ZONING REGULATIONS

OF THE

TOWN OF WILTON, CONNECTICUT

ADOPTED BY

WILTON PLANNING & ZONING COMMISSION

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* Denotes amendments since March 1994

29-1 INTENT AND PURPOSE

The Planning and Zoning Commission of the Town of Wilton 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 purposes:

A. To guide the future growth and development of the Town in accordance with a comprehensive plan 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;

B. To provide adequate light and air;

C. To prevent the overcrowding of the land and to avoid undue concentration of population;

D. To secure safety from fire, panic, flood and other dangers;

E. 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;

F. To protect and conserve the value of land and buildings throughout the Town, appropriate to the various zones established by these Regulations;

G. To bring about the gradual conformity to the uses of land and buildings throughout the Town to the adopted Comprehensive Plan of Development and to minimize conflicts among the uses of land and buildings;

H. 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;

I. 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;

J. To assure that development takes place in a manner commensurate with the availability and present and future capacity of public facilities and services, thereby facilitating adequate provision for transportation, water, school, parks, recreation, open space and other public requirements;

K. To prevent the pollution of watercourses and wetlands, safeguard the water table and groundwater supply, avoid hazardous conditions and excessive damage resulting from stormwater runoff and flooding, encourage the appropriate use and sound management of natural resources throughout the Town and conserve the Town's natural beauty and topography; and,

L. To encourage the development of housing opportunities for all citizens of the Town, consistent with soil types, terrain and infrastructure capacity.

29-2 RULES AND DEFINITIONS

A. GENERAL CONSTRUCTION OF LANGUAGE - In the construction of these Regulations, the rules and definitions contained in this Section shall be observed and applied, except where the context clearly indicates otherwise.

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.

2. The word "shall" is mandatory and not discretionary.

3. The word "may" is permissive.

4. The word "lot" shall include the words "piece" and "parcel".

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

6. The phrase "used for", shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for" and vice-versa.

7. The phrase "these Regulations", shall refer to the entire Zoning Regulations of the Town of Wilton.

8. The word "Section" shall refer to a section of these Regulations, unless otherwise specified.

9. The word "person" shall include any individual, firm, partnership, corporation, association, organization or other legal entity.

10. The word "building" shall include the word "structure", and any part thereof.

11. The word "built" shall include the words "erected", "constructed", "reconstructed", "altered", "enlarged", or "occupied".

12. The word "premises" shall include land and buildings thereon.

13. The "Town" means the Town of Wilton, Connecticut.

14. The "State" means the State of Connecticut.

15. The "Commission" means the Planning and Zoning Commission of the Town of Wilton, unless otherwise specified.

16. The abbreviation "ZBA" means the Zoning Board of Appeals of the Town of Wilton.

17. The abbreviation "ZEO" means the Zoning Enforcement Officer of the Town of Wilton.

18. Any agency, commission board or department is that of the Town of Wilton, unless otherwise specified.

19. The word "original", means the conditions existing at the effective date of these Regulations.

20. Words which are specifically masculine or feminine shall be interpreted as interchangeable.

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.

22. All distances shall be measured horizontally unless otherwise indicated.

23. The term "Town Engineer" means the Town Engineer and/or Supervisor of Public Works of the Town of Wilton.

B. DEFINITIONS

1. 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.

2. AFFORDABLE HOUSING: A housing development (A) which is "assisted housing" as-defined in the Connecticut General Statutes Section 8-30g(a)(3): or (B) in which not less than twenty percent (20%) of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in the Connecticut General Statutes Section 8-39a, for persons or families whose income is less than or equal to eighty percent (80%) of the area median income, for at least twenty years after the initial occupation of the proposed development.

3. AFFORDABLE HOUSING UNIT: Housing for which persons and families pay thirty percent (30%) or less of their annual income, where such income is less than or equal to 80% of the area median income for the Town of Wilton, as determined by the U.S. Department of Housing and Urban Development.

4. 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. ANTENNA*: A device used to collect, transmit and/or receive telecommunications or radio signals. Examples include panels, microwave dishes and single pole devices.

6. AQUIFER: A geologic unit capable of yielding usable amounts of potable water.

7. AQUIFER PROTECTION ZONE: An area designated on the map entitled "Wilton 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.

8. ASSISTED LIVING*: A form of housing for persons who have difficulty performing daily tasks including but not limited to preparing meals, bathing, dressing, taking medication, housekeeping, laundry and/or transportation due to physical and/or mental impairment. Such persons shall not require continuous skilled nursing care. Such housing shall be for persons 62 years of age or older and/or handicapped persons under 62 years together with spouses or others providing care to such individuals.

9. 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.

10. 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 and one-half feet. [See Appendix A, Figure A-1). For the purposes of Section 29.9-F, Development in Floodplain Areas, a basement shall be any area of a building having its floor subgrade on all sides.

11. BAZAAR: A sale of miscellaneous articles to benefit some charity, cause, organization etc.

12. BED AND BREAKFAST ACCOMMODATIONS: An establishment offering transient lodging accommodations to the general public operated by a resident manager, with a maximum of five guest rooms, with the serving of meals limited to breakfast for guests.

13. BUFFER, BUFFER AREA OR BUFFER STRIP: A strip of land free of any building, structure or use other than natural woody growths, landscaping, fencing or screening designed to shield or block noise, lights or other nuisances.

14. 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.

15. 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.

16. 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. {See Appendix A, Figure A-2)

17. BUILDING HEIGHT: The vertical distance to the level of the highest point of the roof's 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. [See Appendix A, Figure A-3]

18. BUILDING, PRINCIPAL: A building in which is conducted the primary or principal use of the lot on which said building is situated.

19. 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. [See Appendix A, Figure A-1]

20. CHANGE OF USE: Any proposed use 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.

21. 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 the Commissioner of Environmental Protection.

22. CHARITABLE ORGANIZATION*: A non-profit organization that qualifies for exemption under the Internal Revenue Code 501(c)(3). A charitable organization may provide educational, health, recreational, social, civic, religious or similar services to members of the community which it serves but shall not contain dwelling units or sleeping accommodations. Public merchandising facilities provided as part of a charitable organization's use shall be limited to those which are ancillary to the principal use and from which the proceeds accrue to the non-profit organization.

23. 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 homes on a regular basis for a part of the 24 hours in one or more days in the week.

24. CLUB: A building, structure or use operated by a nonprofit recreational, fraternal, political, benevolent or athletic organization on a not-for-profit basis for its members or guests accompanying them.

25. COMMERCIAL: Interchange of goods or commodities, including the offering and/or sale of personal and professional services.

26. COMMERCIAL USE: Activity carried out for pecuniary gain.

27. COMMUNITY FACILITY: A building or structure occupied by a public or nonprofit private organization or group for recreational, social or civic purposes, and containing no dwelling units, sleeping accommodations, or public merchandising facilities, other than where the proceeds accrue to the nonprofit organization.

28. CONFERENCE CENTER: A facility primarily used for business, professional and similar conferences and seminars. Such conference center may contain eating, sleeping and indoor recreation facilities for conference attendees as accessory uses and may be made available for social functions such as weddings.*

29. 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.

30. CURB CUT: The opening along the curb line of a street at which point vehicles may enter or leave the roadway.

31. 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.

32. DECIBEL: A unit of measurement of intensity of sound (the sound pressure level).

33. DECK: A porch-like structure or portion of a structure, usually constructed of wood, with structural supports.

34. 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.

35. DESIGNATED AQUIFER: A geologic unit capable of yielding usable amounts of water and designated on a map entitled "Wilton Planning and Zoning Commission Aquifer Map."

36. 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.*

37. DIRECT RECHARGE: The process by which precipitation replenishes a stratified-drift aquifer by natural infiltration through the unsaturated zone to the water table.

38. DISPENSARY FACILITY, LICENSED*: a place of business where marijuana, as defined in Section 21a-408 of the Connecticut General Statutes, may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit to an applicant under the Act and section 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies.

39. 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.

40. DUST: Solid particulate matter capable of being air or gas borne.

41. 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.

42. 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.

43. 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.

44. DWELLING, MULTI-FAMILY: A building containing two or more dwelling units, but excluding dwellings with accessory dwelling units.

45. DWELLING, SINGLE-FAMILY: A dwelling containing one dwelling unit only.

46. DWELLING UNIT, ACCESSORY*: A separate dwelling unit, whether or not it contains cooking facilities, which is in conjunction with, and accessory to, a single-family dwelling, including but not limited to, an in-law apartment, a guest cottage, a studio, or a cabana.

47. EARTH: Any material of which the ground is composed, including but not limited to soil, loam, sand, gravel, rock, stone, and clay.

48. EDUCATIONAL RESIDENTIAL FACILITIES*: A residential facility operated by a charitable organization that provides food, shelter, and personal guidance to no more than ten (10) students enrolled full time in Wilton Public Schools, two persons who care for them and those persons' minor children and one (1) resident tutor for the students.

49. EROSION: The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, winds, ice or gravity.

50. EXCAVATION: The digging out, extraction, regrading, or removal of earth, whether exposed or covered by water, so as to alter its contour.

51. 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.

52. FAMILY DAY CARE HOME: A private family home caring for not more than six children, including the providers 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.

53. FARM: A parcel of land used for the purpose of producing agricultural, horticultural, floricultural, vegetable or fruit products of the soil, including the raising of horses and other domestic farm animals. Riding academies, livery stables, animal kennels, the breeding, raising or habitation of fur-bearing animals, pigs or goats, commercial poultry farms, stands for the sale of produce, or the commercial processing of the products of the farm, shall not be included.

54. FENCE: A structure designed of any material or combination of materials erected to enclose, separate, screen or buffer areas of land.

55. FILLING: The process of depositing clean fill such as soil, sand, gravel, rock or clay.

56. FINISH STRIPPING ESTABLISHMENT: A business or enterprise engaged in the removal of paint, varnish or other finishes from wood, metal or plastic articles through the use of a chemical process.

57. 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.

58. FLOOR AREA, NET (NFA): For the purposes of these Regulations, 85 percent of Gross Floor Area.

59. FLOOR-AREA-RATIO: The gross floor area of all buildings on a lot divided by the lot area.

60. FRONTAGE: The length measured along that side or sides of a lot abutting on a public street, or a public street that has been discontinued, after the effective date of the amendment to this regulation, under Section 13a-49 of the Connecticut General Statutes, as amended. *

61. FREQUENCY: The number of oscillations per second of a vibration.

62. 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.

63. 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.

64. 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.

65. GRADE, AVERAGE FINISHED: The mean of the highest and lowest finished grade at the base or foundation of the structure.

66. GRADE, FINISHED: The final elevation of the ground surface after the completion of grading.

67. 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.

68. 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.

69. GROUNDWATER: Water in the subsurface area beneath the water table in which all open spaces are filled with water.

70. 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.

71. 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.

72. 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.

73. 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.

74. 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.

75. HEALTH AND FITNESS CLUB*: a for profit entity, duly licensed by the State of Connecticut, such as a fitness center, gymnasium, health and athletic club, which may include any of the following: cardiotraining facilities, weight training facilities, swimming pools, exercise pools, sauna, spa or hot tub facilities, basketball, indoor tennis, handball, racquetball, and/or other sport courts, and other similar indoor sports activities.

76. HOME OFFICE, HOME OCCUPATION: A commercial enterprise operated by the resident of a dwelling unit as an accessory use to the residence.

77. 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.

78. 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.

79. INTERIOR LIVING AREA*: Any space, finished or unfinished, which has a potential ceiling height of not less than seven and a half feet, including a basement or cellar where the ceiling is five feet or more above the adjoining grade along any wall for a depth of fifteen feet or more. Any structure built in a DRD, THRD, or CRA-10 zone, previous to the date of this amendment, (March 1997) shall be considered a conforming building in terms of maximum interior living area.

80. JUNK YARD: More than 50 square feet of area used for the storage, collection, processing, purchase, sale, abandonment or accumulation of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or other types of junk.

81. KENNEL: An establishment operated as a commercial use in which dogs are kept, boarded, bred, shown, trained, groomed, housed, or sold.

82. 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.

83. LIVESTOCK: Animals kept, raised or offered for sale on a farm.

84. LOADING SPACE: An off-street area or berth for the loading or unloading of commercial vehicles.

85. LOT: A parcel of land occupied or capable of being occupied by a principal building, structure or use and the accessory buildings and uses customarily incidental thereto.

86. LOT OF RECORD: A lot, which is either part of an approved subdivision recorded in the office of the Town Clerk or described by metes and bounds, which has been recorded in the land records of the Town prior to July 6, 1951, including those lots subject to "free cuts".

87. LOT AREA: The total area within the lot lines of a lot, excluding any street rights-of-way.

88. 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. [See Appendix A, Figure A-4]

89. LOT, INTERIOR: A lot abutting only one street. [See Appendix A, Figure A-4]

90. LOT, REAR: A lot located to the rear of another lot and served by an access way owned in fee by the owner of the rear lot. [See Appendix A, Figure A-4]

91. 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. [See Appendix A, Figure A-4]

92. LOT LINE: A line bounding the area of a lot.

93. LOT LINE, FRONT: The line separating the lot from the street right-of-way.

94. 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.

95. LOT LINE, SIDE: Any property line extending from the front lot line to the rear lot line.

96. LOT WIDTH AND DEPTH: The horizontal distance of each side of the largest square that can be formed entirely within the lot or parcel.

97. MANUFACTURING: The making, processing, fabrication or assembling of goods or wares by manual labor or by machinery.

98. MOTOR VEHICLE SERVICE STATION: Any area of land, including structures thereon, or any building or part thereof that is used for the sale of motor fuels 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.

99. MULTI-USE BUILDING: A building containing two or more different uses, or two or more different commercial occupants.

100. NON-CONFORMING LOT: A lot of record of which the size and dimensions was lawful at the time of creation, but which by revision, adoption or amendment of regulations, fails to conform to the present size or dimensional requirements of the zoning district in which it is located.

101. 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.

102. 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.

103. NURSERY: Land devoted to the commercial raising and sale of trees, plants, flowers, or shrubs and which may include greenhouses.

104. 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 or the sale or leasing of real estate.*

105. OFFICE, MEDICAL: A room, group of rooms, or facilities used for conducting the affairs of those associated with the medical profession.

106. OPEN SPACE: A space not occupied by a building or structure on the same lot as the principal building or use.

107. PACKAGE STORE: A space located within a fully-enclosed building used exclusively for the retail sale of alcoholic liquor and permitted ancillary products as set forth in Chapter 545 of the Connecticut General Statutes. *

108. PARAPHERNALIA*: drug paraphernalia, as defined in Section 21a-240 of the Connecticut General Statutes; which for purposes of these regulations, is limited only to those devices and products designed to assist in ingesting, inhaling or otherwise introducing lawfully-prescribed medical marijuana into the human body.

109. 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.

110. 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.

111. 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.

112. PARTICULATE MATTER: Any finely divided liquid or solid matter, including smoke, capable of being air or gas borne.

113. PERSONAL SERVICE BUSINESS*: Businesses primarily engaged in providing services involving the care of a person or his or her apparel, such as barbershop, beauty salon, shoe repair, dry cleaning, tailoring or dressmaking, optician, clothing rental, photographic studio and other similar services.

114. PET: An animal that is domesticated and usually kept in the home for personal use or enjoyment.

115. 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 nonprofit status by the Internal Revenue Service.

116. PORCH: A structure, with or without a roof, projecting out from the wall or walls of a building, including a deck.

117. PREMISES: A lot, parcel or tract of land together with the buildings and structures thereon.

118. 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 till or bedrock.

119. PRIVATE: Confined to, or intended, only for the person or persons immediately concerned.

120. 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.

121. PRODUCTION FACILITY, LICENSED*: a secure, indoor facility where the production of marijuana occurs and that is operated by a person to whom the Connecticut Department of Consumer Protection has issued a producer license under the Act and sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut Agencies.

122. PUBLIC: Belonging, or available, to all the people.

123. PUBLIC AND SEMI-PUBLIC USE: A nonprofit or quasi-public use or institution such as a place of worship, library, post office, hospital, school or facility of the Town, State, or Federal Government.

124. 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.

125. 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 foot-candles for a point source and for an area source.

126. RECREATION FACILITY: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

127. 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.

128. RESIDENCE: A dwelling unit or group of dwelling units.

129. 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.

130. 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 delivery for consumption off the premises.

131. RIDING STABLE: A place where more than one horse per one-half acre of lot area or a total of three horses whichever is less, are kept, ridden, boarded, bred, shown, trained, groomed, housed or sold.

132. RIGHT-OF-WAY, STREET: The area of a public or private street, between the two opposing street lines of that street.

133. RINGELMANN SMOKE CHART: A chart for determining the density of smoke, issued by the Federal Bureau of Mines.

134. SEDIMENT: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion as per 29-9.A.

135. SENIOR CITIZEN HOUSING: Dwelling units solely for use and occupancy by person(s) at least 62 years of age, or a spouse, sibling(s), child(ren) or one nurse or companion of same.

136. SEWAGE EFFLUENT: The waste content found in septic tanks.

137. 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.

138. SEXUALLY ORIENTED BUSINESS*: A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or any business that features, sells or rents films, motion pictures, video cassettes, slides, books, magazines, newspapers or other forms of visual or audio presentations in which more than ten percent (10%) of the total presentation time or more than ten percent (10%) of the stock material is devoted to the showing of material that is characterized by any emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

139. SIGN: Any structure or part thereof, or any device attached thereto or painted thereon, or 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 placed in a window intended for view by the people outside the establishment, 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.

140. SITE COVERAGE: That portion of the total area of a lot covered by buildings, structures, parking, drives, pavement or impervious surface treatment.

141. SLOPE TREATMENTS*: Stabilization methods, for a man-made or altered slope, to include but not limited to; riprap, boulder stabilization, gabions or any other surface treatment other than vegetation.

142. SMOKE: Any emission into the open air from any source, except emissions of an uncontaminated water vapor.

143. 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".

144. SOIL: Any unconsolidated mineral or organic material of whatever origin.

145. 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.

146. SOLID WASTE: Unwanted or discarded materials, including solid, liquid or contained gaseous materials.

147. SOUND LEVEL METER: An instrument, standardized by the American Standards Association, used for measurement of the intensity of sound and calibrated in decibels.

148. SPECIFIED ANATOMICAL AREA*: The section of the body less than completely and/or opaquely covered including human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

149. SPECIFIED SEXUAL ACTIVITIES*: Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, or fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

150. STOOP: Any raised building entrance platform with one or more steps leading up to it.

151. STORE, GROCERY*: Store selling primarily foodstuffs for preparation and consumption off the premises.

152. 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 with the exception that the levels of a parking garage or a parking structure shall not count as a story but the height of the parking garage or parking structure shall comply with the maximum height regulations for the zoning district in which the parking garage or parking structure is located. A basement shall be counted as a "story" if its ceiling is more than five feet above the elevation from which the height of the building is measured.

153. 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.

154. STREET: An existing state or town highway, or a way shown upon a subdivision plat approved by the Planning and Zoning Commission, as provided by law, or a way shown on a plat duly filed and recorded in the office of the Town Clerk prior to July 6, 1951, but not including private driveways or rights-of-way.

155. STREET LINE: A common line between a lot and a street right-of-way.

156. STRUCTURE: Anything constructed or erected, the use of which requires (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 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.

157. 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.

158. 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.

159. 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.

160. SWIMMING POOL: A water-filled structure, permanently constructed or portable, having a depth of more than 24 inches and a water surface area of more than 60 square feet, designed, used, and maintained for bathing or swimming.

161. 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.

162. 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.

163. 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.

164. 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.

165. TOWER*: A structure, whether freestanding or attached to a building or another structure, that is used to support equipment used to collect, transmit and/or receive telecommunications or radio signals. Examples include monopoles and lattice construction steel structures.

166. 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.

167. USE: The specific purpose for which land, water or any structure is designed, arranged, intended or occupied.

168. USE, ACCESSORY: A use which is customarily incidental and subordinate to the principal use on a lot, and located on the same lot therewith.

169. 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.

170. VEHICLE STORAGE AREA*: An area accessory to an automotive sales and service business limited to the parking and storage of vehicles awaiting sale; not to be used for public parking.

171. VETERINARY HOSPITAL: A building for the medical and/or surgical care of sick or injured animals.

172. WATERCOURSES: As defined in Section 22a-38 of the Connecticut General Statutes.

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

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

175. 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 uses 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.

176. 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. [See Appendix A, Figure A-5]

177. 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. [See Appendix A, Figure A-5]

178. 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. [See Appendix A, Figure A-5]

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

180. ZONING ENFORCEMENT OFFICER (ZEO): Those person(s), functioning either jointly or severally, who are responsible for the administration and enforcement of the Zoning Regulations of the Town of Wilton (Zoning Regulations). For purpose of these regulations, the Planning and Zoning Commission may delegate the responsibility of administering and enforcing the Zoning Regulations to any, some, or all of the following town officials: “Zoning Enforcement Officer”, “Director of Planning and Land Use Management (Town Planner)” and “Assistant Town Planner”. *

29-3 ESTABLISHMENT OF DISTRICTS

A. ESTABLISHMENT OF ZONING DISTRICTS - The Town of Wilton is hereby divided into the following types of Zoning Districts for the purpose of implementing the Town's adopted Comprehensive Plan of Development, and in recognition of the character, type, location and extent of existing development within the town:

R-2A	Single-Family Residence District
R-lA	Single-Family Residence District
CRA-10	Center Residence Apartment District
THRD	Townhouse Residence District
DRD	Design Residence District
DE-10	Designed Enterprise District
DE-5	Designed Enterprise District
WC	Wilton Center District
DRB	Design Retail Business District
GB	General Business District

B. OFFICIAL ZONING MAP - The boundaries between zoning districts as established by these Regulations are bounded and defined as shown on a map entitled "Zoning Map, Town of Wilton, Connecticut" which map, with all explanatory matter contained thereon, is hereby incorporated and made a part of these Regulations.

1. Interpretation of Zone Boundaries - In interpreting the boundaries of zoning districts as shown on the official Zoning Map, the following rules shall apply:

   a. 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.
   b. Boundaries indicated as approximately following plotted lot lines shall be construed to follow such lot lines as shown on the Town Assessor's maps.
   c. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
   d. Boundaries indicated as following shore lines shall be construed to follow such shore lines and, in the event of change in the shore line, shall be construed 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.
   e. Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (d) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
   f. In cases of uncertainty as to the location of boundaries of zoning districts, the Commission shall determine the location of the boundary.
   g. All intersecting lines with the symbol " " shall be considered perpendicular.

29-4 APPLICATION OF ZONING REGULATIONS

A. GENERAL PROVISIONS

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, or the dimensional requirements of lots, yards or courts changed, except in conformity with the requirements of these Regulations for the district in which such land, building, structure or use is located.

2. Permitted and Prohibited Uses: Any use not specifically permitted by right or by Special Permit in a zoning district by these Regulations shall be deemed to be prohibited within such district.

3. Determination of Uses: Where a proposed use is not clearly permitted nor clearly prohibited in a zoning district by these Regulations, the Commission shall make the determination as to whether the proposed use is permitted in that district by right or by Special Permit, or is prohibited.

4. Minimum Requirements: In interpreting and applying these Regulations, the requirements contained herein are declared to be the minimum requirements necessary for the attainment of the purposes set forth in 29-1.

5. Conflicting Standards: Where these Regulations require a greater width or size of yards or other open spaces, or a lower height of building, or a fewer number of stories, or a greater percentage of lot area to be left unoccupied, or impose other and higher standards than required by any other statute, bylaw, ordinance or regulation, the provisions of these Regulations shall govern. Where the provisions of any other statute, bylaws, ordinance or regulation require a greater width or size of yards or other open spaces, or a lower height of building, or a fewer number of stories, or a greater percentage of lot area to be left unoccupied, or impose other and higher standards than are required by these Regulations, the provisions of such statute, bylaw, ordinance or regulation shall govern.

6. Use of Land for Access: Access to any use in a nonresidential zoning district other than by a public street shall be prohibited on or across land in a residential zoning district.

7. 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.

8. Utilities: All utility and service lines shall be installed underground for any lot shown on an approved subdivision or resubdivision plan for which a Building Permit has not been issued as of the effective date of this regulation.

B. GENERAL LOT REQUIREMENTS

1. 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:

   a. Such use shall not extend more than 25 feet into the other district;

   b. Such use shall not occupy more than 25% of the area of that portion of the lot in the other district; and,

   c. The extension of a use from a less restrictive district into a more restrictive district (e.g., from a business district into a residential district) shall require a Special Permit from the Commission.

2. 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. [See Appendix A, Figure A-6]

   b. Visibility at Intersections - On a corner lot 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 two intersecting street right-of-way lines and a straight line connecting points along said street right-of-way lines, which points are located 50 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. [See Appendix A, Figure A-7]

3. 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.

4. 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.

5. Required Street Frontage: No 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 street as defined herein, or unless such building to be built shall have frontage on a street that has been discontinued under Section 13a-49 of the Connecticut General Statutes, as amended. This provision shall not be construed to constitute a waiver by the Commission of the Town of Wilton Subdivision Regulations; including, but not limited to, Section 4.12 of the Subdivision Regulations entitled Streets. *

6. Measurement of Depth of Lot: When determining the depth for lots with less than the minimum lot width at the street line, the depth shall be measured from the point where the lot meets its minimum width requirement. *

7. Parts of Lot Not Counted Toward Minimum Area or Maximum Density Requirements

   a. For any new lot created subsequent to the date of the adoption of these Regulations, no part of such lot less in width than one-third of the minimum requirements of the district in which it is located shall be counted as part of the required minimum lot area.

   b. A minimum of 80% of the required lot area shall consist of land area which is not under water, part of the 100-year floodplain, or designated as an inland wetland.

   c. For lots in an R-2A district, a minimum of one acre shall consist of contiguous land area which is not under water, subject to annual flooding or designated as an inland wetland. For lots in a R-lA district, a minimum of 0.8 acres shall consist of a contiguous land area which is not under water, part of the 100-year floodplain, or designated as an inland wetland.

   d. For the purpose of determining maximum allowable density for the development of congregate housing and/or in the DRD, THRD, CRA-10 and MFAAHD districts, land area, excluding that which is in the required building setback, shall not be included if it: is under water; is subject to annual flooding; is designated as an inland wetland; or, consists of slopes in excess of 35% encompassing a contiguous area of 2,500 square feet or greater. The land area excluded from the density calculation, which is within the required setback, shall not be affected by a variance of setbacks.

   e. For the purpose of determining buildable area in a PRD, in an R-1A and R-2A district, buildable land area shall exclude that which is under water, is subject to annual flooding or is designated as an inland wetland, excepting that which is in the required building setback. The land area excluded from the density calculation, which is within the required setback, shall not be affected by a variance of setbacks.*

8. Rear Lots: Rear lots shall be permitted in any Residential District subject to the following conditions: [See Appendix A, Figure A-6]

   a. Each rear lot shall comply with all applicable lot and building requirements for the zoning district in which it is located;

   b. Each rear lot shall have an accessway which has a continuous width of at least 25 feet, which is owned in fee simple by the owner of the rear lot; and which has frontage on an existing public street or on a street on a subdivision plan approved by the Commission and on file with the Town Clerk;

   c. There shall be no more than two accessways adjoining one another; and,

d. The area of the accessway shall not be calculated as part of the minimum required area of the rear lot.

e. The Commission may permit one driveway to be used to provide access to a maximum of four lots. Each lot using the driveway that is part of another lot shall be granted an access easement. The shared use of driveways shall not preclude the requirements for frontage and accessways of each individual lot.

f. The maximum length of each accessway shall be 500', as measured from the public right of way to the point at which the required minimum lot width, as defined herein, is achieved.*

9. Lot Required for Every Building: Every building hereafter erected shall be located on a lot. There shall be not more than one principal building on a lot, except as otherwise provided herein.

C. GENERAL REQUIREMENTS FOR BUILDINGS AND STRUCTURES

1. Height Exceptions: The height limitations of these Regulations shall be subject to the following exceptions and conditions:

a. The maximum building height limitations shall not apply to chimneys, antennas, ventilators, skylights, solar panels, water tanks and necessary mechanical appurtenances usually carried above the roof level, provided that:

(1) They do not extend more than 15 feet above the level of the roof on which they are located; and

(2) The total area covered by such features does not exceed ten percent of the area of the roof upon which they are located.

b. The provisions of these Regulations shall not apply to flagpoles, church spires, belfries, cupola and domes not used for human occupancy.

c. 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.

d. Necessary mechanical appurtenances, such as elevator enclosures, air-conditioning equipment, exhaust fans and water tanks shall be screened, where appropriate, as per the discretion of the Commission.

2. Half Stories
The following requirements for half stories shall be adhered to:

a. Where located above another story, the exterior perimeter of the half-story floor area shall be set back on at least two opposite sides of the building by distances each equal to one-fourth the parallel dimension of the story below.

b. Where located below another story, the half-story shall have at least one exterior wall with conventional windows above finished grade and public entrance at normal ground level.

3. Accessory Buildings, Structures and Uses

a. 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. 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. Except as otherwise provided herein, detached accessory buildings shall not be located in the required front, side or rear yard.

d. Accessory structures and uses in the rear yard of a corner lot shall not be located within the required yard of any adjacent street.

4. 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 amount of building coverage. [See Appendix A, Figure A-2]

5. Terraces and Tennis Courts: Fifty percent (50%) of the area of any paved open terrace or of any tennis court shall be considered in the determination of lot coverage. Terraces shall not be permitted to project into any yard to a point closer than one-half of the minimum required building setback distance from any property line. Tennis courts shall comply with the minimum required building setback distance from any property line. [See Appendix A, Figure A-2] *

6. Swimming Pools, and Paddle Tennis Courts: A swimming pool or paddle tennis court shall be considered a structure and shall be set back from all property lines at least the minimum distance required for a principal building in the district in which it is located.

7. Underground Shelters: Notwithstanding any other provision of these Regulations, any underground shelter, if not constructed as an integral part of any conforming principal or accessory building or structure, may be located in any side or rear yard subject to the following conditions:

a. Such shelter shall be covered with at least two feet of earth, including a top layer of soil capable of supporting the growth of grass.

b. The finished ground level above such underground shelter shall be not more than two feet above natural ground level.

c. Such shelter may be located in any front yard provided it is covered with at least two feet of earth plus topsoil, and the finished grade is not established above natural ground level. Such shelter may be located under a terrace.

d. Any entrance or exit structure rising above finished ground level shall be set back at least the minimum distance required for an accessory building by these Regulations. With respect to shelters not above provided for, such shelters shall meet the zoning requirements applicable to the buildings and structures in the zone in which they are to be located.

8. Display or Storage of Materials: In all zones, the display, exhibition or storage of merchandise, materials or articles for sale shall be prohibited in the required front yard, and the storage of such materials behind the building line shall be screened from street view.

9. Trailers, Mobile Structures and Manufactured (Mobile) Homes: A trailer, mobile structure or manufactured (mobile) home, whether supported on wheels, a foundation or otherwise, shall not be used as a part of any principal or accessory use, except as a temporary field office in connection with and only during the course of construction, and except as it may otherwise be specifically permitted by the provisions of these Regulations. Such structures are prohibited for any use within Special Flood Hazard Areas. A temporary permit for a construction trailer may be issued by the Building Inspector for a period not exceeding six months, but may be renewed for successive periods of not more than three months each, at his discretion, if work on said construction is diligently progressing but not yet completed. An unoccupied parked trailer shall not be kept on a lot unless garaged or screened from view from the street and adjacent properties.*

D. USES PERMITTED IN ALL DISTRICTS

1. Accessory Dwelling Units in Single-Family Residences: A single-family dwelling unit in any district may be converted to allow the inclusion of one additional dwelling unit per lot, subject to the issuance of a zoning permit in accordance with 29-12D; and the following conditions:

a. Maximum Size: The floor area of the accessory dwelling unit may not exceed one-fourth of the gross floor area of the building or 750 square feet, whichever is greater. No more than two bedrooms are permitted in the accessory dwelling unit.

b. Occupancy: One of the dwelling units shall be owner-occupied at all times.

c. Location of Units: At least one side of each dwelling unit must be at or above grade. Each unit shall have separate entrances, which can be from a common hall. Both units shall be contained within one building, attached by a common wall, floor or ceiling. A Special Permit, issued in accordance with the requirements of 29-10, shall be required if the accessory unit is to be within an accessory building, or attached to the principal structure only by a breezeway or porch.

d. Adequacy of Facilities: Certification shall be required from the Town Sanitarian that the sewage disposal system is adequate to serve both dwelling units.

e. Outdoor Stairway: No outdoor stairways serving the accessory unit on any floor other than the ground floor shall be visible from a public street.

f. Driveways: No additional driveways shall be created for the purpose of serving an accessory unit.

g. 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 with the exception that accessory dwelling units may be located on any undersized lot within a two-acre zone that was approved for subdivision or re-subdivision by the Planning and Zoning Commission at a time when lot averaging was permitted under the zoning regulations and the lot was created as a result of lot averaging. Accessory units shall not be permitted by action of the Zoning Board of Appeals. The structure which contains the principal accessory unit shall meet all current applicable setback, coverage and bulk requirements. Said exception shall not apply to conservation subdivisions or undersized lots created by way of variance. The undersized lot must be at least 1.8 acres.*

h. Certification of ownership: The owner of the property shall certify to the Commission, 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.

2. Public Utility Buildings, Structures or Uses shall be permitted in all districts, subject to Special Permit and Site Plan approvals in residential districts in accordance with 29-10 and 29-11, and in commercial and industrial districts subject to Site Plan approval in accordance with 29-11 and shall be in accordance with the following requirements:

a. Power transmission lines shall be located in their own separate right-of -way and, if new overhead lines are to be constructed or additional facilities added, the right-of-way shall be sufficiently wide to accommodate a setback at least equal to the maximum height of supporting towers plus 25 feet from all adjoining property lines. The 25 feet shall be for the purpose of providing a buffer strip in accordance with the provisions of 29-8.C.2.

b. Public utility substations shall only be considered for location on properties which have an area of at least 10,000 square feet and a road frontage of at least 100 feet. All structures shall be set back at least 40 feet from all lot lines.

c. Any application for the installation of a new, enlarged or replacement transmission line or substation shall include a current study of the feasibility of installing such facilities underground and, if required by the Commission, shall furnish such other data, studies and reports as will enable the Commission to determine whether the particular facility for which a Special Permit is sought should be placed underground.

d. Any proposed facility shall be so designed, enclosed and painted, and so screened, that it shall not present a potential safety hazard and shall be harmonious with the area in which it is located. The entire premises on which such use is situated shall be suitably landscaped and maintained in reasonable conformity with the standards of property maintenance of the surrounding neighborhood.

e. Accompanying any application for the establishment or enlargement of a power transmission line shall be a landscaping plan, prepared in accordance with the requirements of 29-8.C. Where feasible, such proposal shall also include plans for possible multiple use of the right-of-way for recreational as well as utility purposes.

f. Public utility buildings, structures or uses shall be permitted in all residential districts subject to Special Permit and Site Plan approvals in accordance with 29-10 and 29-11 and the requirements of 29-4.D.2, a-e, if the Commission determines that: service could not be supplied by a location in a nonresidential district; a public necessity exists for the facility in the community; the proposal takes into consideration future as well as present needs; development of the facility shall occur in such a way as to be compatible with the residential environment and protect neighboring property values.

3. Telecommunication Facilities, Radio or Television Reception or Transmission Facilities unless otherwise specified shall be permitted in all districts subject to the procedures and provisions contained within this section. *

a. Statement of Purpose: In accordance with the Federal Telecommunications Act of 1996, these regulations are intended to accommodate the needs of residents, businesses and the general public, while protecting the public safety and general welfare of the Town, and minimizing any adverse visual and operational effects of Towers or wireless communication facilities through careful analysis, design, siting and screening. This regulation establishes standards and requirements for telecommunication facilities and sites. The purposes are to regulate placement of Antennas, Towers, and other related facilities in a manner that will protect the Town's visual quality; and safeguard the community by maintaining specific

objectives as noted below. However, these regulations are intended to regulate telecommunications facilities to the fullest extent permissible within the limits established by the Federal Telecommunications Act of 1996, Public Law 104-104 (the Act). Wherever possible, the terms of these regulations should be interpreted in a manner consistent with the Act, with any amendments to the Act which may be adopted hereafter and with any court or regulatory agency decisions interpreting the Act.

b. Objectives:

(1) To obtain information necessary to evaluate a proposed Facility,

(2) To minimize locations in residential zones and maximize locations in business districts,

(3) To limit the number of telecommunication Towers throughout the community, especially by requiring multiple-user sharing of telecommunication facilities (i.e. Co-Location and other means of sharing one location),

(4) To establish locations least disruptive to the public safety and welfare of the Town of Wilton and that are consistent with the Wilton Plan of Conservation and Development,

(5) To minimize the number of Towers needed to serve the community both now and in the future by maximizing the use of existing and approved suitable facilities (including existing Towers, buildings and other facilities) to accommodate new wireless telecommunications Antennae,

(6) To minimize adverse visual effects through proper design, siting and screening in keeping with the Town's character,

(7) To minimize negative effect on adjoining property values,

(8) To protect scenic roads and historic resources as identified in the Wilton Plan of Conservation and Development from encroachment by inappropriate structures,

(9) To avoid injury and potential damage to adjacent properties from Tower failure through high structural standards of engineering and careful siting of Tower structures and setback requirements,

(10) To enhance the ability of providers of telecommunication services to provide such services to the community effectively and efficiently,

(11) To provide for the orderly removal of unused Antennas and Towers; and

(12) To assure that these regulations are consistent with State and Federal law, specifically the Telecommunications Act of 1996, Public Law 104-104 (the Act) and their amendments.

c. Definitions: When used in this section, the following words or phases shall have the meaning defined below:

(1) Adequate Capacity: Capacity is considered to be "adequate" if the Grade of Service (GOS) is p.01 or better for median traffic levels offered during the typical busy hour, as assessed by direct measurement of the Personal Wireless Service Facility in question. The GOS shall be determined by the use of standard Erlang B Calculations. As call blocking may occur in either the land line or radio portions of a wireless network, Adequate Capacity for this regulation shall apply only to the capacity of the radio components. Where Adequate Capacity must be determined prior to the installation of the Personal Wireless Services Facility in question, Adequate Capacity shall be determined on the basis of the busy hour of the surrounding existing cell sites.

(2) Adequate Coverage: Coverage is considered to be "adequate" within that area surrounding a Base Station where the predicted or measured median field strength of the transmittal signal is greater than or equal to -85dbm for at least 95% of the intended coverage area. It is acceptable for there to be "holes" within the area of Adequate Coverage where the signal is less than -85dbm, as long as the signal regains its strength to greater than or equal to -85dbm farther away from the Base Station within the cell. For the limited purpose of determining whether the use of a Repeater is necessary or desirable, there shall be deemed not to be Adequate Coverage within said holes. The outer boundary of the area of Adequate Coverage, however, is that location past which the signal does not regain a strength of greater than or equal to -85dbm.

(3) Alternative Tower Structure (Stealth): Includes such things as man-made trees, clock towers, flag poles, bell steeples and similar alternative-design mounting structures that camouflage or conceal the presence of Antennas or Towers.

(4) Antenna: A device used to transmit and/or receive electromagnetic telecommunication or radio signals. Examples include panels, satellite dish Antennas, parabolic (microwave) dishes and monopoles.

(5) Base Station: The primary sending and receiving site in a wireless telecommunication network.

(6) Camouflaged: A wireless communication facility that is significantly disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure is considered "Camouflaged." Flush mounted Antennas painted to match a structure will be considered Camouflaged as part of an existing or proposed structure as well as rooftop equipment cabinets that appear similar to other rooftop equipment units.

(7) Carrier: See Licensed Carrier.

(8) Co-Location: The use of a single Mount on the ground by more than one Licensed Carrier (vertical Co-Location) and/or several Mounts on an existing building or structure by more than one Licensed Carrier.

(9) dbm: A measure of radio frequency signal power referenced to 1 milliwatt that indicates the relative amount of power in relationship to the reference. For example, the level of 30 dbm is 30 db above 1 milliwatt, which is 1 watt.

(10) Elevation: The Elevation at grade or ground level shall be given in Above Mean Sea Level (AMSL). The height of a wireless service facility shall be given in Above Ground Level (AGL). AGL is a measurement of height from the natural grade of a site to the highest point of a structure. The maximum Elevation of the wireless service facility is AGL plus AMSL. Elevation shall be measured in such a manner as to include the highest portion of a Tower or Antenna, whichever structure is higher.

(11) Environmental Assessment (EA): An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a wireless communication facility is placed in certain designated areas.

(12) Equipment Shelter: An enclosed structure, cabinet, shed or box where batteries and electrical equipment are housed.

(13) Facility: Equipment, towers, mounts, antennae to be used by a licensed carrier for the provisions of personal wireless services.

(14) Fall Zone: The area on the ground within a prescribed radius from the base of a wireless communication facility. The Fall Zone is the area within which there is a potential hazard from falling debris (such as ice) or

collapsing material.

(15) Grid System: A network of wireless communications facilities comprising the geographic service region of a wireless provider.

(16) Licensed Carrier: A company authorized by the FCC to provide Personal Wireless Services.

(17) Mount: The structure or surface upon which Antennas are mounted, including the following four types of Mounts: Roof Mounted - on the roof of a building; Side Mounted - on the side of a building; Ground Mounted Tower - mounted on the ground (see Tower) and Structure Mounted - mounted on a structure other than a building.

(18) Monopole: A freestanding tubular Tower.

(19) Municipal Tower: A Tower designated and constructed primarily for the purpose of supporting communications equipment utilized by the Town of Wilton.

(20) Omni-directional (Whip) Antenna: A thin rod that beams and receives a signal in all directions. These Antennae shall not exceed 20 feet in height or 7" in diameter unless otherwise permitted by the Commission.

(21) Panel Antenna: A flat surface Antenna usually developed in multiples. A directional or panel Antennae shall not exceed 6 feet in height or 2 feet in width unless otherwise permitted by the Commission.

(21) Personal Wireless Services: Commercial mobile services, unlicensed wireless services, and common Licensed Carrier wireless exchange access services. These services include: cellular services and personal communication services (PCS).

(22) Radio Frequency Engineer: An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

(23) Radio Frequency Radiation (RFR): The emissions from a wireless telecommunications service facility.

(24) Radio Frequency (RF) Signal Combining: Systems that combine the RF common Antenna.

(25) Regulated Facility, Service and/or Site: The equipment, Towers, Mount, Antennas and other telecommunication structures and sites subject to

local zoning regulation. This includes all telecommunication services not exempt from local regulation under the provisions of the Connecticut General Statutes and the authority of the Connecticut Siting Council or not exempt from local regulation pursuant to the Telecommunication Act of 1996 or such other Federal legislation or a Federal authority.

(26) Repeater: A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas that are not able to receive Adequate Coverage directly from a Base Station.

(27) Roaming: In the context of this regulation means the brief use of other Licensed Carriers' services as a phone user moves through the town.

(28) Satellite Earth Station Antenna: A parabolic dish and appurtenant Tower or other Antenna, Tower or device the purpose of which is to receive, distribute or transmit a variety of signals in the form of microwaves to or from orbiting satellites or other extra-terrestrial or terrestrial sources.

(29) Satellite and Microwave Dish Antennae: A parabolic-shaped Antenna device used for receiving or transmitting radio frequencies.

(30) Security Barrier: A security system which may include a locked impenetrable wall or fence that is designed to secure an area.

(31) Separation: The distance between one Licensed Carrier's array of Antennas and another Licensed Carrier's array.

(32) Telecommunication Act of 1996: Telecommunication Act of 1996, 47 U.S.C. Sec. 332 et seq.

(33) Temporary Personal Wireless Communication Facility: A facility that is installed and placed in use for a time period of not more than 30 days. Such facilities shall not have a permanent foundation and must meet the FCC guidelines for RFR levels.

(34) Tower: Any structure that is designated and constructed primarily for the purpose of supporting and/or acting as one or more Antennas for telephone, radio, television, paging and similar communication purposes. This term includes but is not limited to:

a. Guyed Tower: A monopole Tower or lattice Tower that is tied to the ground or other surface by diagonal cables.

b. Lattice Tower: A type of Mount that is self-supporting with multiple legs and cross bracing of structural steel.

c. Monopole Tower: The type of Mount that is self-supporting with a single shaft of wood, steel, fiberglass concrete or other material, and panel Antennas arrayed at the top.

d. Use Regulations:

(1.) Permitted Uses. The following shall be permitted by right, subject to the issuance of a building permit and compliance with all other applicable zoning requirements:

a. Repair of existing Towers and Antennas, provided no changes in location, design, height or appearance occur.

b. Antennas with no Tower used solely for television and radio reception, including amateur radio reception, provided such Antennas are 18 inches in diameter or less and no higher than 6 feet in height.

c. Satellite and Microwave Dish Antennas measuring 2 meters (6.56 feet) or less in diameter when located in a non-residential zoning district and situated on a screened rooftop and Satellite and Microwave Dish Antennas of 1 meter (3.28 feet) or less in diameter regardless of location.

(2.) Permitted Uses Requiring Site Plan Approval. The following shall be permitted by right subject to site plan approval by the Commission. Compliance with all applicable conditions shall be met unless the applicant can demonstrate that an adequate signal cannot otherwise be transmitted and/or received:

a. Satellite and Microwave Dish Antennas which exceed the size requirements specified in Section 29-4.D.3.d.1.c. of these regulations are subject to compliance with the following provisions:

1. In residential zones ground mounted Satellite and Microwave Dish Antennas shall be confined to the rear yard and shall not be visible from a public street.

2. In residential zones a roof mounted Satellite and Microwave Dish Antennas may be allowed if:

- It is not visible from a street.
- Visibility from adjacent properties is minimized.
- The location of such Antennas shall comply with the side and rear yard setback requirements of the underlying zoning district.

b. Amateur Radio Towers subject to the following provisions:

1. Any ground mounted amateur radio tower shall be located in the rear yard only.

2. Any Tower and Antenna less than 40 feet in total height, that is owned and operated by an amateur radio operator licensed by the FCC shall not be erected nearer to any property line than a distance equal to 1.25 times the vertical height of the Tower.

3. A Tower or Antenna affixed to a residential structure shall be located on the rear of the structure.

4. For the purposes of safety where there is no existing fence with a locked gate at a height to restrict unauthorized access, a fence or locked gate shall be installed surrounding the base of an amateur radio Tower. The fence and locked gate must be at a height to be sufficient to restrict unauthorized access.

c. Temporary Personal Wireless Communication Facility as defined in these regulations.

(3.) Telecommunication Facility Regulated Under the Exclusive Jurisdiction of the State of Connecticut Siting Council (Non-Regulated Facilities).

Any applicant proposing a telecommunication facility which falls under the exclusive jurisdiction of the Connecticut State Siting Council shall first pre-file and consult with the Planning and Zoning Commission pursuant to rights afforded under Section 16-50L of the Connecticut General Statutes. The applicant shall follow procedures in accordance with the provisions outlined in Sections 29-4.D.3.d.(4.) through 29-4.D.3.d.(6.) of these regulations. The Planning and Zoning Commission may, at its discretion, schedule a public hearing in accordance with Section 29-10 of these regulations, if it determines that public input will serve the Commission in establishing

appropriate findings of fact and rendering an informed recommendation.

The findings and recommendations of the Commission shall be forwarded to the applicant and the Siting Council for appropriate consideration within 60 days from the date of pre-filing with the Town of Wilton Planning and Zoning Commission.

An applicant may, at its discretion, choose to meet with the Commission on a preliminary basis prior to pre-filing its application with the Town of Wilton. The purpose of such meeting is to share information and identify areas of mutual interest or concern prior to conducting formal proceedings.

(4.) Uses Requiring a Special Permit. Any of the following uses which do not fall under the Exclusive Jurisdiction of the Connecticut State Siting Council shall be allowed in all zoning districts subject to the approval of a special permit by the Commission. Pursuant to Section 29-10 of the Zoning Regulations, any use regulated by special permit shall also require the approval of a site plan by the Commission:

a. Any regulated facility that does not quality as a Permitted Use as set forth in Section 29-4.D.3.(1.) above.

b. All proposed Ground Mounted Towers.

c. A Regulated Facility proposed on any existing structure.

d. A Regulated Facility intended for the purpose of Police, Fire, Ambulance and other Emergency Dispatch.

e. Antenna(s) located on any electric transmission and distribution Tower, telephone pole or similar existing utility structure, provided such Antenna(s) does not extend more than 20 feet above the highest Elevation of the existing structure. No increase in height shall be permitted on a utility structure located within any historic district designated by either the Town or the State or within 150 feet of the pavement of any Town road or State highway designated as a Town Scenic Road or State Scenic Highway or within 150 feet of any Significant Ridgeline or Scenic View area as designated in the Wilton Plan of Conservation and Development.

f. Antenna(s), either on the roof or side mounted, provided that such antenna(e), once installed, shall not project more than ten feet above the building or height limit of the zoning district within which the facility

is located, whichever is lower. However, such Mount may be located on a building or structure that is legally non-conforming with respect to height, provided it does not project above the existing building or structure height.

(5.) General Standards and Requirements for All Permitted Uses Requiring Site Plan Approval and Special Permit Uses are as follows:

a. Any applicant proposing to establish a Regulated Facility must first consider sharing and locating on existing structures, including but not limited to buildings, water towers, flagpoles, existing telecommunications facilities, utility poles and Towers, and related facilities, provided that such installation would preserve the character and integrity of those structures. It shall be the applicant's responsibility to demonstrate why such options are not feasible.

b. Where other sharing means are not proposed, the Commission, in making a decision on the application, shall require information from the applicant to demonstrate that Co-Location, roaming contracts and other sharing means are not feasible.

c. Applicants must first consider sites proposed by the Town. It shall be the responsibility of the applicant to demonstrate why Town proposed sites are not adequate for meeting coverage needs.

d. A Licensed Carrier shall be either an applicant or co-applicant and documentation of qualifications as a Licensed Carrier shall be provided. Where the application includes a facility regulated by the Connecticut Siting Council, the applicant shall document submission of an application to the Siting Council.

e. In the case of an existing Regulated Facility, a copy of the applicant's current FCC license and a copy of any required State and/or Federal permit applications for such modification shall be provided. In the case of a proposed Regulated Facility, a copy of required State and/or Federal permit applications to construct such facility shall be submitted.

f. Each application will include a structural analysis signed and stamped by a Professional Engineer licensed in the State of Connecticut indicating that the Tower, structure and foundation meet all applicable building codes for all proposed Antennas with

half inch radial ice. Any changes to an existing structure shall require a new structural analysis indicating that the original design requirements have not been compromised. This provision does not apply to Towers and Antennas on or adjacent to private residences which are used for amateur radio broadcast or used in conjunction with direct broadcast video services for non-commercial services.

g. All applications and other submittals supplied in accordance with any Federal, State or local standards and/or guidelines shall be in accordance with those in effect at the time of filing.

h. All applications and other submittals provided shall have a statement from a Connecticut licensed engineer with documented experience in radio frequency engineering indicating that the proposed facility will not cause any interference to public safety radio systems.

i. Any Regulated Facility proposed on property owned, leased or controlled by the Town for public safety communications or other purpose shall only be permitted after approval by the Board of Selectmen and the approval by the Commission.

j. All Towers shall be protected against unauthorized climbing.

k. All new Towers shall be designed to provide Co-Location of additional Antenna systems and be designed for other sharing means.

l. The applicant shall submit documentation, in the form of a letter from the property owner of the Regulated Facility on which the Antenna is proposed to be located that the owner is the current legal owner, has reviewed the applicant's submittal and is aware of its implications. This letter should also acknowledge the property owner's legal right to install an Antenna and use an existing structure at the time of application for a Site Plan approval and Special Permit approval. The applicant must provide a letter of title and proof of the owner’s and applicant’s legal interest in the property.

m. Where an Antenna or Mount is proposed on an existing structure, the Fall Zone shall be shown on the site plan, shall be contained within the property lines and shall not pose a safety threat to surrounding property.

n. Ground-mounted, roof-mounted or side-mounted equipment for Regulated Facilities shall be consistent with the noise standards as stated in the Town of Wilton Noise Ordinance.

(6.) General Standards and Requirements - Ground Mounted Tower Special Permit**:**

a. Where a ground-mounted Tower is proposed, the applicant shall have the burden of proving that there are no feasible and available existing structures upon which to locate a Tower or Antenna as an alternative to the proposed ground-mounted Tower, proving there are no other sharing means available, and there are no other locations in a non-residential zoning district. If 50% or more of the service area of a site is in another municipality, additional justification is required as to why the site chosen for the Tower is in Wilton.

1. If the applicant demonstrates that it is not feasible to locate an alternative Tower or Antenna on an existing structure, the ground-mounted Tower shall be designed to be Camouflaged and/or Stealth technology employed to the greatest extent possible, including but not limited to the use of compatible building materials and colors, screening, landscaping, and placement within trees.

2. In all cases where the Commission determines that an expert/peer review of the applicant's application, service area, Tower sharing, alternative location or other technical issues is reasonably warranted, the applicant shall be required to reimburse the Town for the cost of performing such expert/peer review.

b. Towers shall be located to minimize adverse impacts upon:

1. Historic Districts, Historic Buildings, Scenic Ridgelines, Scenic Views and Scenic Roadways: Where possible, Towers shall be sited to have the least detrimental visual impact to designated scenic roads, historic districts, scenic ridgelines, scenic views, areas within National Historic Districts within the Town, properties listed in the State or Federal Register of Historic Places, and designated historic overlay zones in the Town's Building Zone Regulations.

2. Minimize Impacts on Residential Property Values: To the greatest extent possible, the applicant must demonstrate that the Tower shall be sited so as to minimize visibility from residential properties and minimize adverse impact on residential properties.

3. Structural Safety: Towers shall meet all applicable building code requirements. Towers shall, when possible, not be sited in Flood Plain Zones or Special Flood Hazard Areas. Towers will be built where their Fall Zone will not encompass a residential structure.

4. Electromagnetic Safety: Emissions from any facility shall meet FCC guidelines and any other applicable Federal, State and local guidelines.

5. Environmental Degradation:

   a. A detailed description of technical alternatives for any proposed Tower and their environmental impacts and mitigation measures shall be submitted. In particular, the shared use of existing Towers is encouraged, and applicant shall be required to demonstrate why such sharing, including the use of smaller than normal vertical Antenna separations and RF Antenna combining systems, cannot provide Adequate Coverage.

   b. Towers shall be sited to avoid affecting rare or endangered flora and fauna in areas shown on the Connecticut DEP and Federal Listed Species and Natural Communities Map. When possible, Towers shall be sited outside of the fall zone from any regulated inland wetland area. All new Towers shall be of a monopole design unless adequate engineering reasons acceptable to the Commission justify an alternative type of construction. The use of triangular platforms at the top of these Towers is particularly discouraged. Applicant shall be required to demonstrate why Antennas wrapped closely (less than 2 feet diameter) around the Towers using polarized signal transmission and detection cannot meet the Applicant's needs for Adequate Coverage. The Commission shall require significant additional RF performance justification when the only solution proposed consists of one or more large (more than 5 feet on a side) triangular platforms mounted on a Tower.

   c. In order to ensure public safety, the minimum distance from the base of any new proposed ground-mounted Regulated Facility to any property line, road, habitable dwelling on or off the proposed site, business or institutional use, or public recreational area shall be 1.25 times the height of the

Facility/Mount, including any Antennas or other appurtenances.

d. In reviewing a Special Permit application for a ground-mounted facility, the Commission will be guided by the following preferred locations: a) totally enclosed within existing structures, b) on existing utility structures, c) on institutional structures, d) on existing approved Towers or poles, e) in commercial zones, and along major transportation routes, f) other means for shared facilities.

c. The Town deems that Towers over 100 feet in height are likely to have significant visual impact if not adequately screened. The burden will be on the applicant to show that height above 100 feet is absolutely essential to achieve Adequate Coverage -- that there is no other means to achieve the same result with facilities lower than 100 feet.

d. Special Permit Application Requirement: All applications for a Special Permit shall be filed with the Commission and shall include:

1. Topographic - Location Map. The applicant shall provide a topographic location map at a scale of 1" = 2,000' showing:

a. The Antenna or Tower location.

b. Existing and proposed Towers in and within a five mile radius of the site, within and outside the Town.

c. The boundaries of the Tower view shed, i.e., the area within which the Tower can be seen based upon an assessment of the topography surrounding the site.

d. The applicant shall provide coverage parameters used in their analysis and the following coverage maps indicating Adequate Coverage for:

1. Proposed site,

2. All existing and proposed facilities,

3. All existing facilities and the proposed facility located within a 5 mile radius of the proposed site,

4. All rejected sites.

2. The applicant shall provide adequate information to justify that the site is needed to provide Adequate Capacity and/or coverage. Such information shall include feasibility studies which address coverage gaps, coverage ranges, inability of sharing locations,etc.

3. For ground-mounted Towers, the applicant shall provide an evaluation of the visual effect of the proposed Tower location both within the Town and adjacent municipalities. Areas of special concern to be addressed in this evaluation shall include but not be limited to:

   a. The areas identified as existing or proposed open space or preservation areas in the Wilton Plan of Conservation and Development, especially land lying within 300 feet of a sub-regional watershed line as shown on maps prepared by the State DEP Natural Resources Center and on file in the Town Hall.

   b. Areas within National Historic Districts within the Town; properties that appear on the National Register of Historic Places; and historic overlay zones and, scenic ridgelines, scenic views and scenic roads that have been designated by the Planning and Zoning Commission.

   c. The applicant shall provide a copy of the application(s) to all municipalities located within 3 miles of the proposed site for review and comment. The applicant shall provide the Commission with written certification confirming the delivery of application(s) to applicable municipalities.

4. Site Plan Requirements:

   The Site Plan shall meet the requirements of these Regulations. In addition, the following information shall be provided on the Site Plan. The Commission may waive one or more of the following items at the request of the applicant where the Commission or its designated representative determines that such is not necessary to determine compliance with these Regulations.

   a. Property lines within 300 feet.

   b. Significant tree cover for trees of twelve inches or greater (dbh) by dominant species and average height on the

subject property and within 300 feet, where permission to survey trees is granted by the property owner. Trees to remain and to be removed shall be noted on the plans.

c. Outline of all existing buildings, including description of use (e.g. residential, etc) on the subject property and all adjacent property within 300 feet where permission to enter an adjoining property is granted by the property owners.

d. Proposed location of Antennas, Mount and Equipment Shelter.

e. Proposed security barrier, indicating type and extent as well as point of controlled entry.

f. Location of all roads, including driveways to serve the facility, public and private, on the property and all adjacent properties within 300 feet, where permission to enter an adjoining property is granted by the property owner.

g. Distances, at grade, from the proposed facility to each building within 300 feet, including those on adjoining property, where permission to enter an adjoining property is granted by the property owner, on a vicinity plan.

h. Contours at two-foot intervals based upon AMSL (see "Elevation" in definitions section) for the subject property and adjacent property, where permission to enter an adjoining property is granted by the property owner, within 300 feet.

i. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads or driveways, drainage facilities existing and proposed. A drainage report shall be submitted if grading, driveways or roads are proposed.

j. Illustrations, dimensioned and to scale, of the proposed Mount, Antennas, Equipment Shelters, cable runs, parking areas, and any other construction or development attendant to the facility.

5. Site Plans for Special Permit applications shall also provide the following information regarding sight lines and Elevations of the

proposed facility where the Commission determines that such is necessary to determine compliance with these Regulations:

a. Sight line representation. A sight line representation shall be drawn from any public road and/or building within 300 feet and if beyond the property on adjoining property where permission to enter an adjoining property is granted by the property owner, to the highest point (visible point) of the regulated facility. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet horizontal, and one-inch to 10 feet vertical scale. The profiles shall show all intervening trees and buildings.

b. Existing (before condition) photos. Each sight line shall be illustrated by one four inch by six inch current color photo of the existing conditions seen from any public road within 300 feet.

c. Proposed (after condition) photos. Each of the existing condition photos shall have the proposed regulated facility superimposed on it to show what will be seen from public roads if the proposed facility is built. The photos will also show what will be seen during the Summer and Winter.

d. Site Elevations or views at grade from the north, south, east and west for a 50 foot radius around the proposed regulated facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one-foot scale and show the following:

    1. Antennas, Mounts and Equipment Shelters with total Elevation dimensions and AGL of the highest point.

    2. Security barrier. If the security barrier will block views of the facility, the barrier drawing shall be cut away to show the view behind the barrier.

    3. Any and all structures on the subject property.

    4. Existing significant trees of 12" or greater (dbh) at current height and proposed trees and shrubs at proposed height at time of installation with approximate Elevations dimensioned.

5. Existing and proposed grades using two-foot contours above mean sea level.

e. Specifications by a Connecticut Licensed Engineer to certify that the pole or Tower can sustain winds based on the current building code standards of the State of Connecticut.

6. Other Special Permit/Use Requirement. The following reports and requirements shall be addressed as part of the Special Permit application for new Tower locations.

a. Report on Adequate Coverage, Adequate Capacity and Justification of Need for Ground Mounted Tower. A written report prepared by an RF engineer shall address the following:

1. General Requirements and Standards:

a. A description of the service area for each communication system on the Tower including a map showing the location of the planned facility and the extent of the proposed service area.

b. A statement setting forth the rationale and justification for the proposed Antenna or Tower in the proposed location, and why brief uses of roaming to other Licensed Carriers systems will not adequately fill coverage gaps.

c. A statement of the signal strength service objectives for each proposed wireless service on the Tower.

d. An analysis for each proposed use demonstrating that the proposed location will provide the required level of service and that other potential Co-Location sites in the service area will not provide Adequate Coverage.

e. Documentation that for each proposed use of

the Tower that the proposed Antenna height is the minimum necessary to provide Adequate Coverage.

f. Demonstration that the service proposed cannot be provided with equipment added to an existing or other proposed Antennas or Tower, and in particular, that RF signal combining with other Licensed Carriers cannot achieve Adequate Coverage without adding additional Antennas.

g. Alternative locations explored and why not chosen.

h. Submit a statement that the site does or does not require lighting per the FAA regulations. If the lighting is required an explanation shall he provided as to the type of lights to be used and what will be done to minimize the effects to the surrounding area and migrating birds.

i. A map of sufficient detail to indicate the area where the FCC RFR exposure standard are calculated to be exceeded for the general public. Sufficient detail power density calculations shall be provided by the applicant to support the map.

2. Specific Requirements:

a. The applicant shall provide written documentation of all Facility Sites in Wilton and any Facility Sites outside of Wilton that are within 3 miles of the proposed site, in which it has a legal interest, whether by ownership, leasehold or otherwise. From each such Facility Site, it shall demonstrate with written documentation that these Facility Sites are not already providing, or do not have the potential by adjusting the Site, to provide Adequate Coverage and/or Adequate Capacity to the Town of Wilton.

29-4.D.

1. The documentation shall include, for each Facility Site listed, the exact location in latitude and longitude, in degrees, minutes and seconds, ground Elevation, height of Tower or structure, type of Antennas, Antenna gain, height of Antennas on Tower or structure, output frequency, number of channels, power input and proposed maximum power output per channel. Potential adjustments to these existing Facility Sites, including changes in Antenna-type, orientation, gain, height or power output shall be specified. Radial Plots from each of these Facility Sites, as they exist, and with adjustments as above, shall be provided as part of the Application.

2. Distance from existing Tower; the applicant must certify that existing Towers within the coverage area of the proposed new Tower do not meet the applicant's structural specifications or technical requirements or that a Co-Location agreement could not be obtained at reasonable terms and conditions, including price.

3. The applicant shall demonstrate with written documentation that it has analyzed the feasibility of Repeaters in conjunction with all Facility Sites listed in compliance with subsections 1 & 2 (above) to provide Adequate Coverage and/or Adequate Capacity to the Town of Wilton. Radial Plots of all Repeaters considered for use in conjunction with these Facility Sites shall also be provided as part of the application.

29-4.D.

b. A soil report complying with Appendix 1: Geo-technical Investigations, ANST/EIA-222-E manual standards, as amended, verifying the design specifications of the Tower foundation and anchors for the guy wires, if used.

c. An Environmental Impact and Evaluation of the Site Emissions Report assessing the impact of the proposed Tower and site construction and operation, assessing its impact on:

1. Areas designated as conservation or preservation areas in the Wilton Plan of Conservation and Development and in the Connecticut State Plan of Conservation and Development. The following areas on, or adjacent to the site, shall be shown on the Site Plan and discussed in the Environmental Report:

    a. Protected areas.
    b. Areas for proposed septics and wells.
    c. All inland wetlands and watercourses.
    d. Critical habitats for plants and animals.
    e. Historic structures or sites, unusual features, buildings, monuments, or areas.
    f. Permanently protected lands, such as Town Parks and forest lands, and land protected by a non-profit conservation organization.

2. Site emissions and RFR filing requirements. The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the

proposed regulated Facility, for the following situations:

a. Existing or ambient: the measurements of existing RFR.

b. Existing plus proposed facilities: maximum estimate of RFR from the proposed Regulated Facility plus the existing RFR environment.

c. Certification, signed by an RF engineer, stating that RFR measurements are accurate and meet FCC guidelines as specified in the Radio Frequency Radiation Standards sub-section of this regulation.

d. Landscape and Screening Requirements: If the site is not already adequately screened by virtue of its location or natural topography as viewed from public roads or existing residences, the Commission may require a landscape plan and in addition, for a new Tower, a fence with a minimum height of 6 feet shall be provided. Existing vegetation on and around the site shall be preserved to the greatest extent possible. A planting plan shall be provided to screen building(s), Equipment Shelters, fuel tanks, other man-made structures and as much of the Tower as possible.

1. The plan shall show an evergreen screen surrounding the site. This shall be a row of evergreen trees (planted 10 feet on center maximum). Evergreens shall have a minimum height of 6

feet at planting and be a type that grows to a minimum of 15 feet at maturity. The Commission may accept any combination of existing vegetation, topography, up to a maximum of six feet, or other features that meet or exceed the above evergreen screen requirement. The applicant and operator shall be responsible for continual maintenance of plantings and ensure continued effectiveness.

e. A Construction Plan: A preliminary construction Plan prepared by a Connecticut licensed engineer showing construction and drainage details, including the access road and construction or drainage improvements, including above-ground wires, cables, ducts, utility and signal cables, guying and guy-anchor details.

f. Monitoring and Maintenance.

1. The applicant shall provide within 90 days after the Facility is operational and on an annual basis from the granting of the permit, a report showing the actual field measurements at the site taken in accordance with the proper procedure to indicate the level of compliance with the RFR standards as established in the FCC guidelines An engineer with RF experience shall sign this report. If the site is not in compliance, the applicant shall take the corrective action within 30 days to bring the site into compliance. The applicant will provide a second field

measurement to verify site compliance. The applicant as the owner of the Tower will be responsible to ensure that all users are within compliance and take the necessary actions to maintain compliance. The report shall also indicate that the current signs and fencing are adequate or indicate changes that will be made.

2. The Commission may require as a condition of the Special Permit that after facility is operational, the applicant shall submit within 90 days of beginning operation and at annual intervals from the date of issuance of the Special Permit, existing measurement of noise from the facility. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet the noise standards of the Town of Wilton. Any major modification of an existing facility, which includes changes to tower dimensions or antenna numbers or type, shall require a new structural inspection.

3. Tower owner(s) shall pay for an independent consultant (a licensed professional structural engineer), hired by the Town, to conduct inspections of the Tower's structural integrity and safety every ten years or when directed by the Town. A report of the inspection results shall be prepared by the Independent

consultant and submitted to the Planning and Zoning Commission, the Director of Public Works and Building Inspector.

4. Should the inspection of any Tower reveal any structural defects that in the opinion of the independent consultant renders the Tower unsafe, the following action shall be taken. Within 10 business days of notification of unsafe structure, the owner(s) of the Tower shall submit a plan to remediate the structural defect(s). This plan shall be initiated within 10 days of the submission of the remediation plan, and completed as soon as reasonably possible. Failure to accomplish this remediation of structural defect(s) within 10 business days of initial notification shall be a violation of the special permit and subject the owner(s) to penalties and fines as allowed under Federal, State and local laws and possible removal of structure.

5. A contact person or corporate department shall be designated in writing by the applicant as the person to contact regarding any matters concerning the proposed Facility if and when constructed. Following construction, contact information shall be updated annually, upon transfer or upon company merger or acquisition. The designation shall include at

least the name, address and telephone number of the designated contact person and shall be included with the application and shall also be displayed on a sign mounted at the entrance to the Facility. The purpose of this is to designate the person to whom should be reported any electromagnetic interference with receptor devices on adjoining or nearby properties, with emergency services communications, any violations of these regulations, or any public safety and/or emergency conditions existing at the site. The contact person shall reply in writing within 2 business days to the person making the contact with a copy to the Zoning Enforcement Officer of the Town and shall take prompt action appropriate to the nature of the reported condition.

6. Removal and Site Restoration: Removal and site restoration shall be the responsibility of the owner of the Tower and/or the titleholder of any non-publicly owned property on which the Tower is sited.

7. A Licensed Carrier that builds a new communications Facility will submit a letter to the Town committing that it will respond positively to requests from other Licensed Carriers to share this Facility on reasonable terms

g. A statement from the applicant indicating that, weather permitting, the applicant will raise a balloon with a diameter of at least eight feet, at the proposed ground-mounted Tower site and to the proposed Tower height. Such balloon shall be raised and kept in place for at least three days prior to the date of the public hearing scheduled on the application. A legal notice of the scheduled balloon raising shall be published in a local newspaper. Proof of such publication shall be submitted with the application along with a series of photographs showing the balloon from different vantage points and on different days.

h. A list of all Federal, State, regional, district, and municipal agencies, which have or will conduct a review of the proposed Tower together with a copy of any of the issued positions, decisions or recommendations of such agency or board with respect to the proposed Facility.

i. Federal Environmental Filing Requirement Information to be Supplied. Since the National Environmental Policy Act (NEPA) applies to an applications for wireless communication facilities applications will need to be accompanied by the information that will be provided to satisfy the NFPA requirement where applicable NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1307 et seq. (47 CRF Ch.1). The FCC requires that an Environmental Assessment (EA) be filed with the FCC prior to beginning operations for any wireless

communications Facility proposed in or involving any of the following:

1. Wilderness areas
2. Wildlife preserves
3. Endangered species habitat
4. Historical site
5. Indian religious sites
6. Floodplain areas
7. Wetlands
8. High intensity white lights in residential neighborhoods
9. Excessive radio frequency radiation exposure.

At the time of application filing, an Environmental Assessment that meets FCC requirements shall be submitted to the Commission for each Regulated Facility Site that requires such an Environmental Assessment to be submitted to the FCC. For all Special Permit uses the applicant shall identify and assess the impact of the proposed Facility on areas recommended for conservation as presented in the Wilton Plan of Conservation and Development. The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the Facility that are considered hazardous by the Federal, State or local governments.

j. Other Requirements

1. Commercial advertising shall not be allowed on an Antenna or Tower.

2. Signal lights shall not be permitted unless required by the FCC or FAA and structures requiring lights shall not be allowed in residential zone. If the Commission deems additional lighting necessary, such lighting shall be installed and maintained in accordance with all other applicable zoning requirements.

3. All other uses not clearly necessary to the operation/maintenance of the Antenna or Tower and associated equipment are prohibited, unless expressly approved as a condition of the permit. Applications shall describe in detail all associated equipment to be maintained or stored on the site.

4. Only unmanned facilities, including buildings are permitted and not more than one unmanned Equipment Shelter and/or storage building of a maximum of 400 square feet for each Licensed Carrier may be permitted on a site provided the total area of such buildings and/or shelter contains no more than 1600 square feet of gross floor area and is not more than 12 feet in height.

5. Equipment Shelters and buildings shall be designed to be in harmony with the surrounding neighboring properties and with due consideration for the impact that the Tower will have on these properties, i.e., buildings in residential districts must have characteristics such as roof lines, siding, fenestration, etc., that are compatible with residential structures in the immediate area as determined by the Commission. The Commission may impose conditions that foster a compatible design of the Antenna Tower with the site and the surrounding environment.

6. Wireless telecommunication facilities shall be insured by the owner(s) of the poles, Towers and Antennae providers against damage to person or property. The owner(s) shall provide a Certificate of Insurance to the Commission on an annual basis in which the Town of Wilton shall be an additionally named insured. The minimum coverage of such policy shall be $1 million (U.S. Dollars).

7. An "As-Built" plan certified by a Connecticut licensed land surveyor/engineer.

8. All utilities serving the Regulated Facility must be underground.

k. Abandonment: Immediate notification of discontinuance of use shall be made to the Town. The following shall apply to the removal of abandoned Towers and related appurtenances:

1. A pole, Tower, or transmitting Facility not in use for more than 6 consecutive months shall be removed by the service Facility owner or its agents. This removal shall be completed within 90 days after the 6-month period. Upon removal, the site shall be restored to its previous appearance. All cabling, Antennae and mountings must also be removed.

2. The Commission shall require the posting of a cash bond with the Town to ensure the timely and proper removal of aTower and/or Antenna(s) and its supporting base to a depth of not less than two feet below the grade. Said bond shall be posted by the applicant prior to the issuance of a zoning permit for any proposed or modified Tower/Antenna. Such bond shall be maintained by the Town until such time the Facility is removed and site restored the satisfaction of the Town. The required bond amount shall be determined by the applicant and reviewed by the Town for adequacy. In addition to assuming the cost of removal and restoration, the bond shall include a 25% contingency fee to offset inflationary costs.

3. In the event that an Antenna, ancillary facilities and/or supporting structure is unused or has become dangerous by virtue of neglect, reasonable efforts shall be made to request the applicant to dismantle and remove said Antenna, ancillary facilities and/or supporting structure.

4. If the applicant cannot be found after reasonable efforts, is unable to or refuses to dismantle and remove said Antenna, ancillary facilities and/or supporting structure, the Commission is authorized to take such action as is reasonable, necessary or appropriate to dismantle and remove said Antenna, ancillary facilities and/or supporting structure and to charge the expenses associated therewith to the posted bond. The Town Counsel is authorized to take such further legal action as may be necessary to obtain resolution for the town's costs incurred in such dismantling and removal from the applicant or from any third parties who might otherwise be liable therefore to the extent that

those costs exceed the applicant's original bond relative to the site in question.

e. Severability: If a court of competent jurisdiction adjudges any part, sentence paragraph, section or clause of this Section unconstitutional the remainder of these regulations shall not be affected thereby.

4. Congregate Housing shall be permitted in all districts subject to Special Permit and Site Plan approval in accordance with 29-10 and 29-11; and the following requirements:

a. Location: Congregate Housing shall be permitted only on sites having a minimum of 50 feet of frontage and direct access to Danbury Road, Westport Road, River Road or Station Road. *

b. Minimum Area: Three acres.

c. Maximum Area: Ten acres.

d. Density: Congregate Housing Development in a Designed Enterprise District (DE-5 or DE-10) shall not exceed eighteen units per acre and in all other districts shall not exceed twelve units per acre nor have an average of more than 1.5 bedrooms per unit nor have an average unit size of greater than 900 square feet. All bedrooms shall be at least ten feet by ten feet. For the purpose of this paragraph, any room containing more than 100 square feet, other than a living room, bathroom or kitchen, shall be considered a bedroom. *

e. Minimum Required Front Yard: 50 feet.

f. Minimum Required Side and Rear Yards: 75 feet in R-2A residence district, 50 feet in all other districts.

g. Maximum Building Coverage: 20% of lot area.

h. Maximum Site Coverage: 50% of lot area.

i. Maximum Building Height: In a Designed Enterprise District (DE-5 or DE-10) 39’ or three stories, whichever is less, and in all other districts 35' or two and one-half stories, whichever is less. *

j. Architectural Design: The architectural design, scale and mass of buildings and other structures, including exterior building materials, colors, rooflines and building elevations, shall be residential in character so as to harmonize with and preserve the appearance of the surrounding area. There shall be no mechanical equipment, except solar collectors, on the roofs. Mechanical equipment and refuse containers shall be screened from view on all sides. Buildings shall be designed in such a manner as to provide adequate light, air, ventilation and privacy for all rooms.

k. Outdoor Recreation: The outdoor recreation areas shall be of such grade and dimension that the space shall be readily usable. The locations shall be convenient to building entrances and planned in proper relation to buildings and other features, both on- and off-site.

l. Utilities: All congregate housing 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.

m. Affordable Housing Units: A minimum of 20% of the total number of units shall be affordable housing units and shall conform to the requirements of 29-5.B.10.

5. Nursing Homes and Convalescent Homes shall be permitted in all residential districts, the Design Retail Business District (DRB) and the General Business District (GB), subject to Special Permit and Site Plan approvals in accordance with 29-10 and 29-11, and the following requirements:

a. Such uses shall be permitted only on sites having a minimum of 50 feet of frontage on Danbury Road, Westport Road or River Road.

b. All such uses shall be connected to public water supply and the municipal sanitary sewer system. Telephone, electrical and other cable transmitted services shall be installed underground.

c. The minimum lot size shall be three acres. The maximum number of beds permitted in any facility shall be 180 and there shall be not more than 30 beds per acre of gross lot area.

d. The minimum required front yard shall be 50 feet.

e. The minimum required side and rear yards shall be 75 feet in a R-2A residence district, 50 in other districts.

f. Buildings shall be designed in such a manner as to provide adequate light, air, ventilation and privacy for all patient rooms.

g. Outdoor recreation areas for convalescent and nursing homes shall be of such grade and dimension that the space shall be readily usable. The locations shall be convenient to building entrances and in proper relation to buildings and other features, both on and off-site.

h. The maximum building coverage shall be 20% of the lot area. The maximum site coverage, including buildings and paved areas shall be 50% of the lot area.

i. The maximum building height shall be 35 feet or two and one-half stories, whichever is less.

j. Parking facilities shall be convenient to building entrances. Driveways and walkways shall be arranged in such a manner as to promote the safety of patients, visitors and staff and to afford satisfactory access to fire fighting and emergency vehicles.

6. Assisted Living shall be permitted in all districts except the Wilton Center District subject to Special Permit and Site Plan approval in accordance with 29-10 and 29-11; and the following requirements: *

a. Location: Assisted Living shall be permitted only on sites having a minimum of 50 feet of frontage and direct access to Danbury Road, Westport Road or River Road.

b. Minimum Area: Three acres.

c. Maximum Area: Ten acres.

d. Density: Assisted Living developments shall not exceed twelve units per acre. Units shall not have an average unit size of greater than 500 square feet nor shall any unit be less than 300 square feet. Units shall contain no kitchens, but a microwave oven, sink and a refrigerator may be provided.

e. Minimum Front Yard: 50 feet.

f. Minimum Side and Rear Yards: 75 feet adjacent to a residence district, 50 feet adjacent to all other districts.

g. Maximum Building Coverage: 20% of lot area.

h. Maximum Site Coverage: 40% of lot area.

i. Maximum Building Height: 35' or two and one-half stories, whichever is less.

j. Architectural Design: The architectural design, scale and mass of buildings and other structures, including exterior building materials, colors, rooflines and building elevations, shall be residential in character so as to harmonize with and preserve the appearance of the surrounding area. There shall be no mechanical equipment, except solar collectors, on the roofs. Mechanical equipment and refuse containers shall be screened from view on all sides. Buildings shall be designed in such a manner as to provide adequate light, air, ventilation and privacy for all rooms.

k. Recreation: The outdoor recreation areas shall be of such grade and dimension that the space shall be readily usable by residents of the facility. The locations shall be convenient to building entrances, shall not require residents to cross parking lots to

reach such areas and shall be planned in proper relation to buildings and other features, both on- and off-site. The indoor common areas shall be conveniently accessible to all residents of the facility and shall be of such quality and dimension that the space shall be readily usable by the residents of the facility.

l. Landscaping: In addition to the requirements of Section 29-8.C, assisted living facilities shall require additional landscaping to reduce the visual impact of large buildings from adjoining uses and activities so that the site will harmonize with and preserve the appearance of the surrounding area. Security fencing may be required to be landscaped on both sides.

m. Utilities: All assisted living facilities 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.

n. Affordable Housing Units: A minimum of 20% of the total number of units shall be affordable housing units and shall conform to the requirements of 29-5.B.10.

o. Transportation: A transportation plan to reduce the impact of staff traffic shall be provided and shall discuss how mass transit alternatives have been considered in developing a transportation plan for the facility.

7. Special Events

a. Temporary Permits: Upon written application by the sponsor, the Town Planner may issue a temporary permit for the use of property in all zoning districts for carnivals, fairs, bazaars, antique shows, tent sales and similar activities on a temporary basis only. If granted, a temporary permit shall be valid for a specified period not to exceed ten consecutive days. No more than two such permits shall be issued for the same applicant for the same property within any twelve-month period. The Town Planner, at his/her discretion may refer the application to The Commission, who may hold a public information meeting on any request for a temporary permit.*

b. Location: Special Events shall be permitted only on properties within a nonresidential district or on properties in a residential district which front on an arterial or collector road, as shown on the Transportation Plan in the Town Plan of Conservation and Development, or have direct access to such a road without requiring traffic to pass through local residential streets.

c. Off-street parking: Adequate off-street parking facilities 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.

E. EXCEPTIONS TO YARD REQUIREMENTS

1. Lots Adjacent to a Railroad

   a. In nonresidential zoning districts, 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 adjacent to the railroad siding or spur.

   b. In residential zoning districts, where adjoining property lies within the right-of-way of railroad, not more than a 50-foot side or rear yard shall be required for that portion of the lot contiguous to the railroad right-of-way.

2. Projection of Architectural Features: Except as otherwise provided herein, pilasters, columns, belt courses, window sills, cornices or similar building architectural features may project not more than one foot into any required yard or open space. Roofs or canopies over entrance doorways may extend not more than three feet into any required yard.

3. Bay Windows: Bay windows, including their cornices and eaves, may project not more than two feet into any required yard or open space, provided that the sum of the lengths of all bay windows on any wall shall not exceed one-fourth the length of such wall.

4. Stairs and Ramps: Entry stairs, fire escapes and access ramps for the handicapped may extend not more than three feet into any required yard or open space.

5. Walls and Fences: The yard requirements of these Regulations shall not be deemed to prohibit the erection or construction of any fence or wall, including any necessary retaining wall, provided that such wall or fence does not exceed six feet in height measured above the finished grade. Walls or fences greater than six feet in height shall be permitted in the required yard areas only if that portion of such wall or fence which exceeds six feet is not less than three-fourths open construction. The provisions of this section shall not apply to hedges or other such living fences.

6. 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.

F. NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, AND NON-CONFORMING USES OF STRUCTURES AND LAND IN COMBINATION

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

a. 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 of 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.

b. To avoid undue hardship, nothing in these Regulations shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these Regulations and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

2. <u>Non-Conforming Lots</u>

a. 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 to these Regulations, notwithstanding requirements imposed by other provisions 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.

b. If two or more adjoining lots or combinations of lots, one or more of which are undeveloped, or portions of lots having continuous frontage under single 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 district in which such lots are located; and if such lots taken together would form one or more lots each more nearly meeting the requirements of the regulations with regard to lot area and lot shape: then the land involved shall be considered to be an undivided parcel for the purposes of these Regulations, 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.

3. 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:

   a. 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.

   b. 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.

   c. 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.

   d. No non-conforming use of land shall be changed to another nonconforming use.

4. 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, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

   a. Such non-conforming structure shall not be enlarged in any dimension or altered in a manner which extends or increases the nonconformity but may be altered to decrease the nonconformity. *

   b. If such non-conforming structure is damaged or destroyed by any means, it may be repaired or replaced to an extent which does not increase the nonconformity. Such repair or replacement shall commence within six months after the damage or destruction occurs, and shall be completed within 18 months after commencement. If such repair or replacement is not accomplished within such time periods, the structure shall be reconstructed in conformity with the requirements of the district in which it is located.

   c. 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.

   d. A nonconforming use of a building or structure may be changed only to a conforming use.

5. 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:

a. Any existing structure devoted to such nonconforming use shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered in a manner which increases the nonconformity, except to change the use of the structure to a use permitted in the district in which it is located.

b. 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.

c. A nonconforming use of a building or structure may be changed only to a conforming use.

d. 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. Repairs and Maintenance

a. 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.

b. Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to a 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.

7. 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.

29-5 RESIDENTIAL DISTRICTS

R-2A	SINGLE-FAMILY RESIDENTIAL DISTRICT
R-lA	SINGLE-FAMILY RESIDENTIAL DISTRICT
DRD	DESIGN RESIDENCE DISTRICT
THRD	TOWNHOUSE RESIDENCE DISTRICT
CRA-10	CENTER RESIDENCE DISTRICT
MFAAHD	MULTI-FAMILY ALL AFFORDABLE HOUSING DISTRICT
SFAAHD	SINGLE-FAMILY ALL AFFORDABLE HOUSING DISTRICT

A. SINGLE-FAMILY RESIDENTIAL DISTRICTS (R-2A AND R-lA)

1. Purpose: The single-family residential districts are intended to provide suitable areas for residential development appropriate to the environmental characteristics of the land and the character of the neighborhood. The districts are also intended to accommodate certain nonresidential uses which are compatible with residential uses while preserving neighborhood character and property values.

2. Permitted Uses: The following principal uses shall be permitted in all single-family residential districts as a matter of right:

   a. Single-family detached dwellings.

   b. Farms, provided that any greenhouse or similar structure shall be located at least 100 feet from any property line.

   c. Open space, both public and private and public parks.

3. Special Permit Uses: The following principal uses shall be permitted in all single-family residential districts, except as noted, subject to Special Permit and Site Plan approvals in accordance with 29-10 and 29-11:

   a. Public and semi-public uses, subject to the requirements of 29-5.C.3.

   b. Private membership recreation clubs, subject to the requirements of 29-5.C.l.

   c. Public utility buildings, structures or uses, subject to the requirements of 29-4.D.2.

   d. Radio or television reception or transmission facilities, not accessory to the principal use, subject to the requirements of 29-4.D.3.

   e. Cemeteries

   f. Planned Residential Developments, subject to the requirements of 29-5.A.6.

g. Nursing homes and convalescent homes, excluding sanitariums, psychiatric hospitals, alcohol or drug treatment facilities, subject to the requirements of 29-4.D.5.

h. Group homes, community residences for more than six mentally retarded adults.

i. Riding Stables, subject to the requirements of 29-5.C.2.

j. Congregate housing, subject to the requirements of 29-4.D.4.

k. Child day care centers, on locations fronting on a major or secondary road as shown on the Town Plan of Development Map, or having direct and convenient access to such road.

l. Adult day care centers.

m. Group day care home.

n. Schools, both public or private.

o. Adaptive use of historical structures, subject to the requirements of 29-5.C.5.

p. Professional offices for non-resident occupants, subject to the requirements of 29-5.C.6.

q. Bed and Breakfast Accommodations.

r. Charitable organizations on residentially-zoned properties when fronting on Danbury Road or on major or secondary roads within 750 feet of Danbury Road (as measured from the edge of the right-of-way of Danbury Road to the nearest property line of the subject property); provided that the charitable organization shall not occupy more than 10,000 square feet of gross floor area.*

4. Permitted Accessory Uses: The following accessory uses shall be permitted in all single-family residential districts:

a. Private garages, sheds, or other detached accessory structures not used for human habitation or for housing animals or fowl.

b. Accessory buildings for housing domesticated animals or fowl permitted under these regulations.

c. Signs, subject to the requirements of 29-8.A.

d. The display and sale of farm or garden produce; nurseries or greenhouse stock provided that:

(1) No stock shall be permitted or maintained on the premises other than that grown or growing on the site.

(2) No permanent structure or covered stand shall be utilized in connection with such use.

(3) The parking area shall be of adequate size for the particular use, with entrance and exit drives designed in a safe and adequate manner.

(4) No more than one commercial vehicle, which vehicle shall not exceed one ton in design capacity, shall be used in connection with such a permitted accessory use. Such vehicle shall be housed in an enclosed garage when not in use.

(5) Such use shall be conducted by resident occupants of the premises only, and there shall be not more than two nonresident persons employed on the premises, including partners, associates and part-time and full-time employees.

(6) The space used for the display and sale of such products shall not exceed 400 square feet in area.

e. Professional office or home occupations; subject to the requirements of 29-5.C.4.

f. Family day care homes.

g. The accommodation of not more than three roomers or boarders by the owner-occupant of the premises, provided that such roomers or boarders shall be accommodated within the principal building, they shall not have separate cooking facilities and there shall be no advertising thereof on the premises. This section shall not be construed to permit tourist homes, hotels, inns or similar types of transient facilities.

h. Garden houses, tool houses, playhouses, greenhouses, swimming pools or similar accessory uses customarily incidental to the permitted principal use of the premises and not operated for profit, provided that any such structure complies with all yard setback requirements for buildings.

i. Off-street parking facilities for the use of the occupants of the premises and their guests, in accordance with 29-8.B, provided that no more than one commercial vehicle, other than a passenger car, shall be regularly parked on the premises. Any such commercial vehicle shall be stored in a fully enclosed structure or otherwise effectively screened from the view of persons standing on adjoining properties, except for registered farm vehicles.

j. Storage of camping trailers, mobile home trailers, boats or other single unregistered vehicles, provided that such trailer, boat or other single unregistered vehicle shall be fully enclosed or otherwise effectively screened from persons standing on adjoining properties. Such structure or storage area shall comply with all yard setback requirements for buildings, but shall not be permitted in the required front yard.

k. Radio and television reception equipment, including satellite dishes. All satellite dishes shall be visually screened so as not to be visible from adjacent property or a public right-of-way.

5. Conservation Developments.

a. Objectives and Purpose: Conservation Developments shall be permitted in the R-2A Residence District subject to subdivision approval and the standards and procedures set forth in this section, provided it shall be determined by the Commission that such developments satisfy the following objectives: *

(1) Develop the site in a manner that could not be achieved in a traditional subdivision. The applicant shall show that the limit of disturbance has been reduced to a level less than that of a traditional subdivision; that the conserved land satisfies the objectives of the Plan of Conservation and Development; that steep slopes and rock outcroppings are not disturbed; that impervious coverage and clear cutting are minimized and that significant land features, including but not limited to, significant trees, stone walls and hedgerows are protected by specific layout of housing, septic systems and roads. The Commission may require site plan approval as part of a conservation development. If the subject parcel is contiguous to open space or conserved land, the Commission may require that the conserved land in the conservation subdivision abut the existing open space or conserved land.

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

(3) 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.

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

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

(6) Protect and preserve the semi-rural character of the Town's residential areas.

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

b. Permitted Accessory Uses: All accessory uses permitted in the R-2A district, as set forth in 29-5.A.4, shall be permitted in Conservation Developments.

c. Standards and Conditions: A Conservation Development shall conform to all of the following standards and conditions, in addition to any other generally applicable requirements of these Regulations:

(1) Minimum area: Five contiguous acres.

(2) Maximum number of building lots: One per two acres of buildable area as set forth in 29-4.B.7.

(3) Permitted uses.

(a) Single-family detached dwellings.

(b) Conservation areas limited to passive recreation, horticultural gardening, conservation and flood control for use by residents of the development and their accompanying nonpaying guests. Within the conservation area, there shall be no construction.

(c) Recreation areas for active recreation and sports and recreational facilities for use by residents of the development and their accompanying nonpaying guests. The Commission may, as a part of its approval, limit the areas which can be used for active recreational purposes.

(4) Building and lot requirements: All buildings and building lots shall comply with the area coverage and other dimensional standards required in the R-lA Residence District.

(5) Conservation area requirements: The area of the conservation land shall equal at least one-third of the total acreage of the development.

(6) Maximum Building Height: 35 feet or 2½ stories, whichever is less.

(7) Environmental Impact Statement: The applicant shall provide an environmental impact statement prepared by a professional engineer, landscape architect or a planner who is a member of the American Institute of Certified Planners, that enumerates features and resources that would be protected under this type of development that would not otherwise be protected, the method by which such features and resources would be protected, the impact of the proposed development on the existing features and resources of the site and the relationship of these items to the objectives set forth above. *

6. PRD Planned Residential Developments.

a. Objectives and Purpose: Planned Residential Developments shall be permitted in the R-2A and R-lA Residence Districts, subject to the standards and procedures set forth in this section, and Special Permit and Site Plan approvals in accordance with

29-10 and 29-11, provided it shall be determined by the Commission that such developments satisfy the following objectives:

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

(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.

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

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

(5) Protect and preserve the semi-rural character of the Town's residential areas.

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

b. Permitted Accessory Uses: All accessory uses permitted in the R-2A district, as set forth in 29-5.A.4, shall be permitted in Planned Residential Developments.

c. Standards and Conditions: A PRD shall conform to all the following standards and conditions, in addition to any other generally applicable requirements of these Regulations:

(1) Minimum area: 20 contiguous acres. For the purpose of calculating acreage and density, existing public streets shall not be included. Existing private streets shall not be considered as affecting contiguity.

(2) Maximum Density :*

(a) R-IA District - 1.0 dwelling unit per acre of buildable area as defined in Section 29-4.B.7.e.

(b) R-2A District - 1.0 dwelling unit per two acres of buildable area as defined in Section 29-4.B.7.e.

(3) Permitted uses:

(a) Single-family detached dwellings.

(b) Conservation and park areas limited to passive recreation, park, horticultural gardening, conservation and flood control for use by residents of the development and their accompanying nonpaying

guests. There shall be no structures or changes in contour or natural surface of the land.

(c) Recreation area for active recreation and sports, and recreational facilities for use by residents of the development and their accompanying nonpaying guests, including but not limited to the following:

- Golf courses
- Swimming pools
- Tennis and paddle tennis courts
- Ski slopes and toboggan runs
- Outdoor ice skating rinks
- Community centers or common buildings

(4) Lot size and yard requirements: There shall be no minimum lot size and no minimum yard requirements. However, each dwelling shall have direct access to a street, but in no case shall more than five dwellings be served by a single drive or way.

(5) Location of structures: No structure shall be closer than 100 feet from a PRD boundary line. Internal streets shall not be considered a PRD boundary line for this purpose. Habitable spaces of adjoining structures shall be no less than 50 feet apart.

(6) Recreation land requirements.

(a) The area of recreation land shall equal at least 30% of the total acreage of the development.

(b) The land for recreation use shall be located entirely within the PRD. Such land shall have shape, dimension, character and location suitable to assure its intended recreation use as determined by the Commission. The use of said recreation land shall be limited to uses as defined in 29-5.A.6.c.(3)(c).

(7) Conservation land requirements: The area of conservation land shall equal at least 30% of the total acreage within the PRD.

(8) Maximum Building Height: 2 ½ stories or 35', whichever is less.

(9) Environmental Impact Statement: The applicant shall provide an environmental impact statement prepared by a professional engineer, landscape architect or a planner who is a member of the American Institute of Certified Planners, that enumerates features and resources that would be protected under this type of development that would not otherwise be protected, the method by which such features and resources would be protected, the impact of the proposed development on the existing features

and resources of the site and the relationship of these items to the objectives set forth above. *

7. SFAAHD Single-Family All Affordable Housing District*

a. Objectives and Purpose: The Single-Family All-Affordable Housing District is a floating zone to be used for single-family affordable housing development sponsored by government or private nonprofit agencies. Such development shall be permitted at a density of one unit per acre subject to Special Permit and Site Plan Approval as specified in Sections 29-10 and 29-11 of the Zoning Regulations and Subdivision approval and the standards set forth in this section provided that it meets the following objectives:

(1) Promotes the development of affordable housing to meet housing needs.

(2) Increases the diversity of housing within the Town.

(3) Provides for 100 percent affordable housing, as defined in these regulations.

b. Standards and Conditions: A Single-Family All-Affordable Housing Development shall conform to all the following standards and conditions, in addition to any other generally applicable requirements of the Regulations:

(1) Minimum Frontage: 150 feet of frontage on an existing town or state road.

(2) Minimum area: Six contiguous acres.

(3) Maximum area: Ten contiguous acres.

(4) Permitted uses: Single-family detached dwellings.

(5) Building and lot requirements: All buildings and building lots shall comply with the area coverage and other dimensional standards required in the R-1A Residence District as set forth in Section 29-5.D.

(6) Permitted Accessory Uses: All accessory uses permitted in the R-1A and R-2A districts, as set forth in 29-5.A.4 except as otherwise prohibited in this section.

(7) The dwellings shall be reserved for sale, resale or rental as affordable housing for a period of at least thirty (30) years, and shall be in conformance with the applicable requirements for affordable units of 29-5.B.10 Sections e through h and j through q, and the Commission shall consider giving priority to eligible households based on the priorities set forth in 29-5.B.9.c.(3). Where the number of those eligible in the same category of priority exceeds the number of available dwelling units, the applicant shall be selected by lottery.

c. Applicability: An application for a zone change to a Single-Family All-Affordable Housing Zone designation, which may be accompanied by an application for a Special Permit, may be submitted to the Commission for any parcel of land or part thereof located in any R-2A or R-1A zoning district which contains the minimum area and frontage set forth in this regulation. Such zone change application where proposing single-family housing on individual lots, may be accompanied by a subdivision application as specified in the Wilton Subdivision Regulations.

(1) All development within the SFAAHD shall be constructed strictly in accordance with the plans submitted and approved by the Commission with the exception of minor additions to individual homes provided no accessory apartments are added. Any additions or modifications to approved plans must be approved by the Commission. The Commission may attach conditions to an approval of a SFAAHD zone.

(2) No SFAAHD Special Permit shall be approved by the Commission unless the applicant has submitted an acceptable plan for the long term ownership and management of affordable rental units and a plan for the disposition and ownership of lots upon which affordable housing units are erected for sale. Such plan shall be recorded on the Wilton Land Records at the time of approval of the Special Permit by the Commission.

(3) No affordable dwelling unit offered for sale shall be subject to any private restriction or covenant which will adversely affect the affordability of such dwelling unit.

(4) No SFAAHD zone shall be approved unless the Commission finds that the topography and other natural features of the property are capable of accommodating the proposed building density without detrimental impact.

(5) The approval of an application for a SFAAHD zone shall be void and of no effect unless an application for a Special Permit is made within six months from the date the zone change is granted by the Commission. The Commission may grant one or more six month extensions of this period upon written request made by the applicant. The Commission may withhold approval of any or all extensions if the applicant fails to provide adequate evidence that a Special Permit application will be filed within the extended time period sought. This evidence may include but not be limited to the acquisition of any or all required government approvals and project financing.

B. MULTI-FAMILY RESIDENTIAL DISTRICTS (DRD, THRD, CRA-10, MFAAHD)

1. Purpose: The multi-family residential districts are intended to provide appropriate locations for a range of densities, and increase the availability of affordable housing in Wilton, where adequate facilities and services are present.

2. Special Permit Approval: Special Permit and Site Plan approval shall be required, in accordance with the requirements of 29-10 and 29-11, for all uses in the Design Residence District (DRD); Townhouse Residence District (THRD); Center Residence Apartment District (CRA-10); and Multi-Family All-Affordable Housing District (MFAAHD) unless

otherwise permitted as an accessory use. In addition to the other requirements of this section, the Commission shall not approve any Site Plan unless it shall determine that the Site Plan complies with the following:*

a. All residential developments shall be served by public sewer, public water supply; and fire protection systems to the specifications of the Fire Marshal. All electric, telephone and other cable supplied services shall be installed underground.

b. 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.

c. 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.

d. Buildings shall be designed and grouped in such a manner as to provide adequate light, air, ventilation and privacy for all habitable rooms.

e. 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.

f. All disturbed areas shall be suitably graded and landscaped with consideration given to its effectiveness at all seasons of the year.

g. Each residential unit shall have a private outside space, such as a terrace, deck, patio or courtyard adjoining and directly accessible to the residential unit.

h. All multi-family residential developments shall include affordable housing units in accordance with the requirements of 29-5.B.10 and 29-5.D.

i. No unit shall exceed the maximum permitted average floor area by more than 15 percent.*

3. <u>Parking and Circulation Requirements for DRD, THRD, CRA-10 and MFAAHD</u> <u>Districts</u>

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. All garages shall be fully enclosed and have a minimum width of 10 feet and minimum depth of 20 feet per parking space.

c. All multi-family residential developments shall be provided with direct access to a major or secondary road as defined in the Town of Wilton road standards.

d. 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. The Commission may consider a modification of required turnaround diameter if it can be determined that the proposed change will not adversely impact the delivery of emergency services to the residents. All such proposals shall be referred by the Commission to the Fire Department for determination of the impact of the proposed changes and any conditions for granting relief from this requirement. All driveways and access roads shall be set back 20 feet from all property lines. The Commission may reduce this setback requirement provided that the setback area is screened from neighboring properties in accordance with the requirements of Section 29-8.C.3.*

e. 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.

f. Walkways shall be arranged in a suitable and convenient manner and shall be adequately surfaced, drained and maintained in all seasons.

g. 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 29-8.C.4.

h. Garage aprons and other parking spaces in tandem shall not be counted towards satisfying the minimum parking requirement.

4. <u>Permitted Accessory Uses for DRD, THRD, CRA-10 and MFAAHD Districts</u>

a. Private garages solely for the use of residents, provided that the height shall not exceed 14 feet.

b. Recreational facilities solely for the use of the residents and their nonpaying guests.

c. Professional offices and home occupations for resident occupants; subject to the requirements of 29-5.C.4.

d. Family day care homes.

e. Garden houses, toolhouses, playhouses, greenhouses, swimming pools or similar accessory uses customarily incidental to the permitted principal use of the premises and not operated for profit, provided that any such structure complies with all yard setback requirements for buildings.

f. Off-street parking facilities for the use of the occupants of the premises and their guests, in accordance with 29-8.B., provided that not more than one commercial vehicle per each dwelling unit, other than passenger cars shall be regularly parking on the premises. Any such commercial vehicle shall be stored in a fully enclosed structure or otherwise effectively screened from the view from adjacent properties.

g. Storage of camping trailers, mobile home trailers, boats or other single unregistered vehicles, provided that such trailer, boat or other single unregistered vehicle shall be fully enclosed or otherwise effectively screened from persons standing on adjoining properties.

h. Radio and television reception equipment, including satellite dishes. All satellite dishes shall be visually screened so as not to be visible from adjacent property or a public right-of-way.

5. Special Permit Uses: The following principal uses shall be permitted in all multi-family residential districts, subject to Special Permit and Site Plan approvals in accordance with 29-10 and 29-11:

a. Public or semi-public uses, subject to the requirements of 29-5.C.3.

b. Private membership recreation clubs, subject to the requirements of 29-5.C.1.

c. Public utility buildings, structures or uses, subject to the requirements of 29-4.D.3.

d. Radio or television reception or transmission facilities, not accessory to the principle use, subject to the requirements of 29-4.D.3.

e. Cemeteries.

f. Nursing homes or convalescent homes, excluding sanitariums psychiatric hospitals and alcohol or drug treatment facilities, subject to the requirements of 29-4.D.5.

g. Group homes; community residences for more than six mentally retarded adults.

h. Congregate housing, subject to the requirements of 29-4.D.4.

i. Child day care centers, on locations fronting on a major or secondary road shown on the Town Plan of Development Map, or having direct and convenient access to such road.

j. Adult day care centers.

k. Group day care home.

l. Schools, both public or private, subject to the requirements of 29-5.C.3.

6. DRD Design Residence District

a. Permitted Uses:

(1) Single-family detached dwellings.
(2) Attached dwellings.
(3) Open space, both public or private, or public parks.
(4) Affordable housing units in accordance with the requirements of 29-5.B.10 and 29-5.D.

b. Design Requirements:

(1) Not more than three dwellings shall be attached by common walls, entryways, porches, decks or other structural or architectural features.

(2) All residence structures shall be separated by a distance of not less than 40 feet.

(3) All detached garages shall be separated from any other garage or residence structure by a distance of not less than 30 feet.

(4) The required separating distance between residence structures and/or garages may be reduced by not more than 50%, provided that the Commission finds that the reduction preserve a noteworthy natural feature existing on the site or enhances the building layout relative to the topography and other site features.

(5) The average interior living area of dwelling units in a DRD shall not exceed 2,400 square feet. For the purposes of determining interior area, it shall consist of the gross living area, exclusive of garages, exterior hallways, stairways and elevator shafts.*

c. Parking and Access:

(1) At least one single-car garage shall be provided for each dwelling unit. Garages may be attached to, detached from or incorporated within, a residence structure.

(2) The maximum number of adjacent garage bays in any one structure shall not exceed four.

7. THRD Townhouse Residence District

a. Permitted uses:

(1) Single-family detached dwellings.
(2) Attached dwellings.
(3) Open space, both public or private or public parks.

(4) Affordable housing units in accordance with the requirements of 29-5.B.10 and 29-5-D.

b. Design Requirements:

(1) Interior Living area: The average interior living area of dwelling units in the THRD shall not exceed 1,800 square feet. For the purpose of determining such interior living area, it shall consist of the gross living area exclusive of garages, exterior hallways, stairways and elevator shafts.*

(2) Garages and parking: At least one single-car garage shall be provided for each dwelling unit.

(3) All Residence Structures including attached garages shall be separated by a distance of not less than 30 feet.*

(4) All detached garages shall be separated from any other garage or residence structure by a distance of not less than 20 feet.*

(5) The required separating distance set forth in Section 29-5.B.7.b (3) and Section 29-5.B.7.b (4) for detached units may be reduced by not more than 33 and 1/3 percent, provided that the Commission finds that the reduction preserves a noteworthy natural feature existing on the site or enhances the building layout relative to the topography and other site features.*

8. CRA-10 Center Residence Apartment District

a. Permitted Uses:

(1) Single-family detached dwellings.
(2) Multi-family dwellings, and attached dwellings, provided that no more than 50% of the total number of units in the development shall contain more than two bedrooms.*
(3) Senior citizen housing.
(4) Open space, both public or private, or public parks.
(5) Affordable housing units in accordance with the requirements of 29-5.B.10 and 29-5.D.

b. Permitted Accessory Uses:

(1) All uses specified in 29-5.B.4.

(2) Facilities for use by the occupants of senior citizen housing, including but not limited to common dining rooms with supportive food preparation areas and areas for periodic medical examination, limited treatment and therapy.

c. Design Requirements:

(1) The horizontal distance between two or more facing walls shall not be less than the average height of the facing wall having the greater average height.

(2) The average interior living area of residence apartments in a CRA-10 District shall not exceed 1,500 square feet. For the purpose of determining such interior living area, it shall consist of the gross living area exclusive of garages, exterior hallways, stairways and elevator shafts.*

(3) At least 600 square feet of lot area per dwelling unit shall be allocated for outdoor recreational use, which may include the private open space required in 29-5.D; at least 75% of the area shall not exceed a grade of 10%, nor be identified as inland wetlands; and no dimension shall be less than 40 feet, in addition to the required private open space, as set forth in 29-5.B.2.g. and 29-5.D. 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.

(4) There shall be no incinerators, nor drying yards.

(5) Each multi-family development shall have garages sufficient to fulfill at least 25% of the parking requirements specified in 29-8.B.

9. MFAAHD Multi-Family All-Affordable Housing District

a. Purpose: To promote the development of affordable housing to meet local housing needs so as to increase the diversity of housing within the Town, in conformance with the Town Plan of Development. The Multi-Family All-Affordable Housing District is a zone intended to be used for affordable housing development sponsored by government or private nonprofit agencies. *

b. Applicability: *

(1) Any eligible parcel of land within any Zoning district may be zoned by the Commission as a Multi-Family All-Affordable Housing District.

(a) A change to a MFAAHD designation does not require a change in the Town Plan of Development.

(b) In areas not zoned as MFAAHD, the developer shall be required to obtain change of zone to MFAAHD, special permit and site plan approvals.

(c) In areas zoned as MFAAHD, the developer shall be required to obtain special permit and site plan approvals.

(2) Where conflicts exist between MFAAHD requirements and requirements of the underlying district, MFAAHD requirements shall supersede those of the underlying district.

c. General Requirements: *

(1) All of the dwelling units in an MFAAHD shall be affordable housing, as defined in these regulations.

(2) The affordable units shall be reserved for sale, resale or rental as affordable housing for a period of at least thirty (30) years, in conformance with the applicable requirements for affordable units of 29-5-B.10 (Sections e through h and j through q).

(3) Priority List: The dwelling units shall be made available to eligible households based upon the following Priorities. Where the number of those eligible in the same category of priority exceeds the number of available dwelling units, the applicant shall be selected by lottery.

First Priority: Town of Wilton Municipal employees, Town of Wilton Board of Education employees and Residents of the Town of Wilton.

Second Priority: Other persons employed in the Town of Wilton.

Third Priority: Residents of Fairfield County.

Fourth Priority: All others.

d. Permitted and Accessory Uses

(1) All uses permitted in the underlying district

e. Special Permit Uses: The following principal use shall be permitted in the Multi-Family All-Affordable Housing District, subject to Special Permit and Site Plan approvals in accordance with 29-10 and 29-11. *

(1) Multi-family affordable housing units.

f. Design Requirements

(1) All principal structures shall be separated by a distance of not less than 15 feet.

(2) At least one single car garage or carport shall be provided for each dwelling unit. They may be attached to, detached from or incorporated within a residential structure.

(3) The maximum number of adjacent garage bays and/or car ports in any one structure shall not exceed four (4).

(4) Multiple and detached garage and/or car port structures, and other exterior off-street parking areas, shall be designed as an integral feature of the residence structures and site landscape.

10. Affordable Housing Requirements in DRD, THRD and CRA-10 Multi-Family Residential Districts: All multi-family residential developments shall include the number of affordable housing units specified in Section 29-5.D. For the purpose of this regulation, the term multi-family shall include units whether attached or unattached. Such standards and requirements shall only apply to housing developments in excess of twenty (20) units. Affordable housing units shall conform to the following requirements.

a. Construction Quality and Size: Affordable housing units if on site, shall, at the discretion of the Commission, be of similar construction quality and contain a number of bedrooms equivalent to market-rate units, up to three bedrooms, within the development and, unless permitted off-site, shall be dispersed throughout the development. Exterior building appearances shall be compatible with the proposed market rate housing.

b. Pro-Rata Construction: If the development is to be built in phases, the Affordable Housing Units shall be built on a pro-rata basis as construction proceeds, or if off site shall be dictated with restrictions on a pro-rata basis.

c. Compliance Manager: When deemed appropriate by the Commission, the applicant shall be responsible for the designation of an individual or business entity ("Compliance Manager"), approved by the Commission, whose primary responsibilities include the following:

i. Qualify prospective owners/tenants of affordable housing.
ii. Oversee notification and advertising of available affordable housing and participate in the selection and qualification of prospective candidates seeking affordable housing.
iii. Solicit and maintain a current waiting list of prospective affordable housing candidates.

iv. Perform any other responsibility deemed necessary by the Commission in the administration, oversight and proper management of the town's affordable housing inventory.

The owner of any dwelling shall be responsible to calculate the sale and resale pricing and calculate rental and re-rental pricing based on applicable affordable housing cost indexes. The owner of a rental unit shall prepare annual compliance

reports for town review and approval. All of the above responsibilities of the Compliance Manager shall be performed at the sole expense of the applicant and subject to the review and authorization of the Commission and/or its staff. Any change in the designation of a required Compliance Manager shall be subject to the review and approval of the Commission which shall not be unreasonably withheld or delayed.

d. Restricted Period: Notwithstanding any zoning regulation to the contrary, designated affordable units shall be restricted in perpetuity beginning on the date of occupancy of each available affordable housing unit.

e. The number of required affordable housing units, whether on-site or off-site, shall be determined by multiplying the proposed total number of units within the development by the applicable affordable housing ratio set forth in Section 29-5.D. of the zoning regulations. The number of required affordable units, if on-site, shall represent a part of the total number of units within the development and shall not be interpreted as constituting units in addition to the total number of allowable units on-site. The number of Affordable Units if off site shall be in addition to the total number of allowable units within the Development. In determining the number of affordable units, any fractional number shall be rounded up to the next whole number. An example includes the following: If an applicant proposes 22 residential housing units, 20% or 4.4 units must be restricted as affordable units. The number of affordable units is rounded up to 5 housing units allowing the applicant to develop 17 market rate housing units and 5 affordable restricted housing units. In the event the Commission authorizes off-site affordable units, the number of required affordable units shall be in addition to the market rate units provided. For example, a development consisting of twenty-two (22) market rate residential housing units shall be required to provide an additional five (5) units of off-site affordable housing.

f. Maximum Monthly Payment: The maximum monthly Payment for an affordable housing unit shall not be greater than the amount that will preserve such unit as "affordable housing" as that term is defined in Section 8-39a of the Connecticut General Statutes, and shall include the following:

(1) For rental housing, the maximum monthly housing payment shall include base rent, common charges in the case of a rental in a common interest community, heat, and utility costs, including hot water and electricity, but excluding telephone and cable television.

(2) For ownership housing the maximum monthly housing payment shall including periodic mortgage payments (assuming a 20 percent down payment and prevailing interest rates); taxes; insurance; common charges in the case of ownership of a unit in a common interest community; heat; and utility costs, including hot water and electricity, but excluding telephone and cable television.

g. Principal Residence: Affordable housing units shall be occupied only as a tenant's or purchaser's principal residence. Subletting affordable housing or renting

affordable housing to a third party shall be prohibited.

h. Notice of Availability: At the same time that market rate units are advertised to the general public, notice of availability of the affordable housing units shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of Wilton, and by providing notice to the Wilton Board of Selectmen, the Wilton Town Clerk and the Wilton Planning and Zoning Commission. The notice shall include at a minimum a description of the available unit(s), the income limits, and the availability of application forms and additional information that may be prescribed by the Commission.

i. Qualification of Tenants or Purchasers: Prospective tenants or purchasers will be required to fill out an application form containing detailed instructions for calculating their family income and allowing the Compliance Manager or other appropriate administrative personnel to verify the information. Income definitions prepared by the U.S. Department of Housing and Urban Development will serve as a principal guideline for such calculation. Income eligibility shall be determined by taking the average income of the three (3) previous years. Applicants will be required to sign a verification of their review and understanding of the income maximums, the penalties for false information, and the applicable procedures for prompt notification in the event that their income increases at some future time above the allowable maximum. Applicants will also be required to provide appropriate documentation to verify their income. Incomes of tenants in each affordable unit will be re-verified annually at the time of the lease renewal.

j. Prioritization of Applicants: For one of every three affordable units which become available, preference shall be given to those applicants who are fulltime employees of the Town of Wilton and who are otherwise deemed equally qualified.

k. Standard Lease Provision: Each lease for an affordable housing unit will contain substantially the following Provisions:

This apartment is being rented as an "affordable housing unit" as defined in Connecticut General Statutes Sections 8-30g and 8-39a. and is available only to persons or families whose income is at or below 80% of the area median income for Wilton as determined by the Connecticut Department of Housing and the U.S. Department of Housing and Urban Development. This development has been approved by the Wilton Planning and Zoning Commission based in part on the condition that a defined percentage of units, either on-site or off-site, will be rented as affordable housing units. The owner is required by law to strictly enforce these restrictions.

l. Lease Term: All leases for affordable housing units shall be renegotiated on an annual basis.

m. Monthly Payment: Calculation of the maximum monthly payment for an Affordable Housing Unit, so as to satisfy Connecticut General Statutes Sections 8-30g and 8-39a, shall utilize the area median income data as published by the U.S. Department of Housing and Urban Development (a) for rental units, as in effect on the day the

lease is signed: and (b) for ownership units, as in effect on the day a bond for deed or similar contract of conveyance is accepted by the Seller.

n. Utility Allowance for Rental Units: The monthly rent for an affordable housing unit includes a monthly allowance for utilities, which are heat, hot water, and electricity, but excluding telephone and cable television. Heat and utility costs may be calculated by reasonable estimate.

o. Change of Income or Qualifying Status:

(1) If an affordable housing unit is rented, in the event that an affordable housing unit tenant's income changes so as to exceed the qualifying maximum, the tenant shall be disqualified from continued occupancy at affordable housing rates. If the tenant otherwise becomes disqualified, such tenant must provide notice to the Compliance Manager within seven days of the disqualification. Upon being disqualified, such tenant, following the procedures set forth below, shall have the option to vacate the unit within ninety days, or to remain in the unit paying a market-rate rent. Within fifteen days of receiving notice of a tenant's disqualification, the Compliance Manager shall provide written notice to the tenant of the market-rate rent for the unit. The tenant shall notify the Compliance Manager within fifteen days of receipt of such notice whether the tenant will accept the market-rate rent or vacate. If the tenant elects to remain in the unit at the market rate the tenant shall be required to vacate at the end of the Anniversary Date of the lease. So long as these procedures are followed, the project shall not be out of compliance with the 20 percent minimum.

(2) If an affordable housing unit is owned, and the owner's income changes so as to exceed the qualifying maximum, the owner shall not be disqualified from continued ownership. If the owner otherwise becomes disqualified, the owner shall promptly undertake reasonable efforts to sell the unit to another qualified purchaser; and in any event must vacate the unit within one hundred eighty days. If an owned unit is not sold or under contract for sale within one hundred eighty days of notice of the owner's disqualification, the unit owner shall make reasonable efforts, to rent the unit on a month to month basis to a qualifying tenant until the property is resold to a qualified purchaser. In the foregoing, "reasonable efforts" shall include but not be limited to periodic advertising of the unit's availability in a newspaper of general circulation in the Town of Wilton; providing notice to the Wilton Town Clerk, the Wilton Planning and Zoning commission and the Wilton Board of Selectmen of the unit's availability; and accepting any bona-fide offer by a qualifying purchaser or tenant. A "bona-fide offer" shall mean any offer from a person ready, willing and able to comply with reasonable terms or conditions of Seller and pay 95 percent or more of: (A) the maximum allowable sales price to maintain the unit as an Affordable Housing Unit as defined in these regulations; or (B) the asking purchase price of the unit, whichever is less. During the one hundred eighty-day period following notice of disqualification of a tenant or purchaser, the unit may be treated, for purposes of compliance with the twenty percent affordable unit minimum, as

being occupied by a qualifying tenant or purchaser.

p. Conversion to Sale Units: In the event that all or any part of the Affordable Housing Units are converted from rental to ownership, the following conditions shall apply:

(1) Prior to Conveyance of title to any affordable housing unit, the Compliance Manager or Owner of the Unit, shall record on the Wilton land records, in addition to any documents required by the Connecticut Common Interest Ownership Act, a restrictive covenant in favor of the Wilton Planning and Zoning Commission, which covenant shall run with the land, providing that the project as a whole, notwithstanding such conversion, shall remain in compliance with Section 29-5.B.10 of these Zoning Regulations applicable to the affordable residential units: and providing that each such unit shall be sold or conveyed, on a sale or resale, at a price that will preserve it as affordable housing as defined in Sections 8-30g and 8-39a of the Connecticut General Statutes and these regulations;

(2) The declarant of the common interest ownership community, or the common interest ownership association, if it becomes responsible for the management of the property, shall assume responsibility for ensuring that sale and resale of affordable housing units occur in compliance with applicable restrictions, and for compliance reporting as set forth in 29-5.B.10.p.

q. Compliance Reporting: No later than January 31 of each year, beginning the year after the initial occupancy of the last affordable housing unit to be rented in a particular project phase, the Compliance Manager shall prepare and file with the Wilton Planning and Zoning Commission and the Wilton Board of Selectmen or their designee containing, at a minimum, a list of the units utilized as affordable housing units, a list of the incomes of all tenants or owners, and a certification by the Compliance Manager of compliance with Section 29-5.B.10 of these Zoning Regulations applicable to the affordable housing units. The Commission or its designee shall review the information and certify that the project is in compliance. A violation of the zoning regulations shall not result in a forfeiture or reversion of title, but in enforcing these Regulations the Commission shall retain and may exercise all enforcement powers granted by the Connecticut General Statutes, including Section 8-12, which Powers include the authority, at any reasonable time, to inspect the Property and to examine the books and records of the Compliance Manager to determine compliance of the project or individual units with these affordable housing regulations.

r. Designation of Compliance Manager: The developer of a multi-family residential development shall submit with the site plan application a designation of the Compliance Manager who shall be responsible for the Compliance Reporting described in 29-5.B.10.q.

s. Dedication of Off-Site Affordable Housing in Lieu of On-Site Requirement: At the Commission's sole discretion, mandatory provisions for affordable housing, set forth by way of these requirements, may be satisfied through the acquisition and/or

dedication of existing off-site housing as affordable housing. Such off-site housing shall be located within the town of Wilton and, may consist of either single family residences or attached or detached units located within a multi-family development. Off-site affordable housing shall be restricted in a manner so as to preserve the affordability of the dwelling in accordance with these regulations through the use of covenants, contractual arrangements or resale restrictions, drafted and implemented to the satisfaction of the Commission. Before approving an off-site affordable housing option, the Commission shall be required to make the following minimum findings:

(1) The dedication of off-site affordable housing represents a viable alternative to providing the affordable housing units on site in terms of addressing the unique housing needs of Wilton.
(2) The off-site affordable housing option represents a benefit to the town.
(3) The off-site location chosen for affordable housing units shall encourage an integration and mix of housing and not lead to an undue concentration of affordable housing either at the off-site location or in any particular area of the town.
(4) The Commission is satisfied that the applicant will be able to effectively implement and ensure ongoing compliance of all affordable housing requirements with respect to the off-site affordable housing.

Approval of off-site affordable housing shall be subject to the following conditions:

(1) Off-site affordable units may consist of either rental or sale units.
(2) Not more than five (5) affordable units required in conjunction with any development proposal shall be located off-site.
(3) The Commission may give preference to off-site affordable housing which is located within the Wilton Center zoning district or within one-half mile of the Wilton Center zoning district or a public railroad station in Wilton.
(4) The off-site affordable housing to be acquired by the applicant shall be made available to qualified individuals at a cost determined by utilizing the latest available data from the Connecticut Department of Housing and the U. S. Department of Housing and Urban Development and the latest available median income data for Wilton.

C. REGULATIONS PERTAINING TO ALL RESIDENTIAL DISTRICTS

1. Private Membership Recreation Clubs shall be permitted in all residential districts subject to Special Permit and Site Plan approvals in accordance with 29-10 and 29-11; and the following requirements.

a. Only private recreation or country clubs which are not operated for profit shall be permitted. The use of any such facilities shall be limited to members and their accompanying guests. Where the proposed use is located on a property which does not front on or have direct access to a major or secondary road, as determined by the Commission and as shown on the Town Plan of Development Map, the intensity of use, including number of

memberships, shall be limited by the Commission to the extent necessary to assure that the anticipated traffic generation and other external effects of such use shall not exceed that which would be expected if the premises were developed for permitted residential purposes.

b. All outdoor recreational facilities shall be set back from adjoining properties in residence districts and from street lines directly opposite properties in residence districts a distance of not less than 1.5 times the normally required setback distance for buildings in that district.

c. Building coverage, including accessory buildings, shall not exceed 10% of the site area; the sum total of land covered with buildings and paved areas shall not exceed 35% of the site area.

2. The Keeping of Horses: Not more than one horse per one-half acre of lot area to a maximum of three horses shall be permitted in all R-2A and R-lA residential districts as an accessory use. Riding stables shall be permitted in all R-2A and R-lA residential districts subject to Special Permit and Site Plan approvals in accordance with 29-10 and 29-11, and the following requirements:

a. Site size: The minimum site size shall be ten acres of suitably drained land, with a minimum of one-half acre of lot area per horse kept on the premises.

b. Parking: Sufficient off-street parking facilities, as determined by the Commission, shall be provided to accommodate all users of and visitors to the property, including spectators for horse shows or similar events. There shall not be less than one off-street parking space per horse kept on the premises.

c. Health requirements.

(1) Adequate provision shall be made for the disposal of stable manure so as to prevent any health hazard or nuisance condition with respect to adjacent properties or the general community from air or water pollution. The stabling of horses shall conform to all regulations of local and state health authorities.

(2) Adequate toilet facilities shall be provided to accommodate the maximum number of persons expected to be users of, or visitors to, the property at any one time.

d. Safety fencing: Adequate fencing shall be installed and maintained to safely and reasonably contain the horses within the property.

e. Setback: No buildings, riding rings, corrals or manure pits shall be located less than 100 feet from any street or lot line.

f. Temporary buildings: The use of temporary buildings or trailers for the stabling of horses in excess of 15 days shall be prohibited.

g. Property maintenance: The property shall be landscaped and maintained so that it shall harmonize with the character of the surrounding neighborhood. Manure storage areas shall be located and screened so that they shall not create any unreasonable disturbance to neighboring properties.

3. Places of Worship, Schools, Libraries, Museums, Child Day Care Centers and Other Similar Uses shall be permitted in all residential districts subject to Special Permit and Site Plan approvals in accordance with 29-10 and 29-11, and the following requirements:

a. All such uses shall be permitted only in locations on a major or secondary road as shown on the Town Plan of Development Map, or in such locations which in the opinion of the Commission shall have direct and convenient access to such road.

b. Building coverage, including accessory buildings, shall not exceed 10% of the site area; the sum total of land covered with buildings and paved areas shall not exceed 35% of the site area.

c. All new principal buildings shall be set back from adjoining properties in residence districts and from street lines directly opposite properties in residence districts a distance equal to at least twice the height of such building, but in no case less than 1.5 times the required setback distance for buildings in that district. Accessory buildings 12 feet in height or less need not comply with this additional setback requirement.

d. Off-street parking and loading facilities shall not be permitted in the front yard except for necessary access drives, nor shall such facilities be located within the normally required building setback distance from any adjoining property in a residence district, except the Commission may, if it determines that such front yard parking shall be desirable to facilitate an improved parking and traffic circulation system on the site, permit up to 10% of the required off-street parking spaces to be located in the required front yard, provided that such parking shall be designed and limited to visitors' use, and that it shall be landscaped and screened from view from the public right-of-way.

4. Professional Offices and Home Occupations for Resident Occupants; Home occupations or professional offices may be conducted as an accessory use in a residential district subject to compliance with the following standards and requirements: *

a. Such use shall be conducted only by the resident occupants of buildings constructed as single-family residences.

b. There shall be no more than two nonresident persons employed on the premises, including partners, associates, part-time and full-time employees and independent contractors. To the extent a non-resident person is employed, a home occupation permit shall be required and limited to an individual property occupant for a specified residentially-zoned property. Said permit shall be

deemed non-transferable and shall terminate upon the abandonment of the home occupation use.

c. Such use shall not occupy an area in excess of 750 square feet or an area equal to 20% of the gross floor area of the principal residence; whichever is less.

d. Professional office or home occupation uses shall be permitted on a residentially-zoned lot. Such use shall be conducted in either a principal residence or a legally-authorized accessory apartment, but not both. Professional office or home occupation uses shall not be conducted in other accessory buildings, including but not limited to garages, sheds or outbuildings.

e. All products sold on the premises shall be made on the premises, except for the sale of items which are incidental to the provision of a permitted service.

f. 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.

g. 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, except for a single identification nameplate not exceeding two square feet in area.

h. Written permission from a property owner and/or from a land association in the case of a residential condominium development shall be provided prior to approval.

5. Adaptive Use of Historic Buildings: It is the policy of the Commission to encourage the preservation, restoration and maintenance of existing residential and related outbuildings of historical and/or architectural significance on or near Danbury Road. Accordingly, the Commission may grant Special Permit approval for the adaptive use of said structures in R-lA and R-2A Districts where the nature and conduct of such use shall: enhance and preserve the exterior and interior integrity of the structures; increase the functionality of obsolete or under-utilized structures, enhance and preserve the aesthetic appearance of the remainder of the property; and, maintain the general character of the neighborhood, subject to the following standards and requirements: *

a. Eligibility Criteria for Adaptive Use:

(1) Structures eligible for Adaptive Use shall have historical and/or architectural significance to Wilton. The Commission shall issue findings as such based upon evidence submitted;

(2) Eligible properties on which the structure is, or is to be, located shall have either:

(a) a minimum of 100 feet of frontage on Danbury Road, or for property not meeting the frontage requirement, eligibility may be granted if a portion of an existing, principal, historic and/or architecturally significant structure is located within 100 feet of Danbury Road or

(b) possess frontage on Cannon Road when such frontage is situated between Danbury Road and Pimpewaug Road; and,

(3) Eligibility may be granted to any building having historical and/or architectural significance which shall be moved onto a property meeting the location requirements specified above, subject to all other requirements of these Regulations.

b. Application Requirements: Adaptive use of historic and/or architecturally significant buildings shall be permitted subject to Special Permit and Site Plan approvals in accordance with 29-10 and 29-11, and the following additional information:

(1) Evidence that the property on which such structure is, or is to be located, meets the eligibility criteria stated above in 29-5.C.5.a.

(2) Evidence as to the historical and/or architectural significance of such structure proposed for Adaptive Use, containing, at a minimum, the following information:

(a) Evidence regarding historical significance, if appropriate, of such structure (e.g., date of construction, ownership use, etc.). Documentation shall cite sources such as the Wilton Land Records, the Wilton Architectural and Historical Resources Survey, historical resource inventories, historical documents and/or listing on local, state or national historic registers.

(b) Evidence regarding architectural significance, if appropriate, of such structure describing the architectural merits of any proposed structure, including importance of the structure in the architectural community.

(c) A physical evaluation of the structure which describes at a minimum, the following: general overview of the structure (e.g., fenestration style, facade unique characteristics, materials, etc.); existing physical condition of exterior and interior; additions to the structure (including dates, general description and the relationship of the addition to the original structure); and, problems with existing structure (rot, infestation, structural stability etc.).

(d) Evidence that the existing structure and/or new construction can meet building and fire code requirements without compromising the historic integrity of the building.

(3) Description of the nature of the proposed Adaptive Use including ownership, tenants, maximum number of employees and breakdown of the maximum number of employees on-site at any one time, hours of operation, types of vehicles to be used, anticipated visitor use, estimated traffic generation and types of traffic expected; in addition, a description of how the proposed use would enhance the condition and appearance of the structure and property.

(4) Graphic and written description of all alterations and appropriate documentation demonstrating compliance with these provisions; including elevations, materials, color schemes, etc.

(5) Floor plans of the structure(s) proposed for Adaptive Use showing the proposed layout of rooms and the proposed use of all areas within the building.

c. Eligible Uses for Adaptive Use

(1) Structures may be used for business, professional or business enterprise purposes. Nonresidential uses which require a substantial departure from a residential use appearance or that generate significantly higher traffic levels on a regular basis or that conflict with the character of the area shall not be permitted.

(2) Uses shall be limited to those specified by the Adaptive Use Special Permit. Any change in use requires approval by the Town Planner and the issuance of a Zoning Permit. If the Town Planner questions the eligibility of a requested use, then it shall be referred to the Commission for final determination. Any change to the property which increases development intensity, either in physical size or by type of use, shall require an amendment to the Special Permit.

(3) In conjunction with uses eligible for adaptive use, residence apartments may be permitted within the principal building subject to the following requirements:

(a) Each apartment shall have a minimum of 500 square feet of gross floor area.

(b) Each apartment shall have a separate means of ingress and egress. A common entry hall may be used, but access to an apartment through another apartment or through an area devoted to nonresidential use is prohibited.

(c) At least one side of the residence apartment shall be at or above grade.

(d) Adequacy of Facilities: Certification shall be required from the Town Sanitarian that the sewage disposal system is adequate to serve the residence apartments and other proposed uses.

(4) Educational Residential Facilities *

(a) Educational Residential Facilities shall not be subject to the requirements of Section 29-5.C.5.c(3) *

d. New Construction

(1) The Commission may approve, as part of the Adaptive Use Special Permit, physical expansions not to exceed fifty percent of the total gross floor area of an existing structure(s) deemed by the Commission to be of historic value. New construction may, at the Commission's discretion, consist of either attached or detached additions.

(2) The Commission recognizes that 18th and 19th century buildings often do not meet current setback requirements, but remain appropriate for adaptive use. In order to encourage and foster preservation initiatives, the Commission may allow new construction to exceed the current-day setback requirement; provided such encroachment does not exceed an existing setback deemed to be legally non-conforming.

(3) New construction shall respect the existing height, bulk, scale and style of architecture which exists. Materials used shall be of a similar color, scale, texture and style as that which exists. In order to protect the unique character of structures approved under the Adaptive Use regulations, all new construction, including exterior modifications to existing structures, shall be designed and constructed in a manner that avoids over-massing of buildings, respects the architectural vernacular of the existing building and neighborhood and provides for the integration of existing structures and new construction in a manner that protects and advances the unique character of the historic Danbury Road corridor. When evaluating applications, the Commission shall take the following into consideration:

(a) Materials used for walls, windows, roofs, details and other visible elements shall be respectful of and compatible with the overall appearance of the existing structure and the architecture of the period.
(b) The size, texture, surface finishes and other defining characteristics of the proposed addition shall compliment the historic character of existing structures.
(c) The height of walls, cornices, roofs, chimneys, towers and other projections of any exterior improvement shall contribute positively to both the existing structure and streetscape.
(d) Exterior surface colors shall be representative and respectful of the time period of the original structure.
(e) New construction, whether attached or detached, shall be proportionate and in scale to existing historic structures. Building elements such as doors, windows, cornices and other architectural features shall be harmonious with and complementary to the architectural vernacular of the existing structure(s).

(4) Basement space or lower level space with one ground level elevation may, at the Commission discretion, be utilized for Adaptive Use purposes provided use of such area complies with other regulatory provisions; including, but not limited to building, fire and health code requirements. When utilized for

expansion purposes, such basement area shall be included as a part of the 50% maximum allowable expansion area.

e. Preservation and/or Restoration

(1) A structure which is eligible for Adaptive Use may be preserved if evidence shall be presented which clearly demonstrates that existing conditions are unsafe and that replacement of materials shall be required to meet life safety or building code requirements.

(2) Restoration of a structure shall be limited to the replacement of damaged or unsafe architectural or structural elements. When practical, existing materials shall be preserved.

(3) New materials shall be appropriate in color, texture, scale and general appearance. and shall conform to the provisions of Section 29-5.C.5d.(3) of these regulations.

f. Landscape Treatment: The following shall be required, in addition to the requirements of 29-8.C.

(1) As part of the Adaptive Use review, the Commission shall take care to ensure that no site elements of noteworthy or historical value such as stone walls, outstanding vegetation or other similar site features shall be damaged, removed or altered significantly.

(2) A landscape plan shall be designed so as to enhance the appearance of the existing structure(s) and surrounding property and appropriate to the historical character of the property. The Commission shall take care to ensure that the selection and siting of plantings, lighting, paving, site furnishings, signage and parking shall be harmonious with the surrounding environment.

(3) Planting shall be provided for their beauty, appropriateness and functional value. Vegetation such as hedgerow, shrubs and small trees shall be provided as screens and buffers which help reduce visual clutter, aid in unifying the landscape and screen objectionable views. Indigenous plant materials shall be used. Planting species shall be varied in their texture, color and size.

(4) Driveway, parking and walkway paving shall be functional, low maintenance and visually compatible to the existing structure(s). The selection and use of paving materials shall consist of a stable material, such as: crushed stone, gravel, rolled oil and stone, concrete and/or brick pavers. The Commission may approve use of bituminous-concrete (asphalt) for those uses found to generate higher volumes of traffic or where potential safety considerations are found to exist. Travelways shall be well groomed and planted

appropriately so as to screen visual impacts and provide site unity. Transitions in paving patterns or materials shall provide a smooth and continuous surface.

(5) All exterior signage shall be in accordance with the requirements of 29-8.A.7.d.(3), and shall be in a style compatible with the existing architecture of the site.

(6) There shall be no outside storage or exterior display, advertising or other visible evidence of such use except as in accordance with 29-5 C.5 f(5) above.

(7) All exterior lighting shall be in accordance with the requirements of 29-9.E., and shall be in a style compatible with the existing architecture of the site.

6. Professional Offices for Nonresident Occupants may be conducted in residential districts provided such property shall have a minimum of 50 feet of frontage on, and primary access from, Route 7, Danbury Road, by a person or persons other than resident occupants, subject to Special Permit and Site Plan approvals in accordance with 29-10 and 29-11 and compliance with the following:

a. Such use shall not occupy an amount of gross floor area in excess of one-half of the total gross floor area of the residence building.

b. There shall be no outside storage and no exterior display, advertising or other visible evidence of such use except in accordance with 29-5.C.6.e.

c. In order for a residence to qualify for an accessory office use, it shall have been used principally as a residence for at least three years prior to the date of application.

d. In conjunction with uses eligible for professional offices, residence apartments may be permitted within the principal building subject to the requirements of Section 29-5 C.5.c.(3).

e. All exterior signage shall be in accordance with the requirements of Section 29-8.A. and shall be in a style compatible with the existing architecture of the site.

f. All exterior lighting shall be in accordance with the requirements of Section 29-9.E. and shall be in a style compatible with the existing architecture of the site.

7. Tag Sales: Upon the written application of the owner of land, the ZEO may issue not more than one temporary permit per year for a period not exceeding two consecutive days, to use land and buildings thereon in a residence district for the purposes of a tag sale. No signs related in any way for a tag sale shall be placed or displayed in any manner within the right-of-way of any public or private road, street, highway or other public place.

8. Historic/Architecturally-Significant Buildings: *

a. Objective and Purpose: The Commission hereby recognizes that the loss of historic and/or architecturally significant residential buildings through demolition, alteration or incompatible new construction is contrary to protecting the unique character of Wilton. To this end, the Commission has adopted these provisions which allow flexibility and discretion when considering structural modifications to such buildings.

b. Applicability: This regulation is restricted to residential buildings and residential accessory buildings with respect to applicable setback, building coverage or site coverage requirements. An eligible building(s) shall be located entirely within a residential zoning district and shall meet the definition of a "Historic/Architecturally-Significant Building" as provided in these regulations.

c. Requirements: These provisions are subject to the Commission's review and approval of a special permit. When making application, the applicant shall submit the following information:

(1) A fully completed special permit application accompanied by a Class "A-2" survey depicting existing conditions with proposed additions shown to scale. Said plan shall contain the original stamp of a Connecticut-licensed surveyor.
(2) Detailed architectural drawings which illustrate all existing and proposed building elevations prepared by a licensed architect.
(3) Recent photographs of all building elevations.
(4) A report detailing the historic or architectural significance of the building(s) under consideration. The report shall provide sufficient documentation and evidence to establish the historic and cultural significance of the structure under consideration.
(5) Additional information as requested by the Commission including, but not limited to, samples or cut sheets of building materials, exterior wall finishes, roof shingles, windows and other architectural detail features deemed appropriate by the Commission.

d. Considerations:

(1) The Commission, in its sole discretion, may approve or disapprove variations of the applicable minimum building setback, maximum building coverage or maximum site coverage requirements as provided in Section 29-5.D. of these regulations.

(2) Buildings eligible for consideration under these provisions shall be limited to: 1) those structures erected prior to 1920 or 2) those buildings erected between 1920 and June 15, 1946 which, in the opinion of the Commission, are deemed to be of merit in terms of the structure's design and architectural vernacular.

(3) The maximum allowable variation of the zoning regulation requirements are in accordance with the following criteria:

(a) Front, side and/or rear building setback requirement up to 75% of the applicable regulation requirement.
(b) Building coverage up to 125% of the site's allowable existing building ratio or an additional building footprint area not to exceed 800 square feet; whichever is less.
(c) Site coverage up to 125% of the existing applicable regulation requirement.

(4) When considering a modification to an eligible residential building, the Commission shall make a positive finding that the request will:

(a) Permit the retention of a historic/architecturally-significant building which as modified is compatible and in scale with surrounding structures and the overall neighborhood.
(b) Allow for the preservation of buildings having special historical, cultural and/or architectural merit.
(c) Incorporate design, construction techniques and materials consistent with the architectural vernacular or age of the structure.
(d) Comply with the goals and objectives of the Plan of Conservation and Development.

e. Restrictions:

(1) Once approved by the Commission, no eligible historic/architecturally-significant building shall be further enlarged or expanded or its exterior significantly changed, altered or modified in any manner without review of the Commission. Such request for modification or expansion shall be subject to the approval of a special permit amendment by the Commission, except minor exterior modifications which do not further extend the non-conformity of a building or property may be approved by the Planning and Zoning Department staff. When reviewing a minor exterior modification, the Planning and Zoning Department staff may seek the guidance of the Commission or require the applicant file a formal application with the Commission.

(2) The Commission may apply these provisions in its review and consideration of an accessory apartment; however, any waiver(s) shall be limited strictly to those dimensional standards specified under these provisions.

(3) The applicant shall strictly adhere to all site development plans and architectural renderings approved by the Commission. Modifications in the appearance and/or size of the building addition or type of building materials or construction methods shall not be allowed unless otherwise approved by the Commission. In such instance, the applicant shall be required to file and obtain a special permit amendment.

(4) The applicant shall not deviate from the approved plan, unless by way of a special permit amendment, the Commission specifically authorizes a requested change.

(5) When considering an application, the Commission may require the planting of vegetative screening and/or the installation of privacy fencing so as to reduce visual impacts to neighboring properties. The Commission may place restrictions on the location of both existing and proposed doorways and windows so as to reasonably ensure privacy between neighboring properties.

(6) The Commission may prohibit or limit associated site improvements that are contrary to the historic origins of the property under consideration. Such site improvement features include, but are not limited to, proposed walkways, driveways, driveway curb cuts, site lighting and/or excessive earth grading or filling operations which deviate from the historic nature of the property.

(7) These provisions apply to buildings as defined herein which are used for residential purposes only. Any building expanded in accordance with these provisions shall be ineligible for adaptive business use as provided in Section 29-5.C.5. of these regulations. The prohibition of business use shall not apply to lawfully approved home occupation permits.

(8) The provisions governing historic/architecturally-significant buildings are intended to serve as an alternative regulatory process and are not intended to prohibit an applicant from pursuing other alternatives or remedies available by way of these regulations.

(9) Variances from the specific requirements of Section 29-5.C.8 shall not be permitted by action of the Zoning Board of Appeals.

D. AREA AND BULK REQUIREMENTS:

The following area and bulk requirements shall be applicable to all developments in the R-2A, R-lA, CRA-10, THRD, DRD and MFAAHD Districts, as indicated. Dimensions are in feet unless otherwise indicated.*

								Minimum Yard		
Zoning District	Minimum Area (acres)	Maximum Density DU/Acre	% of Units Req. to be Affordable **	Minimum Frontage (feet)	Min Lot Width and Depth (feet)	Maximum Area (acres)	Minimum Private Open Space (sq. ft. per DU)	Front (feet)	Side (feet)	Rear (feet)
R-2A Single-Family Residence	2	NA	NA	25	200	NA	NA	50	40	50
R-1A Single-Family Residence	1	NA	NA	25	150	NA	NA	40	30	40
CRA-10 Center Residence Apartment	5	10	20	50	200	NA	50	50	Principal bldg. 50 except 75 from an R-1A or R-2A Residence District Accessory bldg. 25 except 50 from an R-1A or R-2A Residence District	Principal bldg. 50 except 75 from an R-1A or R-2A Residence District Accessory bldg. 25 except 50 from an R-1A or R-2A Residence District
THRD Townhouse Residence District	3	7	20	50	200	10	200	50	Principal bldg. 50 except 75 from an R-1A or R-2A Residence District Accessory bldg. 50 except 75 from an R-1A or R-2A Residence District	Principal bldg. 50 except 75 from an R-1A or R-2A Residence District Accessory bldg. 50 except 75 from an R-1A or R-2A Residence District
DRD Design Residence District	3	3	20	50	200	10	400	50	Principal bldg. 50 except 75 from an R-1A or R-2A Residence District Accessory bldg. 50 except 75 from an R-1A or R-2A Residence District	Principal bldg. 50 except 75 from an R-1A or R-2A Residence District Accessory bldg. 50 except 75 from an R-1A or R-2A Residence District
MFAAHD Multi-Family All-Affordable Housing District	3	7	100	50	200	20	200	40	Principal bldg. 50 except 75 from an R-1A or R-2A Residence District Accessory bldg. 25 except 50 from an R-1A or R-2A Residence District	Principal bldg. 50 except 75 from an R-1A or R-2A Residence District Accessory bldg. 25 except 50 from an R-1A or R-2A Residence District
SFAAHD Single-Family All-Affordable Housing District	6	NA	100	150	150	10	NA	40	30	40
HODD Housing Opp'y Develop. District	9	10	30	50	200	11	40	50	50 Principal bldg. 25 Accessory bldg.	50 Principal bldg. 25 Accessory bldg.

Abbreviation used: DU - Dwelling Unit NA - Not Applicable
**(in all cases where % results in a fraction - round up)

Zoning District	Minimum Parking and Loading Setbacks Rear and Side Yards (feet)	Maximum Building Height (stories/feet)	Maximum Average Unit Size (sq. ft. per dwelling unit)	Maximum Bldg. Coverage (percentage of lot area)	Maximum Site Coverage (building and paved areas as percentage of lot area)
R-2A Single-Family Residence	NA	2½/35 (2)	NA	7	12
R-1A Single-Family Residence	NA	2½/35 (2)	NA	10	15
CRA-10 Center Residence Apartment	15 and 50 from R-1A and/or R-2A Residence District	Principal bldg. 2½/35 (2) except 3/35 for senior citizen housing Accessory bldg. 1/15	1,500	20	65
THRD Townhouse Residence District	40 from front and rear and 30 from side from R-1A or R-2A Residence District	Principal bldg. 2½/35 (2) Accessory bldg. 1/15	1,800	20	50
DRD Design Residence District	15 and 75 from R-1A or R-2A Districts	Principal bldg. 2½/35 (2) Accessory bldg. 1/15	2,400	20	40
MFAAHD Multi-Family All-Affordable Housing District	15 and 75 from R-1A or R-2A Residence District	Principal bldg. 2½/35 (2) Accessory bldg. 1/15	NA	25	60
HODD Housing Opportunity Development District	20	3½ /43	1,800	15	40

(2) Except as otherwise provided in 29-4.C.1.

E. HOD - HOUSING OPPORTUNITY DEVELOPMENT DISTRICT *

1. Purpose. The Housing Opportunity Development District “HODD” is intended to increase the availability of affordable housing in areas of Wilton where adequate facilities and services are present.

2. Definitions. A "Housing Opportunity Development" ("HOD") is a housing development in which not less than 30 percent of the dwelling units will be held or conveyed by deeds containing covenants or restrictions which shall require for a period of 40 years that such dwelling units be sold and rented at, or below, prices which will preserve the units as affordable housing as defined in Conn. Gen. Stat. § 8-30g and corresponding state regulations.

"Housing Opportunity Unit" means a dwelling unit for which the maximum rent or price is calculated and maintained in accordance with Conn. Gen. Stat. § 8-30g, and § 8-30g-1 et seq. of the Regulations of Connecticut State Agencies.

3. Applicability. Only those parcels of land zoned for residential use, measuring not less than nine nor more than 11 acres, and having frontage on Danbury Road/Route 7, may be zoned by the Commission as an HODD. Parcels zoned DE-5 and DE-10 shall not be eligible for rezoning to an HODD.

a. An applicant shall be required to obtain a change of zone to HODD and site plan approval.

b. A change of zone to HODD shall not require a change in the Town Plan of Development.

4. General Requirements.

a. Not less than 30 percent of the dwelling units in an HOD shall be designated as Housing Opportunity Units.

b. Housing Opportunity Units shall be reserved for sale, resale or rental as affordable housing for a period of at least 40 years, in accordance with § 8-30g-1 et seq. of the Regulations of Connecticut State Agencies.

c. A site plan Application for an HOD proposal shall include an Affordability Plan demonstrating compliance with the requirements of this Section.

d. Where the provisions of this Section 29-5.B.11. are inconsistent with another provision of the Wilton zoning regulations, this Section shall govern.

5. Site Plan Approval. Site plan approval shall be required for all permitted and accessory uses in the HODD. The Commission shall approve an HOD site plan provided the following provisions have been met:

a. The development shall be served by public sewer, public water supply; and fire protection systems to the specifications of the fire marshal. All electric, telephone and other cable supplied services shall be installed underground.

b. At least 600 square feet of lot area per dwelling unit shall be allocated for outdoor recreational use, which may include the private open space required in Section 29-5.B.11.9.q.; at least 75 percent of this area shall not exceed a grade of 10 percent, and shall not be identified as inland wetlands. 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.

c. The recreation area shall be of such grade and dimensions that the space shall be readily usable for same and shall be planned in proper relation to the building and other on-site features. Recreational areas shall be located on safe and readily accessible land, designed and established to permit either active or passive recreational activities. Recreational uses may include swimming pools, club houses providing indoor recreational activities, sports courts, playing fields, walking trails, gardens, garden plots, or similar facilities approved by the Commission.

d. 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. There shall be no mechanical equipment, except solar collectors, on the roofs visible from the ground. Mechanical equipment and refuse container shall be screened from views on all sides.

e. Buildings shall be designed and grouped in such a manner as to provide adequate light, air, ventilation and privacy for all habitable rooms.

f. Existing features of the site which are of value for the development or to the town as a whole, such as 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.

g. All disturbed areas shall be suitably graded and landscaped with consideration given to effectiveness of landscaping at all seasons of the year.

h. Each residential unit shall have a private outside space, such as a terrace, deck, patio, or courtyard adjoining directly accessible to the unit.

i. The interior living area of any dwelling unit in an HOD shall not exceed 1,800 square feet. For the purposes of determining interior area, it shall consist of the gross living area, exclusive of garages, exterior hallways, stairways and elevator shafts.

j. All principal residential structures shall be equipped with internal fire suppression systems (sprinkler systems), installed in accordance with manufacturer specifications. This requirement shall not supercede more stringent provisions set forth in the State of Connecticut Building Code.

k. All applicants for an HOD shall submit a traffic study evaluating the impact of the proposal on streets serving or affected by the development, prepared by a qualified traffic engineer or transportation planner. At a minimum, the study shall include data and information on existing and projected average daily vehicle trips on nearby roads, peak hour traffic, adequacy of rights-of-way and travelways, existing roadway capacity, traffic accidents, the traffic impact of the proposed development, traffic generation data, the location of existing roads within 300 feet of the development site, traffic lights and intersections, and recommendations for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians. Where

applicable, the applicant shall address written recommendations of the Connecticut Department of Transportation.

l. An application for an HOD shall include information for the purpose of compiling a complete environmental impact statement. The statement shall address at least the following:

(1) The extent to which the proposed development is compatible with the objectives of the Town's Plan of Conservation and Development.

(2) 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), drainage ways and vegetation and any other land feature considered to be significant.

(3) 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.

(4) 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.

(5) Statement of how the proposed project will affect various Town services such as police, fire and recreation.

(6) Alternatives to mitigate adverse impacts.

6. Parking and Circulation Requirements for HODD.

a. At least 2.0 parking spaces per unit shall be provided for each multi-family dwelling unit in an HOD. The requirements of Section 29-8.C.4. shall apply. Garage spaces shall count toward satisfying the minimum parking requirement.

b. 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 the State of Connecticut Building Code. All parking spaces for the handicapped that are provided shall be credited to the total required number of parking spaces.

c. No parking area or portion thereof, including parking spaces, driveways and access isles, shall be located within six feet of any portion of a building other than for garage entrances or loading area. Such six foot clear area shall be used for walk-ways, plantings or other landscaping.

d. 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.

e. All garages shall be fully enclosed and have a minimum width of 10 feet and minimum depth of 20 feet per parking space.

f. An HOD shall have direct access to a major or secondary road as defined in the Town of Wilton road standards.

g. Primary access roads within the development shall have a minimum pavement width of 24 feet.

h. All driveways located within an HOD 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.

i. Walkways shall be arranged in a suitable, convenient and safe manner and shall be adequately surfaced, drained and maintained in all seasons.
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j. All parking shall be screened from view from the public street in accordance with the requirements of Section 29.8.C.4.

k. Garage aprons and tandem parking spaces shall not be counted toward satisfying the minimum parking requirement.

l. All HOD proposals shall be designed to include a network of connecting sidewalks within and throughout the development, including along primary access roads and along the frontage of public roadways.

7. Permitted Accessory Uses for HODD

a. Private garages solely for the use of residents, provided that the height shall not exceed 14 feet.

b. Recreational facilities, including a clubhouse and pool, solely for the use of the residents and their non-paying guests.

c. One leasing office.

d. Home occupations for resident occupants subject to the requirements of Section 29-5.C.4. and Section 29-8.B.5.a.(4).

e. Garden houses, tool houses, play houses, greenhouses, or similar accessory uses customarily incidental to the permitted principal use of the premises, provided that any such structure complies with all yard setback requirements for the buildings.

f. Off-street parking facilities for the use of the occupants of the premises and their guests, in accordance with Section 29-5.E.6. and in accordance with Section 29-8.B.14.a.

g. Radio and television reception equipment, including satellite dishes**,** serving residents and staff within the development. All satellite dishes shall be visually screened so as not to be visible from adjacent property or a public right-of-way.

8. Permitted Uses. The following principal uses shall be permitted in the HODD as a matter of right:

a. Multi-family attached dwellings.

b. Open space.

c. Single-family detached dwellings.

9. Area and Bulk Requirements. The HODD shall have the following area and bulk requirements.

a.	Minimum Lot Area	9 acres
b.	Maximum Lot Area	11 acres
c.	Maximum Density	10 units per gross acre
d.	Percentage of Units Required to be Affordable	30 percent
e.	Minimum Frontage	50 feet
f.	Minimum Lot Width and Depth	200 feet
g.	Front Setback	50 feet
h.	Side Setback – Principal/Accessory	50 feet/25 feet
	Rear Setback – Principal/Accessory	50 feet/25 feet
i.	Minimum Parking and Loading Setbacks	20 feet
j.	Maximum Stories/Building Height	3½ stories 43 feet
k.	Maximum Unit Size	1,800 square feet
l.	Maximum Building Coverage(as a percentage of lot area)	15 percent
m.	Maximum Site Coverage	40 percent
n.	Maximum Driveway Grade	7 percent[1] / 2 percent when located within

1 The Commission may permit increased grades where excessive cuts and/or fill would be required, provided such grades do not exceed 10%. The applicant shall furnish a written opinion from a Connecticut-licensed professional engineer that all proposed grades are safe for all vehicular and pedestrian traffic anticipated at the site.

		50 feet of the centerline of a traveled way of a street or within 25 feet of the street right-of-way
o.	Maximum Emergency Access Grade	10 percent[2] / 2 percent when located within 50 feet of the centerline of a traveled way of a street or within 25 feet of the street right-of-way
p.	Minimum Recreation Space/Unit	600 square feet
q.	Minimum Private Open Space/Unit	40 square feet

10. Slopes. All HOD proposals shall comply with the provisions of Section 29-9.I. Driveway grades shall not exceed 7 percent[3], provided that the grades of an access to be used for emergency purposes only shall not exceed 10 percent[4]. Any site plan proposing to alter or grade slopes greater than 15 percent shall be accompanied by a written opinion from a licensed professional engineer that: (1) grading on slopes can be conducted safely through good construction practices; and (2) stability during and after construction can be assured through sedimentation and erosion control.

11. Earth Removal and Excavation. An HOD shall comply with the provisions of Section 29-9.B. governing earth removal and excavation activities.

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2 In order to avoid excessive cuts and/or fill, the Commission at their discretion, may allow a maximum grade of 14%. In exceptional circumstances, to further preserve unique site topographic features and avoid excessive cuts, the Commission at their discretion, may allow a maximum grade of 18% for one and only one continuous segment of an emergency access, provided such segment does not exceed 200 feet in length. The applicant shall furnish a written opinion from a Connecticut-licensed professional engineer that all proposed grades are safe for all vehicular and pedestrian traffic anticipated at the site.

3 The Commission may permit increased grades where excessive cuts and/or fill would be required, provided such grades do not exceed 10%. The applicant shall furnish a written opinion from a Connecticut-licensed professional engineer that all proposed grades are safe for all vehicular and pedestrian traffic anticipated at the site.

4 In order to avoid excessive cuts and/or fill, the Commission at their discretion, may allow a maximum grade of 14%. In exceptional circumstances, to further preserve unique site topographic features and avoid excessive cuts, the Commission at their discretion, may allow a maximum grade of 18% for one and only one continuous segment of an emergency access, provided such segment does not exceed 200 feet in length. The applicant shall furnish a written opinion from a Connecticut-licensed professional engineer that all proposed grades are safe for all vehicular and pedestrian traffic anticipated at the site.

29-6 BUSINESS DISTRICTS

DRB	DESIGN RETAIL BUSINESS DISTRICT
GB	GENERAL BUSINESS DISTRICT
WC	WILTON CENTER DISTRICT

A. DRB - DESIGN RETAIL BUSINESS DISTRICT

1. Purpose: The DRB Design Retail Business District is intended to accommodate retail stores and service establishments primarily serving the regular needs of Town residents.

2. Permitted Site Plan Uses: The following principal uses with a GFA of 20,000 square feet or less, shall be permitted in the DRB District Subject to Site Plan approval in accordance with 29-11.

   a. Stores and shops for the conduct of retail businesses.

   b. Stores and shops for the conduct of personal service businesses.

   c. Banks or financial institutions without drive-in facilities.

   d. General offices.

   e. Medical Offices.

   f. Retail dry cleaning or laundry outlets and associated pickup stations.

   g. Child day care centers or group day care homes.

   h. Public or semi-public uses, subject to the requirements of 29-5.C.3.

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

   j. Adult day care centers.

   k. Printing, lithography, photocopy, or similar graphic arts service; publishing facilities.

   l. Dance or art studios.*

   m. Caterers.*

3. Special Permit Uses: The following principal uses shall be permitted in the DRB District subject to Special Permit and Site Plan approvals in accordance with 29-10 and 29-11:

   a. All permitted Site Plan uses with a GFA of greater than 20,000 square feet with a maximum size of 30,000 square feet for retail businesses including outdoor display.*

   b. Restaurants, sit-down or fast-food without drive-in facilities.*

c. Convalescent or nursing homes, subject to the requirements of 29-4.D.5.

d. Congregate housing, subject to the requirements of 29-4.D.4.

e. Banks or financial institutions with drive-in facilities.

f. Radio or television reception or transmission facilities.

g. Public utility buildings or structures.

h. Dwelling units located over street level stores or offices.

i. Bed and breakfast establishments.*

j. Movie theaters.*

k. Private membership recreation clubs, subject to the requirements of 29-5.C.1*

l. Health/fitness/racquet club.*

m. Assisted living facilities subject to the requirements of 29-4.D.6*

n. Schools, public or private, subject to the requirements of 29-5.C.3.*

o. Civic/social/professional/charitable organizations.*

p. Existing automotive sales and service established prior to the adoption of this section subject to the following requirements: *

(1) The minimum lot area for automotive sales and service use shall be greater than three (3) acres but less than four (4) acres. Such lot area shall only include that portion of a lot located in the DRB district prior to the adoption of this section.

(2) All repair and service work, including car washing shall be conducted entirely within an enclosed building.

(3) The outdoor storage or sale of wrecked vehicles shall not be permitted.

(4) Designated vehicle storage areas shall comply with the requirements of Section 29-8.B.9 and 29-8.C. However, the Commission may modify the applicable parking lot design, layout and internal parking lot landscape standards for designated vehicle storage areas provided that such areas include at least four thousand (4,000) square feet of internal landscaping, are suitably screened and are limited exclusively to the storage of vehicles awaiting sale. This provision shall be in addition to required landscape buffer and perimeter parking lot screening requirements.

(5) No motor vehicles shall be parked, stored or displayed within fifty (50) feet of the front property line, twenty-five (25) feet of the side property line or twenty-five (25) feet of the rear property line. Parking, storage and/or display areas shall be suitably screened to the satisfaction of the Commission.

(6) The Commission may require the use of permeable paving material for vehicle storage areas.

q. Sexually Oriented Business subject to the following requirements: *

(1) No building or premise shall be used and no building shall be erected or altered, which is arranged, intended or designed to be used for a sexually oriented business if any part of such building or premise is situated within 500 feet of an R-2A Single Family Residential zoning district or within 500 feet of an R-1A Single Family Residential zoning district.

(2) No building or premise shall be used and no building shall be erected or altered, which is arranged, intended or designed to be used for a sexually oriented business if any part of such building or premise is situated within 500 feet of any lot used for, or upon which is located, any building used for:

a. Any public or private school,
b. Any church or other religious facility or institution,
c. Any public park,
d. Any residential dwelling, or
e. Any other sexually oriented business.

r. Package Stores subject to the provisions of Section 29-10 and the following requirements: *

(1) All sales and display of products shall be conducted within a fully enclosed building.

(2) A package store shall not be allowed within:

a. 500 feet from the property line of any parcel comprising a public or private school building, or
b. 500 feet from the property line of any parcel comprising a place of worship.

(3) Ancillary activities or services including, but not limited to, the storage and/or sale of ice and the storage of recycled containers, shall be conducted within the package store building.

(4) Subparagraph 2 herein above, shall not be applied in a retroactive manner to any package store lawfully established in accordance with these regulations and the laws of the State of Connecticut.

4. Permitted Accessory Uses: The following accessory uses shall be permitted in the DRB District:

   a. 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.

   b. 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.

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

   d. Off-street parking and loading excluding parking structures subject to 29-8.B.

   e. Signs, subject to 29-8.A.

5. Retail Design Requirements: For all retail businesses over 20,000 square feet, the following design requirements shall apply:*

   a. 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 Wilton and/or the 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.

   b. 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 which plan may include shuttle buses from Wilton Center to the site or construction of additional sidewalks to the site.

   c. Space devoted to retail use shall not exceed fifty (50) percent of the development of the site.

   d. 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.

   e. In addition to landscaping requirements of Section 29-8.C, the following landscaping standards are required:

      (1) Parking lots shall be screened from the street by a) a ten (10) foot wide landscaped berm or b) a four (4) foot hedge or fence. Such screening shall be located along the street line.

(2) Service yards, refuse storage areas, and parking areas shall be screened to preserve the street cape in the neighborhood. Such screening shall include trees, shrubs, lawns, ornamental fencing, walls, brick, stone, cobbles, and gravel where appropriate.

f. All parking shall be on ground level and not more than fifty (50) percent of parking shall be in the front yard.

B. GB GENERAL BUSINESS DISTRICT

1. Purpose: The GB-General Business District is intended to accommodate larger retail and service establishments primarily serving the needs of the entire Town and neighboring communities.

2. Permitted Site Plan Uses: The following principal uses with a GFA of 20,000 square feet or less, shall be permitted in the GB District subject to Site Plan approval in accordance with 29-11.

a. All Permitted Uses in the DRB - Design Retail Business District.

b. Retail sales of home building and maintenance materials.

c. Nurseries or garden supply stores.

d. Funeral homes.

e. Caterers.

f. Equipment rental or leasing services, excluding motor vehicles.

g. Printing, lithography, photocopying or similar graphic arts services; publishing facilities.

h. Health or fitness clubs, gymnasiums, tennis or racquet clubs.

i. Restaurant, sit-down.

j. Dance or art studios.*

3. Special Permit Uses: The following principal uses shall be permitted in the GB District subject to Special Permit and Site Plan approvals in accordance with 29-10 and 29-11:

a. All Permitted Site Plan uses with a GFA greater than 20,000 square feet with a maximum size of 30,000 square feet for retail business including outdoor display if any. *

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

c. Wholesale or storage warehouses, provided that all equipment, materials and products shall be stored within fully enclosed buildings.

d. Commercial kennels or veterinary hospitals.

e. Contracting businesses.

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

g. Radio or television reception or transmission facilities, subject to the requirements of 29-4.D.3.

h. Public utility buildings, structures or uses.

i. Dwelling units located over street level stores or offices at a maximum density of five (5) dwelling units per acre, except such density may be increased to not more than eight (8) units per acre if located within 1,000 feet of the Wilton Train Station.

j. Convalescent or nursing homes subject to the requirements of 29-4.D.5.

k. Movie theaters.

l. Restaurants, fast food without drive-in facilities.*

m. Automotive rental.

n. Car washes, when washing operations are done entirely within an enclosed building.

o. Automotive sales and service, providing that all repair and service work, including car washing shall be conducted entirely within an enclosed building. The outside storage or sale of wrecked vehicles shall not be permitted.

p. Motor vehicle service stations subject to a Certificate of Approval from the ZBA, and subject to the following requirements:

(1) All pumps and pump islands and all tanks for the storage of motor vehicle fuel shall be set back at least 35 feet from all property lines.

(2) All repair and service works, including car washing, but excluding emergency service and sale of fuels and lubricants, shall be conducted entirely within an enclosed building.

(3) The outside storage or sale of wrecked vehicles shall not be permitted except where such vehicles are impounded on the service station property at the direction of a duly authorized law enforcement agency. All such wrecked

vehicles shall be removed from the property without undue delay and shall be stored only in an outside area which shall be screened with fencing and/or evergreen landscaping of such type and height as will shield the vehicles from view from the public highway or adjacent property in accordance with 29-8.C.3.

(4) All motor vehicle service stations shall be located a minimum distance of 300 feet from:
   (a) A theater, auditorium or place of assembly containing at least 100 seats.
   (b) A place of worship.
   (c) A public library.
   (d) A hospital.
   (e) A public park or public playground.
   (f) The nearest line of property devoted to the use of a public school, or a duly organized school other than a public school, giving regular instruction at least five days a week for eight or more months in one year.

(5) All motor vehicle service stations shall be located a minimum of 1,500 feet linear distance from the nearest property line of any other motor vehicle service station.

q. Congregate housing subject to the requirements of 29-5.C.1.*

r. Assisted living facilities subject to the requirements of 29-4.D.6.*

s. Schools, public or private, subject to the requirements of 29-5.C.3.*

t. Civic/social/professional/charitable organizations.*

u. Banks or financial institutions with drive-in facilities.*

v. Manufacturing, converting, altering, finishing, fabricating, assembling, or other handling of products, provided that: *

(a) Storage of material and products shall be conducted within fully enclosed buildings.

(b) Shift workers shall not be used.

(c) Building square footage shall not exceed 1,500 square feet.

(d) Noise, dust, smoke and other emissions shall comply with the environmental standards required in 29-9.G. and 29-9.H.

w. Package Stores subject to the provisions of Section 29-10 and the following requirements: *

(1) All sales and display of products shall be conducted within a fully enclosed building.

(2) A package store shall not be allowed within:

a. 500 feet from the property line of any parcel comprising a public or private school building, or
b. 500 feet from the property line of any parcel comprising a place of worship.

(3) Ancillary activities or services including, but not limited to, the storage and/or sale of ice and the storage of recycled containers, shall be conducted within the package store building.

(4) Subparagraph 2 herein above, shall not be applied in a retroactive manner to any package store lawfully established in accordance with these regulations and the laws of the State of Connecticut.

x. Licensed Dispensary Facility provided any and all other local, state and federal permits have been obtained and subject to the following requirements: *

(1) A Licensed Dispensary Facility shall not be located within 1,000 feet of any of the following uses:

(a) School as defined in Section 29-2.B. (Private School) and Section 29.2.B. (Public School) of these regulations
(b) Place of worship
(c) Playground or park
(d) Child daycare facility
(e) Another licensed dispensary facility

Separation distances contained in this section shall be measured by calculating the shortest straight line between the boundaries of the properties accommodating each respective use; regardless of the community in which such use is located.

(2) No marijuana, product packaging, display boards, pricing information or Paraphernalia shall be displayed so as to be viewable from the outside of the Facility.

(3) Exterior signage shall be subject to provisions set forth in Section 29-8.A of the Zoning Regulations; except that permissible signage serving a Licensed Dispensary Facility shall be subject to the following limitations:

(a) No more than one non-illuminated sign, whether permanent or temporary, shall be viewable from the outside of the Facility. The dimensions of such sign shall not exceed 16” x 18”.
(b) Signage, viewable from the outside of the Facility, shall not include

the advertisement of any marijuana brand names or utilize any graphics or pictures related to marijuana or Paraphernalia.

(4) A comprehensive security plan shall be required detailing the means by which all marijuana products and permissible Paraphernalia will be safeguarded against diversion, theft or loss. Said plan shall be accompanied by architectural drawings of both the interior and exterior of the building in which the Licensed Dispensary Facility is located.

(5) In addition to requirements provided in Sections 29-10 and 29-11 of these regulations, the applicant shall submit a detailed map, drawn at a scale of 1" = 50'. Said map shall depict all existing buildings, structures, lot boundaries and an inventory of all present-day uses and businesses within 1,200 feet of a proposed Licensed Dispensary Facility. The Commission shall make a finding as to whether the applicant has satisfied the spatial separation requirements set forth in these regulations.

(6) In addition to complying with these regulations, a Licensed Dispensary Facility shall remain in full compliance with all laws and licensing requirements set forth by the State of Connecticut.

4. Permitted Accessory Uses: The following accessory uses shall be permitted in the GB District:

a. All accessory uses permitted in the Design Retail Business (DRB) District.

b. 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; no merchandise shall be stored or displayed within any required yard and that the Commission may require appropriate screening (e.g., landscaping, fencing).

c. 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).

5. Retail Design Requirements: For all retail businesses over 20,000 square feet, the following design requirements shall apply:*

a. All design requirements required in the Design Retail District.

b. Notwithstanding Section 29-6.B.4 of the Regulations, outside storage shall be limited to ten (10) percent of the building.

C. WC – WILTON CENTER DISTRICT

1. Purpose:

To maintain and enhance the distinctive character, landscape and historic structures of Wilton Center, to encourage the conversion, conservation and preservation of existing buildings and

sites, and 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. *

2. Village District Established:

Wilton Center is declared to be a village district as authorized under CGS Section 8-2j and shall conform to Village District Procedures and Requirements provided in Section 29-9.J. of these Regulations. In considering the future development of the area, the Commission shall determine whether a proposed development is in harmony with the Design Guidelines contained in Appendix C of these Regulations. Failure of the applicant to conform to these procedures, requirements and guidelines may be grounds for denial of a special permit or site development plan application**. ***

3. Permitted Site Plan Uses:

The following principal uses with a GFA of 20,000 square feet or less, shall be permitted in the WC District subject to Site Plan approval in accordance with 29-11:

a. Stores and shops for the conduct of retail businesses, except that the sale, service or rental of motor vehicles shall be specifically excluded.
b. Stores and shops for the conduct of personal service businesses.
c. Retail dry cleaners or retail laundry establishments.
d. Restaurants, sit-down.
e. Banks or financial institutions without drive-in facilities.
f. Offices associated with the sale or leasing of real estate.
g. Medical offices.
h. Public or semi-public uses.
i. Bed and breakfast establishments.
j. Health or fitness clubs, gymnasiums or racquet clubs.
k. Printing, lithography, photocopying or similar graphic arts services; publishing.

The following uses shall be permitted in the WC Zone but shall not be located at street level or on the first floor of a building:

l. Social service agencies; philanthropic, benevolent or charitable organizations.
m. Civic associations, fraternal organizations or social clubs.
n. Other membership organizations such as business or professional associations, labor organizations or political organizations.
o. Studios of dance, photography, graphic design, painting or similar artistic endeavors.
p. Radio or TV broadcast facilities.
q. General offices. General offices located on the first floor in existence as the date of this amendment (March 15, 1998) shall be considered a conforming use in terms of location.

4. Special Permit Uses:

The following uses shall be permitted in the WC District subject to Special Permit and Site Plan approvals in accordance with 29-10 and 29-11: *

a. Grocery stores with a GFA greater than 20,000 square feet but not exceeding 60,000 square feet.
b. Dwelling units located over street level stores or offices at a maximum density of five dwelling units per acre, or a maximum density of ten dwelling units per acre on property located within 1,000 feet of the Wilton Train Station.
c. Accessory dwelling units in single-family residences in accordance with the requirements of 29-4.D.1.
d. (Provision deleted 2/98)
e. Movie theaters, auditoriums or stage theaters.
f. Restaurants, fast-food without drive-in facilities.
g. Child day care centers.
h. Adult day care centers.
i. Educational residential facility.
j. Banks or financial institutions with not more than two (2) drive-in facilities.
k. General and medical offices with a GFA greater than 20,000 square feet.
l. Public or semi-public library, with or without a drive up window, with a GFA greater than 20,000 square feet but not more than 60,000 square feet.
m. Outside dining. *
n. Package Stores subject to the provisions of Section 29-10 and the following requirements: *
   (1) All sales and display of products shall be conducted within a fully enclosed building.
   (2) Ancillary activities or services including, but not limited to, the storage and/or sale of ice and the storage of recycled containers, shall be conducted within the package store building.

5. Permitted Accessory Uses:

The following accessory uses shall be permitted in the WC District: *

a. All accessory uses permitted in the Design Retail Business (DRB) District.
b. Laundry facilities and storage areas accessory to, and for the exclusive use of, the occupants of multi-family dwellings.

6. Additional Requirements for Wilton Center District: *

a. All uses, except parking, loading, outside dining, permitted signs, and any other uses specifically approved by the Commission, shall be conducted entirely within a building.
b. All buildings shall include a principal entrance oriented towards the public right-of-way.
c. Sidewalks with a minimum width of five feet shall be required:
   i. in front of all new buildings,
   ii. to link the entrance to the buildings to the existing sidewalk system, and
   iii. to link the pedestrian walkways within the parking lot.

d. The maximum front yard setback for all new buildings shall be 20 feet, excepting properties that front on Danbury Road (U.S. Route 7).

7. Floor Area Ratio (FAR) Incentive – Wilton Center District: *

Purpose: The following regulation is adopted to promote a safe, flexible and efficient network of parking in the downtown and facilitate the establishment of interconnecting pedestrian walkways throughout Wilton Center. In pursuing this goal, the Town of Wilton has established development incentives available to commercial property owners who voluntarily participate in a shared "Park and Walk" program. Development incentives are also available to property owners who provide a means of public access to the future Norwalk River Greenway Trail.

Applicability: The provisions contained within this section are limited to properties located within Wilton Center.

Provision and Requirements:

a. Park and Walk Program – The Commission may increase the maximum allowable floor area ratio of a development by a factor of .10 if an applicant voluntarily agrees to allow the use of parking spaces in excess of those required by the zoning regulations for public parking. Such arrangement shall be substantially in compliance with the following provisions:

(1) Submittal and approval of a site development plan clearly detailing the limits of all parking fields. Plans shall provide information with respect to all applicable design requirements; including but not limited to landscaping, screening and lighting.

(2) All applications shall include a parking study prepared by a licensed engineer with expertise in traffic engineering, detailing peak parking demand and enumerating availability of excess parking. Said study shall provide a detailed investigation of the type and arrangement of use(s) as well as an analysis of applicable parking requirements based on the square footage of planned use(s).

(3) The Commission shall determine the minimum amount of acceptable parking available to the general public.

(4) The Commission shall require and approve the location of on-site directional and instructional signs; signage which shall be installed at owner's expense.

(5) No overnight public parking shall be permitted between the hours of 11:00 P.M. to 6:00 A.M. This provision shall not apply to occupants of a site.

(6) No sign shall be erected which restricts parking to any particular individual or tenant.

(7) At the discretion of the property owner, parking may be restricted to a period of not more than two (2) hours.

(8) Where practical and in keeping with the existing appearance of the neighborhood, vehicular and pedestrian access aisles and walkways, consisting of an all-weather material, shall be extended to adjoining property lines and shall be provided wherever a commercial parking lot abuts a similar facility.

b. Norwalk River Greenway Trail – The Commission may increase the maximum allowable floor area ratio of a site by a factor of .10 if an applicant elects to grant the Town of Wilton necessary easements for access to the future Norwalk River Greenway Trail. Such arrangement is subject to compliance with the following provisions:

(1) Only parcels located adjacent to the Norwalk River shall be eligible for such allowance.

(2) The property owner shall provide a perpetual access easement in favor of the Town of Wilton. Said easement shall be situated from the west bank of the Norwalk River for a minimum distance of fifteen (15) feet and shall run parallel to the river for the entire length of the property.

(3) Where such improvement would provide a public benefit, the Commission may require the property owner to provide connecting access easements between the trail and existing public roadways or publicly owned land. Such easement shall be a minimum of fifteen (15) feet in width and shall be sited in such location as not to conflict with vehicular traffic.

(4) The property owner shall be responsible for the construction of the trail on their land. Said trail shall be developed in accordance with direction and specifications provided by the Commission.

8. Municipal Parking Facilities – Wilton Center District: *

Purpose: The Commission has instituted the following regulation in anticipation of the future development of municipal parking facilities in Wilton Center. The Commission recognizes the unique land assemblage and compact environment of the downtown and acknowledges the desirability of consolidating parking areas in a fashion as to maximize the efficiency of such facilities. In meeting this goal, the Commission has established provisions to encourage municipal oversight and maintenance of privately owned parking facilities where it is evident that such arrangement will serve the general public interest. The Commission may, in certain instances, waive on-site parking requirements if such need can be reasonably served by an existing off-street municipal parking facility.

Applicability: The provisions contained within this section are limited to properties located within Wilton Center.

Provision and Requirements:

a. Dedication of private property for Municipal Parking

The provisions and requirements for the dedication of property to the Town of Wilton for municipal parking purposes are as follows:

(1) Prior to the Commission's review, a municipal parking facility must first be authorized and accepted by the Board of Selectmen. It shall be the responsibility of the applicant to fulfill any standards and operational requirements set forth by the Board of Selectmen.

(2) Such arrangement shall be subject to the submittal and approval of a site development plan by either the Town or a private applicant. Such plan shall clearly depict all improvements associated with the property under consideration and shall be designed in such a manner as to meet the provisions specified in Section 29-11 of the Zoning Regulations.

(3) A site plan submittal shall include a future site plan, demonstrating the ability to interconnect to neighboring properties located within 500 feet of the parcel under consideration.

(4) A participating property owner(s) shall demonstrate that the dedication of property for municipal parking purposes will not render their property deficient with respect to meeting on-site parking needs.

(5) An applicant(s) shall provide a copy of the executed agreement between the property owner and the Board of Selectmen memorializing the terms of the municipal parking arrangement.

(6) Dedication of any privately owned property for municipal parking shall not limit the development rights of any participating property owner with respect to either density or dimensional standards set forth in the zoning regulations. Such provision shall not apply to property which is transferred in fee simple to the Town.

b. Off-site Municipal Parking Facilities

The Commission may waive or partially waive on-site parking requirements for a site development proposal if the Commission determines that parking needs can be reasonably accommodated within a municipal parking facility. Such waiver is subject to fulfillment of the following criteria:

(1) Municipal parking shall be located no further than 500 feet from the business served. Such measurement shall be based on the walking distance measured in straight lines along public rights-of-way or established pedestrian access ways extending between the nearest entrance of the proposed building and the nearest vehicular or pedestrian entrance to the municipal parking facility.

(2) Required on-site handicapped parking spaces for individual business tenants shall not be waived nor substituted within a municipal parking facility.

(3) A detailed parking study, prepared by a Connecticut licensed engineer with expertise in traffic engineering, shall be provided to the Commission. Such study shall detail the overall availability of municipal parking as well as the peak hour parking demand for each site and each individual business. The study shall utilize methodologies outlined in the "Shared Parking" publication, authored by the Urban Land Institute (1983) and any other relevant professional documentation or analysis based on industry standards.

(4) Parking areas within a municipal parking facility shall not be reserved for any individual or business entity. Rather, such spaces shall be available on a first come first serve basis.

(5) The Commission may limit or reject the substitution of on-site parking spaces within a municipal parking facility where it is evident that such use(s) would generate an excessive parking demand in such a manner as to unduly deplete the availability of public parking.

D. GENERAL REQUIREMENTS FOR ALL BUSINESS DISTRICTS

1. All business establishments shall conform to the environmental and performance standards specified in 29-9 and to the requirements of all other applicable Town regulations.

2. Except as otherwise permitted, all production, repair, treatment, storage and display of goods shall be accessory to the principal use of the premises.

3. No goods or merchandise shall be sold from a trailer or truck situated on a lot.

4. The frontage of two or more lots which share a single joint entrance and a single joint exit to a public street may be computed as a single frontage.

5. Yards on a common side lot line may be omitted:

   a. 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

   b. If building is attached to building on adjacent lot.

   c. Minimum side yard may be otherwise reduced, at the discretion of the Commission, where a common Site Plan application is submitted for adjacent properties.

6. Where property adjoining in a residence district to the side or rear lies within the right-of-way of a railroad, the side or rear yard setback may be reduced to 50 feet.

7. No setback shall be required for parking and loading areas if they abut adjacent nonresidential parking and loading areas, with physical and legal provisions for access between the parking and loading areas.

8. In addition to the traffic study required under Section 29-10.A.4 of the Regulations, the applicant shall provide a traffic study for any retail business that exceeds 20,000 square feet that shall include an analysis of the traffic impact on all local residential streets within a half mile radius of the site and general traffic circulation within a two (2) mile radius of the site.*

9. The applicant shall submit an economic impact study for any retail business that exceeds 20,000 square feet showing that the proposed use is consistent with the Plan of Development which calls for the strengthening of Wilton Center as the business center of the Town and discourages further strip development along Danbury Road. Such study shall determine whether the proposal is likely to have an impact on existing stores in Wilton Center and whether it will serve unmet needs.*

10. The Commission may grant a waiver to allow for the establishment of more than one principal building on a lot when located in a business zone. In considering such a waiver request, the Commission shall determine that reasonable provisions have been provided to insure safe and proper internal traffic circulation, adequate separation distance between buildings, sufficient landscaping and appropriate site lighting. The Commission shall make a finding that the proposed uses are compatible in nature and will not create undue congestion nor result in unsafe traffic conditions, either on or off the subject premises. This provision shall apply only to the number of allowed buildings on any given lot and shall not be construed as a waiver of any other regulation or requirement contained in the zoning regulations.*

E. AREA AND BULK REQUIREMENTS

The following area and bulk requirements shall be applicable to all developments in the DRB, GB and WC Districts, as indicated. Dimensions are in feet unless otherwise indicated.

	DRB Design Retail Business	GB General Business	WC Wilton Center
1. Minimum Front Yard	50(a) *	50(a) *	10(d)*
2. Maximum Front Yard	75 *	75 *	20(e)*
3. Minimum Side Yard (each)	25	25	0 *
- When abutting a residential district	85(b)	85(b)	75(b)
3a. Maximum Side Yard on one side of the property	50 *	50 *	NA*
- When abutting a residential district	85(b) *	85(b) *	NA
4. Minimum Rear Yard	25	25	20
- When abutting a residential district	85(b)	85(b)	75(b)
5. Minimum Parking and Loading Setbacks (side and rear yards)	10	10	0**
	[** 20 feet where the property abuts a multi-family district] [** 60 feet where the property abuts a single-family district]		
- When abutting a residential district	60	60	60
6. Maximum Building Height (Stories/Feet)	2/35(c)	2/35(c)	3/42(c)*
7. Maximum Building Coverage (%)	20	25	30
8. Maximum Site Coverage (%)	80	80	80
9. Minimum Lot Size (acres)	1	1	No Minimum

10. Minimum Lot Frontage	100	50	No Minimum
11. Minimum Width	100	50	No Minimum
12. Maximum Floor Area Ratio (F.A.R)	0.25	0.35	0.50 *

(a) Except that where no parking is provided in the front yard, only 30 feet shall be required. In either case, a ten-foot minimum width landscaped area approved by the Commission shall be provided along the front lot line, except where driveway entrances and exits are located.

(b) Where adjoining property in a residence district lies within the right-of-way of a railroad, the building setback may be reduced to 50 feet and the parking and loading setbacks may be reduced to ten feet.

(c) Except as otherwise provided in 29-4.C.1.

(d) Where property fronts on Danbury Road (U.S. Route 7) 50 feet, except that where no parking is provided in the front yard, only 30 feet shall be required. In either case, a 10-foot minimum width landscaped area approved by the Commission shall be provided along the front lot line, except where driveway entrances and exits are located.

(e) Where the property fronts on Danbury Road (U.S. Route 7), 75 feet.

F. CXD – CANNON CROSSING DISTRICT (Overlay) *

1. Purpose:

To maintain and enhance the distinctive character, landscape and historic structures of Cannondale, to encourage the conservation and preservation of existing buildings and sites, to encourage the orderly development of the area, and to carry out the recommendations and proposals for circulation and use contained in the duly adopted plans and policies of the Commission.

2. Village District Established:

The Cannon Crossing District (Overlay) is declared to be a village district as authorized under CGS Section 8-2j and shall conform to the Village District Procedures and Requirements provided in Section 29-9.J. of these Regulations. In considering the future development of the area, the Commission shall determine whether a proposed development is in harmony with the Design Guidelines contained in Appendix C of these Regulations. Failure of the applicant to conform to these procedures, requirements and guidelines may be grounds for denial of a special permit or site development plan application**.**

3. Requirements for Cannon Crossing District (Overlay):

The uses allowed in the underlying zoning district(s) shall be allowed in the Cannon Crossing District (Overlay) subject to the same limitations as apply in the underlying zoning district(s) and subject to any additional limitations as provided in this section. In the event of any conflict, the most restrictive limitation shall control.

4. Dimensional Standards:

No new density and dimensional standards are established in Section 29-6.E for the CXD – Cannon Crossing District (Overlay).

29-7 DESIGN ENTERPRISE DISTRICTS

DE - 10 DESIGN ENTERPRISE DISTRICT
DE - 5 DESIGN ENTERPRISE DISTRICT

A. PURPOSE: To provide a favorable and stable environment for the growth of industry to strengthen Wilton's economic base. The controls in the districts are intended to foster coherent development of modern industrial facilities at contemporary site development standards, while minimizing disturbance to residential areas.

B. DE-10 DESIGN ENTERPRISE DISTRICT

1. Site Plan Uses: The following principal uses with a GFA of 20,000 square feet or less shall be permitted in the DE-10 District subject to Site Plan approval in accordance with Section 29-11:

   a. Research or development laboratories, provided that there shall be no manufacturing, fabrication or assembly of products, except as provided for in Section 29-7.B.2.b below and except that a small number of pilot or experimental models which require the supervision of the technical staff of such laboratory for their production may be produced on the premises. All research and related activities shall be carried on within fully-enclosed buildings, except for off-street parking and loading facilities. The use of shift workers shall be prohibited except for maintenance operations and except for emergency research requirements and for experiments or pilot plant operations which require continuous procedure or study.

   b. Offices for business or professional use, including administrative, scientific, medical, engineering, training, statistical, financial and similar purposes, provided that all activities, except for off-street parking and loading facilities, shall be conducted within fully enclosed buildings.

   c. Farms

   d. Open space, both public and private, and public parks.

2. Special Permit Uses: The following principal uses shall be permitted subject to Special Permit and Site Plan approvals in accordance with 29-10 and 29-11:

   a. All permitted site plan uses with a GFA of greater than 20,000 square feet.

   b. Manufacturing, converting, altering, finishing, fabricating, assembling or other handling of products, provided that all such activities, including the storage of material and products, shall be conducted within fully enclosed buildings, provided that only electric motor power shall be used, and further provided that shift workers shall not be used except for maintenance operations.

   c. Convalescent or nursing homes, subject to the requirements of 29-4.D.5.

d. Public or semi-public uses, subject to the requirements of 29-5.C.3.

e. Private membership recreation clubs, subject to the requirements of 29-5.C.1.

f. Public utility buildings, structures or uses, subject to the requirements of 29-4-D.2.

g. Radio or television reception or transmission facilities, subject to the requirements of 29-4.D.3.

h. Congregate Housing in accordance with the requirements of 29-4.D.4.

i. Cemeteries.

j. Riding Stables, subject to the requirements of 29-5.C.2.

k. Child day care centers.

l. Adult day care centers.

m. Group day care home.

n. Schools, both public or private.

o. Adaptive use of historical structures, subject to the requirements of 29-5.C.4.

p. Professional offices for nonresident occupants, subject to the requirements of 29-5.C.4.

q. Bed and Breakfast Accommodations.

r. Conference Center subject to the following requirements:*

(1) A conference center shall only be permitted on a property that also contains another primary use as permitted in the DE-10 district.
(2) Use of eating and recreation facilities and occupancy of overnight accommodations within a conference center shall be limited to persons concurrently attending a conference or social function at the facility.
(3) A conference center shall not exceed 20,000 square feet of GFA.
(4) The number of rooms available for overnight stay shall be limited to a maximum of one per 2,000 square feet of GFA in the conference center.
(5) Conference centers shall be located only on lots that are in conformance with minimum area and dimensional requirements of the DE-10 district. They shall not be permitted by action of the Zoning Board of Appeals.
(6) Non-conference events for which an entrance fee is charged shall not be considered a “social function” for the purposes of this regulation and are therefore not permitted.

s. Licensed Production Facility provided any and all other local, state and federal permits have been obtained and subject to the following requirements: *

(1) A Licensed Production Facility shall not be located within 1,000 feet of any of the following uses:

(a) School as defined in Section 29-2.B. (Private School) and Section 29.2.B. (Public School) of these regulations
(b) Place of worship
(c) Playground or park
(d) Child daycare facility
(e) Another Licensed Production Facility

Separation distances contained in this section shall be measured by calculating the shortest straight line between the boundaries of the properties accommodating each respective use; regardless of the community in which such use is located.

(2) All production and storage of marijuana-derived products shall be conducted entirely within a secure climate-controlled building.

(3) A comprehensive security plan detailing the means by which all marijuana products will be safeguarded against diversion, theft or loss. Said plan shall be accompanied by architectural drawings of both the interior and exterior the building in which the Licensed Production Facility is located.

(4) In addition to complying with the requirements of Sections 29-10 and 29-11 of these regulations, the applicant shall submit a detailed map, drawn at a scale of 1” = 50’, depicting all existing buildings, structures, lot boundaries and an inventory of all present-day uses and businesses within 1,200 feet of a proposed Licensed Production Facility. The Commission shall make a finding as to whether the applicant has satisfied the spatial separation requirements set forth in these regulations.

(5) In addition to complying with these regulations, a Licensed Production Facility shall remain in full compliance with all laws and licensing requirements set forth by the State of Connecticut.

t. Hotels. *

3. <u>Permitted Accessory Uses:</u> The following accessory uses shall be permitted in the DE-10 district:

a. 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.

b. 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.

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

d. Signs, subject to 29-8.A.

e. Off-street parking and loading, subject to 29-8.B.

f. Parking garages and parking structures, subject to 29-8.B.

g. 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).

h. Clinics and cafeterias, for employees only, when conducted within a main building.

i. 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.

j. Assembly hall for meetings incidental to the business of the principal use.

k. One single-family residential dwelling unit by Special Permit as a permitted accessory use.*

C. DE-5 DESIGN ENTERPRISE DISTRICT

1. Site Plan Uses: The following principal uses with a GFA of 20,000 square feet or less, shall be permitted in the DE-5 District subject to Site Plan approval in accordance with 29-11:

a. Research or development laboratories, provided that all research and related activities shall be carried on within fully enclosed buildings, except for off-street parking and loading facilities. The use of shift workers shall be prohibited except for maintenance operations and except for emergency research requirements and for experiments or pilot plant operations which require continuous procedure or study.

b. Offices for business or professional use, including administrative, scientific, medical, veterinary, engineering, training, statistical, financial, provided that all activities, except for off-street parking and loading facilities, shall be conducted within fully enclosed buildings. *

c. Manufacturing, converting, altering, finishing, fabricating assembling or other handling of products, provided that all such activities, including the storage of material and products, shall be conducted within fully enclosed buildings, provided that only electric motor power shall be used, and further provided that shift workers shall not be used except for maintenance operations.

d. Wholesaling, warehousing or storage uses, provided that all materials and products, whether being stored on a long term or temporary basis, shall be kept within fully enclosed buildings.

e. Printing, lithography, photocopy or similar graphic arts services; publishing.

f. Retail sales of home building and maintenance materials. *

2. Special Permit Uses: The following principal uses shall be permitted subject to Special Permit and Site Plan approvals in accordance with 29-10 and 29-11.

a. All permitted Site Plan uses with a GFA of greater than 20,000 square feet.

b. Retail sales of home building and maintenance materials, with a GFA no greater than 30,000 square feet, subject to the requirements of 29-7.C.4. *

c. Accessory dwelling units in single-family residences, subject to the requirements of 29-4.D.1.

d. Convalescent or nursing homes subject to requirements of 29-4.D.5.

e. Public or semi-public uses, subject to the requirements of 29-5.C.3.

f. Private membership recreation clubs, subject to the requirements of 29-5.C.1.

g. Public utility buildings, structures or uses, subject to the requirements of 29-4.D.2.

h. Radio or television reception or transmission facilities, subject to the requirements of 29-4.D.3.

i. Congregate Housing in accordance with the requirements of 29-4.D.4.

j. Child day care centers.*

k. Health and Fitness Clubs, provided said Clubs are duly licensed by the State of Connecticut and further provided that the gross floor area does not exceed:

1. More than 50% of the area of any single multi-tenanted building in which said Health and Fitness Club is located, or
2. When located on sites containing multiple buildings, ten percent (10%) of the gross floor area of all buildings on the subject property that are located in the Town of Wilton, or 20,000 square feet, whichever is less.

The foregoing calculations shall be based on buildings located in the Town of Wilton only.

The Commission shall make a finding that the proposed use is compatible with other uses located on the property and within the immediate neighborhood vicinity and will

not create undue congestion, result in unsafe traffic conditions or an inadequacy of parking nor be inconsistent with the Plan of Conservation and Development.*

l. Hotels *

3. Permitted Accessory Uses: The following accessory uses shall be permitted in the DE-5 district:

a. All accessory uses permitted in the DE-10 district.

4. Requirements for Retail Sale and Storage of Home Building Materials:

a. Maximum building coverage: 30%
b. Maximum site coverage: 80%
c. Outdoor storage of materials shall be permitted subject to the following conditions.

(1) No merchandise shall be displayed or stored in advance of the front line of the building.
(2) No more than 25% of the lot area may be used for outdoor storage.
(3) All outdoor storage areas shall be screened from view from adjacent property and the public right-of-way by landscape planting, fencing or both in accordance with 29-8.C.3.

D. GENERAL REQUIREMENTS FOR ALL DESIGN ENTERPRISE DISTRICTS

1. All uses shall conform to the Environmental and Performance Standards of 29-9.

2. Waste or scrap materials, debris, discarded or used materials, nonregistered 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 29-8.C.3.

3. 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.

4. 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.

5. All manufacturing, research and development, display and storage activities permitted in the DE-10 and DE-5 districts shall be conducted within fully enclosed buildings, except for off-street parking and loading facilities, and as otherwise provided.

6. No parking shall be permitted in the required front yard. All front yard areas shall be suitably landscaped, as required by 29-8.C.

7. Where adjoining property in a residence district to the side or rear lies within the right-of-way of a railroad, the side or rear yard setbacks may be reduced to 50 feet. Where adjoining property in a residence district to the side and rear lies within the right-of-way of a railroad, and where the railroad property adjoins a public utility right-of-way and/or a publicly owned right-of-way with a total width of not less than 200 feet, the side and rear yard building setbacks and the parking setbacks may be reduced to 10 feet. *

8. Where property adjoining in a residence district to the side or rear lies within the right-of-way of a railroad, the side or rear yard parking and loading setbacks may be reduced to ten feet.

9. The Commission may grant a waiver to allow for the establishment of more than one principal building on a lot when located in a design enterprise zone. In considering such a waiver request, the Commission shall determine that reasonable provisions have been provided to insure safe and proper internal traffic circulation, adequate separation distance between buildings, sufficient landscaping and appropriate site lighting. The Commission shall make a finding that the proposed uses are compatible in nature and will not create undue congestion nor result in unsafe traffic conditions, either on or off the subject premises. This provision shall apply only to the number of allowed buildings on any given lot and shall not be construed as a waiver of any other regulation or requirement contained in the zoning regulations. *

E. AREA AND BULK REQUIREMENTS FOR INDUSTRIAL ZONES: The following area and bulk requirements shall be applicable to all developments in the DE-5 and DE-10 Districts, as indicated. Dimensions are in feet unless otherwise indicated.

	DE-10	DE-5
1. Minimum Front Yard	100	50 (a)
2. Minimum Side Yard (each)	100	50
- When abutting a residential district	150	100
3. Minimum Rear Yard	100	50
- When abutting a residential district	150	100
4. Minimum Parking and Loading Setbacks (Side and Rear Yards)	40	25
- When abutting a residential district	75	75
5. Maximum Building Height (Stories/Feet)	3/39 (b)(c)*	3/39 (b)*(c)*
6. Maximum Building Coverage (%)	25	25
7. Maximum Site Coverage (%)	40	50
8. Minimum Lot Size (acres)	10	5
9. Minimum Lot Frontage	150	150

(a) Except setbacks shall be 100 feet along Route 7.

(b) Except as otherwise provided in Section 29-4.C.1.

(c) A 4 story and/or 55 foot high building may be located on lots that are in conformance with minimum area requirements of the DE-10 or DE-5 district. They shall not be permitted by action of the Zoning Board of Appeals.

29-8 SUPPLEMENTARY REGULATIONS

A. SIGNS

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.

2. Classification of Signs: Signs shall be classified by structural type and by functional type. [See Appendix A, Figure A-9]

   a. Structural Types of Signs

      (1) 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.

      (2) 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 12 inches from the structure.

      (3) Projecting sign: a sign which is wholly or partly dependent upon a building for support and which projects more than 12 inches from the building.

      (4) 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.

      (5) Marquee or canopy sign: a sign attached to the vertical face of a building marquee or canopy.

      (6) Portable sign: a sign which is not permanent, and not affixed to a building, structure or the ground.

      (7) 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.

      (8) Poster Sign: A sign of a temporary nature, not to exceed 30” width x 42” height which shall be located in a glass case attached to a movie theater, auditorium or stage theater or inside a sign kiosk intended for viewing by people outside the building or kiosk. *

      (9) Sign Kiosk: Open structure with one or more sides used to house a poster sign or signs. The total number of sides shall not exceed the total number of screens or stages. *

b. Functional Types of Signs

(1) 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.

(2) Nameplate sign: a temporary sign, located on the premises, which indicates the name and occupation or profession of each occupant of the premises.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) Directional sign: a sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance", "parking", or to specific business when necessary.

(8) Temporary Commercial Sign: a sign, such as a banner, single panel or double panel (A-frame) sign, used on a short-term basis for the purpose of advertising on-site business activities; including an initial business opening, sale, transitory event or the termination of business activity. *

(9) Temporary Non-Commercial/Non-Profit Sign: a sign, such as a banner, single panel or double panel (A-frame) sign intended for use by a tax exempt group organized under Section 501 of the Internal Revenue Code as amended and maintained on a temporary basis to announce a transitory non-profit event. Temporary Non-

Commercial/Non-Profit signs do not include signs protected under laws governing political speech. *

3. General Provisions

a. No zoning permits or site plans shall be approved if the signage indicated is not in conformance with these regulations.

b. Signs shall not conflict with the corner visibility requirements of Section 29-4.B.2.

c. Signs shall be so located as to not obstruct or interfere with the visibility of vehicular or pedestrian traffic.

d. Signs shall be so located as to not obstruct or interfere with the view of any traffic control sign, signal or device.

e. 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.

f. Nothing in this section shall be construed as prohibiting signs viewed principally from within a building.

g. 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.

h. Directional, identification and business signs shall contain no advertising. *

i. Signs shall contain street numbers unless waived by the Commission.*

4. Sign Design and Area

a. Computation of Sign Area

(1) The area of a sign shall be computed from the outer dimensions of the frame, trim or molding by which the sign is enclosed. For freestanding signs, vertical supports with dimensions of 6 inches by 6 inches or less shall not be included as part of the sign area. Vertical supports greater than 6 inches by 6 inches shall be included in the computation of the sign area.

(2) When a sign consists of freestanding 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.

(3) 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 12 inches of each other. Otherwise, all faces of the sign shall be used to compute the sign area.

b. Standards for Wall Signs

(1) No wall sign shall extend beyond the outer edge of any wall of the building to which it is attached.

(2) A marquee sign may extend the full length of the marquee but shall not extend beyond the ends of the marquee.

(3) A wall sign shall be parallel to the wall to which it is attached and shall not project more than 12 inches therefrom.

(4) No wall sign shall be painted directly upon any wall.

(5) No wall sign shall extend above the eaves of the building to which it is attached.

c. Standards for Freestanding Signs

(1) In residential districts, the height of any freestanding sign shall not exceed six feet. For adaptive use properties, the height of any freestanding sign shall not exceed seven feet, six inches. In nonresidential districts, the height of any freestanding sign shall not exceed the height of the building to which it relates or a height of 16 feet, whichever is less. If the premises on which the sign is located does not contain a principal building, the sign shall not exceed a height of six feet. The height of the sign shall be measured from the ground to the top of the sign.

(2) In nonresidential 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.

(3) No part of any freestanding sign shall be located within five feet of any property line.

(4) 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.

d. Standards for Projecting Signs and Marquee or Canopy Signs

(1) 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.

(2) No projecting sign shall extend more than six feet from the wall to which it is attached.

e. Standards for sign kiosks *

(1) The footprint of the sign kiosk shall not exceed nine (9) square feet in area.

(2) The height of the sign kiosk shall not exceed fourteen (14) feet.

(3) The sign kiosk may only display one poster sign on each of the sides of the kiosk.

(4) The sign kiosk shall be set back a minimum of five (5) feet from the property line.

(5) The sign kiosk shall not rotate or have any moving parts.

5. Sign Illumination

a. No signs shall be internally illuminated in any district.

b. 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.

c. An externally 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 PM and 7:00 AM.

d. Signs shall not utilize or contain flashing or moving lights.

6. Prohibited Signs: The following signs shall be prohibited in all districts, except as otherwise permitted by these regulations.

a. Rotating, moving or animated signs.

b. Temporary A-frame, sandwich board or portable signs.

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

d. Roof signs.

e. All signs not expressly permitted by this section.

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

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

h. Billboards.

i. Internally illuminated signs, including gas-lit signs.*

j. Off-site signs except sign kiosks in accordance with the provisions of Section 29-8.A.4.e and Section 29-8.A.7.f(1). *

7. Permitted Signs

a. Signs permitted in all districts without a sign permit.

(1) 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 or 18 square feet in area in nonresidential districts.

b. Signs permitted in the DRB Retail Business, GB General Business and WC Wilton Center District without a sign permit.

(1) Window signs, the total area of such signs not to exceed 25% of the area of the windows, and such signs not to be illuminated.

c. Signs Permitted in All Districts With a Sign Permit.

(1) Signs pertaining to service club meetings, such signs not to exceed six square feet in area.

(2) Temporary Commercial Sign, one sign per business tenant when located on a commercially-zoned parcel or on any parcel possessing legal frontage on Danbury Road, subject to adherence with the following provisions: (a) Such signs shall only be allowed following the issuance of a sign permit from the Zoning Enforcement Officer; (b) Signage shall be situated and restricted to the parcel on which the business activity is located; (c) An application request shall include written authorization from the owner of the property on which the sign is to be located; (d) Banners shall not exceed an area of 45 square feet and single or double panel signs shall not exceed an area of 16 square feet; (e) Subject to the issuance of a permit for each occasion, an applicant may erect up to three (3) temporary commercial signs within any calendar year, provided that no more than one (1) sign is maintained at any given time, each permissible occasion is limited to a period of not more than fourteen (14) days and a minimum of thirty (30) days is maintained between each issued permit; (f) A temporary commercial sign shall not be located within the public right-of-way (including street, sidewalk, public utility poles or

landscaped shoulder) nor maintained in a manner that obstructs vehicular or pedestrian visibility or results in any other unsafe condition; (g) No temporary commercial sign shall be situated and maintained within fifty (50) linear feet of a similar type sign and; (h) Such signs shall not be illuminated and shall be removed from public view immediately following termination of permit. *

(3) Temporary Non-Commercial/Non-Profit Signs. A non-profit organization, as defined in these regulations, may display not more than 20 signs throughout Wilton for a period of not more than 14 days for any sponsored non-profit event. Banner signs shall not exceed 45 square feet in area and single or double panel signs shall not exceed 16 square feet in area. Such signage shall be subject to written authorization from the owner of the property on which the sign is erected. Temporary Non-Commercial/Non-Profit Signs shall be removed no later than 48 hours following an event. No more than one sign shall be displayed on any given parcel. *

(4) One construction sign for each street frontage of the lot on which the sign is located, such sign not to exceed six square feet in area in residential districts or 18 square feet in area in nonresidential districts.

(5) One identification sign, not to exceed nine 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.

(6) Directional signs not to exceed two square feet in area.

d. Signs Permitted in the R-lA, R-2A, THRD, DRD and CRA-10 Residential Districts.

(1) One identification sign, not to exceed six square feet in area, to identify a unified development; or

(2) One nameplate sign, not to exceed two square feet in area, per building occupant; or,

(3) One freestanding sign, not to exceed six square feet in area for nonresidential uses, except for the adaptive use of historic structures, as provided for in 29-5.C-5. and professional offices for nonresident occupants as provided for in 29-5.C.6, where one freestanding sign shall be permitted, not to exceed twelve square feet in area, except for properties with multiple tenants, the sign area may be increased by two square feet per tenant, however, the total signage shall not exceed 18 square feet.

e. Signs Permitted in the DRB Retail Business and GB General Business Districts.

(1) One freestanding sign not to exceed 18 square feet in area; and,

(2) One projecting sign per building occupant not to exceed eight square feet in area; or,

(3) One wall or marquee sign per building occupant not to exceed 14 square feet in 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; and

(4) Poster signs such that the total number of such signs shall not exceed the total number of screens or stages. The location of a poster sign shall be adjacent to the entrance of such movie theater, auditorium or stage theater. Such signs shall not be illuminated. *

f. Signs permitted in the WC Wilton Center District.

(1) One freestanding sign, not to exceed 12 square feet in area, nor extend more than 10 feet in height or one sign kiosk. The sign kiosk may be located either on the property or on property abutting the premises of the movie theater, auditorium or stage theater if the entrance to such movie theater, auditorium or stage theater does not face a street as defined in Section 29-2.B.(152) of these Regulations. All applications for a sign kiosk shall be subject to site plan review subject to the provisions of Section 29-11; and, *

(2) One projecting sign per building occupant not to exceed eight square feet; or,

(3) 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; and

(4) Poster signs such that the total number of such signs shall not exceed the total number of screens or stages. The location of a poster sign shall be adjacent to the entrance of such movie theater, auditorium or stage theater. Such signs shall not be illuminated. *

g. Signs Permitted in the DE-5 and DE-10 Design Enterprise Districts.

(1) One freestanding identification sign, not to exceed 24 square feet in area, to identify a unified office, mixed-use development or industrial development; and

(2) (a) One projecting sign per building up to a maximum of 16 square feet in area. Such sign shall be limited to a single entity or building name; or,

(b) One wall sign per building up to a maximum of 30 square feet in area. Such sign shall be limited to a single entity or building name.*

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 nonresidential development containing more than 10,000 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.

a. Such signage program shall, at a minimum, contain the information required under 29-8.A.9.b. herein below for the issuance of Sign Permits.

b. In approving such an alternative signage program, the Commission shall find that:

(1) Such signage program would be consistent with the purpose of this section.

(2) Such signage program would result in a more comprehensive and attractive arrangement and display of signs than could otherwise be accomplished under the standards of this section.

9. Sign Permits

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

b. 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:

(1) For freestanding signs, a plot plan of the premises and, for any signs attached to structures, a sketch drawing to scale of the building facade, showing the location, dimensions and area of all existing and proposed signs on the premises; and,

(2) 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.

10. Sign Maintenance and Removal

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

b. 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.

c. Unsightly, damaged, deteriorated signs or signs in danger of falling shall be put in order or removed upon written notice by the ZEO to the owner of the lot on which the sign is located.

d. 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 5 days following cessation of the relevant activity.

B. OFF-STREET PARKING AND LOADING

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.

2. Amount of Parking Required:

a. 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.

b. 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. At the time of any enlargement of such structures or uses in the future, however, required parking and loading facilities for the existing portion of such structures or uses may be required to conform to the current regulations.*

c. 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 percent (20%) less than the sum of the spaces required for each, in all zoning districts except Wilton Center which shall be no more than 30 percent (30%) less, 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.*

d. Unless the applicant provides evidence to the Commission that adjoining property owners will not consent to the connection of adjacent parking lots, all parking lots in Wilton Center shall be connected at locations determined by the Commission. When consent to connect to an adjoining property is denied, the applicant shall provide an improved access stub to the property line. A note shall be placed on the site development plan indicating the applicant's willingness to permit a future cross movement of traffic. Parking for interconnected sites may be reduced by the Commission by no more than 30 percent (30%) of the total number of spaces required. *

e. In Wilton Center all parking and loading spaces shall be located behind buildings unless an alternative location clearly enhances the existing streetscape. Parking and loading space plans for development shall be submitted to the Design Advisory Committee in accordance with Section 29-6.C.6. On-street parking partly within or immediately abutting the Town right-of-way either parallel to the street or at a 60 degree angle, may be approved by the Commission after consultation with the Wilton Traffic Commission.*

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.

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.

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.

a. RESIDENTIAL USES; PUBLIC AND REQUIRED SEMI-PUBLIC USES	MINIMUM NUMBER OF SPACES REQUIRED
(1) Single-family dwellings	2 per dwelling unit, plus 1 per guest sleeping room for roomers and boarders
(2) Multi-family dwellings: Studio (efficiency) dwelling units and detached units in multi-family developments*	1.5 per dwelling unit

One, two and three bedroom dwelling units	2 per dwelling unit plus 1 visitor space per 2 dwelling units
(3) Senior citizen housing	1.1 per dwelling unit
(4) Home occupations and professional offices for non-resident occupants, as permitted in a residence district *	2 per dwelling unit plus 1 per 300 sq. ft. of GFA of area in nonresidential use *
5) Public or Private schools	1 per teacher, plus 1 per other staff member, plus 1 per each 10 pupils
6) Private clubs	As determined by the Commission.*
7) Public utility substations	2 spaces
8) Libraries, museums, art galleries or similar uses	1 per each 400 sq. ft. of GFA
9) Group homes	2 per home, plus 1 per 2 employees
10) Nursing or convalescent homes	1 per 2 beds
11) Places of worship	1 per 3 seats, additional spaces as may be required by the Commission (one seat = 18 linear inches of pew bench)
12) Day care centers	1 per employee, plus 1 per 10 enrollees, plus adequate drop-off/pick-up area as determined by the Commission
(13) Congregate housing	1.0 per dwelling unit *
(14) Public, semi-public or charitable organization buildings not otherwise listed	As determined by the Commission*
(15) Educational Residential Facility	4 spaces*
(16) Assisted Living	0.65 per unit*

(17) Adaptive Use of Historic Structures *	As determined by the Commission*

b. BUSINESS USES, EXCEPT AUTOMOTIVE

(1) Theaters, auditoriums or other places of public assembly	1 per each 3 seats, or, in places without seats, 1 per each 100 sq. ft. of floor space used for public assembly
(2) Retail or personal service businesses	1 per 200 sq. ft. of GFA
(3) General, business or professional offices, non-medical	1 per 300 sq. ft. of GFA
(4) Banks and financial institutions	1 per 300 sq. ft. of GFA
(5) Drive-in bank windows serving either a bank or public or semi-public library*	5 off-street waiting spaces per window for approaching cars plus 1 off-street waiting space per window for cars leaving
(6) Medical or dental offices or clinics	1 per 150 sq. ft. of GFA
(7) Restaurants or other places serving food or drink	1 per 100 sq. ft. of GFA or 1 per 3 seats, whichever is greater
(8) Bowling establishments	5 per bowling lane
(9) Commercial kennels or veterinary hospitals	1 per employee plus 1 per 400 sq. ft. of GFA for veterinary hospitals, and 1 per employee plus 1 per 1,000 sq. ft. of GFA for commercial kennels *
(10) Funeral homes	1 per 3 seats, plus additional spaces as may be required by the Commission (one seat=18 linear inches of pew bench)
(11) Commercial recreation facilities, enclosed or not enclosed	As determined by the Commission
(12) Amusement and entertainment	1 per 3 seats, plus additional

	facilities with fixed seats, such as theaters, auditoriums and sports arenas	spaces as may be required by the Commission
(13)	Amusement and entertainment facilities, enclosed but without fixed seats, such as dance halls and billiard parlors	1 per 200 sq. ft. of GFA plus additional spaces as may be required by the Commission
(14)	Bed and breakfast establishments	1 per bedroom, plus additional spaces as may be required by the Commission
(15)	Self-service storage facilities	1 per 5,000 sq. ft. of GFA; minimum of 5 spaces *
(16)	Studios of dance, photography, graphic design or similar artistic endeavors	1 per 400 sq. ft. of GFA
(17)	Wilton Center except for general, business or professional offices, non-medical*	1 per 250 sq. ft. of GFA
(18)	Conference Centers*	1 per 3 seats, or 1 per 100 square feet of GFA used for public assembly, whichever is greater

c. BUSINESS USES, AUTOMOTIVE

(1)	Automobile sales establishments *	1 per employee, plus 1 per vehicle/storage work station, plus 1 per 2,000 sq. ft. of outside display area with a minimum of 5 spaces.
(2)	Car washes *	1 per employee on site at any one time
	Detailing	A minimum of 4 spaces
	Non-Automated	5 queuing spaces per bay
	Automated	15 queuing spaces per bay

Queuing spaces shall include space for vehicles waiting to be washed and spaces for vehicles being dried.

(3) Motor vehicle service stations * - with service bays - with sale of convenience Items/food products/snacks	Minimum of 3 spaces plus 4 per repair bay plus 1 per 200 sq. ft. of GFA devoted to sale of convenience items
(4) Automotive repair and service facilities	25, of which 5 shall be reserved and suitably identified to accommodate vehicles returned outside normal operating hours, plus 1 per 100 sq. ft. of GFA
(5) Automotive rental	1 per 500 sq. ft. of GFA

d. INDUSTRIAL USES

(1) Manufacturing or research facilities; wholesaling or distribution facilities	1 per 400 sq. ft. of GFA of buildings, plus 1 per 1,000 sq. ft. of outdoor storage area
(2) Lumberyards; building materials suppliers	As determined by the Commission
(3) Building, construction or landscape contractors, yards	As determined by the Commission
(4) Bus facilities; trucking terminals; trucking or courier services	1 per 1,000 sq. ft. of GFA
(5) Public warehousing and storage, excluding self-storage	1 per 1,000 sq. ft. of GFA

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

f. 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.

6. Use of Parking Facilities.

a. 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.

b. Required off-street parking and loading facilities which, after development, are 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.

7. Off-Street Loading Requirements.

a. 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:

Use	Minimum Required off-Street Loading Spaces
Retail and service business establishments, restaurants and other places serving food and drink:	
3,000 to 12,500 sq. ft. of GFA	1
12,501 to 30,000 sq. ft. of GFA	2
Over 30,000 sq. ft. of GFA	3 plus 1 per additional 20,000 sq. ft. of GFA
Manufacturing, industrial, warehousing or wholesale establishments:	
5,000 to 15,000 sq. ft. of GFA	1
15,001 to 40,000 sq. ft. of GFA	2
Over 40,000 sq. ft. of GFA	3 plus 1 per additional 30,000 sq. ft. of GFA
Offices:	
Up to 40,000 sq. ft. of GFA	1 unless waived by the Commission*
40,001 to 125,000 sq. ft. of GFA *	1
Over 125,000 sq. ft. of GFA *	2
Convalescent and nursing homes	1 per 120 patient beds or part thereof
Congregate Housing	1 per 100 beds or part thereof

Other uses not listed	Off-street loading requirements for uses which do not fall within the categories listed above shall be determined by the Commission.

b. Each off-street loading space shall have a width of at least 15 feet, a length of at least forty 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 12 feet in width, 30 feet in depth and 14 feet in height.

8. Driveways and Curb Cuts.

a. 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 29-11.

b. Driveways servicing single-family dwellings.

(1) The maximum grade for a driveway serving a single-family dwelling shall be 18%. All off-street parking areas shall have a setback of at least 25 feet from the street right-of-way.

(2) 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.

(3) Notwithstanding the maximum permitted grades specified in 29-8.B.8.b.(1), 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.

c. The maximum grade for new driveways accessory 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.

d. 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.

e. Driveway alignment and location.

(1) 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.

(2) 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.

(3) Driveways serving the same lot shall be at least 150 feet apart (measured center line to center line), unless they are one-way driveways.

(4) 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.

(5) Joint use of driveways by adjacent lots shall be encouraged.

(6) The maximum driveway width shall be 30 feet, measured at and parallel to the street line, except for two-way access to nonresidential uses with a raised island in the center, for which the maximum width shall be 44 feet.

(7) The minimum driveway width for nonresidential uses shall be 20 feet for two-way access and 12 feet for one-way access.

(8) 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.

f. 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.

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 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. [See Appendix A, Figure A-7]

9. Location of Parking

a. 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.

b. At the time of Site Plan approval, the Commission may allow all or 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.

c. 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 entrances or loading area aprons. Such six-foot clear area shall be used for walkways, plantings or other landscaping.

d. 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.

10. Parking Structures: Parking spaces may be located beneath 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.

11. Dimensions and Layout

a. Except as otherwise specified herein, the minimum dimensional requirements for parallel, angled and perpendicular parking shall be as follows: [See Appendix A, Figure A-10]

Parking Angle (degrees)	0	45	60	90
(1) curb length per stall (feet)	23	13	10	9
(2) stall depth (feet)	9	18	18	18
(3) access aisle width (feet)	15*	15**	18**	22***
(4) stall width (feet)	9****	9****	9****	9****

*Fifteen feet required for one-way circulation, 25 feet required for two-way circulation.

**one-way circulation only
***two-way circulation only
****8'6" for designated employee parking for professional and general office buildings only. Such reduction shall not be permitted in Wilton Center or in a location which includes retail use or medical offices. *

b. All unenclosed off-street parking areas shall be constructed in accordance with Town specifications and shall be maintained, drained, and designed to effectively discourage the intermingling of pedestrians and vehicular circulation.

c. Except for driveways which serve as parking for single-family dwellings, off-street parking spaces shall be directly accessible only from private property and no parking spaces shall require direct access from a public street or right-of-way. All required aisles shall be located on private property.

d. Parking space minimum dimensions are permitted to be encroached by structural and utility elements such as columns, light posts and drain leaders up to a maximum of nine (9) inches in any one direction. *

e. For off-street parking lots with radial parking stalls and aisles the minimum stall width dimension shall be measured at the midpoint of the stall, but in no case shall the width be less than eight (8) feet. *

12. Pavement Marking: Off-street parking and loading facilities serving multi-family or nonresidential developments shall be provided with suitable markings to indicate individual parking spaces, directions of traffic flow, pedestrian crossings, entrances and exits. Pedestrian walkways shall be clearly marked within the parking lot with either a change in ground cover or a rise in elevation or both. See Appendix A, Figure A-11. *

13. Waiver of Improvement:

a. Upon 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 insure 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.

b. 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.

14. Commercial Vehicles in Residential Districts.

a. Not more than one commercial vehicle, other than a passenger car, per dwelling unit shall be regularly parked in residential districts. Any such commercial vehicle shall be stored in a fully enclosed structure or otherwise effectively screened from

the view of persons standing on adjoining properties, except for registered farm vehicles.

b. Camping trailers, mobile 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 be enclosed by a building or shall be otherwise effectively screened from adjoining properties. Such building or storage area shall comply with all yard setback requirements for buildings, but shall not be permitted in the required front yard.

C. LANDSCAPING, SCREENING AND BUFFER AREAS

1. General standards for landscaping for properties subject to site plan review shall include the following:

a. Major trees shall include any of the appropriate varieties of shade trees, ornamental trees or evergreens.

b. Shrubs shall include any of the appropriate varieties of evergreen or deciduous plants.

c. At the time of planting, trees shall be of the following minimum size:

- shade trees: three-inch caliper measured at three-feet above grade
- evergreen trees: seven-foot height
- flowering trees: two-inch caliper, single stem; eight-foot height, clump form

d. Trees, shrubs and ground cover within five feet of any paved areas shall be of a variety capable of withstanding damage from salt.

e. All plant material shall be nursery grown and conform to the standards of the American Association of Nurserymen.

f. 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.

g. 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. A maximum of 10% of the landscaped area shall be covered by stone or gravel.

h. No stone or gravel shall be used for planting beds or ground cover within four feet of pedestrian walkways unless the material is suitably contained within its area.

i. 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.

j. No trees eight inches or greater in caliper measured three feet above ground shall be removed unless so approved by the Commission.

k. No paved surface, except for driveways, entry ways or terrace, shall be permitted within six feet of any principal structure.

2. Landscaped buffers shall be provided between any use in a business or industrial district and an adjacent single-family or multi-family residential district, and between any non-residential or multi-family residential use and adjacent uses in a single-family or multi-family residential district.*

a. The average width of a buffer for multi-family residential uses when abutting single-family residential uses shall be 20 feet but in no case less than 10 feet; for non-residential uses when abutting single-family residential uses 60 feet but in no case less than 50 feet; for non-residential uses when abutting multi-family uses 20 feet but in no case less than 10 feet; for multi-family uses abutting multi-family uses 20 feet but in no case less than 10 feet.*

b. A buffer shall be sufficiently landscaped with continuous evergreen trees or hedges having a minimum height of five feet, providing screening and separation.

c. No paving shall be allowed within a buffer.

d. 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 29-8.C.3.

3. 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:

a. Evergreen hedges having a minimum height of 7 feet at the time of planting,
b. Fences of timber construction, of a suitable height,

c. Masonry walls, of a suitable height,

d. Earthen berms, when covered with shrubs, trees and/or ground cover, except grass, stone or gravel; or

e. Any combination of the above materials.

f. For properties zoned DE-5 or DE-10, any other materials of suitable height, design and location which is deemed appropriate by the Planning and Zoning Commission provided said approval is in accordance with the standards for Site Plan Approval

set forth in Section 29-11.A.9. Such screening alternative shall be considered and evaluated on a case by case basis. *

4. Landscape and Screening Standards for Parking Lots

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

b. Specific Goals:

(1) To provide natural visual screening of parking and loading areas;

(2) To moderate the microclimate of parking areas by providing shade, absorbing reflected heat from paved surfaces and creating natural wind breaks;

(3) To ensure public safety by using landscaping materials to define parking and loading areas and manage internal vehicular and pedestrian circulation; and,

(4) To enhance the overall aesthetic quality of parking and loading areas by providing a variety of landscaping materials.

c. Parking Lot Standards:

(1) 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.

(2) 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 18 contiguous parking spaces without an interior or end island. In the case of gravel parking lots, enlarged planting strips within and around the parking lot may be provided in lieu of interior and end islands. At a minimum each double bay of parking shall be separated by a planting strip of 15 feet in width along the length of the parking aisle. In no event shall the amount of shrubbery and trees in a gravel parking lot be less than that required for a paved parking lot.*

(a) End islands shall be:

- provided at each end of each row of parking spaces;
- curbed and landscaped; and

- 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.

(b) Interior islands shall be:

- provided within the parking area in an arrangement
- subject to approval by the Commission;
- curbed and landscaped; and
- a minimum of 9 feet wide by 17 feet long for a single row of spaces where provided for every 12 spaces and a minimum of 14 feet wide by 17 feet long where provided for more than 12 spaces; and 9 feet wide by 34 feet long for a double row of spaces where provided for every 12 spaces and a minimum of 14 feet wide by 34 feet long where provided for more than 12 spaces.*

(c) Planting strips shall be:

- provided in every other set of interior parking spaces between abutting rows of spaces;
- curbed and landscaped; and
- a minimum width of 10 feet (15 feet if a pedestrian walkway is provided).

(3) Screening shall be provided for parking areas visible from adjacent properties or from the street. Acceptable screening materials shall include:

(a) Evergreen hedges having a minimum height of four feet at the time of planting;

(b) Earthen berm, when covered with shrubs, trees and/or ground cover, except grass, stone or gravel;

(c) Fences of timber construction or masonry walls, if approved by the Commission; or,

(d) Any combination of the above materials.

(4) 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.

29-9 ENVIRONMENTAL AND RELATED REGULATIONS

A. SOIL EROSION AND SEDIMENTATION CONTROL PLAN (Hereinafter called "Control Plan")

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.

2. Basic Requirements: No land development which is cumulatively more than one-half acre in area shall be undertaken in any district unless certification of 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.

3. Definitions: For the purpose of this section, the words and terms hereinafter listed are defined as follows:

   Certification. A signed, written approval by the Commission that a Control Plan complies with the applicable requirements of this section.

   Development. In connection with a Control Plan, any construction or grading activities to improved or unimproved real estate.

   Disturbed Area. An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

4. Exemption: A single-family dwelling that is not part of a subdivision of land shall be exempt from this section.

5. Required Submission: The submission of material required to obtain approval of a Control Plan shall include, but not be limited to:

   a. The location for the proposed development and adjacent properties.

   b. The existing and proposed topography, including soil types, wetlands, watercourses and water bodies.

   c. The existing structures on the project site, if any.

   d. The proposed alterations, including areas to be cleared, excavated, filled or graded, and proposed structures, utilities and roads or driveways.

   e. The location of and design details for all proposed soil erosion and sediment control measures (hereinafter called "control measures") and stormwater management facilities.

f. The sequence of grading and construction activities.

g. The sequence for installation and/or application of control measures.

h. The sequence for final stabilization of the development site.

i. A narrative describing:

(1) The proposed development.
(2) The schedule for grading and construction activities, including start and completion dates, the sequence of grading and construction activities, the sequence for installation and/or application of control measures and the sequence for final stabilization for the site.
(3) The design criteria for proposed control measures and stormwater management facilities.
(4) The construction details for proposed control measures and stormwater management facilities.
(5) The installation and/or application procedures for proposed control measures and stormwater management facilities.
(6) The operations and maintenance program for proposed control measures and stormwater management facilities.

j. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

6. <u>Standards for Issuance or Denial of Certification</u>

a. The Commission, or its designated agent, shall either certify that the Control Plan, as filed, complies with the requirements and objectives of this section or shall deny certification when the development proposal does not comply with this section.

b. Nothing in this section shall be construed as extending the time limits for the approval of any application under Chapters 124 or 126 of the General Statutes.

c. Plans for control measures and the minimum standards for individual control measures shall be based on the principles outlined in Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended.

d. Peak flow rates and runoff volumes shall be determined by using the rational method, the time of concentration methods, the tabular method or the unit hydrography method.

e. The Commission may refer any Control Plan to the Conservation Commission and/or the Fairfield County Soil and Water Conservation District for review and comment.

f. A proposed Control Plan shall bear the name, address, telephone number and signature of the person responsible for implementing the plan. The Commission, or its designated agent, shall conduct inspections as may be required to ensure

compliance with the approved plan and that control measures have been properly installed and maintained.

7. Bond Requirement/Inspection

a. Site development shall not begin unless the Control Plan has been certified and those control measures and facilities in the plan scheduled for installation prior to site development have been installed and functional and a bond therefor has been posted and accepted in accordance with 29-11.A.12.

b. Inspection shall be made by the Commission or its designated agent during the development to ensure compliance with the certified plan. The Commission may require the permittee to verify through progress reports that control measures and facilities have been performed or installed according to the certified plan.

c. Upon completion of all work specified in the certified plan the applicant shall notify the Commission thereof and submit a report, including maps as necessary, certifying that the control measures have been completed as approved or as may have been modified with the prior approval by the Commission or its designated agent. Upon receipt of the report and inspection of the site by the Commission or its designated agent, the Commission may release any bond posted upon the finding that the provisions of the certified plan have been complied with.

B. REMOVAL OF EARTH MATERIALS

1. Purpose: To regulate the removal of certain earth materials from the ground and from the property on which they are located in a manner that will not adversely affect the surrounding neighborhood; that will not result in unsafe, unsightly or unsanitary conditions; that will result in land which in the future can be put to a use permitted by these Regulations; that will not adversely affect public or private water supplies; and that will protect the land from erosion and sedimentation.

2. General Provisions

a. Except as otherwise provided for herein there shall be no removal of earth materials from any property in any district.

b. Nothing in this section shall prevent the regrading of property or the moving of earth materials entirely within the property lines of a single parcel, provided that no earth materials shall be removed from such parcel to any other property.

3. Temporary Permit for Earth Removal

a. Where a bona fide building construction operation, as evidenced by an approved Site Plan, an approved Subdivision or Resubdivision Plan, a valid Building Permit, or septic system permit requires the removal from the property of not more than 400 cubic yards of earth materials, the ZEO may issue without a bond a temporary permit for earth removal. Such permit shall be valid for a period of 60 days. Such time period may be extended once by the ZEO.

b. The ZEO may issue without a bond, a temporary permit to excavate and move up to 1500 cubic yards of earth materials in any district to an adjacent property, provided public roads shall not be used. Such permit shall be valid for a period of 60 days.

c. The ZEO may issue a temporary permit to excavate and move up to 1500 cubic yards earth materials in any district if done in conformance with an approved inland wetlands permit.

4. Special Permit for Earth Removal: Except as otherwise provided for herein, the removal of earth materials from any property of more than 400 cubic yards of earth materials, except as part of a bona fide construction operation, as evidenced by an approved Site Plan, an approved Subdivision or Resubdivision Plan, a valid Building Permit, or approved inland wetlands permit, shall be subject to Special Permit approval in accordance with 29-10 and with the requirements of this section.

a. As part of the Special Permit application, the applicant shall submit maps, plans and cross-sections prepared by a surveyor, landscape architect or engineer licensed to practice in the State which, at a minimum, shall contain the following information:

(1) The boundaries of the entire property, the location and extent of the earth removal operation, any wetlands and watercourses, any wooded areas (denoted by foliage lines), and all intersecting streets within 200 feet of the property.

(2) Existing contours of the entire property and for 20 feet beyond, and proposed final contours of the area of the earth removal operation. Contours shall be based on USGS 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.

(3) The amount of material, in cubic yards, proposed to be removed from the area of the earth removal operation.

(4) Longitudinal and transverse cross-sections of the area of the earth removal operation at intervals no greater than 50 feet, showing existing contours and proposed final contours.

(5) An Erosion and Sedimentation Control Plan in accordance with 29-9.A.

(6) The location, surface treatment and grading of truck access to the property.

(7) The location, type, size and purpose of any existing and proposed buildings, structures and equipment proposed to be used for storage or processing of earth materials on the property; proposed areas for the stockpiling of materials.

(8) A concept plan showing the possible re-use of the property after completion of the earth removal operation. The concept plan shall show general building and parking locations, a general layout of storm drainage and sanitary sewer

lines, proposed grades, and site access. A determination by the Commission that the concept plan is acceptable shall not constitute approval of the plan by the Commission, nor shall it constitute an obligation on the part of the applicant to construct the proposed facilities shown on the plan.

b. The removal of earth materials under this section shall comply with the following standards:

(1) Excavation and grading shall provide drainage of the property during the earth removal operation and after its completion. There shall be no excavation within one-half of the building setback of any property line in or abutting a Residential District, within 20 feet of any property line in or abutting a Business District, or within 20 feet of any property line in or abutting an Industrial District. There shall be no excavation within 75 feet of any dwelling on an adjoining property existing at the date that the permit is issued. The final grade of any excavated slope shall not exceed one foot of vertical rise per three feet of horizontal distance. Where ledge rock or similar geological conditions are encountered, the Commission may approve a steeper grade but may require fencing or other protective measures to control hazardous conditions.*

(2) The maximum depth of excavation shall be no greater than ten feet below the grade of the street along which the property has frontage or, if the property has no street frontage, no greater than ten feet below the grade of that side of the property through which access to the site is provided.

(3) The use of buildings, structures or equipment for storing or processing earth materials shall be allowed only by Special Permit, as part of the original Special Permit application, as a subsequent Special Permit application on its own, or as part of a renewal application for a previously approved Special Permit.

(4) Upon completion of the earth removal operation, all disturbed areas of the property, except rock exposed by excavation, shall be covered with a minimum of six inches of topsoil. Such topsoil shall be evenly spread over the disturbed area, rolled, fertilized and planted with a cover crop suitable to prevent erosion and to hold all slopes. At any time prior to the completion of the earth removal operation, the ZEO may require that those areas of the property where excavation has been completed be final graded, covered with a minimum of six inches of topsoil, and seeded to establish a cover crop.

(5) Prior to the renewal of a Special Permit for earth removal, the Commission may require that those areas of the property where excavation has been completed be final graded, covered with a minimum of six inches of topsoil, and seeded to establish a cover crop.

(6) All excavation shall be done in conformance with the requirements of Section 29-9.A.

c. A Special Permit for earth removal shall be granted for not more than two years. Such Special Permit may be renewed a maximum of two times by application to, and approval by, the Commission in accordance with the provisions of this section. A maximum of three Special Permits for earth removal, or one such special Permit and two renewals, or any combination thereof may be granted on a parcel of land.

d. In granting a Special Permit for earth removal, 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, including but not limited to:

(1) the days and hours of operation;
(2) the area of the property to which the earth removal operation shall be confined;
(3) the extent of stockpiling of materials on the property;
(4) protective measures to minimize the nuisance of noise, dust and flying rock; and,
(5) the location of vehicular access into and out of the property.

e. A Special Permit for earth removal shall not become effective until the applicant posts a bond with the Commission in accordance with 29-11.A.13. Such bond shall ensure completion of the earth removal operation in accordance with the requirements of the approved Special Permit. Such bond shall permit the Town to finish any uncompleted or required work covered by said bond if the Special Permit expires or is revoked for failure to comply with the requirements of the Special Permit. Such bond shall not be released by the Commission until it has received a report by the Town Engineer that all conditions of the Special Permit covered by the bond have been complied with and that the required cover crop is growing in healthy condition.

f. Every six months after the approval of a Special Permit for earth removal, the applicant shall submit to the Commission information prepared and certified by the appropriate professionals regarding the progress of the operation, including the amount of material removed, existing contours and cross-sections in the area excavated during the preceding six-month period. Failure of the applicant to provide the Commission with such information within 30 days after the end of the six-month period shall be deemed sufficient cause for the Commission to revoke the Special Permit.

g. If, at any time, the Commission finds that the earth removal operation is not being conducted in accordance with the approved Special Permit, the Commission shall order the applicant to cease the operation and, following a duly noticed public hearing, may revoke the Special Permit.

h. Not more than one Special Permit for earth removal may be granted for any parcel in any one year period.

5. Existing Earth Removal Operations

a. For those existing earth removal operations which have a valid Special Permit as of the effective date of these Regulations, the Commission shall require that the following information be submitted either as part of an application to renew the existing Special Permit for earth removal or as part of an application for a new Special Permit for earth removal on the property:

(1) The location and extent of the existing earth removal operation.

(2) The estimated amount of material, in cubic yards, removed since the earth removal operation originally began.

(3) Items (1) through (8) in Section 29-9-B.4.a above.

b. In granting or renewing a Special Permit for earth removal for an existing operation, the Commission may attach any of the other requirements and conditions of this section as it may deem necessary to protect the public health, safety and general welfare.

C. FILLING OF LAND

1. General Provisions

a. Except as otherwise provided for herein, there shall be no filling of land on any property in any district.

b. Nothing in this section shall prevent the regrading of property or the moving of earth materials entirely within the property lines of a single parcel, provided that no earth materials shall be used from any other property.

2. Site Plan Approval

a. The filling of land shall require approval of the Commission unless the operation shall be for the express purpose of preparing the land for immediate development in accordance with a Site Plan or Subdivision Plan which has been approved by the Commission, done in conformance with an approved inland wetlands permits or an approved building permit; or unless the amount of such fill shall be less than 100 cubic yards in any 12-month period, or where the deposit shall be one of topsoil for the purpose of improving an agricultural use.

b. All filling of land except where exempted above in Section 29-9.C.2.a. shall be subject to Site Plan approval in accordance with Section 29-11. The Commission may modify such requirements if it determines that they are not fully applicable; and may hold a public information meeting if, in its judgment, the nature of the Site Plan shall be such that the public should have an opportunity to be heard. No Site Plan shall be approved for any filling operation unless accompanied by a bond in accordance with 29-11.A.13.

c. The Commission may grant approval of a filling project for a limited time only, and may impose such conditions as it feels necessary to protect the health, safety and general welfare of the Town and immediate neighboring area. Renewal of a filling project application may be granted for a specifically stated time period. Prior to renewal, the Commission may require an amended Site Plan showing topographical changes to-date, or any other information necessary for further study of the project.

d. The Commission shall receive a report from the Town Engineer prior to taking any action on an initial, or renewal, application for filling operations.

3. Minimum Requirements for Filling Operations

a. Provision for adequate drainage shall be made for storm drainage control.

b. The fill material shall consist of a minimum of 80% of earth fill, with the remainder woody vegetation and masonry only. No trash, garbage, building materials, or junk of any nature shall be permitted.

c. Trees, stumps, logs and woody vegetation shall not be nested but shall be distributed throughout the area in layers, alternating with layers of suitable material, in such a manner that all voids shall be filled. Where practical, woody vegetation shall be reduced by chipping or other approved methods.

d. The final grade of any filled slope shall not exceed one foot of vertical rise per two feet of horizontal distance.*

e. Dust shall be kept at a minimum at all times by use of calcium chloride or other acceptable means.

f. All filling shall be done in conformance with the requirements of 29-9.A.

g. The filling of the site shall be carried out in a safe and orderly manner. All fill shall be compacted to provide stability of material and to prevent undesirable settlement. The Town Engineer may require tests or other information to verify the placement and cover of filled materials.

D. AQUIFER PROTECTION ZONE (Hereinafter called the APZ)

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.

2. Applicability

a. These regulations shall apply to all land and uses encompassed within the APZ as designated on a map entitled "Wilton Planning and Zoning Commission Aquifer Map", which Map is hereby made a part of these Regulations.

b. 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.

c. 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.

3. Permitted Uses: The following are permitted uses in the APZ:

a. All uses permitted in the underlying district except as provided for in Sections 29-9.D.4. and 29-9.D.6.

b. On-site sewage disposal systems, provided that no such system shall discharge more than 350 gallons of sanitary wastewater per acre per day.

c. On-site storage of petrochemicals for heating use in tanks of less than 550 gallons installed aboveground, 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.

4. Special Permit Uses: The following uses are permitted subject to Special Permit and Site Plan approvals in accordance with 29-10 and 29-11.

a. On-site sewage disposal systems that discharge more than 350 gallons of sanitary wastewater per acre per day.

b. Any uses which include the use or 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 aboveground.

c. Groundwater heat pumps supplying heating and cooling for other than a detached single-family residence, provided that such systems shall be designed to treat, if necessary, and return discharged water to the groundwater.

d. The removal of water from a designated aquifer by means of wells, pumps, pipelines or any similar equipment for the purpose of sale or export other

than by such entities as may be exempted by the General Statutes from local regulations.

e. Public garages

f. Dry-cleaning establishments or laundries.

g. Printing and photo finishing establishments.

5. Conditions for Special Permit Uses

a. No activities shall be conducted that result in direct groundwater contamination or deleterious induced infiltration into a designated aquifer.

b. 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 deicing materials, shall be done in a manner to prevent leachate contamination, utilizing both structural and nonstructural 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.

c. 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.

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

(1) There shall be no discharge of liquid to the ground.

(2) 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.

(3) The liquid material shall be stored in clearly labeled, Department of Transportation approved containers.

(4) The waste 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.

(5) 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 ZEO. Failure to report a spill may result in revocation of the Special Permit.

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

6. Prohibited Uses: The following uses are prohibited in the Aquifer Protection Zone:

a. The disposal of hazardous or solid wastes.
b. The treatment of hazardous waste.
c. The storage of hazardous waste generated off-site.
d. The storage of hazardous waste generated on-site for a period in excess of 90 days.
e. New motor vehicle service stations, but existing facilities shall be considered conforming uses.
f. Oil, gasoline or hazardous material pipelines.
g. Sewage effluent disposal.
h. Finish striping establishments.
i. Any industrial use otherwise permitted which discharges hazardous materials or pollutants into the groundwater.

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

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.

9. Aquifer Impact Assessment: All applications for which Special Permit approval for properties within the APZ is required under 29-9.D.4. shall include an aquifer impact assessment, done by a professional suitably qualified such as a hydrogeologist, or civil engineer, or geologist familiar with groundwater modeling. The purpose of the assessment is to evaluate the impact of the proposed activities. The aquifer impact assessment shall include, in so far as is pertinent to the application, the information listed below. The Commission may waive the requirements for some of the following information if they determine that it is not relevant to the specific application.

   a. Aquifer flow characteristics, including a delineation of the primary recharge area, distribution of transmissivity, details of the hydrologic budget including natural and man-induced sources of recharge and withdrawal.

   b. Details of the proposed aquifer usage, including static conditions of the potentiometric surface, range of withdrawals anticipated and the potentiometric surface as critical points in that range. An estimate of the quantity of induced surface flows at each critical point in the range shall also be detailed.

   c. Potential impacts resulting from the planned discharges or withdrawals, including impacts to other users of the aquifer (wells, surface expressions of groundwater, etc.) in terms of levels, quantity of water available and induced quality changes. Impacts resulting from induced infiltration, including quantity implications to both the groundwater and surface water systems.

   d. The proposed measures to mitigate any adverse impacts, the system for monitoring quantity, quality or any other aspect deemed important and a reporting schedule which allows the Commission to react in a timely manner.

E. OUTDOOR LIGHTING

1. Purpose: It is intended that lighting in the Town, by adherence to these requirements, shall be adequate and comfortable, and that sufficient lighting shall be permitted to achieve good standards of illumination for safety, security and business activity.

2. Requirements

   a. All exterior lighting shall be so designed that the filaments, light sources, reflectors or lenses are shielded with opaque material such that the light will be directed down and shall not be visible beyond the boundaries of the lot on which the lights shall be located.

b. In approving lighting, the Commission may limit the intensity of lighting and the hours of its use where determined necessary to protect adjacent property.

c. No lighting shall be located within five feet of any property lines.

d. Lamp posts shall be the minimum height necessary to provide adequate illumination, but in no case shall they exceed a height of 30 feet.

e. Light intensity at ground level shall be an average of two and one-half foot-candles.*

f. For properties subject to site plan review, walkways shall be adequately lighted; the use of bollard lighting for such purpose is encouraged.

g. Except for residences, no outdoor lighting shall be permitted between the hours of 11:00 PM and 6:00 AM except safety lights approved by the Commission which shall comply with all other requirements of this section.

h. Emission of light from buildings shall be considered in the same manner as exterior lighting of the premises, and shall be calculated, documented and submitted to the Commission for its approval when Site Plan or other approval shall be sought. The Commission may require controls on such lights by recessing lights into ceilings; reducing the number, amount and intensity; requiring shielding or enclosure; requiring certain type of color of window glass, shades or the recessing of the windows; or requiring time controls.

i. Deliberately induced sky-reflected glare, such as caused by casting a beam upward for advertising purposes, shall be prohibited.

3. Continuing Jurisdiction: Light readings shall be duly taken, documented, plotted and submitted by an owner in instances where required by the Commission, to insure that any lighting is adequate and comfortable and does not cause problems of glare or hazards. In the judgment of the Commission, whenever such glare or hazard shall become evident, the approved lighting plan may be reviewed and amended by the Commission to alleviate such problem.

4. Outdoor Recreational and Performance Event Uses on Town-Owned or Public Property: Notwithstanding the provisions of Section 29-9.E.2 of the Zoning Regulations to the contrary, the temporary lighting or illumination of recreational facilities by way of temporary or portable lighting is permitted pursuant to the following standards:*

a. Temporary and portable lighting means lighting that is not permanently affixed to the ground and/or is not hard-wired to a source of electricity that is affixed to the ground.*

b. The lighting shall only be allowed by Special Permit and shall be limited to recreational facilities, outdoor musical concerts, theatrical productions and other outdoor performance-based events.*

c. The lighting shall only be allowed on Town or public owned property.*

d. The poles and fixtures for the lighting may not exceed thirty feet in height above grade.*

e. The lighting may only be located within 1,500 feet from Danbury Road.*

f. The lighting shall be so designed that the filaments, light sources, reflectors and lenses are shielded with opaque material such that the light sources will be directed down and shall not be visible to adjoining residential property.*

g. In approving the lighting, the Commission may limit the intensity of lighting and the hours of its use where determined necessary to protect adjacent property.*

h. Noise associated with the use of generators shall not exceed 55 decibels as measured at the perimeter property line of any lot or lots hosting an outdoor recreation or performance event use.*

i. All poles, fixtures and associated equipment for the lighting shall be compliant with the prescribed setback requirements of the underlying zoning district. Setback requirements shall be measured from the property perimeter in instances where multiple or combined lots are utilized for outdoor recreation or performance event uses.*

j. The Commission may require additional measures to address safety concerns associated with the use of temporary and portable lighting; including but not limited to safety fencing, warning signage or other measures necessary in addressing site safety concerns.*

F. DEVELOPMENT IN FLOODPLAIN AREAS

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.

2. Regulated Area: These Regulations shall apply to all properties located within the 100- year floodplain, more specifically defined as the Special Flood Hazard Areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated June 18, 2010, and accompanying Flood Insurance Rate Maps

(FIRM), dated June 18, 2010, and other supporting data applicable to the Town of Wilton, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The special flood hazard areas include any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Special Flood Hazard Areas are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.*

3. Definitions: The terms and definitions applicable to Section 29-9 F. of these regulations are specified below. The definitions set forth below shall only apply to Section 29-9 F. and any conflicting definitions contained in these regulations other than Section 29-9 F. shall be governed by the definitions set forth in Section 29-2. Any undefined term or definition appearing in Section 29-9 F. shall bear the same meaning as those terms and definitions appearing in Title 44 of the Code of Federal Regulations, Section 59.1.*

    1. BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year, (100 year flood) as set forth in the Flood Insurance Study, Town of Wilton, Fairfield County, Connecticut, by the Federal Emergency Management Agency.

    2. BASE FLOOD ELEVATION (BFE): The elevation of the crest of the base flood (100-Year Flood). The height in relation to mean sea level (NAVD of 1988) expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

    3. COST: As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

4. DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities in Special Flood Hazard Areas.

5. EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date, October 1, 1982, of the floodplain management ordinance adopted by the community.

6. EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

7. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The federal agency that administers the National Flood Insurance Program (NFIP).

8. FINISHED LIVING SPACE: As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

9. FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

10. FLOOD INSURANCE RATE MAP (FIRM): The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community.

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

12. 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 as Flood Zones A and AE on the “Flood Insurance Rate Map (FIRM), Fairfield County, Connecticut, effective date June 18, 2010"; and associated flood insurance study or any revision thereto, as prepared by the Federal Emergency Management Agency.

13. FLOODWAY: The channel of a watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, are designated on the “Flood Insurance Rate Map (FIRM), Fairfield County, Connecticut, effective date June 18, 2010” or any revision thereto, as prepared by the Federal Emergency Management Agency.

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

15. HISTORIC STRUCTURE: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

16. LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure,

usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Section 29-9 F. 7. C. of this regulation.

17. MANUFACTURED HOME: A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities.

18. MANUFACTURED HOME PARK OR SUBDIVISION: A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

19. MARKET VALUE: The market value of the structure shall be determined by an independent appraisal by a professional appraiser prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

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

21. NEW CONSTRUCTION: Structures for which the "start of construction" commenced on or after October 1, 1982, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

22. NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, October 1, 1982, of the floodplain management regulation adopted by the community.

23. RECREATIONAL VEHICLE: A portable vehicle built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, which can be towed, hauled or driven and primarily designed to be used as temporary living accommodations, not for use as a permanent dwelling, for travel, camping and recreational purposes, including but not limited to campers, travel trailers and motor homes but excluding manufactured homes. Recreational vehicles shall not be stored in special flood hazard areas. Recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer shall be anchored down and elevated to or above the base flood elevation.

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

25. START OF CONSTRUCTION: For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

26. SUBSTANTIAL DAMAGE: Damage of <u>any</u> origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damaged occurred.

27. SUBSTANTIAL IMPROVEMENT: Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place in a ten year period in which the cumulative cost equals or exceeds 50% of the market value of the structure. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. For purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term

does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum to assure safe living conditions; or (2) Any alteration of a "historic structure", provided that alteration will not preclude the structure's continued designation as a "historic structure".

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

29. VIOLATION: Failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates of required floodway encroachment calculations is presumed to be in violation until such time documentation is provided.

30. WATER SURFACE ELEVATION: The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

4. Data Required: All applications for approval of a Site Plan, Special Permit or Building Permit for residential and non-residential structures for properties within the regulated area (Flood Zone A and AE) shall include the following base flood level data*:

a. The elevation, in relation to mean sea level, of the lowest floor, including basement, for all new or substantially improved structures.

b. Where a structure is floodproofed, the elevation, in relation to mean sea level, to which it is floodproofed.

c. When base flood elevation data or floodway data are not available, then the Town Planner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, State or other source in order to administer the provisions of these Regulations.

d. In Zones A and AE, when a regulatory floodway has not been designated, it must be demonstrated that the cumulative effect of the proposed development when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.*

e. A copy of all necessary federal or state permits for the project.*

5. Applicability: The provisions of this section shall apply to all new construction and substantial improvements within the 100-year floodplain (special flood hazard area). Substantial improvement shall include any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a ten year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure as determined at the beginning of such ten year period, either before the improvement or repair is started or, if the structure has been damaged, before the damaged has occurred. This includes structures that have incurred "substantial damage", regardless of the actual repair work performed. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a "historic" structure, provided that the alteration will not preclude the structure's continued designation as a "historic structure".*

6. Records: The Commission shall maintain for public inspection all records pertaining to the provisions of these Regulations, including but not limited to:

   a. Lowest floor elevations, in relation to mean sea level, for all new or substantially improved structures.
   b. Floodproofing certifications.
   c. Variances.

7. Flood Protection Requirements: In all regulated areas, Flood Zone A (unnumbered) and Flood Zone AE (numbered), the following provisions shall apply*:

   a. Residential construction: All new construction and substantial improvement of residential structures shall have the lowest floor, including basement, elevated to or above the base flood elevation.

   b. Manufactured homes and recreational vehicles: All manufactured homes to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at or above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per Section 29-9 F.7. This includes manufactured home(s) located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an

existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. All manufactured homes 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 pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. All manufactured homes shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.*

Recreational vehicles shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, OR meet all the standards of Section 29-9 F. and the elevation and anchoring requirement for a manufactured home. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.*

c. Nonresidential construction: All new construction and substantial improvement of nonresidential structures shall have the lowest floor, including basement, elevated to or above the base flood elevation or be floodproofed to an elevation at or above the base flood elevation**,** provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water. Where floodproofing is utilized, an architect or professional engineer licensed in the State shall certify that the floodproofing methods shall be adequate to withstand the hydrostatic and hydrodynamic loads and the effects of buoyancy associated with the base flood. Prior to the issuance of a Certificate of Occupancy, the engineer or architect shall certify to the Building Official that all floodproofing measures have been properly installed and shall withstand the effects of the base flood. A copy of the certification shall be filed with the Commission.*

d. Elevated buildings: New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwater to automatically equalize hydrostatic flood forces on exterior walls. The lowest floor is the lowest enclosed area including a 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. These areas must be designed

in accordance with this section. Designs for complying with this requirement shall either be certified by a State licensed professional engineer or architect and meet the following minimum criteria:*

(1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
(2) The bottom of all openings shall be no higher than one foot above grade.
(3) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic flow of floodwater in both directions.

e. Utility equipment, sewerage and water supply systems: 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. New or replacement water supply and sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwater into the systems and discharges from the systems into the floodwater. On-site sewage disposal systems shall be so located and constructed as to avoid damage to the system and contamination of the floodwater.

f. Access: Each new or substantially improved nonresidential building shall have at least one access route above the base flood elevation.

g. Alteration of watercourses: No alteration of a watercourse which shall diminish the flood-carrying capacity shall be permitted. No alteration of a watercourse shall commence without the approval of the Inland Wetlands Agency and without notification to the Connecticut Department of Environmental Protection, the Federal Emergency Management Agency and adjacent towns which may be affected.

h. Anchoring: All new construction and substantial improvements shall be anchored to prevent flotation, collapse or movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.*

i. Construction materials and methods: All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage and materials and equipment that are resistant to flood damage. All buildings and development sites will be reasonably safe from flooding.*

j. Regulated floodway: Within the floodway, designated on the Flood Insurance Rate Map, or other sources, all encroachments, including new construction, substantial improvements to existing structures, fill and the storage of buoyant material shall be prohibited unless

certification, with supporting technical data, by a Connecticut registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge. The Commission may request floodway data for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the Commission's request or not), the Commission shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.*

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

l. Compensatory Storage: The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain, storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.*

8. Variances

a. Variances of the development regulations for floodplain areas may be granted by the ZBA provided that

(1) Failure to grant the variance shall result in exceptional hardship to the applicant;
(2) The variance shall be the minimum necessary, considering the flood hazard, to afford relief; and
(3) The variance shall not result in increased flood heights or threats to public safety.

b. Variances shall not be granted for any activity within the regulated floodway.

c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built. The applicant shall pay for the cost of obtaining this information if it is not available at the office of the Planning and Zoning Commission. Such notice shall state that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as $25 for $100 of insurance coverage.*

d. The local flood plain management administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency in its biennial report.*

9. Other Permits and Licenses: Nothing in these Regulations shall remove any individual, firm or corporation from the responsibility of obtaining any other permit, license or authorization required by federal, State or local law or regulations.

10. Disclaimer: The degree of flood protection required by these Regulations is considered reasonable for regulatory purposes. Larger floods than those reflected by the base flood elevations referenced herein may occur, and flood heights may be increased by man-made or natural causes. It shall also be recognized that land outside the regulated flood zones may be subject to flooding and flood damage. These Regulations shall not create any liability on the part of the Town for any flood damage that may result from reliance upon these Regulations or any administrative decisions lawfully made thereunder.

G. SMOKE, DUST AND OTHER ATMOSPHERIC POLLUTANTS

1. Method of Measurement of Smoke: For the purpose of grading the density of smoke, the Ringelmann Smoke Chart shall be used to determine the total smoke units emitted. A reading shall be taken every minute for an hour, or, if less than an hour, until the total smoke units emitted exceed the number allowed by these Regulations. Each grading shall be multiplied by the number of minutes during which it was observed and the product added.

2. Maximum Permitted Emission of Smoke: There shall be no measurable emission of smoke, gas or other atmospheric pollutant, except for residential heating purposes. The emission of one smoke unit per hour and smoke with discernible density of No. 1 on the Ringelmann Smoke chart shall be prohibited. No release of smoke or atmospheric pollutants shall exceed levels permitted by the State or Federal government.

3. Maximum Permitted Emission of Dust:

   a. The emission of dust related to combustion for indirect heating from any source shall not exceed 0.30 pounds of dust per 1,000 pounds of flue gas adjusted to 50% excess air for combustion.

   b. There shall be no measurable emission of dust or other particulate matter not related to combustion for indirect heating.

   c. All properties shall be suitably improved and maintained with appropriate landscaping and paving or other type of improvement so that there will be no measurable windblown dust or other similar types of air pollution created.

4. General Control Over Smoke and Other Particulate Matter: In addition to the preceding performance standards regulating the emission of smoke and other particulate matter, such emission shall not be permitted, regardless of quantity, if it shall be in any way detrimental to or endanger the public health, safety, comfort or other aspects of the general welfare, or cause or be a potential source of damage or injury to property.

H. OTHER ENVIRONMENTAL STANDARDS

1. Odors, Gases and Fumes: No noxious, toxic, or corrosive fumes or gases shall be emitted. Offensive odors noticeable off the premises where the use is located shall not exceed the standards established as a guide by Table III (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual" Copyright 1951, as amended, by the Manufacturing Chemists Association, Inc., Washington, D.C.

2. Toxic or Noxious Matter: Toxic or noxious matter is defined as any solid, liquid or gaseous matter, including but not limited to gases, vapors, dust, fumes and mist containing properties which by chemical means are inherently harmful and likely to destroy life or impair health, or likely to cause injury to the well-being of property or damage to property.

No use shall be permitted which shall cause any dissemination whatsoever of toxic or noxious matter outside the building in which the use is conducted.

3. Radiation: The handling, storage or disposal of radioactive materials or waste by-products, whether or not licensed by the Atomic Energy Commission, shall be conducted only in accordance with the standards established in Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation, " as amended, and in accordance with any other applicable laws or regulations.

4. Electromagnetic Interference: No operation shall be permitted which produces any perceptible electromagnetic interference with normal radio or television reception in any area within or without the Town.

5. Fire and Explosive Hazard: No storage, utilization or manufacture of solid materials or products which burn actively and support combustion easily or which have a low ignition temperature, a high rate of burning or create great heat, and no materials producing flammable or explosive gases or vapors under ordinary temperature conditions shall be permitted.

6. Heat: There shall be no emission of heat which would cause a temperature increase in excess of one degree Fahrenheit along any adjoining lot line, whether such change be in the air, in the ground or in any watercourse or water body.

7. Noise: No noise shall be transmitted outside the property from which it originates at a level that exceeds 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 A-weighted network of a sound level meter manufactured according to standards prescribed by the American National Standards Institute, ANSI S1.4, type 1 or type 2. *

8. Water Pollution: No discharge into any watercourse, groundwater, wetland or storm sewer shall be permitted except in accordance with applicable local, State and federal requirements.

9. Vibrations: No vibrations noticeable outside the property from which it originates shall exceed the standards of the U.S. Bureau of Mines, Bulletin No. 442.

I. PROTECTION OF SLOPES

1. Purpose: To maintain the overall environmental quality of the Town, preserve scenic quality, minimize disruption to natural drainage patterns, maintain stability of environmentally sensitive slopes and minimize the aesthetic impact of alteration of hillsides.

2. Alteration or Regrading of Land: Except for horizontal distances of 25 feet or less, there shall be no alteration or regrading of land with a slope of 35% or greater, encompassing a contiguous area of 2,500 square feet or 1.5% of the area of the lot where such lot has an area of five acres or greater. Total disturbance of contiguous land in excess of 15% slope shall be no greater than 15,000 square feet. The Commission may permit a building to be

recessed into the lower part of a hillside with a slope in excess of 35% providing that the following conditions are adhered to:*

a. The building is located at the foot of the slope.

b. The only retaining walls used would be a part of the building.

3. The Maximum Slope for areas that have been disturbed and regraded shall be two feet horizontal to one foot vertical or 2:1 for cuts and fills.*

a. Rock cut slopes may be permitted to a maximum of one foot horizontal to two feet vertical or 1:2 slope.

b. The Commission or its agent may require an as-built of any slope constructed steeper than 3:1 to be prepared by a licensed surveyor.

4. Maximum Grade of Driveways and Streets:

a. The maximum grade for all new streets shall be in accordance with the requirements of the Town subdivision regulations.

b. The maximum grade for all driveways and parking areas shall be in accordance with the requirements of 29-8.B.8.b; 29-8.B.8.c.; and 29-8.B.8.d.

5. Retaining Walls and Slope treatments steeper than two feet horizontal to one foot vertical or 2:1.*

a. The maximum height of all retaining walls and slope treatments on slopes steeper than 2:1 in residential districts shall be six feet. *

b. The maximum height of all retaining walls and slope treatments on slopes steeper than 2:1 in commercial and industrial districts shall be ten feet.

c. Retaining walls over five feet in height shall have a fence at least four feet high at the top of the wall to insure safety.

d. The maximum number of stepped retaining walls in a series shall be three with a minimum ten-foot wide shelf between walls. The minimum distance between each series of stepped retaining walls shall be 50 feet of natural undisturbed topography.*

J. VILLAGE DISTRICT PROCEDURES AND REQUIREMENTS:

1. Application Procedures:

a. All new development within a designated Village District, including modifications to existing structures, shall be submitted by the applicant to the Design Advisory Committee simultaneously with any application made to the Commission.

b. The Design Advisory Committee, acting as the village consultant, shall review the application and report to the Commission within thirty-five days of receipt of the application except that failure of the Committee to report within the specified time shall not alter the or delay any other time limit imposed by the regulations.

c. The Commission shall not close the public hearing or initiate review of the Site Plan, whichever is applicable, until the report from the Design Advisory Committee has been received or the time period for such report has elapsed.

d. Such report shall be entered into the record and considered by the Commission in making its decision.

e. The Commission may seek recommendations from regional agencies and outside specialists including but not limited to the Southwest Regional Planning Agency (SWRPA), the Wilton Historical Society, the Wilton Conservation Commission, the Connecticut Trust for Historic Preservation and the University of Connecticut College of Agriculture and Natural Resources and any recommendations shall be considered by the Commission during their deliberations.

f. The Commission shall give due consideration to the report of the Design Advisory Committee, and, if no report is submitted, the Commission will conclude that there is no objection to the design.

g. When the Commission grants an application, it shall state upon the record the reasons for its decision. When the Commission denies an application, the reason for the denial shall cite the specific regulations under which the application was denied.

h. No approval of the Commission under this section shall be effective until a copy thereof, certified by the Commission, containing the name of the owner of record, a description of the premises to which it relates and specifying the reasons for its decision, is recorded in the land records.

i. When reviewing an application, the Commission shall make a finding that the proposal meets the Design Guidelines provided in Appendix C of these regulations.

j. The Design Advisory Committee shall review and opine on the final version of any plan(s). Any design modification made subsequent to the review of the Design Advisory Committee shall require the re-submittal of plans to the Committee for additional review and commentary.

2. <u>Application Requirements:</u>

a. All applications, at minimum, shall include the following:

   i. A floor plan showing the basic subdivision of the building, all entrances, exits and loading and service areas.
   ii. Elevation drawings of all sides of the building, with finish materials and colors indicated.
   iii. Samples of all finish materials to be used on the exterior of the building.
   iv. A roof plan showing all mechanical equipment, vents, hatches, skylights, etc., and the type and extent of screening to be provided.
   v. A streetscape view showing proposed structures in relation to existing buildings.

29-10 SPECIAL PERMITS

A. SPECIAL PERMIT REQUIREMENTS AND PROCEDURES

1. Background and 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.

2. Applications: 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.

3. Site Plan Requirements: Any Special Permit approved by the Commission shall require a Site Plan in accordance with the provisions of 29-11 to be submitted to, and approved by, the Commission in order for the applicant to be granted a Zoning Permit and a Building Permit. *

4. Special Permit Uses Involving High Traffic Generators: All applications for a Special Permit involving the construction or expansion of a development of more than 50 dwelling units, 100 parking spaces, or 20,000 square feet of gross floor area, or any development which, in the Commission's judgment, would generate high levels of traffic, shall be accompanied by a traffic study evaluating the impact of the proposal on streets serving and/or affected by the development, prepared by a qualified traffic engineer or transportation planner.

   At a minimum, the study shall include data and information on existing and projected average daily vehicle trips on nearby roads, peak hour traffic, adequacy of rights-of-way and travelways, existing roadway capacity, traffic accidents, the traffic impact of the proposed development, traffic generation data, the location of existing roads within 300 feet of the development site, traffic lights and intersections, and recommendations for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians. Where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation.

5. Environmental Impact Statement: All applications for Special Permits shall include information for the purpose of compiling a complete impact assessment. The statement shall address at least the following:

    a. The extent to which the proposed development is compatible with the objectives of the Town's Plan of Development.

    b. 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.

    c. 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.

    d. 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.

    e. Statement of how the proposed project will affect various Town services such as police, fire, schools and recreation.

    f. Alternatives to mitigate adverse impacts.

6. Additional Information: 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.

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.

8. Procedure: The Commission shall hold a public hearing on an application for a Special Permit in accordance with the General Statutes.

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:

    a. 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.

b. 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.

c. 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.

d. 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.

e. The impact of the proposed use on the natural characteristics of the site or the surrounding environment.

f. The adequacy of water, sewer, drainage and other public facilities to accommodate the proposed use.

g. 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.

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:

a. a maximum number of employees;

b. hours of operation;

c. periodic review and renewal of the Special Permit by the Commission to determine continuing compliance therewith.

d. a date of expiration of the Special Permit;

e. improvements to existing public facilities to accommodate the use allowed by the Special Permit;

f. conservation restrictions necessary to protect and permanently preserve unique natural site features;

g. sedimentation and erosion control measures in accordance with 29-9.A;

h. a bond in accordance with 29-11.A.13.

11. Permitted Uses: A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.

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.

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.

14. Noncompliance 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 ZEO shall notify the applicant and/or his successor in writing of the specifics of the noncompliance 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.

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 29-11.A.14.a-c 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 29-11.A.14 a-c may be approved by the Commission only after another public hearing.

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.

29-11 SITE PLANS

A. SITE PLAN REQUIREMENTS AND PROCEDURES

1. Background and Purposes: The Site Plan approval process is intended to assure that all aspects of industrial, commercial and multi-family residential development in the Town, as well as other specialized uses, comply with the standards and specifications of these Regulations and that adequate provision is made in such developments for vehicular and pedestrian access and circulation, parking, landscaping, buffers, signage, lighting, drainage, utilities, and other aspects of the proposed development and use of the land.

2. Authority: 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 requires a Special Permit. Such Site Plan approval shall be obtained concurrent with or subsequent to the granting of the Special Permit. 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. Such Site Plan approval shall be obtained prior to the issuance of a Building Permit, including a permit for a building foundation.

3. Pre-Application Procedures:

   a. Pre-Application Conference: Prior to submission of a formal Site Plan application, the applicant may meet with Town staff to discuss the application requirements and review preapplication plans.

   b. Pre-Application Plan: A preapplication plan may be submitted to the Commission and/or to Town staff for the purpose of preliminary discussion. Any comments or suggestions on the preapplication plan by the Commission or Town staff shall not be construed as a form of approval and shall not be binding upon the Commission should a subsequent application for the site be officially filed.

4. Application Procedure

   a. All applications for Site Plan approval 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.

   b. Upon written request by the applicant, the Commission may waive or modify one or more of the map submission requirements of the Site Plan application if the proposed improvement or development shall not affect existing parking,

circulation, drainage, building relationships, landscaping, signs, lighting or any other considerations of Site Plan approval.

5. Site Plan Preparation Requirements: All Site Plan applications shall be prepared in accordance with the following general requirements:

   a. The Site Plan shall be based upon and include an accurate and up-to-date Class A-2 survey of the property prepared in accordance with the standards as defined in the Code of Recommended Practice for Standards of Accuracy of Surveys and Maps, as prepared and adopted by the Connecticut Association of Land Surveyors, Inc., on September 13, 1984, as amended. The survey map shall be certified, signed and sealed by a registered land surveyor licensed to conduct business in the State. If a separate survey map is used, a copy shall be attached to the Site Plan.

   b. The Site Plan shall be prepared, signed and sealed by an engineer, architect and/or landscape architect, whichever shall be appropriate. Each such professional shall be registered and licensed to conduct business in the State.

6. Required Information: All Site Plan applications shall include the following information:

   a. Title of development, date and revisions date.

   b. Names, addresses and telephone numbers of the applicant, owner of record as listed in the Town's land records and person responsible for preparing the application. If the applicant is not the owner of record, the latter shall also sign the application. The applicant shall submit proof of a legal interest in the property. *

   c. North arrow, and numerical and graphical scale on each map.

   d. A written description of the proposed use or uses.

   e. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.

   f. A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, yards, building heights, coverage, floor area, parking spaces, landscaping, and open spaces as they relate to the requirements of the Zoning Regulations.

   g. A location scale map at a scale of one inch equals 800 feet shall be submitted showing the subject property and all property and streets within 1,000 feet of any part of the subject property.

h. The zoning of the subject property and all property within 500 feet of the subject property.

i. Location, width, and purpose of all existing and proposed easements and rights-of-way on the property and written approval of the easement holder when work is proposed in or affecting the easement.

j. Proposed Buildings and Uses

(1) Location, dimensions, area, height and setbacks of all existing and proposed buildings, signs, fences, and walls.

(2) Location of all existing and proposed uses and facilities not requiring a building such as swimming pools, tennis courts, light standards, tanks, transformers and dumpsters.

(3) Building elevation or preliminary drawings showing the general type of building proposed for construction.

k. Parking, Loading and Circulation

(1) Location, arrangement, and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits, and ramps.

(2) Location, arrangement, and dimensions of loading and unloading areas.

(3) Location and dimensions of pedestrian walkways, entrances and exits.

l. Location, size, height, lighting, orientation and plans of all signs.

m. Location, size, height, orientation and design of any outdoor lighting.

n. Location and design of all existing and proposed sanitary sewer, water supply facilities, and refuse collection areas, as well as other underground and aboveground utilities. All public utilities shall be placed underground. This requirement may be waived by the Commission if engineering data substantiates that such underground placement of utilities is impractical.

o. A topographic map illustrating the existing and proposed conditions of the property including existing and proposed contours with intervals of two feet, two foot intervals may be waived at the discretion of the Commission and location of all existing wooded areas, watercourses, wetlands, flood hazard areas, rock outcrops, and other significant physical features.

p. 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, screening devices, decorative paving, or other materials proposed.

q. In cases where the applicant wishes to develop in phases, an overall site and staging plan indicating ultimate development of the entire property shall be submitted at the same scale as the Site Plan. 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 phases of development.

r. Storm water Management: The design of any proposed development shall include a storm water management plan which shall be shown on, or accompany, the Site Plan.

(1) The site's Storm water runoff system shall be sized to accommodate runoff from a 25-year design storm.

(2) The system shall be designed so as to prevent runoff from parking lots, roofs, and access drives from flowing into the street.

(3) If the system is tied into the Town's street drainage system, the applicant shall secure from the Town the necessary permits to make such connection.

(4) The storm water management plan shall be prepared by and possess the original seal of a Connecticut-licensed professional engineer. *

s. An Erosion and Sedimentation Control Plan, in accordance with the requirements of 29-9.A.

t. In cases where the applicant proposes development which includes Conservation and/or Recreation Lands, the applicant shall submit a narrative which describes how the existing resources are to be preserved or utilized and how the designated land meets the objectives and purposes for the type of development being proposed.

7. Additional Information: At any time during its consideration of an application for Site Plan approval, the Commission may require the submission by the applicant of such additional information as the Commission deems necessary to determine compliance of the proposed Site Plan with these Regulations.

8. Referrals: To assist with its consideration of an application for Site Plan approval, the Commission may refer the plan 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.

9. Standards for Site Plan Approval: In reviewing and acting upon an application for Site Plan approval, the Commission shall take into consideration the health, safety and welfare of the public in general, the immediate neighborhood in particular, and the following general factors:

   a. The general conformity of the Site Plan with the intent of the Town's Plan of Development; however, the Plan of Development shall not take precedence over specific provisions of these Regulations.

   b. The arrangement of buildings, structures and uses on the site.

   c. The adequacy of design of the interior vehicular circulation system, to provide safe and convenient access to all structures, uses, parking spaces and loading spaces.

   d. Provision for safe pedestrian movement within and adjacent to the site.

   e. The adequacy of access for fire, police and ambulance services.

   f. The adequacy of design of the storm drainage system to accommodate any increase in storm water runoff and to minimize soil erosion and sedimentation.

   g. The location, intensity and direction of outdoor lighting and the proposed times for its use.

   h. The size, location and type of any outdoor storage facilities, including dumpsters.

   i. The size, location and type of signs, and their appropriateness to the neighborhood.

   j. The adequacy of the landscaping treatment, including any buffers and other screening.

10. Conditions and Safeguards: In granting Site Plan approval, 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.

11. 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.

12. Bond Requirements:

a. Bond: As a condition of Site Plan approval, the Commission may, in its sole discretion, require that the applicant post a performance bond in a form satisfactory to the Town Attorney and with surety satisfactory to the Commission, in order to guarantee satisfactory completion of those site improvements which are to be conveyed to or controlled by the Town and/or cover the cost of sedimentation and erosion control measures maintained during construction as shown on the approved Site Plan. An itemized estimate of the cost of said improvements shall be prepared by the applicant and shall be submitted to the Town Engineer and the Town Planner for approval. Said bond shall be posted with the Town for a period of time of not less than five years and two months or until such time project is satisfactorily completed; whichever event occurs first.*

b. Form of Bond: Performance and maintenance bonds required under this section shall:

(1) Be in a form and with surety satisfactory to the Commission; and,

(2) Be in a form of cash; a certified check payable to the Town of Wilton; or an irrevocable letter of credit from a bank chartered to conduct business in Connecticut. *

c. Reduction of Performance Bond: Upon the completion of at least 25%, 50% and/or 75% of the cost of the bonded site improvements, the applicant may request in writing a reduction of the bond. The Commission shall cause the site to be inspected by the ZEO, the Town Engineer, and/or other appropriate Town officials to determine if the portion of the required site improvements for which the reduction is being requested has been satisfactorily completed in accordance with the approved Site Plan. Based upon these findings, the Commission may authorize the reduction of such bond.

d. Release of Performance Bond/Posting of Maintenance Bond: Before the release of a performance bond, the Commission:

(1) Shall require the applicant submit "as-built" drawings in accordance with 29-11.A.18;
(2) May require that the applicant post a maintenance bond for a period of not more than one year extending beyond the final completion and acceptance of site improvements which are to be conveyed to or controlled by the Town. *

13. Expiration: In accordance with the General Statutes, a Site Plan for any residential project consisting of less than 400 dwelling units, or any nonresidential project consisting of less than 400,000 square feet of floor area shall be valid for five years from 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 10 years from the date of approval by the Commission. For any nonresidential project containing 400,000 square feet of floor area or greater, the Commission in approving a Site Plan therefor, shall set a date for completion of all work in connection with such Site Plan, which date shall not be less than five nor 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 approval of such Site Plan.

14. Amendments: All site improvements shall be carried out in strict compliance with the Site Plan approved by the Commission. All proposed amendments or modifications to the Site Plan shall require the approval of the Commission, in accordance with the requirements of this section, except amendments under all of the following circumstances shall be considered minor site plan amendments and may be approved by the Town Planner:

    a. No proposed expansion of a building shall exceed 10,000 square feet GFA or 20% of the total GFA, whichever is less.

    b. All required yards, setbacks and buffer areas shall be in compliance with all zoning requirements.

    c. No significant change to street entrances; parking, loading or access areas; although additional parking spaces may be created, providing that they do not intrude on any required setback, buffer or landscaped area. Parking spaces may be deleted provided that there remains a sufficient number of spaces in accordance with the requirements of 29-8.B.

    The Town Planner shall notify the Commission of his or her decisions concerning minor site plan amendments on a monthly basis. If in the opinion of the Town Planner, the minor site plan amendment would be a significant alteration of the approved Site Plan, even if it is in compliance with the above restrictions, the Town Planner may at his or her discretion require that it be reviewed by the commission. An applicant may appeal a decision of the Town Planner concerning a minor Site Plan amendment to the Commission.

15. Continuance: All conditions and improvements shown on the approved Site Plan shall remain with the site and continue in force as long as the use indicated on the approved Site Plan shall be in operation, regardless of any change in ownership of the property.

16. Certificate of Zoning Compliance: A Certificate of Zoning Compliance shall be issued by the ZEO in conformance with 29-12-F after all the site improvements have been completed in accordance with the approved Site Plan. If the site improvements cannot be completed because of weather, or if an alteration does not require the vacating of the premises, or if a portion of a building or development is ready for occupancy before the completion of the entire building or development, or for other pertinent reasons, a conditional Certificate of Zoning Compliance may be issued by the ZEO for a period not to exceed 180 days, provided that a portion of

the posted bond shall be retained in an amount sufficient to cover the cost of completing the remaining site improvements or, if necessary, a new bond shall be posted. Upon satisfactory completion of the remaining site work and the written request of the applicant, the Commission shall release the bond.

17. 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 completed in accordance with the approved Site Plan and has issued a Certificate of Zoning Compliance.

18. As-Built Drawings: No Certificate of Zoning Compliance or Certificate of Occupancy shall be issued until "as built" drawings basically limited to site improvements have been submitted by the applicant to the ZEO and Town Engineer and are determined by the ZEO and Town Engineer to be in compliance with the originally approved Site Plan. The "as-builts" shall show the installation of all site work, exact location of buildings and other required items at a level of detail at or exceeding that of the originally approved Site Plan. The "as builts" shall be prepared at the same scale as the Site Plan by a State licensed Professional Engineer and/or Surveyor, as applicable, and shall include a certification by the Engineer and/or Surveyor as to compliance with the originally approved Site Plan, and shall list and show all deviations from the originally approved plan. The ZEO shall submit all "as builts" which substantially deviate from the originally approved Site Plan to the Commission for its determination of acceptance or need for plan amendment.

29-12 ADMINISTRATION

A. INTERPRETATION OF THESE REGULATIONS: 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 of 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.

B. ENFORCEMENT: These Regulations shall be enforced by the ZEO who is hereby empowered to cause any buildings structures 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 of 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.

C. PENALTIES: Any person who: (1) having been served by the ZEO with an order to discontinue any such violation, fails to comply with such order within 10 days after such service; or, (2) having been served with a cease and desist order with respect to a violation involving grading or filling of land or removal of earth, fails to comply with such order immediately; or, (3) continues to violate any provision of these Regulations in the manner named in such order shall be subject to penalties in accordance with the provisions of Section 8-12 of the General Statutes, as amended.

D. ZONING PERMITS

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 ZEO. A Zoning Permit shall be required in addition and prior to the issuance of a Building Permit. Except upon a written authorization of the ZBA, under circumstances as set forth in 29-13, 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 Special Permit approval or Site Plan approval, except in full accordance with all conditions and requirements of such approvals.

2. Application: Application for a Zoning Permit shall be made in duplicate to the ZEO. Such application shall contain or be accompanied by the following:

   a. Three copies of a plot plan, drawn to scale and certified substantially correct by a registered 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. 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 ZEO. In the case of application requiring Special Permit or Site Plan approval, the plan approved by the Commission shall be deemed adequate to fulfill this requirement.

   b. Proof of approval by any other official or agency whose approval is required for such proposed structure or use, other than the Building Inspector.

3. Action on Application: The ZEO shall issue a Zoning Permit upon determination that the proposed development is in accord with these Regulations. The ZEO 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.

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 ZEO for an additional period of six months if applied for and if the ZEO 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.

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 ZEO 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 ZEO as complying with the pertinent provisions of the Zoning Permit and these Regulations.

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

E. ZONING AMENDMENTS

1. Authority: The Commission, either on its own initiative or by the petition of others, may amend these Regulations or the Zoning Map, in accordance with the General Statutes.

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:

   a. 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.

   b. A map drawn to a convenient scale showing property lines, building locations, section lot and block numbers according to the Tax Assessor's records, and any other relevant information concerning any properties, including neighboring lands, which are the subject of an application for an amendment to the Zoning Map.

   C. 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.

   d. The name and address of each petitioner.

   e. In the case of a petition for amendment to the Zoning Map, stamped envelopes addressed to each of the owners, as specified in 29-12.G., except stamped envelopes shall not be required for amendments to the zoning map which would effect large areas of the Town encompassing multiple properties when initiated by the Commission or to amendments to the text of the zoning regulations.

   f. 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.

3. Referrals

   a. 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.

   b. 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.

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.

F. CERTIFICATE OF ZONING COMPLIANCE

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 ZEO. 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. Application and Approval: Within ten days of the receipt of a request for a Certificate of Zoning Compliance submitted by an applicant, the ZEO 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 noncompliance, the ZEO 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 Certificate of Zoning Compliance shall be issued 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.

3. Continued Conformity Required: A Certificate of Zoning Compliance shall be deemed to authorize, and is required for, both initial and continued 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 ZEO 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.

4. Records: The ZEO 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 a fee, the ZEO, after inspection, 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.

G. PUBLIC HEARINGS: Except as otherwise specified, all applications subject to a public hearing before the Commission or the ZBA shall include stamped envelopes addressed to each of the owners, as of the date of application, of all properties which are the subject of the petition, and all properties within 500 feet of any portion of such properties. Such property owner names shall be those indicated on the most recent tax assessment list of the Town and shall include the actual owners of record where known to be otherwise by the petitioner.

29-13 ZONING BOARD OF APPEALS (ZBA)

A. POWERS AND DUTIES: The ZBA shall have all the powers and duties prescribed by Chapter 124, Section 8 and by Chapter 250, Section 14 of the General Statutes, and by these Regulations, which powers and duties are summarized and more particularly specified below. None of the following provisions shall be deemed to limit any of the authority of the ZBA that is conferred by general law.

1. Appeals: The ZBA shall have the authority to hear and decide upon any appeal where it is alleged that there is an error in the order, requirements, decision or determination of the ZEO. No question of hardship shall be involved in such an appeal, and the action of the ZBA thereon shall be limited to the question of whether or not, and to what extent such order, requirements, decision, or determination was a correct interpretation of the subject provision of these Regulations.

2. Variances: The ZBA 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 situated 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.

3. Location of Motor Vehicle Uses: The ZBA shall have the authority to hear and decide upon all requests for Certificates of Approval for motor vehicle sales, services and repair uses in accordance with the General Statutes. Such authority shall not supersede the Commission's authority to hear and decide upon requests for Special Permits for such uses.

4. Use Variances: No use variance shall be granted by the ZBA including, but not limited to, a variance which would permit: *

   a. A use prohibited by these Regulations;
   b. The expansion of a non-conforming use;
   c. The number of dwelling units on a lot or in a building to exceed the maximum allowed in the zone in which the lot is located; or
   d. A use otherwise allowed by Special Permit in the district in which the use is located.

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

B. GENERAL RULES

1. Appeals: All appeals to the ZBA from an order, requirement, decision or determination of the ZEO shall be taken within 30 days of the date of issuance of the order, requirement, decision or determination by the ZEO. Such appeals shall be made in writing on a form

prescribed by the ZBA and shall be accompanied by a filing fee to cover the cost of processing the appeal.

2. Application: All applications for variances shall be submitted in writing in a form prescribed by the ZBA. The ZBA may deny an application if incomplete as submitted.

3. Notice of Hearing: The applicant shall submit, as part of the application, stamped envelopes addressed to each of the owners, as of the date of application, of all properties which are the subject of the petition, and all properties within 500 feet of any portion of such properties, as provided for in 29-12.G. Such property owner names shall be those indicated on the most recent tax assessment list of the Town and shall include the actual owners of record where known to be otherwise by the petitioner.

4. Referrals: The ZBA may refer any appeal or application to any department, agency or official it deems appropriate for review and comment.

5. Public Hearing: The ZBA 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.

6. Finding: No variance shall be granted by the ZBA unless it finds:

   a. That there are special circumstances or conditions, fully described in the findings of the ZBA, 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;

   b. That, for reasons fully set forth in the findings of the ZBA, 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 ZBA is the minimum adjustment necessary to accomplish this purpose;

   c. 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,

   d. That the granting of the variance is not based upon the nonconformity of neighboring lots, uses, buildings or structures nor upon a financial or economic hardship.

7. Basis of Decisions: Whenever the ZBA 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.

8. Conditions and Safeguards: In exercising any of its authority, the ZBA 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.

9. Date of Effectiveness: Any variance granted by the ZBA shall become effective upon its filing by the applicant in the office of the Town Clerk.

10. Resubmittal of Application: If the ZBA 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 data 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.

11. 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.

29-14 VALIDITY AND EFFECTIVE DATE OF REGULATIONS

A. VALIDITY: If any section, paragraph, subdivision, clause or provision of these Regulations is adjudged to be invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these Regulations shall be deemed valid and effective.

B. EFFECTIVE DATE: The effective date of these revised Regulations shall be July 26, 2016.

APPENDIX A

ZONING ILLUSTRATIONS

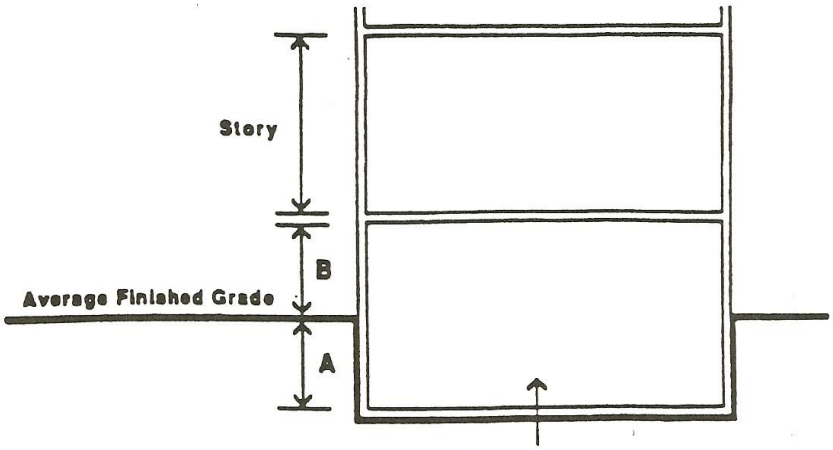


FIGURE A-1: BASEMENT, CELLAR AND STORY

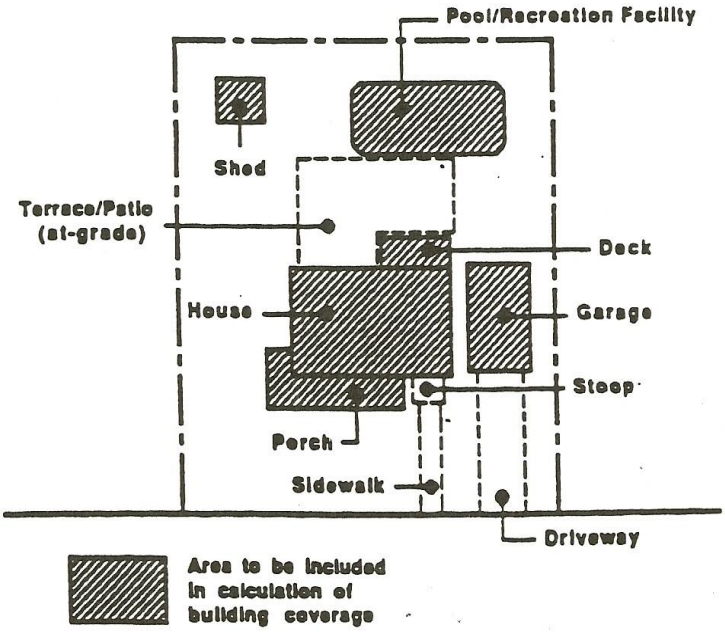


FIGURE A-2: BUILDING COVERAGE

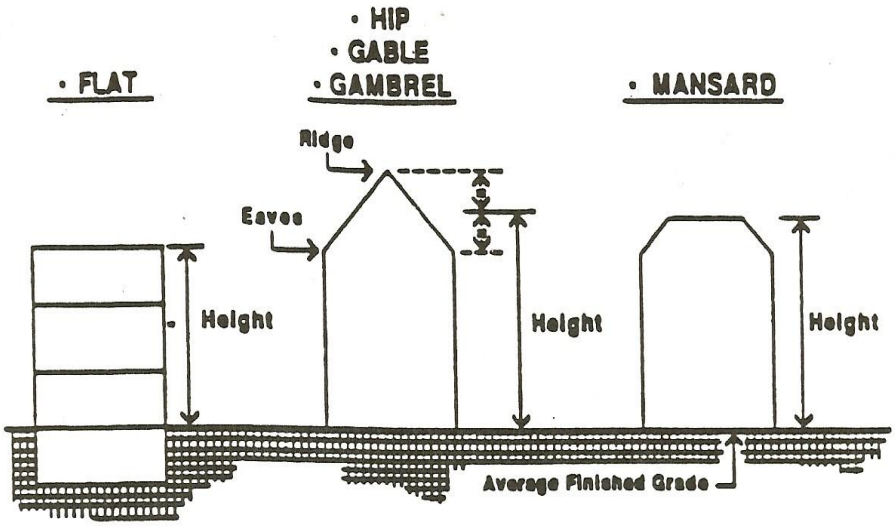


FIGURE A-3: MEASUREMENT OF BUILDING HEIGHT

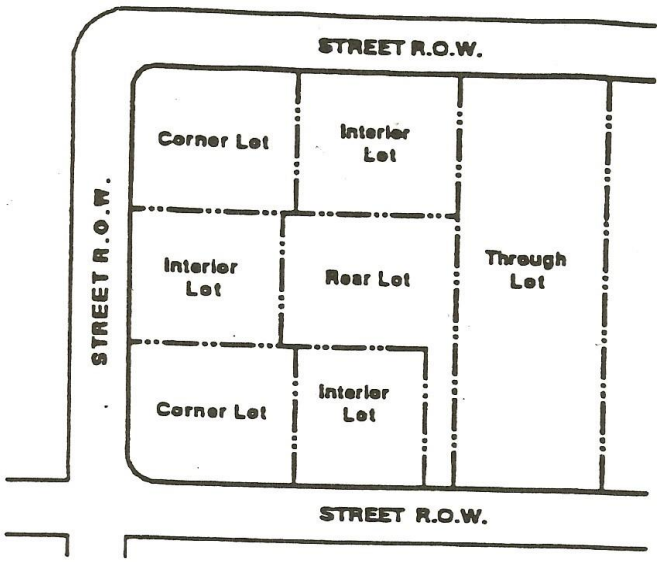


FIGURE A-4: TYPES OF LOTS

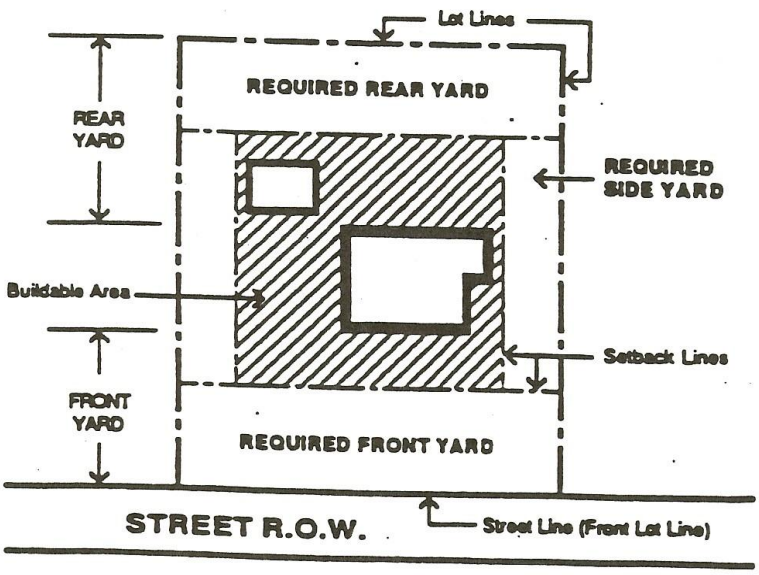


FIGURE A-5: YARDS

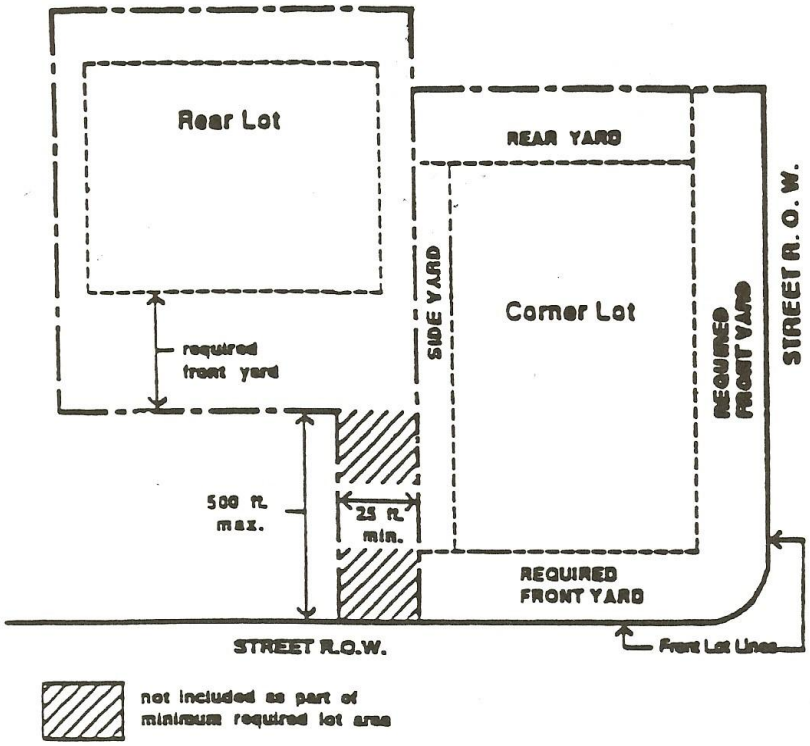


FIGURE A-6: CORNER LOTS AND REAR LOTS

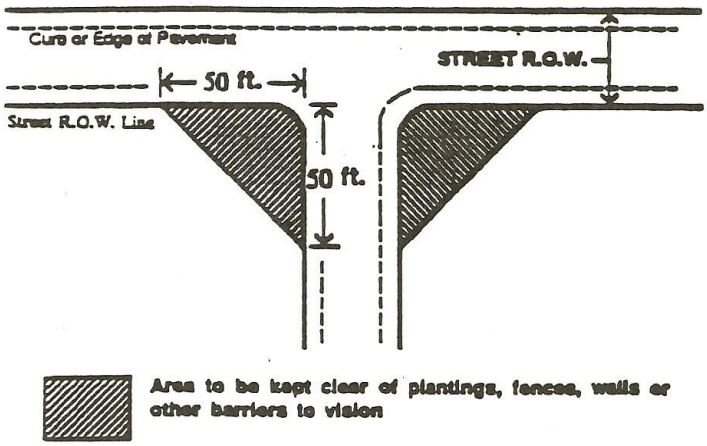


FIGURE A-7: VISIBILITY AT STREET INTERSECTIONS

FIGURE A-8 : (DELETED)

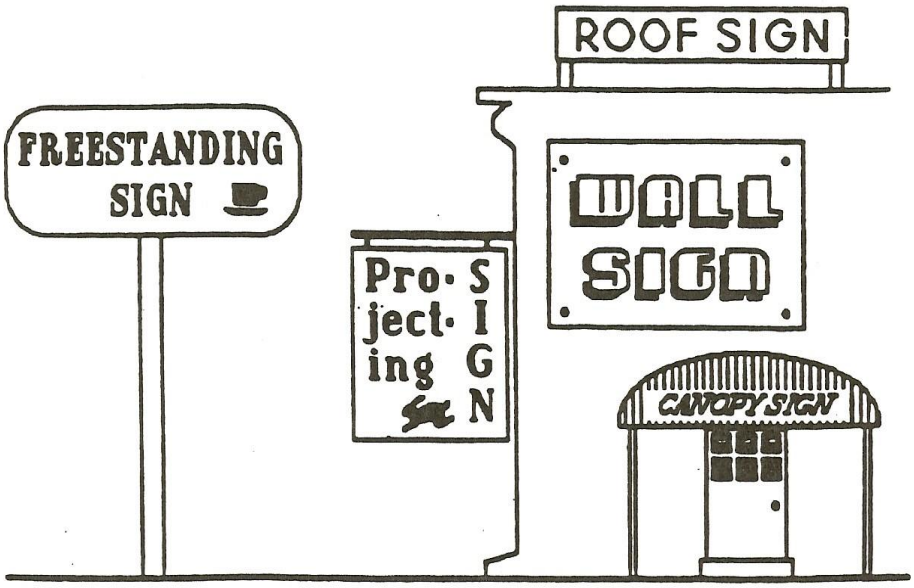
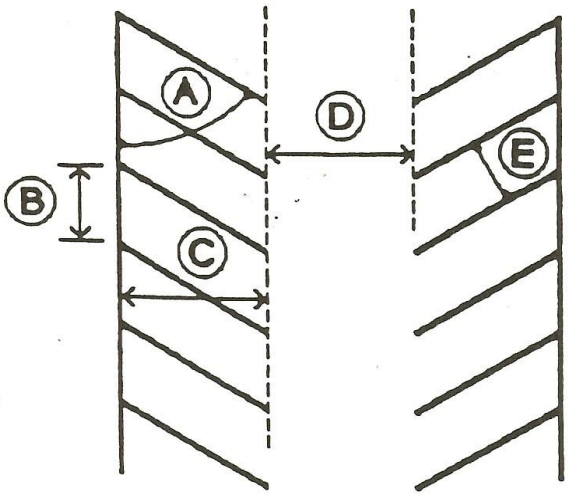
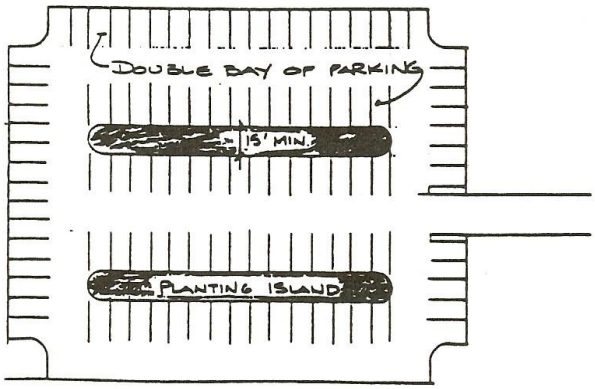


FIGURE A-9: EXAMPLES OF TYPES OF SIGNS



A	Parking Angle	0°	45°	60°	90°
B	Curb Length per Space	23'	13'	10'	9'
C	Space Depth	9'	18'	18'	18'
D	Access Aisle Width	15'	15'	18'	22'
E	Space Width	9'	9'	9'	9'



PLANTING ISLANDS FOR GRAVEL PARKING LOTS
NTS

FIGURE A-10: MINIMUM DIMENSIONS FOR PARKING AREAS

APPENDIX B

AMENDMENTS

REGULATION AMENDMENTS FROM MARCH 1994

RESOL. DATE	RESOLUTION #/ APPLICATION #	SECTION/TEXT	
04/25/94	#494-2REG/#93215	29-27-(submitted under old regulations) Reduction of parking and loading setbacks in THRD (new applicable Section 29-5.D)	
		29-44.1.A (submitted under old regulations) To require affordable units to be 20% of development (new applicable Section 29-5.D)	
07/25/94	#794-3REG/#94220	29-8.A.8.a-	Typographic correction
		29-8.B.5.a(2)	Parking clarification in multifamily
		29-5.B.7.b(3) and (4) and (5)-NEW-design guidelines in THRD	
		29-5.B.2.i-NEW	Floor area in multifamily
		29-13.B.10	Deleted
01/30/95	#195-1REG/#94221	29-5.A.7-NEW	Single Family All Affordable Housing
01/30/95	#295-2REG/#94222	29-8.A.3.i	Street numbers on signs
		29-8.A.6.i,j	Signs (illuminated and off site)
		29-8.A.7.c.2	Temporary signs
		29-4.D.7.a	Temporary Permits
02/27/95	#295-3REG/#94224	29-9.B.4.b.(1)	Excavating and grading
03/27/95	#395-4REG/#95226	29-5.B.3.d	Driveways and access roads setbacks
		29-9.I.2	Regrading slopes over 35%
		29-9.I.3	Maximum grade for finished slopes
06/12/95	#695-5REG/#95227	29-4.B.6	Determining front yard setbacks
		29-4.B.8.f	Max. length of lot accessway
		29-5.B.2	Special permits in multifamily
		29-5.B.8.a(2)	Bedrooms in multifamily
		29-5.B.9.a,b,c	Multifamily all-affordable housing
		29-5.B.9.e-	"
		29-5.D	Lot width and depth
		29-11.A.9	Delete public information meetings
		Appendix A	Amended (Figure A-8)

07/24/95	#795-7REG/#95230	29-6.A.3.a	Commercial development between 20,000 and 30,000 square feet
		29-6.A.5 -NEW-	"
		29-6.B.3.a	"
		29-6.B.5 -NEW-	"
		29-6.D.8 -NEW-	"
		29-6.D.9 -NEW-	“
		29-6.E.1	"
		29-6.E.2	“
		29-6.E.3a -NEW-	“
09/11/95	#995-8REG/#95232	29-9.I.2	Regrading on slopes
		29-9.I.5	"
04/22/96	#496-1REG/#96237	29-2.B.46-NEW	Educational Residential Facility
		29-6.C.3.i	"
		29-8.B.5.a(15)	"
04/22/96	#496-2REG/#96238	29-7.B.3.k-NEW	Dwelling unit in DE-5
10/28/96	#1096-3REG/#96240	29-5.B.3.d	Streets/drives in multifamily
10/28/96	#1096-4REG/#96241	29-5.B.10.n(2)	Affordable housing
02/24/97	#297-1REG/#96239	29-2.B.78-NEW-	Interior living spaces in multifamily
		29-5.B.6.b(5)	“
		29-5.B.7.b(1)	"
		29-5.B.8.c(2)	"
02/24/97	#297-2REG/#96244	29-9-I.3	Regrading slopes and retaining walls
		29-9.I.5.a	"
		29-9.C.3.d	"
		29-9.I.5 delete	"
		29-2.B.139-NEW	Slope treatments
04/14/97	#497-3REG/#97245	29-2.B.5-NEW	Design and location criteria for radio towers
		29-2.B.163-NEW-	“
		29-4.D.3.a-NEW-	"
		29-4.D.3.b-NEW-	"
		29-4.D.3.c-NEW-	"
		29-4.D.3.d-NEW-	"

		29-4.D.3.e-NEW-	"
04/14/97	#497-4REG/#97246	29-4.B.7.e-NEW	PRD, R-1A and R-2A buildable area
		29-5.A.6.c(2)	"
04/28/97	#497-5REG/#97249	29-6.C.3(j)-NEW	Allow drive-in banks
07/14/97	#797-6REG/#97247	29-9.I.5(d)-NEW	Limit retaining wall
01/26/98	#198-1REG/#97255	29-7.E.5	Maximum building height
02/09/98	#298-2REG/#97254	29-7.C.2.j-NEW	Allow child day care centers in a DE-5 District
02/23/98	#298-3REG/#97257	29-2.B.104	Wilton Center District and parking, landscaping and lighting requirements
		29-2.B.149-NEW-	“
		29-6.C.2.f	“
		29-6.C.2.q-NEW-	“
		29-6.C.3.a.	“
		29-6.C.3.d Deleted	
		29-6.C.3.f	“
		29-6.C.3.k	“
		29-6.C.1	“
		29-6.C.5.c	“
		29-6.C.5.e-NEW-	“
		29-6.C.6-NEW-	“
		29-6.E	“
		29-8.B.2.c	“
		29-8.B.2.d-NEW-	“
		29-8.B.2.e.-NEW-	“
		29-8.B.12	“
		29-8.C.2.a	“
		29-8.C.4c.(2)	“
		29-9.E.2.e	“
02/23/98	#298-4REG/#97252	29-8.B.11.a	Parking and buffer setbacks
02/23/98	#298-5REG/#98258	29-2.B.111-NEW	Personal Service Business
		29-6.E	Lower maximum building height in Wilton Center

06/08/98	#698-6REG/#98261	29-8.B.7.a	Off-Street Loading Requirements
		29-8.B.11.a	Dimensions and Layout
		29-8.B.11.d-NEW	Permissible encroachment of parking space minimum dimensions
		29-8.B.11.e-NEW	Minimum parking stall width dimensions
07/27/98	#798-8REG/#98263	29-2.B.10-NEW	Base flood (elevation)
		29-2.B.11	Basement
		29-2.B.35-NEW	Development
		29-2.B.55	Floodplain, 100 year
		29-2-B.56	Floodway
		29-2.B.96-NEW	Lowest Floor
		29-2.B.124	Recreational Vehicle
		29-4.C.9	Trailers, Mobile Structures and Manufactured (Mobile) Homes
		29-9.F.2	Regulated Area
		29-9.F.4.d-NEW	Zones A1-30 and AE water surface elevation
		29-9.F.5	Applicability
		29-9.F.7.c	Elevated buildings
		29-9.F.7.i	Regulated floodway
		29-9.F.8.c-NEW	Notification of base flood elevation
		29-9.F.8.d	Variances of appeal actions
10/26/98	#1098-9REG/#98267	29-8.A.7.g	Signs in DE-5 and DE-10 Design Enterprise Districts
		29-8.B.2.b	Amount of parking required
		29-8.B.5.a	Parking for private clubs
		29-8.C.4.c(2)	Parking Lot Standards
11/09/98	#1198-10REG/#98265	29-2.B.8	Assisted Living Facilities
		29-4.D.6-NEW-	“
		29-8.B.5.a(16)	“
11/09/98	#1198-11REG/#98266	29-8.A.7.c(2)	Temporary Signs
3/22/99	#399-1REG/#99268	29-6.A.2....	DRB-Permitted Site Plan Uses
		29-6.A.3....	DRB-Special Permit Uses
		29-6.B.2....	GB-Permitted Site Plan

			Uses
		29-6.B.3....	GB-Special Permit Uses
6/28/99	#699-2REG/#99270	29-8.B.5.b(15)	Self-storage facilities parking
11/22/99	#1199-4REG/#99274	29-5.A.5.a	Conservation Developments
		29-5.D	DRD-% Affordable Units
		29-7.C.1.f	Home building/maintenance materials(retail sales)
		29-7.C.2.b	Home building/maintenance materials (retail sales)-w/GFA no greater than 30,000 sq. ft.
1/24/00	#100-2REG/99276	29-2.B.	Vehicle Storage Area
		29-6.A.3.p	Pre-existing automotive sales/service establishments-(requirements)
6/12/00	#600-4REG/00277	29-4.D.7	Duration of temporary permits
		29-5.A.5/6	Environmental Impact Statement
		29-8.A.3.h	Identification/business signs
		29-9.H.7	Noise level restrictions
		29-10.A.3 &	Special permit/site plan rqrmnts
		29-11.A.6	
		29-13.A.4	Use variances
10/10/00	#1000-5REG /00280	29-8.A.2.a	Classification of signs
		29-8.A.4.e	Sign design and area
		29-8.A.6.j	Prohibited signs
		29-8.A.7.e/f	Permitted signs
10/23/00	#1000-6REG/00281	29-4.C.5	Terraces and tennis courts
12/11/00	#1200-7REG/00282	29-8.B.5.c. (1),(2),(3)	Parking regs for auto sales, car washes, and motor vehicle service stations

7/9/01	#701-2REG/01284	29-7.C.1.b	Veterinary hospitals in DE-5 District
9/24/01	#901-3REG/01286	29-6.B.3.v	Light manufacturing in GB District
11/26/01	#1101-4REG/01287	29-2.B.	Accessory uses (guesthouses)
11/26/01	#1101-6REG/01288	29-2.B.,	Definitions
		29-6.A.3.q	Location of sexually oriented businesses
12/13/01	#1201-7REG/01290	29-6.E.12	Wilton Center: Floor Area Ratios (FAR)
		29-6.C.7(NEW)	Park & Walk, River Greenway Trail
		29-6.C.8(NEW)	Municipal Parking Facilities
		29-8.B.2.d	Parking interconnectedness
8/9/02	#0702-1REG/02292	29-4.D.3	Telecommunications regulations
4/17/03	#0403-1REG/03294	29-4.F.4.a	Nonconforming structures
		29-6.C.3.l	Library drive-up window (new)
		29-8.B.5.b.(5)	Queuing spaces for drive-up windows
		29-11.A.12.b.(2)	Bonding requirements
		Appendix C	WC Design Guidelines for drive-in windows
7/31/03	#0703-2REG /03297	29-6.E.12	F.A.R. – WC District
4/1/04	#0903-1REG/03295 Mod.	29-5.E.	HOD-Housing Opportunity Development District
2/14/05	#0105-1REG/04300	29-4.D.4.a	Congregate Housing Location
		29-6.D.10	More than 1 principal bldg in business zone
		29-7.D.9	More than 1 principal bldg in Design Enterprise zone
		29-5.C.4	Professional Ofcs/Home Occupations for Resident Occupants

		29-11.A.6.r	Storm water management
10/17/05	#0905-3REG/05302	29-4.D.4.d	Congregate Housing density
		29-4.D.4.i	Congregate Housing maximum bldg height
		29-8.B.5.a.(13)	Congregate Housing parking
10/11/05	#1005-4REG/05303	29-2.B.46	Educational Resid'l Facilities
		29-5.C.5.c.(4)	" " "
1/23/06	#0106-1REG/05304	29-4.B.6	Msmnt of Depth of Lot [Min Front Yd Setbk]
		29-4.E.7	Lots w/Frontage Less Than Rqrd Width
		Appendix A, Fig A-8	(Repealed/Deleted)
12/11/06	#1206-2REG/06306	29-5.C.8	Historic/Architecturally-Significant Bldgs
12/10/07	#1207-1REG/07308	29-6.C	Wilton Center District (Village Dist Regs)
		29-6.F	Cannon Crossing District (CXD) Overlay
		29-9.J	Village Dist Procedures/Rqrmnts
		Appendix C	Design Guidelines (WC and CXD Districts)
12/10/07	#1207-2REG/07311	29-6.E.1	Wilton Center Minimum Front Yard Setback
12/10/07	#1207-3REG/07312	Moratorium (Cannondale) – Dec 10, 2007 thru Sept 10, 2008	
3/10/08	#0308-2REG/08313	29-8.C.3.k	Screening in DE-5, DE-10 zones
12/07/09	#1109-1REG/09318	29-2.B.107 29-6.A.3.r 29-6.B.3.w 29-6.C.4.n	Package Store Regulations

04/26/10	#0410-1REG/10320	29-2.B 29-9F	Flood Management Regulations
05/10/10	#0510-3REG/10319	29-2.B 29-7.B.2 29-8.B	Conference Center Uses/Parking - DE-10 zone
11/22/10	#1110-5REG/10323	29-4.D.1.g	Accessory dwelling units on undersized lots
12/14/10	#1210-6REG/10326	29-8.A.2.b 29-8.A.7.c	Temp. Commercial/Non-Commercial Signage
01/24/11	#0111-1REG/10328	29-6.B.3.i	Dwelling units over stores, offices and within 1000 ft of Wilton train station
9/26/11	#0911-3REG/11332	29-7.C.2.k	Health and Fitness Clubs in DE-5 zone
10/11/11	#1011-4REG/11333	29-2.B	Definition of Health and Fitness Clubs
01/23/12	#0112-1REG/12334	29-11.A.12	Performance Bond Rqmnts
03/12/12	#0312-2REG/12337	29-6.C.6.d 29-6.E.1 & 2	Setback requirements within Wilton Center District
03/12/12	#0312-3REG/12338	29-6.C.4.b	Resid'l apts within Wilton Center District
03/26/12	#0312-4REG/12335	29-5.B.10	Affordable Housing in Multi-Family Res'l Districts
10/14/13	#1013-1REG/13340	29-5.C.5 29-8.B.5.	Adaptive Use of Historic Properties/Parking Rqrmnts
11/25/13	#1113-2REG/13342	29-2.B 29-9.E	**DENIED –** Athletic Fields Lighting
2/24/14	#0214-1REG/14343		Moratorium – Medical Marijuana
4/17/14	#0414-2REG/14344	29-5.A.3.r, 29-2.B.22, 29-8.B.5.a.(14)	Charitable organizations

5/12/14	#0514-3REG/14345	29-6.C.4.j	SP rqrments for banks/fin'l institutions in WC district
11/13/14	#1114-4REG/14346	29-2.B, 29-6.B.3.x 29-7.B.2.s	Medical Marijuana
10/01/15	#0915-1REG/15349	29-7.E.6	Bulk/Area rqrmnts – (DE- 5,DE-10)
12/17/15	#1215-2REG /15350	29-2.B, 29-4.B.5	Frontage – Discontinued Streets
2/22/16	#0216-1REG/15351	29-8.B.5.b.(9)	Commercial Kennels, Veterinary Hospitals - parking
5/9/16	#0516-2REG/16352	29-2.B; 29-11.A.12	ZEO Def'n; Bonds
5/9/16	#0516-1MISC	Delegation of authority to ZEO, Town Planner & Ass't Town Planner	
6/16/16	#0516-3REG	29-2.B; 29-7.B.2, 29-7.C.2, 29-7.D, 29-7.E	DE-5, DE-10 (hotels)
7/26/16	#0716-4REG	29-9.E.4	Temporary Lighting

APPENDIX C

DESIGN GUIDELINES FOR
WILTON CENTER
AND
CANNON CROSSING DISTRICTS

DESIGN GUIDELINES FOR WILTON CENTER & CANNON CROSSING DISTRICTS

As used in these standards:

The word "shall" means that the relevant standard, criterion or action must be followed unless the applicant demonstrates that it would clearly be unreasonable or undesirable to do so under all of the circumstances;

The word "should" means that the relevant standard, criterion or action will generally be required, but the applicant may offer, and the Commission / Committee may approve, an alternative standard, criterion or action if the Commission / Committee finds that the alternative would better fulfill the overall goals set forth in these standards.

1. PURPOSE

These design standards are intended to aid in maintaining and enhancing the character and quality of the buildings and public spaces in designated areas in Wilton in order to maintain and enhance:

a. the distinctive character, landscape and historic value, especially in areas designated as “village districts”,
b. the sensitive balance of visual and spatial relationships that create the character and support the function of the designated areas,
c. the overall quality of the built environment, and
d. the economic and social vitality of areas which depends upon maintaining the attractiveness of the street environment, the economic viability of businesses, and a hospitable atmosphere for residential occupants and visitors.

2. APPLICATION

These design standards are intended to provide:

a. that proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, and the terrain and to the use, scale and architecture of existing buildings that have a functional or visual relationship to a proposed building or modification,
b. that all spaces, structures and related site improvements visible from public roadways shall be designed to be compatible with the elements of the area in and around the proposed building or modification,
c. that the color, size, height, location, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property and any proposed signs and lighting shall be evaluated for compatibility with the local architectural motif and the maintenance of views, historic buildings, monuments and landscaping,
d. that proposed improvements complement and are in concert with existing and planned public improvements including but not limited to sidewalk construction, street curbing, street lighting and landscaping,
e. that the removal or disruption of historic traditional or significant structures or architectural elements shall be minimized, and

f. criteria from which a property owner and the Commission may make a reasonable determination of what is permitted.

3. OVERALL DESIGN

3.1. Compatibility Objectives

All development shall be designed to be compatible with the existing and planned character of the area where it is proposed. Guidelines include:

a. The building and layout of buildings and site improvements should reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact;
b. Proposed streets should be connected to the existing road network, wherever possible;
c. Open spaces within the proposed development should reinforce open space patterns, in form and siting;
d. Locally significant features of the site such as distinctive buildings or sight lines or vistas should be integrated into the site design;
e. The landscape design should complement the landscape patterns in the vicinity of the site;
f. The exterior signs, site lighting and accessory structures should support a uniform architectural theme and be compatible with their surroundings; and
g. The scale, proportions, massing and detailing of any proposed building should be in proportion to the scale, proportion, massing and detailing in the vicinity of the site.

3.2. Local Context

The design of improvements shall be patterned on the physical, cultural and historic context in the vicinity of the site. Guidelines include:

a. Reinforce historic scale, massing, proportion, spacing, setbacks, and orientation.
b. Protect and create views of distinctive landscapes and historic sites and structures.
c. Incorporate historic / cultural landmarks into new development, where applicable.

3.3. Other Context

The regulations concerning the exterior of structures or sites shall be consistent with:

a. The "Connecticut Historical Commission - The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", revised through 1990, as amended; or
b. the distinctive characteristics in the vicinity of the site.

3.4. Organization

Improvements should be organized as an integrated system of structures, outdoor

spaces, landscapes, and details both within the site and in relation to other improvements in the vicinity of the site. Guidelines include:

a. Organize the site in a unifying and discernible manner.
b. Maintain visual privacy between public and private spaces.
c. Preserve or create scenic views.

4. SITE LAYOUT

4.1. General

The overall design of the site should provide for places that promote pedestrian comfort, provide visual pleasure, and support outdoor social activity that reinforce community life. Guidelines include:

a. Provide for public gathering at convenient, safe and visually engaging locations.
b. Use sidewalks / walkways as organizing elements.
c. Illuminate assembly areas and street for visibility and safety.

4.2. Building Alignment

The width, height and spacing of buildings should respect the existing rhythms of the street on which they front. Guidelines include:

a. Provide a well-defined front facade with the main entrance clearly visible and identifiable from the primary public vantage points or public right-of-way.
b. Align buildings so that the dominant lines of their facades parallel the line of the street and create a sense of enclosure.
c. The relationships between buildings and the street (such as front facades and major roof ridges) should either be parallel or perpendicular, not oblique or diagonal.

4.3. Pedestrian Circulation

The overall design of the site should provide a safe, logical approach and entry to all buildings and site use areas for pedestrians. Walkways on private property should connect to and extend the network of public pedestrian movement that is crucial to the proper functioning in the vicinity of the site. Guidelines include:

a. Minimum sidewalk /walkway width is five feet.
b. Grass strips, at a minimum of 2' wide, shall be provided in between roads and sidewalks. Exceptions may be made where there is on-street parking or the area is anticipated to have heavy foot traffic.
c. Materials for sidewalks and walkways shall be Portland cement concrete, brick, or precast concrete pavers.
d. Materials for sidewalks and walkways may be stone where possible and deemed appropriate.
e. Curb materials shall be Portland cement concrete, granite or Belgian blocks, where possible.
f. In parking lots with more than two aisles or two full parking bays, walkways shall be provided where needed so that pedestrians can move from their

cars to buildings along a well-marked walkway and shall be clearly marked by a change in grade or material or both.

g. Walkways should take advantage of, and give access to, views, open space, and environmental features.

4.4. Vehicular Circulation

The overall design of the site should provide a safe, logical approach and entry to all buildings and site use areas for vehicles. Guidelines include:

a. Minimize curb cuts (both number and width) and encourage the use of shared walkways, shared driveways, rear driveway connections, and alley access to off-street parking areas.
b. Minimize conflicts between pedestrians (sidewalks) and vehicles (curb cuts).
c. Locate all delivery areas toward the rear of the site concealed from the public right-of-way.
d. Where interrupted by curb cuts, the continuity of the sidewalk surface material should be maintained, while the material of the driveway should be interrupted.

4.5. Site Parking

The overall design of the site should integrate parking into the site design providing a positive visual element rather than the dominating one. Guidelines include:

a. Locate the majority of parking at the rear of buildings and remainder at the side yard.
b. Pave and grade parking so that storm water will not cross public sidewalks.
c. Encourage parking lot light standards and fixtures that are compatible with the area in terms of design, height, color and intensity of illumination.
d. Screen parking areas from street view (with landscaping, berms, fencing, etc.) to create a buffer that would visually screen parking areas, but not isolate the property or compromise security.
    i. Screen hedges or walls shall be 2'-3' min. height (for plant material) when installed and maintained at a minimum of three feet in height. Types of plants that are encouraged include hedges of yew, privet, junipers, holly, euonymus, boxwood or other vegetation.
    ii. Stonewalls are encouraged. Earthen berms or brick may also be acceptable.

4.6. Service / Utility Areas

The overall design of the site should minimize the safety hazards and visual impacts of service equipment and supporting structures. Guidelines include:

a. Install new utility service systems underground.
b. Conceal or screen all HVAC equipment from view from the public rights-of-way and areas of public assembly.
c. Protect adjacent residential neighborhoods from noise, traffic, risk of hazards, etc.

4.7. Special Conditions - Street Corners

Special attention should be devoted to street corners. Street corners are important focal points since attractive intersections encourage continuous pedestrian travel while vacant corners discourage pedestrians from continuing to the next street. Guidelines include:

a. Design street corners as pedestrian places featuring public or civic buildings and/or small public spaces.
b. Avoid locating parking lots at street corners.
c. Use buildings, trees, hedges, fences, low walls, and sidewalks to define the street corner.
d. Curb cuts should be minimized and kept away from the corner.
e. Clearly designated, safe, and continuous pedestrian sidewalks should be maintained around corners.

4.8. Special Conditions - Alleys and Passageways

Special attention should be devoted to alleys and passageways where they exist or are created. Alleys and passageways between buildings can make an important contribution to the character of an area. Guidelines include:

a. Use alleys to extend the public space and commercial frontage of the sidewalk.
b. Use alleys to provide access to parking areas located to the rear of buildings.
c. Pave, landscape and light alleys used to access parking and other areas.
d. Screen off service alleys not generally used by the public.

4.9. Special Conditions - Drive-in Windows

Drive-in windows shall be discouraged. Drive-in windows can disrupt the overall pedestrian character of an area. Guidelines include:

a. Drive-in windows shall be prohibited, except for banks and public and semi-public libraries in Wilton Center where permitted under Section 29-6.3.j. or section 29-6.C.3.l.

5. BUILDINGS

5.1. Architectural Style

"New England village" -type architecture should be encouraged. Guidelines include:

a. Promote basic design elements and relationships that will help maintain and enhance a harmonious "New England village"-type architectural character.
b. Other architectural forms and types (including architecturally unique or exceptional buildings) may also contribute, in the appropriate place and at an appropriate scale, to the character of the area.
c. In the event of significant departure from this standard for "New England village" -type architecture, the burden of proof of the overall appropriateness of the design rests with the applicant.

5.2. Form and Space

Building forms and surrounding spaces should reflect continuity of density, streetscape rhythm, yard setbacks, and community character. Guidelines include:

a. Create interesting and proportional outdoor spatial relationships between buildings, open space, and setbacks on adjacent sites.
b. Establish building references (e.g. eave or cornice heights, wall detailing, ground window heights, etc.) with adjacent building forms for visual continuity.
c. Create variety using building siting, surface recesses, and projections.
d. Avoid long and large unarticulated structures that are uninviting and do not contribute to the human-scaled streetscape.
e. Avoid the over massing of buildings as it spatially relates to public rights-of-way, areas of open space and pedestrian walkways.

5.3. Scale, Massing and Proportion

The design statement should be simple and the individual design elements, materials, and details should be consistent with the contextual setting. Guidelines include:

a. Balance the visual relationships of building bulk and size with its site.
b. Break larger building volumes into smaller forms to lessen the total building mass.
c. Maintain proportions between building height, length and width consistent with prevailing architectural standards.
d. Create variety through compatibility rather than conformity.
e. Strive for visual simplicity rather than unnecessary complexity.

5.4. Rooflines, Facades and Entrances

Rooflines should be simple, functional, and reflective of the broader community building stock and the public face of the building should present a clear, well-defined, and balanced façade. Guidelines include:

a. Form a consistent composition between the roof mass and building façade.
b. Reference adjacent building rooflines and roof details (e.g. dormers, fascias, roof pitches, etc.) and materials where applicable.
c. Apply consistent and historically correct architectural detailing throughout.
d. Build elements (e.g. protective canopies, columns, stairs, roof projections, etc.) to human scale at sidewalk level to encourage pedestrian use.
e. Avoid false detailing (e.g. mansard roofs, partial HVAC screens, truncated roof structures, etc.) which detracts from the building's integrity.
f. Create an agreeable pedestrian environment including weather protection, convenience, and safety features.
g. Arrange window patterns with a balanced spacing and conscious rhythm.
h. Observe historic precedents wherever possible.

5.5. Materials, Color and Surface Texture

Building materials should be durable and functional and the use of color and texture should be reflective of local style and character. Guidelines include:

a. Preferred exterior wall materials are brick, stone, and wood.
b. Tile, stucco, metal, concrete and concrete block wall surfaces are not typical building materials in Wilton, but may be acceptable in limited applications.
c. Vinyl, asphalt and other synthetic siding materials (such as EIFS) are strongly discouraged.
d. Preferred roof materials are slate, wood shingles, and shakes. Asphalt shingles are acceptable. Colors should be neutral to dark.
e. Standing seam metal roof materials may be acceptable for larger buildings in some areas. Colors should be neutral to dark.
f. Materials should be used with appropriate detailing and expression.
g. Limit the number of different materials on the exterior to avoid visual overload
h. Avoid large, unarticulated or monolithic areas on the street facades by using details to add relief and shadows.
i. Create visual variety and establish character using architectural elements (e.g. roof overhangs, trellises, projections, reveals, awnings, etc.) using proportional architectural elements.
j. Coordinate all exterior elevations of the building (color, materials, architectural form, and detailing) to achieve continuity.
k. Coordinate color scheme and textures with neighboring buildings, and the neighborhood as a whole, to reinforce harmony.
l. Any new or exterior alterations should have significant trim detail to be compatible with surrounding architecture.
m. Trim details, such as rake boards, corner boards and fascia trim, should be of a material and dimension appropriate to the overall treatment of the facade. These details help to outline and give definition to a facade and should be wide and thick enough to serve that purpose effectively.

5.6. Equipment and Services

Building equipment, storage, and service areas should be integrated into the site plan and architectural composition in ways that minimize adverse impacts. Guidelines include:

a. Install new utility service systems underground, and bury all existing above ground services when renovating.
b. Conceal views of all roof-mounted equipment (e.g. HVAC, plumbing, exhaust fans, etc.) from the public right-of-way.
c. Screen all ground or concrete pad-mounted equipment using evergreen plant materials of different species and size, or architectural detailing complementary to the building.
d. Locate and screen accessory buildings and functions (e.g. trash containers, storage sheds, and emergency generators) away from parking areas, walks, and adjacent land use.

e. Conceal garage doors and loading areas from view from surrounding streets.

5.7. Building Height

Building heights should be appropriate. Guidelines include:

a. Maximum two-story eave heights are encouraged.
b. The first floor level of a 2-story facade should not exceed a height of four feet (4') above the grade at the street face of a building.
c. Story heights should remain within the range of those in surrounding buildings.
d. Two-story mixed-use buildings are encouraged.
e. Roof eaves on main roofs should be at least ten feet (10') above the grade at the building front entry.

6. SITE ENHANCEMENTS

6.1. Landscaping

Planting material should be used in a logical, orderly manner that defines spatial organization and relates to buildings and structures. Guidelines include:

a. Consideration shall be given to any overall landscaping plan or theme endorsed by the Planning and Zoning Commission for the vicinity of the site.
b. Use plant material as design features and integrate mature vegetation into the design utilizing existing trees where possible.
c. Use indigenous plants and avoid unusual or exotic cultivars.
d. Create identifiable places utilizing open space and vegetation.
e. Balance the quantity of landscaping with the scale of the development.
f. Landscape around buildings, shield unsightly areas, and provide shade.
g. Create tree canopies for environmental and spatial impact at maturity.
h. Choose plant materials that have year-round interest.
i. Preserve street trees and protect their roots during and after construction and from snow removal operations.
j. Provide landscaped islands within parking areas.
k. Protect landscape materials and vehicles with concrete or stone curbs.
l. Landscape areas between the parking and the building.
m. Provide space for snow placement or removal.
n. Trees shall be planted in landscaped areas, unless planters, tree wells or tree pits are a preferable alternative.

6.2. Site Lighting

Site lighting should provide the functional and esthetic benefits of exterior lighting while mitigating the potential for nuisance. Guidelines include:

a. Consideration shall be given to any overall lighting plan or theme endorsed by the Planning and Zoning Commission for the vicinity of the site.
b. Coordinate lighting fixture and standard details with the architecture or neighborhood character.
c. To ensure that light sources are not visible off site, light sources shall be directed down toward the ground surface, lighting fixtures shall have opaque hoods over all light elements, and all fixtures shall have sharp cut off shields.
d. Light pole height shall be kept as low as practical.
e. Lighting for walkways shall be at a maximum pole height of 15'.
f. Bollard type lights are encouraged.
g. Locate lighting fixtures for the anticipated use (e.g. signage, site features).
h. Avoid relative brightness differences with adjacent dissimilar land uses and provide associated photometric data.
i. Use of selective night lighting, where deemed appropriate, to highlight architecturally-significant and/or distinctive features of a building or structure.
j. Lights should not blink, flash, or change in intensity.
k. Use lighting fixtures with shielding devices or sharp cut-off refractors.
l. Conceal the lighting source from the public right-of-way.
m. Use white light lamps (e.g. metal halide) for site development illumination, do not use low or high-pressure sodium sources, and avoid mixing light source colors.
n. Ensure that lighting support locations do not create a safety hazard.
o. Use shatterproof coverings for low-level lighting.
p. Select from a “family” of standards for specific character areas.
q. Coordinate lighting fixture assembly with architecture it serves.
r. Illuminate entrances, exits and internal barriers.

6.3. Fences, Walls, And Landscape Screens

Open fences, low walls, or landscape hedges may be appropriate where the continuity of buildings is interrupted by a vacant lot, a parking lot, or a building set back farther than the build-to line or setback zone. Guidelines include:

a. Where appropriate, use open fences, low walls, and hedges to define walkways, help give pedestrian scale to the street, and create a transition between public and private spaces.
b. Discourage the use of fences, walls, or hedges that separate a building from the street or try make up for other design issues.
c. Fences, walls, and hedges should generally be residential in scale, character and materials, and architecturally compatible with the main structure.
d. Chain link and stockade fences and tall walls and hedges create unfriendly barriers and may block important public visual and pedestrian access and are therefore discouraged.
e. Maximum height of fences and walls shall be four feet, except for screening of dumpsters, which shall be six feet in height.

6.4. Site Drainage

Site drainage should protect the health and safety of the public and promote ecologically sensitive approaches. Guidelines include:

a. Prepare for storm water recharge.
b. Design for zero increase in the peak rate of runoff.
c. Encourage renovation of storm water quality.
d. Use permeable pavement surfaces where optional.

7. SIGNAGE

7.1. General

Signage should identify the business and street number clearly and simply and avoid use of slogans and advertising. Guidelines include:

a. Integrate any existing and/or proposed signage into the overall design insuring that it complements its surroundings.
b. Avoid visual competition with other signs in the area and repetitious signage information on the same building frontage.
c. Minimize the number of building and directional signs to avoid repetition.
d. Avoid markings on the pavement.

7.2. Sign Context

Signage should reflect the character of the architecture, site, and neighborhood without occurring at the expense of individual expression and creativity. Guidelines include:

a. Integrate signage programs to become a natural part of the building façade.
b. Create a sign proportionate to its location and the setback from the primary vantage point.
c. Design information to fit properly into the sign location without visual clutter.
d. Prohibit roof-mounted signage, freestanding signs, and driveway directional signs unless needed in unusual situations.
e. Replacements for oversized existing signs should be resized for the location rather than matching the pre-existing conditions.

7.3. Sign Design

Signage should conform to the character of the site elements in terms of historic era, style, location, and size. Guidelines include:

a. Coordinate sign background, trim, text, and detail with the architecture.
b. Use durable, weather-resistant and vandal-proof materials for the sign.
c. Avoid bright background colors (e.g. bright red, orange, or yellow).
d. Avoid a white or off-white color in a large field of illuminated background.
e. Avoid visible raceways and transformers for individual letters.

f. Trim edges of flat sheet signs to improve the finished appearance.
g. Use a flat or semi-gloss finish on the surface in lieu of a glossy, plastic finish.

7.4. Sign Landscaping

Signage should be integrated with the ground plane by using complimentary plant materials as part of the overall planting plan. Guidelines include:

a. Use durable and low maintenance plant materials with year round appeal.
b. Utilize low walls to define plant beds when appropriate to the architecture.
c. Irrigate planting beds when possible.

7.5. Sign Lighting

Sign lighting should be used judiciously and specifically to illuminate useful information. Guidelines include:

a. Use only external sources when lighting.
b. Illuminate only the sign surface and avoid light spill onto adjacent property.
c. Screen any external spot or flood lighting from view by the passers-by.
d. Screen low-level lighting from view with plant materials.
e. Balance signage illumination with surrounding lighting level intensities.

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