



ZONING REGULATIONS OF THE TOWN OF BEACON FALLS, CONNECTICUT

EFFECTIVE: September 06, 2013
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BEACON FALLS PLANNING AND ZONING COMMISSION

TABLE OF CONTENTS

ARTICLE I: GENERAL PROVISIONS	3
SECTION 1: PURPOSE	4
SECTION 2: JURISDICTION	5
SECTION 3: CERTIFICATE OF ZONING COMPLIANCE	6
SECTION 4: DISTRICTS	7
SECTION 5: ZONING MAP	8
SECTION 6: PERMITTED USES	9
SECTION 7: AREA, LOCATION AND BULK STANDARDS	11
SECTION 8: ADDITIONAL STANDARDS	13
SECTION 9: DEFINITIONS	22
SECTION 10: NONCONFORMITY	27
SECTION 11: HEIGHT, AREA, YARD & DIMENTIONAL REQUIREMENTS R-1 RESIDENCE DISTRICT	30
SECTION 11: HEIGHT, AREA, YARD & DIMENTIONAL REQUIREMENTS R-2 RESIDENCE DISTRICT	31
SECTION 11: HEIGHT, AREA, YARD & DIMENTIONAL REQUIREMENTS R-3 RESIDENCE DISTRICT	32
SECTION 11: HEIGHT, AREA, YARD & DIMENTIONAL REQUIREMENTS BUSINESS AND INDUSTRIAL ZONES	33
SECTION 11: HEIGHT, AREA, YARD & DIMENSIONAL REQUIREMENTS INDUSTRIAL PARK DISTRICT	34
ARTICLE II: RESIDENCE DISTRICTS	35
SECTION 21: RESIDENTIAL DISTRICTS (R-1, R-2, R-3)	36
SECTION 22: PLANNED RESIDENTIAL DESIGN DISTRICTS (PRDD)	38
SECTION 23: INCENTIVE HOUSING ZONE (IHZ)	39
ARTICLE III: BUSINESS DISTICTS	48
SECTION 31: BUSINESS DISTRICT	49
ARTICLE IV: INDUSTRIAL DISTRICTS	51
SECTION 41: INDUSTRIAL DISTRICT NO. 1	52
SECTION 42: INDUSTRIAL PARK DISTRICT	53
ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS	55
SECTION 51: SITE PLANS	56
SECTION 52: SPECIAL EXCEPTIONS	59
SECTION 53: FLOOD PLAIN DISTRICT	64
SECTION 54: SOIL EROSION ANDSEDIMENT CONTROL	74
ARITICLE VI TOWNWIDE REQUIREMENTS	78
SECTION 61: PERFORMANCE STANDARDS	79
SECTION 62: PARKING AND LOADING	83
SECTION 63: SIGNS	86

TABLE OF CONTENTS

SECTION 64: EXCAVATION AND GRADING	89
SECTION 65: MOBIL HOME PARK.....	96
SECTION 66: ALCOHOLIC BEVERAGES	99
SECTION 67: GARAGES AND SERVICE STATIONS	100
SECTION 68: PLANNED ADAPTIVE REUSE DEVELOPMENTS.....	101
SECTION 69: PLANNED ADAPTIVE REUSE DISTRICT #1	104
SECTION 69.10: PLANNED ADAPTIVE REUSE DISTRICT #2.....	109
SECTION 69.11: PLANNED ADAPTIVE REUSE DISTRICT # 3	115
SECTION 69.12: PLANNED ADAPTIVE REUSE DISTRICT # 4.....	125
SECTION 70: DRIVEWAY REGULATIONS.....	134
 ARTICLE VII ADMINISTRATION AND ENFORCEMENT	137
SECTION 71: BOARD OF APPEALS	138
SECTION 72: ADMINISTRATION	139
SECTION 73: PENALTIES AND REMEDIES.....	142
SECTION 74: AMENDMENTS	143
SECTION 75: VALIDITY	144
SECTION 76: EFFECTIVE DATE AND REPEAL	145
SECTION 77: PLANNING AND ZONING FEES	146
[SECTION 78: USES SUBJECT TO MORATORIUM]	150
 APPENDIX I: TOWN ORDINANCES APPLICABLE TO PLANNING AND ZONING REGULATIONS.	147
 APPENDIX II: CONNECTICUT GENERAL STATUTES: PROCEDURE WHEN REGULATIONS ARE VIOLATED	148
 APPENDIX III: ZONING ENFORCEMENT OFFICER PROCEDURES	149
 APPENDIX IV: TOWN OF BEACON FALLS SUBDIVISION REGULATIONS.....	151
 APPENDIX V: ADMINISTRATIVE PROCEDURES AND RESPONSIBILITY FOR UPDATING THESES REGULATIONS.....	152

ARTICLE I: GENERAL PROVISIONS

SECTION 1: PURPOSE

SECTION 2: JURISDICTION

SECTION 3: CERTIFICATE OF ZONING COMPLIANCE

SECTION 4: DISTRICTS

SECTION 5: ZONING MAP

SECTION 6: PERMITTED USES

SECTION 7: AREA, LOCATION AND BULK STANDARDS

SECTION 8: ADDITIONAL STANDARDS

SECTION 9: DEFINITIONS

SECTION 10: NONCONFORMITY

SECTION 11: HEIGHT, AREA, YARD AND DIMENTION REQUIREMENTS R-1 ZONE, R-2 ZONE, R-3 ZONE, BUSINESS & INDUSTRIAL ZONE, AND INDUSTRIAL PARK ZONE

ARTICLE I: GENERAL PROVISIONS

SECTION 1: PURPOSE

- 1.1 Purpose:** These Regulations are adopted for the purposes set forth in the General Statutes of the State of Connecticut, namely:
- 1.1.1** to lessen congestion in the streets;
 - 1.1.2** to secure safety from fire, panic, flood and other dangers;
 - 1.1.3** to promote health and the general welfare;
 - 1.1.4** to provide adequate light and air;
 - 1.1.5** to prevent the overcrowding of land;
 - 1.1.6** to avoid undue concentration of population, and
 - 1.1.7** to facilitate the provision for transportation, water sewerage, schools, parks and other public requirements.
- 1.2 Plan:** The Regulations are made in accordance with a comprehensive plan, with due consideration for the recommendations of the Plan of Development of the Town, with reasonable consideration as to the character of each district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

END OF SECTION

SECTION 2: JURISDICTION

- 2.1 Jurisdiction:** Within the Town of Beacon Falls, no land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these Regulations. No lot or land shall be subdivided, conveyed or encumbered so as 1) to make said lot or land nonconforming or more nonconforming to these Regulations, 2) to make any use, building or other structure nonconforming or more nonconforming, 3) to reduce any setback, yard, open space or off-street parking and loading spaces less than is required by these Regulations or 4) to make any nonconforming setback, yard, open space or off-street parking and loading more nonconforming.
- 2.2 Nonconformity:** Any use, building or other structure or any lot which existed lawfully, by variance or otherwise, on the date these Regulations or any amendment hereto became effective, and fails to conform to one or more of the provisions of these Regulations or such amendment hereto, may be continued subject to the provisions and limitation of Section 10 (Nonconformity).

END OF SECTION

ARTICLE I: GENERAL PROVISIONS

SECTION 3: CERTIFICATE OF ZONING COMPLIANCE

- 3.1 Certificate:** No building or other structure, or part thereof, shall be constructed, reconstructed, enlarged, extended, moved or structurally altered until an “**APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE**” has been approved by the Zoning Enforcement Officer. No land, building or other structure, or part thereof, shall be used or occupied, or changed in use, until an “**APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE**” therefore has been approved by the Zoning Enforcement Officer and until a “**CERTIFICATE OF ZONING COMPLIANCE**” therefore has been issued by the Zoning Enforcement Officer certifying conformity with these Regulations. No APPLICATION or CERTIFICATE, however is required for a farm, forestry, truck garden or nursery use having no building or other structure in connection with such use. All “**APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE**” shall be submitted and approved in accordance with the provisions of Section 72; all “**CERTIFICATE OF ZONING COMPLIANCE**” shall be issued in accordance with such Section.
- 3.2 Conflict With Amendments:** No “**APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE**” shall be approved by the Zoning Enforcement Officer authorizing a proposed use of land, building, or other structure or proposed construction, reconstruction, enlargement, extension, moving or structural alteration of a building or other structure which does not conform to any proposed amendment of these Regulations if the first notice of a public hearing to consider such amendment has been published in a newspaper as required by the General Statutes of the State of Connecticut. If, however, the proposed amendment has not been adopted by the Commission and made effective within 65 days from the date of such public hearing, the “**APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE**” may be approved by the Zoning Enforcement Officer.
- 3.3 New Business:** For any new business or commercial enterprise locating within the Business District No., Industrial District No. 1 or the Industrial Park District, said business shall submit an application for a certificate of zoning compliance to the zoning enforcement officer. (effective 11/17/2014)

END OF SECTION

ARTICLE I: GENERAL PROVISIONS

SECTION 4: DISTRICTS

- 4.1 Districts:** For the purpose of these Regulations, the Town of Beacon Falls is hereby divided into the following classes of districts:

District	Map Code
Residential District R-1	R-1
Residential District R-2	R-2
Residential District R-3	R-3
Planned Residential Design Districts	PRDD
Incentive Housing Zone	IHZ
Planned Adaptive Reuse Development (Amended September 21, 1999)	PARD
Planned Adaptive Reuse District #1	PARD #1
Planned Adaptive Reuse District #2	PARD #2
Planned Adaptive Reuse District #3	PARD #3
Planned Adaptive Reuse District #4	PARD #4
State Forest District (Amended September 21, 1999)	SF
Business District No. 1	B-1
Industrial District No. 1	I-1
Industrial Park District	IPD

- 4.2 Special Districts:** The following are additional classes of districts established in accordance with ARTICLE V:

District	Map Code
Flood Plain District	FPD

END OF SECTION

ARTICLE I: GENERAL PROVISIONS

SECTION 5: ZONING MAP

- 5.1 **Map**: The boundaries and districts specified in Section 4 are hereby established as shown on a map entitled "**Zoning Map of the Town of Beacon Falls, Adopted May 17, 2012**", including any special maps and boundary descriptions supplementary thereto and any amendments thereof, which map is hereby declared to be a part of these Regulations and is herein referred to as "**Zoning Map**".
- 5.2 **Interpretation of Map**: Where a question arises as to exact boundaries of a district shown on the Zoning Map, the Planning and Zoning Commission shall by resolution determine the location of the boundary, giving due consideration, among other factors, to the indicated location of the boundary on the Zoning Map, the scale of the Zoning Map, the location of property lines and the expressed intent and purposes of these Regulations.
- 5.3 **Extension of Use**: Where the boundary of a district divides a lot, the existence of which lot is evidenced by deed or deeds recorded in the land records of the Town of Beacon Falls on the effective date of these Regulations or on the effective date of any amendment of these Regulation establishing such boundary, the Planning and Zoning Commission, in accordance with the provisions of Section 52, may grant a Special Exception authorizing a use of land, buildings and other structures permitted in one district to be extended into the other district for a distance of not more than 30 feet.

END OF SECTION

ARTICLE I: GENERAL PROVISIONS

SECTION 6: PERMITTED USES

- 6.1 Uses:** Land, buildings and other structures in any district may be used for one or more of these uses listed as permitted in the district under ARTICLES II, III, and IV. Uses listed as “**SPECIAL EXCEPTION**” uses are permitted in the district subject to the approval of the Planning and Zoning Commission in accordance with the provisions of Section 52 or 53 as specified. The following uses are specifically prohibited in all districts.
- 6.1.1** The use, occupancy, parking or storage of trailer on any lot except in accordance with the provisions of Section 65.
 - 6.1.2** The storage on any lot in a Residence District of more than one (1) unregistered motor vehicle.
 - 6.1.3** Carousel, roller coaster, whirligig, merry-go-round, Ferris wheel or similar amusement device, unless sponsored by local charitable or benevolent organization and located in a Business or Industrial District and then for a period not to exceed six (6) days as a SPECIAL EXCEPTION in accordance with the provisions of Section 52.
- 6.2 Performance Standards:** The use of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to the performance standards specified in Section 61.
- 6.3 Parking and Loading:** As specified in Section 62, parking and loading spaces shall be provided off the street in connection with all uses of land, buildings and other structures. In addition, all off-street parking and loading spaces shall conform to the requirements of Section 62.
- 6.4 Prohibited Use:** Any use not specified as permitted in the district is prohibited. To assist in the interpretation of Articles II, III, and IV, the following uses, the listing of which not intended to be exhaustive, are specifically prohibited: (Section 6.4 Revised and approved November 6, 1991).
- 6.4.1** The outdoor accumulation of storage of trash, rubbish, debris, building materials, two or more unregistered, used motor vehicles, which are either no longer intended or in condition for legal use on the public highways, scrap metal, or parts of construction equipment;
 - 6.4.2** The reduction, storage, dumping, or the maintenance of a facility for the reduction, storage, or dumping of refuse, garbage, or any other waste material;
 - 6.4.3** Junk yards as set forth in section 9.16 above, and motor vehicle junkyards as defined by the Connecticut General Statutes Pursuant to Connecticut General Statute, this prohibition may not be overridden by the Zoning Commission in its administration of Certificates of Approval of location for Motor Vehicle Junkyards;
 - 6.4.4** The manufacturing or storage of explosives, or gunpowder.
 - 6.4.5** The manufacturing or storage or disposal of hazardous toxic, nuclear or radioactive substances or agents.
 - 6.4.6** The distilling of bones, fat or glue or the manufacturing of flue or gelatin.
 - 6.4.7** The use of polychlorinated biphenyl's or hydrocarbon mixtures containing polychlorinated biphenyl's in concentrations greater than two (2) parts per million, including the commercial storage thereof, other than its use in the manufacture of processing of other substances or mixtures.

ARTICLE I: GENERAL PROVISIONS

- 6.4.8** The operation of a commercial waste disposal or waste processing area, including but not limited to the dumping, grinding, depositing, storing, incinerating or land filling of solid waste, liquid waste, bulky waste, or processed or unprocessed trash or garbage.
- 6.4.9** The commercial operation of a resources recovery facility, recycling facility or recycling center as defined in the Connecticut General Statutes.
- 6.4.10** A trailer or mobile structure, 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 these regulations. A temporary permit for a construction trailer may be issued by the ZEO 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. (*Revised: March 15, 2009*)

END OF SECTION

ARTICLE I: GENERAL PROVISISONS

SECTION 7: AREA, LOCATION AND BULK STANDARDS

- 7.1 **General**: The following regulations shall apply to the area, shape and frontage of lots and the location and bulk of buildings and other structures in each district under ARTICLES II, III, and IV.
- 7.2 **Lot Area, Shape and Frontage**: Each lot shall have at least the minimum area as specified in the district. Each lot to be used for a dwelling shall have at least the minimum area as specified in the district, and each lot to be used for a dwelling containing more than one (1) dwelling unit shall have at least the minimum additional area for each dwelling unit in the swelling in excess of one (1) specified in the district. Each lot shall be of such shape that a square with the minimum dimension specified in the district will fit on the lot and, in Residence District, shall also have the minimum width along the building line specified in the district. Each lot shall have the minimum frontage on a street specified in the district.
- 7.3 **Height**: No building or other structure shall exceed the number of stories and/or the maximum height; whichever is less, as specified in the district. This limitation, however, shall not apply to the following: ornamental cupolas, belfries, chimneys, flag or radio poles, silos, bulkheads, water tanks, towers, churches or town buildings and structures, or to tanks and elevators, heating, solar collectors, ventilating, air conditioning or similar equipment located on the roof of a building and not occupying more than 25% of the area of the roof, or to parapets used to screen or hide water tanks, ventilating, air conditioning or similar equipment.
- 7.4 **Setbacks**: No building or other structure shall extend within less than the minimum distance of any street line, rear property line, other property line or Residence District boundary line as specified in the district, subject to the following exceptions and additional limitations:
- 7.4.1 **Signs**: Certain permitted signs, as specified in Section 63, may extend within lesser distances of a property or street line.
- 7.4.2 **Projections**: Pilasters, belt courses, sills, cornices, marquees, canopies, awnings, eaves and similar architectural features and open fire escapes may project into the area required for setback from a street line, property line or Residence District boundary line for the distance specified in the district.
- 7.4.3 **Additional Setbacks**: In any district, any portion of a building or other structure, which portion exceeds the height limit specified in the district, shall be set back from any street line, property line or Residence District boundary line by two (2) additional feet for each foot or fraction thereof by which such portion exceeds the height specified in the district.
- 7.4.4 **Narrow Streets**: The required setback from a street line of a street having a width of less than 50 feet shall be increased by one-half of the difference between 50 feet and the actual width of the street.
- 7.4.5 **Railroad**: In Business and Industrial Districts no setback is required from the right-of-way line of a railroad.
- 7.4.6 **Fences, Walls and Terraces**: The required setback distances shall not apply to fences or walls six (6) feet or less in height nor to necessary retaining walls or to unroofed terraces, but no fence, wall or terrace shall be located within the right-of-way of any street.
- 7.4.7 **Accessory Buildings in Residence Districts**: In residence districts, unattached accessory buildings or structures which are less than 20 feet in height and 400 square feet in floor area may be located in the required rear yard, not less than 10 feet from any side or rear lot line.

ARTICLE I: GENERAL PROVISIIONS

The term "accessory buildings or structures" shall include swimming pools.

- 7.5 Building and Bulk Coverage:** The total new floor area of all buildings and other structures on any lot, excluding basements, shall not exceed the percentage of lot area as specified in the district, and the aggregate ground coverage of all buildings and other structures on any lot shall not exceed the percentage of lot area as specified in the district.

END OF SECTION

ARTICLE I: GENERAL PROVISIONS

SECTION 8: ADDITIONAL STANDARDS

- 8.1 General:** The requirements hereinafter specified are supplementary to and in addition to standards set forth elsewhere in these regulations.
- 8.2 Plans:** Site plans and architectural plans, when required to be submitted under these Regulations in connection with an “**APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE**”, shall conform to the following standards:
- 8.2.1 Site Plan:** A site plan shall be drawn to a scale of not less than 50 feet to the inch and shall show all of the following information, both existing and proposed, as applicable to the particular APPLICATION: property lines and lines delimiting the land to be used under the APPLICATION; contours at an interval not exceeding two (2) feet or equivalent ground elevations; buildings structures, retaining walls, signs and outdoor illumination facilities; streets, driveways and off-street parking and loading spaces; outside storage areas and all paved areas; water courses, ponds and wetlands; storm drainage and sewage disposal and water supply facilities; docks, wharf's, and bulkheads; and landscaping (including trees and/or shrubs, lawn, other landscape features and natural terrain not to be disturbed). The site plan shall be prepared by a professional engineer, architect land surveyor or landscape architect licensed to practice in the State of Connecticut and as required by law.
- 8.2.2 Architectural Plans:** Architectural plans shall include all proposed buildings, structures and signs proposed to be reconstructed, enlarged, extended, moved or structurally altered. Architectural plans may be in preliminary form but shall include exterior elevation drawings, generalized floor plans and perspective drawings, prepared, except for drawings for signs, by an architect or professional engineer licensed to practice in the State of Connecticut.
- 8.2.3 Erosion and Sediment Control Plan:** An erosion and sediment control plan drawn at the same scale, as the Site Plan shall show all short term and permanent erosion control measures to be provided. The erosion and, sediment control plan shall be prepared by an engineer, architect or landscape architect licensed to practice in the State of Connecticut.
- 8.3 Indoor Restaurants:** Indoor restaurants and other food and beverage service establishments shall serve customers only when seated at tables or counters, and at least 75% of the customer seats shall be located within an enclosed building. Such establishments may include a food take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles or served primarily at food take-out counters.
- 8.4 Accessory Uses:** Accessory uses shall not include uses, which are otherwise not permitted or specifically prohibited in the District. In Residence Districts, accessory uses shall also conform to the following additional standards and conditions:
- 8.4.1** The accessory use shall be located on the same lot with the use to which it is accessory.
- 8.4.2** Accessory uses may include a boat landing and dock to accommodate no more than two (2) boats.
- 8.4.3** Accessory uses may include off-street parking spaces and private garages, but except in connection with a farm or a “**SPECIAL EXCEPTION**” use, there shall be no more than one (1) commercial vehicle parked on any lot, and such vehicle shall not exceed 1.5 tons capacity.
- 8.4.4** No part of a lot located in any of the Residence Districts shall be used for access to a use not permitted in such District.

ARTICLE I: GENERAL PROVISIONS

- 8.5 Professional Office in a Dwelling Unit:** A professional office in a dwelling unit located in a Residence District is an additional use for which a “**CERTIFICATE OF ZONING COMPLIANCE**” is required. Such office shall be used only for the office of person engaged in a recognized profession, such as physicians, dentists, lawyers, engineers, architects, land surveyors, teachers and clergymen, who through training and experience are qualified to perform services of a professional as distinguished from a business nature. The person conducting the office shall reside in the dwelling unit, and there shall be no more than two (2) nonresident persons employed in connection with such office. The floor area used for the office shall not exceed one third of the floor area of the dwelling unit.
- 8.6 Home Occupation in a Dwelling Unit:** A home occupation in a dwelling unit located in a Residence District is an additional use for which a “**CERTIFICATE OF ZONING COMPLIANCE**” is required. Home occupations consist of activities conducted for gain and shall conform to the following standards and conditions:
- 8.6.1** The person conducting the home occupation shall reside in the dwelling unit, and there shall be no more than two (2) non-resident persons employed in connection with such occupation.
 - 8.6.2** There shall be no evidence outside the dwelling, except permitted signs and required off-street parking, that the dwelling contains a home occupation.
 - 8.6.3** The home occupation shall be confined to but one (1) floor of the dwelling unit and not more than 25% of such floor shall be so used.
 - 8.6.4** No finished consumer goods shall be acquired outside the dwelling unit for sale in connection with a home occupation within the dwelling unit.
- 8.7 Renting of Rooms:** The renting of rooms in a dwelling unit located in a Residence District is an additional use for which a “**CERTIFICATE OF ZONING COMPLIANCE**” is required. The person renting the rooms shall reside in the dwelling unit. No accessory building shall be used for renting of rooms, and there shall be no provision for cooking facilities in or available to such rooms except the principal cooking facilities of the dwelling unit.
- 8.8 Farms:** Farms, including truck garden, nurseries, greenhouses, forestry and the keeping of livestock, shall conform to the following additional standards and conditions:
- 8.8.1** Farms shall not include commercial piggeries, and there shall be no commercial slaughtering, fertilizer manufacturing or any commercial reduction of animal matter.
 - 8.8.2** No livestock shall be kept on a lot of less than five (5) acres and any building in which the livestock or poultry are kept shall not extend within less than 150 feet of any property or street line, except as follows:
 - 8.8.2a** Horses or ponies may be kept on a lot of less than five (5) acres provided that the lot contains an area of not less than 40,000 square feet for each such animal and the total number thereof does not exceed three (3); and
 - 8.8.2b** An aggregate of not more than 20 chickens or other poultry may be kept on any lot if kept in a building or enclosure conforming to the setback requirements for buildings and other structures.
 - 8.8.3** No commercial greenhouse shall extend within less than 150 feet of any property or street line.

ARTICLE I: GENERAL PROVISIONS

- 8.9 Interior Lots:** In residential districts, no Certificate of Zoning Compliance shall be issued for the construction of a dwelling or building or the conversion of any existing accessory building used in connection therewith, unless the required minimum street frontage, which shall be defined as the minimum width requirement for each said district for the district involved, as set forth in Section 11, shall be on an accepted, approved public street, except that where a parcel of land is of sufficient area to afford division into two or more lots, of which some do not have the required minimum street frontage on said public street for that particular district, a Certificate of Zoning Compliance may be issued for the lot(s) not having the required minimum street frontage, provided that the following standards are met:
- 8.9.1** Each lot has access to an accepted, approved public street by means of an accessway, which accessway is part of said lot and serves only the subject lot not having the required minimum frontage for the district involved, and such accessway is not less than twenty (20) feet in horizontal width in any location from the street to the point where said accessway joins the balance of said lot, except that one other lot, having all necessary street frontage may utilize said accessway under an easement for ingress and egress;
- 8.9.2** The accessway has a cleared and graded travelway of not less than sixteen (16) feet in width and is to be constructed in accordance with the Regulations set forth in Section 70 of the Beacon Falls Zoning Regulations. This shall include a graded base of at least eight (8) inches and meeting Grade "B" gradation requirements as called for in the State's Specifications for Roads and Bridges, Form 814A, or as amended. Gradation tests shall be performed by the contractor or developer and submitted to the Town Engineer for review and approval prior to use. (Amended September 21, 1999)
- 8.9.3** Such interior lot shall conform to one and one-half (1 1/2) times the minimum lot area requirement for the district involved, without including the area of such accessway. The accessway shall be that portion of the lot leading to the street, which has less than one-half (1/2) the required width for the district in which the lot is located. (Amended September 21, 1999)
- 8.9.4** The front yard and minimum depth for said lot shall not be measured from the street line, but from a line parallel to/or concentric with the street line and the least distance there from sufficient to make said line equal to the minimum width specified for the district involved; the minimum front yard set-back shall be one and one-half (1 1/2) times the minimum requirement for the district in which the lot is located; (see typical rear lot illustration at the end of this section);
- 8.9.5** All utility lines, including, but not limited to electric and telephone service, extending from the street line of such lot to the building site of said lot shall be installed underground;
- 8.9.6** There shall be no more than three (3) such accessways installed and constructed adjacent to each other, and such three (3) parallel accessways may utilize one common travelway, subject to cross-easements for ingress and egress. In such an instance where there are two or three such accessways utilizing said one travelway, said travelway shall, in the case of two (2) accessways, be not less than sixteen (16) feet in width as set forth in Section 8.9.2 above; in the case of three (3) accessways utilizing the one said travelway, then in that event, the travelway shall be twenty-two (22) feet in width, constructed in accordance with the provisions of Section 8.9.2 above. Except as set forth with said two adjacent accessways, there shall be a minimum of three street frontage lots, meeting the requirements for the particular zone in which the subject parcel(s) is/are located as a buffer between any such interior lot accessway. In addition, parking of any vehicles shall not be permitted on the common travelway (Amended

ARTICLE I: GENERAL PROVISIONS

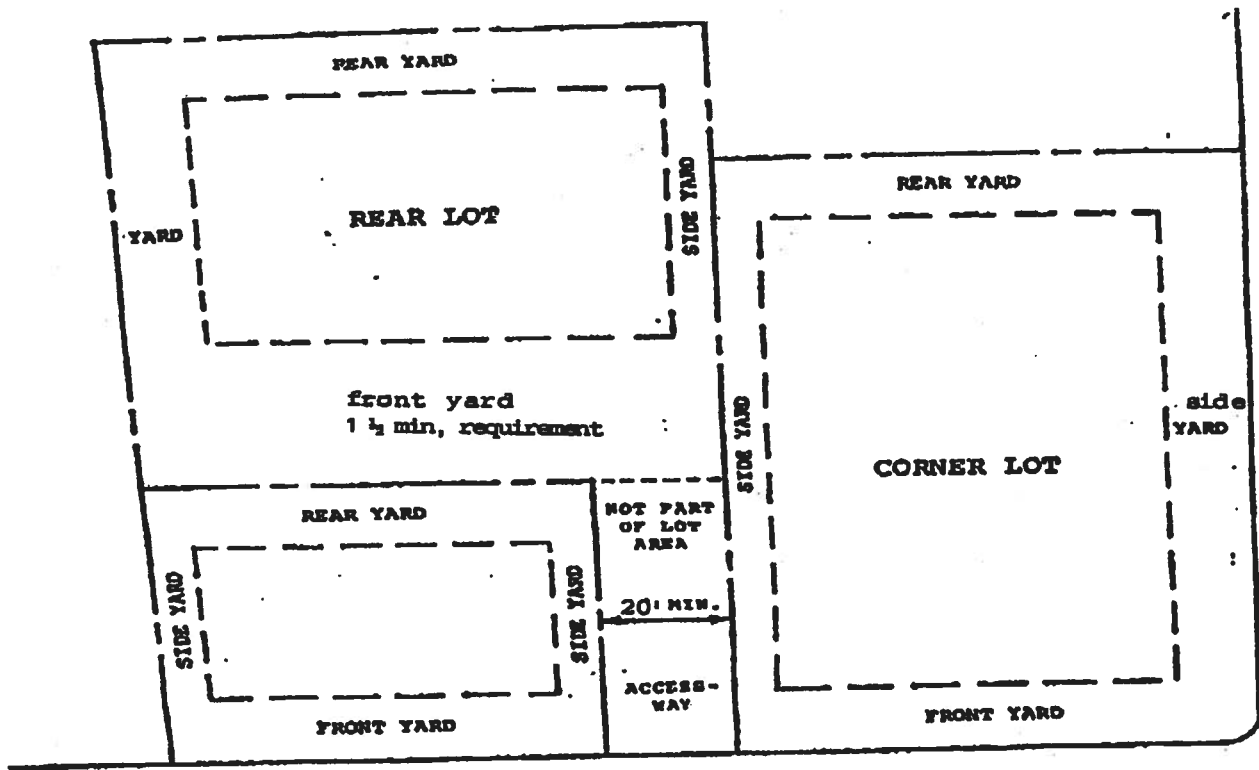
September 21, 1999). In addition said travelway, including all utilities, shall be constructed in their entirety before issuing building permits on said common travelway. Further, parking of any vehicles shall not be permitted on the common travelway. (Amended 9-21-99)

- 8.9.7** The common travelway shall be constructed in its entirety with all utility lines (including but not limited to electric, telephone, cable, gas and water services) from the street line to the property line of each individual lot. This common travelway shall be completed by the Developer prior to the issuing of any building permits. (Amended September 21, 1999)
- 8.9.8** No underground structures of any type shall be permitted under the travelway as defined in Sections 8.9.2 & 8.9.6. Should underground structures be required, the owner, at his/her own expense, shall submit a plan prepared by a licensed professional engineer to the Building Inspector/Town Engineer for review and approval prior to issuance of a permit. All underground structures shall be designed for HS 20 loadings. (Amended September 21, 1999)
- 8.9.9** The developer/land owner shall be required to submit a plan clearly demonstrating that in addition to passenger vehicles, single unit vehicles can travel said accessway throughout its entire length (Amended September 21, 1999).
- 8.9.10** When the combined length of the common travelway, accessways and driveways exceed 250' (measured along the center line), a turn-around area, with a turning radius of thirty-five feet (35'), shall be provided at the terminus end of the driveway, and at any point where the angle of the travel way, accessway or driveway exceeds forty-five degrees (45°). Amended September 21, 1999)

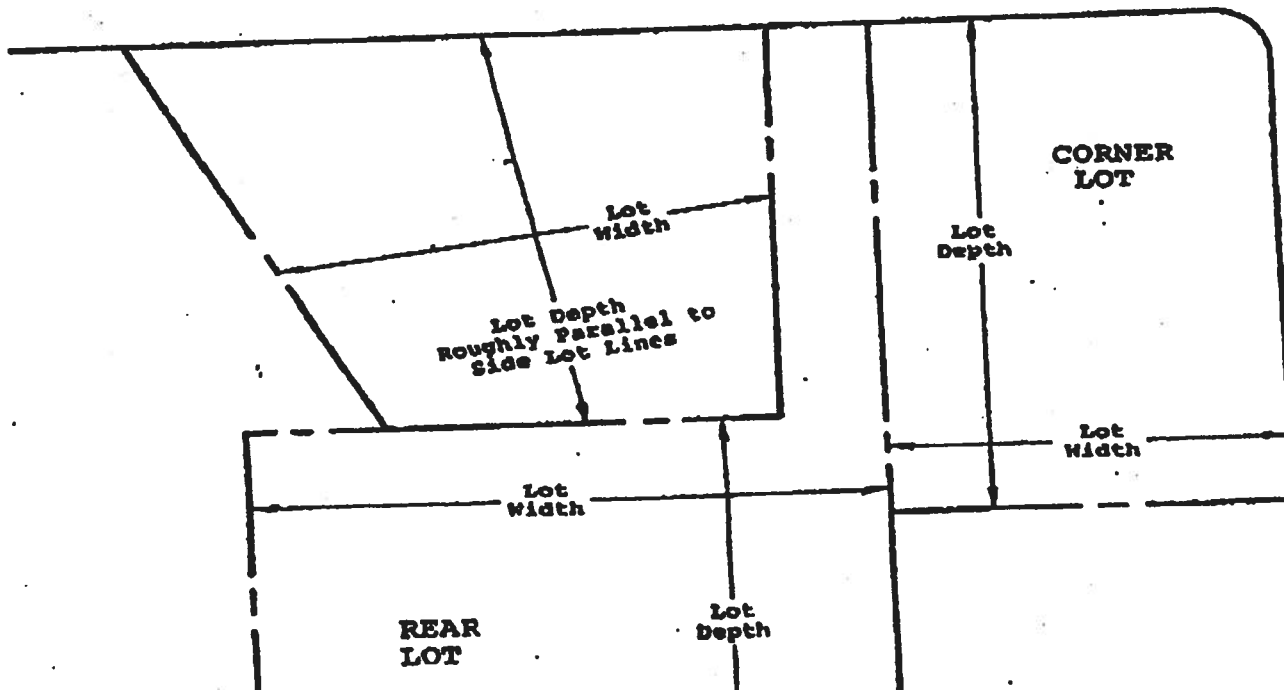
Note: Section 8.9 Interior Lots, included into the Beacon Falls Zoning Regulations October 7, 1992.

ARTICLE I: GENERAL PROVISIONS

Typical Illustrations – Interior Lots



Street R.O.W.



ARTICLE I: GENERAL PROVISIONS

- 8.10 Corner Visibility:** On any corner lot there shall be no building, structure, fence, wall or planting, located within a triangular space of the lot bounded by the two (2) intersecting street lines and a straight line connecting a point on one (1) street line 25 feet from the intersection, so as to obstruct a clear line of sight anywhere across such triangle between an observers eye at an elevation 3.5 feet above one (1) street line and an object one (1) foot above the other street line, except that any building may extend to within the minimum distance of a street line as specified in these Regulations. Any fence, wall or planting which so obstructs such line of sight shall not be considered a nonconformity authorized to continue under the provisions of Par. 2.2.
- 8.11 Motor Vehicle Repair:** No part of a lot located in a residence district shall be used to repair or paint any motor vehicle, which is not registered to an occupant of the premises.
- 8.12 Minimum Solar Access:** No dwelling shall be constructed and no building shall be expanded or enlarged if said construction, expansion or enlargement would cast a shadow upon the south wall of an existing building or a proposed building for which a building permit has been issued for more than 25% of the time between 8:34 a.m. and 3:08 p.m. local time on December 21st. Minimum setbacks for buildings required to protect solar access shall be based upon the shadow length table available from the Planning and Zoning commission. Where solar access protection precludes development of any portion of the lot, then the minimum solar access requirements of this section shall not apply.
- 8.13 Screening:** Mechanical equipment or other utility hardware on roof, ground or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
- 8.14 Landscaping:** In an Industrial Park District, any area not covered by a building, or structure, or paved, shall be suitably landscaped with trees, shrubs, lawns or left in a natural state, if already wooded. Site development shall preserve major trees and existing landscape features wherever possible. Along and adjacent to any Residential District boundary line, a strip of land not less than 40' in width shall be suitably landscaped with trees and shrubs to effectively screen the industrial development from the residential district.
- 8.15 Outdoor Lighting:** In an Industrial Park District, all outdoor lighting shall be directed so that the source of illumination is not visible beyond the property line.
- All areas subject to vehicular or pedestrian traffic during the hours of darkness shall be lighted.
- 8.16 Access in Residential Districts:** In Residential Districts, no access way, driveway, right of way or walk shall be maintained or used for access to any other property, which is being used, for a use other than a dwelling.
- 8.17** *(Deleted March 15, 2009)*
- 8.18 Accessory Buildings:** All accessory buildings or structures shall have the same architectural character as the principal or main building.
- 8.19 Accessory/In-Law Apartment; Accessory/In-Law Dwelling Units in Single-Family Residences:** A single-family dwelling unit in any residential district may be permitted to allow the incorporation of (1) one additional dwelling unit per lot, subject to the receipt of a Certificate of Zoning Compliance based upon the following conditions:
- a. Maximum Size:** the floor area of the accessory dwelling unit may not exceed one-third of the gross floor area of the building. No more than (2) two bedrooms shall be permitted in the accessory dwelling unit;

ARTICLE I: GENERAL PROVISIONS

- b. **Dwelling Unit**: building or part of a building designed for occupancy by one (1) family unit, maintaining a common household, with a separate kitchen for the exclusive use of that unit's occupants (s), a complete separate bathroom/toilet facility, and two (2) separate means of egress and ingress (one (1) to the exterior and one (1) to the other dwelling unit);
- c. **Occupancy**: one (1) of the dwelling units shall be owner-occupied at all times; the other must be occupied by the father/mother or grandparents or son-law, daughter-in-law or child or grandchild of one of the owners. (Amended September 21, 1999)
- d. **Location of Units**: at least one (1) side of each dwelling unit shall be located at or above grade. Each unit shall have separate exterior entrances; additionally, direct access shall be provided from the living area of the principal dwelling unit to the living area of the accessory dwelling unit. There shall be only one (1) street number address for the dwelling structure and only (1) one mailbox provided;
- e. **Utilities/Adequacy**: there shall be only one utility service per lot (i.e. electrical, water, sewer, natural gas, bottled gas) provided for both units. Certification shall be required from the Town Sanitarian/Health Department that the sewage disposal system is adequate to serve both dwelling units;
- f. **Outdoor Stairway/Door**: no outdoor stairways serving the accessory dwelling unit on any floor other than the ground floor shall be visible from the public street on which the unit faces. Two (2) separate entrance doors shall not be permitted on the front facade of the building;
- g. **Driveway**: only one (1) driveway shall be constructed and utilized for the purpose of serving the primary and accessory unit; sufficient off-street parking shall be provided for a minimum of three (3) vehicles for the structure;
- h. **Minimum Lot Size and Yard Requirements**: accessory/in-law units shall be located only in structures which are in conformity with minimum area and dimensional requirements of the zoning district within which they are located. The structure which contains the principal and accessory unit shall meet all applicable setbacks and bulk requirements and shall not detract from the single family character of the neighborhood within which they are located; any addition to an existing structure for the purpose of such accessory/in-law unit shall be architecturally compatible with the existing structure.
- i. **Certification of Ownership/Relationship**: the owner of the property shall certify, in the form of an affidavit, to the Zoning enforcement Officer, [who shall file such affidavit on the Land Records,] that the owner is in residence in one (1) of the dwelling units on the property and that, if inhabited, the occupant of the in-law apartment must be an individual listed in Section 8.19c herein [that the appropriate relative is in residence in the other unit.] Such certification shall be made at the time of the initial application for the Certificate of Zoning compliance and subsequently on an annual basis by September 1st of each year. The failure to file the annual certification shall void the Zoning Permit. Upon acceptance and approval of the permit, the Zoning Enforcement Officer shall file the initial affidavit upon the land records and retain a file of all subsequently filed affidavits of the applicant. (Amended September 21, 1999)
- j. **Accessory/In-Law Apartments**: which were built prior to the adoption of this Regulation, but for which permits were issued may be certified upon inspection by the Zoning Enforcement Officer and the Building Inspector provided they are deemed safe and in compliance with the basic conditions of these Regulations. Compliance with Section "i" is required in all cases. Failure to comply after 30 Days after adoption of these amendments on September 21, 1999 may result in a

ARTICLE I: GENERAL PROVISIONS

fine. (Amended September 21, 1999)

8.20 As-Built Requirements: An A-2 survey shall be waived by the Zoning Enforcement Officer and the Building Inspector in the case where the land constitutes an existing and operating farm of five (5) acres or more, and the building is not a residence nor to be used to house animals, and not encroaching within fifty (50) feet of an adjacent property line. Farm buildings which house farm animals must be one hundred and fifty (150) feet from an adjacent property line. Where the Zoning Enforcement Officer cannot determine the apparent distance, an A-2 survey of the adjacent lot line(s) may be required. (Amended September 21, 1999)

A. At the time of the inspection for the determination of issuance of a **"Certificate of Zoning Compliance"**, the Zoning Enforcement Officer may request the applicant to:

1. Furnish the Zoning Enforcement Officer with measurements, prepared and bearing the name and seal of a land surveyor licensed in the State of Connecticut, of all setback distances for any structure on said parcel; or
2. Furnish the Zoning Enforcement Officer, upon his request, with a letter prepared by and bearing the name, signature and seal of a land surveyor or professional engineer, licensed in the State of Connecticut, noting that the inspected parcel, lot(s) meet(s) all of the standards specified in Section 7,8 and 11 of these Regulations.

If requested, said information shall be submitted to the Zoning Enforcement Officer prior to his approval of any **"Certificate of Zoning Compliance"**.

B. The Building Inspector and Zoning Enforcement Officer shall require an Class A-2 survey map as defined by the Connecticut Association of Land Surveyors, Inc. depicting all setbacks and areas in conformity with these regulations. This map shall be on sheet size of multiples of 8.25 by 11 inches, but no larger than 24 by 36 inches. Said Zoning Enforcement Officer and Building Inspector shall require this map to be filed when:

1. A new building is to be constructed for which a **"Certificate of Zoning Compliance"** and Building Permit have been issued, and upon such time as the completion of the foundation of the building. No further work shall be performed upon this structure until the required survey map showing the "as-built" conditions have been filed with the Zoning Enforcement Officer and Building Inspector and have been approved by both; or
2. The proposed construction is an addition to an existing building or structure and in that event, the required survey map shall be filed with the application for the **"Certificate of Zoning Compliance"** and building permit; or
3. The construction or structure is of a component not considered a "building" per se. In this event, the required survey map shall be submitted upon the completion of the excavation and forming but prior to placing or surfacing, pouring of footings or erection of the structure to the Zoning Enforcement Officer and the Building Inspector for their approval.

C. All Class A-2 survey maps are required to be submitted in accordance with Section B. The above shall contain the following information:

1. Location of existing and proposed structures/buildings;
2. Location of structures, watercourses, wells, septic tanks, dry wells, subsurface leaching systems;

ARTICLE I: GENERAL PROVISIONS

3. Property lines and measurements between said property lines and new construction as shall be adequate to allow the Zoning Enforcement Officer and Building Inspector to determine compliance with the minimum front, side and rear yard requirements;
 4. Setback from watercourses, water bodies and wetlands, as may be required by local and state Inland Wetland Regulations, Stream Encroachment Regulations and Flood Plain Regulations;
 5. Setbacks for subsurface disposal systems in compliance with local and state Health Department codes and regulations.
- D.** In the case of rear additions, side additions, upper level additions, front porches, above-ground and in-ground swimming pools, tennis courts or signs in/on residential structures, the Class A-2 survey requirement may be waived upon written approval by both the Zoning Enforcement Officer and the Building Inspector provided the following conditions are met (in no event may the front setback requirement be waived): (Amended September 21, 1999)
1. Proposed addition is clearly 20 feet in addition to the zoning district requirement from the rear and side setback requirement, and is not applicable to an upper level addition. (Amended September 21, 1999)
 2. Applicant provides a Class D survey;
 3. Applicant accepts and assumes liability in writing for any future property line disputes;
 4. All abutting property owners are notified by the applicant of the proposed addition by certified mail, return receipt requested, and there is no dispute or objection raised. The applicant shall provide the certified mail return receipts to the Zoning Enforcement Officer.

END OF SECTION

ARTICLE I: GENERAL PROVISIONS

SECTION 9: DEFINITIONS

- 9.1 The paragraphs that follow define and explain certain words used in these Regulations. Other words used in these Regulations shall have the meaning commonly attributed to them. Words in the present tense include the future; the singular number includes the plural and vice-versa. The word "person" includes a partnership, corporation or other entity. The word "lot" includes the word "plot". The word "building" includes the word "structure". Where a question arises as to the precise meaning of a word, the Commission shall, by resolution, determine the meaning of the word, giving due consideration to the expressed purpose and intent of these Regulations.
- 9.2 "**Accessory use**" or "**accessory building**": is a use or building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main use or building.
- 9.2.1 "**Adult bookstore**": an establishment having a substantial or significant portion of its stock and to trade in books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "Specified anatomical areas," as defined herein.
(Amended Feb. 15,2001)
- 9.2.2 "**Adult entertainment**": any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type which has as a significant or substantial portion, of such performance any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas", removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers. It also includes any amusement machine that is regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, for observation by patrons thereof. (Amended Feb. 15, 2001)
- 9.2.3 "**Adult mini-motion picture theater**": an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.
(Amended Feb. 15, 2001)
- 9.2.4 "**Adult motion picture theater**": an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons therein.
(Amended Feb. 15, 2001)
- 9.2.5 "**Adult-oriented establishment**": shall include, without limitation, "adult bookstores," "adult motion picture theaters," "adult mini motion picture theaters" and further means any premises to which the public, patrons, or members are invited or admitted and wherein an entertainer provides adult entertainment, or which premises are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from, the common areas of the premises for the purpose of viewing adult-oriented motion pictures or wherein an entertainer provides adult entertainment, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An "adult-oriented establishment" further includes, without limitation, any "adult entertainment studio" or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio,

ARTICLE I: GENERAL PROVISIONS

sensitivity studio, modeling studio or any other term of like import. (Amended Feb. 15, 2001)

- 9.3 **"Building"**: Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals or chattel.
- 9.4 **"Building line"**: A line on a lot or parcel of land establishing the minimum setback for structures from a street line. Building line may or may not be coterminous with a street line.
- 9.5 **"Club"**: An organization catering exclusively to members and their guests, provided that the purpose of the club is not conducted primarily for gain and that there are not conducted any commercial activities except as required generally for the membership and purpose of the club.
- 9.6 **"Commission"**: The Planning and Zoning Commission of the Town of Beacon Falls.
- 9.7 **"Convalescent Home"**: Any establishment, other than a hospital, where three or more persons suffering from or afflicted with, or convalescing from, any infirmity, disease or ailment, are habitually kept, boarded or housed for remuneration.
- 9.8 **"Dwelling"**: A building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, motels or boarding houses.
- 9.8.1 **"Earth Products"**: shall include all excavated materials, including but not limited to, earth, loam, sand, gravel, clay, peat, quarry stone and rock.
- 9.9 **"Family"**: One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain more than five persons.
- 9.10 **"Floor area"**: The sum of the horizontal area of the several floors of a dwelling unit measured from the outside, excluding cellar floor areas, basement rooms, garages, porches, and open attics or unfinished rooms, or for which a **"CERTIFICATE OF ZONING COMPLIANCE"** has been issued as habitable living quarters. In split-level houses, the first two levels may be counted as one floor, provided the differences in floor levels are less than five feet.
- 9.11 **"Garage, private"**: A detached or accessory building or portion of a main building for the parking and storage only of automobiles belonging to the occupants of the premises.
- 9.12 **"Garage, public"**: A building or use, other than a private garage, used for maintenance, repair and storage of automobiles.
- 9.13 **"Height of building"**: The vertical distance measured from the average level of the finished grade at the four corners of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hipped or gambrel roofs.
- 9.14 **"Hospitals"**: An institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including the related facilities such laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are integral parts of the facilities. *(Revised March 15, 2009)*
- 9.15 **"Hotel"**: A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where

ARTICLE I: GENERAL PROVISIONS

only a general kitchen and dining room are provided within the building or in an accessory building. The term "hotel" shall be deemed to include the term "motel".

- 9.16 "Junkyard":** The term "junkyard" shall be construed to include any junkyard, motor vehicle junk business and motor vehicle junkyard as defined in the General Statutes of the State of Connecticut. The term shall also include any place of storage or deposit, whether in connection with a business or not, for two or more unregistered, used motor vehicles which are either no longer intended or in condition for legal use on the public highways and shall also include any place of storage or deposit of used parts of motor vehicles and old metals, iron, glass, paper, cordage and other waste materials which on any lot have an aggregate bulk equal to one automobile.
- 9.17 "Kennel":** The term "kennel" shall have the same meaning as defined in the General Statutes of the State of Connecticut and shall include "commercial kennel" as defined in such Statutes.
- 9.18 "Lot":** A "lot" is defined as a parcel of land which is either (1) owned separately from any contiguous parcel as evidenced by fee conveyance recorded in the Land Records of the Town of Beacon Falls, or (2) is a building lot shown on a subdivision map approved by the Planning and Zoning Commission and filed in the Office of the Beacon Falls Town Clerk.
- 9.19 "Lot, corner":** A lot located at the intersection of two or more streets.
- 9.20 "Lot area and shape":** In determining compliance with a minimum lot area and shape requirements of these Regulations, land subject to easements for drainage facilities and underground public utilities may be included, but no street or highway, easement of vehicular access, private right-of-way for vehicles or easement for above ground public utility transmission lines may be included. Area consisting of ponds, lakes, swamps or marsh shall not be used for compliance with more than 25% of the minimum lot area requirement. In addition, [existing] area [prior to any purposed excavation, filling, or earth moving activity] having a slope of 25% or greater shall not be used for compliance with more than 25% of the minimum lot area requirement. Land in two or more Zoning Districts may be used to satisfy a minimum lot area requirement, provided that the requirement of the District requiring the largest lot area is met, but no land in a Residence District shall be used to satisfy a lot area requirement in any other District (Amended Apr.19, 2001).
- 9.21 "Lot Depth":** The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines. In determining the required depth of a lot, any portion of said lot that is in excess of the minimum lot area need not be included.
- 9.22 "Lot Line":** The property lines bounding a lot as defined herein:
- 9.23 "Lot Line, Rear":** The lot line which is generally opposite the front lot line; if the rear lot line is less than ten (10) 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 line not less than ten (10) feet long, laying wholly within the lot and farthest from the front lot line.
- 9.24 "Lot Line, Front":** In the case of a lot abutting upon only one street, the line separating the lot from the street; in the case of any other lot, the owner shall, for the purpose of these Regulations, have the privilege of electing any street lot line as the front lot line.
- 9.25 "Lot Line, Side":** Any lot, which is not a front lot line, or a rear lot line, as defined herein:
- 9.26 "Lot, Rear":** A lot which the buildable area is located generally to the rear of other lots having frontage on the same street as said lot and having access to the street via a private right-of-way.

ARTICLE I: GENERAL PROVISIONS

- 9.27 "Lot, Width":** The horizontal distance, measured at right angles and in the center of the depth of the lot. In determining the required width of a lot, any portion of the lot that is in excess of the minimum lot area need not be included.
- 9.27A "Medical Offices"** A facility for examining and treating patients with medical problems on an outpatient basis, including ambulatory care or similar medical services that generally require a stay of less than 24 hours. *(Revised March 15, 2009)*
- 9.28 "Motel":** A building or group of buildings having units containing sleeping accommodations, which are available for temporary occupancy by automobile transients.
- 9.29 "Professional Office":** The office of recognized professions, such as doctors, lawyers, dentists, architects, engineers, artists, musicians, designers, teachers and others who, through training or experience, are qualified to perform services of a professional as distinguished from a business nature.
- 9.29.1 "Sexual activities"** as used in this article is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or Photography publication which devote twenty-five (25) percent of the lineage of each issue to articles and advertisements dealing with subjects of art or Photography Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time publishes photographs of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films, which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the Population. *(Amended Feb. 15, 2001)*
- 9.29.2 "Specified anatomical areas"** means:
- (1) Less than completely and opaquely covered:
 - (a) human genitals, pubic region;
 - (b) buttock(s);
 - (c) female breast(s) below a point immediately above the top of the areola; and
 - (2) Human male genitals in a discernibly turgid state, even if completely opaquely covered.
(Amended Feb. 15, 2001)
- 9.29.3 "Specified sexual activities"** means simulated or actual:
- (1) Showing of human genitals in a state of sexual stimulation or arousal;
 - (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
 - (3) Fondling or erotic touching of human genitals, pubic region, buttock(s) or female breast(s);
 - (4) Lap Dancing;
 - (5) Excretory functions as part of or in connection with any of the activities set forth in subsections

ARTICLE I: GENERAL PROVISIONS

(1) through (4). (Amended Feb. 15, 2001)

- 9.29.A "Self Storage Warehouse"** A building or group of buildings consisting of individual, self-contained units leased to individuals, businesses or organization for the storage of personal or business property. *(Revised March 15, 2009)*
- 9.30 "Story"**: That portion of a building which is between the surface of a floor and the surface of the next floor above or, in its absence, the next ceiling above. A basement shall be counted as a story if the ceiling is more than five (5) feet above the level from which the height of the building is measured or if it is used for business or residential purposes by other than a janitor or watchman.
- 9.31 "Street"**: Any way which is an existing town or state highway or any way shown on a recorded subdivision map duly approved by the Planning and Zoning Commission, or any map duly recorded and approved prior to the adoption of subdivision regulations.
- 9.32 "Street Line"**: A line separating a parcel of land from a street.
- 9.33 "Structure"**: Anything constructed or erected, including a building, the use of which requires location on or under the ground or attachment to something having location on the ground.
- 9.34 "Yard"**: An open space on the same lot with a structure which lies between said structure and the nearest lot line and which is unoccupied except as may be specifically authorized in this ordinance. In measuring a yard, as hereinafter provided, the line of structure shall be deemed to mean a line parallel to the nearest lot line, drawn from a point of a structure nearest to such lot line. Such measurement shall be taken at right angle from the line of the structure, as defined herein, to the nearest lot line.
- 9.35 "Yard, Front"**: The open unoccupied space required across the full width of a lot from the front lot line to the nearest edge of the principal building or any covered porch, garage or addition which extends from the principal building.
- 9.36 "Yard, Rear"**: A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building.
- 9.37 "Yard, Side"**: A yard between the side lot line of a lot and the nearest line of the building and extending from the front yard to the rear yard or, in the absence of either such yards, to the front or rear lot line, as the case may be.

END OF SECTION

ARTICLE I: GENERAL PROVISIONS

SECTION 10: NONCONFORMITY

10.1 CONTINUING EXISTING NONCONFORMING USES:

The lawfully permitted use of land or structures existing at the time of the adoption of the zoning ordinance or any amendment thereto may be continued, although such use does not conform to the standards of the district in which such land or structure is located. Said uses shall be deemed nonconforming uses.

10.2 NONCONFORMING USE OF LAND:

Where no structure is involved, the nonconforming use of land may be continued, provided, however:

10.2.1 That no such nonconforming use shall be enlarged or increased, nor that it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of the zoning ordinance, unless specifically allowed by other provisions in this ordinance.

10.2.2 That no such nonconforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of the adoption of this ordinance.

10.2.3 That if such nonconforming use of land, or any portion thereof, ceases for any reason for any continuous period of more than one year, or is changed to a conforming use, any future use of the land shall be in conformity with the provisions of these regulations.

10.3 NONCONFORMING USE OF STRUCTURES:

10.3.1 A structure, the use of which does not conform to the use regulations for the district in which it is situated, shall not be enlarged or extended unless the use therein is changed to a conforming use.

10.3.2 Such nonconforming structure shall not be structurally altered or reconstructed unless such alterations are required by law, provided, however, that such maintenance and repair work as is required to keep a nonconforming structure in sound condition shall be permitted.

10.3.3 A nonconforming use may be extended throughout any parts of the structure, which were manifestly arranged or designed for such use at the time of the adoption of the ordinance, provided this extension was made within one (1) year after the date of such adoption.

10.3.4 A nonconforming use or structure may be changed to a conforming use or changed to a use less nonconforming than its present use.

10.3.5 If any nonconforming use of a structure ceases for any reason for a continuous period of more than one (1) year, or is changed to a conforming use, or if the structure in which such use is conducted or maintained is moved for any distance whatsoever, for any reason, then any future use of such structure shall be in conformity with the standards specified by the zoning regulation for the district in which such structure is located.

ARTICLE I: GENERAL PROVISIONS

- 10.3.6** If any structure in which any nonconforming uses are conducted or maintained is removed, the subsequent use of the land on which such structure was located, and the subsequent use of any structure thereon, shall be in conformity with the standards specified by the zoning regulations for the district in which such land or structure is located.

10.4 RESTORATION OF DAMAGED STRUCTURES:

Any structure legally nonconforming in use which is damaged, or destroyed by fire, explosion, act of God or the public enemy may be rebuilt and the use continued, but not to any greater extent than in the previously existing structure.

10.5 NON-CONFORMING LOT:

A parcel of land, which fails to meet the area, shape or frontage or any other applicable requirements of these Regulations pertaining to lots, may be used as a lot, and a building or other structure may be constructed, reconstructed, enlarged, extended, moved or structurally altered thereon, provided that the following requirements are met:

- 10.5.1** The use, building or other structure shall conform to all other requirements of these regulations; except that residential uses or structures located in any zone may be expanded or enlarged provided any building expansion complies with all requirements of the R-1 Zone and the number of dwelling units does not increase. (Revised June 17, 2010)
- 10.5.2** If the parcel fails to meet the area requirements of these Regulations, the owner of the parcel shall not also be the owner of contiguous land, which in combination with such parcel that fails to conform would make a parcel that conforms, or more nearly conforms to the area requirements of these Regulations pertaining to lots.
- 10.5.3** A building or structure containing a residential use and located in any zone may be maintained or repaired including the making of structural alterations. Such buildings or structures may be demolished and replaced by a new building or structure provided any expansion of said building or structure does not violate any requirements of the R-1 Zone and if such building or structure is located on a site, it shall conform to all requirements of the R-1 Zone. (Revised June 17, 2010)

10.6 REGISTRATION OF NON-CONFORMING USE OF LAND OR STRUCTURE:

Any non-conforming use of land or structures shall be registered in the office of the Planning and Zoning Commission within one (1) year after the adoption of the Zoning Regulations. Such registration shall include the identification of the premises, a description of the nature and extent of the non-conforming use and, if necessary to description, a plot plan, drawn to scale, showing property lines, all structures and any other pertinent information, and an affidavit by the owner as to the date since which such non-conforming use has existed. Failure to so register shall place the burden of proof on the property owner that any alleged non-conforming use of land or structure legally existed at the time this ordinance or any amendment thereto become effective.

- 10.7** Where permit requirements are imposed upon non-conforming uses, failure to apply for a permit shall operate to terminate a non-conforming use.

- 10.8 Severability:** Each subsection and each subpart of Section 10 is independent and severable; and if any subsection or subpart of Section 10 is held invalid, the remaining subsections and subparts shall

ARTICLE I: GENERAL PROVISIONS

continue in effect.

END OF SECTION

ARTICLE I: GENERAL PROVISIONS,

SECTION 11: HEIGHT, AREA, YARD & DIMENTIONAL REQUIREMENTS R-1 RESIDENCE DISTRICT

<u>Dimensional Requirement</u>	<u>ONE-FAMILY</u>	<u>TWO-FAMILY</u>
MINIMUM SQUARE FEET	45,000'	80,000
MINIMUM WIDTH	125'	200'
MINIMUM DEPTH	200'	250'
MINIMUM SQUARE	150' X 150'	
MINIMUM SIDE YARD (2)	20'	25'
MINIMUM FRONT YARD	35'	35'
MINIMUM REAR YARD	20'	20'
MAXIMUM HEIGHT	3 ½ STORIES	3 ½ STORIES
MAXIMUM LOT COVERAGE	20% OF LOT	20% OF LOT

NOTES: ONE (1) PRIMARY STRUCTURE PER LOT IN ALL CASES.

(a) Maximum height is 3½ stories or 40 feet.

Minimum road (street) frontage is the same as "Minimum width."

ARTICLE I: GENERAL PROVISIONS,

SECTION 11: HEIGHT, AREA, YARD & DIMENTIONAL REQUIREMENTS R-2 RESIDENCE DISTRICT

	WITHOUT PUBLIC WATER SUPPLY OR SEWERS (a)	WITHOUT PUBLIC WATER SUPPLY OR SEWERS (b)	WITH PUBLIC WATER & WITH PUBLIC SEWERS (c)	
Primary Permitted Use:	One Family & Two Family (c)	One Family or Two Family (c)	One Family	Two Family
Prim. Structure per lot	1	1	1	1
Minimum lot area (sq. ft.)	40,000	30000	12,500	18,750
Minimum lot width	150'	125'	100'	100'
Minimum lot depth	175'	150'	125'	125'
Minimum lot square	150' x 150'	125' x 125'	100' x 100'	100' x 100'
Minimum front yard	25'	25'	25'	25'
Minimum side yards (2 ea.)	15'	15'	15'	15'
Min. rear yard	20'	20'	20'	20'
Max. height (stories) (d)	3 ½	3 ½	3 ½	3 ½
Max. Coverage	20%	20%	20%	20%

NOTES: The front, side and rear yards of rear lots shall conform to the maximum requirements of the zone for any yard or set back.

- (a) Septic tank and private well.
- (b) Either septic tank or private well.
- (c) Two family dwelling must add 50% more to lot area.
- (d) Maximum height is 3-1/2 stories or 40 ft.

Minimum road (street) frontage is the same as "minimum width."

ARTICLE I: GENERAL PROVISIONS,

SECTION 11: HEIGHT, AREA, YARD & DIMENTIONAL REQUIREMENTS R-3 RESIDENCE DISTRICT

	WITHOUT PUBLIC WATER SUPPLY OR SEWERS (a)	WITHOUT PUBLIC WATER SUPPLY OR SEWERS (b)	WITH PUBLIC WATER & WITH PUBLIC SEWERS (c)	
Primary Permitted Uses:	One Family & Two Family (c)	One Family or Two Family (c)	One family	Two family
Prim. Structure per lot	1	1	1	1
Minimum lot area (sq. ft.)	40,000	20000	7,500	11.250
Minimum lot width	150'	100'	75'	100'
Minimum lot depth	150'	100'	100'	100'
Minimum lot square	150' x 150'	100' x 100'	75' x 75'	100' x 100'
Minimum front yard	25'	25'	25'	25'
Minimum side yards (2 ea.)				
Minimum	10'*	10'*	10'*	10'*
Total of Two	30'	30'	30'	30'
Min. rear yard	20'	20'	20'	20'
Max. height (stories) (d)	3 ½	3 ½	3 ½	3 ½
Max. Coverage	20%	20%	20%	20%

NOTES: The front, side and rear yards of rear lots shall conform to the maximum requirements of the zone for any yard or set back.

- (a) Septic tank and Private Well.
- (b) Either Septic Tank or Private Well.
- (c) Two family dwelling must add 50% more to lot area.
- (d) Maximum height is 3-1/2 stories or 40 ft.

*Lesser sideyard may not be utilized for driveway or parking.

Minimum road (street) frontage is the same as "Minimum width."

ARTICLE I: GENERAL PROVISIONS,

SECTION 11: HEIGHT, AREA, YARD & DIMENTIONAL REQUIREMENTS BUSINESS AND INDUSTRIAL ZONES

<u>Dimensional Requirement</u>	<u>BUSINESS</u>	<u>INDUSTRIAL</u>
MINIMUM Lot Area (Sq. Ft.)	#	85,000
MINIMUM Lot Width	40'	150'
MINIMUM Lot Frontage	40'	25'
MINIMUM Front Yard	10'	25'
MINIMUM SIDE YARD (ONE)	*	20'
MINIMUM SIDE YARD (OTHER)	*	10'
MINIMUM REAR YARD	10'	25'
MINIMUM SETBACK		
1. Residence Zone (Side and rear)	10'	50'
2. Any Street Line	10'	25'
MAXIMUM HEIGHT of Structure (Amended February 21, 2002)	3 ½ Stories or 50'	3 ½ Stories or 50''
MAXIMUM LOT COVERAGE	50%	30%

NOTES: *if side yard provided, width must be at least 5 feet.
 # For residential uses see "Schedule of Permitted Uses in Business and Industrial Zone".

ARTICLE I: GENERAL PROVISIONS,

SECTION 11: HEIGHT, AREA, YARD & DIMENSIONAL REQUIREMENTS INDUSTRIAL PARK DISTRICT

Minimum Lot Area (Sq. ft.)	
If Lot is not served by public sewage system	174,000
If lot is connected to a public sewage system	87,000
Minimum Lot Width	200'
Minimum Lot Frontage	200'
Minimum Front Yard	50'
Minimum Side Yard	25'
Minimum Rear Yard	50'
Minimum setback from	
1. Residence District boundary	50'
2. Any Street Line	50'
Maximum Height of Structure (Amended Feb. 21, 2002)	6 stories or 75'
Maximum Lot Coverage	30%

END OF SECTION

ARTICLE II: RESIDENCE DISTRICTS

SECTION 21: RESIDENCE DISTRICTS

RESIDENCE DISTRICT R-1

RESIDENCE DISTRICT R-2

RESIDENCE DISTRICT R-3

SECTION 22: PLANNED RESIDENTIAL DESIGN DISTRICTS (PRDD) (REMOVED 8/2013)

SECTION 23: INCENTIVE HOUSING ZONE (IHZ)

ARTICLE II: RESIDENCE DISTRICTS

SECTION 21: RESIDENTIAL DISTRICTS (R-1, R-2, R-3)

21.1 Permitted Uses:

The following uses are permitted in all Residential Districts:

21.1.1 Dwellings

21.1.2 A professional office in a dwelling unit, subject to the provisions of Sec. 8.

21.1.3 Home occupations in a dwelling unit, subject to the provisions of Section 8.

21.1.4 The renting of not more than three (3) rooms, in a dwelling unit to a total of not more than four (4) persons, subject to the provisions of Section 8.

21.1.5 Schools, parks, playgrounds and open space lands for the Town of Beacon Falls.

21.1.6 Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock and poultry, subject to the provisions of Section 8.

21.1.7 Signs as provided in Section 63.

21.1.8 Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 8.

21.2 Special Exception Uses:

21.2.1 Conversion of dwellings so as to contain two (2) dwelling units.

21.2.2 Roadside stands for the display and sale of farm products grown.

21.2.3 Day nurseries and day care centers.

21.2.4 Convalescent homes, private hospitals and sanitarium, licensed by the State of Connecticut.

21.2.5 The following uses when conducted by a non-profit corporation and not as a business for profit: Churches and places of worship; parish hall; schools; colleges; universities; general hospitals; cemeteries; sanitarium; and educational, religious, philanthropic and charitable institutions.

21.2.6 Buildings, uses and facilities of the Town of Beacon Falls other than uses specified in Par. 21.2.5 as permitted uses.

21.2.7 summer day camps, provided that there is no furnishing of rooms; recreational campsite.

21.2.8 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; nature preserves and wildlife sanctuaries; golf, tennis, swimming, boating and similar clubs.

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

21.2.10 Water supply reservoirs, wells, towers, treatment facilities and pump stations.

ARTICLE II: RESIDENCE DISTRICTS

21.2.11 A commercial kennel, veterinary hospital, livery and boarding stables and riding academies.

21.2.12 A waste disposal area operated by the Town of Beacon Falls.

21.2.13 Accessory uses customary with and incidental to any aforesaid special exception use.

END OF SECTION

ARTICLE II: RESIDENCE DISTRICTS

SECTION 22: PLANNED RESIDENTIAL DESIGN DISTRICTS (PRDD)

*Section removed from regulations 08/15//2013, per "**Commission**" after the Developer did not file an application.*

END OF SECTION

ARTICLE II: RESIDENCE DISTRICTS

SECTION 23: INCENTIVE HOUSING ZONE (IHZ)

(Adopted March 17, 2011)

23.1 Definitions

- 23.1.1 “Townhouse”:** A residential building consisting of two or more attached units in which each unit shares with the adjacent unit(s) a wall which extends from foundation to roof and has exterior walls on at least two sides
- 23.1.2 “Eligible Household”:** A household whose annual income is at or below eighty percent (80%) of the area median income for Beacon Falls, as determined and reported by the United States Department of Housing and Urban Development (HUD).
- 23.1.3 “Incentive Housing Development”:** A residential or mixed-use development that is located within the Beacon Falls Incentive Housing Zone and that complies with the statutory requirements set forth in the State of Connecticut General Statutes § -13m et. Seq., as amended and all additional applicable Town zoning.
- 23.1.4 “Incentive Housing Restriction”:** A deed restriction, covenant, or site plan approval condition constituting a binding obligation with respect to the restrictions on household income, sales or resale price, rent and housing costs required by Connecticut HOME program laws.
- 23.1.5 “Incentive Housing Unit”:** A dwelling unit within an Incentive Housing Development that is subject to an incentive housing restriction.
- 23.1.6 “Mixed Use Development”:** A development containing a combination of residential uses with retail personal services or offices uses in a compact urban form.

23.2 Purpose

The Beacon Falls Incentive Housing Zone is an overlay district, with the following purposes:

- 23.2.1** To promote the revitalization of downtown Beacon Falls by encouraging mixed-use development that will provide for a variety of housing and business opportunities.
- 23.2.2** To provide the opportunity for the downtown to transform into a pedestrian oriented retail environment.
- 23.2.3** To encourage smart growth and low-impact development.
- 23.2.4** To promote the development of a transit-oriented, pedestrian friendly, downtown community within walking distance to the Waterbury Branch of the Metro-North Commuter line.
- 23.2.5** To assist the Town of Beacon Falls in complying with the State Zoning Enabling Act, Connecticut General Statutes §8-2 by adopting zoning regulations that promote housing choice and economic diversity, including housing for moderate-income households.
- 23.2.6** To ensure high quality site planning, architecture, and landscape design that is consistent with the surrounding residential neighborhoods and the distinct visual character of the historic structures in downtown Beacon Falls.
- 23.2.7** To establish development standards that ensures context-sensitive design and creative site planning in the reuse of existing buildings and construction of new buildings.
- 23.2.8** To benefit from the financial incentives provided by Connecticut General Statutes 8-3 et. seq.

ARTICLE II: RESIDENCE DISTRICTS

23.3 Location

The boundaries of the Incentive Housing Zone (IHZ) Overlay District are shown on the Beacon Falls Zoning Map. The IHZ Overlay District is further divided into sub-districts as shown on the map: Railroad Avenue and South Main St.

23.4 Applicability

The regulations and design standards in this Section 23.4 shall apply to any proposed Incentive Housing Development within the IHZ Overlay District.

23.4.1 Because the IHZ Overlay District is an overlay zone, the provisions of the underlying zoning district shall not apply to a proposed Incentive Housing Development, and such underlying zoning designation shall terminate upon approval of a site plan of an Incentive Housing Development, Reinstatement of the underlying zoning shall require a zone change approved by the commission, and shall only be approved if the Incentive Housing Development is not constructed.

23.4.2 The provisions of other sections of the Beacon Falls Zoning Regulations shall apply to an Incentive Housing Development proposal except for the following:

23.4.2.1 Required Ton-site parking shall be governed by Sections 64 and 23.6.5 of this regulation.

23.4.2.2 All landscaping and buffer requirements shall be governed by Section 23.9.10 of this regulation.

23.4.2.3 All signage shall be governed by Section 23.9.7 of this regulation.

23.4.2.4 All dimensional standards shall be governed by Section 23.6.4 of this regulation.

23.4.2.5 The application process shall be governed by Section 23.7 of this regulation.

23.5 Description of Sub-Districts

23.5.1 Railroad Avenue Sub-District

The following principles should be utilized for developing and reviewing Incentive Housing Development proposals within the Railroad Avenue area.

23.5.1.1 Encourage renovation of existing residential structures where appropriate, and redevelopment of other properties into contemporary multi-family residential buildings.

23.5.1.2 Encourage use of rail line by residents.

23.5.1.3 Sites should be designed to take advantage of the Naugatuck River, including provisions for public access where appropriate.

23.5.1.4 Maintain a design form in placement of buildings that will encourage walkability by placing buildings at or close to the edge of sidewalks that will, with architecture

23.5.1.5 Promote creativity and variety. The IHZ design standards are meant to promote creativity and variety in building design.

23.5.1.6 Promote sustainable and energy-efficient design and construction. Sustainable

ARTICLE II: RESIDENCE DISTRICTS

construction techniques and materials should be incorporated into new construction and, to the extent practicable renovation and rehabilitation projects. Energy efficiency should be a central goal in selection of lighting, windows, materials, insulation and HVAC systems. Buildings should be sited, oriented and designed with orientation to the sun and wind in mind as well. Applicants should consider certification by LEED or similar rating programs, including any requirements to utilize such programs as well as the use of low-impact development techniques.

23.5.1.7 Protect and preserve the historic character of specific buildings in the area.

23.5.2 South Main Street Sub-District

The following principles should be utilized for developing and reviewing Incentive Housing Development proposals within the South Main Street area.

23.5.2.1 Encourage re-development of the existing uses to upgrade the aesthetic characteristics of the area.

23.5.2.2 Integrate this area into the main section of downtown Beacon Falls.

23.5.2.3 Encourage use of rail line by Residents.

23.5.2.4 Promote a mix of uses with retail on the street level and offices and residential uses above the street level.

23.5.2.5 Maintain a design form placement of buildings that will encourage walkability by placing buildings at or close to the edge of sidewalks that will, with architecture and window displays at the street level promote visual interest.

23.5.2.6 Promote creativity and variety. The IHZ design standards are meant to promote creativity and variety in building design.

23.5.1.7 Promote sustainable and energy-efficient design and construction. Sustainable construction techniques and materials should be incorporated into new construction and, to the extent practicable renovation and rehabilitation projects. Energy efficiency should be a central goal in selection of lighting, windows, materials, insulation and HVAC systems. Buildings should be sited, oriented and designed with orientation to the sun and wind in mind as well. Applicants should consider certification by LEED or similar rating programs, including any requirements to utilize such programs as well as the use of low-impact development techniques.

23.6 Permitted Uses and Dimensional Requirements

23.6.1 Railroad Avenue Sub-District

The following uses are permitted subject to Site Plan Approval in accordance with Section 23. Uses permitted within the underlying zones shall continue to be permitted as provided within the applicable district regulations.

23.6.1.1 Townhouse residential development and two-family houses at a minimum density of ten (10) dwelling units per acre. Such density shall be calculated based on total area not including land within the 100 year floodplain and with

ARTICLE II: RESIDENCE DISTRICTS

slopes in excess of 35%.

23.6.1.2 Professional and business offices

23.6.2 South Main Street Sub-District

The following uses are permitted subject to Site Plan Approval in accordance with Section 23. Uses permitted within the underlying zones shall continue to be permitted as provided within the applicable district regulations.

- 23.6.2.2** Mixed-use development with a maximum residential density of 20 dwelling units per acre. Such density shall be calculated based on total area not including land within the 100 year floodplain and with slopes in excess of 35%.

All mixed-use developments shall conform to the following:

- Retail or office uses shall be located on the ground floor of all buildings.
- Separate and distinct entrances shall be provided for first floor and upper story uses.

23.6.3 Dimensional Requirements

	Railroad Avenue	South Main Street.
Maximum Lot Size	10,000 square feet	20,000 Square feet
Minimum Frontage	50 feet	50 feet
Minimum Front Setback	0 feet	0 feet
Minimum Front Yard Setback	10 feet	10 feet
Minimum Side Yard Setback	10 feet	10 feet
Minimum Rear Yard Setback	30 feet from banks of Naugatuck River	25 feet
Maximum Height	3 stories	4 stories

The Commission may waive the requirements for minimum lot size for a parcel, which exists at the time of adoption of this regulation, if the Commission finds that the proposed development would be consistent with the purpose of this regulation, and conform to all other zoning requirements.

23.6.4 Parking Design Requirements

The parking provided shall conform to the requirements of Sections 62 and 23.6.4.1 of the Beacon Falls Zoning Regulations and the following requirements.

- 23.6.4.1** Dimensions of parking spaces shall be nine (9) feet by eighteen (18) feet for ninety (90) degree parking, ten and a half (10.5) feet by twenty (20) feet for sixty degree angled parking, and nine (9) feet by twenty-one (21) feet for parallel parking.
- 23.6.4.2** Aisle widths shall be Twenty-four (24) feet for ninety (90) degree parking, eighteen (18) feet for sixty degree angled parking, twelve (12) feet for parallel parking in a one way circulation design, and twenty-four (24) feet for parallel parking in a two-way circulation design.

ARTICLE II: RESIDENCE DISTRICTS

- 23.6.4.3** Parking shall not be located in front yards unless there is no possible alternative and only for renovation of existing buildings, and in such cases the Commission may require a greater amount of landscaping to reduce the impact of the parking on the streetscape.
- 23.6.4.4.** Parking shall be setback a minimum of ten (10) feet from front property lines.
- 23.6.4.5** Parking shall be located a minimum of five (5) feet from all buildings.
- 23.6.4.6** Parking that is visible from streets or public sidewalks shall be screened with opaque screening that is a minimum of three (3) feet higher than the level of the parking lot.
- 23.6.4.7** Landscaping around and within parking lots should be designed with low-impact development techniques to allow storm-water runoff to drain into the landscaped areas to supplement irrigation and to pre-treat the runoff.

23.7 Application Process

- 23.7.1** Pre-Application Review – Applications are encouraged to participate in a pre-application meeting with the Planning and Zoning Commission and the Town staff. The purpose of this pre-application meeting is to obtain the advice of the staff prior to filing the application.
- 23.7.2** Application Requirements – As part of any application for an Incentive Housing Development, the Applicant must submit the following:
 - 23.7.3** Sixteen (16) Copies of the site plan, utility plan, landscaping plan, topographic plan, erosion and sedimentation control plan and other information, following the requirements for each as stated in the Beacon Falls Zoning Regulations. In addition, architectural drawings shall be submitted for each application, and shall show sufficient detail for all sides of the building(s) to determine compliance with the Design Standards set forth in this Section 23.
- 23.7.4** Site Plan application fees, as specified in the Commissions fee schedule.
- 23.7.5** Submission shall be made to the commission at least one day prior to a regular meeting.
- 23.7.6** Public Hearing: A public hearing shall be conducted for any site plan or subdivision application seeking approval for an Incentive Housing Development. The public hearing shall be conducted in accordance with the requirements of Chapters 124 or 126 §§ 8-13a et seq. as applicable, of the Connecticut General Statutes, as applicable.
- 23.7.7** The time limits on rendering a decision on a site plan for an Incentive Housing Development shall be governed by the Connecticut General Statutes, as applicable.
- 23.7.8** Conditions shall be imposed on an Incentive Housing Development approval by the Commission only as necessary.
- 23.7.9** To ensure substantial compliance of the proposed development with the requirements of the incentive housing zone regulation including design standards, or to mitigate any extraordinary adverse impacts of the development on nearby properties.

ARTICLE II: RESIDENCE DISTRICTS

23.8 Incentive Housing Requirements

The following regulations shall govern the residential units in an Incentive Housing Development

- 23.8.1** Twenty percent (20%) of all dwelling units constructed in an Incentive Housing Development shall be Incentive Housing units. When a calculation performed under this subsection results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.
- 23.8.2** Incentive Housing Units shall be rented or sold to and occupied only by Eligible Households.
- 23.8.3** Each Incentive Housing Unit shall be subject to an Incentive Housing Restriction, which shall be recorded on the Beacon Falls Land Records. All incentive Housing Restrictions must include, at a minimum, the following:
 - 23.8.4** A description of the Incentive Housing Development, including whether the Incentive Housing Units, at the time of initial occupancy, will be rented or owner-occupied.
 - 23.8.5** An identification of the Incentive Housing Units.
 - 23.8.6** The name and address of the Incentive Housing Administrator.
 - 23.8.7** A requirement that only an Eligible Household may reside in an Incentive Housing unit.
 - 23.8.8** The formula pursuant to which rent of a rental unit or maximum sale or resale price of a homeownership unit will be calculated.
 - 23.8.9** The term of the Incentive Housing Restriction, which shall be a minimum of thirty-(30) years, calculated on a per basis from the date of the initial residential occupancy of each Incentive Housing unit.
- 23.8.10** Provision for monitoring and enforcement of the terms and provisions of the Incentive Housing Restriction by the Commission.
- 23.8.11** Provision that the Incentive Housing Administrator shall file an annual report to the Commission, in a form specified by the Commission, certifying compliance with the Provisions of this Section 23.

23.9 Design Standards:

23.9.1 Facades:

- 23.9.1.1** Building more than sixty (60) feet in length shall be broken down into a series of smaller elements or "bays" to evoke the rhythm of the historic shop fronts and mixed use town centers and to add to the visual character and maintain the pedestrian scale of the streetscape. To accomplish this, facades on such buildings shall incorporate wall plane projections or recesses having a depth of at least two (2) feet, which extend at least twenty percent (20%) of the length of the facade.
- 23.9.1.2** Ground floor facades within the South Main Street Sub-district that face public streets shall have display windows, entry doors with awnings or other such features that establish a pedestrian scale.

ARTICLE II: RESIDENCE DISTRICTS

23.9.1.3 Blank wall surfaces on the front façade are prohibited.

23.9.1.4 Side and rear facades, which are visible from the public ways, should be articulated in a manner compatible with the design of the front façade.

23.9.2 Materials and Colors:

23.9.2.1 New building materials shall be of a high quality, durability, and permanence, and should be economically maintained and able to retain their appearance over time.

23.9.2.2 Building façade materials permitted within the district include brick, wood, stone, glass, manufactured limestone, cast stone, masonry, terra cotta, cellular PVC trim, and sustainable materials. Brick is the preferred material within South Main St Sub-Districts.

23.9.2.3 Stone and stone veneers are appropriate as a basic building material or as a secondary material for architectural elements such as window sills or lintels in combination with other materials such as brick or concrete.

23.9.2.4 The use of vinyl siding, smooth faced concrete block, tilt up concrete panels, or prefabricated steel panels as an exterior is prohibited.

23.9.3 Windows and Doorways:

23.9.3.1 Windows should be insert a minimum of four (4) inches from the exterior wall surface to create visual relief to the wall.

23.9.3.2 An Awning or similar architectural overhang shall be used over all doorways. Adequate lighting for the doorway shall be incorporated into the design of the doorway.

23.9.4 Roofs:

23.9.4.1 Roof forms should complement the principal building in terms of style, detailing and materials.

23.9.4.2 Mechanical equipment, metal chimneys and elevator shafts on a roof shall be screened from public view using parapets or other architectural elements.

23.9.4.3 Within the Railroad Avenue Sub-districts, all roofs shall be sloped at a pitch of at least thirty (30) degrees.

23.9.5 Signs:

23.9.5.1 The only signs permitted shall be wall signs, hanging signs or signs permanently painted on windows.

23.9.5.2 One wall sign for each business is permitted on the front façade, as well as on the rear façade of a mixed-use building. The aggregate size of all wall signs on a façade may not exceed one (1) square foot per linear foot of the building façade. When a building is located on a corner, both the front and side facades shall be considered front facades provided there are business entrances located at the street level on the side of the building. When a building has a side, which is visible from the street, one

ARTICLE II: RESIDENCE DISTRICTS

wall sign is permitted which identifies the building but not the individual business located within the building, and such sign shall not exceed one (1) square foot per lineal foot of the building side.

23.9.5.3 Wall signs shall not project more than twelve (12) inches from the surface of the wall to which they are attached, and shall be located a minimum of eighteen (18) inches from the corner of the building, a minimum of thirty-six (36) inches from any other wall sign to the sidewalk directly below. Wall signs shall not be permitted above the ground level floor.

23.9.5.4 One-hanging sign is permitted for each business on the ground level. Such hanging sign shall be a maximum of six (6) square feet in area (per face), shall project no more than three (3) feet from the building, and must provide a minimum of eight (8) feet and maximum of twelve (12) feet of clearance from the bottom of the sign to the sidewalk directly below. Such hanging signs shall not interfere with any clearance for emergency vehicles.

23.9.5.5 Signs shall be illuminated by an external steady stationary light source, shielded and directed solely at the sign. Internally lit signs and any sign with blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or other color, are prohibited, including electronic messages.

23.9.6 Sidewalks:

23.9.6.1 Where a proposed Incentive Housing Development abuts a street that lacks a sidewalk or where existing sidewalks are not in compliance with applicable standards, the application shall include a proposal to construct or improve the sidewalks abutting the project site.

23.9.7 Landscaping:

23.9.7.1 All areas between the front of a building and the front property line that are not occupied by driveways, sidewalks, or other approved hardscape, shall be landscaped with grass or other living ground cover, trees and shrubs. Landscape stone shall not be permitted in front yards with the exception of small areas within planting beds and as accent pieces within a vegetated landscape.

23.9.7.2 All plantings shall be native species. Invasive species, native or non-native, are prohibited. Plantings near streets, parking areas, or sidewalks should be salt tolerant.

23.9.7.3 Street trees shall be planted in conformance with the Town's standards at a minimum spacing of 75 feet. All such trees shall be appropriate for a roadside setting, with minimum size of 2" caliper.

23.9.7.4 Landscaping improvements may include amenities such as street furniture, artwork, fences, stonewalls, fountains and courtyards.

23.9.7.5 Preservation of existing trees is strongly recommended, where feasible.

23.9.8 Site Lighting:

23.9.8.1 All outdoor lighting fixtures shall have a total cutoff of all light at ninety (90) degrees

ARTICLE II: RESIDENCE DISTRICTS

or less from vertical with the exception of wall mounted fixtures at doorways, which shall be shielded from emitting light upwards beyond an entry overhang or awning.

- 23.9.8.2** Lighting fixtures along sidewalks or pathways shall not exceed twelve (12) feet in height, although supporting poles may exceed that height.
- 23.9.8.3** Poles supporting light fixtures shall be dark in color to reduce light reflectivity.
- 23.9.8.4** All light fixtures shall emit a steady, constant light and shall not emit a flashing or irregular light, unless specifically required by Federal, State, or municipal authorities.
- 23.9.8.5** All outdoor fixtures using metal halide lamps shall be shielded and filtered.
- 23.9.8.6** The following types of light sources are prohibited: mercury vapor, low pressure sodium, or quartz lamps laser, searchlight, cobra-head fixtures, or moving or colored lights with the exception of temporary holiday displays.
- 23.9.8.7** All outdoor lights shall be designed, located and installed in such a manner as to prevent objectionable light, including disability glare, from creating a nuisance on abutting properties or the public way.
- 23.9.8.8** Lighting for the American flag may deviate from these standards, but shall not produce disability glare nor create a nuisance for abutting properties or residents of the area.

END OF SECTION

ARTICLE III: BUSINESS DISTRICTS

SECTION 31: BUSINESS DISTRICT

ARTICLE III: BUSINESS DISTRICTS

SECTION 31: BUSINESS DISTRICT

31.1 Permitted Uses:

- 31.1.1** Any use permitted in a Residential District but when used for residential purposes, all the requirements of Residential District R-2 shall apply.
- 31.1.2** Stores and other buildings and structures where goods are sold or services are rendered primarily at retail, including package stores.
- 31.1.3** Business and professional offices; banks and other financial institutions; medical and dental clinics.
- 31.1.4** Indoor restaurants and other food and beverage service establishments subject to the provisions of Section 8.
- 31.1.5** Manufacture, processing or assembling of goods for sale only on the premise and at retail, except that no earth products shall be screened, washed, crushed or otherwise processed in any Business District.
- 31.1.6** Undertakers establishments; newspaper and job printing.
- 31.1.7** Cleaning agencies and retail or self-service cleaning establishments; laundry agencies and retail or self-service laundry establishments.
- 31.1.8** Indoor theaters and assembly halls.
- 31.1.9** Research laboratories.
- 31.1.10** Hotels/motels; veterinary hospitals; and bowling alleys.
- 31.1.11** Cold storage locker plants.
- 31.1.12** Automobile service stations, public garages; automobile, trailer and farm equipment sales room; outdoor sales and public parking area. (Self-service automobile service stations are not permitted).
- 31.1.13** Business, commercial or vocational schools whether operated for profit or not.
- 31.1.14** Off-street parking facilities whether accessory to permitted use or not.
- 31.1.15** Signs as provided in Section 63.
- 31.1.16** Accessory uses customary with and incidental to any aforesaid permitted use.

ARTICLE III: BUSINESS DISTRICTS

31.2 **Special Exception Uses:**

31.2.1 Mobile Home Park subject to the provisions of Section 52 and Section 65.

31.2.2 Adult-Oriented Establishments. (Amended Feb. 15, 2001)

31.3 **Site Plan:** Prior to approval of an “**APPLICATION for a CERTIFICATE OF ZONING COMPLIANCE**” for a use permitted under this Section, a site plan shall be submitted and approved in accordance with the provisions of Section 51.

31.4 **Severability:** Each subsection and each subpart of Section 31 is independent and severable; and if any subsection or subpart of Section 31 is held invalid, the remaining subsections and subparts shall continue in effect.

END OF SECTION

ARTICLE IV: INDUSTRIAL DISTRICTS

SECTION 41: INDUSTRIAL DISTRICT NO. 1

SECTION 42: INDUSTRIAL PARK DISTRICT

ARTICLE IV: INDUSTRIAL DISTRICTS

SECTION 41: INDUSTRIAL DISTRICT NO. 1

41.1 Permitted Uses: The following uses are permitted in Industrial District No. 1:

- 41.1.1** Warehousing and wholesale business, freight and materials trucking terminals and businesses.
- 41.1.2** Building contractors' businesses and storage yards, lumber and building materials businesses.
- 41.1.3** Manufacturing, processing or assembling of products, except that after September 1, 1990, no rock, sand, gravel or other earth products which are excavated outside of the Town of Beacon Falls shall be screened, washed, crushed or otherwise processed in an Industrial District, provided, that stockpiles of earth products excavated outside of the Town of Beacon Falls which are in existence as of September 1, 1990 must be entirely processed as of September 1, 1991, subject to the requirements of Section 64.
- 41.1.4** Signs as provided in Section 63.
- 41.1.5** Accessory uses necessarily incidental to any aforesaid permitted use, unless such accessory use shall impair the character of the surrounding neighborhood.
- 41.1.6** Off-street parking facilities whether accessory to a permitted use or not.

41.2 Site Plan:

- 41.2.1** Prior to approval of any Application of "**CERTIFICATE OF ZONING COMPLIANCE**" for a use permitted under this Section, a site plan shall be submitted and approved in accordance with the provisions of Section 51.

41.3 Severability: Each subsection and each subpart of Section 41 is independent and severable; and if any subsection or subpart of Section 41 is held invalid, the remaining subsections and subparts shall continue in effect.

END OF SECTION

ARTICLE IV: INDUSTRIAL DISTRICTS

SECTION 42: INDUSTRIAL PARK DISTRICT

(Revised March 15, 2009)

42.1 **Purpose:**

To provide for the economic growth of the community in a contemporary, and efficient, high quality, setting that permits a range of industrial and related uses.

42.2 **Permitted Uses:**

The following uses, with a gross floor area of less than 50,000 square feet shall be permitted subject to Site Plan approval in accordance with Section 51.

42.2.1 Manufacturing and assembly when conducted entirely within a building.

42.2.1 Business, professional and corporate offices, except medical offices and clinics.

42.2.2 Printing and publishing.

42.2.3 Research and development laboratories and facilities.

42.2.4 Contracting businesses when conducted entirely within a building.

42.2.5 Public utility facilities, including substations, water storage facilities, treatment facilities, pump stations.

42.2.6 Municipal governmental facilities.

42.3 **Special Exception Uses:**

The following uses shall be permitted, subject to the securing of a “**Special Exception**” in accordance with Section 52 and Site Plan approval in accordance with Section 51.

42.3.1 All permitted uses described in Section 42.2 with a gross floor area of 50,000 square feet and greater.

42.3.2 Medical offices and clinics, not including clinics whose primary role is the treatment of treatment of individuals for substance abuse on an outpatient basis.

42.3.3 Motor freight establishments and trucking terminals.

42.3.4 Outdoor manufacturing and assembly.

42.3.5 Heavy equipment sales, storage and rental.

42.3.6 Child day care centers.

42.3.7 Wholesale and Distribution.

42.3.8 Warehousing, excluding self-storage warehouses.

ARTICLE IV: INDUSTRIAL DISTRICTS

42.3.9 Hospitals

42.4 Accessory Uses:

The following accessory buildings, structures and uses shall be permitted:

- 42.4.1 Any accessory buildings, structures or uses customarily incidental and directly related to the operation of the principal use.
- 42.4.2 Off-street parking and loading, including parking structures.
- 42.4.3 Signs, subject to the provisions of Section 63.
- 42.4.4 Retail uses when accessory to a permitted or special exception use, subject to the issuance of a Zoning Permit by the Planning and Zoning Commission.
- 42.4.5 Outdoor storage when clearly subordinate to the principle use, providing that all outdoor storage and manufacturing activities other than parking shall be visually screened and shielded from view from adjacent properties and the public right-of-way through the use of fences, walls evergreen trees or any other measure required by the **"Commission"**. No outdoor storage or manufacturing shall be located within the front yard.

42.5 Design Standards:

- 42.5.1 Architectural renderings of the proposed building(s) shall be submitted to the **"Commission"** for their review.
- 42.5.2 The façade of all buildings that are visible from the street or other public areas shall be of some architecturally treated masonry or other treatment approved by the **"Commission"**.
- 42.5.3 No loading areas or overhead doors shall be visible from the street or other public areas.
- 42.5.4 The area between the parking lot and the street shall be landscaped in accordance with the requirements of Section 62.7.3
- 42.5.5 The area between the building and the street shall be landscaped in accordance with the requirements of Section 70A, in a way to provide visual interest, with a mixture of different species of shrubs, trees, groundcover, annuals and perennials. Large unbroken expanses of lawn shall be avoided.

A minimum of one shrub of a minimum height of 24" shall be planted for each three feet of building frontage. The commission, at their discretion may permit the substitution of perennial gardens.

END OF SECTION

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

SECTION 51: SITE PLANS

SECTION 52: SPECIAL EXCEPTIONS

SECTION 53: FLOOD PLAIN DISTRICT

SECTION 54: SOIL EROSION AND SEDIMENT CONTROL

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

SECTION 51: SITE PLANS

- 51.1 General:** The following regulations shall apply to the submission, administrative approval of SITE PLANS for the establishment of certain uses of land, buildings and other structure as specified in Business and Industrial Districts. All provisions of this Section are in addition to the other provisions applicable in the district in which the use is to be located.
- 51.2 Application:** The “SITE PLAN”, submitted to the Zoning Enforcement Officer with an “APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE” shall include the following (See Section 77 for fees), (amended Apr.19,2001)
- 51.2.1 Statement of Use:** A written statement describing the proposed use in sufficient detail to determine compliance with the use provisions of these Regulations and the performance standards of Section 61; four (4) copies shall be submitted.
- 51.2.2 Site Plan:** Four (4) copies of a site plan, in accordance with the provisions of Section 8.
- 51.2.3 Architectural Plans:** Four (4) copies of architectural plans, which may be in preliminary form, in accordance with the provisions of Section 8.
- 51.2.4 Waiver:** The “Commission”, upon written request by the applicant, may by resolution waive the required submission of that part of the information specified under paragraphs 51.2.2 and 51.2.3 which pertain to existing buildings structures and/or site development that are not proposed to be altered or changed if the “Commission” finds that the information is not necessary in order to decide on the APPLICATION.
- 51.2.5 Additional Information:** The “Commission” reserves the right to require the applicant to furnish such additional information as the “Commission” may deem necessary in processing any application hereunder.
- 51.3** A “CERTIFICATE OF ZONING COMPLIANCE” granted under this Section shall be valid only if execution of the plan is substantially underway within a period of 18 months from the date of approval, and is completed within a reasonable time thereafter. **Duties of the “Commission”:** In acting upon an application, the “Commission” shall consider the following regarding the acceptability of the proposed site plan:
- 51.3.1 General:** The proposed use, buildings and other structures, including outside storage areas, site development, and off street parking and loading, shall conform to all of the requirements of these Regulations, including those hereinafter set forth.
- 51.3.2 Neighborhood:** The site plan and architectural plan shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. They shall aspire to accomplish the transition in character between areas of unlike character, to protect property values, and to preserve and enhance the appearance and beauty of the community. Considerations may include the enclosure of space in conjunction with other existing buildings and the creation of focal points with respect to avenues of approach, terrain features and other buildings.

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

- 51.3.3 Landscape:** The landscape shall be preserved in its natural state insofar as practical, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- 51.3.4 Drives, Parking and Circulation:** With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to avoid undue hazards to traffic and undue traffic congestion on any public or private street, to general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practical, do not detract from the design of proposed buildings and structures in the neighboring property.
- 51.3.5 Utility Service:** Electric and telephone lines shall be underground. The proposed method of sanitary sewerage shall be indicated and shall be in accordance with applicable standards of the Director of Health of the Town, the Connecticut State Health Department and the Connecticut Department of Environmental Protection.
- 51.3.6 Paving and Drainage:** All off-street parking and loading areas and driveways shall be suitably paved and shall be drained so that the removal of surface areas, waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground drainage system. Surface water shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area.
- 51.3.7 Advertising Features:** The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.
- 51.3.8 Special Features:** Exposed storage, areas, exposed machinery installations, service areas, truck loading area, utility buildings and structures and similar accessory areas and structures, shall be subject to such set backs, screen planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- 51.3.9 Effect on Residential Areas:** Adequate natural screening and buffer zones shall be provided to substantially insulate the proposed use, buildings and other structures, including outside storage areas, off-street parking and loading from adjacent residential areas, and to substantially block the view of the foregoing from the first floor windows of existing residences immediately adjacent thereto. Outdoor illumination, including signs, shall strictly comply with Section 63 of these regulations and shall not glare in the windows of any adjacent residences.
- 51.3.10 Off Site Improvements:** The “Commission” may consider off-site improvements in cases where the reasonable and necessary need for such improvements is created by the proposed subdivision plan, and such off-site improvements would not be necessary except for the proposed subdivision plan. The Commission may require such off-site improvements and require the applicant, at the applicant's sole expense, to provide for and construct such off-site improvements as if they were on-site improvements, including development of public roads contiguous to the land being developed subject further to Board of Selectmen review and approval as, and when, otherwise required by ordinance. (Amended September 21, 1999)

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

51.3.11 to 51.3.19 Reserved for future use. (Amended September 21, 1999)

51.3.20 **Application:** The standards herein contained shall also apply to all accessory (from 51.3.10) buildings, structures, free-standing signs and other site features however related to the major buildings or structures. (Section # Amended September 21, 1999)

51.4 **Approval:** The “**Commission**” may approve, disapprove or approve with modification an application to develop land under this Article. When acting to approve any application, the “**Commission**” shall file with the Town Clerk at least one (1) copy of the approved site plan, showing the “**Commission's**” modifications, if any, and no development or significant alteration shall be permitted except in conformity with an approve plan.

51.5 **Performance Bond:** Before approval by the “**Commission**”, the applicant shall post a performance bond in the form and amount satisfactory to the “**Commission**”, and with a bonding company licensed to do business in the State of Connecticut, as surety conditioned on the carrying out of the above conditions and any other safeguards imposed, and providing that in case of default, the surety shall promptly take any and all steps necessary to comply with said conditions. The bond furnished hereunder shall contain a provision that the surety will not release said bond until all the work called for therein has been performed to the satisfaction of the “**Commission**” and the “**Commission**” has so notified the surety. In lieu of the surety bond specified in this paragraph, the applicant may post a cash bond in the form and amount satisfactory to the “**Commission**”.

51.6 **Severability:** Each subsection and subpart of Section 51 is independent and severable and if any subsection or subpart of Section 51 is held invalid, the remaining subsection or subparts of Section 51 shall continue in effect. (Amended September 21, 1999)

END OF SECTION

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

SECTION 52: SPECIAL EXCEPTIONS

- 52.1 General:** In accordance with the procedures, standards and conditions hereinafter specified, the Commission may approve a **"SPECIAL EXCEPTION"** in a district where such uses are listed. All requirements of this Section are in addition to other requirements applicable in the district in which the **"SPECIAL EXCEPTION"** use is to be located.
- 52.2 Purpose:** Uses permitted as **"SPECIAL EXCEPTION"** uses subject to the approval of the Commission are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards of this Section. **"SPECIAL EXCEPTION"** uses that may be permitted in a district are unusual uses that under favorable circumstances will be appropriate, harmonious and desirable uses in the district but that possess such special characteristics that each use should be considered as an individual case.
- 52.3 Application:** Application for a **"SPECIAL EXCEPTION"** shall be submitted in writing to the Commission, shall be accompanied by an **"APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE"** and shall also be accompanied by the following (See Section 77 for fees): (Amended Apr. 19, 2001)
- 52.3.1 Statement of Use:** A written statement describing the proposed use in sufficient detail to determine compliance with the use provisions of these Regulations and the performance standards of Section 61; four (4) copies shall be submitted.
- 52.3.2 Site Plan:** Four (4) copies of a site plan, in accordance with the provisions of Section 8.
- 52.3.3 Architectural Plans:** Four (4) copies of architectural plans, which may be in preliminary form, in accordance with the provisions of Section 8.
- 52.3.4 Waiver:** The **"Commission"**, upon written request by the applicant, may by resolution waive the required submission of that part of the information specified under Paragraphs 52.3.2 and 52.3.3 which pertain to existing buildings, structures and/or site development that are not proposed to be altered or changed if the **"Commission"** finds that the information is not necessary in order to decide on the Application.
- 52.4 Procedure:** The **"Commission"** shall hold a public hearing on the application, shall decide thereon and give notice of its decision as required by law. The applicant may consent in writing to any extension of the time for public hearing and action on the application.
- 52.5 Approval:** After the public hearing the **"Commission"** may approve a **"SPECIAL EXCEPTION"** if it shall find that the proposed use and the proposed buildings and structures will conform to the General Standards, in addition to any Special Standards for particular uses, hereinafter specified. Approval of an application under this Section shall constitute approval conditioned upon completion of the proposed development, in accordance with plans as approved, within a period of two (2) years after the date of approval of the **"APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE"**. One extension of such period for an additional period not to exceed one (1) year may be granted by the Commission for good cause. All **"SPECIAL EXCEPTIONS"** may be approved subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood.

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

- 52.6** The “**Commission**” shall approve an application for a special use permit only if it finds that the proposed development meets the following criteria: *(Revised March 15, 2009)*
- 52.6.1** The proposed development shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties.
 - 52.6.2** The location and size of proposed uses, the intensity of operations involved in connection with such uses, the site layout, and their relationship to access streets shall be such that vehicular and pedestrian traffic generated by the use or uses, shall not be detrimental to the character of the neighborhood.
 - 52.6.3** The proposed development will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
 - 52.6.4** The proposed uses permit the development of the site without the destruction of valuable natural assets or pollution of lakes, streams, and other water bodies while providing the best possible design of structures and land uses compatible with the shape, size, and topographic and natural character of the site.
 - 52.6.5** The proposed development will be compatible with the existing and future character of the neighborhood in which the development is to be located. Particular attention shall be paid to the type and density of adjacent residential development, the character and uniqueness of the natural resources of the neighborhood, the character and use of existing highway facilities, and the Plan of Conservation and Development.
 - 52.6.6** The location and character of buildings shall create a harmonious grouping and shall be compatible with surrounding structures.
 - 52.6.7** The proposed development shall not create traffic safety hazards or congestion not consistent with the character of the community. Any improvements to public roads necessitated by the proposed development shall be the responsibility of the developer.
 - 52.6.8** The proposed development shall be of a superior site and architectural design that enhances the surrounding neighborhood environment.
 - 52.6.9** The public water supply facilities and facilities for the disposal of sanitary waste have sufficient capacity to accommodate the needs of the proposed development.
 - 52.6.10** The proposed development shall have a positive impact on the overall economy of the community.
 - 52.6.11** The nature and location of the use and of any building or other structure shall be such that there will be adequate access to it for fire projection purposes.
- 52.7** **Special Standards:** The proposed use and the proposed buildings and structures shall also conform to the following Special Standards:
- 52.7.1** **Roadside Standards:** Roadside stands shall not exceed a maximum ground coverage of 400

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

square feet and shall be provided with at least one (1) off-street parking space for each 50 square feet of ground coverage.

52.7.2 Day Nurseries and Day Care Centers: Day nurseries and day care centers shall conform to the following Special Standards:

52.7.2.1 The use shall be limited to daytime group care programs for children.

52.7.2.2 The application shall be accompanied by a report from the Director of Health of the Town attesting that the proposed location, site plan, buildings and facilities comply in all respects to applicable Town and State health laws and regulations and will be adequate, safe and suitable for the intended use.

52.7.2.3 The “**SPECIAL EXCEPTION**” shall be granted for a limited period of time not to exceed five (5) years, which may be renewed on application to the “**Commission**” for successive five (5) year periods.

52.7.3 Convalescent Homes and Hospitals: Convalescent homes, private hospitals and sanitariums shall be licensed by the State of Connecticut and shall conform to the following Special Standards:

52.7.3.1 The use shall be located on a lot having a minimum area of ten (10) acres, and there shall be no more than one (1) patient bed for each 5,000 square feet of lot area.

52.7.3.2 No building or other structure established in connection with such use shall extend within less than 100 feet of any property or street line.

52.7.3.3 The use shall be served by adequate water supply and septic system or sewer.

52.7.3.4 The use shall comply in all respects to applicable laws and regulations of the State of Connecticut.

52.7.3.5 The application shall be accompanied by a report from the Director of Health of the Town attesting to the adequacy of the proposed location, site plan, buildings and facilities for its intended use.

52.7.3.6 The application shall be accompanied by a report from the Fire Marshall attesting as to the safety of the proposed location, site plan, buildings and facilities.

52.7.4 Clubs: Golf, tennis, swimming, or other similar clubs shall be located on a lot of not less than ten (10) acres, and no building, structure or recreation facility established in connection with such use shall extend within less than 100 feet of any property or street line.

52.7.5 Commercial Kennels and Stables: Commercial kennels, livery and boarding stables and riding academies shall be located on a lot of not less than ten (10) acres. Dogs shall be kept in buildings, enclosures or runs located not less than 200 feet from any property or street line. Any building in which livestock are kept shall be located not less than 100 feet from any property or street line.

52.7.6 Public Utility Substations: Public utility substations and telephone equipment buildings shall conform to the following Special Standards:

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

- 52.7.6.1** Any equipment or utility facilities not located in a building shall be enclosed on all sides by evergreen shrubs or trees or by buildings, fences, walls or embankments so as to be screened from view from any other lot or from any street.
- 52.7.7** Due to the established negative impact of Adult Oriented Establishments in an area, as cited in the Town of Plainfield study (a copy of which is included with the public documents for these regulations), such establishments are allowed only with strict compliance with these regulations.

Adult-Oriented Establishments: Adult-Oriented Establishments shall be allowed as a special exception in permitted zones subject to the following restrictions: (Amended Feb. 15, 2001)

- 52.7.7.1** Every adult-oriented establishment doing business in the town shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is practiced, shall be clearly visible from the common area of the premise. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be a violation of these regulations to install enclosed booths, cubicles, booths or stalls within adult-oriented establishments for any purpose in any way related to providing for the secluded viewing of adult-oriented motion pictures, or any other types of adult-oriented entertainment. (Amended Feb. 15, 2001)
- 52.7.7.2** Any room or other area used for the purpose of viewing adult-oriented motion pictures or live adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. Any premises or other area used for the purpose of viewing adult-oriented motion pictures or other times of live adult entertainment shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot candle as measured at the floor level. Such lighting systems shall not have dimmer switches installed in them allowing the lights to be operated at less than full intensity. (Amended Feb. 15, 2001)
- 52.7.7.3** Architectural Plans included with the application for a special exception for an adult-oriented establishment shall include a detailed rendition of interior spaces, the position of any stages or booths, and a detailed lighting plan describing the types and positions of overhead lighting fixtures as well as the illumination provided at floor level by the proposed lighting system. Such lighting plan shall describe the sources used in determining the floor level illumination. (Amended Feb. 15, 2001)

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

- 52.7.7.4** No application for an adult-oriented establishment shall be approved if located within 350 feet of any existing residential zone, industrial zone, school, public recreation facility, day care center, church or other place_of worship. (Amended Feb. 15, 2001)

END OF SECTION

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

SECTION 53: FLOOD PLAIN DISTRICT

53.1 Statutory Authorization:

The Legislature of the State of Connecticut has in Section 7-148 (c) (7) of the general statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Planning and Zoning Commission of Beacon Falls, Connecticut, does ordain as follows:

53.2 Findings of Fact:

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

53.2.2 These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

53.3 Statement of Purpose:

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

53.3.1 Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

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

53.3.3 Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

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

53.3.5 Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

53.4 The objectives of this regulations are:

53.4.1 To protect human life and health;

53.4.2 To minimize expenditures of public money for costly flood control projects;

53.4.3 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

53.4.4 To minimize prolonged business interruptions;

53.4.5 To Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in flood plains;

53.4.6 To help maintain a stable tax base by providing for the prone areas in such a manner as to minimize flood blight areas, and;

53.4.7 To insure that potential homebuyers are notified that property is in a flood area.

53.5 Definitions

53.5.1 Unless specifically defined below, words or phrases used in this regulation shall be interpreted so as to give them the meaning they have in common usage and to give this regulation its most reasonable application.

53.5.2 **"Addition (to an existing building)"** means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls is a new/separate structure.

53.5.3 **"Appeal"** means a request for a review of the Planning and Zoning Commission's interpretation of any provision of this regulation of a request for a variance.

53.5.4 **"Area of Shallow Flooding"** (deleted September 7, 1994). Term is used in AO Zones of which there are none within the Town.

53.5.5 **"Area of Special Flood Hazard"** is the land in the flood plain within a community subject to one percent or greater chance of flooding in any given year.

53.5.6 **"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.

53.5.7 **"Basement"** means that portion of a building having its floor subgrade (below ground level) on all sides.

53.5.8 **"Breakaway Wall"** (deleted September 7, 1994). Does Not Apply in town of Beacon Falls.

53.5.9 **"Building"** means any structure built for support, shelter, or enclosure for any occupancy or storage.

53.5.10 **"Coastal High Hazard Area"** (deleted April, 1997) Does Not Apply in town of Beacon Falls.. (Revised June, 1997)

53.5.11 **"Development"** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

53.5.12 **"Elevated Building"** means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

- 53.5.13** "**Flood**" or "**Flooding**" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal water;
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- 53.5.14** "**Flood Hazard Boundary Map (FHBM)**" (deleted September 7, 1994). The Town now has Flood Insurance Rate Maps.
- 53.5.15** "**Flood Insurance Rate Map (FIRM)**" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- 53.5.16** "**Flood Insurance Study (FIS)**" is the official report from the Federal Emergency Management Agency (FEMA), which contains examination, evaluation, and determination of flood hazards, and if appropriate, corresponding water surface elevations.
- 53.5.17** "**Flood Boundary and Floodway Map (Floodway)**" is the official map on which the Federal Emergency Management Agency has delineated the boundaries of the floodway.
- 53.5.17a** "**Floodway**" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. (Revised June, 1997).
- 53.5.18** "**Floor**" means the top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
- 53.5.19** "**Functionally Dependent Facility**" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.
- 53.5.20** "**Highest Adjacent Grade**" (deleted September 7, 1994). Does Not Apply in town of Beacon Falls.
- 53.5.21** "**Lowest Floor**" means 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.
- 53.5.22** "**Manufactured Home**" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, recreational vehicle and other similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.
- 53.5.23** "**Manufactured Home Park or Subdivision**" a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.
- 53.5.24** "**Mean Sea Level**" means, for purpose of the National Flood Insurance Program, the

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

- 53.5.25** **"National Geodetic Vertical Datum (NGVD)"** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.
- 53.5.26** **"New Construction"** means structures for which the "start of construction" commenced on or after the effective date of this regulation (not the revision date) and including any subsequent improvements to such structure.
- 53.5.27** **"Recreational Vehicle"** means a vehicle which is" (i) built on a single chassis; (ii) 400 square feet or less when measured at the longest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (Revised June, 1997).
- 53.5.28** **"Sand Dunes"** (deleted September 7, 1994). Does Not Apply in town of Beacon Falls.
- 53.5.29** **"Start of Construction"** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; not does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. 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.
- 53.5.30** **"Structure"** means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.
- 53.5.31** **"Substantial Improvement"** Any combination of repairs, reconstruction, alteration, or improvements to a structure taking place over a one to five year period in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure using the cost approach to value method (based upon the value of depreciated replacement cost of the structure using current rates for materials, equipment and labor)., prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications, which are solely necessary to assure safe living conditions.
- 53.5.32** **"Variance"** is a grant of relief from the requirements of the regulation, which permits construction in a manner otherwise prohibited by this regulation where specific enforcement would result in unnecessary hardship.

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

53.5.33 “Water Surface Elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverain areas.

53.6 General Provisions

53.6.1 Lands to which this regulation applies:

This regulation shall apply to all areas of special flood hazard within the jurisdiction of the Town of Beacon Falls, Connecticut.

53.6.2 The basis for establishing the areas of special flood hazard:

The areas of special flood hazard are identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County Connecticut dated December 17, 2010; accompanying Flood Insurance Rate Maps (FIRM) dated December 17, 2010 and other supporting data applicable to the Town of Beacon Falls, and any subsequent revisions thereto, are adopted by reference and declared to be 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. Areas of special flood hazard are determined utilizing the base flood elevations (BFEs) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFE's provided on the Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFE's published in the FIS for a specific location.

53.6.3 Establishment of the flood plain management:

A Development Permit shall be required in conformance with the provisions of this regulation prior to the commencement of any development activities.

53.6.4 Compliance: No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this regulation and other applicable regulations.

53.6.5 Abrogation and greater restrictions: This regulation is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

53.6.6 Interpretation: In the interpretation and application of this regulation, all provisions shall be

- (1) considered as minimum requirements,
- (2) liberally construed in favor of the governing body, and
- (3) deemed neither to limit nor repeal any other powers under state statutes.

53.6.7 Warning and Disclaimer of Liability:

The degree of flood protection required by this regulation is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This regulation shall not create liability on the part of the **Town of Beacon Falls, Connecticut**, or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder.

53.7 **Administration:**

The "**Planning and Zoning Commission**" is hereby appointed to administer and implement the provisions of this regulation.

53.8 **Permit Procedures:**

Application for approval of a development in a flood plain shall be submitted to the Planning and Zoning Commission and it shall include the following (See Section 77 for fees): (Amended Apr. 19, 2001)

53.8.1 Three black and white prints of a plot plan of the premises, drawn to scale and certified by a licensed land surveyor and civil engineer, showing the actual shape and dimensions of the lot, the size and location of all existing and proposed structures and land uses, the layout of parking and loading facilities, where applicable, and access thereto, existing and proposed grades and the flood plain limits. Additional requirements:

Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures; description of the extent to which any watercourse will be altered or relocated as a result of proposed development; a statement whether or not alterations to an existing structure meet the criteria of the substantial improvement definition; a statement as to whether there will be dry vehicular access to residential structures during the 100 year storm event; certification as to the provisions of Section 53.11.2 governing fully enclosed areas below base flood elevation, if the minimum design criteria of subsections (a), (b), and (c) are not used; and certification as to compliance with the floodway standards.

53.8.2 Such other information as required by the Planning and Zoning Commission to determine compliance with this regulation.

53.8.3 The Planning and Zoning Commission shall:

- (a) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding;
- (b) Review all development permits to assure that the permit requirements of this regulation have been satisfied;
- (c) Advise Permittee that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. Possibly including but not limited to: Coastal Area Management Permit, Water Diversion, Dam Safety, Corps of Engineers 404.
- (d) Notify the Regional Planning Agency and the affected municipality at least 35 days prior to the public hearing if any change of regulation or use of a flood zone will affect an area within 500 feet of another municipality.

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

- (e) Notify adjacent communities and the Department of Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (f) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (g) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the Planning and zoning Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions of Section 53.9
- (h) All records pertaining to the provisions of this regulation shall be maintained in the office of the Planning and Zoning Commission. Upon completion of the applicable portion of construction the applicant shall provide the Building Official with verification of the as-built lowest floor elevation, defined as the top of the lowest floor area (including basement).

53.9 **General Standards:**

In all areas of special flood hazard the following provisions are required:

- 53.9.1 New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- 53.9.2 New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- 53.9.3 New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- 53.9.4 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;
- 53.9.5 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- 53.9.6 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the system into floodwaters;
- 53.9.7 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- 53.9.8 **Manufactured homes:** All manufactured homes to be placed or substantially improved shall be installed using methods and practices that minimize flood damage. They shall also be elevated and anchored to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties.
- 53.9.9 In any portion of a watercourse which is altered or relocated the flood carrying capacity shall be maintained and;
- 53.9.10 A structure already in compliance with the provisions of this regulation shall not be made non-compliant by any alteration, repair, reconstruction or improvement to the structure.

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

53.10 Standards for stream without established base flood elevations and/or flooding:

Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to Section 53.11.1 (a) of this regulation, as criteria for requiring that new construction substantial improvements, or other development in Zone A on the Community's FIRM meet the standards in Section 53.11.1 (a), 53.11.2, 53.11.3 and Section 53.13.

53.11 In all areas of special flood hazard Zones A1-A30, AE, AH where base flood elevation data has been provided, as set forth in Section 53.6.2, the following provisions are required:

53.11.1 Specific Standards:

(a) Residential Construction:

New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least to (two (2) feet above) base flood elevation.

(b) Non Residential Construction:

New construction or substantial improvement of any commercial, industrial, or nonresidential structure located in Zone A1-30, AE & AH shall have the lowest floor, including basement, elevated at least to (two (2) feet above) the level of the base flood elevation.

(c) Manufactures Homes:

- (1) All manufactured homes including "mobile" homes placed on a site from 180 consecutive days or longer to be placed, or substantially improved shall be elevated so that the lowest floor is about the two (2) feet above base flood elevation. (Revised June, 1997).
- (2) It shall be placed on a permanent foundation which itself is securely anchored so that it will resist floatation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors;
- (3) It shall be installed using methods and practices, which minimize flood damage.

53.11.2 Fully Enclosed Areas Below Base Flood Elevation:

New construction or substantial improvements to buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

53.11.2 Fully Enclosed Areas Below Base Flood Elevation: continued

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

1. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
2. The bottom of all openings shall be not higher than one (1) foot above grade; and,

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

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

(b) Electrical, plumbing and other utility connections are prohibited below the base flood elevation;

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

53.11.3 Floodways: Located within areas of special flood hazard established in Section 53.6.2 are areas designated as floodways on the community's Flood Boundary and Floodway Map. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:

53.11.4 Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any (0.00) increase in flood levels during occurrence of the base flood discharge.

53.11.5 The Town may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the Town's request or not), the Town shall adopt a regulatory floodway based upon 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. (Revised June, 1997).

53.11.6 In Zone A when base flood elevations become available, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

53.12 Standards for areas of shallow flooding (AO Zones)

Sections A, B and C were deleted September 7, 1994.
AO Zones deleted. (Revised June, 1997).

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding areas (Zones AO & AH). These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate.

53.13 Standard for Subdivision proposals:

In all special flood hazard areas the following requirements shall apply:

53.13.1 All subdivision proposals shall be consistent with the need to minimize flood damage;

53.13.2 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

53.13.3 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;

53.13.4 In Zone A, base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are five (5) acres or fifty (50) lots, which ever occurs first.

53.14 Stream Channel Encroachment Areas:

No new development or encroachment may occur within any area defined as being within the Stream Channel Encroachment Line as defined by the Connecticut Department of Environmental Protection or any successor agency, without first obtaining written permit/waiver from said Department. The provision of Sections 22a-342 through 22a-349 of the Connecticut General Statutes, as the same may be amended, from time to time, shall apply to any proposal within this area.

END OF SECTION

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

SECTION 54: SOIL EROSION AND SEDIMENT CONTROL

54.1 Definitions:

54.1.1 "**Certification**" means a signed, written approval by the Beacon Falls Planning and Zoning Commission or its designated agent that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

54.1.2 "**Commission**" means the Planning and Zoning Commission of the Town of Beacon Falls.

54.1.3 "**Development**" means any construction or grading activities to improved or unimproved real estate.

54.1.4 "**Disturbed area**" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

54.1.5 "**Erosion**" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

54.1.6 "**Grading**" means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

54.1.7 "**Inspection**" means the periodic review of sediment and erosion control measures shown on the certified plan.

54.1.8 "**Sediment**" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

54.1.9 "**Soil**" means any unconsolidated mineral or organic material of any origin.

54.1.10 "**Soil Erosion and Sediment Control Plan**" means a scheme that minimizes soil erosion and sediment resulting from development and includes, but is not limited to, a map and narrative.

54.2 Activities Requiring A Certified Erosion and Sediment Control Plan:

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre or any slope which is over a one foot rise and four foot run which will be disturbed, and/or operation of processing of earth materials.

54.3 Exemptions

54.3.1 A single family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

54.3.2 Municipal activities

54.4 Erosion and Sediment Control Plan

54.4.1 To be eligible for certification, a soil erosion and sediment control plan shall contain proper

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. such principles, methods and practices necessary for certification are found in the **“Connecticut Guidelines for Soil Erosion and Sediment Control” (2002)**, as amended. Alternative principles, methods and practices may be used with prior approval of the Commission and/or its designated agent.

54.4.2 Said plan shall contain, but not be limited to:

A. A narrative describing:

1. the development and it will be written on the map as well as being a separate document.
2. the schedule for grading and construction activities including:
 - a. start and completion dates;
 - b. sequence of grading and construction activities;
 - c. sequence for installation and/or application of soil erosion and sediment control measures;
 - d. sequence for final stabilization of the project site.
3. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
4. the construction details for proposed soil erosion and sediment control measures and storm water management facilities
5. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
6. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

B. A site plan map at a sufficient scale to show:

1. the location of the proposed development and adjacent properties.
2. the existing and proposed topography including soil types, wetlands, watercourses and water bodies.
3. the existing structures on the project site, if any.
4. the proposed area alterations including clearing, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.
5. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities.
6. the sequence of grading and construction activities.

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

7. the sequence for installation and/or application of soil erosion and sediment control measures.
 8. the sequence for final stabilization of the development site.
 9. the location of stockpiles and how wind and water erosion of stockpiles will be controlled.
- C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

54.5 **Minimum Acceptable Standards**

54.5.1 Plans for soil erosion and sediment controls shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the **“Connecticut Guidelines for Soil Erosion and Sediment Control”**, (2002), as amended. Soil erosion and sediment control plans shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

All erosion controls will be placed at a minimum distance of 25 feet from an existing bank of an existing watercourse and will be in place prior to any work on site, or development of site, which may be modified by consent of the Commission.

54.5.2 The minimum standards for individual measures are those in the **“Connecticut Guidelines for Soil Erosion and Sediment Control”**, (2002), as amended. The Commission and/or its designated agent may grant exceptions when requested by the applicant if technically sound reasons are presented.

54.5.3 The appropriate method from Chapter 9 of the **Connecticut Guidelines for Soil Erosion and Sediment Control**, (2002), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

54.6 **Issuance or Denial of Certification**

54.6.1 The Planning and Zoning Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

54.6.2 It is the responsibility of the applicant and his engineer to be certain that the erosion control plan will be maintained and acceptable to the responsible Commission.

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

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

54.6.5 The Commission may forward a copy of the development proposal to the conservation commission or other review agency or consultant for review and comment.

ARTICLE V: SITE PLANS, EXCEPTIONS AND SPECIAL DISTRICTS

54.7 Conditions Relating to Soil Erosion and Sediment Control

54.7.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, will be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under the Subdivision Regulations of the Town of Beacon Falls.

OR

54.7.1A The estimated cost will be based on cost of control measures and repair of any damage caused by failure of applicant to put accepted plan into full use. This will be in the form of a cash bond or insurance bond held by the Town until total completion of the project and it is stabilized.

54.7.1B The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan will be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 8, 51 and 64 of the regulations.

54.7.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

54.7.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

54.7.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

54.8 Inspection

54.8.1 Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the Permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

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

END OF SECTION

ARTICLE VI TOWNWIDE REQUIREMENTS

SECTION 61: PERFORMANCE STANDARDS

SECTION 62: PARKING AND LOADING

SECTION 63: SIGNS

SECTION 64: EXCAVATION AND GRADING

SECTION 65: MOBILE HOME PARK

SECTION 66: ALCOHOLIC BEVERAGES

SECTION 67: GARAGES AND SERVICE STATIONS

SECTION 68: PLANNED ADAPTIVE REUSE DEVELOPMENTS

SECTION 69: PLANNED ADAPTIVE REUSE DISTRICT #1

SECTION 69: PLANNED ADAPTIVE REUSE DISTRICT #2

SECTION 69: PLANNED ADAPTIVE REUSE DISTRICT #3

SECTION 69: PLANNED ADAPTIVE REUSE DISTRICT #4

SECTION 70: DRIVEWAY REGULATIONS

ARTICLE VI TOWNWIDE REQUIREMENTS

SECTION 61: PERFORMANCE STANDARDS

- 61.1 General:** The use of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to performance standards hereinafter specified. The performance standards establish certain nuisance factors which if committed or exceeded in the use of land, buildings and other structures, will be detrimental to the use, enjoyment and value of other land, buildings and structures, will be detrimental to the public health, safety and welfare and will be contrary to the comprehensive plan of zoning. No **"APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE"** shall be approved by the **"Commission"** and no **"CERTIFICATE OF ZONING COMPLIANCE"** shall be issued by the **"Commission"** until the **"Commission"** has made a determination that the proposed use of land, buildings and structures will be established and conducted in accordance with the performance standards and with the standards stated in other relevant Town, State and federal codes, ordinance or regulations, whichever is the more restrictive. The performance standards hereinafter specified shall be of continuing application.
- 61.2 Smoke, Gases and Fumes:** No dust, dirt, fly ash, smoke, gas or fumes shall be emitted into the air from any lot so as to endanger the public health and safety, to impair safety on or the value and reasonable use of any other lot, or to constitute a critical source of air pollution.
- 61.3 Noise:** With the exception of time signals and noise necessarily involved in the construction or demolition of buildings and other structures, no noise shall be transmitted outside the lot where it originates when noise has a decibel level, octave band, intermittence and/or beat frequency which endangers the public health and safety or impairs safety on or the value and reasonable use of any other lot.
- 61.4 Vibration:** With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibration shall be transmitted outside the lot where it originates.
- 61.5 Odors:** No offensive odors shall be emitted into the air from any lot so as to impair the value and reasonable use of any other lot, excluding agricultural fertilizers.
- 61.6 Glare and Heat:** No light shall be transmitted outside the lot where it originates so as to endanger the public health or safety, including the public safety on any street or highway, or to impair the value and reasonable use of any other lot.
- 61.7 Refuse and Pollution:** No refuse or other waste materials shall be dumped on any lot except with the approval of the Director of Health of the Town of Beacon Falls. No refuse or other waste materials and no liquids shall be dumped on any lot or dumped or discharged into any river, stream, estuary, water course, storm drain, pond, lake, swamp or marsh so as to constitute a source of water pollution. In no instance may the discharge of hazardous substances to air, ground or water exceed the allowable limits established and administered by the State of Connecticut Department of Environmental Protection, by the State Health Code, and by any applicable Town Code or ordinance.
- 61.8 Danger:** No material which is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable codes, ordinances and regulations of the Town, State of Connecticut and Federal Government. All storage and transfer of permitted hazardous substances shall be in properly insulated and protected containers, or enclosures, designed to prevent discharges to ground or water and approved for safety and reliability by each Town Official exercising jurisdiction, such as Building Inspector, Sanitarian and Fire Marshall.

ARTICLE VI TOWNWIDE REQUIREMENTS

61.9 Radio Interference: No use on any lot shall cause interference with radio and television reception on any other lot, and any use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference.

61.10 BLASTING GUIDELINES:

I PRE-BLAST SURVEY:

- A.** Perform photographic or video surveys of all residential and commercial buildings near the site. Document current conditions. Determine foundation types and presence of special structural or mechanical conditions.
- B.** Submit to the **Planning and Zoning Commission, Fire Marshal, Town Engineer**, and any other duly authorized agent of the "**COMMISSION**" a test blast plan including locations of blasts and monitoring stations.

II GENERAL BLASTING REQUIREMENTS:

- A.** All test blasts and production blasts shall be controlled. Controlled blasting is blasting for excavation of rock in which the various elements of the blast (hole size, depth, spacing, burden, charge size, distribution, delay sequence) are carefully balanced and controlled to provide a distribution of charge that will excavate the rock to the required contours with as uniform a surface as possible to minimize overbreak, stressing, and fracturing of the rock beyond the contour line.
- B.** Comply with all applicable local, state and federal regulations on explosives and blasting.
- C.** Limit blasting to between 8:00 AM and 4:30 PM Monday through Friday. Further, no blasting shall occur during hours that school buses are in operation.
- D.** Maintain a warning system consisting of:
 - 1.** Signboards of adequate size and visibility stating that blasting operations are taking place in the area.
 - 2.** Equipment to produce audible signals to forewarn all personnel on the project of impending blasts.
- E.** Before firing off any blast, cover the rock to be blasted with suitable metal or rubber matting or other equally serviceable material to prevent flying debris. Earth cover of sufficient thickness and suitable composition, whether natural overburden or placed, may be used instead of matting provided the blast is controlled and modified to prevent flying material.
- F.** Submit reports of each blast. Reports shall include, as a minimum, the following:
 - 1.** Date, exact firing time and limits of blast, by station.
 - 2.** Name of person in responsible charge; blasting permit number.
 - 3.** Unusual joint or seam conditions encountered in the rock.
 - 4.** Type and strength of explosives, blasting caps, and distribution of delay periods used.

ARTICLE VI TOWNWIDE REQUIREMENTS

5. Total explosive loadings per round and per group of delays; stemming, matting or cover used.
 6. Prevailing weather conditions, including direction and approximate velocity of wind, atmospheric temperature, relative humidity and cloud conditions at the time of blast.
 7. Comments by blaster in charge regarding any misfires, unusual results or effects.
 8. An evaluation of the blast indicating areas of significant overbreak or underbreaking and any recommended adjustments for the next blast.
 9. Signature and title of person making record entries.
- G. Notify the “**COMMISSION**” of all reported complaints, property damage, and injuries. The blasting contractor shall investigate all reports of blasting related property damage and personal injuries promptly, and shall submit a written report on each occurrence to the “**COMMISSION**”.
- H. Suspend the blasting operation if complaints of property damage are registered, injuries occur or the following limits are exceeded.
1. Peak particle velocity of 0.5 ips for frequencies under 40 hertz at existing structures.
 2. Peak particle velocity of 2.0 ips for frequencies over 40 hertz at existing structures.
 3. Over pressure of 0.014 psi at property lines.
 4. Peak particle velocity of 10.0 ips beyond the property lines of the parcel upon which blasting is being performed or 2.0 ips at boundaries of Industrial Park.

Blasting may be resumed after complaints and injuries are investigated if complaints are unsubstantiated, or injuries are unrelated to the blasting operation, or if the blasting operation is appropriately modified to prevent additional injuries or further complaints from the same source.

I. EXPLOSIVES:

1. Take special precautions as to the care and manipulation of dynamite during freezing weather.
2. Store explosives on the site during blasting hours in approved magazines. Do not store caps and exploders in the same magazine with dynamite and other explosives.
3. Truck all explosives to the site at the start of each workday. Remove surplus explosives from the site at the close of each day. Do not transport caps and other exploders in the same transport vehicle with dynamite and other explosives. The locations of parking for explosives trucks are subject to the approval of the “**COMMISSION**”.
4. Do not remove a larger quantity of explosives from the magazine to the site of the work than will be actually required for immediate use. Return any excess to the magazine as soon as the loading of the working face is completed. Do not leave blasting materials in the holes for extended periods of time.

ARTICLE VI TOWNWIDE REQUIREMENTS

J. Limit blast hole depth to 30 feet or less.

III TEST BLAST

- A. Perform a series of test blasts to estimate a scaled distance factor for the site. The initial test blast powder load shall not exceed 40 pounds per delay. Vibrations shall be monitored at four (4) stations per blast. The powder load shall be maintained for at least three (3) blasts before determining if it can be raised. Vibration records shall be submitted to the "**COMMISSION**" for review. The "**COMMISSION**" shall determine if the powder load can be increased.
- B. Limit the powder factor on the initial test blasts to 1.0 pounds per cubic yard. The "**COMMISSION**" will review blast data to determine whether the powder factor should be modified.

IV PRODUCTION BLASTING:

- A. Submit to the "**COMMISSION**" and the **Town Engineer**, a detailed blasting plan including a schedule description and location of vibration monitoring locations, types of blasting, delay charts and hole sizes and patterns for review.
- B. Monitor all production blasts. Place monitoring equipment at critical locations and submit photocopies of all monitor printouts to the "**COMMISSION**" on a daily basis.

V POST BLAST SURVEY:

- A. Submit to the "**COMMISSION**", a post-blast photographic or video survey documenting damage or changes to property, which occurred on adjacent sites since the time of the pre-blast survey.
- B. Upon completion of the blasting, a post-blasting certification that all blasting has been performed in conformity with the guidelines and all other applicable regulations will be submitted to the Planning and Zoning Commission within thirty (30) day of completion of the blasting.

(Adopted October 7, 1987)

END OF SECTION

ARTICLE VI TOWNWIDE REQUIREMENTS

SECTION 62: PARKING AND LOADING

- 62.1 GENERAL:** Parking and loading spaces shall be provided off the street for any use of land, buildings or other structures in accordance with the standards hereinafter specified. Off street parking and loading spaces required by this Section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such spaces are herein required. All off-street parking and loading spaces hereafter established, whether required by this Section or not, shall conform to the standards of the paragraph 62.7
- 62.1.1 Existing Uses:** Any use already existing shall conform to these standards to the extent that it conforms at the time of adoption of this Section. If any existing use of land, building or other structure is changed to a use requiring additional off-street parking and loading spaces to comply with this Section, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified. Any existing use which does not conform to the standards of this Section shall not be changed to a use which would need additional off-street parking and loading spaces to comply with the standards herein unless off-street parking and loading spaces are provided for such new use as required by this Section.
- 62.2 Dimensions:** For the purpose of this Section, one (1) parking space shall constitute an area with such shape, vertical clearance, access and slope as to accommodate one (1) automobile having an overall length of 20 feet and shall contain an area of 180 square feet; one (1) loading space shall constitute an area 12 feet in width and 30 feet in length with a vertical clearance of 15 feet with such shape, access and slope as to accommodate one (1) truck having an overall length of 30 feet.
- 62.3 Parking Spaces:** Off-street parking spaces shall be provided in such number and location specified as follows:
- 62.3.1 Dwellings:** (and rented rooms): two (2) spaces for each family or dwelling unit plus one (1) space for each bed in the rented room for tourists or roomers, and located on the same lot with the dwelling.
- 62.3.2 Profession Office:** (in a dwelling unit): four (4) spaces, and located on the same lot with the dwelling.
- 62.3.3 Auditorium:** (churches, places of worship, theaters, assembly halls or stadium): one (1) space for each five (5) seats, and located on a lot not more than 300 feet in a direct line from the building; if the building is located in a Residence District, such parking spaces shall be located on the same lot with the building.
- 62.3.4 Undertaker:** one (1) space for each five seats, and located on the same lot with the building.
- 62.3.5 Stores and Offices:** (retail stores, business and professional offices, post offices, financial institutions and medical and dental clinics): one (1) space for each 150 square feet of ground floor area of the building and each 300 square feet of upper floor area, and located on a lot not more than 300 feet in a direct line from the building.
- 62.3.6 Restaurants:** (and other establishments serving food or beverages) one (1) space for each 50 square feet of patron floor area, and located on the same lot with the building.
- 62.3.7 Bowling Alleys:** four (4) spaces for each alley, and located on the same lot with the building.

ARTICLE VI TOWNWIDE REQUIREMENTS

62.3.8 Hospitals and Motels: (and hotels, convalescent homes and sanitariums) one (1) space for each bed for patients or guests plus one (1) space for each three (3) employees, and located on the same lot with the building.

62.3.9 Service Stations: (and automobile repair garages): 10 spaces, and located on the same lot with the building.

62.3.10 Commercial and Industrial: (including warehouses, wholesale businesses, trucking terminals, research laboratories and establishments for the manufacture, processing or assembling of goods): one (1) space for each 1.5 employees during the largest daily work shift period, and located on a lot not more than 500 feet in a direct line from the building.

62.3.11 Other Uses: sufficient off-street parking spaces, as approved by resolution of the "Commission" shall be provided in connection with any use not specified in Paragraph 1 through 10 to accommodate the vehicles of all persons occupying the premises so that the purpose and intent of this Section is maintained.

62.4 Multiple Uses: Where separate parts of a building are used for purposes for which there are different numbers of parking spaces required in paragraph 62.3, the number of spaces required shall be determined by adding the number of spaces required for each separate use. When two or more classifications provided in said paragraph are applicable to a use of land, buildings or other structures, the classification requiring the larger number of spaces shall apply.

62.5 Joint Use of Parking Space: The owners of two (2) or more separate premises may establish a joint parking area to provide the total number of required parking spaces.

62.6 Loading Service: Each building or structure other than a dwelling, having a gross floor area in excess of 4,000 square feet, shall be provided with one (1) off-street loading space on the same lot with the building for each 40,000 square feet of gross floor or fraction thereof, excluding basements.

In an Industrial Park District, off-street loading spaces shall be located to the rear or side of the building and shall be effectively screened so that they are not visible from any property line or street line.

In both the Industrial District No. 1 and Industrial Park District, truck loading space areas must be designed such that all trucks are capable of completing their turning movements and loading and unloading operations without backing from or into the street, and must also be set back a minimum of 50 feet from any Residential District boundary line.

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

62.7.1 Design: Except for parking spaces provided in connection with a dwelling, each parking space shall be provided with adequate area for approach, turning and exit of an automobile having an overall length of 20 feet without need to use any part of a public street right-of-way. Points of entrance and exit for driveways onto the street shall be located so as to minimize hazards to pedestrian and vehicular traffic in the street. No off-street loading space and no truck loading bay, ramp or dock shall be designed or arranged in a manner that trucks must use any part of a public street right-of-way for maneuvering, or for loading and unloading.

62.7.2 Construction: All off-street parking and loading spaces shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from storm water flow onto the public street. Except for necessary driveway entrances, and except for parking

ARTICLE VI TOWNWIDE REQUIREMENTS

spaces provided in connection with a dwelling, all off-street parking and loading spaces located within 10 feet of any public street right-of-way shall be separated from such right-of-way by a curb, a fence or wall or an embankment in such manner that cars will not overhang the right-of-way. In an Industrial Park District, all off-street parking, loading spaces and driveways shall be constructed with a surface course of bituminous concrete. Machine-formed bituminous concrete curbs shall be constructed along the edge of all parking and driveway pavement.

62.7.3 Landscaping: Any parking area accommodating 30 or more cars in connection with a use of land, buildings or other structures for which approval of a “**SITE PLAN**” or “**SPECIAL EXCEPTION**” is required under these Regulations shall be provided with not less than one (1) tree, for each 30 cars in the parking area, and suitably located in landscaped islands within or border strips adjacent to the parking area so as to enhance the appearance of the premises. Trees shall be of a species approved by the Zoning Commission, shall be suitably planted and maintained and shall be not less than two (2) inches caliper and ten (10) feet in height.

62.7.4 PARKING OF CAMP TRAILERS, MOTOR HOMES, CAMPERS, BOAT TRAILERS, UTILITY TRAILERS: Parking of registered Camp Trailers, Motor Homes, Campers, Boat Trailers, Utility Trailers owned only by members of the immediate household will be permitted in residential areas in rear and side yards areas with said owners taking all necessary steps to screen said trailer, motor home, camper from sight of abutting roads and neighboring properties wherever possible.

Parking of registered Camp Trailers, Motor Homes, Campers, Boat Trailers, Utility Trailers shall not be permitted in either commercial or industrial zones. Parking of any unregistered Camp Trailers, Motor Homes, Campers, Boat Trailers, Utility Trailers shall not be permitted in any zone within the Town of Beacon Falls.

62.7.5 Driveways: In Industrial District No. 1 and Industrial Park District, the width of all driveways and the radii of all driveway and street intersections shall be adequate to permit normal turning by the largest anticipated vehicle without encroachment on an opposing directional lane or without resorting to wide turns or hazardous maneuvers.

62.7.6 Front Yard: In Industrial District No. 1 and Industrial Park District, no more than 30% of the area required for a front yard shall be used for off-street parking and driveways.

END OF SECTION

ARTICLE VI TOWNWIDE REQUIREMENTS

SECTION 63: SIGNS

- 63.1 General:** Unless otherwise provided in this Section, no sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered until an **"APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE"** therefore has been approved by the Commission. It is the purpose and intent of this Section to accommodate the establishment of signs necessary for identification, direction and reasonable commercial promotion while avoiding signs of a character, as well as a proliferation and extension of signs, that would be detrimental to the public health and safety, property values the appearance and beauty of the community. All signs shall conform to the provisions hereinafter specified and to any additional conditions or limitations that may be imposed by the Commission in connection with the approval of a **"SITE PLAN"** or **"SPECIAL EXCEPTION"**.
- 63.2 Definition:** The term "sign" shall include every sign, billboard, illustration, insignia, lettering, picture, display, banner, pennant, flag or other device, however made, displayed, painted, supported or attached, intended for use for the purpose of advertisement, identification, publicity or notice, when visible from any street or from any lot other than the lot on which the sign is located and either 1) located out-of doors or 2) located indoors and intended to be viewed from outside the building. The term "sign", however, shall not include any flag, pennant or insignia of any governmental unit or nonprofit organization, any traffic or directional sign located within the right-of-way of a street when authorized by the Town of Beacon Falls or State of Connecticut nor any illustrations, insignia or lettering which are an integral and permanent part of the architecture of a building approved under a **"SITE PLAN"** or **"SPECIAL EXCEPTION"**.
- 63.3 Standards - All Districts:** Signs in all Districts shall conform to the following standards:
- 63.3.1 Purpose:** All signs, except as hereinafter provided, shall advertise, identify or give publicity or notice only with respect to a use of land, buildings or other structures actually in being on the lot where the sign is located. When such use shall have been discontinued for a continuous period of six (6) months, all signs pertaining thereto shall be removed or otherwise eliminated.
- a. Exception:** Notwithstanding the provisions of Par. 63.3.1, an existing commercial enterprise may establish two (2) directional signs on another lot or lots, provided that such directional signs are no longer than 48 inches not wider than eight (8) inches, are painted white with the name only of the enterprise painted in black, are located in a Business or Industrial District and are not located within the right-of-way of any street.
- 63.3.2 Location:** No sign shall be located within or hang over the right-of-way of any street, except that a sign attached to the wall of a building may project 15 inches into such right-of-way.
- 63.3.3 Projecting and Hanging Signs:** No sign shall project over or hang over any sidewalk, driveway, walkway, roadway or accessway, except that signs attached to the wall of a building may thus project not more than 15 inches therefrom, provided that such projection does not occur within 10 feet vertical clearance of the ground.
- 63.3.4 Obstruction:** No sign shall be located or maintained so as to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system or fire escape or exit, or to cause any other hazard to the public health or safety.
- 63.3.5 Light and Motion:** No flashing signs and no revolving, waving or other moving signs are permitted.

ARTICLE VI TOWNWIDE REQUIREMENTS

63.4 Standards - Residence District: In addition to the standards specified in Paragraph 63.3, all signs in Residence Districts shall conform to the following standards:

63.4.1 Purpose: The following signs are permitted, and no other:

- a. on any lot, one (1) identification sign not exceeding three (3) square feet in area, giving only the name of the premises and/or of the occupant, or announcing a home occupation or profession office on the premises;
- b. on a lot where the premises are for sale or for rent, one (1) real estate sign not exceeding 12 square feet in area and not referring to any other premises;
- c. on a tract of land for which a subdivision map has been approved by the Commission, one (1) real estate sign not exceeding 32 square feet in area for a period of one (1) year, subject to renewal annually and only during the development of the tract;
- d. building contractors' and designers' signs pertaining to buildings under construction; the total area of such signs shall not exceed 32 square feet, and such sign shall be removed within 30 days after completion of the project;
- e. on any lot containing a farm or related activity or a SPECIAL EXCEPTION use, one (1) sign not exceeding 16 square feet in area;
- f. private warning and traffic signs, with no advertising thereon, each not exceeding two (2) square feet in area;

No “**APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE**” and no “**CERTIFICATE**” is required for signs permitted under Subparagraphs 63.4.1 (a), 63.4.1 (b), and 63.4.1 (f).

63.4.2 Location and Height: Signs permitted under Paragraph 63.4.1 (c), 63.4.1 (d), and 63.4.1 (e) shall not extend within less than ten (10) feet of any property line or street line; other signs may extend to the property line or street line. No signs shall be located on any roof, and no sign attached to a building shall project above the top of the wall of the building. Signs attached to buildings may project into the area required for setback provided that the sign does not project more than 15 inches from the wall of the building. No sign attached to the ground shall exceed a height of eight (8) feet.

63.5 Standards - Other Districts: Signs permitted under Paragraph 63.4 are permitted in all other Districts. In addition to the standards specified in Paragraph 63.3, all signs in the Business districts and Industrial District shall conform to the following standards:

63.5.1 Setbacks: Except as hereinafter provided, signs shall observe all setbacks required for buildings and other structures, but signs attached to buildings may project into the area required for setbacks provided that the sign does not project more than 15 inches from the wall of the building.

63.5.2 Business Districts:

- a. on any lot, one (1) sign attached to the ground is permitted, and such sign shall not exceed 50 square feet in area nor a height of 20 feet, but may extend to within ten (1) feet of a street line, except that any such sign may be increased in area by 20 square feet for each full 100 feet of frontage of the lot on a State Highway in excess of 200 feet provided that the total area of such sign shall not exceed 150 square feet.

ARTICLE VI TOWNWIDE REQUIREMENTS

- b. signs attached to buildings shall not extend above the top of the wall of the building but may, in the case of buildings having a pitched roof, extend not more than three (3) feet above the top of the wall;
- c. signs attached to buildings shall not project more than 15 inches from the wall of the building, except that signs not exceeding 24 square feet in area may project up to eight (8) feet from such wall provided that there be a clearance of not less than ten (10) feet from the ground level to the sign; and
- d. signs attached to one (1) wall of a building, including projecting signs, may have a total area of as much as 20% of the area of such wall measured to a height of 12 feet above ground level, but signs attached to any other wall shall not exceed either 5% of the area of such other wall measured to a height of 12 feet above ground level or 40 square feet, whichever is less, and shall give only the name of the enterprise or occupant of the premises.

63.5.3 **Industrial District:**

- a. on any lot, one (1) sign attached to the ground is permitted, and such sign shall not exceed 100 square feet in area nor a height of 10 feet;
- b. signs attached to buildings shall not extend above the top of the wall of the building but may, in the case of buildings having a pitched roof, extend not more than three (3) feet above the top of the wall;
- c. signs attached to buildings shall not project more than 15 inches from the wall of the building, except that sign not exceeding 12 square feet in area may project up to four (4) feet from such wall provided that there is a clearance of not less than ten (10) feet from the ground level to the sign; and
- d. signs shall be attached to only one (1) wall of a building; and the total area of signs, including projecting signs, shall not exceed 10% of the area of such wall measured to a height of 12 feet above ground level.

63.6 Measurements: Any sign may be double facing, and when a sign is attached to the ground only one (1) face shall be counted in determining conformity to sign area limitations. All dimensions for signs shall be based on measurements to the outside edge of the sign excluding any structure necessary to support the sign. The area of any sign shall be the entire area encompassed by the perimeter of the sign, which perimeter shall be the polygon formed by connecting all the outermost edges of points of the sign.

63.7 Special Events: Notwithstanding the provisions of this Section, the Commission may, upon written application made to it and by resolution, authorize the establishment of temporary signs of periods not exceeding 30 consecutive days, for the purpose of announcing special events and for the purpose of allowing candidates for public office to conduct a political campaign.

END OF SECTION

ARTICLE VI TOWNWIDE REQUIREMENTS

SECTION 64: EXCAVATION AND GRADING

- 64.1 General:** No earth, including loam, sand, gravel, clay, peat or quarry stone shall be excavated and removed from any lot, nor shall any lot be filled, in any residential zone, except as authorized under paragraph 64.2.
- 64.1.1** No earth or earth products, including loam, sand, gravel, clay, peat or quarry stone shall be excavated and removed from any lot, nor shall any lot be filled in any business or industrial or industrial park district, except as authorized under paragraph 64.2.
- 64.1.2** All earth products excavation operations which were established in Industrial District No. 1 or in any Industrial Park District prior to September 22, 1988 shall be non-conforming uses, and shall be subject to the requirements of Sections 64.3 through 64.10, inclusive. Any earth products excavation operation in any residential zone is subject to the requirements of Section 64.3 through 64.10 until such use can be terminated by legal means.
- 64.1.3** All earth products processing operations are prohibited in all districts. All accessory processing operations in Industrial Districts No. 1 or in any Industrial Park District for earth products excavated in the Town of Beacon Falls which were established prior to September 22, 1988 shall be non-conforming uses, and shall be subject to the requirements of Section 64.11. Any earth products processing operation in any residential zone is subject to the requirements of Section 64.11 until such uses can be terminated by legal means.
- 64.2 Exemptions:** The provisions of this Section and the requirements to obtain a permit shall not apply to the following cases:
- 64.2.1** necessary excavation and removal, or grading or dumping of earth in direct connection with the lawful construction, on the lot, of buildings, foundations, roads, driveways, parking areas, storm drainage, utility services, fences, walls, swimming pools or other bona fide construction projects, and for which any required **"APPLICATION for a CERTIFICATE OF ZONING COMPLIANCE"** has been approved;
- 64.2.2** necessary excavation and/or removal, but not for sale, or grading or dumping of earth, in connection with a bona fide farm, truck garden, forestry or livestock and poultry keeping use for which a **"ZONING PERMIT"** or a **"CERTIFICATE OF ZONING COMPLIANCE"** have been issued by the Zoning Enforcement Officer, involving the movement of no more than one thousand (1,000) cubic yards of earthen material in any one calendar year. In the event that removal of earthen materials from any of the above referenced uses, shall require removal off the subject premises, then said movement shall not exceed twenty (20) workdays in total duration within a forty-(40) day period. Any party who fits within this exemption will be required to register with the Zoning Enforcement Officer of his/her intention to commence any work, which falls within this exemption. (Revised April 3, 1991)
- 64.2.3** excavation and removal, or grading or dumping of less than 100 cubic yards of material on any lot in any calendar year;

ARTICLE VI TOWNWIDE REQUIREMENTS

64.2.4 provided that the excavation and removal, or grading or dumping, authorized under Paragraph 64.2.1 and 64.2.2 shall be deemed to permit the excavation and removal, or grading and dumping of only the quantity of material which is necessary to make the lot more suitable for the proposed use, and provided further that excavation, grading or removal authorized under Paragraph 64.2.1 and 64.2.2 in connection with a project for which an **"APPLICATION for a CERTIFICATE OF ZONING COMPLIANCE"** has been approved shall be contingent upon completion of such project within two (2) years after commencement and in the event of failure to complete such project, as evidenced by failure to obtain a **"CERTIFICATE OF ZONING COMPLIANCE"** for such project, then such excavation and removal, or grading and dumping shall be deemed a violation of these Regulations unless a permit therefore has been secured from the Commission in accordance with this Section.

64.3 **Application:** Application for a permit under this Section shall be submitted in writing to the Zoning Enforcement Officer and to the Commission. No application for a permit shall be granted for a parcel of land of less than two acres. The Commission shall have the power to restrict the working area of any operation and require a phased development of any operation. All applications shall be accompanied by the following:

64.3.1 **Statement:** a written statement specifying the hours and days of the week when the operation is to be conducted and estimating the number and kind of trucks and other equipment to be used.

64.3.2 **Maps and Plans:** Four copies of maps and plans prepared by a professional engineer licensed to practice in the State of Connecticut, showing all of the following information as applicable to the particular application:

- a. property lines and streets adjoining the lot and the names of owners of property adjoining the lot;
- b. the location and exterior limits of the area to be excavated, graded or filled;
- c. existing contour lines on the lot; drawn to a scale of not less than 100 feet to the inch and with a contour interval not exceeding five (5) feet;
- d. proposed contour lines within the area to be excavated, graded or filled, drawn to a scale of not less than 100 feet to the inch and with a contour interval not exceeding five (5) feet.
- e. existing and proposed drainage on the lot and existing rivers, streams, water courses, ponds, swamps and tidal wetlands on or within 200 feet of the lot;
- f. proposed vehicular access to the lot and any proposed work roadways;
- g. the location on the lot of any wooded areas, rock outcrops and existing and proposed buildings, structures and processing equipment; and
- h. an estimate of the number of cubic yards of material to be excavated, graded or dumped.

ARTICLE VI TOWNWIDE REQUIREMENTS

64.3.3 Other: The Zoning Commission may require the submission of such additional information that it deemed necessary in order to decide on the application.

64.3.4 Application Fee: See Section 77 for fees. (Amended Apr. 19,2001)

64.4 Procedure: Upon receipt, the Zoning Enforcement Officer shall transmit the application and accompany maps, plans and documents to the Commission. Within sixty-five (65) days after receipt of a completed application meeting the requirements of Paragraph 64.3, the Commission shall hold a public hearing on the application (See Section 77 for fees). Notice of the public hearing shall be published in a newspaper having a substantial circulation in the Town at least twice, at intervals of not less than two (2) days, the first not more than 15, nor less than 10 days, and the last not less than two (2) days before the public hearing. After the public hearing, the Commission shall approve, modify and approve or disapprove the application. The applicant may consent writing to any extension of the time of public hearing and action on the application. The grounds for disapproval of an application shall be stated in the records of the Commission. Failure to submit additional information requested by the Commission under Paragraph 64.3.3, within the period for action of the application, shall be grounds for disapproval of the application.

64.5 Approval: After the public hearing the “**Commission**” may grant the application to permit the excavation and removal, or grading or dumping if it shall find that the following standards and conditions will be met:

64.5.1 The excavation, grading or removal shall be carried out in accordance with the maps and plans as approved by the “**Commission**” and within the exterior limits shown thereon;

64.5.2 The excavation, grading or removal shall not result in sharp declivities, pits or depressions or soil erosion, drainage or sewerage problems or conditions which would impair the reasonable reuse and development of the lot for purposes permitted under there Regulations in the District where the lot is located;

64.5.3 At all stages of the work, proper drainage shall be provided to avoid stagnant water, soil erosion problems, excessive run-off, silting of streams and damage to public property, streets or drainage facilities;

64.5.4 Truck access to the lot and the work area shall be so arranged as to minimize traffic hazards on streets and to avoid nuisance to residents of the neighborhood;

64.5.5 No excavation and removal, or grading, which is below the elevation of any abutting street or property line shall occur within 100 feet of such line, except that excavation and removal or grading within such distance and below the elevation of an abutting property line may be permitted as a “**Special Exception**” by the **Beacon Falls Planning and Zoning Commission**.

64.5.5.1 The “**Commission**” may permit, by “**Special Exception**”, that the excavation and /or grading setback be reduced to 50 feet from a property line, which abuts a residential district, if it finds that the reduction in setback will not result in adverse impacts upon the residential properties, and will promote the most efficient use of property.

ARTICLE VI TOWNWIDE REQUIREMENTS

64.5.5.2 The “**Commission**” may permit by “**Special Exception**”, the excavation and /or regrading setback to be reduced to 25 feet from a property line which abuts an Industrial or Industrial Park District, if it finds that the reduction will not result in adverse impacts and will promote the most efficient use of property.

64.5.5.3 The “**Commission**” may permit, by “**Special Exception**”, the excavation and/or regrading setback to be eliminated when excavation is done in conjunction with an approved excavation and/or regrading of the adjacent properties, in accordance with a comprehensive plan for the regrading and/or development of all the parcels.

64.5.6 No building or other structure shall be erected on the lot except as may be otherwise permitted in the “**District**” or as approved by the “**Commission**”, as a temporary shelter for equipment and field office;

64.5.7 All earth products mining or extraction and all truck traffic to or from the site of such mining or extraction for the purposes of shipping or receiving earth products shall be limited to the hours as defined by “**Town Ordinances**”.

64.5.8 Proper measures shall be taken to minimize nuisance from noise, dust, vibration and flying debris; all trucks shall be covered; suitable fences or other barricades shall be provided around the excavation to protect pedestrians and vehicles; roads, which have been damaged as a result of the applicant’s operations, shall be repaired by the applicant;

64.5.9 Upon completion of the work authorized, the area of excavated or otherwise disturbed ground shall be prepared or restored as follows:

- a. Such area shall be evenly graded to a slope to be less than Two (2) feet of horizontal distance for each one (1) foot of rise or lesser slopes necessary for soil stability and reasonable reuse and development of the lot except that the interior slope of detention basins shall have a slope no less than three (3) feet of horizontal distance for each one (1) foot of rise. All areas shall be evenly graded to provide for adequate drainage and not create stagnant or ponded water. Finished slopes in rock cuts shall be no greater than six (6) feet of vertical rise for every one (1) foot of horizontal distance when approved by the Town Engineer and/or the Commission;
- b. Adequate drainways of gradual slope shall be provided to assure drainage;
- c. There shall be no excavation, grading or removal below an elevation of six (6) feet above any ledge;
- d. All debris and all loose boulders shall be buried or removed from the lot; and
- e. The top layer of any arable soil, to a depth of not less than six (6) inches, shall be retained in the lot and spread over the entire disturbed area with any large stones removed, and the area shall then be seeded with a perennial grass and maintained until the ground shall be completely stabilized with dense cover of grass and there exists no danger of erosion, but this provision shall not apply to

ARTICLE VI TOWNWIDE REQUIREMENTS

the area of ponds nor the exposed areas of ledge existing prior to the work.

64.5.10 The applicant shall file with the “**Commission**” a cash, savings account or surety bond, in form acceptable to the “**Commission**”, in such amount as the Commission deems sufficient to insure the faithful performance of the work in accordance with the provisions of this Section; and In this connection the applicant shall submit to the “**Commission**” a report prepared by a professional engineer certified and licensed under the laws of the State of Connecticut as to the amount of the bond which will be necessary to ensure the faithful performance of the work in accordance with the provisions of these regulations. Said report shall be reviewed and approved or disapproved by the “**Commission**”.

64.5.11 The “**Commission**” and Zoning Enforcement Officer, or their authorized agents, shall at all times, have reasonable access to the lot for the purpose of inspection and determination of compliance with this Section; the “**Commission**” may require the applicant to submit periodic reports, prepared by and bearing the seal of a land surveyor or engineer, showing the status and progress of the work.

64.6 **Time Limit:** Each application granted under this Section shall be valid for a period of one (1) year or for such shorter period as may be requested by the applicant or fixed by the “**Commission**”; the “**Commission**” may by resolution renew the permit annually when the applicant presents copies of the approved maps and plans, prepared by and bearing the seal of a professional engineer or land surveyor, showing that the excavation and removal, or grading or dumping of earth is progressing as approved.

64.7 **Existing Operations:** All existing operations which were established prior to the effective date of these Regulations may continue as they are for a period of one (1) year from such effective date, after which time they shall be subject to all requirements of this Section.

64.7.1 All existing operations, which have an overall approval from the “**Commission**” on, the effective date of these regulations or any amendment thereto shall be allowed to complete all operations in accordance with the overall approval within a period of one (1) year from such effective date.

64.7.2 Failure to apply for a permit under this Section shall operate to terminate a non-conforming use.

64.8 **Return of Bond:** Upon completion of the operation in accordance with the terms of a permit and after any area of the lot required to be seeded has grown in a second growing season a dense cover of grass as required under this Section, the applicant may apply to the “**Commission**” for return of the bond filed as provided in this Section, and if the “**Commission**” is satisfied that the work has been completed as required, the bond shall be returned to the applicant, but otherwise the bond shall remain in full force and effect. In this connection, the “**Commission**” will require that the applicant submit a report to it prepared by a professional engineer licensed and authorized by the State of Connecticut to certify that the excavated area has been reclaimed in accordance with all of the provisions of these regulations.

ARTICLE VI TOWNWIDE REQUIREMENTS

- 64.9 Insurance:** No permit shall be issued until the applicant has filed with the "**Commission**" a certificate evidencing that the applicant has obtained a policy of liability insurance, in which the "**Town of Beacon Falls**" shall be named insured, with a limit of not less than \$300,000 as to personal injury, including a death, and \$100,000 as to property damage, covering all operations to be conducted pursuant to the permit. In the event of cancellation of such insurance, the permit shall terminate.
- 64.10 Staking:** The applicant shall stake or otherwise make provisions for permanent markers at all corners of the permit area with secondary staking or other acceptable identification marker 100 feet inside the permit area in order to maintain the 100 foot setback as required.
- 64.11 Earth Products Processing:** After September 22, 1988, all commercial screening, sifting, washing, crushing or other processing of earth products in all zones is prohibited, and the use of any land in any zone for such processing of earth products is prohibited. Any earth products processing facility which is located in any industrial or industrial park zone and which constitutes a valid prior non-conforming use, and any earth products processing facility in a residential zone until such use can be terminated, are subject to the following requirements for issuance of a permit to operate:
- 64.11.1** No earth products shall be screened, sifted, washed, crushed, or otherwise processed except as authorized by a permit granted by the "**Commission**" under this subsection. Issuance of a permit to any processing facility located in a residential zone does not constitute recognition that such use is a valid non-conforming use.
- 64.11.2 Application:** Application for a permit under this subsection shall be submitted annually in writing to the Zoning Enforcement Officer and to the "**Commission**". All applications shall be accompanied by a written statement specifying the hours and days of the week when the operation is to be conducted, the number, type and capacity of trucks and other equipment to be used, and proposed vehicular access to the lot. The "**Commission**" may request the submission of such additional information as it deems necessary in order to decide upon the application. Duration of a permit shall be one year. Failure to apply for a permit under this Section shall terminate a nonconforming use.
- 64.11.3 Application Fee:** See Section 77 for Fees (Amended Apr. 19, 2001)
- 64.11.4 Procedure:** Upon receipt, the Zoning Enforcement Officer shall transmit the application and accompanying statement to the "**Commission**". Within sixty-five (65) days after receipt of a completed application and statement meeting the requirements of Paragraph 64.11.2, the "**Commission**" shall hold a public hearing on the application. Notice of the public hearing shall be published at least twice in a newspaper having a substantial circulation in the **Town of Beacon Falls, CT.** at intervals of not less than two (2) days, the first not more than fifteen (15), nor less than ten (10) days and the last not less than two (2) days before the public hearing. After the public hearing the "**Commission**" shall approve or disapprove the application.

The applicant may consent in writing to any extension of the time of public hearing and acting on the application. The grounds for disapproval of an

ARTICLE VI TOWNWIDE REQUIREMENTS

application shall be stated in the records of the "**Commission**". Failure to submit additional information requested by the "**Commission**" under Paragraph 64.11.2, within the period for action on the application, shall be grounds for disapproval of the application.

64.11.5 Approval: After the public hearing the "**Commission**" may grant the application to permit the processing of earth products if it finds that the following standards and conditions will be met:

- a. At all times, proper drainage shall be provided to avoid stagnant water, soil erosion problems, excessive runoff, silting of streams and damage to public property, street or drainage facilities;
- b. Truck access to the lot and the work area shall be arranged so as to minimize traffic hazards on streets and to avoid nuisance to residents of the neighborhood;
- c. Proper measures shall be taken to minimize nuisance from noise, dust, vibration and flying debris; all trucks shall be covered; suitable fences or other barricades shall be provided to protect pedestrians and vehicles, roads which have been damaged as a result of the applicant's operations shall be repaired by the applicant;
- d. The Commission and the Zoning Enforcement Officer, or their authorized agents, shall at all times have reasonable access to the lot for the purpose of inspection and determination of compliance with this Section.
- e. All earth products processing, and all truck traffic to or from the site of such processing for the purpose of receiving or shipping earth products shall be limited to the hours as defined by Town Ordinances.
- f. After September 1, 1990, no earth products excavated outside the Town of Beacon Falls, CT. shall be screened, sifted, washed, crushed or otherwise processed at any earth products processing facility or site in the Town of Beacon Falls, CT.; provided, that stockpiles of earth products excavated outside of the Town of Beacon Falls, CT. which are in existence as of September 1, 1990, must be entirely processed as of September 1, 1991.

64.11.6 Severability: Each subsection and each subpart of Section 64 is independent and severable; and if any subsection or subpart of Section 64 is held invalid, the remaining subsections and subparts shall continue in effect.

END OF SECTION

ARTICLE VI TOWNWIDE REQUIREMENTS

SECTION 65: MOBIL HOME PARK

- 65.1** The use of mobile homes for human occupancy is permitted only in a mobile home park in the Business District. All mobile homes in a mobile home park, as provided in Section 31.2, must be connected to a central water system and sanitary sewer system in accordance with state and local ordinances, and shall be approved in writing by the Health Officer of the Town.
- 65.2** For the purpose of this Section, certain words shall have the following meanings:
- 65.2.1** "**Person**" includes individuals, partnerships, corporations, owners, lessees, licensees, and the agents of each of them.
- 65.2.2** "**License**" means any person licensed hereunder to operate and maintain a mobile home park.
- 65.2.3** "**Recreation Vehicle**" means a trailer or camping vehicle used for 6 months or less as a temporary residence.
- 65.2.4** "**Mobile Home**" means a unit, which is equipped with running water, bath facilities, flush toilet and appropriate sanitary connections.
- 65.2.5** "**Mobile Home Park**" means privately owned land upon which two or more mobile homes are or are intended to be parked and occupied as dwellings.
- 65.2.6** "**Collector**" means the Tax Collector of the Town of Beacon Falls, Connecticut.
- 65.2.7** "**Health Officer**" means the appointed Health Officer of the Town of Beacon Falls, Connecticut, or his deputy.
- 65.3** An occupied recreational vehicle shall be permitted in a mobile home park for a period not to exceed 6 months in any year. A mobile home park may be permitted in a Business District, as provided in Section 31.2, subject to the requirements hereinafter set forth and to site plan approval by the "**Commission**" as stated in Section 51.
- 65.4** An Application for a "**CERTIFICATE OF ZONING COMPLIANCE**" shall be made in writing to the "Commission" and shall contain the following information;
- a.** Name and Address of the applicant and the name and address of the real party in interest, if other than the applicant or his authorized agent.
 - b.** A plot plan made by a licensed land surveyor registered in the State of Connecticut under seal showing the site of the mobile home park, roads, location, size, shape and identification number of the mobile home lots, location of sanitary provisions, and name of abutting property owners within 500 feet according to the Land Records of the **Town of Beacon Falls**. All final plans or maps shall be of overall size, not larger than 25 inches by 36 inches, including border. They shall be drawn or traced on a good quality of white drawing paper mounted on muslin or on a good quality of tracing cloth on a scale of not more than 100 feet to the inch. The tracings or drawings shall be made of waterproof black India ink. Four blueprints or other type of copies must accompany the white drawing.
 - c.** Proof of ownership, option or valid lease.

ARTICLE VI TOWNWIDE REQUIREMENTS

d. See Section 77 for Fees. (Amended Apr. 19, 2001)

65.5 Each mobile home park and extension thereof shall meet the following requirements:

65.5.1 The mobile home park and each mobile home therein must be connected to a public water supply system and to a sanitary sewer system, as required by Section 65.1.

65.5.2 The park shall be located on a site graded to insure drainage of surface and subsurface water, sewerage and freedom from stagnant pools.

65.5.3 A minimum of 3,000 square feet shall be provided for each mobile home lot.

65.5.4 Each mobile home lot shall be defined by permanent corner stakes and shall be provided with a permanent marker, displaying the lot number corresponding with the approved plot plan.

65.5.5 All mobile home lots shall abut on a roadway of not less than 30 feet in width.

65.5.6 All roads within the park shall be well drained, provided with bituminous surface and maintained in good condition.

65.5.7 Each mobile home park shall be appropriately landscaped and screened from adjoining property by a 15-foot buffer zone and maintained by the owner of the mobile home park.

65.5.8 Free Vehicular passage shall be provided and maintained from a public highway to each mobile home site. A parking space for a least one-passenger car per mobile home site shall be provided and located so as to permit free movement of vehicle to each other mobile home and parking space. A parking space for each car shall not be less than five (5) feet from the mobile home it serves, not less than 15 feet from each other mobile home or permanent building, and not less than 50 feet from a street line or 40 feet from a side line or rear property line.

65.6 Upon completion of all the requirements of these regulations, and before issuance of a **CERTIFICATE OF ZONING COMPLIANCE**, the owner shall file with the Town Clerk a map showing all physical installations as built, together with a certificate from the Health Officer showing compliance with the sanitary requirements of these regulations.

65.7 The owner of a mobile home park shall be responsible for the operations and the maintenance of the park in accordance with these regulations:

65.7.1 He shall provide all the required utilities and facilities. He shall provide metal containers with covers for refuse and waste materials, and shall dispose of all garbage and refuse in accordance with local ordinances.

65.7.2 He shall keep and maintain a register, written in the English language, available at all times to federal, state and local authorities having jurisdiction. Such records shall be kept available for the three last consecutive years of occupancy, and shall contain for each site:

a. Name of lessee of site or trailer.

b. The permanent or last known address of such lessee.

ARTICLE VI TOWNWIDE REQUIREMENTS

- c. The name of each person customarily occupying the mobile home.
- d. State of registry and marker number of mobile home and/or motor vehicle.
- e. Date of Entry on or Exit from the site or mobile home.

65.8 Emergency Use: Notwithstanding the provisions of this Section, a mobile home may be permitted in any district for a period of up to one (1) year in cases of extenuating circumstances such as request to live in the mobile home, which the resident is being repaired or rebuilt after fire or other casualty. Where said mobile home is to be occupied, its sanitary facilities must have written approval of the Director of Health of the Town of Beacon Falls at the time of approval by the Commission, and it may be occupied by only one (1) family, at least one member of which shall be either the owner of the lot or related by blood, marriage or legal adoption, to the owner of lot. Additional restrictions may be made a part of the conditions of approval by the Commission.

END OF SECTION

ARTICLE VI TOWNWIDE REQUIREMENTS

SECTION 66: ALCOHOLIC BEVERAGES

- 66.1** No structure shall be used, erected or expanded for the sale of alcoholic beverages if the center of any entrance of the portion of said structure which is used for the sale of alcoholic beverages is situated within a 500 foot radius of any other parcel of land which is used for a public or private school, a public park, place of worship, charitable institution, a hospital or library.

END OF SECTION

ARTICLE VI TOWNWIDE REQUIREMENTS

SECTION 67: GARAGES AND SERVICE STATIONS

- 67.1** No structure shall be used, erected or expanded as a garage for more than five (5) motor vehicles, a gasoline filling station, or a motor vehicle service station if the center of any entrance of the portion of said structure which is used for any of the purposes set forth in this Section is situated within a 500 foot radius of any other parcel of land which is used for a public or private school, a public park, place of worship, charitable institution, a hospital or library.

END OF SECTION

ARTICLE VI TOWNWIDE REQUIREMENTS

SECTION 68: PLANNED ADAPTIVE REUSE DEVELOPMENTS

- 68.1** **GENERAL:** A "Planned Adaptive Reuse Development," ("PARD") consisting of a Planned Adaptive Reuse Development District ("PARDD") established by the Planning and Zoning Commission may be authorized in accordance with the procedures, standards and conditions hereinafter specified and only for one or more of the following purposes and under the criteria specified therefore:
- 68.1.1** to permit a tract of land of considerable size to be redeveloped or renewed, for other than the prior use, that constitutes an integrated and harmonious design, that consistent with the character of the Town, the orderly development of the neighborhood and the purposes of these Regulations;
- 68.1.2** to permit, on a lot, a use of land, existing buildings and other structures, and related site development, not permitted within the existing zoning district where the lot is located but if adaptively reused would be beneficial to and consistent with the orderly development of the Town and the neighborhood and consistent with the purposes of these Regulations; and/or
- 68.1.3** to permit, on a lot, the design, reconstruction and rehabilitation of the buildings and other structures, and site development, that by virtue of their historic significance, architectural merit, location, orientation, structure, texture, materials, landscaping or other features would be consistent with character of the Town and the neighborhood and with the purposes of these Regulations and would demonstrate unusual design merit, and when a.) the tract or lot is of sufficient size to justify the application of a Planned Development, b.) an existing zoning district listed in Section 4 could not be appropriately established to accomplish such purpose or would impose uses and standards that preclude, or would not adequately assure, accomplishment of such purposes and c.) the Planned Adaptive Reuse Development is specifically consistent with particular elements of, or is other wise not inconsistent with, any plan of development adopted by the Planning and Zoning Commission.
- 68.2** **Districts:** A Planned Adaptive Reuse Development pertaining to a purpose specified in Par. 68.1 and located on a lot of not less than two acres containing structure(s) which, in the aggregate, have a minimum of 25,000 square feet of existing floor area which is/are to be renovated as part of the adaptive reuse shall be considered a Planned Adaptive Reuse Development District and shall conform to the Procedures, standards and conditions of Par. 68.3 and 68.4.
- 68.3** **Submission Requirements:** Requests for approval of a Planned Adaptive Reuse Development for one or more of the purposes specified in Par. 68.1 shall be submitted in writing and shall be accompanied by the following:
- 68.3.1** **Report:** a written report explaining the purpose of the Planned Adaptive Reuse Development under this Section and how the Planned Adaptive Reuse Development meets the criteria specified in Par. 68.1; 10 copies shall be submitted.
- 68.3.2** **PARDD Regulation:** for a Planned Adaptive Reuse Development District, a written regulation to be applicable within the proposed District, in form suitable for adoption as an

ARTICLE VI TOWNWIDE REQUIREMENTS

amendment to these regulations containing no less than the following:

- a. a suitable boundary description and survey map of the District, and any land use areas and sub-districts within the District;
- b. the precise adaptive reuse of land, buildings and other structures to be permitted.
- c. standards for the area, location and bulk of existing and proposed buildings and other structures, and the area, shape and frontage of lots;
- d. procedures for administrative review and approval of detailed plans and specifications for the Planned Adaptive Reuse Development.
- e. citation of the "General Plans" that are to be applicable within the District; and
- f. any other necessary regulatory provisions, including citation of other provisions of these Regulations that are to be applicable within the District; 10 copies shall be submitted.

68.3.3 General Plans: for a Planned Adaptive Reuse Development District, a "**General Plan**" for the entire District, including site plans, architectural plans and other drawings as relevant and sufficient detail to illustrate the existing topography and the character, function and location of existing uses, buildings, structures, streets, driveways, parking and loading facilities, outside storage areas, contours, wetlands, water courses, drainage, sewage disposal, water supply and landscaping, which General Plans may, shall show the degree of detail required for a "**SITE PLAN**"; six (6) copies shall be submitted.

68.3.4 Petition Map: for a Planned Adaptive Reuse Development District, a petition map; six (6) copies shall be submitted.

68.3.5 See Section 77 for Fee. (Amended Apr. 19, 2001)

68.4 Planned Adaptive Reuse Development Districts: Request for approval of a Planned Adaptive Reuse Development District constitutes a petition to amend these Regulations in accordance with Section 74. The petition shall be submitted to the Planning and Zoning Commission and shall be signed by the owner or owners of all lots within the proposed District, provided however that the District may also include existing street, highway and utility rights-of-way now owned by the petitioner. Within 65 days of receipt of application, the Planning and Zoning Commission shall hold a public hearing and within 65 days after said public hearing act thereon in accordance with provisions of Section 64. The following requirements are also applicable:

68.4.1 Findings: A Planned Adaptive Reuse Development District may be adopted by the Planning and Zoning Commission only upon finding that the proposed District and Planned Adaptive Reuse Development meet the applicable purposes and criteria of Par. 68.1. There shall be no direct requirements as to bulk, coverage, setbacks, yards, height or density, except as may be established by the Planning and Zoning Commission.

68.4.2 Detailed Plans: The use, buildings, structures and site development authorized by a Planned Adaptive Reuse Development District are permitted subject to administrative approval of Detailed Plans therefore by the Planning and Zoning Commission.

Subsequent to such approval The Detailed Plans shall be submitted to the Zoning Enforcement Officer together with an "**APPLICATION FOR A CERTIFICATE OF ZONING**"

ARTICLE VI TOWNWIDE REQUIREMENTS

COMPLIANCE” and shall include no less than the information required for **“SITE PLANS”** under Par. 51.2.2 of these Regulations, Detailed Plans may be submitted for approval in sections or stages. The Planning and Zoning Commission shall act on the Detailed Plans in the same manner as specified for approval of **“SITE PLANS”** under Par. 51.4 provided however the Detailed Plans, as determined by the Planning and Zoning Commission, shall conform to the Planned Adaptive Reuse Development District Regulation, shall be consistent with the General Plans that are a part of such regulation and shall conform to the standards of Section 61 as those standards may be modified by such regulation. Any change of plans shall require the approval of the Planning and Zoning Commission. Moreover, where the Commission determines that the proposed change of plans will significantly alter the character, density size, design and/or spacing of land and buildings so as to make the proposed plans inconsistent with the purposes of the Planned Adaptive Reuse Development, as specified in Section 68.1, another public hearing may be required in accordance with Section 68.4.

68.4.3 Adoption: The Planned Adaptive Reuse Development District may be adopted by the Planning and Zoning Commission with modifications deemed necessary by the Commission to maintain the purposes of these Regulations. Notice of adoption shall be given in the same manner as required for amendment of these Regulations. Any adopted Planned Adaptive Reuse Development District shall be shown on the Zoning Map with its own PARDD number and with a reference to Town records where the District provisions may be seen.

68.4.4 Time Limits: The Planning and Zoning Commission, in connection with adoption of a Planned Adaptive Reuse Development District, may specify time periods within which an **“APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE”** and submission of Detailed Plans shall be made, renovation shall commence and/or the Planned Adaptive Reuse Development shall be completed and a **“CERTIFICATE OF ZONING COMPLIANCE”** therefore obtained; if not so specified, the Planned Adaptive Reuse Development shall be completed and a **“CERTIFICATE OF ZONING COMPLIANCE”** therefore obtained within five (5) years from the effective date of the District. The Planning and Zoning Commission may extend such time periods after public hearing for good cause shown. In the event of failure to meet such time periods, as the same may be extended, the Planning and Zoning Commission is deemed authorized by the owner of the tract or lot to amend these Regulations and the Zoning Map, deleting the Planned Adaptive Reuse Development District and establishing in its place the previous or another zoning district.

END OF SECTION

ARTICLE VI TOWNWIDE REQUIREMENTS

SECTION 69: PLANNED ADAPTIVE REUSE DISTRICT #1

69.1 General: The Zoning Regulations of the Town of Beacon Falls, Connecticut, including the Zoning Map and Zoning Districts, are amended by establishment of the Planned Adaptive Reuse District #1, hereinafter referred to as "PARD #1"

69.1.1 PURPOSES:

- a) To permit a tract of land of considerable size to be redeveloped or renewed, for other than the prior use, that constitutes an integrated and harmonious design, consistent with the character of the Town, the orderly development of the neighborhood and the purposes of these Regulations;
- b) To permit, on a lot, a use of land, existing buildings and other structures, and related site development, not permitted within the existing zoning district where the lot is located but, if adaptively reused, would be beneficial to and consistent with the orderly development of the Town and the neighborhood and consistent with the purposes of these Regulations;
- c) To permit on a lot, the design, reconstruction and rehabilitation of the buildings and other structures, and site development, that by virtue of their historic significance, architectural merit, location, orientation, structure, texture, materials, landscaping or other features would be consistent with character of the Town and the neighborhood and with the purposes of these Regulations and would demonstrate unusual design merit;
- d) To permit the use of the first parcel as follows: Parcel 1 of 3.14 acres (northerly portion for construction of not more than "56 dwellings, 48 or which are to be wholly contained within the existing 4 story brick structure and 8 to be contained within a new structure not to exceed two stories in height." Parcel 2 of 4.94 acres (the southerly portion), for construction of not more than 135 dwelling units, to be substantially contained within the existing structures. All construction of Parcels 1 and 2 to be served by public water and sewer supply, on site recreational facilities and adequate landscaping. Parcel 1 shall contain an additional "10,000 square feet for commercial use to be constructed."

69.1.2 CONTEXT:

The zoning provisions to be applicable to PARD #1 are those proposed in this statement. This statement is accompanied by the following Maps and Plans, which, together, constitute the "General Plan" required by Section 68.3.3 of the Zoning Regulations, which are identified as follows:

- a) Boundary Survey-2 sheets, entitled "Maps Prepared for Patrick Mainolfi Main Street and Burton Road," Beacon Falls, CT, dated August 31, 1981, prepared by Nowakowski, O'Bymachow & Kane, Shelton, CT.
- b) Site Plan - entitled "Uniroyal-Adaptive Reuse," Beacon Falls, CT, dated September 4, 1984, prepared by Nadler & Philopena, Architects, Mount Kisco, NY.
- c) The Uniroyal Complex A Planned Adaptive Reuse Development, dated September 5, 1984.

ARTICLE VI TOWNWIDE REQUIREMENTS

- d) Concept Elevation dated September 4, 1984, prepared by Nadler & Philopena, Architects, Mount Kisco, NY.
- e) Plan of Building-11 entitled "Typical Floor Plan Preliminary", dated September 4, 1984, prepared by Nadler & Philopena, Architects, Mount Kisco, NY.
- f) Concept Site Plan, dated October 3, 1984, prepared by Nadler & Philopena & Associated, Architects Planners, Mount Kisco, NY.
- g) "Site Plan - Proposed Commercial/Residential Building" dated September 7, 1988, prepared by Steve Smith Architects.

69.1.3 **REGULATIONS:**

Within PARD #1, no land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, moved or structurally altered except in conformity with the Zoning Regulations of the Town of Beacon Falls, Connecticut, adopted September 17, 1976, together with subsequent amendments, as modified by this statement. Within PARD #1, no lot or land shall be subdivided, sold, encumbered or conveyed, except in accordance with said Regulations as modified by this statement.

69.1.4 **BOUNDARY:**

The boundary of PARD #1 as delineated in 2 sheets "Maps prepared for Patrick Mainolfi, Main Street and Burton Road, Beacon Falls, Connecticut, August 31, 1981" prepared by Nowakowski, O'Bymachow & Kane, Shelton, CT referred to in Section 69.1.2 above, encompasses the following 2 parcels of land with an area of 8.08 acres and is generally bounded and described as follows:

PARCEL ONE

A certain piece or parcel of land containing 3.14 acres located at the northeasterly intersection of Main Street and Burton Road, Beacon Falls, Connecticut, as shown on a map entitled: "Map prepared for Patrick Mainolfi, Main Street & Burton Road, Beacon Falls, Connecticut, Scale: 1"-40' dated August 31, 1981" by Nowakowski, O'Bymachow & Kane, being more particularly bound and described as follows:

Commencing at a point at the northeasterly intersection of Main Street and Burton Road;

Thence proceeding northwesterly along the northeasterly highway line of Main Street, N21 15 feet 45 inches West, 14.99 feet to a Connecticut Highway Department monument.

Thence proceeding northwesterly along said highway line, N24 56 feet 45 inches West 311.07 feet to a monument;

Thence proceeding northeasterly along the southerly property line of land owned nor or formerly by Hazel & Daniel Lee, N64 51 feet 00 inches East, 150.25 feet to a monument.

Thence proceeding northwesterly along the northeasterly property line of said Lee N25 09 feet 00 inches West, 80.0 feet to an iron pin and N26 51 feet 00 inches west, 50.57 feet to a monument;

ARTICLE VI TOWNWIDE REQUIREMENTS

Thence proceeding northwesterly along the northeasterly property line of land owned now of formerly by Carmela & Albert Zollo, of land owned now or formerly by Gary S. Rappaport, of land owned now or formerly by Brian Barret & Janet Doyle, each in part, the following courses, N27 40 feet 00 inches West, 75.0 feet, North 33 11 feet 00 inches West, 62.80 feet North 40 35 feet 00 inches West, 50.27 feet;

Thence proceeding northwesterly along the northeasterly property line of land owned now or formerly by Andrew & Dorothy Cherhoniak, land owned now or formerly by Patrick & Donna Dionne, land owned now or formerly by Harry C. Scheithe each in part, N48 16 feet 15 inches West, 154.09 feet to a monument;

Then proceeding northwesterly along the northeasterly property line of the land owned now or formerly by John & Vike J. Buchla, N48 30 feet 50 inches west, 61.01 feet;

Thence proceeding northeasterly along the southeasterly property line of land owned now or formerly by Ross & Roberta Snyder, N55 35 feet 30 inches East, 87.57 feet to a monument;

Thence proceeding southeasterly along the southwesterly property line of land owned now or formerly by George Armonat, S50 29 feet 05 inches east, 121.29 feet to a monument;

Thence proceeding southeasterly along the southwesterly property line of land owned now or formerly by Antoinette & Rocco Sabia, S58 20 feet 50 inches east, 100.81 feet to a monument;

Thence proceeding southeasterly along the southwesterly property line of land owned now or formerly by Howard & Gwendolyn Enquist, S35 36 feet 25 inches east, 225.87 feet to a monument;

Thence proceeding southeasterly along the southwesterly property line of land owned now or formerly by Mildred B. Woodward the following course, S7 45 feet 10 inches East, 21.77 feet to a monument, S19 42 feet 00 inches East, 441.76 feet to a monument on the northeasterly side of highway line of Burton Road;

Thence proceeding southwesterly along said highway line of Burton Road the following courses, S81 20 feet 30 inches West, 22.55 feet to an iron pin, also being the beginning of a curve having a radius 377.0 feet delta 16.03 feet 30 inches a distance of 105.66 feet to an iron point, also being end of curve, S65 17 feet 00 inches West, 100.98 feet to a point and place of commencement.

A certain piece or parcel of land containing 4.94 acres located at the southeasterly intersection of Main Street and Burton Road, Beacon Falls, Connecticut, as shown on a map entitled: "Map Prepared for Patrick Mainolfi, Main Street and Burton Road, Beacon Falls, Connecticut, Scale: 1"-40', dated August 21, 1981" by Nowakowski, O'Bymachow & Kane being more particularly bound and described as follows: Commencing at a point, marked with an iron pin, at the southeasterly intersection of Main Street and Burton Road.

Thence proceeding northeasterly along the southerly street line of Burton Road, N65 17 feet 00 inches east, 103.40 feet to the beginning of a curve, marked by an iron pin.

Thence proceeding along the curve deflecting to the southeast a distance of 94.45 feet, said curve having radius 337.0 feet and delta 16 03 feet 30 inches;

ARTICLE VI TOWNWIDE REQUIREMENTS

Thence proceeding easterly along said highway the following courses, N81 20 feet 30 inches East, 145.28 feet to an iron pin; N74 32 feet 30 inches East, 52.01 feet to an iron pin, N70 48 feet 30 inches East, 36.57 feet to an iron pin.

PARCEL TWO

Thence proceeding southerly and easterly along the westerly and southerly property line of land owned nor or formerly by Adam & Balbina Swierczewski, S12 28 feet 30 inches West, 164.27 feet to a monument, S65 46 feet 30 inches East, 143.0 feet to an iron pin in a boulder;

Thence proceeding southerly along the westerly property line of land owned now or formerly by John & Silvan Makarewicz, land owned nor or formerly by John & Stephanie Pryzbylek, land owned nor or formerly by John & Isabel Peterson and in part by land owned now or formerly by Sebastiano Catanzaro, each in part, S21 56 feet 30 inches West, 304.30 feet to a monument;

Thence proceeding southwesterly along the northwesterly property line, in part, of land owned now or formerly by said Catanzaro, S56 52 feet West, 30 inches West to a monument; 87.0 feet to a monument;

Thence proceeding southerly along the westerly property line, in part, of land owned now or formerly by said Catanzaro and the westerly property line, each in part, of land owned now or formerly by Edmund & Dolores Sierakowski and land owned now or formerly by Maryann Chicowski, S21 38 feet 20 inches West, 197.50 feet to a monument;

Thence proceeding westerly along the northerly property line of land owned now or formerly by said Chicowski, N86 10 feet 25 inches west, 38.86 feet to an iron pin in a boulder;

Thence proceeding westerly along the northerly property line of land owned now or formerly by the State of Connecticut, N74 54 feet 30 inches

West, 77.60 feet to a monument on the easterly side of Highway line of Main Street;

Thence proceeding northerly along said easterly highway line of Main Street the following courses, N8 25 feet 45 inches west, 2.58 feet to the beginning of a curve marked by a Connecticut Highway Department monument;

Thence proceeding along the curve deflecting to the West a distance of 195.61 feet said curve having a radius of 396.47 feet and a delta of 28 16 feet 05 inches;

Thence-proceeding northerly along said highway line, N21 15 feet 45 inches west, 395.87 feet to an iron pin, being point and place of commencement. **(69.1.4 - Revised and Approved April 17, 1997)**

69.2 PERMITTED USES: PARD #1 to be used as follows:

- a) Parcel 1 of 3.14 acres (the northerly portion) for construction of not more than 56 residential dwellings, 48 of which are to be wholly contained within the existing four (4) story brick structure and eight (8) to be contained within a new structure not to exceed two stories in height and an additional 10,000 square feet for commercial use to be constructed as set forth

ARTICLE VI TOWNWIDE REQUIREMENTS

in the "Site Plan - Proposed Commercial/Residential Building", dated September 7, 1988".

- b) Parcel 2 of 4.94 acres (the southerly portion) for construction of not more than 141 residential dwelling units to be substantially contained within the existing structures.
- c) All construction of Parcels 1 & 2 is to be served by public water and sewer supply, on site recreational facilities (as set forth on the submitted "Site Plan" and adequate landscaping).
- d) The following uses when clearly subordinate and subsidiary to the uses permitted above:
 - 1. Off-street parking as provided on "Site Plan" Dated October 3, 1984.
 - 2. Vehicular and pedestrian access.
 - 3. Electric, telephone, Gas, water, sanitary sewer lines and other utilities.
 - 4. Adequate landscape features permanently maintained.
 - 5. Recreational areas, pool, tennis court as depicted in the map and plan named in Section 69.1.2, "a" through "g" inclusive.

69.3 LOT AREA, SHAPE AND FRONTAGE:

The land within PARD #1 shall not be subdivided into individual lots, but shall be divided into condominiums and rental units, containing residential, commercial and industrial units for sale and/or rental as provided. The existing land, consisting of 8.08 acres is deemed to have the minimum area, shape and frontage required by the regulations.

69.4 COVERAGE AND BULK:

Within the proposed PARD #1, the aggregate lot coverage of all structures shall not exceed 21.7% of the area.

69.5 SIGN:

These shall be no signs except as shall a) conform to the requirement of Section 63 of the Zoning Regulations of the Town of Beacon Falls, and b) provide for public safety (police, fire, etc.) and unit building and development identification.

69.6 HEIGHT AND SETBACKS:

Within the proposed PARD #1 and due to the adaptive reuse nature of said proposal, building height and setbacks shall be those of the existing structures and in conformity with the submitted site plans.

69.7 PARKING:

Within the proposed PARD #1, off-street parking and loading space shall be provided in accordance with Section 62 of the Zoning Regulations of the Town of Beacon Falls, except that these shall be 1.5 spaces provided for each residential dwelling unit and two (2) spaces provided for each 1,000 square feet of commercial/industrial use.

69.8 OTHER:

All provisions of the Zoning Regulations of the Town of Beacon Falls that are applicable in Residential R-3 Districts shall be applicable to PARD #1, except as modified by this statement.

ARTICLE VI TOWNWIDE REQUIREMENTS

SECTION 69.10: PLANNED ADAPTIVE REUSE DISTRICT #2

General: - The Zoning Regulations of the Town of Beacon Falls, Connecticut, (the Town) including the Zoning Map and Zoning Districts, are amended by establishment of the Planned Adaptive Reuse District # 2, hereinafter referred to as "PARD # 2". (Amended Aug. 15, 2002)

69.10.1 PURPOSES:

- a) To permit a tract of land of considerable size to be redeveloped or renewed, for other than the prior use, that constitutes an integrated and harmonious design, consistent with the character of the Town, the orderly development of the neighborhood and the purposes of these Regulations;
- b) To permit, on a lot, a use of land, existing buildings and other structures, and related site development, not permitted within the existing zoning district where the lot is located but, if adaptively reused, would be beneficial to and consistent with the orderly development of the Town and the neighborhood and consistent with the purposes of these Regulations;
- c) To permit, on a lot, the design, reconstruction and rehabilitation of the buildings and other structures, and site development, that by virtue of their historic significance, architectural merit, location, orientation, structure, texture, materials, landscaping or other features would be consistent with the character of the Town and the neighborhood and within the purposes of these Regulations and would demonstrate unusual design merit;
- d) To permit the use of the parcel as follows:
 - 1. All dwellings shall be designated as "older persons housing," with a minimum of 80% of the dwellings being occupied by at least one person who is 55 years of age or older in accordance with 42 U.S.C. 3607, know as the Fair Housing Act, and Title 46A., Chapter 814C, Section 46a-64b of the Connecticut General Statutes, as amended.
 - 2. All construction to be served by public water and sewer supply, all of which shall be underground.
 - 3. On-site support facilities and adequate landscaping. Adequate landscaping shall include shade, ornamental and evergreen trees and shrub bed and slope plantings as depicted on the referenced drawings, as well as foundation plantings for each dwelling unit. Site development shall preserve major trees and existing landscape features whenever possible. All disturbed areas not otherwise landscaped shall be loamed and seeded.
 - 4. All roadways within the PARD # 2 shall be privately maintained and conform to the approval of the Planning and Zoning Commission.

69.10.2 CONTEXT:

The zoning provisions to be applicable to PARD # 2 are those proposed in this statement. The following Maps and Plans, which together constitute the "General Plan" required by Section 68.3.3 of the Zoning Regulations, which are identified as follows, accompany this statement:

- a) Boundary Survey, entitled "Map of Property of Weisz, Poe & Triantafillos to be acquired by CBL, Inc., Beacon Falls, CT." dated Nov. 20, 1987 by K. M. Engineering, Inc.

ARTICLE VI TOWNWIDE REQUIREMENTS

69.10.3 REGULATIONS:

- a) Within PARD # 2, no land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, moved or structurally altered except in conformity with the Zoning Regulations of the Town of Beacon Falls, Connecticut, adopted September 17, 1976, together with subsequent amendments, as modified by this statement. Within PARD # 2, no lot or land shall be subdivided, sold, encumbered or conveyed, except in accordance with said Regulations as modified by this statement.
- b) All plans shall be approved by the Planning & Zoning Commission and the Inland/Wetland Commission of the Town of Beacon Falls and shall be substantially in accord, except as modified by the Planning & Zoning Commission and Inland/Wetland Commission, with the plans submitted by the applicant to amend the Beacon Falls Zoning Regulations.

69.10.3 BOUNDARY:

The boundary of PARD # 2 as delineated and defined by the Boundary Survey referenced above, consisting of a total of 29.655 acres, is as follows:

Beginning at a point, on the Southerly street line of Pent Road said point also being the Northeast corner of property now or formerly of Conrad and Alice Dahm as shown on the above mentioned map.

Thence, in an Easterly direction south 72° 27' 08" East for a distance of 56.67 feet along the Southerly street line of Pent Road.

Thence, in Southerly direction, South 09° 04' 34" West for a distance of 384.24 feet to a monument, along land now or formerly of James Norton, South 09° 13' 34" West for a distance of 167.27 feet, South 09° 13' 34" West for a distance of 227.15 feet along land now or formerly of Robert and Doris Gondola, South 19° 14' 51" West for a distance of 898.86 feet along land now or formerly of Edward and Constance Gondola.

Thence, in a Westerly direction, North 75° 59' 48" West for a distance of 87.91 feet. North 74° 26' 37" West for a distance of 46.34 feet, North 70° 22' 58" West for a distance of 77.47 feet along portions of a stone wall, all being along land now or formerly of Elizabeth Degeorge, North 67° 38' 19" West for a distance of 84.49 feet, North 65° 33' 17" West for a distance of 92.88 feet, North 68° 15' 42" West for a distance of 84.77 feet, North 67° 00' 39" West for a distance of 116.12 feet, North 66° 06' 25" West for a distance of 65.09 feet, North 63° 54' 40" West for a distance of 199.97 feet, North 64° 29' 54" West for a distance of 102.92 feet and North 63° 34' 45" West for a distance of 142.04 feet, along portions of a stone wall, all being along land now or formerly of Steven Posick.

Thence, in a Northerly direction, North 04° 36' 20" East for a distance of 96.40 feet, North 05° 07' 30" East for a distance of 80.90 feet, North 03° 53' 55" East for a distance of 79.61 feet. North 12° 24' 23" East for a distance of 14.93 feet, North 04° 25' 50" East for a distance of 160.24 feet, North 04° 45' 31" East for a distance of 74.27 feet, North 07° 58' 28" East for a distance of 179.98 feet, North 08° 41' 33" East for a distance of 10.76 feet, North 09° 07' 36" East for a distance of 89.50 feet, North 61° 37' 16" West for a distance of 37.94 feet, North 16° 15' 22" East for a distance of 236.37 feet, along a stone wall, all being along land now or formerly of C.B.L., Inc. (formerly Wernick).

Thence, in an Easterly direction, South 66° 34' 28" East for a distance of 873.01 feet along a

ARTICLE VI TOWNWIDE REQUIREMENTS

stone wall to an iron pipe set in said wall, North 88° 24' 46" East for a distance of 137.93 feet along a stone wall to an iron pipe, all being along land now or formerly of Walter J. Opuszyski, North 89° 45' 38" East for a distance of 110.82 feet, South 74° 37' 42" East for a distance of 123.35 feet to an iron pipe, all being along land now or formerly of William and Ann Steinbacher.

Thence, in a Northerly direction, North 09° 20' 45" East for a distance of 285.43 feet, North 09° 32' 30" East for a distance of 150.00 feet, all being along land now or formerly of William and Anne Steinbacher, North 09° 32' 30" East for a distance of 126.62 feet along land now or formerly of Conrad and Alice Dahm to the point and place of beginning.

69.10.3 PERMITTED USES:

The following shall constitute permitted use for PARD # 2:

- a) A Parcel of 29.655 acres as described in the Boundary Survey and the Boundary as set forth herein for construction of not more than 100 age restricted residential dwellings, all of which are to be duplex units, and one community building. All construction is to be served by public water and sewer supply, and underground utilities, as set forth in the design plans referenced above.
- b) The following uses when clearly subordinate and subsidiary to the uses permitted above:
 - 1. Off-street parking as provided on the design plans.
 - 2. Vehicular and pedestrian access.
 - 3. Electric, telephone, Gas, water, sanitary sewer lines and other utilities, all of which shall be placed underground.
 - 4. Adequate landscape features permanently maintained.
 - 5. Recreational areas, as depicted in the Design Plans.

69.10.4 LOT AREA, SHAPE AND FRONTAGE:

The land within PARD # 2 shall not be subdivided into individual lots, but shall be divided into age restricted housing as provided. The existing land, consisting of 29.655 acres is deemed to have the minimum area, shape and frontage required by the regulations.

69.10.5 UNIT SIZE:

The living area of each dwelling unit, inclusive of bathroom and exclusive of patio's, balconies or corridors, if any, shall contain a minimum of 900 square feet and a maximum of 1300 square feet.

69.10.6 COVERAGE AND BULK:

Within the proposed PARD # 2, the aggregate lot coverage of all structures shall not exceed 20% of the total lot area and all impervious surfaces shall not exceed 35% of the total lot area.

69.10.7 SIGNS:

ARTICLE VI TOWNWIDE REQUIREMENTS

There shall be no signs except as shall conform to:

- a) The requirement of Section 63 of the Zoning Regulations of the Town of Beacon Falls, and,
- b) Provide for public safety (police, fire, etc.) and unit building and development identification.

69.10.8 HEIGHT AND SETBACKS:

Within the proposed PARD # 2, the following standards shall apply:

- a) Maximum Building Height: 35 feet
a Maximum of 2 Stories
- b) Minimum Building Property Setback: 45 feet
- c) Minimum Deck Property Setback: 40 feet
(unenclosed and unheated)
- d) Setback From Roads: 20 feet off of edge of
pavement of interior roads

All building heights and setbacks shall be in conformance with the submitted site plans.

69.10.9 PARKING AND CIRULATION:

Within the proposed PARD # 2, the following standards shall apply:

- a) For the purpose of this PARD, each parking space shall be 9 feet wide by 20 feet long.
- b) A minimum of two parking spaces per unit shall be provided. Spaces may be exterior or garage spaces.
- c) Additional parking spaces shall be in conformance to the submitted site plans.
- d) All interior roads shall have a minimum paved width of 24'. All interior roads shall remain private roads.

69.10.10 FIRE HYDRANTS:

All fire hydrants shall be installed and located within 500 feet of each building, subject to the approval of the Fire Marshall for Beacon Falls.

69.10.11 AGE RESTRICTION:

Within the proposed PARD # 2, the following standards shall apply:

- a) 80% of all units and their occupants shall comply with the requirements of the 55 and over housing exemption. There shall be no permanent residents eighteen (18) years of age or younger. A permanent resident shall be defined to be a resident who occupies the premises for more than six (6) months in any one (1) calendar year.
- b) The housing facility or community association shall provide evidence to the Town of Beacon

ARTICLE VI TOWNWIDE REQUIREMENTS

Falls Planning and Zoning Commission on an annual basis that the project is in compliance with the provisions of the Federal and State Statutes concerning the over 55 housing exemption.

- c) The age restriction will be in the deed of conveyance, as well as the Declaration. If any unit is under contract to a potential renter or owner and at least one individual intends to reside in said dwelling who is not 55 years of age or older, the Association must be contacted to determine whether a non restricted unit is available. The Declaration will state that the Association, in its sole discretion, may waive occupancy age restriction up to a maximum of 20% of the then existing units.
- d) Proposed residents must sign an affidavit and present verification of their age. The Association will conduct an annual survey of the age of the occupants within the PARD in furtherance of the annual certification to the Planning and Zoning Commission.

69.10.12 **FINAL PLAN REQUIREMENTS:**

- a) The applicant shall submit the following:
 - 1. A detailed statement of use outlining the project and certification that the final plans conform to the original approval. This statement should clearly identify where any deviation from the original approval exists.
 - 2. A detailed construction schedule defining items such as clearing, earth removal/filing, wetland mitigation, phasing and restoration.
- b) **Final Plans:** Detailed development plans shall be submitted in conformance with and including all the information required by the approved preliminary plan. Any plans for stage completion should reflect all stages of development completed and/or approved as of the date of submission. Maps should be drawn at a minimum scale of 1" to 40' shall include at least the following:
 - 1. **SITE PLAN:** A detailed plan of all site plan proposals showing the layout of all building, drives, parking areas, walkways, recreational facilities and other pertinent elements and including a tabulation of the required standards and the design standards used.
 - 2. **ENGINEERING PLANS:** Plans presenting detailed engineering designs and information supporting all the engineering elements of the site improvements including proposed drives, parking areas, grading, drainage sewers, water supply, utilities and other improvements.
 - 3. **LANDSCAPING PLANS:** Plans showing all proposed areas to be planted and landscaped, type of plants by common name, botanical name, size and location. Any areas to be maintained by someone other than the Applicant shall be so designated. Topography and other natural features shall be shown to the extent they are significant to be the landscaping treatment. Locations of signs and lighting fixtures shall be indicated.
 - 4. **ARCHITECTURAL PLANS:** Drawings of all proposed buildings shall be submitted including floor plans of all levels, elevations of all sides of all structures, including

ARTICLE VI TOWNWIDE REQUIREMENTS

accessory buildings, perspective drawings and renderings to the extent necessary to portray building designs and relationships, and general specifications of types of construction proposed, including exterior materials and finishes.

5. **OTHER DOCUMENTS:** Any other plans, reports or documents required as part of the approval of the preliminary plan, copies of restrictive covenants, easements, deeds to open space areas and such additional information as the "**Commission**" may request concerning use, control, maintenance and liability relative to all open space areas and common facilities.

69.10.13 OTHER:

All provisions of the Zoning Regulations of the Town of Beacon Falls shall be applicable to PARD # 2, except as modified by this statement.

ARTICLE VI TOWNWIDE REQUIREMENTS

SECTION 69.11: PLANNED ADAPTIVE REUSE DISTRICT # 3

General: The Zoning Regulations of the Town of Beacon Falls, Connecticut, (the Town) including the Zoning Map and Zoning Districts, are amended by establishment of the Planned Adaptive Reuse District #3, hereinafter referred to as "PARD #3."

69.11.1 PURPOSES:

- a) To permit a tract of land of considerable size to be redeveloped or renewed, for other than the prior use, that constitutes an integrated and harmonious design, consistent with the character of the Town, the orderly development of the neighborhood and the purposes of these Regulations;
- b) To permit, on a lot, a use of land, existing buildings and other structures, and related site development, not permitted within the existing zoning district where the lot is located but, if adaptively reused, would be beneficial to and consistent with the orderly development of the Town and the neighborhood and consistent with the purposes of these Regulations;
- c) To permit, on a lot, the design, reconstruction and rehabilitation of the buildings and other structures, and site development, that by virtue of their historic significance, architectural merit, location, orientation, structure, texture, materials, landscaping or other features would be consistent with the character of the Town and the neighborhood and within the purposes of these Regulations and would demonstrate unusual design merit;
- d) To permit the use of the parcel as follows:
 1. All dwellings shall be designated as "older persons housing" being occupied by at least one person who is 55 years of age or older in accordance with 42 U.S.C. 3607, know as the Fair Housing Act, and Title 46A., Chapter 814C, Section 46a-64b of the Connecticut General Statutes, as amended.
 2. All construction to be served by public water and sewer supply, all of which shall be underground.
 3. On-site support facilities and adequate landscaping. Adequate landscaping shall include shade, ornamental and evergreen trees and shrub bed and slope plantings as depicted on the referenced drawings, as well as foundation plantings for each dwelling unit. Site development shall preserve major trees and existing landscape features whenever possible. All disturbed areas not otherwise landscaped shall be loamed and seeded.
 4. All roadways with the PARD #3 shall be privately maintained and conform to the approval of the Planning and Zoning Commission.

69.11.2 CONTEXT:

The zoning provisions to be applicable to PARD #3 are those proposed in this statement. The following Maps and Plans, which together constitute the "General Plan" required by Section 68.3.3 of the Zoning Regulations, which are identified as follows, accompany this statement:

- a) "Master Plan - Woodhaven Estates, Skokorat Road, Beacon Falls, CT.", Sheet No. 1, Existing Condition, Sheet No. 2 - Layout and Sheet No. 3 - Utilities, all dated February 2003

ARTICLE VI TOWNWIDE REQUIREMENTS

and prepared at a scale of 1"=100' by Milone & MacBroom, Inc.

- b) Boundary Survey, entitled, "Property Survey - Daddio Property, Skokorat Road, Beacon Falls, CT." Scale 1"=100', dated February 17, 2003 and prepared by Milone & MacBroom, Inc. (2 sheets)

69.11.3 **REGULATIONS:**

- a) Within PARD #3, no land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, moved or structurally altered except in conformity with the Zoning Regulations of the Town of Beacon Falls, Connecticut, adopted September 17, 1976, together with subsequent amendments, as modified by this statement. Within PARD #3, no lot or land shall be subdivided, sold, encumbered or conveyed, except in accordance with said Regulations as modified by this statement.
- b) All plans shall be approved by the Planning & Zoning Commission and the Inland/Wetland Commission of the Town of Beacon Falls and shall be substantially in accord, except as modified by the Planning and Zoning commission and Inland/Wetland Commission, with the plans submitted by the applicant to amend the Beacon Falls Zoning Regulations.
- c) All plans shall be approved by the Planning & Zoning Commission and the Inland/Wetland Commission of the Town of Beacon Falls and shall be substantially in accord, except as modified by the Planning & Zoning Commission and Inland/Wetland Commission, with the plans submitted by the applicant to amend the Beacon Falls Zoning Regulations.

69.11.3.1 **BOUNDARY:**

The boundary of PARD #3 as delineated and defined by the Boundary Survey referenced above, which is the Daddio property consisting of a total of 151± acres, less approximately nine acres in the northwest corner of the parcel which shall be excluded from the PARD and subdivided into five separate single family building lots, is as follows :

Parcel: Daddio Property (Parcels 1 & 2) (excluding Lots 1-5)
Area: 6,185,705 square feet, 142.004 acres

A certain parcel of land situated in the Town of Beacon Falls, County of New Haven and State of Connecticut being more particularly bounded and described as follows:

Beginning at a point on the easterly streetline of Skokorat Road at the division line between land now or formerly of David J. & Christina Matika and the land herein described;

thence running North 17°-30'-00" East 71.08 feet along the easterly streetline of Skokorat Road to a point;

thence running South 43°-08'-06" East 429.30 feet to a point, thence turning and running South 39°-02'-00" East 75.10 feet to a point, thence turning and running North 20°-03'-53" East 43.65 feet to a point, thence turning and running North 16°-05'-27" East 116.39 feet to a point, thence turning and running North 17°-00'-10" East 48.20 feet to a point, thence turning and running North 09°-26'-28" East 64.74 feet to a point,

ARTICLE VI TOWNWIDE REQUIREMENTS

thence turning and running North 00°-50'-39" East 19.61 feet to a point, thence turning and running North 26°-41'-49" East 33.76 feet to a point, thence turning and running North 00°-29'-20" East 37.43 feet to a point, thence turning and running North 01°-59'-42" East 44.09 feet to a point, thence turning and running North 10°-09'-38" East 54.86 feet, all along land now or formerly of Mark J. Daddio and Rebecca L. Daddio, to a point;

thence running North 18°-38'-29" East 606.04 feet along Lot 1, Lot 2, Lot 3 and Lot 4, each in part, to a point;

thence running South 71°-21'-31" East 403.41 feet to a point, thence turning and running North 18°-38'-29" East 391.01 feet, all along Lot 5, to a point;

thence running South 84°-49'-11" East 70.40 feet to a point, thence turning and running South 66°-05'-51" East 75.30 feet to a point, thence turning and running South 82°-59'-23" East 91.40 feet to a point, thence turning and running South 80°-05'-41" East 348.75 feet to a point, thence turning and running South 76°-36'-16" East 54.70 feet to a point, thence turning and running South 84°-44'-23" East 74.00 feet to a point, thence turning and running South 78°-10'-15" East 457.16 feet to a point, thence turning and running North 54°-17'-36" East 359.23 feet, all along land now or formerly of Edward's Concrete and Construction, to a point;

thence running South 63°-22'-50" East 221.58 feet to a point, thence turning and running South 55°-35'-50" East 133.49 feet to a point, thence turning and running South 62°-02'-40" East 287.78 feet to a point, thence turning and running South 62°-22'-30" East 572.80 feet, all along land now or formerly of Beacon Heights, Inc., to a point;

thence running South 28°-05'-45" West 192.50 feet to a point, thence turning and running South 26°-59'-24" West 145.15 feet to a point, thence turning and running South 16°-32'-49" West 66.60 feet to a point, thence turning and running South 27°-23'-59" West 194.75 feet to a point, thence turning and running South 08°-46'-39" West 29.30 feet to a point, thence turning and running South 25°-23'-34" West 69.60 feet to a point, thence turning and running South 02°-17'-22" West 100.81 feet to a point, thence turning and running South 11°-55'-14" West 120.10 feet to a point, thence turning and running South 06°-15'-48" West 128.88 feet, all along land now or formerly of Fairlee Realty Liquidation Trust, to a point;

thence running South 10°-15'-54" West 63.85 feet to a point, thence turning and running South 08°-33'-29" West 232.75 feet to a point, thence turning and running South 08°-08'-14" West 158.40 feet to a point, thence turning and running South 08°-47'-09" West 168.30 feet to a point, thence turning and running South 05°-24'-34" West 70.00 feet to a point, thence turning and running South 04°-28'-34" West 304.30 feet to a point, thence turning and running South 03°-23'-14" West 187.78 feet, all along the westerly streetline of Miller Road, to a point;

thence running North 52°-21'-22" West 329.17 feet along land now or formerly of Yongzhi Zhu and Xianfen Hua to a point;

thence running North 52°-41'-56" West 51.30 feet along land now or formerly of Paul V. Falcone and Susan Falcone to a point;

ARTICLE VI TOWNWIDE REQUIREMENTS

thence running North 56°-23'-11" West 85.30 feet to a point, thence turning and running North 57°-36'-41" West 67.60 feet to a point, thence turning and running North 49°-50'-26" West 217.00 feet to a point, thence turning and running North 62°-34'-46" West 51.00 feet to a point, thence turning and running North 65°-46'-31" West 184.30 feet to a point, thence turning and running North 64°-24'-31" West 302.05 feet to a point, thence turning and running South 78°-09'-11" West 95.90 feet, all along land now or formerly of Woodhaven Country Club, to a point;

thence running South 85°-30'-17" West 382.85 feet to a point, thence turning and running South 87°-38'-45" West 193.11 feet to a point, thence turning and running North 78°-51'-40" West 91.60 feet to a point, thence turning and running North 88°-16'-31" West 212.95 feet to a point, thence turning and running South 88°-27'-44" West 137.93 feet to a point, thence turning and running North 88°-27'-19" West 117.58 feet to a point, thence turning and running South 89°-42'-48" West 138.24 feet to a point, thence turning and running North 87°-40'-44" West 301.86 feet to a point, thence turning and running South 87°-39'-27" West 78.05 feet to a point, thence turning and running North 88°-56'-54" West 73.45 feet to a point, thence turning and running North 89°-13'-35" West 173.44 feet, all along land now or formerly of April Industries, Inc., to a point;

thence running North 85°-33'-00" West 57.10 feet to a point, thence turning and running South 87°-37'-57" West 51.64 feet to a point, thence turning and running North 89°-47'-11" West 231.09 feet to a point, thence turning and running North 85°-56'-12" West 45.27 feet to a point, thence turning and running North 88°-28'-56" West 125.22 feet, all along land now or formerly of Patrick S. Lawless and Antoinette M. Dudek, to a point;

thence running North 12°-16'-11" East 17.54 feet to a point, thence turning and running North 25°- 49'- 44" East 46.45 feet to a point, thence turning and running North 24°- 14'-33" East 246.62 feet to a point, thence turning and running North 26°-42'-21" East 68.31 feet, all along the easterly streetline of Skokorat Road, to a point;

thence running North 89°-24'-31" East 155.17 feet along land now or formerly of Igor Yegorova and Larisa Y. Yegorova to a point;

thence running South 72°-47'-11" East 98.56 feet along land now or formerly of Igor Yegorova and Larisa Y. Yegorova and land now or formerly of Dennis W. Miller and Judith E. Miller, each in part, to a point;

thence running South 70°-02'-23" East 81.27 feet to a point, thence turning and running South 75°- 29'-07" East 47.26 feet to a point, thence turning and running North 53°-24'-41" East 58.76 feet to a point, thence turning and running North 80°-50'-16" East 44.71 feet to a point, thence turning and running North 84°- 45'-36" East 27.68 feet to a point, thence turning and running South 83°-32'-11" East 193.32 feet to a point, thence turning and running North 32°-08'-55" East 20.22 feet, all along land now or formerly of Dennis W. Miller and Judith E. Miller, to a point;

thence running North 33°-56'-33" East 156.17 feet to a point, thence turning and running North 24°-06'-54" East 22.46 feet, all along land now or formerly of Thomas W. Barrett and Susan M. Barrett, to a point;

ARTICLE VI TOWNWIDE REQUIREMENTS

thence running North 37°-20'-16" East 50.20 feet to a point, thence turning and running North 63°-37'-07" West 151.01 feet to a point, thence turning and running North 65°-44'-32" West 31.71 feet to a point, thence turning and running North 71°-59'-42" West 37.03 feet to a point, thence turning and running North 24°-59'-00" West 68.91 feet to a point, thence turning and running North 28°-15'-22" West 77.63 feet to a point, thence turning and running North 32°-27'-05" West 125.98 feet, all along land now or formerly of David J. Ferla, to a point;

thence running North 43°-58'-18" West 97.31 feet along land now or formerly of David J. Ferla and land now or formerly of David J. Matika and Christina Matika, each in part, to a point;

thence running North 46°-20'-03" West 41.66 feet to a point, thence turning and running North 43°-44'-58" West 68.27 feet to a point, thence turning and running North 42°-06'-27" West 101.56 feet to a point, thence turning and running North 42°-27'-48" West 60.73 feet, all along land now or formerly of David J. Matika and Christina Matika, to the point of beginning.

Being more particularly bounded and described on a map entitled: "Property Survey, Daddio Property," Scale: 1"=100', Dated: April 3, 2003 and Prepared by: Milone and MacBroom Inc.

69.11.3.2 PERMITTED USES:

The following shall constitute permitted use for PARD #3 and are subject to special permit and site plan approval by the Beacon Falls Planning and Zoning Commission:

- a) A Parcel of 142 ± acres as described in the Boundary Survey and the Boundary as set forth herein for construction of not more than 266 (two hundred sixty-six) age-restricted residential dwellings (of which no more than 20 percent shall be duplex units and the remainder shall be individual units) and one community building with associated amenities. All construction is to be served by public water and sewer supply, and underground utilities, as set forth in the design plans referenced above.
- b) The following uses when clearly subordinate and subsidiary to the uses permitted above:
 - 1. Off-street parking as provided on the design plans.
 - 2. Vehicular and pedestrian access.
 - 3. Electric, telephone, gas, water, sanitary sewer lines and other utilities, all of which underground.
 - 4. Adequate landscape features permanently maintained.
 - 5. Recreational facilities, as depicted in the General Plans.

69.11.4 LOT AREA, SHAPE AND FRONTAGE:

The land within PARD #3 shall not be subdivided into individual lots, but shall be utilized for age-

ARTICLE VI TOWNWIDE REQUIREMENTS

restricted housing as provided. The existing land, consisting of 142 ± acres is deemed to have the minimum area, shape and frontage required by the regulations.

69.11.4.1 OPEN SPACE:

The final site plan must depict clearly defined open space, which shall be equal to at least 15% (fifteen percent) of the entire project.

69.11.5 UNIT SIZE:

The heated living space of each dwelling unit shall contain a minimum of 1,200 square feet. Each dwelling unit shall contain no more than three bedrooms, at least one of which shall be located on the first floor.

69.11.6 COVERAGE AND BULK:

Within the proposed PARD #3, the aggregate lot coverage of all structures shall not exceed 20% (twenty percent) of the total lot area and all impervious surfaces shall not exceed 25% (twenty-five percent) of the total lot area.

69.11.7 SIGNS:

These shall be no signs except as shall conform to:

- a) The requirement of Section 63 of the Zoning Regulations of the Town of Beacon Falls and
- b) Provide for public safety (police, fire, etc.) and unit building and development identification.

69.11.8 HEIGHT AND SETBACKS:

Within the proposed PARD #3, the following standards shall apply:

- a) Maximum Building Height: 35 feet
a maximum of two stories
- b) Minimum Building Property Setback: 50 feet
- c) Minimum Deck Property Setback 40 feet
(unenclosed and unheated)
- d) Minimum distance between buildings 20 feet
- e) Setback from roads 20 feet off
of edge of pavement of interior roads
- f) There shall be a minimum setback from Skokorat Road of at least 150 (one hundred fifty) feet and from Miller Road of at least one hundred (100) feet.
- g) There shall be a minimum setback from all adjacent property of at least 90 (ninety) feet and/or one hundred (100) feet depending on the area of development. Said areas

ARTICLE VI TOWNWIDE REQUIREMENTS

requiring ninety (90) foot and one hundred (100) foot setbacks are shown and delineated on a map entitled "MASTER PLAN CHATFIELD FARMS ACTIVE ADULT COMMUNITY SKOKORAT ROAD BEACON FALLS, CONNECTICUT" Scale 1" = 100' dated May 27, 2005 Sheet 1 of 1 by Milone & MacBroom, 716 South Main Street, Cheshire, Connecticut 06410 (203) 271-1773 Fax (203) 272-9733. Copy of said map is attached.

- h) Cantilevered Bay Windows (i.e. no foundation) and unenclosed front porches/porticos may encroach into setbacks.
- i) Non-habitable structures shall be allowed where they meet the minimum setback requirements of the underlying R-1 zone, which are as follows:

Front	35 Feet
Side	20 Feet
Rear	20 Feet

All building heights and setbacks shall be in conformance with the submitted site plans.

69.11.9 **PARKING AND CIRULATION:**

Within the proposed PARD #3, the following standards shall apply:

- a) For the purpose of this PARD, each parking space shall be nine feet wide by 20 feet long.
- b) A minimum of two parking spaces per unit shall be provided. Spaces may be exterior or garage spaces.
- c) Additional parking spaces shall be in conformance to the submitted site plans.
- d) All interior roads shall have a minimum paved width of 24'. All interior roads shall remain private roads.

69.11.10 **FIRE HYDRANTS:**

All fire hydrants shall be installed and located within 500 feet of each building, subject to the approval of the Fire Marshall for Beacon Falls.

69.11.11 **AGE RESTRICTION:**

Within the proposed PARD #3, the following standards shall apply:

- a) All units and their occupants shall comply with the requirements of the 55 and over housing exemption. There shall be no permanent residents eighteen (18) years of age or younger. A permanent resident shall be defined to be a resident who occupies the premises for more than six (6) months in any one (1) calendar year.
- b) The housing facility or community association shall provide evidence to the Town of Beacon Falls Planning and Zoning Commission on an annual basis that the project is in compliance with the provisions of the Federal and State Statutes concerning the over 55 housing exemption.
- c) The age restriction will be in the deed of conveyance, as well as the Declaration.

ARTICLE VI TOWNWIDE REQUIREMENTS

- d)** Proposed residents must sign an affidavit and present verification of their age. The Association will conduct an annual survey of the age of the occupants within the PARD in furtherance of the annual certification to the Planning and Zoning Commission.

ARTICLE VI TOWNWIDE REQUIREMENTS

69.11.12 FINAL PLAN REQUIREMENTS:

- a) The applicant shall submit the following:
 - 1. A detailed statement of use outlining the project and certification that the final plans conform to the original approval. This statement should clearly identify where any deviation from the original approval exists.
 - 2. A detailed construction schedule defining items such as clearing, earth removal/filling, wetland mitigation, phasing and restoration.
- b) Final Plans: Detailed development plans shall be submitted in conformance with and including all the information required by the approved preliminary plan. Any plans for stage completion should reflect all stages of development completed and/or approved as of the date of submission. Maps should be drawn at a minimum scale of 1" to 40' and shall include at least the following:
 - 1. SITE PLAN: A detailed plan of all site plan proposals showing the layout of all buildings, drives, parking areas, walkways, recreational facilities and other pertinent elements and including a tabulation of the required standards and the design standard used.
 - 2. ENGINEERING PLANS: Plans presenting detailed engineering designs and information supporting all the engineering elements of the site improvements including proposed drives, parking areas, grading, drainage, sewers, water supply, utilities and other improvements.
 - 3. LANDSCAPING PLANS: Plans showing all proposed areas to be planted and landscaped, type of plants by common name, botanical name, size and location. Any areas to be maintained by someone other than the Applicant shall be so designated. Topography and other natural features shall be shown to the extent they are significant to be the landscaping treatment. Locations of signs and lighting fixtures shall be indicated.
 - 4. ARCHITECTURAL PLANS: Drawings of all proposed buildings shall be submitted including floor plans of all levels, elevations of all sides of all structures, including accessory buildings, perspective drawings and renderings to the extent necessary to portray building designs and relationships, and general specifications of types of construction proposed, including exterior materials and finishes.
 - 5. OTHER DOCUMENTS: Any other plans, reports or documents required as part of the approval of the preliminary plan, copies of restrictive covenants, easements, deeds to open space areas and such additional information as the Commission may request concerning use, control, maintenance and liability relative to all open space areas and common facilities.

69.11.13 OTHER:

- 1. All provisions of the Zoning Regulations of the Town of Beacon Falls shall be applicable to PARD #3, except as modified by this statement.

ARTICLE VI TOWNWIDE REQUIREMENTS

- 2.** The applicant and its successor may be required to make improvements to Skokorat Road to the satisfaction of the Town Engineer.

ARTICLE VI TOWNWIDE REQUIREMENTS

SECTION 69.12: PLANNED ADAPTIVE REUSE DISTRICT # 4

NAUGATUCK RIVER WATERWAY RECREATION DISTRICT

The zoning regulations of the Town of Beacon Falls, including the zoning map and zoning districts, are hereby amended by the establishment of a Planned Adaptive Reuse District No. # 4, hereinafter referred to as "Naugatuck River Waterway Recreation District"

Whereas, the zoning regulations of the Town of Beacon Falls provide that a "Planned Adaptive Reuse Development", ("PARD"), for a purpose cited in Section 68 of its regulations, consisting of a Planned Adaptive Reuse Development District ("PARDD"), may be established by the Beacon Falls Planning and Zoning Commission in accordance with the procedures, standards, conditions and criteria specified in Section 68, the Beacon Falls Planning and Zoning Commission hereby amends its Regulations and Zoning Map by the establishment of a planned adaptive reuse development district to be known as the Naugatuck River Waterway Recreation District, PARDD No. 4 for the following good and substantial reasons:

This Regulation permits land within the subject zone, a tract of considerable size, to wit 48.8 acres, more or less, to be developed and renewed by an integrated and harmonious design as a water oriented open space, habitat and public recreation area that is consistent with the character of the Town, the orderly development of the neighborhood and the purposes of these regulations.

This regulation permits a use of land, other structures and related site development not specifically permitted within the Industrial Park District, the district in which the properties are located, which properties, as adaptively reused, will be beneficial to and consistent with the orderly development of the Town and the neighborhood and consistent with the purposes of these regulations.

This regulation permits, on a lot, the design and rehabilitation of structures and site development that by virtue of their location, orientation and other features will be consistent with the character of the Town and the neighborhood and the purposes of these regulations and would demonstrate unusual design merit and further,

The tract constituting the property within the Naugatuck River Waterway Recreation District is of sufficient size (48,8 +/- acres) to justify the application for planned development;

None of the existing zoning districts have standards and conditions that are appropriate to the establishment of the purpose proposed herein or would impose uses and standards that preclude or would not adequately assure the accomplishment of such purpose; and

The Purpose of and uses permitted and encouraged by this Regulation are specifically consistent with the particular elements of, or is otherwise not inconsistent with, any plan of development adopted by the Planning and Zoning Commission.

END OF SECTION

ARTICLE VI TOWNWIDE REQUIREMENTS

SECTION 69.12 - PLANNED ADAPTIVE REUSE DEVELOPMENT DISTRICT # 4 NAUGATUCK RIVER WATERWAY RECREATION DISTRICT

69.12.1 GENERAL: The zoning regulations of the Town of Beacon Falls, including the zoning map and zoning districts, are hereby amended by the establishment of a Planned Adaptive Reuse Development District No. # 4, hereinafter referred to as "Naugatuck River Waterway Recreation District"

69.12.1.1 PURPOSES AND DESCRIPTION OF THE ADAPTIVE REUSE DEVELOPMENT:

69.12.1.1.1 PURPOSE. Whereas, the zoning regulations of the Town of Beacon Falls provide that a "Planned Adaptive Reuse Development", ("PARDD"), for a purpose cited in Section 68 of its regulations, consisting of a Planned Adaptive Reuse Development District, ("PARDD") may be established by the Beacon Falls Planning and Zoning Commission in accordance with the procedures, standards, conditions and criteria specified in Section 68, Planned Adaptive Reuse District # 4 to be known as the Naugatuck River Waterway Recreation District is hereby established for the following good and substantial reasons:

- a) To permit a tract of considerable size to be developed and renewed by an integrated and harmonious design as a water-oriented open space, habitat and public recreation area that will be consistent with the character of the Town, the orderly development of the neighborhood and the purposes of these regulations;
- b) To permit a use of land, other structures and related site development not specifically permitted within the Industrial Park District to be adaptively reused in a manner that will be beneficial to and consistent with the orderly development of the Town and the neighborhood and consistent with the purposes of these regulations;
- c) To permit the design and rehabilitation of structures and site development that by virtue of their location, orientation and other features will be consistent with the character of the Town and the neighborhood and the purposes of these regulations and which demonstrates unusual design merit and, further,

69.12.1.1.2 DESCRIPTION OF ADAPTIVE REUSE PERMITTED: The area of land within the proposed district boundaries upon which there exists a large pond resulting from materials excavation (Parcel 2) shall be integrated with Parcels 1 and 3. In accordance with such plan as shall be agreed upon by the State of Connecticut and O&G Industries and approved by the DEEP, Army Corps of Engineers and the Beacon Falls Inland Wetlands Commission, the pond will be extended, enlarged and reconfigured. This activity will remedy a potentially adverse condition and enable the safe use of the properties within the district as open space, natural aquatic habitat, floodplain management and water oriented recreation for which uses various improvements will be provided including, public access, off street parking, fishing, hiking, trails, a boat launch and such other accessory uses as are customary and incidental to the ultimate proposed use. Otherwise idle, inaccessible and unproductive properties will be available to foster the zoning purposes set forth in Section 1 of the Beacon Falls Zoning Regulations.

ARTICLE VI TOWNWIDE REQUIREMENTS

69.12.1.2 REGULATIONS: Within the PARDD # 4, no land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, moved or structurally altered except in conformity with the Zoning Regulations of the Town of Beacon Falls, Connecticut, adopted September 17, 1976, as amended, inclusive of the amendment caused by this section and the issuance of a Certificate of Zoning Compliance.

69.12.1.3 BOUNDARY: PARDD # 4 consists of the three parcels of land shown and delineated on that certain Survey Map of the District entitled " Property Survey State of Connecticut Department of Environmental Protection, O&G Industries, Inc. and Lydia and Cynthia Sewitsky" dated June 13, 2002 and certified to be substantially correct and in accordance with the standards of an A-2 Survey by Milone and MacBroom, and which parcels, in combination as the tract constituting the area of PARDD # 4 are more particularly described as follows, to wit:

That certain parcel of land, containing 48.8 acres, more or less, located in the Town of Beacon Falls, County of New Haven and State of Connecticut being more particularly bounded and described as follows:

Beginning at a point on the southerly street line of Pines Bridge Road at the division line between land now or formerly of the State of Connecticut (D.O.T.) and the parcel herein described;

thence running South 81°-36'-27" East 210 feet more or less along the southerly street line of Pines Bridge Road to a point;

thence running southerly 5300 feet more or less along the Naugatuck River to a point;

thence running along a clockwise curve, having a radius of 2227.01 feet, 15 feet more or less to a point, thence turning and running North 83°-25'-29" West 40.25 feet to a point, thence turning and running along a clockwise curve, having a radius of 2267.26 feet, 347.41 feet to a point, thence turning and running North 15°-21'-16" East 467.19 feet to a point, thence turning and running along a counterclockwise curve, having a radius of 2316.76 feet, 151.48 feet to a point, thence turning and running North 81 °-46'-56" East 26.82 feet to a point, thence turning and running along a counterclockwise curve, having a radius of 2342.01 feet, 157.51 feet to a point, thence turning and running North 07°-31'-56" East 1687.07 feet to a point, thence turning and running along a counterclockwise curve, having a radius of 3869.83 feet, 372.32 feet to a point, thence turning and running North 02°-01'-11" East 1370.08 feet to a point, thence turning and running along a clockwise curve, having a radius of 2242.01 feet, 511.79 feet, all along land now or formerly of the State of Connecticut (D.O.T.), to the point of beginning.

69.12.1.4 PERMITTED USES

The following uses are permitted in the PARDD # 4:

69A.1.4.1 Open space

69A.1.4.2 Natural aquatic habitat

69A. 1.4.3 Water-oriented recreation

ARTICLE VI TOWNWIDE REQUIREMENTS

69A.1.4.4 Trails

69A.1.4.5 Non motorized boating and a boat launch

69A.1.4.6 Off Street Parking

69A.1.4.7 Vehicular and pedestrian access

69A.1.4.8 Electric, telephone, gas, water, sanitary sewer lines and other utilities;

69A.1.4.9 Excavation and removal (not to exceed 200,000 cubic yards), grading and deposition of materials, as limited and described in subsections a to g of this section, to create the pond as shown and configured on the General Plan for this District shall be deemed to be within the exemption for such activity set forth in Section 64.2.1 for a period not to exceed five years (as the same may be extended for good cause shown per Section 68.4.4) from the adoption of this Regulation.

- a. Unless otherwise specifically approved by the Commission, materials constituting clean fill (natural soils, rock, brick, ceramics, concrete fragments, masonry and concrete blocks and not including asphalt fragments) may be deposited on the property only for the purposes of constructing and armoring the berm separating the pond from the river, developing a shallow water habitat in the northeast corner of the pond, reinforcing inlet and outlet structures and as a base for the construction of the parking lot, boat ramp and access road;
- b. The excavation, grading or removal shall not result in sharp declivities, pits or depressions or soil erosion, drainage or
- c. Upon completion of the work sewerage problems or conditions, which would impair the parcel for purposes, permitted under in this District;
- d. At all stages of the work, proper drainage and other facilities shall be provided to avoid stagnant water, soil erosion problems, excessive run-off, silting of streams and damage to public property, streets, sewer lines or drainage facilities;
- e. The transport and removal of excavated materials (earth products) from the District shall be via the adjacent land of O&G Industries, Inc. that presently houses its earth products processing use.
- f. All earth products mining or extraction and all truck traffic to or from the site of such mining or extraction for the purposes of shipping or receiving earth products shall be limited to Monday through Friday, excepting Federal Holidays, when there shall be no mining, extraction or truck traffic related thereto.
- g. Proper measures shall be taken to minimize nuisance from

ARTICLE VI TOWNWIDE REQUIREMENTS

noise, dust, vibration and flying debris; all trucks shall be covered; suitable fences or other barricades shall be provided around the excavation to protect pedestrians and vehicles; authorized, the typical slope of the submerged land extending from the westerly edge of the pond shall be such that the depth of water shall not exceed four and one half (4.5) feet within thirty (30) feet of the shoreline and, in all other areas, shall not exceed the natural angle of repose and on all other areas otherwise disturbed ground shall be prepared or restored as follows:

- (i) Such area shall be evenly graded to slopes not exceeding one (1) foot of rise for each three (3) feet of horizontal distance or to such lesser slopes necessary for soil stability, safety and reasonable reuse and development of the lot; in addition, the area shall be evenly graded with sufficient slopes to assure adequate drainage of the area, so that stagnant pools of water will be avoided;
 - (ii) Adequate drain ways of gradual slope shall be provided to assure drainage;
 - (iii) There shall be no excavation, grading or removal below and elevation of six (6) feet above any ledge;
 - (iv) All debris and all loose boulders not otherwise used on site shall be buried or removed from the lot; and
 - (v) The top layer of any arable soil not otherwise used on site, to a depth of not less than six (6) inches, shall be retained in the lot and spread over the entire disturbed area with any large stones removed, and the area shall then be seeded with a perennial grass and maintained until the ground shall be completely stabilized with dense cover of grass and there exists no danger of erosion, but this provision shall not apply to the area of ponds nor the exposed areas of ledge existing prior to the work.
- h. The applicant shall file with the Commission a cash, savings account or surety bond, in form acceptable to the Commission, in such amount as the Commission deems sufficient to insure the faithful performance of the work in accordance with the provisions of this Section.

In this connection the applicant shall submit to the Commission a report prepared by a professional engineer certified and licensed under the laws of the State of Connecticut as to the amount of the bond

ARTICLE VI TOWNWIDE REQUIREMENTS

which will be necessary to ensure the faithful performance of the work in accordance with the provisions of these regulations.

69.12.1.4.10 Signs as provided in Section 63.

69.A.1.4.11 Accessory uses customary with and incidental to any of the aforesaid permitted uses, including maintenance buildings and outside storage and during such periods as excavation is permitted, temporary shelter for equipment and field office;

69.12.2 Area, Height and Yard Requirements

69.12.2.1 Minimum Lot Area shall be 42 acres

69A.2.2 The Naugatuck River Waterway Recreation District shall consist of the three cited properties dedicated to the single integrated use proposed for the Naugatuck River Waterway Recreation District and shall have the area, shape and frontage as described and as appears upon the Survey Map described in Section 69A1.3.

69.12.2.3 Maximum Height of Structure shall not exceed 30 feet.

69.12.3 PROCEDURE

69.12.3.1 The use, buildings, structures and site development authorized within this District are permitted subject to the Planning and Zoning Commission's administrative approval, in accordance with Section 51, of Detailed Plans therefore. No work shall commence until the Applicant has obtained a **"CERTIFICATE OF ZONING COMPLIANCE"**.

69.12.3.2 The Applicant shall submit, in writing, a Detailed Plan for an adaptive reuse of land, buildings and other structures located within the Naugatuck River Waterway Recreation District in conjunction with an "APPLICATION FOR A CERTIFICATE OF ZONING" to the Zoning Enforcement Officer and the Commission;

69.12.3.3.1 The Detailed Plan shall contain sufficient information upon which to determine conformance with the provisions of this Section and evaluation of the matters set forth in Section 51.

69.12.3.4 The Detailed Plans shall contain sufficient information, including that set forth in Section 69A. 1.4.9, to enable the Commission to determine (a) conformance to the provisions of The Naugatuck River Waterway Recreation District, (b) consistency with the General Plans submitted in

ARTICLE VI TOWNWIDE REQUIREMENTS

support of the Regulation, (c) conformance to the standards set forth in Section 61 of these Regulations, (d) the Applicant's possession of (or evidence of the reasonable prospect of obtaining) such other permits as may be required from other federal, state or municipal agencies for the proposed uses set forth in the Detailed Plan and (e) a report from a qualified engineer demonstrating that the quality of both shallow and deep waters within the existing pond has not substantially deteriorated from the quality reported in the 1990 report of IEP, Inc., prepared for Milone and MacBroom, Inc. and that the extension of the pond, as proposed, will have no presently ascertainable adverse impact on the quality of water within the proposed pond.

- 69.12.3.5** The Detailed Plan shall provide that the Applicant proposes no changes that permit or encourage access to the site by means other than the proposed access road and shall also provide for the restoration of the improvements constituting the northerly river walk improvements to no less than the same condition as when first completed.
- 69.12.3.6** The Detailed Plan shall provide evidence that the State of Connecticut will grant a perpetual easement or such other rights upon and across its property as are necessary to assure permanent access to and maintenance of such improvements as are shown on the Detailed Plan to be located upon its property.
- 69.12.3.7** The Detailed Plan shall provide a written agreement describing the terms and conditions by which the property is to be dedicated to public use as described in this regulation and such agreement as may exist between the owners(s) of property constituting the Naugatuck River Waterway Recreation District and the Party to whom such land shall be gifted (the "Donee"), which agreement shall provide, inter alia, as follows:
- 69A.3.7.1** Applicant's obligation to make such gift and conveyance shall be conditioned as follows:
- (a)** that its application to amend the Zoning Regulations and Zoning Map of the Town of Beacon Falls so as to establish the Naugatuck River Waterway Recreation District, PARD #4, be approved in form and content substantially similar to the terms and conditions recited in said application, as the same may be modified by it upon consideration of factors brought to its attention;
 - (b)** that its application for a zoning permit and site plan approval of a detailed plan for activities thereon, uses thereof and improvements thereto that are substantially in accord with the General Plan presented in support of the pending application

ARTICLE VI TOWNWIDE REQUIREMENTS

for the creation of PARD #4 is granted and the permit issued with no conditions other than those acceptable to the Applicant; and

- (c) that it secures such other local, state and federal permits as are required to permit the foregoing activities, uses and improvements.

69.12.3.7.2 Donee's obligation to accept such gift and conveyance shall be conditioned as follows:

- (a) That Applicant shall pursue its application to amend the Zoning Regulations and Zoning Map of the Town of Beacon Falls so as to establishment of the Naugatuck River Waterway Recreation District, PARD #4, upon the terms and conditions recited in said application, as the same may be modified by it upon consideration of factors brought to Applicant's attention;
- (b) That, upon the adoption of an amendment creating the Naugatuck River Waterway Recreation District in form and content substantially similar to that proposed and otherwise acceptable to Applicant, Applicant shall seek a zoning permit and site plan approval of the Detailed Plan for activities thereon, uses thereof and improvements thereto that are substantially in accord with the General Plan presented by it in support of the pending application for the creation of PARD #4;
- (c) That, upon approval of such detailed plan and issuance of a zoning permit for the activities, uses and improvements called for therein, the Applicant shall own or acquire fee simple title to the Sewitsky property and such rights from the State of Connecticut as are required or appropriate to assure its rights to use and improve the State property in the manner described in the Detailed Plan, which rights shall run with the land and in favor of the Applicant and others to whom Applicant shall assign such rights, including the Donee;
- (d) That, upon approval of such detailed plan and issuance of a zoning permit for the activities, uses and improvements called for therein, the Applicant shall diligently pursue the execution of the plan and the accomplishment of the improvements set forth therein to be accomplished in accordance with the provisions of PARD #4 and the terms and conditions of the zoning permit;
- (e) That, upon certification that the provisions of the permit have been accomplished, the Applicant shall tender title to the Schedule A Properties (presently properties of O&G Industries and Sewitsky) and its rights with

ARTICLE VI TOWNWIDE REQUIREMENTS

respect to the use of the State Property to the Donee together with

- (i) its agreement, except with regard to a catastrophic event that causes such damage that the Pond is substantially destroyed, to maintain the earthen berm (separating the pond and river) and the inlet and outlet spillways, at its own cost and expense, for a period not to exceed twenty five (25) years from the date of transfer;
- (ii) a report from a qualified engineer demonstrating that the quality of waters within the extended pond has not substantially deteriorated from the quality reported in the report accompanying the Application (See 69A.3.4(e); and
- (iii) the sum agreed upon between the Applicant and Donee as the applicant's contribution to a fund intended for the maintenance of the improvements and conditions of the Naugatuck River Waterway Recreation District other than those described in subsection (i), above.

69.12.3.8 The Commission shall act on the Detailed Plans in the same manner as specified for approval of SITE PLANS under Section 51.4.

69.12.4 CITATION OF GENERAL PLANS

The General Plan that is applicable to this District is that shown in the various plans submitted herewith and based upon that certain Survey Map of the District entitled " Property Survey State of Connecticut Department of Environmental Protection, O&G Industries, Inc. and Lydia and Cynthia Sewitsky" dated June 13, 2002 and certified to be substantially correct and in accordance with the standards of an A-2 Survey by Milone and MacBroom.

END OF SECTION

ARTICLE VI TOWNWIDE REQUIREMENTS

SECTION 70: DRIVEWAY REGULATIONS

No person shall construct a new driveway or relocate an existing driveway leading on to a proposed street or existing street without first obtaining a permit from the Board of Selectmen or their duly appointed representative. This appointed representative shall be the building Inspector, and shall inspect each driveway location for which a permit is being sought or issued (Amended September 21, 1999).

In determining the advisability of issuing such permit, the Building Inspector shall include in his consideration the location of the driveway with respect to its effect on highway drainage, highway safety, the width and character of the highway affected, the density of traffic thereon and the character of such traffic. The applicant must be the owner or authorized agent for the owner of the property to whom the permit is issued, and shall comply with the provisions and restrictions set forth at the owner's expense (Amended September 21, 1999).

70.1 GENERAL CONDITIONS:

(Amended September 21, 1999)

- 70.1.1** The applicant is the owner of the property, or the contractor for the owner, and the driveway approach by him/her is for the purpose of securing access to his/her property and not for parking or servicing vehicles on the highway right-of-way (Amended September 21, 1999).
- 70.1.2** Highway drainage or existing flow within the right-of-way shall not be changed or obstructed. The Building Inspector shall confer with the Town Engineer and Wetlands Enforcement Officer on all drainage installations, modifications or alterations. Should it be required, the applicant (at his/her expense) shall provide plans and details defining desired installation, modification or alteration. Said plan may be required to be prepared by a licensed professional engineer as determined by the Building Inspector and Town Engineer (Amended September 21, 1999).
- 70.1.3** The construction of any driveway requiring the performance of a regulated activity, as defined by the Inland/Wetlands Agency, on public or private land, shall be approved by said Agency prior to issuance of a driveway permit.
- 70.1.4** The driveway constructed within the right-of-way under permit shall be subject to inspection by the Town. The right is reserved by the Town to require such changes, additions and relocations as in the opinion of the Town may be necessary for relocation, reconstruction or maintenance to provide protection to life and property.
- 70.1.5** No driveway constructed on the right-of-way shall be relocated or altered without a permit.
- 70.1.6** The applicant agrees to hold the Town harmless against any action for personal injury or property damages during the construction of said driveway.
- 70.1.7** Construction of a parking area on the highway right-of-way is prohibited (Amended September 21, 1999).
- 70.1.8** Applicants for large, complex commercial or industrial driveways shall submit plans prepared by a licensed, professional engineer for approval with special consideration as to size, location, type, grade and traffic control system. Each location will be determined on its own merits. The plan will be submitted for review and approval by the Building Inspector and the Town Engineer (Amended September 21, 1999).

ARTICLE VI TOWNWIDE REQUIREMENTS

70.1.9 The Building Inspector shall have the right to vary or modify the above conditions when in his/her opinion a hardship or injustice would result in any particular case if strict compliance with said provisions was required (Amended September 21, 1999).

70.2 **TECHNICAL CONDITIONS:**
(Amended September 21, 1999)

70.2.1 The driveway shall be confined between the lines drawn from the front corners of the applicant's property to the centerline of the road. The intersection of these lines to the centerline shall be a right angles to each other (Amended September 21, 1999).

70.2.2 No driveway shall be so constructed such that any part of same shall be less than five feet (5') from the extended common boundary or from adjoining property (Amended September 21, 1999).

70.2.3 The minimum overall width of a driveway shall be ten feet (10') with an additional cleared area of three feet (3') on each side of the driveway. This width and additional cleared area shall have a minimum vertical clearance of fifteen feet (15') throughout the entire driveway length. The entire width shall be level and at the same grade as the driveway area. Any obstructions including but not limited to fences, gates, stone or brickwalls, or pillars shall allow for a sixteen foot (16') clearance horizontally and a fifteen foot (15') clearance vertically for the full length of the driveway (Amended September 21, 1999).

70.2.4 The driveway shall be constructed to Beacon Falls Driveway Standard on file in the Town Hall (Amended September 21, 1999).

70.2.5 If the desired driveway is in a fill area from the road, the area between the edge of the road and the property line shall have side slopes of a minimum of six (6) to one (1).

70.2.6 All driveways shall be paved from the edge of roadway pavement to the property line or a minimum of ten feet (10') with at least two inches (2") of bituminous concrete for a single residential driveway and at least three inches (3") of bituminous concrete for all other driveways. All Costs to be borne by the owner (Amended September 21, 1999).

70.2.7 Any driveway, or guide railing installation which requires the removal of a portion of the highway safety cable or guide railing, the applicant shall provide and have installed end anchors on each side of the driveway, at his/her expense. The modification of all cable and guide railing including the installation of end anchors shall be subject to review and approval by the Town Engineer prior to performing such activity. (Amended September 21, 1999)

70.2.8 No driveway aprons are to be installed with an overlap on or over the Town road. The two pavement edges are to be cut and blended together so as to obtain a smooth junction with no protrusions. (Amended September 21, 1999)

70.2.9 All asphalt aprons are to be installed to channel water run-off to the downhill side or nearest drainage system to prevent water spillage into the street.

70.2.10 No underground structures of any type shall be permitted under the driveway as defined in Section 70.2.3. Should underground structures be required, the owner shall submit a plan prepared by a licensed professional engineer to the Building Inspector/Town Engineer for

ARTICLE VI TOWNWIDE REQUIREMENTS

review and approval prior to issuance of a permit. This shall be at his/her expense. All underground structures shall be designed for HS 20 loadings (Amended September 21, 1999).

70.2.11 Maximum grade to be 12% (Amended September 21, 1999)

70.2.12 The underlying subsoil and surface materials of the driveway shall, at a minimum, be firmly compacted for the full width of the driveway, and be capable of supporting all vehicles that may have need to use said driveway (i.e. automobiles, delivery trucks, emergency vehicles & equipment, etc.) (Amended September 21, 1999).

70.2.13 Sight distance for all driveways in either direction shall be provided at a minimum of 188'. The sight distances shall be measured in from the edge of pavement of the roadway a distance of ten feet (10'), at a height of three and one-half feet (3½') proposed ground level (Amended September 21, 1999).

70.2.14 All driveways shall meet the roadway at a right (90 degree) angle or as close to a right angle as possible as dictated by the other requirements of this ordinance and the requirements of public safety, and, in any case, not less than 60 degrees (Amended September 21, 1999).

70.3 ADMINISTRATIVE CONDITIONS:

70.3.1 The applicant will give the Building Inspector at least 72 hours notice before installation of any driveway to facilitate his inspection. (Amended September 21, 1999)

70.3.2 the application fees for such permit shall be:(Amended September 21, 1999), See Section 77 for Fees. (Amended April 19, 2001)

70.3.3 The following statement shall be included as part of the As-Built Requirements, under Section 8, Additional Standards: "The construction of improvements as shown on the plan, including all structures and driveways is to be in accordance with the Planning and Zoning Regulations and Driveway Regulations of the town of Beacon Falls in effect at the time of submission of the As-Built plan" (Amended September 21, 1999).

70.3.4 Pavement asphalt aprons are to be installed within 90 days after the issuance of a Driveway Permit or paved asphalt aprons are to be installed prior to the issuance of a Certificate of Occupancy for a new house under construction or within 30 days of asphalt plant spring opening when applicable. (Amended September 21, 1999)

END OF SECTION

ARTICLE VII ADMINISTRATION AND ENFORCEMENT

SECTION 71: BOARD OF APPEALS

SECTION 72: ADMINISTRATION

SECTION 73: PENALTIES AND REMEDIES

SECTION 74: AMENDMENTS

SECTION 75: VALIDITY

SECTION 76: EFFECTIVE DATE AND REPEAL

SECTION 77: PLANNING AND ZONING FEES

ARTICLE VII ADMINISTRATION AND ENFORCEMENT

SECTION 71: BOARD OF APPEALS

- 71.1** The Board of Appeals shall have all of the powers and duties prescribed by these Regulations and the General Statutes of the State of Connecticut and may adopt rules and procedures necessary to exercise its authority.
- 71.2** The powers and duties of the Board of Appeals include the following:
- 71.2.1** To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer;
 - 71.2.2** To hear and decide all matters upon which it is required to pass by the specific terms of these Regulations or of the General Statutes of the State of Connecticut; and
 - 71.2.3** To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured.

END OF SECTION

ARTICLE VII ADMINISTRATION AND ENFORCEMENT

SECTION 72: ADMINISTRATION

- 72.1 Zoning Enforcement Officer:** The Commission shall appoint a Zoning Enforcement Officer who shall have the responsibility and authority to enforce the provisions of these Regulations. The Commission may appoint Deputy Zoning Enforcement Officers to assist and act for him.
- 72.2 Applications:** All “**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**” shall be submitted to the Zoning Enforcement Officer and shall be accompanied by three (3) copies of a plan drawing or drawings, drawn to scale, and showing the following:
- 72.2.1** Area of the lot, and the dimensions and angles or bearing of all lot lines;
 - 72.2.2** The height, dimensions, use, floor area, ground coverage and location of all buildings and other structures, whether existing or proposed;
 - 72.2.3** The location, area and dimensions of off-street parking and loading spaces, any construction required in connection therewith and the means of access to such spaces;
 - 72.2.4** The locations of any existing or proposed wells and private sewage disposal system
 - 72.2.5** The locations, area and dimensions of any signs, outside storage areas, site development and landscaping that are subject to the provisions of these Regulations; and
 - 72.2.6** Such additional information as may be necessary to determine compliance with the provisions of these Regulations. In addition the “**APPLICATION**” shall be accompanied by other plans, drawings, data and statements necessary to determine compliance with the provisions of these Regulations. For proposed construction involving only interior alterations, or exterior alterations with no enlargement or extension of the building or structure, the Zoning Enforcement Officer may waive the required submission of a plan drawing. “**APPLICATIONS**” which pertain to a nonconforming building or other structure or a nonconforming lot shall be prepared and certified by either a land surveyor or engineer, licensed to practice in the State of Connecticut.
- 72.3 Supporting Applications:** When required by the provisions of ARTICLE V and Section 64, the “**APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE**” shall be accompanied by specified additional applications and related site plans, architectural plans and other plans and drawings. Such plans and drawings, if incorporating all of the information required for a plan drawing under paragraph 72.2, may be substituted for such plan drawing.
- 72.4 Fees:** Each “**APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE**” shall be accompanied by fees as follows; paid to the Town:
- Fees: See Section 77 for fees. (Amended Apr 19, 2001)
- 72.5 Staking:** No “**APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE**” shall be approved by the Zoning Enforcement Officer for any new construction until the applicant has accurately placed stakes or markers on the lot indicating the location of proposed construction. The Zoning Enforcement Officer may require the applicant to place stakes or markers on the lot indicating the location of lot lines. The Zoning Enforcement Officer may require that placement of stakes or markers be made and certified by either land surveyor or engineer, licensed to practice in the State of Connecticut.

ARTICLE VII ADMINISTRATION AND ENFORCEMENT

72.6 **Approval and Issuance:** The Zoning Enforcement Officer shall approve an “**APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE**” and shall issue a “**CERTIFICATE OF ZONING COMPLIANCE**” when he determines that all of the requirements of these Regulations have been met. No APPLICATION shall be considered approved and no CERTIFICATE shall be considered issued unless signed by the Zoning Enforcement Officer or his Deputy. If deemed necessary to determine compliance with these Regulations and before issuance of a “**CERTIFICATE OF ZONING COMPLIANCE**”, the Zoning Enforcement Officer may require the applicant to furnish measurements of any construction features subject to the requirements of these Regulations, including setback distances, which measurements shall be prepared and certified by a land surveyor licensed to practice in the State of Connecticut. Within ten (10) days after notification by the applicant that the premises are ready for occupancy, or within ten (10) days after receipt of the certified measurements if required, the Zoning Enforcement Officer shall issue or deny a CERTIFICATE. One (1) copy of the plan drawing or drawings shall be returned by the Zoning Enforcement Officer to the applicant. The following additional requirements shall apply to the approval of APPLICATIONS and the issuances of CERTIFICATES:

72.6.1 Sanitation: Where a proposed use or a proposed building or other structure involves the installation, extension, relocation or reconstruction of a private sewage disposal or water supply system no “**APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE**” shall be approved until plans for such system have been approved by the Director of Health or his authorized agent; no “**CERTIFICATE OF ZONING COMPLIANCE**” shall be issued until such system has been completed and approved by the Director of Health or his authorized agent or until the use of building or structure has been provided with connections to a public sanitary sewer and/or public water supply system.

72.6.2 Conditions: Any maps, plans, documents, statements, and stipulations submitted to and approved by the Commission, in connection with any action of such Commission, and any conditions of approval attached by the Commission shall be conditions for approval of an “**APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE**” by the Zoning Enforcement Officer and issuance by him of a CERTIFICATE.

72.6.3 Temporary Certificate: Upon Certification by the applicant that the public health and safety will not be impaired and that there will be compliance with all other laws pertaining to health and safety, the Zoning Enforcement Officer may issue a “**TEMPORARY CERTIFICATE OF ZONING COMPLIANCE**” having a duration of not more than six (6) months and renewable only for one additional six (6) month period, for the temporary use of land, buildings and other structures in the process of improvement and completion in accordance with an approved APPLICATION.

72.6.4 Other Permits: Approval of an APPLICATION or issuance of a CERTIFICATE shall not be construed to constitute compliance with any other regulation, ordinance or law nor to relieve the applicant from responsibility to obtain any permit thereunder. The Zoning Enforcement Officer may at his discretion withhold approval of an APPLICATION or issuance of a CERTIFICATE until any such permit has been approved and obtained by the applicant.

ARTICLE VII ADMINISTRATION AND ENFORCEMENT

- 72.7 Inspections:** The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any land, building or other structure to determine compliance with these Regulations. No **"CERTIFICATE OF ZONING COMPLIANCE"** shall be issued until the Zoning Enforcement Officer has inspected the land, building or other structure involved to conform to these determine that the use and/or the buildings or other structures Regulations.
- 72.8 Orders:** The Zoning Enforcement Officer is authorized to issue a **"STOP WORK ORDER"** if in his judgment the use of land, buildings and other structures or the construction, reconstruction, enlargement, extension, moving or structural alteration of a building or other structure are not being carried out in compliance with these Regulations; he shall withdraw such ORDER when he determines that there is compliance with these Regulations. The Zoning Enforcement Officer is authorized to order in writing the remedying of any condition found to be in violation of these Regulations.
- 72.9 Records:** The Zoning Enforcement Officer shall keep records of all fees, all APPLICATIONS and CERTIFICATES, all identifiable complaints of any violation of these Regulations, all inspections made under these Regulations and all notices of violation served by him and the action taken thereon.
- 72.10 Procedure:** The Commission may from time to time by resolution adopt administrative rules and procedures for the enforcement of these Regulations.
- 72.11 Time Limit:** An application for a **"CERTIFICATE OF ZONING COMPLIANCE"** approved hereunder shall be valid only if execution of the work for which the application was approved is substantially underway within a period of 18 months from the date of approval and is completed within a reasonable time thereafter.
- 72.12** The Zoning enforcement officer may issue a certificate of zoning compliance for uses that do not require Commission review under Article V of the zoning regulations with the consent of the Commission Chairman. (effective 11/17/2014)

END OF SECTION

ARTICLE VII ADMINISTRATION AND ENFORCEMENT

SECTION 73: PENALTIES AND REMEDIES

73.1 Penalties: Any person, firm or corporation who shall violate any provisions of these Regulations shall be subject to penalties in accordance with the General Statutes of the State of Connecticut pertaining to zoning.

73.2.1 Remedies: The proper authorities of the Town of Beacon Falls, or any person, firm or corporation, may institute any appropriate action or proceedings to enforce the provisions of these Regulations or to prevent, restrain, enjoin, correct or abate any violation of these Regulations, as may be authorized by law.\

END OF SECTION

ARTICLE VII ADMINISTRATION AND ENFORCEMENT

SECTION 74: AMENDMENTS

74.1.1 These Regulations, including the Zoning Map which is a part hereof, may be amended by the Commission on its own initiative or when initiated by a written petition. Any amendment may be adopted only after due notice and public hearing as prescribed by the General Statutes of the State of Connecticut. Any petition for amendment shall be prepared and submitted in accordance with any rules for submission of petitions adopted by resolution of the "**Commission**".

END OF SECTION

ARTICLE VII ADMINISTRATION AND ENFORCEMENT

SECTION 75: VALIDITY

- 75.1** If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations shall continue to be valid and fully effective.
- 75.2** If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid as such provision applies to a particular building, other structure or lot, the effect of such decision, shall be limited to the particular building, other structure or lot, and the general application of such provision to other building structures or lots shall not be affected.

END OF SECTION

ARTICLE VII ADMINISTRATION AND ENFORCEMENT

SECTION 76: EFFECTIVE DATE AND REPEAL

- 76.1** These Regulations, and any amendment or change hereto, shall be in full force and effect from the date established by the Commission in accordance with the General Statutes of the State of Connecticut.
- 76.2.1** The Zoning Regulations of the Town of Beacon Falls, Connecticut, previously adopted, and all amendments thereto, are repealed coincident with the effective date of these Regulations. The repeal of the above regulations and all amendments thereto, shall not affect or impair any act done, offense committed or right accruing, accrued or acquired or any liability, penalty, forfeiture or punishment incurred prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been affected.

END OF SECTION

ARTICLE VII ADMINISTRATION AND ENFORCEMENT

SECTION 77: PLANNING AND ZONING FEES

Note: Section 77 and Subsections 77.1 through 77.17 have been superseded by the Town of Beacon Falls “Ordinance Establishing Fees for Land Use Applications”, as included in the Appendix II: Town Ordinances Applicable to Planning and Zoning Regulations.

- 77.1 Subdivision Fees**
- 77.2 Road Fees.**
- 77.3 Map Revision Fees:**
- 77.4 Engineering Review**
- 77.5 Public Hearing**
- 77.6 Site Plan Review – Residential Uses**
- 77.7 Site Plan Review – Business Uses**
- 77.8 Site Plan Review – Industrial Park or Industrial District**
- 77.9 Flood Plain**
- 77.10 Excavation and Grading**
- 77.11 Earth Products Processing**
- 77.12 Mobile Home Park**
- 77.13 Planned Adaptive Reuse District**
- 77.14 Driveways**
- 77.15 Administration**
- 77.16 Request Change of Regulations**
- 77.17 Non-Conforming Use – ALL Districts**

END OF SECTION

ARTICLE VII ADMINISTRATION AND ENFORCEMENT

SECTION 78: USES SUBJECT TO MORATORIUM

(New Section Effective: 04/16/2014)

78.1 Intent and Purpose: The Planning and Zoning Commission has determined that the following uses have the potential to impair health, safety and welfare of its citizens, and that a temporary, limited moratorium is needed in order to properly develop restrictions and standards for the implementation of these uses.

78.2 Identified Uses Subject to Moratorium:

78.2.1 Medical marijuana dispensary facility is a place of business where marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which CT Department of Consumer Protection has issued a dispensary facility permit to an applicant in accordance with Section 21a-408-14 of the Regulations of Connecticut State Agencies.

78.2.2 Methadone treatment facility is defined is a facility for outpatient detoxification and treatment of narcotic dependent persons which administers or dispenses methadone (methadone hydrochloride). LAAM (levo-alpha-acetyl-methadol) or similar drugs used to alleviate adverse psychological effects incident to withdrawal from continuous or sustained use of a narcotic drug.

78.2.3 Application: No application for a medical marijuana dispensary or methadone treatment facility and no installation or creation of a medical marijuana dispensary or methadone treatment facility shall be permitted in any zone within the town of Beacon Falls for a period specified in **Section 78.4.**

78.2.4 Effective Date and Expiration: The effective date on the application or installation or creation of any medical marijuana dispensary facility or methadone treatment facility is the date of adoption of this regulation by the Planning and Zoning Commission together with the filing of the amendment with the Town Clerk with moratorium remaining in effect for one calendar year.

END OF SECTION

APPENDIX

APPENDIX I: TOWN ORDINANCES APPLICABLE TO PLANNING AND ZONING REGULATIONS.

ORDINANCE RELATING TO COMBINED PLANNING AND ZONING COMMISSION

ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR ZONING REGULATIONS

TOWN OF BEACON FALLS ROAD ORDINANCE

**ORDINANCE ESTABLISHING FEES FOR PROCESSING LAND USE APPLICATIONS /
APPLICATION FEE SCHEDULE ORDINANCE (REVISION)**

TOWN ORDINANCE RELATING TO HEAVY TRUCK TRAFFIC AND PROCESSING OF MATERIALS

**AN ORDINANCE CONCERNING THE REGULATIONS OF SIGNS WITHIN THE MAIN STREET MEDIAN
STRIP – TOWN OF BEACON FALLS**

ORDINANCE RELATING TO COMBINED PLANNING AND ZONING COMMISSION

SECTION 1. CREATION.

There shall be in the Town of Beacon Falls, a Planning and Zoning Commission composed of nine (9) members, who shall be electors of the Town, appointed as hereinafter provided, together with the First Selectman and the Town Engineer as ex-officio members. The Town Engineer shall have no vote and the First Selectman shall vote *only* in the case of a tie. The Chairman shall be elected by the members from the membership, not including the ex-officio members.

SECTION 2. COMPOSITION.

Appointment and terms of members; filling vacancies.

The members of the Town Planning and Zoning Commission shall be appointed by the Board of Selectmen on or before August 12, 1974. The present elected members of the Town Zoning Commission shall be appointed as members to serve out their unexpired terms; i.e. Francis Guida and Edward R. Betkoski shall serve until November 4, 1975; Courtney F. Harris, Jr. Edward J. Smith, and Wilbur Weed, Jr. shall serve until November 8, 1977. The Board of Selectmen shall appoint the remaining members; one (1) member to serve until November 4, 1975, and three (3) members to serve until November 1, 1976. At the expiration of each of these said terms, three (3) members shall be appointed for three (3) year terms and shall serve until their successors have been appointed and have qualified. Vacancies in the membership shall be filled for the unexpired portion of a term in the manner as regular appointments. No person shall serve for more than three (3) full successive terms on the Town Planning and Zoning Commission.

All members of the Planning and Zoning Commission are required to attend at least one (1) training per year, specific to the Planning and Zoning Commission. This training will provide useful information needed to make decisions in the best interests of the Town of Beacon Falls. Failure to attend such training and provide documentation of the attendance will be cause for removal from the Commission by the Board of Selectmen.

SECTION 3. MEMBERS AND DUTIES

The Commission shall choose one of its members to be the Secretary, who shall keep a record of the acts and resolutions of the Commission, including the votes of each member upon any issue before it. No more than five (5) appointive members of the same political party shall serve on the Commission at the same time. Appointive members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. A quorum shall consist of five (5) members and the concurrence of four (4) votes, except as otherwise provided in Section 4 hereof, shall be necessary for the transaction of business.

ORDINANCE RELATING TO COMBINED PLANNING AND ZONING COMMISSION

SECTION 4. POWERS

The Commission shall have all of the powers and duties and be subject to the restrictions and limitations of a Zoning Commission established under Chapter 124 of the General Statutes, and of a Planning Commission established under Chapter 126 of the General Statutes.

SECTION 5. PROCEDURE FOR HOLDING PUBLIC HEARINGS.

For the purpose of holding Public Hearings as required under Chapters 124 and 126 of the General Statutes and as required under the Zoning and Planning rules and regulations now or hereinafter in force in the Town of Beacon Falls, the Chairman may appoint committees of no less than five (5) appointive members among whom may be included the Chairman and one of whom he shall designate as Secretary. Action on matters which have been the subject of a Public Hearing shall be taken by a majority vote of the entire Commission at a Regular or Special Meeting thereof, except in the event of a protest filed under Section 8-3 of the General Statutes, in which case a vote of two-thirds (2/3) of the entire Commission shall be required for the adoption of a change in Zoning Regulations and boundaries.

SECTION 6. ABOLISHMENT

Discontinuance of present Planning Commission and Zoning Commission. Continuation of the Planning Commission and Zoning Commission rules and regulations.

On August 12, 1974, the present Town Planning Commission and the present Zoning Commission shall cease to exist. All rules and regulations heretofore enacted or adopted by said Town Planning Commission and said Zoning Commission shall continue in full force and effect until modified, repealed or superseded in accordance with the provisions of this amendment.

SECTION 7. REPEAL OF SPECIFIC PROVISIONS.

All Ordinances relating to the Planning Commission and the Zoning Commission of the Town of Beacon Falls to the extent that their provisions are in conflict with the provisions of this Ordinance are repealed.

PASSED AT A TOWN MEETING - JULY 16, 1974.

Revision to the Ordinance.

Public Hearing held on September 18, 2006.

Town Meeting held on October 2, 2006.

This Ordinance shall become effective fifteen (15) days after its publication in the most widely circulated newspaper in the Town of Beacon Falls.

This Ordinance became effective November 9, 2006.

ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR ZONING REGULATIONS

SECTION 1.

The Zoning Enforcement Officer is authorized to issue Citations for violations of the Zoning Regulations of the Town of Beacon Falls to the extent and in the manner provided by this Ordinance. Any such Citation may be served either by hand delivery or by Certified Mail, Return Receipt Requested, to the person named in such Citation. If the person named in a Citation sent by Certified Mail refused to accept such mail, the Citation may be sent by regular United States mail. The Zoning Enforcement Officer shall file and retain an original or Certified Copy of the Citation.

SECTION 2.

A Citation may be issued for any violation of the Planning and Zoning Regulations of the Town of Beacon Falls.

SECTION 3.

The fine for each such Citation shall be One Hundred Fifty (\$150.00) Dollars, payable to the Treasurer, Town of Beacon Falls.

SECTION 4.

A person receiving such a Citation shall be allowed a period of thirty (30) days from his or her receipt of the Citation to make an uncontested payment of the fine specified in the Citation to the Treasurer. If the Citation has been sent by regular mail pursuant to the provisions of paragraph 1 of this Ordinance, the day of receipt of the Citation shall be deemed to be three (3) business days after the day of the mailing of this Citation.

SECTION 5.

If a person who has been issued a Citation does not make uncontested payment of the fine specified in the Citation to the Treasurer within the time allowed under paragraph 4 of this Ordinance, the Zoning Enforcement Officer shall send a note to the person cited, informing such person. (1) of the allegations against him or her and the amount of the fines; (2) that the person cited may contest liability before a Hearing Officer appointed by the Board of Selectmen, as provided in paragraph 9 of this Ordinance, by delivering, in person or by mail, within ten (10) days of the date of the notice, a written demand for a hearing; (3) that if a person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her; and (4) that such judgment may issue without further notice.

ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR ZONING REGULATIONS

SECTION 6.

If the person who is sent notice pursuant to **Section 5** of this Ordinance wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, either in person or by mail, to the Zoning Enforcement Officer. All fines shall be made payable to the Treasurer of the Town of Beacon Falls. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the notice described in **Section 5** of this Ordinance shall be deemed to have admitted liability, and the Zoning Enforcement Officer shall thereupon enter and assess the fines provided for by this Ordinance and shall follow the procedures set forth in **Section 7** of this Ordinance.

SECTION 7.

Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice, provided the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The presence of the Zoning Enforcement Officer or other person who issued the Citation may present evidence on behalf of the Municipality. If the person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against him or her upon a finding of proper notice and liability under the applicable provisions of the Planning and Zoning Regulations. The Hearing Officer may accept written information by mail from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. The Hearing Officer shall conduct the hearing in the order and from and with such methods of proof as he or she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his or her decision at the end of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, the Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against such person as provided by this Ordinance.

SECTION 8.

If such assessment is not paid on the date of its entry, the Hearing Officer shall send by First Class Mail, a notice of the assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a Certified Copy of the Notice of Assessment with the Clerk of the Superior Court for Milford,

**ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES
FOR ZONING REGULATIONS**

together with an entry fee of eight (\$8.00) dollars. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.

SECTION 9.

The Board of Selectmen shall appoint one or more Citation Hearing Officers to conduct the hearings provided by this Ordinance. Neither the Zoning Enforcement Officer, the Building Inspector nor any employee of the Town of Beacon Falls may be appointed as a Hearing Officer pursuant to this Ordinance.

This Ordinance passed at a duly scheduled Town Meeting held February 18, 1997.

The effective date of this Ordinance is April 18, 1997.

Public Hearing held on May 7, 2007

Town Meeting held on June 19, 2007

Ordinance published June 25, 2007

This Ordinance became effective July 11, 2007

TOWN OF BEACON FALLS
ROAD ORDINANCE
(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

2:10 PM
APR 10 2013
Gundlach & Beckwith

This Ordinance shall be known and may be cited as the “**Beacon Falls Road Ordinance**”.

The purpose of this Ordinance is to set standard specifications for all types of roads in the Town of Beacon Falls.

SECTION 1. DEFINITION OF TERMS

- 1.01 “**Highways**” shall mean streets or vice versa and shall be that portion between street lines.
- 1.02 “**Streets**” or “**Street**” shall mean and include Streets, Avenues, Boulevards, Roads, Lanes, Alleys, Drives, Terraces and other ways.
- 1.03 “**Roadway**” shall mean the traveled way, that distance between curbs or gutters.
- 1.04 “**Street Line**” shall mean the limits of that portion dedicated for highway purposes.
- 1.05 “**Town**” shall mean the Town of Beacon Falls, Connecticut.
- 1.06 “**Right of Way**” shall be the land included between street lines, dedicated for highway purposes.
- 1.07 “**Selectman**” shall mean the First Selectman of the Town of Beacon Falls.
- 1.08 “**Selectman’s Agent**” shall mean a qualified Inspector as appointed by the First Selectman.
- 1.09 “**Engineer**” shall mean the Town Engineer of the Town of Beacon Falls.
- 1.10 “**Sub grade**” shall mean existing ground surface prepared as specified and brought to grades indicated to receive gravel sub-base course.
- 1.11 “**Watershed**” shall mean that portion of land surrounding a watercourse or paved road which sheds its ground and/or surface water into or on said watercourse or paved road. Final decisions to limits of any given watershed shall rest with the Engineer or the First Selectman’s Agent.
- 1.12 “**Roller**” shall mean self-powered mechanical roller, weighing a minimum of ten (10) tons, having two (2) wheels.

SECTION 2. GENERAL REGULATIONS

- 2.01 This Ordinance shall govern the construction of all roads, drainage structures, appurtenances and bridges, presented or designed to be presented for acceptance and maintenance by the Town of Beacon Falls.
- 2.02 All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed.
- 2.03 Roads shall have a maximum grade of ten percent (10%) and a minimum grade of 1.0 percent.
- 2.04 Roads shall have a cross pitch of two and one half (2 ½) inches each side except on curves where the design bank shall be as required by the Engineer.
- 2.05 Except where the terms of this Ordinance may alter them, the State of Connecticut State Highway Department’s Standard Specifications for Roads, Bridges and Incidental Construction **** (Form 810)**, dated 1969, or any future revision thereof shall apply and govern, and are hereby made a part of this Ordinance.

**TOWN OF BEACON FALLS
ROAD ORDINANCE**

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

- 2.06 All thicknesses required by this Ordinance are finished or compacted thicknesses.
- 2.07 Curbs shall be installed on both sides of all roads in all Industrial and Business Zones and major collector streets. In other zones, curbing installation shall be as outlined in the Design Standards of this Ordinance or as required by the Engineer.
- 2.08 Horizontal and vertical sight distances, horizontal and vertical rates of curvature shall satisfy the requirements of the Connecticut Highway Department geometric standards, and applicable standards of this Ordinance.
- 2.09 Street Classification. All proposed streets shall be designated into one of the following classifications by the Planning and Zoning Commission prior to approval of the Final Subdivision Plan:
- 209.1 Major Collector Streets
 - 209.2 Commercial or Industrial Streets
 - 209.3 Local Residential Streets
 - 209.4 Determining Criteria
- 2.10 Sidewalks shall be constructed on both sides of all streets where specified by the Engineer and/or the Planning and Zoning Commission.
- 2.11 All roads shall be properly drained and sufficient culverts, manholes and catch basins installed as approved. No portion of any road shall drain in one direction more than **300** feet without catch basins on both sides of the road. In cases of extremely steep or flat grades or excessively large drainage areas, the Engineer may require installation of catch basins at lesser intervals. Culverts shall be of sufficient size to handle a maximum amount of water from the area drained. Drainage easements through lots shall be at least 20 feet wide. All drainage structures shall be indicated as to size and location on plan profile sheets. In addition, drawings and calculations showing size of watershed area and quantity of water drained by each culvert that either crosses, or is a part of the roadway drainage system or subdivision drainage system shall be submitted.
- 2.12 Plan-profile drawings of all proposed roads shall be submitted. Plan-profiles shall be at a scale of 1" equal 40' in plan. 1" equal 40' horizontal and 1" equal 4' vertical in profile. Elevations shall refer to USGS datum. Drawings shall include the following:
- Layout of proposed streets in both plan and profile indicating right-of-way dimensions as shown on the Final Subdivision Plan, width of right-of-way and paving. Existing and proposed centerline grade lines with stations every 50 feet, vertical curve data and percent of grade.
 - Typical cross-section of the streets with paving, shoulders, curbs and sidewalks in detail.
 - Plan-profile drawings shall also show all utility lines, encroachment lines, and all easements for utilities, drainage, and other rights-of-way, with location, size and inverts of existing and new culverts, and the entire drainage system.
 - Drainage analysis map shall show the tributary watershed area and downstream area affected by run-off. Drainage computations shall consider the entire watershed area; criteria and computations used in determining pipe sizes shall be submitted on 8 ½ x 11 inch sheets and

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APR 10 2013 ²

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**TOWN OF BEACON FALLS
ROAD ORDINANCE**

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

- certified by a Professional Engineer.
- If considered advisable by the Planning and Zoning Commission, due to the terrain as determined from contours and the proposed profile showing original and final grades, cross sections of the proposed road shall be furnished by the Holder of the Road Permit at intervals of every fifty (50) feet, showing the original ground, top and toe of slopes, culverts or bridges. These sections shall extend at least forty (40) feet left and right of center line.
 - Where required in the judgement of the Engineer, street intersections shall be developed at a larger scale, showing catch basins, gutter, road center line, curb and sidewalk elevations.
 - All of the above documents shall bear the appropriate seal as recommended by the Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut.
 - The above information shall be submitted for approval to the Beacon Falls Planning and Zoning Commission in accord with the Beacon Falls Subdivision Regulations and Planning and Zoning Commission Ordinance.
 - Upon final approval of the above listed submissions for any proposed roadway and auxiliary structures, three (3) copies of said documents will be required for filing by the Town.
- 2.13 Where drainage is tributary to a portion of a Connecticut Highway Department drainage system, such drainage shall be approved by the Connecticut Highway Department and such approval shall be submitted to the Planning and Zoning Commission along with other required documents.
- 2.14 Easements. Permanent easements, of a nature acceptable to the Town Counsel, shall be provided in all cases where drainage pipes or ditches cross or abut lands other than street Right-of-way or where drainage waters are discharged onto adjacent lands. A minimum width of twenty (20) feet shall be required and said easements shall be clearly defined on the Final Subdivision Plan placed on file in the land records. **Monuments shall mark the easements.**
- 2.15 House and Foundation Drains. House and foundation drains in no case shall be permitted to discharge onto the highway. Such drains shall be connected to storm drains wherever possible. All such drainage connections shall be made prior to construction of the bituminous concrete wearing surface. **Plans must show location of drains and where they terminate.**
- 2.16 Driveways. No person or persons in the Town of Beacon Falls shall construct a driveway, of any type, which enters upon a Town highway, or a proposed Town highway which has been approved by the Planning and Zoning Commission, until such person **shall have obtained a permit from the Town Building Official** subsequent to approval from the Town Road Foreman and shall have filed a bond with the Board of Selectmen. Said bond shall be in an amount sufficient to secure the proper control of storm water, including piping, if necessary, proper sight line and entrance grades at the highway. The work to be

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**TOWN OF BEACON FALLS
ROAD ORDINANCE**

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

carried out by the permittee shall be delineated on the permit and bond. Said fee for said permit shall be in accordance with the Ordinance Establishing Fees for Processing Land Use Applications Application Fee Schedule Ordinance of the Town of Beacon Falls, as the same may be amended from time to time, and is payable to the Treasurer, Town of Beacon Falls.

SECTION 3. MAJOR COLLECTOR STREETS

- 3.01 The proposed street is a direct and logical continuation that carries or can be expected to carry a heavy volume of traffic.
- 3.02 The proposed street creates a shorter or more convenient through traffic artery, so that it can be reasonably expected to collect traffic diverted from other streets.
- 3.03 The proposed street is the particular collector of vehicles from one hundred and fifty (150) or more potential or existing homes in the area.
- 3.04 The proposed street could logically be expected to become a major street because of said construction or other foreseeable circumstances.

SECTION 4. COMMERCIAL OR INDUSTRIAL STREETS

- 4.01 The proposed street is in an area zoned for business or industry.
- 4.02 The proposed street is on or close to the dividing line between a residential and a business or industrial area that it may reasonably be expected to carry a substantial volume of commercial or industrial traffic.
- 4.03 The proposed street creates a shorter or more convenient route between a commercial or industrial area and a major traffic artery.
- 4.04 The proposed street for any reason may be expected to carry a substantial volume of commercial or industrial traffic.

SECTION 5. LOCAL RESIDENTIAL STREETS

(This classification is intended to cover the majority of subdivision streets)

- 5.01 The proposed street will serve residential subdivisions in districts designated (R-1), (R-2), (R-3), (R-4).
- 5.02 The proposed street shall not be reasonably expected to become through commercial or industrial street.
- 5.03 The proposed street shall be a dead end or other minor street within in a development, as distinguished from Major Collector Streets

SECTION 6. MATERIALS

- 6.01 Bank run Gravel: Section M.02.02.3 **Form 810**.
- 6.02 Broken Stone: The product resulting from the artificial crushing of quarried trap rock, substantially all faces of which have resulted from the crushing operation. Section 3.01. **Form 810**.

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**TOWN OF BEACON FALLS
ROAD ORDINANCE**

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

- 6.03 Filler: Shall be crushed stone or sand consisting of sound durable particles containing not more than 3 percent (3%) of silt or crusher dust by actual dry weight, using A.A.S.H.O. Method T-11. It shall be so graded that 100 percent (100%) shall pass a 5/3 inch sieve and not less than 70 percent (70%) shall be retained on a NO. 50 sieve.
- 6.04 Bituminous Concrete: Shall be Bituminous Concrete Binder Course and Bituminous Concrete Surface Course Grading II as specified in Sections 4.07 and 4.04 of **Form 810**.

- 6.05 Catch Basins and Manholes: Section 5.07, **Form 810** in entirety.

Cast iron specialties shall be State of Connecticut Standard and shall bear ten (10) year written guarantee, which shall be turned over to the Town of Beacon Falls at completion of project. Catch basin frames and grates shall be type C or where necessary type CL. Frames shall be appropriate with the type of curb used.

- 6.06. Culverts and Under drain Pipe: Section M.08, **Form 810** in entirety.

In general, solid wall pipe will be used. However, at the direction of the Engineer, perforated pipe shall be used in areas where high water table or other problem conditions exist.

Headwalls for culverts shall be constructed of Class A Portland Cement concrete, either reinforced or gravity type, solid concrete block or stone rubble masonry.

- 6.07. Concrete:

- 6.07.01 All concrete specified herein shall be Class A concrete per Section 6.01, **Form 810**, unless otherwise noted. All concrete materials and methods of all concreting operations shall be in conformance with Section 6.01, **Form 810**.

- 6.07.02 Bar and Mesh Reinforcing: Section 6.02, **Form 810** in entirety.

- 6.08 Guide Rails, Fence and Posts: With the exception of Bridge railing, all guide rails shall be Two-Cable Guide Railing in accordance with Section 9.01, **Form 810**, in entirety. For Bridge Railing see Section M-10 of **Form 810**.

- 6.09 Monuments: Shall be set on all right-of-way lines of streets, at all intersections, angle points and points of curvature. There shall be a clear foresight and backsight to adjacent monuments on the right-of-way line or lines on which a monument is set. Monuments shall be at least 36" long and shall be at least 4" square.

The monuments shall be of a granite or of concrete with a center reinforcing rod of a type approved by the Engineer. The monuments shall not be set before the final wearing course has been completed nor shall they be set while frost is in the ground. They shall be set so that the top is one (1) inch above the finished grade and they shall be so set and tamped as to prevent shifting.

The Sub-divider's engineer or surveyor shall certify that the location of all monuments is accurate before acceptance of the street by the Town of Beacon Falls.

- 6.10. Street Signs: Street signs shall identify both intersecting roads and shall conform to the Town's Standard and shall be installed by the subdivider.

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APR 10 2013

BEACON FALLS TOWN CLERK

**TOWN OF BEACON FALLS
ROAD ORDINANCE**

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

- 6.11. Curbs: Curbs shall be Bituminous Concrete and shall conform to Section 8.15, **Form 810**, Page 343. All curbs shall be backed up full height with solidly packed earth.

SECTION 7 – CONSTRUCTION METHODS AND REQUIREMENTS

- 7.01 Clearing and Grubbing: Sections 2.01.01 and 2.01.04, Page 73 of **Form 810**.
- 7.02 Roadway, Excavation and Formation of Embankment: Sections 2.02.01 and 2.02.03, Page 75 of **Form 810**.
- 7.03 Trench Excavation: Sections 2.05.01 and 2.05.03 of **Form 810**.
- 7.04 Preparation of Sub-grade: Sections 2.09.01 and 2.09.03 Page 95 of **Form 810**. No gravel shall be placed on the prepared sub-grade until the Engineer or his Agent has approved the condition of the sub-grade.
- 7.05 Slopes: Sections 2.11.01 and 2.11.03 of **Form 810**, Page 107. Slopes shall be loamed to a minimum depth of four (4) inches, rolled, fertilized and seeded with a satisfactory grass seed mixture.
- 7.06 Gravel Sub-base: The sub-base shall consist of at least twelve (12) inches of Bank Run Gravel constructed in accord with Section 2.12.03, Page 108, **Form 810**. Where ledge rock is encountered, it shall be excavated as in 4.01 and the Gravel Sub-base shall be 18" minimum.
- 7.07 Gravel Fill: Sections 2.13.01 through 2.13.03 Page 110 of **Form 810**.
- 7.08 Base Course: The base course shall consist of one (1) 3 inch course of Broken Stone constructed in accord with Sections 3.01.01 through 3.01.03, Page 113 of **Form 810**.
- 7.09 Wearing Surface: The wearing surface will be Bituminous Concrete Pavement, constructed in one or two courses to the thicknesses indicated herein and in accord with Sections 4.07 and 4.04, Page 174 of **Form 810**. No final surfacing shall be installed until a period of sixty (60) days or more has elapsed with drainage, sub-base and base course in place.
- 7.10 Drainage: All drainage pipe shall be at least 15 inches in diameter except as noted below and installed with a minimum cover of 3 feet. All installation and construction shall be to the line and grade indicated on submitted drawings as required elsewhere herein and in accord with Section 5.06, Page 194 and 5.07, Page 196 of **Form 810**. Class A. Concrete headwalls shall be located at culvert ends. Under drain pipe and outlets shall be of a size determined by the Engineer. Curb type catch basins, various types of end walls, CL type catch basins, manholes. Wing type end walls and under drain, shall be constructed according to the dimensions, methods and materials shown in detail on Connecticut State Highway Department Standard Sheets, (Numbers 228-A, 228-D, 228-C, 228-E, 223-A, 221-I, 221-F, 221-H, 217-B and 221-G)
A copy of these Standard Sheets will be kept on file in the Selectman's Office and in the Road Foreman's Office.
- 7.11. Utilities (other than Drainage)

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**TOWN OF BEACON FALLS
ROAD ORDINANCE**

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

Gas, Telephone and Electric, Sanitary Sewers: Underground installations of gas, telephone and electric facilities shall be laid along the south and west sides of roadway in a strip 5' wide off the shoulder of the road. Water installation shall be in a strip 5' wide off the shoulder of the road on the opposite side of the road to the above facilities.

Water: Public or community water mains shall be laid along the north and east sides of the roadway seven (7) feet off the roadway centerline and be in accordance with specifications of the local Water Company. In no case, shall any pavement of roadways be begun until all water mains and laterals are completed under affected portion of the roadway.

Hydrants shall be installed on all roadways where water is available at such locations and in such number as the Engineer directs. Cost of the provision and installation of hydrants shall be borne by the contractor or subdivider.

- 7.12. Bridges: Where bridges are to be built, they shall be designed to satisfy the requirements of H-20-S-16 wheel loading, and the applicable section of **Form 810**, Pages 354, 468, 473, 474, 88, 209, 376, 238, 468, and 191. Drawings and design calculations shall be submitted to the Town Engineer and shall be certified by a Professional Engineer, registered in the State of Connecticut.
- 7.13. Upon suspension or completion of any permitted, work the subdivider or contractor shall remove from all public or private property all temporary structures, tools and equipment rubbish or waste materials resulting from his operations. All ditches shall be filled, all sewers, drains, catch basins and man-holes cleaned and flushed, streets, walks, curbs and other structures cleaned and repaired and the whole work left in a neat and clean condition.
- 7.14. The Holder of the Road Permit shall establish and clearly mark, on site, the center line of the proposed roadway. The stakes may be an offset from the center line. He shall also indicate the location of drainage structures and easements in the same manner.
- 7.15. In case of conflict on any of the specifications contained herein, the ruling of the Planning and Zoning Commission shall be deemed final.
- 7.16. Slight distance at all intersections including driveways shall be provided to 188' in either direction. The Holder of the Road Permit shall re-grade all areas falling within the sight distance triangle. He shall remove trees, brush, stones, etc. and other objects designated by the Engineer so that clear, unobstructed sight distance is obtained. Driveways, where they meet roads, shall flair a sufficient width so as to prevent crossing to the wrong side of the road for entrance or exit.

SECTION 8. SANITARY SEWERS:

Materials: Gravity Flow mains shall be constructed of extra strength PVC Pipe.

8.01 Pipe. Pressure mains shall be constructed of mechanical joint cast iron pipe. Minimum pipe size shall be eight (8) inches for street sewers and six (6) inches for laterals to buildings.

8.02 Location: The pipe shall be laid at a depth which, where possible, shall be below all other utilities in the roadway. In no case shall the cover over the pipe be less than six (6) feet.

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BEACON FALLS TOWN CLERK

TOWN OF BEACON FALLS ROAD ORDINANCE

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

- 8.03 Minimum Pitch: The pipe shall be laid at a pitch which will insure self-cleaning. This pitch shall be a minimum of 0.4 percent.
- 8.04 Manholes: Manholes shall be spaced at distances no greater than 300 feet and at angle points, intersections and grade changes of pipe or where pipe increases in size.
- 8.05 Drawings: In all cases proposed, sanitary sewer plans and profiles shall be submitted to the Selectman or Planning and Zoning Commission on plan profile paper as part of or separate from the roadway and drainage plan profiles required herein.

Before fine grading or construction of curbs is started, all service lines from underground utilities shall have been installed in every lot in the proposed subdivision. When all underground work is completed, the final grade shall be established and the pavement applied. Curbing, where required, shall then be installed throughout and shoulders fine graded as the final operation.

- 8.06 Where utilities are installed, the Holder of the Road Permit shall bear the expenses of raising all man-holes, valve boxes, etc, up to the final road grade. These utility appurtenances shall be clearly visible and shall be so set that a true line and grade is maintained.

In all cases, the installation of all utilities, including gas and cable lines within the right-of-way shall be under the inspection of the Engineer or Building Inspector. All utility lines shall be run to each and every lot at the time of initial installation of the distribution main, said service to extend to a point 24" inside the curb line and shall be terminated with a valve and curb box in the case of water service up to the finished grade of the shoulder.

SECTION 9. ADMINISTRATION

9.01 Guaranty Bond and Maintenance

In the case of the construction of a road under Contract to the Town, the Contractor shall file with the Town Clerk, a Performance Bond in the full amount of said Contract in order to secure to the Town the satisfactory completion of the work.

In the case of the construction of a road or roads in a proposed subdivision, the subdivider shall file with the Town Clerk, prior to the approval of the Final Subdivision Plan, a Performance Guaranty for street improvements, drainage, sewer and water supply and any other improvements required by the Commission. Such Performance Guaranty shall assure the installation and completion of the improvements before an agreed date, unless for good reasons shown to the Planning and Zoning Commission, the Planning and Zoning Commission may grant an extension with the consent of the Surety.

The Performance Guaranty shall be approved by the Town Counsel and shall be in the form of a Performance Bond to the Town of Beacon Falls which shall be issued by a bonding or surety company or in cash, returnable to the subdivider after full compliance. A Performance Guaranty shall be for a period not to exceed two (2) years, except that extension of such Guaranty to cover completion of the top surface of the street pavement may be extended by the Planning and Zoning Commission beyond the two (2) year time limit with the consent of the Surety. The amount of the Guaranty will be equal to 100 % of the cost of roads and improvements.

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APR 10 2013

BEACON FALLS TOWN CLERK

TOWN OF BEACON FALLS ROAD ORDINANCE

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

The cost of roads and drainage shall be estimated by the subdivider's or contractor's Professional Engineer and submitted to the Town Engineer or the Planning and Zoning Commission for review and approval.

9.02 Permit

Upon submission and approval by the appropriate agency of the documents required, the Planning and Zoning Commission shall cause a permit to be issued and said permit shall grant the Holder of the Road Permit the right to construct roadways in the Town of Beacon Falls in accordance with the approved documents.

9.03 Inspection

The permit shall designate required inspections at certain stages of construction and it shall become the responsibility of the Holder of the Road Permit to obtain the signature of the Chairman of the Planning and Zoning Commission, Building Inspector, or Town Engineer upon completion of each stage and before starting additional work. The Holder of the Road Permit shall give the Planning and Zoning Commission or its Agent, forty-eight (48) hours notice before beginning construction requiring inspection. Failure of the Holder of the Road Permit to obtain the signature of the Chairman of the Planning and Zoning Commission, Building Inspector, or Town Engineer following each inspection as designated shall constitute a default of the regulation and said permit shall become null and void and further work shall not be permitted.

The **First** Selectman, Planning and Zoning Commission, Building Inspector, or their Agent reserves the right to conduct an inspection of the roadway at any time he/she may see fit, and at any rate, not less than once weekly during actual construction.

The construction of any road or highway subject to the provisions of this Ordinance may be halted by the **First** Selectman, Planning and Zoning Commission, Building Inspector, or their Agent, if at any time, they shall find that the road does not comply with the provisions of this Ordinance. In case it becomes necessary to order the Holder of the Road Permit to cease work due to not complying with this Ordinance, the **First** Selectman and Planning and Zoning Commission shall be notified, in writing, of the close-down date. When the project is reopened, the **First** Selectman and Planning and Zoning Commission shall be notified at least three (3) days in advance of the proposed starting date.

9.04 Release of Guaranty Bond

The Performance Guaranty shall not be released until the sub divider's or contractor's Professional Engineer has certified completion of the public utilities and improvements in substantial accordance with the requirements and the street or streets have been legally accepted by the Town and deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership and rights-to-drain onto or across private property are submitted in a form satisfactory to the Town Counsel. All recording fees shall be borne by the subdivider.

Application for approval of portions of the total proposed work may be made upon completion of such portions. If such are accepted, a pro rated reduction in surety bond or deposit will be allowed.

If the work has not been completed within a two year period, the Planning and Zoning Commission shall recommend that the bond be forfeited and proper notice shall be given

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APR 10 2013

BEACON FALLS TOWN CLERK

**TOWN OF BEACON FALLS
ROAD ORDINANCE**

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

in writing to the Holder of the Road Permit and to the Surety of this action. The permit may be extended by the Planning and Zoning Commission if it deems in the best interest of the Town of Beacon Falls.

9.05 Maintenance of Bond and Maintenance Project

The contractor or subdivider shall keep and maintain the work in good repair for a period of one (1) year from the date of final acceptance by the Town. Prior to the final acceptance of the road by the Town, the contractor or subdivider will file with the Town Clerk an acceptable surety company bond in the amount of ten percent (10%) of the value of the work accepted. The term of this bond shall be for one (1) year from the date of final acceptance. Upon acceptance of the road by the Town and receipt and approval of this bond, the Town Clerk will release the one hundred percent (100%) performance bond required.

The contractor or subdivider shall, when notified by the **First Selectman**, promptly and at his own expense repair all failures in the construction and operation of structures and appurtenances or drains, pipes, mains or conduits, curbs, gutters, sidewalks, road surfacing, land turfing, or any other structures on the line of the work, or adjacent thereto, occurring during the maintenance period which are caused by or affected by his work.

If the contractor or subdivider fails to remedy such defects within a reasonable time, the Town of Beacon Falls, may, without prejudice to any other remedy and upon written notice to the contractor or subdivider and surety company, cause the required repairs to be made and bill the contractor or subdivider or the surety company for the cost of the work involved.

9.06 "As Built" Drawings and Warranty Deeds.

Upon completion of construction and prior to acceptance or release of bond, "As Built" drawings showing finished profile of road, storm drainage, with invert elevations and plans of roadway showing street lines, easements, curb lines, storm drainage, utilities and monumented control points, shall be submitted to the Planning and Zoning Commission. Said drawings shall be drawn in ink on plan profile linen or film 36 inches long and the originals shall be filed with the Town. "As Built" drawings shall be prepared and certified by a Professional Engineer registered in the State of Connecticut.

Upon completion of construction and prior to acceptance or release of bond, warranty deed or deeds covering all roads and rights-of-way and drainage or other easements shall be executed to the Town of Beacon Falls in acceptable Certificate of Title signed by a practicing attorney of the State of Connecticut.

"As built" are to be given to the Treatment Plant and Public Works before acceptance.

9.07 Approval and Acceptance by the Town.

Upon completion and final inspection of roadways and auxiliary structures, and upon submission of the required Maintenance Bond, Warranty Deeds, Certificates and "As Built" drawings, the subdivider or contractor shall apply to the Planning and Zoning Commission for acceptance. The Planning and Zoning Commission will then review the requirements and if satisfactory, recommend acceptance to the Town. Affirmative action by the Town Meeting shall constitute approval and acceptance by the Town of Beacon Falls and the date of approval shall be the starting date for the one (1) year maintenance period.

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APR 10 2013

10

BEACON FALLS TOWN CLERK

**TOWN OF BEACON FALLS
ROAD ORDINANCE**

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

9.08 Separability: It is hereby declared to be the legislative intent that:

9.08.01 If a court of competent jurisdiction finds any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

9.08.02 Effect on Other Requirements

It is not intended that the requirements of any other law or ordinance except as herein stated, be repealed or otherwise made ineffective by this Ordinance and in case of conflict the strictest of the relevant provisions of this and other laws and ordinances shall apply.

9.09 Effective Date.

9.09.01 This Ordinance shall become effective upon its enactment. This Ordinance shall not apply to any roadway for which a road construction permit, under bond, has been issued under the Road Ordinance prior to the date of adoption of this Ordinance, and to developments of record. It may be constructed in accordance with the provisions of the aforesaid ordinance provided construction is completed in full compliance with the provisions of such ordinance and approval of said construction, in writing by the Planning and Zoning Commission has been obtained prior to adoption of this Ordinance.

9.09.02 On the effective date of this Ordinance, the Road Ordinance of the Town of Beacon Falls originally adopted October 24, 1956 is hereby repealed. Adopted by the Town Meeting April 27, 1971.

9.10 Permits.

Permits for disturbing, digging, excavating, or in any way damaging a road bed for any reason, what so ever, shall be bonded, bond to be determined by the Town Engineer or First Selectman's Agent. Fee for Permit shall be at a rate of one (1) dollar per running foot. The fee for permit may be waived by a simple majority vote of the Board of Selectmen for work being performed under contract for the Town of Beacon Falls or any regional or local Commission, District, or Authority, including, but not limited to Sewer Authorities, School Districts, Water Authorities and Economic Development Commissions to which the Town of Beacon Falls is a member. *No permit to build shall be issued to any developer until the street upon which the building is to be constructed has been completed and approved in writing by the Town Engineer or the First Selectman's Agent.*

9.11 The Civil and Sanitary Engineer representing the Town of Beacon Falls shall not simultaneously represent the owner, nor the developer of any subdivision in the Town of Beacon Falls.

9.12 Restoration. Page 48, Section 1.07.04 **Form 810.**

Public Hearing Held on: September 18, 2006

Town Meeting Held on: October 2, 2006

Ordinance Published on: October 25, 2006.

This Ordinance became effective November 9, 2006.

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APR 10 2013

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**TOWN OF BEACON FALLS
ROAD ORDINANCE**
(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

REVISION

Public Hearing Held on: March 20, 2013
Town Meeting Held on: April 8, 2013
Ordinance Published on: April 11, 2013
This Revised Ordinance became Effective on: April 26, 2013

****Form 810** is the "State of Connecticut Highway Department's Standard Specifications for Roads, Bridges and Incidental Construction (Form 810) dated 1969 and all future revisions.

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APR 10 2013
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**TOWN OF BEACON FALLS
ROAD ORDINANCE**
(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

**TOWN OF BEACON FALLS
Street Classification and Design Standards**

Highway Type	Local Residential Streets	Commercial or Industrial Streets	Major Collector Streets
Minimum Right of Way	50 ft.	60 ft.	80 ft.
Pavement Width	32 ft.	32 ft.	32 ft.
Width of Graded Shoulder Each Side	2 ft.	3 ft.	3 ft.
Pavement Type First Course	Bit. Conc. Grade II 3" Deep	Bit. Conc. Binder 2" Deep	Bit. Conc. Binder 2" Deep
Second Course	Bit. Conc. Grade II 1 ½ "	Bit. Conc. Surf. Grade II 2" Deep	Bit. Conc. Surf. Grade II 2" Deep
Base Course	1 ½ "	3" Broken Stone	3" Broken Stone
Sub-base Course	12" Gravel (min.)	12" Gravel (min.)	12" Gravel (min.)
Gradient (Min.)	1.0%	1.0%	1.0%
Stopping Sight Distance	200' at 25 mph	200' at 25 mph	350' at 35 mph
Passing Sight Distance			1700' at 35 mph
Turnarounds	60' radius	75' radius Temporary Only	None Allowed
Minimum Radius	188 ft.	600 ft.	1200 ft.
Minimum Tangent Between Curves	200 ft.	200 ft.	200 ft.

Note: No. 1: Bituminous Concrete Curbs shall be installed on both sides of all Commercial, Industrial and Major Collector Streets. In all areas requiring curbing, it shall be installed in fills of over 6'.

Note: No. 2: Guide rail and/or single post are to be installed where directed by the First Selectman of his/her Agent.

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BEACON FALLS TOWN CLERK

**AN ORDINANCE ESTABLISHING FEES FOR PROCESSING
LAND USE APPLICATIONS
APPLICATION FEE SCHEDULE ORDINANCE
(Revision)**

WHEREAS, the Boards and Commission that regulate land use and development within the Town of Beacon Falls are required to make decisions that have important impacts upon the quality of life in the Town, and

WHEREAS, many of these decisions are complex, and require objective analysis by experts in the various fields, and

WHEREAS, the costs of review should be paid by the applicant who is requesting review.

Section 1. Authority

This Ordinance is adopted pursuant to Section 8-1c CGS.

Section 2. Title

This Ordinance shall be known as the Application Fee Schedule Ordinance.

Section 3. Purpose and Intent

1. To establish a schedule of reasonable fees for the review and processing of applications by the Town of Beacon Falls Planning and Zoning Commission, Inland Wetlands and Watercourse Commission and Zoning Board of Appeals, and
2. To provide for the adequate review of land use applications in accordance with the size and complexity of the proposed land use development.

Section 4. Fee Schedule

- The following schedule of fees as indicated in Section 4.4 shall be the minimum to cover the cost of processing application to the Planning and Zoning Commission, Inland Wetlands and Watercourses Commission and Zoning Board of Appeals. (please refer to pages 3 and 4 for fees required)
- The Planning and Zoning Commission, Inland Wetlands and Watercourses Commission and Zoning Board of Appeals may, at its discretion hire or engage outside experts to assist in its evaluation of any application. The total costs for all outside expertise shall be borne by the applicant. This payment shall be considered as an integral component of the application, and the failure of the applicant to make this payment shall render the application incomplete. If the applicant fails to pay the fee within thirty (30) days of receiving an invoice, the Board or Commission may revoke all approvals of the application and pursue all necessary action to receive payment.
- All application fees shall be paid to the Town of Beacon Falls at the time of submission of the application. No application shall be considered to be a complete application without payment of fees as required in this Ordinance.

**AN ORDINANCE ESTABLISHING FEES FOR PROCESSING
LAND USE APPLICATIONS
APPLICATION FEE SCHEDULE ORDINANCE
(Revision)**

- If the Planning and Zoning Commission, Inland Wetlands and Watercourses Commission and Zoning Board of Appeals finds, at the time of acceptance of Application, that the application is of a significant magnitude that it would require extensive review, the Board or Commission may establish an initial payment to cover the costs of expert review. This cost shall be paid at the time of application by the applicant. If the costs of review exceed this initial amount the applicant shall be required to pay additional costs. If the costs of review are less than the initial payment, the remainder shall be returned to the applicant.
- The applicant shall pay all fees imposed by the State of Connecticut imposed by Statute.

Public Hearing held on November 24, 2008

Town Meeting held on December 15, 2008

Notice Published in Republican American: December 22, 2008

Effective Date of Revised Ordinance: January 7, 2009

**AN ORDINANCE ESTABLISHING FEES FOR PROCESSING
LAND USE APPLICATIONS
APPLICATION FEE SCHEDULE ORDINANCE
(Revision)**

- The following shall be the minimum fees required for all applications for Inland Wetlands and Watercourses Commission applications:

a. Permitted and Non Regulated uses as described in Section 4 of the Inland Wetlands and Watercourses Regulations of the Town of Beacon Falls	
Permitted Use as of Right – Farm/ Agricultural, Includes Forestry	No charge.
Non-regulated Uses	\$ 50.00
b. Regulated Activities as defined in Section 2.1 and Section 6 of the Inland Wetlands and Watercourses Regulations of the Town of Beacon Falls	
1. Residential – Single and two-family dwellings	\$ 50.00
Additional fees with wetland and/or watercourse Disturbance	\$ 3.00 per square feet of proposed disturbance of wetlands
2. Commercial/Industrial – Single Lot	\$ 200.00
Additional fees with wetland and/or watercourse disturbance	\$ 3.00 per square feet of proposed disturbance of wetlands
3. Other – Single Lot	\$ 200.00
Additional fees with wetland and/or watercourse Disturbance	\$ 3.00 per square feet of proposed disturbance of wetlands
4a. Residential – Subdivision	\$ 750.00 plus \$150.00 per lot plus \$3.00 per square feet of proposed disturbance of wetlands
4b Residential – Multi-Family	\$ 750.00 plus \$75.00 per unit lot plus \$3.00 per square feet of proposed disturbance of wetlands
5. Commercial/Industrial Subdivision	\$ 750.00 plus \$200.00 per lot plus \$3.00 per square feet of proposed disturbance of wetlands
6. Map Amendment	\$ 200.00 plus \$1.00 per linear foot of the total length of wetlands and/or watercourse boundary subject to the proposed boundary change.

**AN ORDINANCE ESTABLISHING FEES FOR PROCESSING
LAND USE APPLICATIONS
APPLICATION FEE SCHEDULE ORDINANCE
(Revision)**

- The following shall be the minimum fees required for all applications for all applications to the Planning and Zoning Commission

Subdivision per lot	\$ 400.00; plus • \$.50 per linear foot of new road proposed within the subdivision; plus • \$500 for all applications which require a Public Hearing, plus \$200 for each continuance of the Public Hearing
Road Fees, per liner feet of new road	\$ 0.50
Site Plan Review – Residential Uses per Unit	\$ 250.00
Site Plan Review – Non-Residential per square foot	\$ 0.10 of new building, with a minimum of \$500
Flood Plain Review	\$ 500.00
Excavation and Grading	\$ 500.00 plus \$50.00 for every 1000 cubic yards to be excavated
Earth Products Processing	\$ 250.00
Special Exception	\$ 500.00 plus: • Cost per site plans as cited above; and; • \$ 200.00 for each continuance of the Public Hearing
Driveways – Single Family	\$ 25.00
Driveways – Other Residential	\$ 100.00
Driveways – Commercial and Industrial	\$ 250.00
Application for Zoning Compliance	\$ 25.00
Additional Certificate of Zoning Compliance	\$ 25.00
Application for Zone Change	\$ 1,000.00; plus • \$ 200.00 for each continuance of the Public Hearing
Request for Change of Zoning or Subdivision Regulations	\$ 1,000.00; plus • \$ 200.00 for each continuance of the Public Hearing
Request for Non-Conforming use	\$ 1,000.0 • \$200.00 for each continuance of the Public Hearing

**AN ORDINANCE ESTABLISHING FEES FOR PROCESSING
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Section 5. Inspections

The Board of Selectmen, upon advice of the relevant Board or Commission, may require that the developer reimburse the Town for all costs associated with the inspection or re-inspection of the property that are required.

Section 6. Waiver of Fees

1. All Boards, Commission, Agencies and /or Departments of the Town of Beacon Falls are exempt from all fee requirements of this Ordinance.
2. The applicant may petition the Board of Selectmen to waive, reduce or permit delayed payment of the fee required by this Ordinance. Such petitions shall be in writing and shall state fully the facts and circumstances that the Board of Selectmen should consider in its determination under this Ordinance. The Board of Selectmen may waive all or part of the application fee if the Board determines that:

- a. The activity applied for would clearly result in a substantial public benefit to the environment, public health, safety or welfare and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee; or

The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.

Public Hearing held on November 24, 2008

Town Meeting held on December 15, 2008

Notice Published in Republican American: December 22, 2008

Effective Date of Revised Ordinance: January 7, 2009

TOWN ORDINANCE RELATING TO HEAVY TRUCK TRAFFIC AND PROCESSING OF MATERIALS

Pursuant to its powers under Connecticut General Statutes Chapter 7-148(c) (7) (ii) to regulate and to prohibit the carrying on within the Town of any trade, manufacture, business or profession which is carried on so as to become prejudicial to public health, or dangerous to, or constituting an unreasonable annoyance to, those living or owning property in the vicinity and, pursuant to its powers under Connecticut General Statutes Chapter 7-148(c)(7)(h)(xi) to provide for the health of the inhabitants of the Municipality and to do all things necessary or desirable to secure and promote the Public Health, and pursuant to its powers under Connecticut General Statutes Chapter 7-148(c) (7) (h) (xiii) to regulate the use of streets, sidewalks, and highways for public and private purposes, and, pursuant to its powers under Connecticut General Statutes Chapter 7-148(c) (7) (h) (xiii) to make and enforce police, sanitary or other similar regulations and to protect or promote the peace, safety, good government and welfare of the Municipality and its inhabitants, the Town of Beacon Falls enacts the following Ordinance:

Whereas, the washing, screening, crushing and other processing of sand, gravel, stone and other earth products within the Town of Beacon Falls have reached levels detrimental to the health, safety, safety and welfare of the general population, in that obnoxious dust, smoke, noise and vibrations continually emanate from the processing facilities causing unpleasant and unhealthful effects in the Community at large, and deleterious effects upon the environment, and

Whereas, the Town of Beacon Falls is in danger of permanently becoming an earth products processing center for the region because other Municipalities prohibit earth products processing in many instances, so that the Townspeople of Beacon Falls are hindered in the quiet enjoyment of their properties, and so that significant portions of the Town's monetary resources must be dedicated toward repairing damage caused by truck traffic related to the importation of earth products, and toward policing roads and areas surrounding the processing facilities, in order that the gravel needs of other Towns may be met.

Be it enacted that, effective September 1, 1990, all screening, washing, crushing and other processing of stone gravel, sand and other materials excavated from the earth which have not been extracted from within the Town of Beacon Falls or such screening, washing, crushing or other processing, are prohibited; provided, that stockpiles of earth products excavated outside of the Town of Beacon Falls which are in existence at legal processing facilities in industrial or industrial park zones in the Town of Beacon Falls as of September 1, 1990 must be entirely processed as of September 1, 1991.

This Ordinance shall become effective upon passage. Passed at a duly held Annual Town Meeting held on October 24, 1988.

Public Hearing held on: May 7, 2007

Town Meeting held on: June 18, 2007

This Ordinance shall become effective fifteen (15) days after its publication in the most widely circulated newspaper in the Town of Beacon Falls. This Ordinance published on June 25, 2007.

This Ordinance became effective July 11, 2007.

**AN ORDINANCE CONCERNING THE REGULATION OF SIGNS WITHIN THE
MAIN STREET MEDIAN STRIP – TOWN OF BEACON FALLS**

BE IT ORDAINED by the Board of Selectmen of the Town of Beacon Falls that an Ordinance Concerning the Regulation of Signs within the Main Street Median Strip in the Town will consist of the following:

WHEREAS, the center of the Town of Beacon Falls are the properties along Main Street, from the intersection of Route 42 north; and

WHEREAS, the Town of Beacon Falls has determined that the median strip of Main Street is appropriate for providing public information to the community concerning community events and the advertisement of non-profit events; and

WHEREAS, the Town of Beacon Falls has determined that it is appropriate that the area between the north and southbound lanes along Main Street is appropriate and suitable for use to provide information concerning public and community-oriented non profit events, and enacts this Ordinance for the use of this area for informational signs for public and non-profit community oriented events;

Section 1. Authority

This Ordinance is adopted pursuant to S7-148(c) of the General Statutes.

Section 2. Area to be Used

The following areas may be used for the placement of public information signs in accordance with all provisions of this Ordinance.

- 2.1 The landscaped area between the north and southbound lanes of Main Street, north of the intersection of Bethany Road, (Route 42)
- 2.2 Other areas within the public right-of-way of Main Street, north of the intersection of Bethany Road, (Route 42), as may be determined appropriate by the Board of Selectmen

Section 3. Eligibility for Signs

The Board of Selectmen may issue a permit for the installation of a sign for a period not exceed three **(3) weeks** by a governmental, non-profit or charitable entity which announces a charitable or community event, consistent with the requirements of this Ordinance. **Signs must be removed within three (3) days after event.**

Section 4. Standards for Issuance of Permits

SEP 22 2009

The Board of Selectmen may issue a permit for the installation of a temporary sign provided that it conforms to the following standards:

- 4.1 The sign shall be placed so as not to interfere with the flow of traffic, nor cause any visual obstructions which would reduce vehicular or pedestrian safety. In making their determination, the Board shall request an opinion from the Chief of Police.
- 4.2 No sign may be placed within one hundred (100) feet of another sign.
- 4.3 Such sign shall be made of a durable material, designed to withstand forces of Weather.
- 4.4 All signs shall be properly maintained by the entity granted the permit to install the sign. The sign shall not exceed twelve (12) square feet in area.
- 4.5 The sign shall not exceed a height of five (5) feet.

Section 5. Maintenance

The sign permittee shall properly maintain the sign installation consistent with permit regulations so as not to cause injury to persons or property. The Board of Selectmen shall have the authority to have the sign removed, if in its opinion, it is not properly maintained or represents a blighting influence upon the community.

Section 6. Validity

- 6.1 If any section, subsection, clause or phrase of this Ordinance is for any reason found invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance.

Section 7. Effective Date

- 7.1 This Ordinance shall take effect fifteen (15) days after publication in accordance with the General Statutes.

Public Hearing Held on: November 24, 2008

Town Meeting Held on: December 15, 2008

Ordinance Published: December 22, 2008

Effective Date of Ordinance: January 7, 2009

SEP 22 2009

APPENDIX

APPENDIX II: CONNECTICUT GENERAL STATUTES: PROCEDURE WHEN REGULATIONS ARE VIOLATED

FOR INFORMATION PURPOSES ONLY

CONNECTICUT GENERAL STATUTES

Sec. 8-12. Procedure when regulations are violated.

If any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been used, in violation of any provision of this chapter or of any bylaw, ordinance, rule or regulation made under authority conferred hereby, any official having jurisdiction, in addition to other remedies, may institute an action or proceeding to prevent such unlawful erection, construction, alteration, conversion, maintenance or use or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

Such regulations shall be enforced by the officer or official board or authority designated therein, who shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of the regulations made under authority of the provisions of this chapter or, when the violation involves grading of land, the removal of earth or soil erosion and sediment control, to issue, in writing, a cease and desist order to be effective immediately. The owner or agent of any building or premises where a violation of any provision of such regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the 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 fined not less than ten dollars or more than one hundred dollars for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars or more than two hundred fifty dollars for each day that such violation continues, or imprisoned not more than ten days for each day such violation continues not to exceed a maximum of thirty days for such violation, or both; and the Superior Court shall have jurisdiction of all such offenses, subject to appeal as in other cases.

Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within ten days after such service, or having been served with a cease and desist order with respect to a violation involving grading of land, removal of earth or soil erosion and sediment control, fails to comply with such order immediately, or continues to violate any provision of the regulations made under authority of the provisions of this chapter specified in such order shall be subject to a civil penalty not to exceed two thousand five hundred dollars, payable to the treasurer of the municipality. In any criminal prosecution under this section, the defendant may plead in abatement that such criminal prosecution is based on a zoning ordinance or regulation which is the subject of a civil action wherein one of the issues is the interpretation of such ordinance or regulations, and that the issues in the civil action are such that the prosecution would fail if the civil action results in an interpretation different from that claimed by the state in the criminal prosecution. If the court renders judgment for such municipality and finds that the violation was willful, the court shall allow such municipality its costs, together with reasonable attorney's fees to be taxed by the court. The court before which such prosecution is pending may order such prosecution abated if it finds that the allegations of the plea are true.

APPENDIX

APPENDIX III: ZONING ENFORCEMENT OFFICER PROCEDURES

PROCEDURE TO BE FOLLOWED BY ZONING ENFORCEMENT OFFICER IN THE ENFORCEMENT OF THESE REGULATIONS

It is recommended that the Zoning Enforcement Officer adhere to the following procedure in enforcing the Zoning Regulations of the Town of Beacon Falls:

1. Send a letter to the alleged violator asking that he conform in ten (10) days.
2. If no reply is received within ten (10) days, a registered letter should be sent to the alleged violator asking that he conform within five (5) days and at the same time inform him/her that if compliance is not had within five (5) days that the matter will be referred to the local circuit court prosecutor for action by his/her office.
3. If no response is received from the alleged violator, counsel for the Planning and Zoning Commission should be consulted and a decision made on whether or not the alleged violation should be referred to the local circuit court prosecutor for action or whether the Zoning Enforcement Officer should seek an injunction restraining the continued violation of the Zoning Regulations.
4. In situations dealing with new construction the Zoning Enforcement Officer will not issue a **"CERTIFICATION OF ZONING COMPLIANCE"** until all violations of the Zoning Regulations have been corrected.

PERMIT ACQUISITION

The Zoning Enforcement Officer of the Town of Beacon Falls is charged with the duty of enforcing the Zoning Regulations. I

It is also his/her responsibility to process all application for **"CERTIFICATES OF ZONING COMPLIANCE"** and to issue **"CERTIFICATES OF ZONING COMPLIANCE"** when all work to be performed has been performed.

All questions concerning the applicability of the Zoning Regulations of the Town of Beacon Falls should be directed initially to the Zoning Enforcement Officer.

The Zoning Enforcement Officer will consult with the Planning & Zoning Commission and Counsel for the Planning & Zoning Commission in situations where he feels he/she needs help in processing any applications made to him for permits under these Regulation.

APPENDIX

APPENDIX IV: TOWN OF BEACON FALLS SUBDIVISION REGULATIONS

The Town of Beacon Falls Subdivision Regulations are under separate cover and available for review at the Town Clerk's office 10 Maple St Beacon Falls, CT 06403 during normal business hours or online at the town's website.

APPENDIX

APPENDIX V: ADMINISTRATIVE PROCEDURES AND RESPONSIBILITY FOR UPDATING THESE REGULATIONS

The Planning and Zoning Commission "Commission" will appoint a Service Provider

The duty of the Service Provider will be to:

Maintain the Master Copy of the Town of Beacon Falls Planning and Zoning Regulations

Using approved information. Collect necessary information from the Commission to:

- Keep the regulations up to date and provide documentation as required.
- Procure and distribute both hard copies and digital copies as required by the Commission.
- Hard Copies are to have replaceable pages to reduce waste.
- Send copies of Updated regulations to all required parties on list below
- One PDF copy will be provided to the Town Clerk for printing copies and one PDF copy will be provided to the Webmaster for uploading to the Town's website.
- No copies of the PDF files should be on any Town computer. The website copy can be used for reference.

LIST

Town Clerk

Send the Town Clerk a new copy of the Regulations on a DVD/CD and ask that any prior DVD/CD and /or old computer file(s) should be replaced as of the effective date on the new Regulations and also request that any current hard copies (books) of Regulations be replaced.

Web Master

Send a media (PDF) copy with cover letter to the Town of Beacon Falls Web Master stating the required removal of any old regulations and the reposting of new Regulations on the effective Date.

Distribute copies of the cover letters sent to the Town Clerk and the Web Master to the following

- First Selectman
- The Commission

Distribute copies of the Regulations or replacement pages to the following:

- First Selectman (1 hard copy)
- Town Clerk (1 hard copy, 1 PDF copy)
- The Commission (10 hard copies)
- Zoning Enforcement Officer (1 hard copy)
- Building Inspector (1 hard copy)