single refuse collection and recycling area, which shall be located in the rear yard and shown on the Site Plan subject to approval by the Commission. Such area shall be properly screened and have covered receptacles.
- n. The cumulative sound emanating from all heating, ventilation, and air conditioning (HVAC) equipment on the parcel, regardless of HVAC equipment ownership, shall not exceed 45 decibels measured at the nearest lot line. The common interest ownership Association and the ZEO shall enforce this standard.
- o. All new utilities shall be underground. Utilities servicing the existing building that were above ground at the time the property was conveyed by the Town of Watertown may continue to be above ground to service precisely that and nothing more which the utility serviced before the real property was conveyed by the Town.
- p. All buildings, structures and off-street parking areas shall have landscaping, including screening, in keeping with the character of the neighborhood and the historic character of Baldwin School. A landscaping plan shall be provided with Site Plan and Special Permit applications in accordance with Section 70.
- q. Antennas, ducts, and HVAC equipment shall not be visible from the ground at any property line.
- r. Solar access and energy efficiencies shall be considered during the Site Plan and Special Permit applications.
- s. Existing features of the site such as trees and watercourses shall be preserved through harmonious design and placement of driveways, walkways, parking facilities, and accessory structures.

83.22.9.5 Permitted Accessory Use: There may be built on the lot:

- a. Private garages for resident use
- b. A greenhouse not used for housing animals or fowl
- c. One private garage or one shed for storing Association outdoor maintenance and recreation equipment and supplies

- d. A one-story building used for a common meeting area and not a dwelling unit, having a minimum 2,400 square feet contiguous Floor area and not exceeding 5,000 square feet.
- e. The height of any accessory structure shall not exceed 16 feet, except the common meeting area building which shall not exceed a height of 30 feet.
- f. An accessory structure shall be located at minimum 10 feet from any building and at minimum 10 feet from any property line.
- g. Up to two enclosed private garage spaces per dwelling unit shall be allowed. Each garage and shed space shall have a maximum width of 12 feet and a maximum depth of 24 feet. A private garage, if provided, shall be used exclusively for the storage of motor vehicles.

83.22.9.6 Parking and Circulation Requirements:

- a. Minimum Off-Street Parking: Two spaces per dwelling unit in addition to required handicapped parking.
- b. There shall be a minimum of 15 off-street parking spaces, which are not a garage space.
- c. Garage aprons and other parking spaces in tandem shall not be counted towards satisfying the minimum parking requirement.
- d. Parking facilities shall promote the safety of residents and their visitors and be located convenient to building entrances. Parking facilities shall be adequately graded, drained, paved and maintained in all seasons to prevent dust, excessive water flow and congestion of driveways.
- e. Parking areas, driveways, and walkways shall be adequately lighted with lumens appropriate to the character of the neighborhood and the time of day as determined by the Commission. All outdoor lights shall have full cut-off fixtures. The outdoor lighting shall not trespass onto adjacent property.
- f. There shall be a streetlight at the principal public street access to the parcel.
- g. Driveways within the property shall have a minimum 20 feet of pavement width. Any new driveway shall be set back at minimum 10 feet from the nearest lot line.
- h. Parking is permitted only in the rear yard. Parking shall be

screened from view from public streets in accordance with the requirements of Section 83.63.

- 83.22.9.7 Community Association and Deed Restrictions: An Age Restricted Community Association shall be established in accordance with Connecticut State law governing Community Associations. An Association declaration shall be prepared by the developer, reviewed by the Town Attorney, and recorded by the developer on the Town of Watertown land records prior to conveyance of the first dwelling unit. The Association declaration shall include the occupancy age restriction that is in Section 83.22.9.4.a and require compliance to all zoning regulations as may be amended. The occupancy age restriction shall be specifically included as an encumbrance on the deed of each unit, as shall the Declaration. The Association shall annually by January 31, file under oath with the ZEO a restricted age compliance report for all dwelling units.
- 83.22.9.8 The Association and the ZEO shall be responsible for ensuring compliance with the zoning regulations.

ARTICLE IX – WATERTOWN FIRE DISTRICT

SECTION 83.23 GENERAL RESIDENCE R-GF DISTRICT

83.23.1 Permitted Uses

- 83.23.1.1 A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.
- 83.23.1.2 A dwelling containing two (2) dwelling units.
- 83.23.1.3 [Reserved]
- 83.23.1.4 Home occupations in a dwelling unit, subject to the provisions of Section 83.5.
- 83.23.1.5 The renting of rooms, with or without meals, in a dwelling unit to a total of not more than four (4) persons, subject to the provisions of Section 83.5.
- 83.23.1.6 Buildings, uses and facilities of the Town of Watertown and Watertown Fire District.
- 83.23.1.7 Farms, including truck gardens, nurseries and forestry, excluding greenhouses, the keeping of livestock and poultry and roadside stands accessory thereto, subject to the provisions of Section 83.5.
- 83.23.1.8 Conversion of dwellings existing on September 15, 1947, so as to contain two (2) dwelling units, subject to the provisions of Section 83.5.
- 83.23.1.9 Signs as provided in Section 83.62.
- 83.23.1.10 Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 83.5.

83.23.2 Special Uses

- 83.23.2.1 Dwellings containing three (3) or more dwelling units.
- 83.23.2.2 Child day care.
- 83.23.2.3 The following uses when conducted by a non-profit corporation not as a business for profit: churches and places of worship; parish halls;

schools; colleges; universities; cemeteries; and educational, religious, philanthropic and charitable institutions.

- 83.23.2.4 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries.
- 83.23.2.5 Golf, tennis, swimming or similar clubs, whether operated as a business or for profit or not, including customary accessory services and eating facilities incidental to the club, but not including golf driving ranges, miniature golf or commercial amusement parks.
- 83.23.2.6 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 83.23.2.7 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 83.23.2.8 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 83.23.2.9 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 83.23.2.10 Accessory uses customary with and incidental to any aforesaid SPECIAL USES, subject to the provisions of Section 83.5.

83.23.3 Prohibited Uses

- 83.23.3.1 Convalescent homes, private hospitals, general hospitals and sanitarium.
- 83.23.3.2 Commercial kennels, livery and boarding stables and riding academies.

83.23.4 Lot Area, Shape and Frontage

- 83.23.4.1 Minimum Lot Area: 7,500 square feet
- 83.23.4.2 Minimum Lot Area for each dwelling: 7,500 square feet.
- 83.23.4.3 Minimum Additional Lot Area for each dwelling unit in the dwelling in excess of one (1):
 - a. Dwellings units designated for and

	occupied by elderly persons:	2,000 square feet
	b. All other dwelling units:	4,000 square feet
83.23.4.4	Minimum Dimensions of Square:	75 feet
83.23.4.5	Minimum Frontage:	50 feet.
83.23.5 <u>Height</u>		
83.23.5.1	Maximum Number of Stories:	3 stories.
83.23.5.2	Maximum Height:	35 feet.
83.23.6 <u>Setbacks</u>		
83.23.6.1	From Street Line:	25 feet.
83.23.6.2	From Rear Property Line:	30 feet.
83.23.6.3	From Other Property Line:	10 feet.
83.23.6.4	Projection Into Setback Area:	3 feet.
83.23.6.5	Minor Accessory Buildings and Structures:	
	a. From longest street line of corner lot:	25 feet.
	b. From Rear Property Line:	5 feet.
	c. Form Other Property Line:	5 feet.
83.23.7 <u>Building Bulk and Coverage</u>		
83.23.7.1	Maximum Floor Area:	60%.
83.23.7.2	Maximum Ground Coverage:	30%.
83.23.8 <u>Minimum Floor Area</u>		
83.23.8.1	Each Dwelling:	750 square feet.
83.23.8.2	Each Dwelling Unit in dwelling containing two (2) or more dwellings units:	400 square feet

ARTICLE IX – WATERTOWN FIRE DISTRICT

SECTION 83.31 CENTRAL BUSINESS B-CF DISTRICT

83.31.1 Permitted Uses

- 83.31.1.1 Store and other buildings and structures where goods are sold or service is rendered primarily at retail.
- 83.31.1.2 Business and professional offices; banks and other financial institutions; medical and dental clinics.
- 83.31.1.3 Cleaning agencies and retail or self-service cleaning establishments; laundry agencies and retail or self-service laundry establishments not using steam.
- 83.31.1.4 Indoor restaurants and other indoor food and beverage service establishments, subject to the provisions of Section 83.5.
- 83.31.1.5 Indoor theaters and assembly halls.
- 83.31.1.6 Hotels and motels.
- 83.31.1.7 Motor vehicle service stations, provided that no pump for the retail selling of gasoline on any lot shall be located within less than 1,000 feet of a pump for the retail selling of gasoline on any other lot regardless of the district in which such other lot may be located; motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing, painting and upholstering; establishments for motor vehicle washing; establishments for the sale of new or used automobiles, truck, trailers or farm equipment or the rental thereof.
- 83.31.1.8 Manufacture, processing or assembling of goods for sale only on the premises and at retail.
- 83.31.1.9 Churches and places of worship; parish halls; schools; colleges; universities; educational, religious, philanthropic and charitable institutions; membership clubs; lodges; community houses; and child day care, subject to the provision and standards specified in Paragraph 83.5.5.
- 83.31.1.10 Buildings, uses and facilities of the Town of Watertown and Watertown Fire District.

- 83.31.1.11 Off-street parking facilities whether accessory to a permitted use or not.
- 83.31.1.12 Signs as provided in Section 83.62.
- 83.31.1.13 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 83.31.1.14 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 83.31.1.15 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 83.31.1.16 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 83.31.1.17 Schools, studios and membership clubs for the physical conditioning of the human body through gymnastics, dance, exercise, weight lifting, karate and similar activities. Such use would require a Site Development Plan, Zoning Permit and a Certificate of Zoning Compliance (Effective date 8/1/97).
- 83.31.1.18 Accessory uses customary with and incidental to any aforesaid permitted uses.

83.31.2 Special Uses

- 83.31.2.1 Indoor Self-Storage Uses primarily designed for storage of residential household and similar items. Such storage facilities shall be accessed from a common indoor hallway. Any such proposed use shall include a Statement of Use, together with a floor plan or layout of the Self Storage Facility. (Effective date 2/28/97).
- 83.31.2.2 Veterinary Hospitals.

83.31.3 Prohibited Uses

- 83.31.3.1 Undertakers' establishments; printing and publishing establishments.
- 83.31.3.2 Warehousing and wholesale businesses; building contractors' businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals, commercial storage, sale and distribution of fuel.

83.31.3.3 Research laboratories; manufacture, processing or assembly of goods; except as permitted under Paragraph 83.31.1.8.

83.31.3.4 Painting, plumbing, electrical, sheet metal, carpentry, wood-working, blacksmith, welding and machine shops.

83.31.3.5 Dwellings.

83.31.4 Lot Area, Shape and Frontage

83.31.4.1 Minimum Lot Area: None

83.31.5 Height

83.31.5.1 Maximum Number of Stories: 4 Stories

83.31.5.2 Maximum Height: 50 Feet

83.31.6 Setbacks

83.31.6.1 From Street Line: 10 Feet.

83.31.6.2 From Rear Property Line: None

83.31.6.3 From Other Property Line: None

83.31.6.4 From Residence District Boundary Line 25 Feet

83.31.6.5 Projection Into Setback Area: 5 Feet

83.31.7 Building Bulk and Coverage

83.31.7.1 Maximum Floor Area: 200%.

83.31.7.2 Maximum Ground Coverage: 75%.

83.31.8 Site Plan Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE, a SITE DEVELOPMENT PLAN shall be submitted and approved in accordance with Section 51.

ARTICLE IX – WATERTOWN FIRE DISTRICT

SECTION 83.32 OFFICE BUSINESS B-OF DISTRICT

83.32.1 Permitted Uses

- 83.32.1.1 Business and professional offices; banks and other financial institutions and medical and dental clinics.
- 83.32.1.2 A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.
- 83.32.1.3 A dwelling containing two (2) dwelling units.
- 83.32.1.4 [Reserved]
- 83.32.1.5 Home occupations in a dwelling unit, subject to the provisions of Section 83.5.
- 83.32.1.6 The renting of rooms, with or without meals, in a dwelling unit to a total of not more than four (4) persons, subject to the provisions of Section 83.5.
- 83.32.1.7 Buildings, uses and facilities of the Town of Watertown and Watertown Fire District.
- 83.32.1.8 Farms, including truck gardens, nurseries and forestry, excluding greenhouses, the keeping of livestock and poultry and roadside stands.
- 83.32.1.9 Conversion of dwellings existing on September 15, 1947, so as to contain two (2) dwelling units, subject to the provisions of Section 83.5.
- 83.32.1.10 Signs as provided in Section 83.62.
- 83.32.1.11 Accessory uses customary with and incidental to any aforesaid permitted uses.

83.32.2 Special Uses

- 83.32.2.1 Child day care.
- 83.32.2.2 The following uses when conducted by a non-profit corporation and not as a business for profit: churches and places of worship; parish halls; schools; colleges; universities; cemeteries; and educational, religious, philanthropic and charitable institutions.

- a. Accessory uses to a library conducted by a non-profit corporation and not as a business for profit, may include the sale of books, music or similar articles and the use of up to fifteen (15) percent of the square footage of the building for a café or coffee shop to be run either by the non-profit corporation, or to be leased to another entity which may be either non-profit or for-profit. Any such proposed accessory use shall include a detailed “statement of use” to include hours of operation and available parking to accommodate such proposed use. Any such proposed accessory use shall also include a representation that the non-profit corporation shall retain ultimate responsibility for control of the facility, the special use activity, and the number and nature of events that are scheduled at the facility. Alcoholic beverages may be served only at special events. (Effective date of Amendment to Regulations - August 23, 1996.)

- 83.32.2.3 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries.
- 83.32.2.4 Golf, tennis, swimming or similar clubs, whether operated as a business or for profit or not, including customary accessory services and eating facilities incidental to the club, but not including golf driving ranges, miniature golf or commercial amusement parks.
- 83.32.2.5 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 83.32.2.6 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 83.32.2.7 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 83.32.2.8 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 83.32.2.9 Accessory uses customary with and incidental to any aforesaid SPECIAL USES, subject to the provisions of Section 83.5.

83.32.3 Prohibited Uses

- 83.32.3.1 Stores and other buildings and structures where goods are sold or service is rendered primarily at retail.

- 83.32.3.2 Cleaning agencies and retail or self-service cleaning establishments; laundry agencies and retail or self-service laundry establishments not using steam.
- 83.32.3.3 Indoor restaurants and other indoor food and beverage service establishments, subject to the provisions of Section 83.5.
- 83.32.3.4 Indoor theaters and assembly halls.
- 83.32.3.5 Motor vehicle service stations; motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing, painting and upholstering; establishments for motor vehicle washing; establishments for the sale of new or used automobiles, truck, trailers or farm equipment or the rental thereof.
- 83.32.3.6 Hotels and motels; undertakers' establishments; veterinary hospitals; printing and publishing establishments.
- 83.32.3.7 Warehousing and wholesale businesses; building contractors' businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.
- 83.32.3.8 Research laboratories; manufacture, processing or assembling of goods.
- 83.32.3.9 Painting, plumbing, electrical, sheet metal, carpentry, wood-working, blacksmith, welding and machine shops.
- 83.32.3.10 Convalescent homes, private hospitals, general hospitals and sanitarium.
- 83.32.3.11 Commercial kennels, livery and boarding stables and riding academies.
- 83.32.3.12 Dwellings containing three (3) or more dwelling units, except as provided in Paragraph 83.32.1.9.
- 83.32.4 Lot Area, Shape and Frontage
- | | | |
|-----------|--|-------------------|
| 83.32.4.1 | Minimum Lot Area: | 7,500 square feet |
| 83.32.4.2 | Minimum Lot Area for each dwelling: | 7,500 square feet |
| 83.32.4.3 | Minimum Additional Lot Area for each dwelling unit in the dwelling in excess of one (1): | 5,000 square feet |

83.32.4.4	Minimum Dimension of Square:	75 feet
83.32.4.5	Minimum frontage:	50 feet
83.32.5	<u>Height</u>	
83.32.5.1	Maximum Number of Stories:	3 stories
83.32.5.2	Maximum Height:	35 feet
83.32.6	<u>Setbacks</u>	
83.32.6.1	From Street Line:	25 feet.
83.32.6.2	From Rear Property Line:	30 feet
83.32.6.3	From Other Property Line:	10 feet
83.32.6.4	Projection Into Setback Area:	3 feet
83.32.6.5	Minor Accessory Buildings and Structures:	
	a. From longest street line of corner lot:	25 feet.
	b. From Rear Property Line:	5 feet.
	c. From Other Property Line:	5 feet.
83.32.7	<u>Building Bulk and Coverage</u>	
83.32.7.1	Maximum Floor Area:	80%.
83.32.7.2	Maximum Ground Coverage:	40%.
83.32.8	<u>Minimum Floor Area</u>	
83.32.8.1	Each Dwelling:	750 square feet
83.32.8.2	Each Dwelling Unit in dwelling containing two (2) or more dwelling units:	500 square feet
83.32.9	<u>Site Plan</u> Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use specified under Paragraph 83.32.1.1, a SITE DEVELOPMENT PLAN shall be submitted and approved in accordance with the provisions of Section 51.	

ARTICLE IX – WATERTOWN FIRE DISTRICT

SECTION 83.33 GENERAL BUSINESS B-GF DISTRICT

83.33.1 Permitted Uses

- 83.33.1.1 Stores and other buildings and structures where goods are sold or service is rendered primarily at retail.
- 83.33.1.2 Business and professional offices; banks and other financial institutions; medical and dental clinics.
- 83.33.1.3 Cleaning agencies and retail or self-service cleaning establishments; laundry agencies and retail or self-service laundry establishments not using steam.
- 83.33.1.4 Restaurants and other food and beverage service establishments.
- 83.33.1.5 Indoor theaters and assembly halls.
- 83.33.1.6 Hotels and motels.
- 83.33.1.7 Motor vehicle service stations, provided that no pump for the retail selling of gasoline on any lot shall be located within less than 1,000 feet of a pump for the retail selling of gasoline on any other lot regardless of the district in which such other lot may be located; motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing, painting and upholstering; establishments for motor vehicle washing; establishments for the sale of new or used automobiles, truck, trailers or farm equipment or the rental thereof.
- 83.33.1.8 Undertakers' establishments.
- 83.33.1.9 Veterinary hospitals.
- 83.33.1.10 Printing and publishing establishments.
- 83.33.1.11 [Reserved]
- 83.33.1.12 Warehousing and wholesale businesses; building contractors' businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.

- 83.33.1.13 Research laboratories.
- 83.33.1.14 Manufacture, processing or assembling of goods.
- 83.33.1.15 Plants for processing, packaging and distribution of edible dairy products and the packaging and distribution of beverages.
- 83.33.1.16 Laundry, cleaning and dyeing plants.
- 83.33.1.17 Painting, plumbing, electrical, sheet metal, carpentry, wood working, blacksmith, welding and machine shops.
- 83.33.1.18 Churches and places of worship; parish halls; schools; colleges; universities; educational, religious, philanthropic and charitable institutions; membership clubs; lodges; community houses; and child day care, subject to the provisions and standards of Paragraph 83.5.5.
- 83.33.1.19 Buildings, uses and facilities of the Town of Watertown and Watertown Fire District.
- 83.33.1.20 Off-street parking facilities whether accessory to a permitted use or not.
- 83.33.1.21 Signs as provided in Section 83.62.
- 83.33.1.22 Public utility substations, telephone equipment buildings and maintenance and service facilities.
- 83.33.1.23 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 83.33.1.24 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 83.33.1.25 Railroad rights-of-way and passenger stations, including customary accessory services therein, switching, storage sidings, freight yards and freight terminals.
- 83.33.1.26 Accessory uses customary with and incidental to any aforesaid permitted use.

83.33.2 Prohibited Uses

- 83.33.2.1 Dwellings.

83.33.3 Lot Area, Shape and Frontage

- 83.33.3.1 Minimum Lot Area: 20,000 square feet
- 83.33.3.2 Minimum Dimension of Square: 100 feet
- 83.33.3.3 Minimum Frontage: 50 feet

83.33.4 Height

- 83.33.4.1 Maximum Number of Stories: 3 stories
- 83.33.4.2 Maximum Height: 40 feet

83.33.5 Setbacks

- 83.33.5.1 From Street Line: 25 feet.
- 83.33.5.2 From Rear Property Line: 10 feet
- 83.33.5.3 From Other Property Line: 10 feet
- 83.33.5.4 From Residence District Boundary Line: 50 feet
- 83.33.5.5 Projections Into Setback Area: 5 feet

83.33.6 Building Bulk and Coverage

- 83.33.6.1 Maximum Floor Area: 100%.
- 83.33.6.2 Maximum Ground Coverage: 50%.

83.33.7 Site Plan Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE, a SITE DEVELOPMENT PLAN shall be submitted and approved in accordance with the provisions of Section 51.

ARTICLE IX – WATERTOWN FIRE DISTRICT

SECTION 83.41 GENERAL INDUSTRIAL I-G20F DISTRICT

83.41.1 Permitted Uses

- 83.41.1.1 Manufacture, processing or assembling of goods.
- 83.41.1.2 Research laboratories.
- 83.41.1.3 Office buildings for business and professional establishments; banks and other financial institutions; medical and dental clinics.
- 83.41.1.4 Warehousing and wholesale businesses; building contractors' businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.
- 83.41.1.5 Printing and publishing establishments.
- 83.41.1.6 Plants for processing, packaging and distribution of edible dairy products and the packaging and distribution of beverages.
- 83.41.1.7 Laundry, cleaning and dyeing plants.
- 83.41.1.8 Painting, plumbing, electrical, sheet metal, carpentry, wood working, blacksmith, welding and machine shops.
- 83.41.1.9 Indoor restaurants and other indoor food and beverage service establishments, subject to provisions of 83.5.
- 83.41.1.10 Hotels and motels.
- 83.41.1.11 Motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing when clearly accessory and subsidiary to another permitted use on the same lot; establishments for the rental of automobiles, trucks, trailers or farm equipment.
- 83.41.1.12 Stores and other buildings and structures where goods are sold or service is rendered primarily at retail when accessory and subordinate to another permitted use on the same lot.
- 83.41.1.13 The following uses when accessory and subordinate to another permitted use on the same lot: churches and places of worship;

schools; colleges; universities; educational, philanthropic and charitable institutions; membership clubs; lodges; community houses; indoor theaters and assembly halls; and child day care, subject to the provisions and standards specified in Paragraph 83.5.5.

83.41.1.14 Buildings, uses and facilities of the Town of Watertown and Watertown Fire District.

83.41.1.15 Off-street parking facilities whether accessory to a permitted use or not.

83.41.1.16 Signs as provided in Section 83.62.

83.41.1.17 Public utility substations, telephone equipment buildings and maintenance and service facilities.

83.41.1.18 Water supply reservoirs, wells, towers, treatment facilities and pump stations.

83.41.1.19 Buildings, uses and facilities of the State of Connecticut or Federal Government.

83.41.1.20 Railroad rights-of-way and passenger stations, including customary accessory services therein, switching, storage sidings, freight yards and freight terminals.

83.41.1.21 Schools, studios and membership clubs for the physical conditioning of the human body through gymnastics, dance, exercise, weight lifting, karate and similar activities. Such use would require a Site Development Plan, Zoning Permit and a Certificate of Zoning Compliance.

83.41.1.22 Accessory uses customary with and incidental to any aforesaid permitted uses.

83.41.1.23 Driving School [Effective November 12, 2010]

83.41.2 Special Uses

83.41.2.1 Indoor Self-Storage Uses primarily designed for storage of residential household and similar items. Such storage facilities shall be accessed from a common indoor hallway. Any such proposed use shall include a Statement of Use, together with a floor plan or layout of the Self Storage Facility. Structures in existence for a minimum of twenty (20) years only are eligible for approval under this section. The owner/landlord will maintain with the District Zoning Officer a copy

of the current lease agreement, in which there will be a prohibition against the storage of any hazardous or toxic materials as may be defined periodically by the Connecticut Department of Environmental Protection. (Effective April 21, 2006).

83.41.3 Prohibited Uses

83.41.3.1 Dwellings.

83.41.3.2 Stores and other buildings and structures where goods are sold and service is rendered primarily at retail except as permitted under Paragraph 83.41.1.12; veterinary hospitals; undertakers' establishments.

83.41.3.3 Motor vehicle service stations; motor vehicle repair garages except as permitted under Paragraph 83.41.1.11; establishments for motor vehicle washing; establishments for the sale of new or used automobile, trucks, trailers or farm equipment.

83.41.3.4 Bowling alleys, billiard or pool halls and other commercial recreation establishments.

83.41.4 Lot Area, Shape and Frontage

83.41.4.1 Minimum Lot Area: 20,000 square feet

83.41.4.2 Minimum Dimension of Square: 100 feet

83.41.4.3 Minimum Frontage: 50 feet

83.41.5 Height

83.41.5.1 Maximum Number of Stories: 4 stories

83.41.5.2 Maximum Height: 60 feet

83.41.6 Setbacks

83.41.6.1 From Street Line: 25 feet.

83.41.6.2 From Rear Property Line: 10 feet

83.41.6.3 From Other Property Line: 10 feet

83.41.6.4 From Residence District Boundary Line: 50 feet

83.41.6.5 Projection Into Setback Area: 5 feet

83.41.7 Building Bulk and Coverage

83.41.7.1 Maximum Floor Area: 100%.

83.41.7.2 Maximum Ground Coverage: 50%.

83.41.8 Site Plan Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE, a SITE DEVELOPMENT PLAN shall be submitted and approved in accordance with the provisions of Section 51.

ARTICLE IX – WATERTOWN FIRE DISTRICTSECTION 83.53 DESIGNED RESIDENCE DISTRICT

83.53.1 General A Designed Residence District (DRD-F) may be established by the Commission within and overlapping the Residence R-20-F District in accordance with the procedures, standards and conditions hereinafter specified. Any designed Residence District shall be established for the purpose of authorizing provision of dwellings containing two (2) or more dwelling units or clusters of single detached dwellings for one (1) family so as to provide reasonable opportunity for occupancy of alternative dwelling types and when such dwellings are located on a tract of land of sufficient size, served or to be served by public water supply, municipal sanitary sewers and adequate street access, where use of land, buildings and structures and site development will constitute an integrated and harmonious design unit, consistent with the character of the Watertown Fire District, the orderly development of the neighborhood and the purposes of these Regulations.

83.53.2 Special Submission Requirements Request for establishment of a Design Residence District constitutes a petition to amend these Regulations in accordance with Section 81. The petition shall be submitted in writing to the Commission and shall be signed by the owner or owners of all lots within the proposed District, provided however that the proposed District may include existing street and utility rights-of-way not owned by the petitioner. The petition shall be accompanied by the following:

83.53.2.1 DRD-F Regulations A written regulation to be applicable within the proposed District, in form suitable for adoption as an amendment to these Regulations, containing no less than the following:

- a. a suitable boundary description and survey map of the District, and of any land use areas, reserved areas or sub-districts proposed within the District;
- b. the precise uses of land, buildings and other structures to be permitted;
- c. standards for the area, location and bulk of buildings and other structures, and the area, shape and frontage of lots;
- d. site development and building standards, including provision for landscaping and for any recreation facilities;
- e. incorporation of the “General Plans” that are to be applicable within the District as set forth in Paragraph 83.53.2.2.

- f. procedures for administrative review and approval of detailed plans and specifications for land and building development within the District; and
 - g. any other necessary regulatory provisions, including guarantees for completion of proposed public improvements and citation of other provisions of these Regulations that are to be applicable within the District; fifteen (15) copies shall be submitted.
- 83.53.2.2 General Plans A “General Plan” for the entire District, including site plans, architectural plans and other drawings as relevant and in sufficient detail to illustrate the existing topography and the character, function and location of uses, buildings, structures, streets, driveways, parking facilities, accessory uses and services, contours, wetlands, water courses, drainage, erosion and sedimentation control, sewerage, water supply, outdoor illumination and landscaping, which General Plans, may but need not necessarily show the degree of detail required for a SITE DEVELOPMENT PLAN under Section 51 and APPLICATION FOR A ZONING PERMIT and issuance of a ZONING PERMIT; six (6) copies shall be submitted.
- 83.53.2.3 Petition Map A petition map as specified in Paragraph 81.1.2a; six (6) copies shall be submitted.
- 83.53.2.4 Report A written report explaining the purpose of the Design Residence District, how the District would meet the criteria set forth in Paragraph 83.53.1, any proposals for scheduling or staging of development, proposed methods of ownership and maintenance of the premises and identification of permits required from governmental agencies.
- 83.53.2.5 Fee For request to establish a Designed Residence District, fee as specified in Paragraph 72.4.
- 83.53.3 Minimum Standards The following minimum standards shall be applicable within each Designed Residence District, and the same, or more restrictive and additional standards, shall be incorporated in the DRD-F Regulation specified in Paragraph 83.53.2.1.
- 83.53.3.1 Tract The District shall encompass an area of twenty (20) acres or more, exclusive of any existing street or utility rights-of-way.
- 83.53.3.2 Number of Units The number of dwelling units established within the District shall not exceed one (1) for each 12,500 square feet of lot area within the District, provided however that Flood Prone Areas and wetlands subject to regulations under Section 22a-36 through 22a-45

of the Connecticut General Statutes shall be subtracted from lot area for the purposes of such computation.

- 83.53.3.3 Dwellings No dwelling shall contain more than six (6) dwelling units. Any dwelling unit containing three (3) or more bedrooms shall have a main entrance at ground level. Dwellings shall not exceed a height of 35 feet and shall also not exceed a height of two and one half (2-1/2) stories; any floor area having a ceiling height of seven (7) feet or more and not exceeding half of the floor area of the story next below shall be considered such permitted “half story”.
- 83.53.3.4 Setbacks No building or other structure, and no off-street parking space or access aisle in connection therewith, shall extend within less than 50 feet of any street line or Designed Residence District boundary line, provided however that access driveways from streets, with no parking spaces thereon, may cross such setback area.
- 83.53.3.5 Total Coverage The total ground coverage of the Designed Residence District, exclusive of street and utility rights-of-way, by all buildings and structures, areas for off-street parking, loading and driveways and all paved areas, but excluding coverage by sidewalks, ornamental plazas, terraces and swimming pools, shall not exceed 30% of the area of the District.
- 83.53.3.6 R-20F Except as modified above or made more restrictive by the provisions of the DRD-F Regulation specified in Paragraph 83.53.2 the area, location and bulk standards applicable in the Residence R-20F District shall be applicable in any Designed Residence District.
- 83.53.4 Procedure and Adoption When a request for a Designed Residence District meeting all of the special submission requirements of Paragraph 83.53.2 is received by the Commission, the Commission shall hold a public hearing and act thereon in the same manner as required for amendment of these Regulations. The following requirements are also applicable:
- 83.53.4.1 Findings The Designed Residence District may be adopted by the Commission only upon finding that the proposed District, and the elements thereof expressed in the DRD Regulation and on the General Plans, meet the purposes and criteria of Paragraph 83.53.1 and that the District is in accordance with the comprehensive plan of zoning for the Watertown Fire District.
- 83.53.4.2 Detailed Plans The use, buildings, structures and site development authorized by a Designed Residence District are permitted subject to administrative approval of Detailed Plans therefor by the Commission. The Detailed Plans shall be submitted to the Zoning Enforcement

Officer together with an APPLICATION FOR ZONING PERMIT and shall include no less than the information required for SITE DEVELOPMENT PLANS under Paragraph 51.2 of these Regulations. Detailed Plans may be submitted for approval in sections or stages. The Commission shall act on the Detailed Plans in the same manner as specified for approval of Site Plans under Paragraph 51.2 and 51.3. The Detailed Plans, as determined by the Commission, shall conform to the DRD-F Regulation, shall be consistent with the General Plans that are a part of such Regulation and shall conform to the standards of Section 51 as the standards may be modified by such Regulation. Detailed Plans may be submitted with the request for establishment of the Designed Residence District and may be approved at the same meeting when the District is adopted.

- 83.53.4.3 Adoption The Designed Residence District may be adopted by the Commission with modifications deemed necessary by the Commission to maintain the purposes of these Regulations. Notice of adoption shall be given in the same manner as required for amendment of these Regulations. Any adopted Designed Residence District shall be shown on the Zoning Map with its own DRD-F number and with a reference to Watertown Fire District records where the District provisions may be seen.
- 83.53.4.4 Time Limits The Commission, in connection with adoption of a Designed Residence District, may specify time periods within which APPLICATION FOR A ZONING PERMIT and submission of Detailed Plans shall be made, construction shall commence and/or the use, buildings, structures and site development shall be completed and a CERTIFICATE OF ZONING COMPLIANCE therefor obtained; if not so specified, the work shall be completed and a CERTIFICATE OF ZONING COMPLIANCE therefor obtained within five (5) years from the effective date of the District. The Commission may extend such time periods after public hearing for good cause shown. In the event of failure to meet such time periods, as the same may be extended, the Commission is deemed authorized by the owner or owners of the lots to amend these Regulations and the Zoning Map, deleting the Designed Residence District.
- 83.53.4.5 Reversion to R-20F The owners of all of the lots within an adopted Designed Residence District may at any time give written notice to the Commission of abandonment of any and all interests in the District and may proceed to use the land within the District in accordance with the current provisions of the Residence R-20F District. Upon receipt of such notice, the Commission is deemed authorized by such owner or owners to amend these Regulations and the Zoning Map, deleting the Designed Residence District.

ARTICLE IX – WATERTOWN FIRE DISTRICTSECTION 83.62 SIGNS

83.62.1 General It is the purpose and intent of this Section to accommodate the establishment of signs necessary for the identification, direction and reasonable commercial promotion while avoiding signs of character, as well as a proliferation and extension of signs that would be detrimental to the public health and safety, property values and the appearance and beauty of the community. All signs shall conform to the provisions hereinafter specified.

83.62.1.1 Zoning Permit Required Except as otherwise provided in this Section, no sign shall be established, constructed, reconstructed, enlarged, extended, structurally altered, located, moved or illuminated until an APPLICATION FOR ZONING PERMIT therefor has been submitted to and approved by the Zoning Enforcement Officer.

83.62.1.2 Site Plans and Special Uses In addition to the requirement of Paragraph 83.62.1.1 concerning ZONING PERMITS, when a sign is accessory to or part of a use, building or other structure or site development for which a SITE DEVELOPMENT PLAN submission is required under these Regulations, including SPECIAL USES, the sign is also subject to approval as an adjunct to the SITE DEVELOPMENT PLAN.

83.62.2 Standards – All Districts Signs in all Districts shall conform to the following standards:

83.62.2.1 Purpose All sign, except as provided in Paragraphs 83.62.7 and 83.62.8 shall pertain only to a use or occupancy of land, buildings and other structures actually in being on the lot where the sign is located.

83.62.2.2 Removal of Sign When such use or occupancy shall have been discontinued for a continuous period of 60 days, all signs pertaining thereto shall be removed or otherwise eliminated unless such discontinuance is temporary, in which case such use or occupancy shall either be resumed no later than six (6) months after such discontinuance or such sign shall be removed or otherwise eliminated within such six (6) month period.

83.62.2.3 Location No sign shall be located within or hang over the right-of-way of any street, except that a sign attached to the wall of a building may project 15 inches into such right-of way.

- 83.62.2.4 Projecting and Hanging Signs No sign shall project over or hang over any sidewalk, driveway or access way except that signs that are attached to the wall of a building, or to the face of a canopy or marquee which is attached to a wall of a building, may thus project not more than 15 inches from the face of such wall, canopy or marquee. Signs that are an integral part of the fabric of a retractable awning and are unlighted, from within and outside the awning, may project not more than 30 inches from the face of a wall to which they are attached, provided that the sign lettering, insignia, logos or pictures thereon do not exceed six (6) inches in height. The projection of any such signs, including awnings, shall not occur within eight (8) feet vertical distance of the ground.
- 83.62.2.5 Obstructions No sign shall be located or maintained so as to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system or fire escape or exit, or to cause any hazard to the public health or safety.
- 83.62.2.6 Prohibited Signs The following signs are prohibited in all districts:
- a. any flashing or intermittent light reflecting signs, any revolving, waiving and other moving signs, and any intermittent or changing message signs, except those displaying time of day and/or temperature;
 - b. continuous strip lighting of buildings and other structures;
 - c. exposed lamp signs and luminous tube signs;
 - d. signs having letters taller than 15 inches, and any insignia, logo, icon or picture larger than four (4) square feet;
 - e. any mobile or other signs on wheels and any signs attached to a tree, fence, vehicle, satellite dish antenna, utility pole or traffic sign, any sign that is painted directly on a building or the roof of a building.
- 83.62.2.7 Exempt Signs Any flag, pennant, insignia, logo or icon of any governmental unit or nonprofit organization, any traffic or directional sign or similar regulatory devices or legal notices of any governmental unit and any illustrations, insignia or lettering which are an integral and permanent part of the architecture of a building use for an approved SPECIAL USE in a Residence District are exempt for the provisions of this Section 83.62.

83.62.3 Standards – Residence District In addition to the standard specified in Paragraph 83.62.2 signs in Residence Districts shall conform to the following standards:

83.62.3.1 Purpose The following signs are permitted in Residence Districts:

- a. on a lot, one (1) identification or name plate sign, not exceeding two (2) square feet in area, giving only the name of the premises or occupant;
- b. on a lot where the premises are for sale, rent or lease, one (1) real estate sign not exceeding six (6) square feet in area, which sign shall be removed within (30) days after completion of the sale, rental or lease transaction;
- c. private warning and traffic sign, with no advertising thereon, each not exceeding three (3) square feet in area;
- d. on a tract of land for which a subdivision map has been approved by the Watertown Planning and Zoning Commission, one (1) real estate sign not exceeding 32 square feet in area for a period of one (1) year, subject to renewal annually and only during the development of the tract;
- e. building contractors' and designers' signs pertaining to buildings under construction; the total area of such signs shall not exceed 16 square feet, and such signs shall be removed within 30 days after completion of the project;
- f. on any lot containing a farm or related activity, or a church, place of worship, cemetery, museum, school, charitable institution, or other Special Use or buildings or facilities of a governmental unit or public utility, one (1) sign not exceeding 16 square feet in area;
- g. temporary signs for other purposes and for limited periods of time when approved by the Zoning Enforcement Officer
- h. NO ZONING PERMIT is required for signs permitted under Paragraphs 83.62.3.1a, 83.62.3.1b, and 83.62.3.1c

83.62.3.2 Location and Height Signs permitted under Paragraphs 83.62.3.1a through 83.62.3.1f shall not extend within less than 10 feet of any property line or street line; other signs may extend to the property line or street line. No sign shall be located on any roof of a building or on the slope of a mansard facade, and no sign attached to a building shall project above the top of the wall of the buildings. Signs attached to buildings may project as provided in Paragraph 83.62.2.3 and may

project into the area required for setbacks provided that the sign does not project more than 15 inches from the wall of the building. No sign attached to the ground shall exceed a height of five (5) feet.

83.62.3.3 Illumination - Illumination of signs in Residence Districts shall be limited to signs permitted under Paragraph 83.62.3.1f. Such illuminated signs shall be either luminous background silhouette signs with opaque letters or floodlighted signs.

83.62.4 Standards - Business and Industrial Districts In addition to the standards specified in Paragraph 83.62.2 signs in Business and Industrial Districts shall conform to the following standards:

83.62.4.1 Purpose The following signs are permitted:

- a. signs permitted in Residence Districts under Paragraph 83.62.3.1 and conforming to the standards for signs applicable in Residence Districts; and
- b. additional signs conforming to the requirements of Paragraph 83.62.2.1

83.62.4.2 Location No sign shall be located on the roof of a building or the slope of a mansard facade, and no sign attached to a building shall extend above the top of the wall of the building. Signs shall observe all setbacks required for the buildings and other structures except as follows:

- a. signs that are also permitted in Residence Districts under Paragraph 83.62.3.1 may have the setback specified therein;
- b. signs attached to buildings may project as provided in Paragraph 83.62.2.3 and may project into the area required for setbacks provided that the sign does not project more than 15 inches from the wall of the building; and
- c. on any lot in the Office Business B-OF, General Business B-GF and General Industrial I-G20F Districts, one (1) sign attached to or resting on the ground may extend to within 10 feet of the street line of each street where the lot has frontage provided that the sign does not exceed an area of 24 square feet nor more than six (6) feet in any dimension.

83.62.4.3 Ground Signs – Number, Height and Area On any lot, signs attached to or resting on the ground are permitted as follows:

- a. signs permitted under Paragraph 83.62.3.1a through 83.62.3.1c and 83.62.3.1e;
- b. signs permitted under Paragraph 83.62.4.2c;
- c. one (1) additional ground sign which shall not exceed 24 square feet in area nor more than six (6) feet in any dimension.

Any sign which is attached to or residing on the ground shall not exceed a height of six (6) feet in Office Business B-OF Districts and 10 feet in any other Business or Industrial Districts

83.62.4.4 Building Signs – Area The total area of signs attached to buildings shall not exceed the following:

- a. In Central Business B-CF and General Business B-CF Districts and General Industrial I-20F Districts, the total area of signs attached to one (1) wall of a building and/or in windows within one (1) wall of a building, including projecting signs and all signs designed to be viewed from the particular side of the building where the wall is located, shall not have an aggregate area greater than 1.0 square feet for each horizontal linear foot of length of such wall. The total area of such signs with respect to any other wall of a building shall not have an aggregate area greater than 0.25 square feet for each horizontal linear foot of length of such wall, or 32 square feet, wherever is less.
- b. In Office Business B-OF Districts, the total area of signs on any lot in addition to the signs permitted under Paragraph 83.62.4.1a and 83.62.4.2c shall not exceed 40 square feet.
- c. Within the above sign area limitations, the total area of signs attached to a window or placed so as to be seen primarily through the window shall not exceed 20% of the area of the window. Customary notice signs, such as business hour signs, “open”, “close” and credit card signs, having letters no taller than one (1) inch and designed to be viewed by pedestrians on the lot, are not counted in total sign area; no ZONING PERMIT is required for such signs.

83.62.4.5 Illumination - Illumination of signs in Business and Industrial Districts shall be limited as follows:

- a. No illuminated sign shall be provided, whether on the side of a building or attached to the ground, so as to face or be within 60

degrees of facing a Residence District boundary line and located within 200 feet of such line unless illumination for such sign meets the standard of Paragraph 83.62.3.3 for Residence Districts

- b. Illuminated signs shall be provided only to identify the name and address of the premise and/or the enterprise on or the occupant of the premises, expressly excluding illuminate signs with other messages such as but not limited to products, services and prices
- c. Illumination of signs shall be limited to luminous background silhouette signs, floodlighted signs and luminous plastic and glass letter signs. Illumination of signs may also include luminous background plastic or glass internally illuminated signs not exceeding 24 square feet in area and having a maximum brightness of 30 foot lamberts over 80% of the area of the sign.

83.62.5 Measurements Any sign may be double facing with panels parallel back to back; only one (1) face shall be counted in determining conformity to sign area limitations. All dimensions for signs shall be based on measurements to the outside edge of the sign including any frame or decorative edges but excluding any structure such as poles and posts necessary to support the sign. The area of the sign shall be the entire area encompassed by the perimeter of the sign, which perimeter shall be the polygon formed by connecting all the outermost edges or points of the sign.

83.62.6 Site Development Plans and Special Uses Limitations on signs which may be imposed in connection with the approval of a SITE DEVELOPMENT PLAN or the approval of a SPECIAL USE under these Regulations are in addition to the provisions of this Section. In addition to the signs that are specifically permitted in the Central Business B-CF and General Business B-GF Districts, the Commission, in connection with review and approval of a SITE DEVELOPMENT PLAN may approve a plan and program for additional signs on a lot as follows:

83.62.6.1 A directory sign of site occupants not exceeding 32 square feet in area or 24 square feet in area if located in the area required for setbacks for a street line; and

83.62.6.2 Signs attached to buildings and designed to be read only by persons who are pedestrians on the lot, as such signs may be needed to identify the location of particular occupants or services

83.62.7 Special Events Notwithstanding the provisions of this Section, the Commission may by resolution authorize the establishment of temporary signs for periods not exceeding 10 consecutive days, and totaling more than 30 days in any calendar year, for the purpose of announcing special events. In a Residence District, any such sign shall pertain only to a use permitted in such District.

- 83.62.8 Major Project Directional Signs In accordance with the procedures, standards and conditions of Section 52, the Commission may approve a SPECIAL USE in a Business or Industrial District authorizing establishment of a directional sign pertaining to a use of land, buildings and other structures on a lot other than where the sign is located, subject to the following standards:
- 83.62.8.1 The sign shall be limited to identifying the names of and giving direction to a complex of buildings having multiple occupancy consisting of retail stores and other services open to the public and having an aggregate floor area for such uses of 30,000 square feet or more, and there shall be no more than three (3) such signs identifying any one (1) such complex.
 - 83.62.8.2 The sign shall be located for viewing from a Major or Secondary Street shown the Comprehensive Plan of Development of the Town of Watertown at a point where turning at a street or driveway will guide persons in motor vehicles to such complex.
 - 83.62.8.3 No such sign shall exceed 24 square feet in area nor more than six (6) feet in any dimension, and any such sign shall otherwise conform to all of the requirements of this Section applicable to the lot where the sign is located and avoid proliferation and extension of signs as set forth in Paragraph 83.62.1.
 - 83.62.8.4 The design of a sign shall harmonize with, and not detract from the character of the area in which it is located.
- 83.62.9 Schedule B: Schedule B - Signs: accompanying these Regulations and made a part thereof, contains a summary of certain area, height, location and other standards for signs. Reference, however, should be made to this Section 83.62 for complete specifications and requirements.

ZONING REGULATIONS - WATERTOWN FIRE DISTRICT
SCHEDULE B - SIGNS (Part 1: Residence Districts)

Purpose	# Per Lot	Max. Area	Max. Height	Setbacks			Max. From Wall
				Street Line	Property Line	Into	
1. Identification - Name / Occupant	1	2 s.f.	5'	10'	10'	15"	15"
2. For Sale / Rent	1	6 s.f.	5'	10'	10'	15"	15"
3. Subdivision (1 yr. + renewal)	1	32 s.f.	5'	10'	10'	15"	15"
4. Contractor / Designer		16 s.f. total	5'	10'	10'	15"	15"
5. Farm / Special Use	1	16 s.f.	5'	10'	10'	15"	15"
6. Private Warning / Traffic		3 s.f. each	5'	10'	10'	15"	15"
7. Temporary			5'				

Note: No sign on roof or mansard facade; sign not above top of building wall

ZONING REGULATIONS - WATERTOWN FIRE DISTRICT
 SCHEDULE B - SIGNS (Part 2: Business / Industrial Districts)

	# Per Lot	Maximum Area		Max. Height	Setbacks				Max. From Wall
		Ground	Wall		Street Line	Property Line	Resid. Dist.	Into	
ACCESSORY SIGNS (Paragraph 83.62.2.1)									
B-OF									
a. ground sign each street	1	24 s.f.		6'	10'	10' *			
b. ground sign	1	24 s.f.		6'	25'	10' *			
c. building sign					25'	10' *		15"	15"
d. all signs on lot		40 s.f.							
B-CF									
a. ground sign	1	24 s.f.		10'	10'	none	25'		
b. building sign - 1 wall			1.0 s.f / 1 ft. wall		10'	none	25'	15"	15"
c. building sign - other walls			< of 0.25 s.f / 1 ft wall or 32 s.f.		10'	none	25'	15"	15"
B-GF									
a. ground sign each street	1	24 s.f.		6'	10'	10'	50'		
b. ground sign	1	24 s.f.		10'	25'	10'	50'		
c. building sign - 1 wall			1.0 s.f / 1 ft. wall		25'	10'	50'	15"	15"
d. building sign - other walls			< of 0.25 s.f / 1 ft wall or 32 s.f.		25'	10'	50'	15"	15"
I-G20F									
a. ground sign each street	1	24 s.f.		6'	10;	10'	50'		
b. ground sign	1	24 s.f.		10'	25'	10'	50'		
c. building sign - 1 wall			1.0 s.f / 1 ft. wall		25'	10'	50'	15"	15"
d. building sign - other walls			< of 0.25 s.f / 1 ft wall or 32 s.f.		25'	10'	50'	15"	15"

* In B-OF = 30 feet setback from rear property line

ARTICLE IX – WATERTOWN FIRE DISTRICT

SECTION 83.63 PARKING AND LOADING

83.63.1 General It is the purpose and intent of this Section to assure that parking spaces and loading spaces are provided off the street in such number and location and with suitable design and construction to accommodate the motor vehicles of all persons normally using or visiting a use, building or other structure at any one time. 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 the land, buildings and other structures for which spaces are herein required. If any existing use of the land, buildings or other structures, conforming to the requirements of this Section, is changed to a use requiring additional off-street parking or loading spaces to comply with this Section, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified. All off-street parking and loading spaces hereafter established whether required to be provided by this Section or not, shall conform to the design and construction standards specified in this Section as well as to any standards and conditions for approval of a SITE DEVELOPMENT PLAN or SPECIAL USE under these Regulations.

83.63.2 Parking Spaces – Number and Location For use of land, buildings and other structures, parking spaces shall be provided off the street, in such number and location specified as follows:

83.63.2.1 Dwelling containing one (1) or two (2) dwelling units: two (2) spaces for each dwelling unit, and located on the same lot with the dwelling.

83.63.2.2 Dwelling containing more than two (2) dwelling units: one (1) and one half 1-1/2) spaces for each dwelling unit, and located on the same lot with the dwelling.

83.63.2.3 Rooms to rent in a dwelling unit: one (1) space for each two (2) beds for guests, and located on the same lot with the dwelling.

83.63.2.4 Churches and places of worship; theaters and assembly halls; or stadium: one (1) space for each four (4) seats total seating capacity, and located on the same lot with the building or on a lot that is in a Business or Industrial District and distant not more than 500 feet in a direct line from the building.

83.63.2.5 Buildings for retail stores and offices in Business B-CF District as follows:

- a. retail stores and other retail establishments, business and professional offices, post offices, banks and similar financial institutions: one (1) space for each 225 square feet of gross floor area; but
- b. medical and dental clinics and medical office buildings, containing more than 5,000 square feet of floor area: one (1) space for each 175 square feet of gross floor area: and
- c. gross floor area does not include basements used solely for storage or utility services ancillary to other uses in the building; and
- d. for all such uses, the parking spaces shall be located on the same lot with the building

83.63.2.6 Building for retail stores and offices in other than B-CF District:

- a. retail stores and other retail establishments, business and professions offices, post offices, banks, and similar financial institutions and veterinary hospitals: one (1) space for each 200 square feet of gross floor area: but
- b. medical and dental clinics and medical office buildings, containing more than 5,000 square feet of floor area: one (1) space for each 175 square feet of gross floor area: and
- c. gross floor area does not include basements used solely for storage or utility services ancillary to other uses in the building; and
- d. for all such uses, the parking spaces shall be located on the same lot with the building

83.63.2.7 Restaurants and other food and beverage service establishments: one (1) space for each 50 square feet of patron floor area, and located on the same lot with the building.

83.63.2.8 Hotel and motels: one (1) space for each sleeping rooms, plus two (2) spaces for each 10 sleeping rooms, and located on the same lot with the building.

- 83.63.2.9 Motor vehicle service stations and repair garages, and establishments for motor vehicle washing: 10 space, plus five (5) spaces for each garage bay in excess of two (2), and located on the same lot with the building.
- 83.63.2.10 Undertakers' establishments: 15 spaces, and located on the same lot with the building.
- 83.63.2.11 Establishments for the manufacture, processing or assembling of goods; warehouses and wholesale businesses; building contractors businesses; lumber and building materials businesses; trucking terminals; bus terminals; and fuel distributors; one (1) space for each one and one half (1-1/2) employees during the largest daily work shift period, and located on the same lot with the building.
- 83.63.2.12 Office buildings (not primarily providing services to customers or clients on the premises) and research laboratories, containing more than 30,000 square feet of gross floor area: one (1) space for each 250 square feet of gross floor area, and located on the same lot with the building
- 83.63.2.13 Other uses: sufficient off-street parking spaces shall be provided in connection with any use not listed in Paragraph 83.63.3.2.1 through 83.63.2.13 as approved by resolution of the Commission as sufficient, to preserve the purpose and intent of this Section.
- 83.63.3 Classification of Uses Whenever two or more classifications provided in Paragraph 83.63.2 shall apply to a use of land, buildings, or other structures, the standards requiring the larger number of parking spaces shall apply, but where separate parts of a building or structure are used for purposes requiring a different number of parking spaces, the number of required spaces shall be determined by adding the number of spaces required for each part.
- 83.63.4 Parking Exemption Areas The Commission, after due notice and public hearing as required for adoption or amendment of these Regulations, may delineate areas which shall be exempt from the required provision of off-street parking spaces under Paragraph 83.63.2. Such delineation shall be shown on the Zoning Map and may be made only after the Commission determines that the Town of Watertown, or a combination of the Town and property owners, will provide sufficient and permanent off-street parking spaces to carry out the purpose and intent of this Section.
- 83.63.5 Loading Spaces - Number and Location Each building having a ground floor area in excess of 5,000 square feet shall have one (1) off-street loading

space for each 40,000 square feet of gross floor area, or fraction thereof, excluding basements, and located on the same lot with the building.

83.63.6 Design and Construction Standards Each off-street parking and loading space, whether required to be provided by this Section or not, shall conform to the following design and construction standards:

83.63.6.1 Parking Space Dimensions A space of such shape as to contain a rectangle having the following minimum dimensions and having vertical clearance, access and slope as to accommodate one (1) automobile as follows:

- a. 9.0' by 18.0' to accommodate an automobile 18' in length.
- b. 8.0' by 15.0' to accommodate an automobile 15' in length, when authorized under Paragraph 83.63.2.8.
- c. 15.0' by 18.0' to accommodate an automobile 18.0' in length and reserved for use by physically handicapped persons, which width may be reduced to 12.0' when the space is at the end of a row of spaces or is one of two or more such reserved spaces side by side in a row.
- d. 8.0' by 22.0' to accommodate an automobile parking parallel to and along an access or circulation driveway.

83.63.6.2 Loading Space Dimensions a space of such shape as to contain a rectangle not less than 12 feet in width and 40 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 a overall length of 40 feet, provided however, that the space shall have greater dimensions for the type of trucks serving the premises as determined in connection with a SITE DEVELOPMENT PLAN submission.

83.63.6.3 Access Each parking space shall be provided with adequate area for aisle and access lanes, so that an automobile, having an overall length of 20 feet, can approach the space and execute any necessary backing and turning movements without need to use any part of the right-of-way of a street and can exit onto the street in a front forward direction; the requirement for frontward exit shall not apply to parking spaces provided in connection with a dwelling containing one (1) or two (2) dwelling units, rooms to rent in a dwelling unit or a permitted professional office in a dwelling unit when the exit from such spaces is onto a street that is neither a State Highway nor a Town street designated as a

Major Street or Secondary Street on the Comprehensive Plan of Development adopted by the Watertown Planning and Zoning Commissions. No loading space, including any truck loading bay, ramp or dock, shall be arranged in a manner that trucks must back within any part of the right-of-way of a street in order to use such space. Entrances and exits from parking areas and loading spaces onto streets shall be located and arranged in such a manner as to minimize hazards to pedestrian and vehicular traffic in the street.

83.63.6.4 Improvement All 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 onto any street. Any parking or loading spaces, and any aisles and access lanes in connection therewith, located within 10 feet of any street line, shall be separated from such street line by a concrete curb, a fence or a wall or an embankment not less than 24 inches in height, and shall be provided with the curb, fencing, wall or embankment in such a manner that vehicles will not overhang the street line.

83.63.6.5 Location – Parking No parking space or access aisle in connection therewith shall extend within less than the following distances to a street line, property line or Residence District boundary line:

<u>District</u>	<u>Street Line</u>	<u>Property Line</u>	<u>Residence District Boundary</u>
B-CF	10'	none	15'
B-OF	15'	10'	20'
B-GF	15'	10'	25'
I-G20F	15'	10'	25'

a. In Residence Districts, parking spaces and access aisles in connection therewith shall have the same setback from a street line and property line as specified for buildings and other structures in the District, except that parking spaces and driveways established in connection with a dwelling for one (1) or two (2) families may be located in the area required for setback from a side or rear property line but not in the area required for setback from a street line provided however that the driveway across the required street line setback area to the required spaces may be used for temporary parking.

- 83.63.6.6 Location – Loading No off-street loading space or access aisle in connection therewith shall be located in the area required for setback for a street line, property line or Residence District boundary line.
- 83.63.7 Modification of Standards The Zoning Commission may, in connection with review and action on a SITE DEVELOPMENT PLAN submission and after due notice and public hearing as required by law, approve a SPECIAL USE authorizing modification of off-street parking standards as follows:
- 83.63.7.1 Joint Use of Adjacent Parking Area Where off-street parking spaces are required under Paragraph 83.63.2 to be located on the same lot with the building, the Zoning Commission may authorize joint parking areas be established and used in common by the owners of adjacent lots in order to provide the total number of off-street parking spaces required for each owner. Evidence confirming the permanency of joint provided parking spaces shall be demonstrated by the applicant to the satisfaction of the Commission.
- 83.63.7.2 Alternate Location The Zoning Commission may authorize some owners of the parking spaces required in connection with a use or building located in a Business or Industrial District to be located on a lot, not more than 500 feet in a direct line from the use or building, upon demonstration of the following to the satisfaction of the Commission:
- a. That such off-street parking spaces have a sufficiently convenient location to serve the proposed use or building;
 - b. That there is evidence confirming the permanency of such off-street parking spaces for the duration of the use or building; and
 - c. If such spaces are located in an established community area, parking spaces are sufficient in number to meet the requirements of such use or building as well as the requirements of these Regulations for other uses and buildings that are determined to rely solely or partly upon use of the community parking area.
- 83.63.7.3 Shared Parking Ratio The Zoning Commission may authorize a particular number of parking spaces on the lot to be counted for compliance with the required number of spaces for more than one (1) use or occupancy on the same lot when the

Commission determines that a) sufficient spaces will be occupied by cars of persons using or visiting two (2) or more such uses or occupancies on the same trip to the parking space, and/or b) such spaces will serve uses or occupancies having substantially different hours or days of operation. Shared parking areas under Paragraph 83.63.7.1 and parking spaces having an alternate function under Paragraph 83.63.7.2.

83.63.7.4 Small Automobiles The Zoning Commission may authorize a reasonable number of off-street parking spaces required in connection with a use identified in Paragraph 83.63.2.11 and 83.63.2.12 to conform to the dimensions specified in Paragraph 83.63.6.1b when the following standards and conditions are met:

- a. the use shall consist of a single proprietorship and the total number of off-street parking spaces required is 100 or more; and
- b. there is sufficient and suitable area on the lot to provide for the full number of off-street parking spaces to conform to the dimensions specified in Paragraph 83.63.6.1a

APPENDIX

The Appendix is an integral part of the Watertown Zoning
Regulations

Figure A-1: Basement, Cellar and Story; Figure A-2: Calculation of Building Coverage

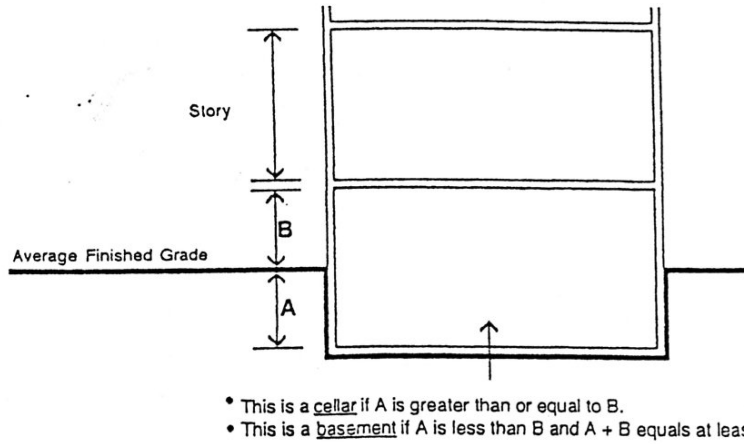


FIGURE A-1: BASEMENT, CELLAR AND STORY

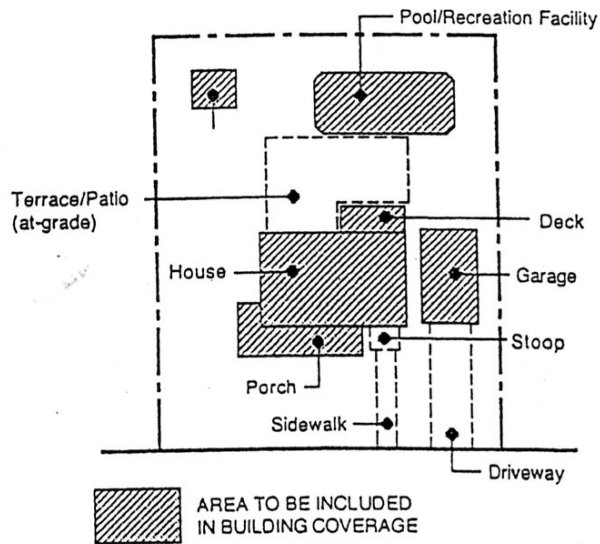


FIGURE A-2: CALCULATION OF BUILDING COVERAGE

Figure A-3: Measurement of Building Height; Figure A-4: Yards and Lines

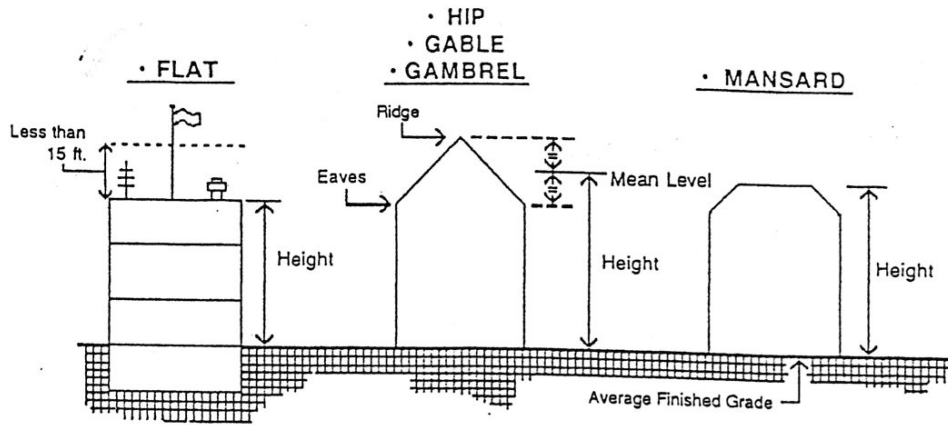


FIGURE A-3: MEASUREMENT OF BUILDING HEIGHT

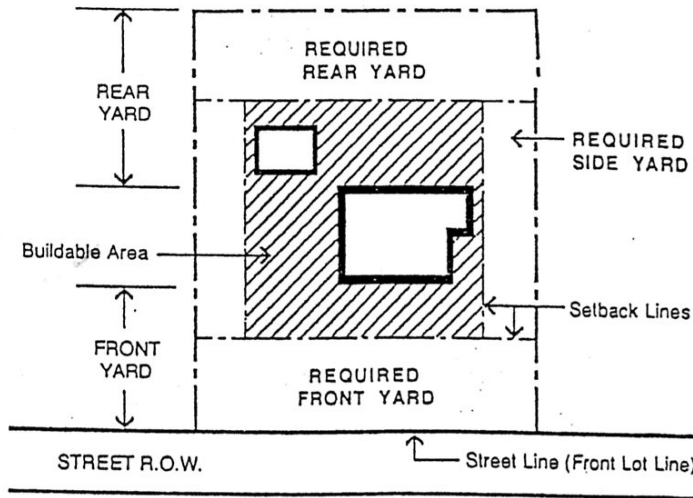


FIGURE A-4: YARDS AND LINES

Figure A-5: Types of Lots; Figure A-6: Typical Minimum Square Requirement

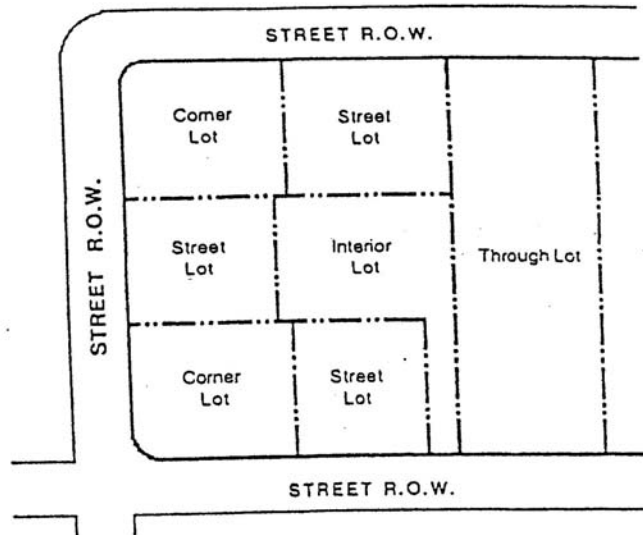


FIGURE A-5: TYPES OF LOTS

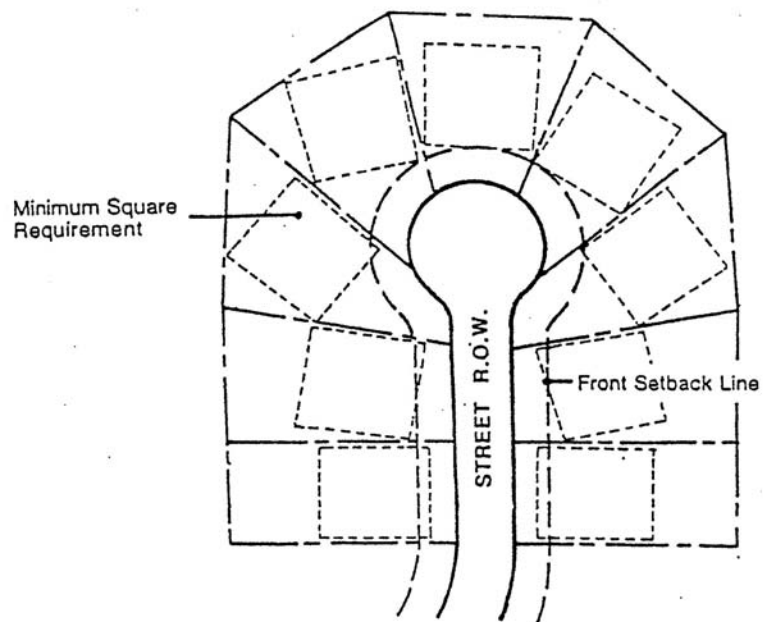


FIGURE A-6: TYPICAL MINIMUM SQUARE REQUIREMENT

Figure A-7: Corner Lots and Interior Lots; Figure A-8: Visibility at Street Intersections

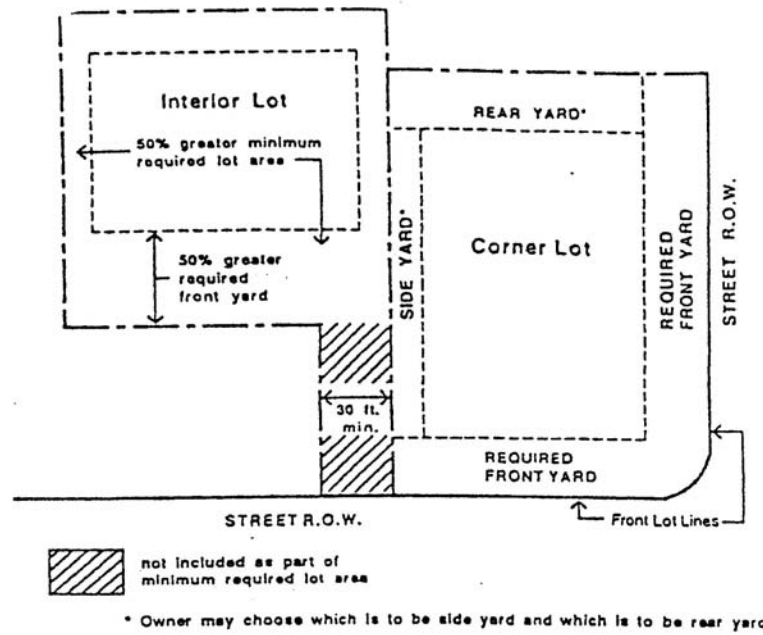


FIGURE A-7: CORNER LOTS AND INTERIOR LOTS

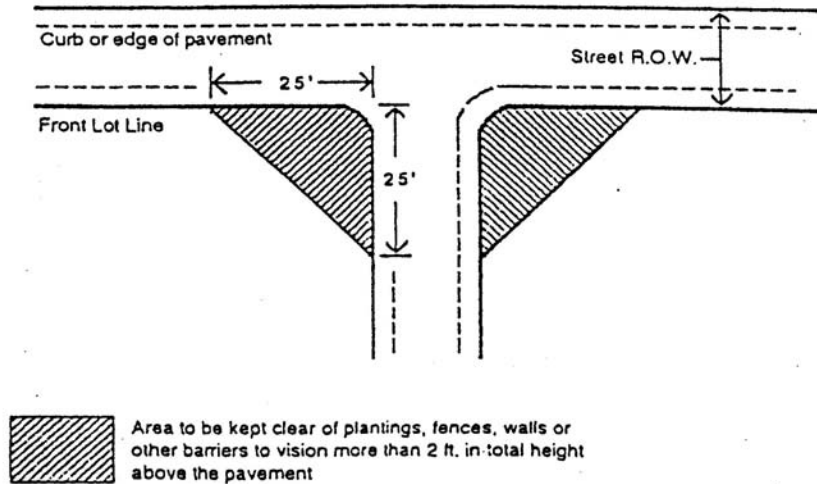


FIGURE A-8: VISIBILITY AT STREET INTERSECTIONS

Figure A-9: Location Accessory Buildings - Residential Districts; Figure A-10: Buffer Requirements

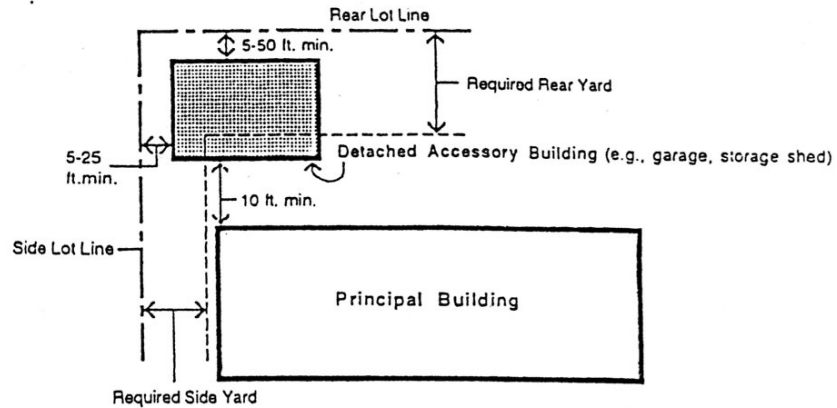


FIGURE A-9: LOCATION OF ACCESSORY BUILDINGS, STRUCTURES AND USES - RESIDENTIAL DISTRICTS

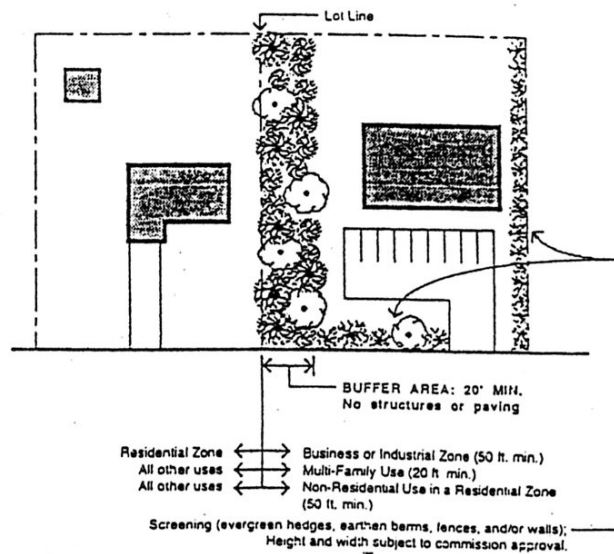
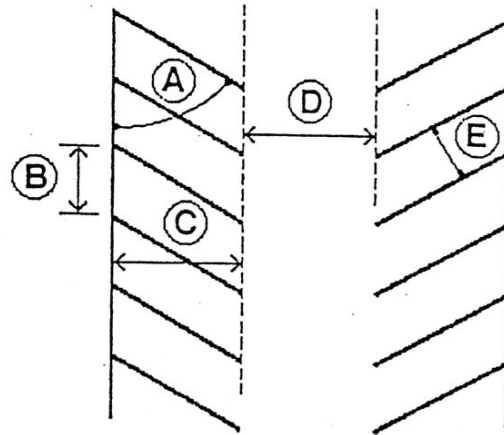


FIGURE A-10: BUFFER REQUIREMENTS

Figure A-11: Minimum Dimensions for Parking Areas



(A)	Parking Angle	0°	45°	60°	90°
(B)	Curb Length per Space	23'	13'	10'	9'
(C)	Space Depth	9'	18'	19'	18'
(D)	Access Aisle Width	15'	15'	18'	25'
(E)	Space Width	9'	9'	9'	9'

FIGURE A-11: MINIMUM DIMENSIONS FOR PARKING AREAS

Figure A-12 Driveway Requirements for Non-Residential Use; Figure A-13: Types of Signs

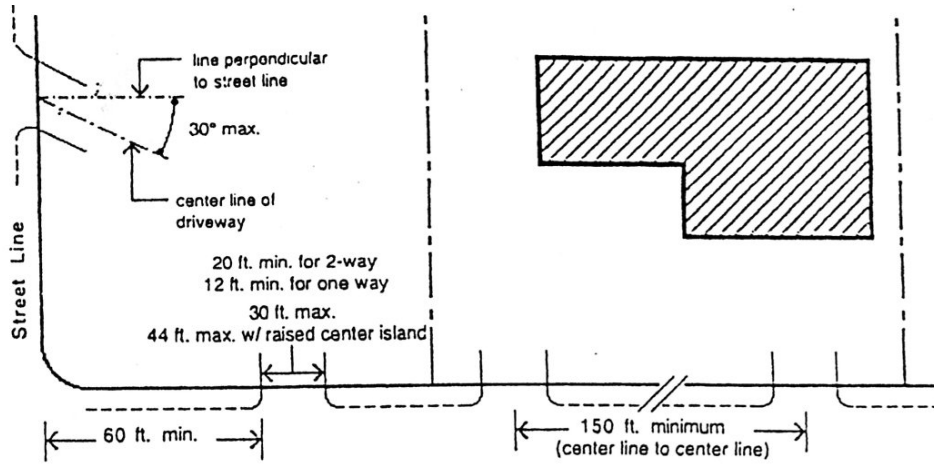


FIGURE A-12: DRIVEWAY REQUIREMENTS FOR NON-RESIDENTIAL USE

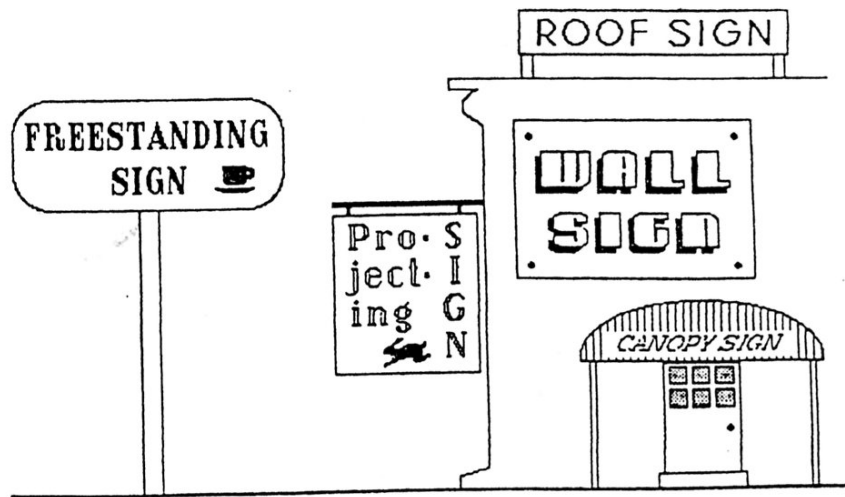


FIGURE A-13: EXAMPLES OF TYPES OF SIGNS

Appendix A-14: Outdoor Lighting Regulations

TOWN OF WATERTOWN
OUTDOOR LIGHTING REGULATIONS

The following chart of Maintained Horizontal Illuminance Recommendations (foot-candles) as set forth by the Illuminated Engineering Society of North America (IES) as amended shall be observed.

APPENDIX A-14

IES PARKING LOT LEVELS OF ACTIVITY	EXAMPLES	IES MAINTAINED HORIZONTAL ILLUMINANCE RECOMMENDATIONS (FOOTCANDLES)					
		General Parking & Pedestrian			Vehicle-Use Only		
		Ave.	Min	U. Ratio	Ave	Min	U. Ratio
High	Major League Athletic Events; Major Cultural or Civic Events; Regional Shopping Centers; Fast Food Facilities	3.6	.9	4:1	2.0	.67	3:1
Medium	Community Shopping Centers; Cultural, Civic or Recreational Events; Office Parks; Hospital Parking; Transportation Parking; (Airports, Commuter Lots, Etc.); Residential Complex Parking;	2.4	.6	4:1	1.0	.33	3:1
Low*	Neighborhood Shopping; Industrial Employee Parking; Educational Facility Parking; Church Parking	8	.2	4:1	.5	.13	4:1

IES states: "This recommendation is based on the requirement to maintain security any time in areas where there is a low level of nighttime activity."

**Local interpretation and application of
IES Parking Lot Levels of Activity Examples
not specifically identified or quantified:**

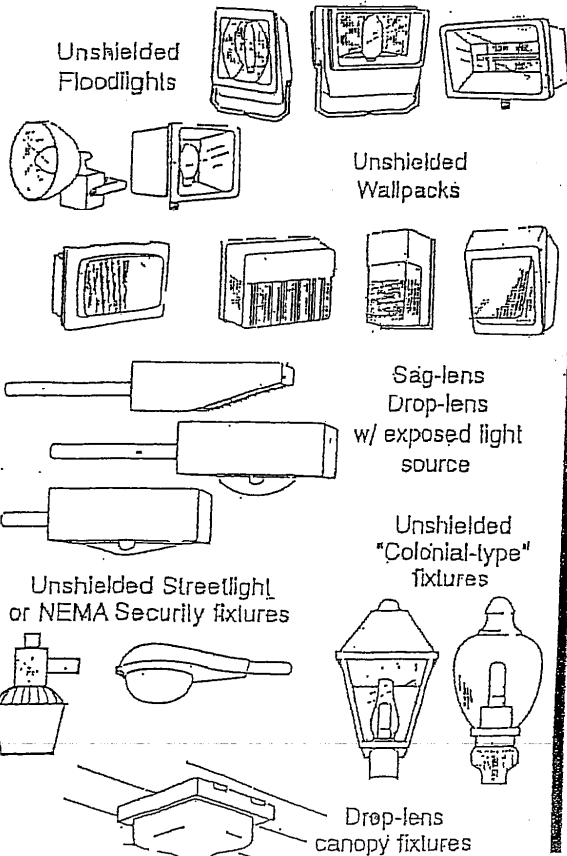
USE	LEVEL OF ACTIVITY
Regional shopping centers containing retail space of 300,000 Square feet or greater	HIGH
Community shopping centers containing retail space of 5,000 to 299,999 square feet	MEDIUM
Neighborhood shopping containing retail space of less than 5,000 square feet	LOW
Fast Food Facilities with customer seating capacity of 40 or greater	HIGH
Automotive Dealerships	HIGH
Entertainment theaters, sports arenas	HIGH

TOWN OF WATERTOWN OUTDOOR LIGHTING REGULATIONS

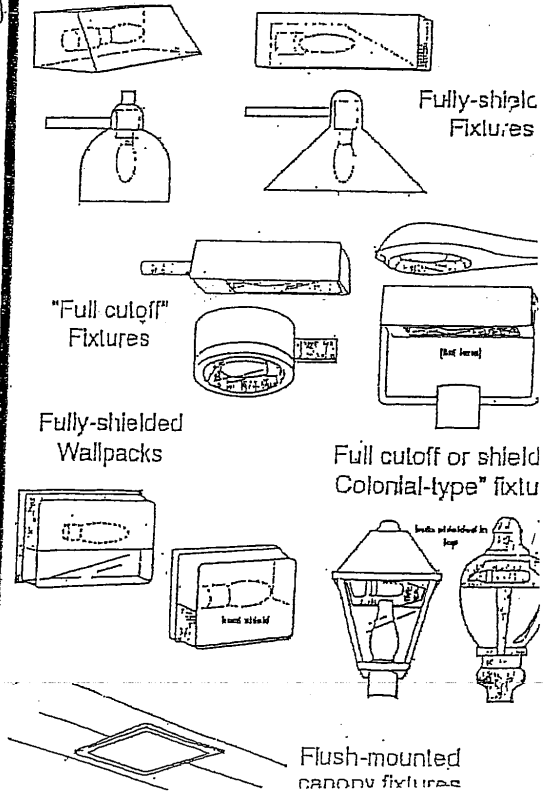
The following examples of recommended lighting style fixtures are to be used in conjunction with Article VI SUPPLEMENTARY REGULATIONS SECTION 61 ENVIRONMENTAL PERFORMANCE STANDARDS Section 61 Outdoor Lighting

Examples of Unacceptable/Acceptable Fixture Types

Unacceptable./ Discouraged
Fixtures that produce glare and light trespass



Acceptable
Fixtures that shield the light source, to reduce glare and light trespass and to facilitate better vision at night.



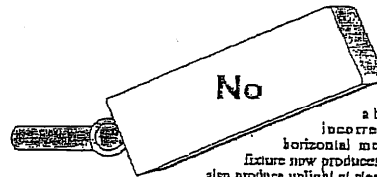
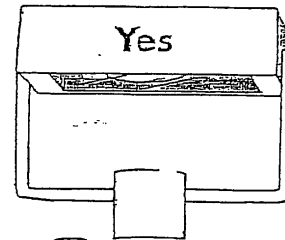
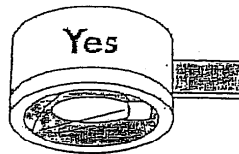
What is a True "Full Cutoff" Outdoor Lighting Fixture?



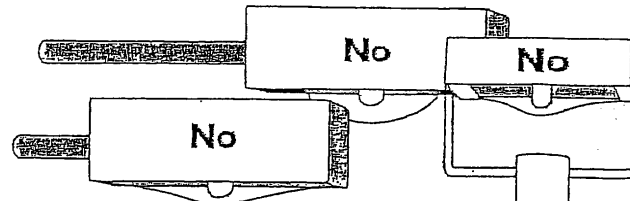
Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housing for the fixtures are available in many styles.



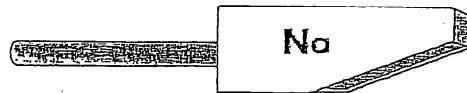
"Colonial" style fixtures are also offered in full cutoff styles, where the glare from the light source is shielded in the fixture top.



Same fixture as above, mounted incorrectly-defeating the horizontal mounting design. The fixture now produces direct glare, and can also produce uplight at steeper mounting angles.



Known as just "Cut-off". Center "drop" or "sag" lens with exposed bulb, produces direct glare.



Forward-Throw Style. Exposed bulb in forward position produces some direct glare at forward angle.

SITE PLAN DEVELOPMENT AGREEMENT

_____ [*Name of the Site Plan Development*]

1. Parties to Agreement

This Site Plan Development Agreement (hereinafter referred to as the “**Agreement**”) is made by and between _____ [*Owner of Subject Property*] (hereinafter referred to as the “**Developer**”), which is the owner of the property to be developed, having its principal office and place of business at _____ [*Address of Developer*], and the Watertown Planning and Zoning Commission, a municipal corporation having its territorial limits within the County of Litchfield and the State of Connecticut and its principal office and place of business at 51 Depot Square Business Center, Suite 502, Watertown, Connecticut (hereinafter referred to as the “**Commission**”). The following terms and conditions are mutually agreed to and understood by the parties to this Agreement and are binding on all successors, heirs, and assigns:

2. Purpose of Agreement

The purpose of this Agreement is to spell out the terms, conditions, duties, and obligations of the Developer and the Commission in regards to the construction of roadways, other public and private improvements and conditions of approval, pursuant to Commission approval on _____ [*Date*] of the _____ [*Name Development*] Site Plan Development located at _____ [*Address of Development*] (hereinafter referred to as the “**Site Plan**”).

3. Zoning Regulations

The Zoning Regulations (hereinafter referred to as the “**Regulations**”) are the “Zoning Regulations of the Watertown Planning and Zoning Commission, originally effective on May 1, 1955”, and amended through the date this Site Plan application is accepted for review by the Commission.

“**Article**” referred to in this Agreement is an Article or sub-Article in this Agreement.

4. Site Plan Approval

The Developer has requested and received a Site Plan approval for the Site Plan in accordance with the Connecticut General Statutes 8-2 and the Regulations, subject to the Site Plan modifications, conditions of approval, and this Agreement:

- A. There be no sale and no offer for sale of the Site Plan property, in whole or in part until:

- i. The Record Site Plan Mylar Map is approved when endorsed by signature thereon of the Commission Chairman or Secretary and is recorded by the applicant at the expense of the applicant in the Watertown Town Clerk's Office. The recording of the Record Site Plan Mylar Map in the Watertown Town Clerk's Office is null and void without said approval and endorsement, AND is null and void without satisfactory compliance with ALL of Article 4.A.
- ii. The Developer and the Commission Chairman or Secretary endorse a Site Plan Development Agreement by their signatures. Said agreement shall be filed and recorded in the Watertown Town Clerk's Office by the applicant at the expense of the applicant. The Site Plan Development Agreement is null and void without said approval, endorsement, and filing.
- iii. The applicant produces evidence to the ZEO that the property taxes, liens, encumbrances, and assessments not deferred with approval of the Town of Watertown are paid for the Site Plan property.
- iv. Easements, deeds, rights-of-way, and other instruments such as for roads, traffic lights, or sidewalks, that are required by the approved Site Plan, the Regulations, and or the Site Plan Development Agreement shall be recorded by the applicant on the Watertown Land Records at the expense of the applicant and as is acceptable to the Town Attorney as to form. The applicant shall provide a copy of each recorded instrument to the ZEO.

B. Zoning Permit, Building Permit, and Foundation Permit:

Only after all requirements of Article 4 including the following are satisfactorily completed may a zoning permit be issued by the ZEO. Only subsequent to issuance of a zoning permit may a foundation permit and a building permit be issued. The applicant shall provide to the ZEO prior to issuance of a zoning permit:

- i. If a Performance Bond (Security) is required by the Commission in accordance with the Regulations, evidence that a Performance Bond is provided in compliance with Section 51.13 of the Regulations and in conformance with the Commission approved Bond Obligation Schedule.
- ii. Evidence that Commission fees and gifts have been paid to the town in accordance with the foresaid Town of Watertown Code of Ordinances, as amended. The applicant shall pay to the town gifts in an amount equal to three (3%) percent of the Commission approved Bond Obligation Schedule prior to contingency, or in the event said bond is not required, 3% of the ZEO approved estimate of construction and site improvement costs which are the subject of the approved Site Plan and or Special Permit, and amendment thereto. Expenditures using gifts shall pay town direct costs for technical

assistance services and related expenditures and for non-town consultants that the Commission finds reasonable and necessary for the applicant to comply with its regulations, and for the Commission and or its agents to review and process an application, and to inspect, test, and monitor construction and site improvement installations. The deposits may pay for legal and paralegal services and related expenses that are not for litigation. The deposits may pay expenditures approved by the ZEO for completion of permitted work resulting from Commission called bonds or securities for unsatisfactory and or untimely performance of Site Plan and Special Permit work. The applicant shall also be responsible for payment of direct costs in excess of the three (3%) percent deposit and shall deposit with the town additional gifts in accordance with the ordinance. The ZEO shall account for gift revenues and expenditures. The Commission shall refund to the applicant any balance remaining of gift deposits after satisfactory completion of the Site Plan work and the Commission releases all sureties. The applicant shall pay to the town fees and gifts of original deposit prior to issuance of a zoning permit and subsequently the issuance of a foundation permit and a building permit.

- iii. Evidence that a Certificate of Liability insurance is issued and a copy given to the ZEO naming the "Town of Watertown" as an additional insured. The insurance shall be in an amount not less than \$1,000,000 and be acceptable to the ZEO and the Town Attorney as to the insurance provider, conditions, form, period, and amount. This insurance is to protect the Town from any liability of any nature due to private or public travel or use of on-site or off-site roads, sidewalks, drainage facilities or other public and private improvements shown or not shown on the Site Plan approved by the Commission. The applicant shall save the Town harmless and indemnify the Town for any claim or loss of any nature, including costs of defense, due to private or public travel or use of any site improvement areas.
- iv. Evidence that all property lines and wetland boundaries including the 100 foot upland review areas have been marked clearly and correctly
- v. Evidence that all rear and side lot pins have been placed clearly and correctly, and are of the correct size and type
- vi. Evidence by a copy of a ConnDOT permit or a ConnDOT application for said permit for any proposed road, driveway curb cut, or storm drainage system that joins with a State Highway and or which permit or permit application includes all potential drainage flow from the site and land in the watershed draining through the site.
- vii. Evidence to the ZEO that final arrangements have been made for provision of an approved water supply system and an approved sewage disposal system.

- viii. A pre-construction meeting is held with attendees satisfactory to the ZEO. This meeting is typically with the ZEO, the Town Engineer, the Wetlands Enforcement Officer, the Building Inspector, the Developer, and the Developer's on-site contractor and site design engineer.
- ix. All requirements of Site Plan approval required prior to commencement of Site Plan work shall have been completed to the satisfaction of the ZEO.

[Insert HERE Commission Motion of Approval and modifications]

5. Site Plans, Maps, Drawings, and Reports

The following drawings are approved by the Commission for the construction of the Site Plan and site improvements, and are referred to collectively as the “**Approved Site Plans**” which consists of the drawings and reports prepared by _____ *[Name and address]* (hereinafter referred to as the “**Preparer**”) as follows:

- i. Received in Commission office _____ *[Date]* last revised by the Preparer _____ *[Date]* shown SHEET _____ *[Sheet Number]* titled _____ *[Sheet Title]*
- ii. Received in Commission office _____ *[Date]* last revised by the Preparer _____ *[Date]* shown SHEET _____ *[Sheet Number]* titled _____ *[Sheet Title]*

6. Conservation Commission / Inland Wetland Agency Decision and Report

The Commission has reviewed the report and decision of the Watertown Conservation Commission / Inland Wetlands Agency (hereinafter referred to as the “**Agency**”) made at the Agency meeting on _____ *[Date]*. Having given due consideration to said Agency report and decision, and in accordance with State Statute 8-26(e) and the Regulations, the Commission establishes and approves the following terms and conditions that are not consistent with the Agency report and decision:

- i. _____, *[Term and Condition Not Consistent with Report]*

The Commission for required compliance by the Developer approves all other terms and conditions of approval of the following Agency report and decision not qualified above:

[Insert HERE Agency Report and Decision]

7. Scope of Improvements

The scope of the construction and improvements shown on the Approved Site Plans and the final Record Site Plan Mylar Map are required and further described as follows, and may include other permanent and temporary improvements as may be required and necessary to complete the construction and improvements as determined by the Commission or the ZEO:

A. Notice of Roadways, Street Names, and Roadway Signage

The proposed streets shall be _____ feet wide in a _____-foot right-of-way deeded in fee simple to the Town of Watertown. The deed(s) shall be executed by filing and recording the same on the Watertown Land Records. The roads shall be constructed to the Regulations standards, have curbing as shown on the Approved Site Plans, and be constructed to the satisfaction of the Commission. Street names are approved as shown on the Approved Site Plans. Sight lines and limits of clearing shall be as shown on the Approved Site Plans. Any necessary sight line easements shall be executed by the Developer recording the easements on the Watertown Land Records and a copy of the recorded easements given to the ZEO.

The roadways constructed under the provisions of this Agreement are private roadways until the roadways are accepted by the Commission as conforming to the Approved Site Plans and the Regulations, and until the roadways are accepted by the Watertown Town Council into the Town of Watertown public roadways inventory. The Developer is fully responsible for maintenance, operation, repair, upkeep, and liability of the roadways until the roadways are accepted by the Commission and the Watertown Town Council.

The Developer shall install appropriate road signage pursuant to the Regulations and the Approved Site Plans.

B. Notice of Curb Cut in the Public Right-of-Way for Driveways

C. Notice of Sidewalks

D. Notice of Street Lights

E. Notice of Street Trees and Landscaping

F. Notice of Storm Water Drainage and Under Drain Facilities

G. Notice of Storm Water Detention Facilities

H. Notice of Watercourses

I. Notice of Soil Erosion and Sediment Controls

J. Notice of Earth Materials Activity

K. Notice of Open Spaces

L. Notice of Conservation Areas

M. Notice of Solar

N. Notice of Energy Conservation

O. Notice of Monuments and Pins

All rear and side lot pins shall be clearly and correctly placed before the issuance of a zoning permit

P. Notice of As-Built Drawings

Q. Notice of Public Health Requirements

i. Torrington Area Heath District

The Commission establishes and approves the following terms and conditions that are not consistent with the Torrington Area Health District report and decision:

1. _____, *[Term and Condition Not Consistent]*

The Commission for required compliance by the Developer approves all other terms and conditions of approval of the following Torrington Area Heath District report and decision not qualified above:

[Insert HERE Torrington Area Heath District Report and Decision]

R. Notice of Utilities for Water and Sanitary Sewer

i. Watertown Water and Sewer Authority

The Commission establishes and approves the following terms and conditions that are not consistent with the Watertown Water and Sewer Authority report and decision:

1. _____, *[Term and Condition Not Consistent]*

The Commission for required compliance by the Developer approves all other terms and conditions of approval of the following Watertown Water and Sewer Authority report and decision not qualified above:

[Insert HERE Watertown Water and Sewer Authority Report and Decision]

ii. Watertown Fire District

The Commission establishes and approves the following terms and conditions that are not consistent with the Watertown Fire District report and decision:

1. _____, *[Term and Condition Not Consistent]*

The Commission for required compliance by the Developer approves all other terms and conditions of approval of the following Watertown Fire District report and decision not qualified above:

[Insert HERE Watertown Fire District Report and Decision]

S. Notice of Other Utilities

All utilities shall be underground. The Developer shall extend public and private utilities by separate agreement consisting of: cable TV, telephone, data communications, electrical power, and natural gas. The Developer shall give a copy of said agreements to the ZEO.

T. Notice of Fire Safety and Fire Suppression

The Commission establishes and approves the following fire safety terms and conditions that are not consistent with the Watertown Fire Marshall report and decision:

- i. _____, *[Term and Condition Not Consistent]*

The Commission for required compliance by the Developer approves all other terms and conditions of approval of the following Watertown Fire Marshall report and decision not qualified above:

[Insert HERE Watertown Fire Marshall Report and Decision]

U. Other Construction, Improvements, and Conditions

8. Notice of Liability

Pursuant to Regulations Section 51.22 this Notice shall serve to alert the Developer and prospective purchasers of lots in the aforesaid Site Plan that the Commission and Town of Watertown shall not be responsible for any claims and legal expenses, including, but not limited to liability claims, during construction of the Site Plan and installation of the site improvements.

The Developer assumes all responsibility for such construction and improvements upon such terms as are fully set forth herein and in the Site Plan approval and the Regulations. The Commission and the Town of Watertown shall have no liability of any nature concerning construction of the Site Plan, installation of the site improvements, sale of lots, and/or development of the Site Plan lots. The Developer hereby agrees to indemnify the Commission and the Town of Watertown in connection with any such liability.

9. Design and Technical Details

The Developer shall design and construct the improvements to the Site Plan in accordance with the following documents. In the event of a conflict in the requirements, the more restrictive requirement generally governs the construction of the improvement. The Commission shall determine conflict resolution.

- A. The Regulations
- B. Approved Site Plans

- C. State of Connecticut Department of Transportation Standard Specifications
- D. State of Connecticut Department of Transportation Standard Drawings for Roads, Bridges, and Incidental Construction, as amended
- E. Construction and design requirements of (1) Northeast Utilities for electrical power and natural gas supply, and (2) AT&T and Cablevision of Litchfield for telephone, data, and cable TV

10. Construction Monitoring

The Developer shall provide for a Connecticut licensed professional engineer, and/or a licensed land surveyor to monitor the construction and installation of the improvements on a regular basis. Upon completion of the various stages of the improvements as set forth below, the said licensed professional shall prepare a written report under seal and signature to the ZEO and copied to the Town Engineer stating the extent of compliance with the Approved Site Plans. Construction and or installation of improvements that are out of compliance with the Approved Site Plans shall be noted in the monitoring report with recommendation as to how such construction and or installation may be brought into compliance. The Developer shall comply with the requests of the ZEO and the Town Engineer regarding the recommendations set forth in such report.

- A. Monitoring reports shall be provided by the Developer and given to the ZEO and copied to the Town Engineer at the following stages in the construction and installation of the improvements:
 - i. Upon placement of property corners and street line monuments
 - ii. Upon initial installation of erosion and sedimentation control measures
 - iii. Upon the replacement or removal of erosion and sedimentation control measures
 - iv. Upon completion of clearing, grubbing, and stump disposal
 - v. Upon completion of site improvements and prior to a request for the start of the one year maintenance and three year tree maintenance
 - vi. Upon request for partial and final releases of Security in accordance to Article 11
 - vii. Upon completion of the construction and installation of public utilities including electric, gas, telephone, cable
 - viii. Upon completion of the construction and installation of public water and public sanitary sewers
 - ix. Upon final completion of all improvements
 - x. Upon completion of the one year maintenance period and the three year tree maintenance period

- B. In an effort to promote uniformity and efficiency in the provisions of construction and installation inspection, monitoring, and testing services, so as to provide for proper quality control and assurance in conformance with the Regulations:
 - i. Installation of soil and erosion control measures

- ii. Clearing of trees, if any
- iii. Installation of street trees and landscaping
- iv. Installation of public improvements
- v. All recommendations of the ZEO and the Town Engineer shall be followed.

11. Performance Bond and Fees

The Developer shall provide the Commission a Performance Bond and a Maintenance Bond in accordance with the Regulations Section 51.13 to ensure the satisfactory construction and installation of public and private improvements as shown on the Approved Site Plans and in Article 7, "Scope of Improvements". The amount of the Security shall be reviewed and, if necessary, adjusted by the Commission, by increase or reduction in the bond amount to protect the interests of the Town. The amount of the Security may be released pursuant to the Regulations Section 51.13.

The Developer shall in accordance with the Town of Watertown Code of Ordinances for Planning and Zoning Fees and Gifts then in effect, pay to the Town of Watertown gifts in an amount equal to three (3%) percent of the total amount of the Performance Bond prior to contingency, or in the event a bond is not required, 3% of the ZEO approved estimate of the costs of construction and site improvements which are the subject of the Approved Site Plan and amendments thereto. These gifts shall only be used for direct costs of town employees, non-town employee consultants, and related expenses for purposes determined by the Commission as reasonable and necessary to review an application and to inspect, monitor, and test site improvements, for legal and paralegal services that are not for litigation, for technical assistance consulting services including third party consulting services, and to pay costs for the Commission to cause work to be corrected and or to complete the Developer's unsatisfactory and or untimely performance of Site Plan work and or Special Permit work using proceeds of the Commission called performance bond, maintenance bond, and or other security. Gifts shall be accounted for by the ZEO. The Developer shall be responsible for the direct costs of any purpose of expenditure authorized in the ordinance including direct costs in excess of the three (3%) percent gifts deposit. The Commission shall refund the Developer the gifts balance remaining after satisfactory completion of the work and the Commission releases all sureties. Fees and gifts shall be paid by the Developer to the Town of Watertown prior to issuance of a zoning permit.

12. Taxes, Liens, and Encumbrances

The Developer shall pay all outstanding Town of Watertown taxes, liens, encumbrances, and assessments not deferred with approval of the Town of Watertown, that are against the property upon execution of this Agreement. Prior to any subsequent conveyance of the property, all taxes, liens, encumbrances against the property, and assessments not deferred with approval of the Town of Watertown, shall be paid such that any conveyance shall be free and clear.

13. Town Right of Entry

During the term of the Agreement, the Town of Watertown and the Commission, their officers, employees, and agents shall have the right to enter at any time upon the Developer's property to observe construction in progress or in place, to make measurements, and conduct tests, all to insure compliance with this Agreement, the Regulations, and the Approved Site Plans, and any amendments thereto. The Developer may require appropriate safety equipment for protecting the safety of said persons as a condition of entry onto the property.

14. Damage to Town Facilities

The Developer shall, at the direction of the ZEO or the Town Engineer, replace and repair any damage caused by its activities to Town facilities and Town property. In the event there is damage to Town facilities or Town property that are not replaced or repaired by the Developer, the Developer is subject to a hearing before the Commission with a minimum ten (10) days hearing notice to the Developer (unless mutually agreed otherwise). The Commission may authorize, direct, and cause to be made by the Developer or other person, as "person" is defined in the Regulations Section 5.1.9, such replacements and repairs as the Commission deems appropriate. The Commission may require the Developer to make payment for the replacements and repairs, may collect the expense of the replacements and repairs from the security, may require additional security, and or may commence a claim in Court. The parties to this Agreement are not required to utilize Article 22, "Dispute Resolution" in the event a dispute arises from actions taken by the Commission on the subject of this Article 14. However, both parties may agree to utilize Article 22 "Dispute Resolution" to resolve Article 14 disputes.

The Developer's licensed engineer or licensed land surveyor shall document by text, drawings, photographs, video tapes, or other means, the known damage to Town facilities and Town property that occurred prior to the start of construction and installation of the site improvements. This documentation shall be provided to the Commission in the form of a report. The Developer shall not be responsible for the repair and or replacement of damage to Town facilities or Town property that is accurately documented in the report.

The Developer shall provide a Certificate of Liability Insurance in favor of the Commission and the Town in accordance with the Regulations Subsection 51.22.2 and in a minimum coverage of one million (\$1,000,000.) dollars. The ZEO shall be given the Certificate of Liability Insurance prior to issuance of a zoning permit.

15. Field Changes and Minor Amendments

It is agreed and understood that it may be necessary to make a field change and or a minor amendment to the Approved Site Plans to accommodate unforeseen or unusual conditions without having to delay the construction and installation of the site improvements. The Developer shall receive written approval from the ZEO prior to beginning to make a field change or a minor amendment. The field change and minor amendment shall be in conformance with the Regulations and shall be noted in the monitoring report to the Commission with background information as to why the field change and minor amendment was necessary.

16. Indemnity

The Developer shall indemnify the Town of Watertown, the Commission, and their officers, employees, and agents harmless from and against any claim of liability or loss from personal injury or property damage resulting from or arising out of the use or occupancy of the property, including without limitation the construction and/or the installation of the site improvements, excepting such claims or damages as may be due to the gross negligence or willful misconduct of the Town of Watertown, the Commission, or their officers, employees, or agents.

17. Compliance with Laws

The Developer shall comply with all applicable laws, enactments, and regulations of any federal state, or local governmental authority as to the Developer's possession and use of the Site Plan property. "All applicable laws" includes, without limitation, any and all environmental laws, including any regulation, and written final guidelines, standards, or policies of governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental conditions or concerns as may now or at any time hereafter be in effect.

The Developer shall indemnify and hold the Town of Watertown, the Commission, and their officers, employees, and agents harmless from and against any penalties, fees, enforcement proceedings, or other actions arising from the Developer's non-compliance with an applicable laws or other authority stated in the preceding paragraph.

18. Hazardous Substances

The Developer shall not introduce or use on the property any substance which is identified as hazardous, toxic, or dangerous in violation of applicable law or authority.

In the event of an uncontrolled release of any substance on the property, the Developer shall immediately notice the ZEO by telephone, in addition to other authority required to be noticed.

19. Title Certificate

Prior to the transfer of property or rights thereto to the Town of Watertown, the Developer shall provide a Title Certificate to the ZEO to certify that the Title Certificate is free and clear of defects rendering the title unmarketable. The Title Certificate shall be subscribed and sworn to by an attorney, and in a form acceptable to the Town Attorney.

20. Assignment

This Agreement shall not be sold, assigned, or transferred without the prior written consent of the Commission, which consent shall not be unreasonably withheld, delayed, or conditioned. Notwithstanding, this Agreement shall be enforceable against successors and assigns of the Developer.

21. Governing Law

This Agreement and the performance thereof shall be governed, interpreted, construed, and

regulated by the laws, regulations, and customs of the State of Connecticut and the Commission. Any action brought under this Agreement in a Court shall be to the Superior Court of the Waterbury Judicial District in Waterbury, Connecticut and is first subject to the Dispute Resolution of Article 22.

22. Dispute Resolution

A. Mandatory Negotiations:

The parties to this Agreement agree they will attempt to negotiate in good faith any dispute of any nature arising under this Agreement. The parties shall negotiate in good faith at not less than two negotiation sessions of which at least one negotiation session is with the Commission prior to seeking a resolution of any dispute by any means under “Mandatory Mediation” and “Election to Begin Court Proceedings” of Article 22. Each party shall have the right to legal representation at any negotiation session.

B. Mandatory Mediation:

Any dispute or question arising under the provision of this Agreement which has not been resolved under the “Mandatory Negotiation” provision of Article 22 shall be submitted to non-binding mediation before one mediator agreed upon by the parties or appointed by the presiding Civil Judge for the Waterbury Judicial District. Mediation proceedings shall take place at any suitable location in Watertown, Connecticut or any contiguous Town and shall be conducted in the accordance with the rules for mediation then applicable of the Connecticut Bar Association. If an independent mediator is agreed upon by both parties, said independent mediator shall establish the rules and procedures of the mediation. Each party shall pay one-half of all common costs and expenses of such mediation. The parties shall use their best efforts to reach a good faith resolution of such dispute within ninety (90) days after commencement of the mediation proceedings. Any decision of the mediator is not binding upon the parties, except by written agreement of the parties.

C. Election to Begin Court Proceedings:

Provided the parties have completed the required “Mandatory Negotiations” proceedings and the “Mandatory Mediation” proceedings, either party may determine the mediator decision is not an appropriate means to settle the dispute. The parties thereafter shall have the right to commence judicial proceedings of Article 21 for the purpose of settling any such dispute.

D. Legal Fees:

Each party is responsible for their own legal fees incurred by Article 22, and may petition the Court to award their legal fees to be paid by the other party for legal fees incurred pursuant to Article 21.

23. Severability and Survival

Any provision of this Agreement later held to be unenforceable for any reason shall be deemed void, and all remaining provisions shall continue in full force and effect. All

obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating responsibility or liability between the parties to this Agreement shall survive the termination of this Agreement.

24. Filing on the Land Records

This Agreement shall be filed by the Developer at the Developer's expense on the Land Records of the Town of Watertown upon execution and endorsement by signature of the Developer and the Commission Chairman or Secretary. The recording of the Site Plan Development Agreement on the Watertown Land Records is void without said endorsement and execution.

25. Agreement Amendments

This Agreement may be amended by written consent of both parties. Such Amendments shall be in writing, executed by both parties, endorsed by signature of the Developer and the Commission Chairman or Secretary, shall satisfy compliance to all of Article 4.A, and is recorded by the Developer on the Watertown Land Records at the Developer's expense. The recording of the Amendments to the Agreement on the Watertown Land Records is void without said endorsement and execution.

26. Notices

All notices concerning this Agreement shall be in writing, sent by certified mail return receipt requested addressed as follows:

Developer: _____, which is the owner of the property to be developed,
having its principal place of business at

Commission: Administrator for Land Use / Zoning Enforcement Officer, Watertown
Planning and Zoning Office, 51 Depot Square Business Center, Suite 502,
Watertown, CT 06795

27. Term of Agreement

This Agreement shall be for a term run concurrently with the approval of the Site Plan, expiring _____ [*Expiration Date of Site Plan Approval*], and may be renewed without amendment to this Agreement for additional periods by mutually agreed action of the Commission and the Developer in accordance with the Regulations and State Statute Section 8-25.

All terms and conditions of this Agreement shall remain unchanged and remain in full force and effect for the term of this Agreement and until all sureties are released by the Commission.

28. Agreement Execution

IN WITNESS WHEREOF, the parties hereto have executed this document on the _____ day of _____, 20__.

BY THE DEVELOPER

In presence of:

[Printed Name]

[Printed Name]

DEVELOPER:

_____ [Developer]

[Printed Name]

Its _____

STATE OF CONNECTICUT)

)

ss. WATERTOWN _____, 20__

COUNTY OF LITCHFIELD)

On this _____ day of _____ 20__, before me, the undersigned officer, personally appeared _____, its _____ of _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to within this instrument (Agreement) and who acknowledged that they executed the same for the purposes therein contained.

[Printed Name]

Commissioner of the Superior Court

OR

[Printed Name]

Notary Public

My Commission expires: _____

BY THE COMMISSION

In presence of:

[Printed Name]

COMMISSION:

Watertown Planning & Zoning

[Printed Name]

Its Chairman

[Printed Name] _____

STATE OF CONNECTICUT)
) ss. WATERTOWN _____, 20__
COUNTY OF LITCHFIELD)

On this _____ day of _____ 20__, before me, the undersigned officer, personally
appeared _____, its _____
of _____ known to me (or satisfactorily proven) to be
the person whose name is subscribed to within this instrument (Agreement) and who
acknowledged that they executed the same for the purposes therein contained.

[Printed Name] _____
Commissioner of the Superior Court

OR

[Printed Name] _____
Notary Public
My Commission expires: _____

Bond Appendix - Schedule A – For Owner/Applicants

BOND

KNOW ALL MEN BY THESE PRESENTS, that (INSERT LAND OWNER NAME), of _____, Connecticut, (the “Principal”) is held and firmly bound unto the Town of Watertown, Connecticut (the “Town”) in the penal sum of _____ dollars (\$_____) in lawful money of the United States (the “Bond”) for the payment of which sum well and truly to be made, it binds itself and its successors and assigns firmly by these presents.

THIS CONDITION OF OBLIGATION is such that:

WHEREAS, the Principal is the owner of certain property (the “Property”) in the Town of Watertown, shown on a map entitled “_____” scale _____ = _____ last revised _____ and prepared by _____; which Subdivision Plan or Site Plan has been approved by the Watertown Planning and Zoning Commission (the “Commission”) and is filed or is to be filed by the Principal on the land records in the Watertown Town Clerk’s Office, and

WHEREAS, the Town, acting through the Commission, requires this bond to secure the completion and satisfaction of certain improvements stated in the Bond Obligation Schedule in accordance with the Subdivision Plan, the Site Plan, and Special Permit approved by the Commission for (INSERT NAME OF SUBDIVISION / DEVELOPMENT) and as contained in the Commission Motion of Approval dated (INSERT DATE OF APPROVAL), the Watertown Zoning Regulations and appendices, the Watertown Subdivision Regulations and appendices (both Regulations and appendices hereinafter referred to as the “Regulations”), and ordinances of the Town of Watertown; to the completion of work satisfactory to the Commission on or before (INSERT DATE OF PLAN EXPIRATION) hereinafter referred to as the “Obligation”, and

WHEREAS, the Principal has agreed and is firmly bound to furnish a surety instrument(s) to the Town prior to the start of work at the Property, such surety instrument(s) to be (a) in the form conforming to the Regulations, (b) in the amount of the Bond, and (c) delivered to the Administrator for Land Use / Zoning Enforcement Officer at the office of the Commission, to secure the Obligation; such funds to be used only for the correction of violations of the Obligation as the Commission in its discretion determines necessary to complete and satisfy the Obligation; and

WHEREAS, the Principal has agreed to permit and does hereby grant unrestricted access to the Commission designated agents and contractors to enter onto the Property to inspect the Obligation, and to correct and abate any violations of the Obligation, and

WHEREAS, the Principal has agreed to fully indemnify and save the Town harmless from all costs and damages which the Town may suffer by reason of failure of the Principal to

Bond Appendix - Schedule B – For Non-Owner/Applicants

BOND

KNOW ALL MEN BY THESE PRESENTS, that _____ a Connecticut corporation having a usual place of business at _____, Town/City of _____, County of _____ and State of Connecticut (or _____), having a mailing address of _____, Connecticut (herein referred to as the “Principal”) AND

_____, a Connecticut corporation having a usual place of business at _____, Town/City of _____, County of _____ and State of Connecticut (or _____ having a mailing address of _____, _____, Connecticut) (hereinafter referred to as the “Surety”) are held and firmly bound unto the Town of Watertown, Connecticut (the “Town”) in the penal sum of _____ dollars (\$ _____) in lawful money of the United States (the “Bond”) for the payment of which sum well and truly to be made, it binds itself and its successors and assigns firmly by these presents.

THE CONDITION OF OBLIGATION is such that:

WHEREAS, the Principal is the owner of certain property (the “Property”) in the Town of Watertown, shown on a map entitled “_____” scale _____ = _____ last revised _____ and prepared by _____; which Subdivision Plan or Site Plan has been approved by the Watertown Planning and Zoning Commission (the “Commission”) and is filed or is to be filed by the Principal on the land records in the Watertown Town Clerk’s Office, and

WHEREAS, the Town, acting through the Commission, requires this Bond to secure the completion and satisfaction of certain improvements stated in the Bond Obligation Schedule as may be amended by the Commission, in accordance with the Subdivision Plan, the Site Plan, and the Special Permit approved by the Commission for (INSERT NAME OF SUBDIVISION / DEVELOPMENT) and as is in the Commission Motion of Approval dated (INSERT DATE OF APPROVAL), the Watertown Zoning Regulations and appendices, the Watertown Subdivision Regulations and appendices (both Regulations and appendices hereinafter referred to as the “Regulations”), and ordinances of the Town of Watertown; to the completion of work satisfactory to the Commission on or before (INSERT DATE OF PLAN EXPIRATION) hereinafter referred to as the “Obligation”, and

WHEREAS, the Principal has agreed and is firmly bound to furnish a surety instrument(s) to the Town prior to the start of work at the Property, such surety instrument(s) to be (a) in the form conforming to the Regulations, (b) in the amount of the Bond, and (c) delivered to the Administrator for Land Use / Zoning Enforcement Officer at the office of the

Commission, to secure the Obligation; such funds to be used only for the correction of violations of the Obligation as the Commission in its discretion determines necessary to complete and satisfy the Obligation; and

WHEREAS, the Principal has agreed to permit and does hereby grant unrestricted access to the Commission designated agents and contractors to enter onto the Property to inspect the Obligation, and to correct and abate any violations of the Obligation, and

WHEREAS, the Principal has agreed to fully indemnify and save the Town harmless from all costs and damages which the Town may suffer by reason of failure of the Principal to well and truly complete the Obligation to the satisfaction of the Commission including maintenance periods. The Principal shall reimburse and pay to the Town all outlay and expense which the Town may incur in making good on any default of the Obligation, or damage that may be done to the improvements or caused by the improvements, including court costs and legal expenses.

NOW THEREFORE, the condition of the Obligation is that if the Principal shall well and truly complete the Obligation including maintenance periods to the satisfaction of the Commission, and the Commission approves the work and releases the Bond, then this instrument is to be null and void; otherwise it shall remain in full force and effect. The Obligation herein set forth shall be joint and several with respect to all parties executing this Bond.

IN WITNESS WHEREOF, this instrument is executed this ___day of _____

PRINCIPAL
(INSERT THE PRINCIPAL NAME)

_____ By: _____

_____ Its: _____

SURETY
(INSERT SURETY NAME)

_____ By: _____

STATE OF)
) ss:
COUNTY OF)

On this the ___ day of _____, before me, personally appeared _____, who acknowledged h__self to be the _____ of _____ being authorized so to do executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by h__self as such officer aforesaid.

Commissioner of the Superior Court
Notary Public
My Commission Expires: _____

STATE OF)
) ss:
COUNTY OF)

On this the ___ day of _____, personally appeared, _____, signer and sealer of the foregoing instrument, who acknowledged the same to be h__self free act and deed before me.

Commissioner of the Superior Court
Notary Public
My Commission Expires: _____

Bond Appendix - Schedule C – Pledge of Savings Time Deposit

PLEDGE OF SAVINGS TIME DEPOSIT

(INSERT TODAY’S DATE)

(INSERT LANDOWNER NAME AND ADDRESS)

(INSERT BANK NAME AND ADDRESS)

FOR VALUE RECEIVED, (INSERT LANDOWNER’S NAME), whose mailing address appears above, hereby transfers to the Town of Watertown all balances now or any time hereafter standing to our credit with respect to that account including all subsequent deposits and all accrued dividends, or interest now or hereafter added and/or credited to said balances up to _____dollars (\$_____) and grants a security interest in that certain savings certificate No._____, in the name of (INSERT LANDOWNER’S NAME), held by (INSERT BANK NAME) and any extensions or renewals thereof, if the account is one which may be extended or renewed, (such account and any extensions or renewals being hereinafter the “Account”, on the following terms and conditions:

This assignment of the Account shall secure all indebtedness of the owner of the Account (hereinafter the “Pledgor”) to the Town of Watertown.

The term “indebtedness”, as used herein, shall mean all debts, obligations and liabilities of every kind and character, whether direct or indirect, contingent, primary secondary, joint, several, joint and several, or otherwise and whether now existing or hereinafter arising, whether evidenced by bond, draft, acceptance, overdraft, or otherwise, regardless of the manner in which, or the person or persons in whose favor originally created, and regardless of the manner in which acquired by the Town of Watertown, and all renewals or extensions of such items or any of them. The above debts, obligations and liabilities are referred to hereinafter as the “Obligation”. The person or persons obligated to repay the Obligation are referred to hereinafter as the “Obligator”.

1. The indebtedness of the Obligator to the Town of Watertown is _____dollars (\$_____).
2. The Pledgor represents and warrants that (i) the Pledgor is the owner of the Account and has authority to execute and deliver this assignment. (ii) no financing statement covering the Account, or any part thereof, has been filed with any filing officer, (iii) no other assignment or security agreement has been executed with respect to the

Account; and (iv) the Account is not subject to any liens or offsets of any person, firm, or Corporation other than the Town of Watertown.

3. So long as the Obligation or any part thereof remains unpaid, the Pledgor covenants and agrees: (i) from time to time promptly to execute and deliver to the Town of Watertown all such other assignments, certificates, passbooks, supplemental writing, and financial statements and do all other acts or things as the Town of Watertown may reasonably request in order to more fully evidence and perfect the security interest herein created; (ii) promptly to furnish the Town of Watertown with any information or writings which the Town of Watertown may reasonably request concerning the account; (iii) promptly to notify the Town of Watertown of any change in any fact or circumstances warranted or represented by the Pledgor herein or in any other writing furnished by the Pledgor to the Town of Watertown in connection with the Account or the Obligation, (iv) promptly to notify the Town of Watertown of any claim, acting, or proceeding affecting title to the Account, or any part thereof, or the security interest herein, and, at the request of the Town of Watertown, appear in, and defend any such action or proceeding; and (v) pay to the Town of Watertown the amount of any court costs and reasonable attorney's fees assessed by a court and incurred by the Town of Watertown following default hereunder. The Pledgor covenants and agrees that without the prior consent of the Town of Watertown the Pledgor will not; (vi) create any other security interest in, mortgage, or otherwise encumber, or assign the account or any part thereof, or permit the same to be or become subject to any lien, attachment, execution, sequestration, other legal or equitable process, or any encumbrance, other legal or equitable process, or any encumbrance of any kind or character, except the lien herein created; or (vii) make or allow to be made any withdrawals from the Account. Should any funds payable with respect to the Account be received by the Pledgor, they shall immediately upon such receipt become subject to the lien hereof and while in the hands of the Pledgor be segregated from all other finds of the Pledgor and be held in trust for the Town of Watertown. The Pledgor shall have absolutely no dominion or control over such funds except to immediately pay them into the Account.
4. The Town of Watertown shall never be liable for its failure to use due diligence in the collection of the Obligation, or any part thereof, or for its failure to give notice to the Pledgor of default in the payment of the Obligation, or any part thereof, or in the payment of or upon any security, whether pledged hereunder or otherwise.
5. Should any other person have heretofore executed or hereafter execute, in favor of the Town of Watertown, any deed of trust, mortgage, or security agreement, or have heretofore pledged or hereafter pledge any other property to secure the payment of the Obligation, or any part thereof, the exercise by the Town of Watertown of any right or power conferred upon it in any such instrument, or by any such pledge, shall be wholly discretionary with it and the exercise or failure to exercise any such right or power shall not impair or diminish the Town of Watertown's rights, titles, interest, liens, and powers existing hereunder.
6. The term "default", as used herein, means the occurrence of any of the following events: (i) default in the payment of the Obligation or any part thereof as it becomes due in accordance with the terms of the bond which evidences it, (ii) default in the

- punctual and proper performance of any covenant, agreement, or condition contained herein or in any other agreement, or contract of any kind securing or assuring payment of the Obligation or any part thereof, (iii) the dissolution of the Pledgor; (iv) the insolvency of the Pledgor, (v) the levy against the Account or any part thereof of any execution attachment, sequestration, or other writ; (vi) the appointment of a receiver of the Pledgor or of the Account or any part thereof, (vii) the adjudication of the Pledgor as a bankrupt; and (viii) the filing of any petition or other pleading seeking adjudication of the Pledgor as a bankrupt, or an adjustment of the Pledgor's debts, or the Pledgor as a bankrupt, or an adjustment of the Pledgor's debts, or any other relief under any bankruptcy, reorganization, debtor's relief, or insolvency laws now or hereafter existing.
7. Upon the occurrence of a default, the Town of Watertown, in addition to any other remedies it may have, may declare the entire unpaid balance of principal of and all earned interest on the Obligation immediately due and payable and may demand payment thereof from the funds in or credited to the Account. Upon written demand from the Town of Watertown following any such default, the depository of the Account is hereby authorized and directed by the Pledgor to make payment directly to the Town of Watertown of the funds in or credited to the Account, or such part thereof as the Town of Watertown may request and such depository shall be fully protected in relying upon the written statement of the Town of Watertown that the Town of Watertown is entitled to payment of the Obligation there from. The Town of Watertown's receipt for sums paid it pursuant to such demand shall be a full and complete release, discharge and acquittance to the depository making such payment to the extent of the amount so paid. The Pledgor hereby authorizes the Town of Watertown upon the occurrence of default and so long as any part of the Obligation remains unpaid, (i) to withdraw, collect, and receipt for any and all funds on deposit in or payable on the Account; (ii) on behalf of the Pledgor to endorse the name of the Pledgor upon any checks, drafts or other instruments payable to the Pledgor evidencing payment on the Account; and (iii) to surrender or present for notation of withdrawal the passbook, certificate, or other documents issued to the Pledgor in connection with the Account. No power granted to the Town of Watertown by the Pledgor shall terminate upon any disability of the Pledgor. The Town of Watertown shall not be liable for any loss of interest on or any penalty or charge assessed by the depository institution against funds, in payable on, or credited to the Account as a result of the Town of Watertown's exercising any of its rights or remedies under this assignment.
 8. The Town of Watertown shall be entitled to apply any and all funds received by it hereunder toward payment of the Obligation in such order and manner as the Town of Watertown in its discretion may elect. If such funds are not sufficient to pay the Obligation in full, Obligor shall remain liable for any deficiency, the liability of each Obligor (if more than one) to be determined by the Town of Watertown following its receipt and crediting of such funds. Upon full and final payment of the Obligation, the Town of Watertown, at the written request of the Pledgor, shall release its rights hereunder.
 9. All rights, titles, interests, liens, and remedies of the Town of Watertown hereunder are cumulative of each other and of every other right, title, interest, lien, or remedy

which the Town of Watertown may otherwise have at law or in equity or under any other contract or other writing for the enforcement of the security interest herein or the collection of the Obligation, and the exercise of one or more rights or remedies shall not prejudice or impair the concurrent or subsequent exercise of other rights or remedies. Should the Pledgor have heretofore executed or hereafter execute any other security agreement in favor of the Town of Watertown, the security interest therein created and all other rights, powers, and privileges vested in the Town of Watertown by the terms thereof shall exist concurrently with the security interest created herein.

10. No waiver by the Town of Watertown of any default shall be deemed to be a waiver of any other subsequent default, nor shall any such waiver by the Town of Watertown be deemed to be a continuing waiver. No delay or omission by the Town of Watertown in exercising any right or power hereunder, or under any other writings executed by the Pledgor as security for or in connection with the Obligation, shall impair any such right or power or be construed as a waiver thereof or any acquiescence therein, nor shall any single or partial exercise of any such right or power preclude other or further exercise thereof, or the exercise of any other right or power of the Town of Watertown hereunder or under such other writings.
11. This assignment shall be binding on the Pledgor and the Pledgor's heirs, executors, administrators, other legal representatives, successor, and assigns and shall inure to the benefit of the Town of Watertown, its successor, and assigns. If there be more than one Pledge, their obligations and agreements hereunder are joint and several and shall be binding upon their respective heirs, executors, administrators, other legal representatives, successors, and assigns, and an accounting to any one or more of them shall discharge the Town of Watertown of all liability therefore.
12. This order has been delivered to the bank as collateral security for our obligations to the Town of Watertown, to complete improvements to (INSERT NAME OF SUBDIVISION/DEVELOPMENT) and to secure any damage that may be done to the improvements or caused by said improvements all in accordance with the Bond Obligation Schedule for the Subdivision Plan, the Site Plan, and Special Permit approved by the Commission as contained in the Commission Motion of Approval dated (INSERT DATE OF APPROVAL), the Watertown Zoning Regulations and appendices, the Watertown Subdivision Regulations and appendices, and ordinances of the Town of Watertown.

PLEDGOR ACKNOWLEDGES RECEIPT OF A COPY OF THIS ASSIGNMENT

Executed by the Pledgor on the date above written

By: _____
(INSERT LAND OWNER NAME)

The undersigned depository has been advised that the Pledgor has assigned the Account as described in the foregoing assignment to the Town of Watertown. The records of the undersigned depository have been marked to show the foregoing assignment. The undersigned depository hereby acknowledges that the Account, as described in the foregoing assignment, has been validly created by the undersigned depository in favor of the Pledgor, that the present balance on deposit in the Account is _____ dollars (\$_____) and that the above signature compares correctly with the signature shown on the signature card for such account. The undersigned depository hereby subordinates any and all rights of set-off and all other rights and liens of the undersigned depository against the Account to the rights, security interests, and liens of the Town of Watertown under the foregoing assignment.

Dated this _____ day of _____

(INSERT BANK NAME)

By: _____
It's Branch Manager, (INSERT NAME)

LAND OWNER

By: _____
(INSERT LAND OWNER NAME)

Bond Appendix - Schedule D – Letter of Credit

(Must be on Bank Stationary)

(INSERT TODAY’S DATE)

Planning and Zoning Commission
Town of Watertown
(INSERT COMMISSION OFFICE ADDRESS)

Attention: _____, Administrator for Land Use / Zoning Enforcement Officer

At the request of (INSERT LANDOWNER’S NAME), we advise you that we have established our unconditional and irrevocable Letter of Credit in your favor and hereby authorize you to draw to us, for account of (INSERT LANDOWNER’S NAME) for sum in U.S. Dollars not exceeding _____dollars (\$_____) in the aggregate, available by your drafts at sight on us, accompanied by a statement signed by a duly authorized agent of the Town of Watertown Planning and Zoning Commission under oath stating either:

(i) “The amount stated in the sight draft accompanying the certification is due to the Town of Watertown in its sole judgment as a result of the failure of (INSERT LANDOWNER’S NAME) (hereinafter the “Principal”) to complete the construction and installation to the satisfaction of the Watertown Planning and Zoning Commission of all improvements and conditions of the Subdivision Plan, the Site Plan, and the Special Permit approved by the Watertown Planning and Zoning Commission on (INSERT DATE OF APPROVAL) shown on a map entitled “_____” scale _____ = _____ last revised _____ and prepared by _____, and is filed on the land records in the Watertown Town Clerk’s Office; and to secure any damage that may be done to the improvements or caused by the improvements”; OR

(ii) “The Principal has failed to present security for maintenance of the improvements for the Subdivision Plan, the Site Plan, and the Special Permit approved by the Commission shown on a map entitled “_____” scale _____ = _____ last revised _____ and prepared by _____ and is filed on the land records in the Watertown Town Clerk’s Office in form and amount satisfactory to the Town of Watertown Planning and Zoning Commission, all in accordance with the Zoning Regulations and appendices, and the Subdivision Regulations and appendices, and ordinances of the Town as the same may be amended from time to time”.

Drafts must be drawn no later than _____, at which time this Letter of Credit will be considered cancelled (not less than 30 days after the expiration of the period for completion).

This Letter of Credit is transferable and is governed by the Uniform Customs and Practice for Documentary Credits (1993 Revision) and as set forth in the International Chamber of Commerce Publication No 500. We hereby agree with all drawers, endorsers, and holders in due course of drafts drawn under and in compliance with the terms of this Letter of Credit, that such drafts will be duly honored by us on presentation.

Very truly yours,

(INSERT BANK'S NAME)

By: _____

(INSERT SIGNATORY'S NAME)

It's (INSERT BANK TITLE)

Note: A resolution or other evidence of authorization of the signer of the Letter of Credit to execute it on behalf of the Bank is required.

Rev. 11-30-2009

Bond Appendix - Schedule E – Public Entity - Commission Approval Payment to Contractor

[NAME OF PROJECT]
BOND AGREEMENT
PUBLIC SITE IMPROVEMENTS

Agreement made this ____ day of _____, 2____ by and between the Town of Watertown (hereinafter the “Town”) acting herein by its Town Manager and by the Chairman of the Public Buildings Committee (hereinafter the “Committee”), and the Watertown Planning and Zoning Commission (hereinafter the “Commission”) acting herein by its Chairman.

WITNESSETH

WHEREAS, the Commission approved Special Permit #_____/ Site Plan for the *[Name of Project]* at *[Name of Property]*, on *[Date of Commission Approval]*;

WHEREAS a condition of those approvals is a bond to be posted for all public site improvements in a form to be approved by the Commission;

NOW THEREFORE, in consideration of the mutual promises made herein, the parties agree as follows:

1. The public site improvements to be covered by this Agreement, and the amount allocable to each such item are as follows:

2. The Town hereby agrees that the items listed under paragraph 1 of this Agreement will be done in the orderly progression of the project, but in no event later than *[Date Permit Expires]*, and the monies allocable to those items will be paid to the contractors performing the work only after the Administrator for Land Use / Zoning Enforcement Officer and the Commission have signed off that the work has been properly completed to Town and Commission specifications, which sign offs shall be done in a timely fashion so as to avoid late payments under the Town’s building contracts.

3. In no event will the Town expend 100% of the money allocable to the *[Name of Project]* project at Town referendum held on *[Date of Referendum]* until the conditions of paragraph 2 hereof have been complied with, the effect of which is that the Town shall not be permitted to expend the sum of _____ (\$ _____) Dollars of the monies allocable to the *[Name of Project]* project until the conditions of Paragraph 2 are met.

4. The Town shall be permitted to expend the monies required to be held under this Agreement in installments as individual items of the public site improvements are accomplished, provided the conditions of paragraph 2 are met; the Town will not be required under this Agreement to hold all of the monies until all of the public site improvements are completed.

In witness whereof, the parties have hereunto set their hand and seal the day and date first written above

WITNESS:

TOWN OF WATERTOWN

_____, Town Manager

COMMITTEE

_____, Chairman
Public Buildings Committee

PLANNING & ZONING COMMISSION

_____, Chairman

Bond Appendix - Schedule F – Public Entity Cash Bond

[NAME OF PROJECT]
SPECIAL PERMIT / SITE PLAN
BOND

KNOW ALL MEN BY THESE PRESENTS, that the TOWN OF WATERTOWN which is the owner of the property to be developed, having its principal office and place of business at 424 Main Street, Watertown CT (the “**Town**”), acting herein by the Town Manager and by the Chairman of the Public Buildings Committee, is held and firmly bound unto the WATERTOWN PLANNING & ZONING COMMISSION (the “**Commission**”) in the penal sum of _____ DOLLARS AND 00/100 cents (\$_____) in lawful money of the United States for the payment of which sum well and truly to be made, it binds itself and its successors and assigns firmly by these presents.

THIS CONDITION OF OBLIGATION is such that:

WHEREAS, the Town is the owner of certain property in the Town of Watertown, known as *[Name of Property]*, located on *[Street Address]*, *[Town]* CT; and

WHEREAS, the Commission requires this bond to secure the completion and satisfaction of a specific public site improvement, to wit: *[Description of Work]* in accordance with the planned construction associated with the Special Permit No. [___] / Site Plan, as approved by the Commission on *[Date of Commission Approval]*, to the satisfaction of the Commission on or before *[Date Permit Expires]* (the “Obligation”); and

WHEREAS, the Town has furnished to the Commission a CASH BOND in the total

amount of _____ DOLLARS AND 00/100 cents (\$_____) to secure the Obligation, such funds to be used only for the completion of the design and installation of the *[Description of Work]* as required by the Commission, and said funds to be held in a restricted account which cannot be released without the written authorization of the Commission, which written authorization shall be done in a timely fashion so as to avoid late payments under the Town's building contracts;

NOW THEREFORE, the condition of the Obligation is that if the Town shall well and truly complete the design and installation of *[Description of Work]* as required under the Commission approvals of *[Date of Commission Approval]*, and shall obtain the written concurrence of the Commission by *[Date Permit Expires]* or earlier, or if the *[Name of Property]*, at *[Street Address]* is *[Conditioned by Commission]*, that the Obligation has been met as approved by the Commission, then this instrument is to be null and void; otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this document on the _____ day of _____, 2____.

Signed and delivered in the presence of:

TOWN

 _____, Town Manager

STATE OF CONNECTICUT)
)
 COUNTY OF LITCHFIELD)

ss. Watertown _____, 2____

On this the _____ day of _____ 2____, personally appeared before me,

Bond Appendix - Schedule G – Notice of Pledge

NOTICE OF PLEDGE

(Must be on Planning and Zoning Commission Stationary)

(INSERT TODAY’S DATE)

There has been pledged to the undersigned a savings certificate number _____ from (INSERT BANK NAME) which has been delivered to the undersigned with an order of all balances represented thereby, an executed original of which order is herewith filed with you. You are requested to sign and return the copy enclosed which is headed “Receipt of Notice”.

PLANNING AND ZONING COMMISSION
TOWN OF WATERTOWN

By: _____
Administrator for Land Use / Zoning Enforcement Officer

Rev. 11-30-2009

Bond Appendix - Schedule H – Receipt of Notice

(Must be on Bank Stationary)

RECEIPT OF NOTICE

Administrator for Land Use / Zoning Enforcement Office
Town of Watertown
(INSERT COMMISSION OFFICE ADDRESS)

The undersigned depository has been advised that the Pledgor has assigned the account as described in the forgoing assignment to the Town of Watertown. The records of the undersigned depository have been marked to show the forgoing assignment. The undersigned depository hereby acknowledges that the Account, as described in the foregoing assignment has been validly created by the undersigned depository in favor of the Pledgor, that the present balance on deposit in the Account is _____ dollars (\$_____) and that the above signature compares correctly with the signature shown on the signature card for such account. The undersigned depository hereby subordinates any and all rights of set-off and all other rights and liens of the undersigned depository against the Account to the rights, security interest, and liens of the undersigned depository against the Account to the rights, security interest, and liens of the Town of Watertown under the foregoing assignment.

Dated this _____ day of _____

(INSERT BANK NAME)

By: _____
It's Branch Manager, (INSERT NAME)

LAND OWNER

By: _____
(INSERT LAND OWNER NAME)