ZONING REGULATIONS

Originally Adopted -- August 28, 1956

Amendments:

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August 1, 1974	August 1, 2001	December 17, 2015
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November 1, 1984	February 23, 2003	
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February 14, 1994	September 1, 2011	
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August 5, 1998	August 15, 2013	

(This cover page has not been officially adopted. It is for administrative purposes only)

INDEX

SECTION PAGE NO.

1. ARTICLE I – STATEMENT OF PURPOSE 1-1

SECTION 1.00.00 STATEMENT OF PURPOSE 1-1

2. ARTICLE II – GENERAL REGULATIONS 2-1

SECTION 2.00.00 APPLICABILITY 2-1
SECTION 2.10.00 EXCEPTIONS 2-1
SECTION 2.20.00 APPLICABILITYOF THE INLAND WETLANDS AND WATERCOURSES ACT 2-3
SECTION 2.30.00 INTERPRETATION OF REGULATIONS 2-3
SECTION 2.40.00 DEFINITIONS 2-3

3. ARTICLE III – ESTABLISHMENT OF ZONING DISTRICTS 3-1

SECTION 3.00.00 ZONING DISTRICTS 3-1
SECTION 3.10.00 ZONING MAP 3-1

4. ARTICLE IV – ZONING DISTRICT REGULATION 4-1

SECTION 4.00.00 RURAL RESIDENTIAL DISTRICT 4-1
SECTION 4.01.00 PERMITTED USES 4-1
SECTION 4.02.00 USES SUBJECT TO SPECIAL PERMIT: 4-1
SECTION 4.03.00 AREA REGULATIONS 4-1
SECTION 4.10.00 LDR DISTRICT – LOW DENSITY RESIDENTIAL 4-3
SECTION 4.11.00 PERMITTTED USES 4-3
SECTION 4.12.00 USES SUBJECT TO SPECIAL PERMIT 4-3
SECTION 4.13.00 AREA REGULATIONS 4-3
SECTION 4.20.00 MDR DISTRICT – MEDIUM DENSITY RESIDENTIAL 4-5
SECTION 4.21.00 PERMITTED USES 4-5
SECTION 4.22.00 USES SUBJECT TO SPECIAL PERMIT 4-5
SECTION 4.23.00 AREA REGULATIONS 4-5
SECTION 4.30.00 HDR DISTRICT HIGH DENSITY RESIDENTIAL 4-7
SECTION 4.31.00 PERMITTED USES 4-7
SECTION 4.32.00 USES SUBJECT TO SPECIAL PERMIT: 4-7
SECTION 4.33.00 AREA REGULATIONS 4-7
SECTION 4.40.00 CD DISTRICT - COMMERCIAL DISTRICT 4-8
SECTION 4.41.00 PERMITTED USES 4-8
SECTION 4.42.00 USES SUBJECT TO SITE PLAN REVIEW 4-8
SECTION 4.43.00 USES SUBJECT TO SPECIAL PERMIT 4-8
SECTION 4.43.01 RESTAURANT GREATER THAN FIVE THOUSAND (5,000) SQUARE FEET OF GROSS FLOOR AREA. 4-8
SECTION 4.43.02 CLUB. 4-8
SECTION 4.43.03 DRIVE-UP WINDOW. 4-8
SECTION 4.43.04 THEATER, BOWLING ALLEY, MINIATURE GOLF COURSE, VIDEO ARCADE WITH LESS THAN THREE (3) MACHINES. 4-8
SECTION 4.43.05 HOTEL / MOTEL. 4-8
SECTION 4.43.06 ANIMAL HOSPITAL AND KENNEL 4-8
SECTION 4.43.07 AUTOMOBILE SALE AGENCY 4-8
SECTION 4.43.08 REPAIR GARAGE - DELETED. [EFFECTIVE 6/11/97] 4-8

SECTION 4.43.09 MORTUARY OR FUNERAL HOME. 4-8
SECTION 4.43.10 CHURCH, SYNAGOGUE, PUBLIC AND PRIVATE SCHOOL, LIBRARY, PUBLIC UTILITY, SUBSTATION, TOWN OR MUNICIPAL FACILITY. 4-9
SECTION 4.43.11 HOSPITAL OR CLINIC. 4-9
SECTION 4.44.00 AREA REGULATIONS 4-9
SECTION 4.50.00 CTC DISTRICT - COMMERCIAL TOWN CENTER 4-10
SECTION 4.51.00 DESIGN OBJECTIVES 4-10
SECTION 4.52.00 USE REGULATIONS 4-10
SECTION 4.53.00 ACCESSORY USE / ACCESSORY BUILDING 4-11
SECTION 4.54.00 MULTIPLE USES ON A LOT OR IN A SINGLE BUILDING 4-11
SECTION 4.55.00 PROHIBITED USES 4-11
SECTION 4.56.00 AREA REGULATIONS 4-11
SECTION 4.57.00 EXISTING BUILDING ON LOTS LESS THAN TEN THOUSAND (10,000) SQ FT 4-12
SECTION 4.58.00 OFF STREET PARKING AND OFF STREET LOADING 4-12
SECTION 4.60.00 CB DISTRICT – COMMERCIAL BOATING DISTRICT 4-13
SECTION 4.61.00 USE REGULATIONS 4-13
SECTION 4.62.00 PERMITTED USES 4-13
SECTION 4.63.00 USES SUBJECT TO A SPECIAL PERMIT 4-14
SECTION 4.64.00 PROHIBITED USES 4-15
SECTION 4.65.00 AREA REGULATIONS 4-15
SECTION 4.70.00 LI DISTRICT - LIGHT INDUSTRIAL DISTRICT 4-16
SECTION 4.71.00 PERMITTED USES 4-16
SECTION 4.72.00 USES SUBJECT TO A SPECIAL PERMIT 4-16
SECTION 4.73.00 MINIMUM DEVELOPMENT STANDARDS: 4-16
SECTION 4.74.00 AREA REGULATIONS 4-17
SECTION 4.80.00 ID DISTRICT - INDUSTRIAL DISTRICT 4-19
SECTION 4.81.00 PERMITTED USES 4-19
SECTION 4.82.00 USES SUBJECT TO SPECIAL PERMIT 4-19
SECTION 4.83.00 WHOLESALE AND RETAIL USES IN THE SAME STRUCTURE: 4-20
SECTION 4.84.00 MINIMUM DEVELOPMENT STANDARDS: 4-20
SECTION 4.85.00 AREA REGULATIONS 4-21
SECTION 4.85.01 MINIMUM LOT AREA: ONE (1) ACRE 4-21
SECTION 4.85.02 MAXIMUM FLOOR AREA RATIO: 0.40 4-21
SECTION 4.85.03 MINIMUM FRONTAGE REQUIREMENT: FIFTY (50) FEET. 4-21
SECTION 4.85.04 MINIMUM YARD REQUIREMENTS: 4-21
SECTION 4.90.00 TIC - TURNPIKE INTERCHANGE DISTRICTS (TIC-64 AND TIC-65) 4-22
SECTION 4.91.00 USE REGULATIONS 4-22
SECTION 4.92.00 PERMITTED USES 4-22
SECTION 4.93.00 TIC-64 USES SUBJECT TO A SPECIAL PERMIT 4-22
SECTION 4.94.00 TIC-65 USE SUBJECT TO A SPECIAL PERMIT 4-22
SECTION 4.95.00 DEVELOPMENT STANDARDS (TIC-65 ONLY) 4-23
SECTION 4.96.00 DEVELOPMENT STANDARDS (TIC-64 AND TIC-65) 4-24
SECTION 4.97.00 OFF-STREET LOADING AREAS 4-24
SECTION 4.98.00 STORAGE AREAS 4-24
SECTION 4.99.00 TELEPHONE AND ELECTRICAL SERVICE 4-24
SECTION 4.100.00 LANDSCAPING 4-24
SECTION 4.101.00 LIGHTING 4-25
SECTION 4.102.00 GENERAL STANDARDS 4-25
SECTION 4.103.00 AREA REGULATIONS 4-26

SECTION 4.104.00 CC DISTRICT - COASTAL CONSERVATION DISTRICT 4-27
SECTION 4.105.00 USE REGULATIONS 4-27
SECTION 4.110.00 NCD - NEIGHBORHOOD COMMERCIAL DISTRICT 4-28
SECTION 4.111.00 DESIGN OBJECTIVES 4-28
SECTION 4.112.00 SIGNAGE – SEE SECTION 10.20.00 4-29
SECTION 4.113.00 USE REGULATIONS 4-29
SECTION 4.114.00 AREA AND SIZE REQUIREMENTS 4-31
SECTION 4.115.00 OFF STREET PARKING AND OFF STREET LOADING 4-31
SECTION 4.120.00 HOUSING OPPORTUNITY DISTRICT 4-33
SECTION 4.130.00 INCENTIVE HOUSING ZONE (IHZ) 4-36

5. ARTICLE V – SPECIAL DISTRICTS 5-1

SECTION 5.00.00 FLOOD PLAIN MANAGEMENT AREA [EFFECTIVE 3-1-05, 11-15-11, 7-30-14] 5-1
SECTION 5.01.00 STATUTORY AUTHORIZATION 5-1
SECTION 5.02.00 FINDING OF FACT 5-1
SECTION 5.03.00 STATEMENT OF PURPOSE 5-1
SECTION 5.04.00 APPLICABILITY 5-2
SECTION 5.05.00 STRUCTURES ALREADY IN COMPLIANCE 5-2
SECTION 5.06.00 ABROGATION AND GREATER RESTRICTIONS 5-3
SECTION 5.07.00 WARNING AND DISCLAIMER OF LIABILITY 5-3
SECTION 5.08.00 SEVERABILITY 5-3
SECTION 5.09.00 DEFINITIONS 5-3
SECTION 5.10.00 ESTABLISHMENT OF THE FLOODPLAIN MANAGEMENT SECTION OF THE ZONING PERMIT 5-9
SECTION 5.11.00 APPLICATION REQUIREMENTS FOR DEVELOPMENT ACTIVITIES IN THE FLOODPLAIN OVERLAY ZONE 5-9
SECTION 5.12.00 VERIFICATION UPON COMPLETION OF CONSTRUCTION 5-10
SECTION 5.13.00 DUTIES AND RESPONSIBILITIES OF THE ZONING ENFORCEMENT OFFICER 5-10
SECTION 5.14.00 GENERAL STANDARDS 5-10
SECTION 5.15.00 STANDARDS FOR WATERCOURSES WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS, ADOPTED FLOODWAYS, AND/OR FLOOD MAPPING 5-12
SECTION 5.16.00 CONSTRUCTION STANDARDS IN SPECIAL FLOOD HAZARD AREAS (SFHA), ZONES A AND AE 5-12
SECTION 5.17.00 CONSTRUCTION STANDARDS IN COASTAL HIGH HAZARD AREAS, ZONE VE 5-15
SECTION 5.18.00 MANUFACTURED (MOBILE) HOMES AND RECREATIONAL VEHICLES (RVS) 5-16
SECTION 5.19.00 FLOODWAYS 5-17
SECTION 5.20.00 DESIGN STANDARDS FOR SUBDIVISION PROPOSALS 5-17
SECTION 5.21.00 VARIANCES 5-18
SECTION 5.22.00 WATER RESOURCE DISTRICT 5-19
SECTION 5.23.00 ESTABLISHMENT OF DISTRICTS: 5-20
SECTION 5.24.00 USE REGULATIONS: 5-20
SECTION 5.25.00 PRINCIPAL USES: 5-21
SECTION 5.26.00 ACCESSORY USES: 5-21
SECTION 5.27.00 OTHER USES: 5-21
SECTION 5.28.00 SPECIAL PERMIT REQUIREMENTS: 5-21
SECTION 5.29.00 NONCONFORMING USES 5-22
SECTION 5.30.00 ENFORCEMENT 5-22

6. ARTICLE VI – SITE PLAN REVIEW 6-1

SECTION 6.00.00 SITE PLAN REVIEW 6-1
SECTION 6.10.00 APPLICATION REQUIREMENTS 6-2
SECTION 6.20.00 GENERAL DESIGN REQUIREMENTS [EFFECTIVE 4-19-2013] 6-6
SECTION 6.30.00 CRITERIA FOR DECISION 6-10
SECTION 6.40.00 PERFORMANCE GUARANTEE 6-10
SECTION 6.50.00 ACTION AND NOTICE 6-11
SECTION 6.60.00 FILING OF AN APPROVED PLAN: 6-11
SECTION 6.70.00 TIME LIMIT ON CONSTRUCTION: 6-11
SECTION 6.80.00 MODIFICATON OF AN APPROVED SITE PLAN 6-12

7. ARTICLE VII – SPECIAL PERMIT REGULATIONS 7-1

SECTION 7.00.00 PURPOSE 7-1
SECTION 7.10.00 APPLICATION AND SITE PLAN 7-1
SECTION 7.20.00 REQUIRED PUBLIC HEARING AND REFERRAL TO THE PLANNING COMMISSION 7-1
SECTION 7.30.00 APPLICATION FEE 7-1
SECTION 7.40.00 NOTIFICATION OF PROPERTY OWNERS 7-1
SECTION 7.50.00 FINDINGS 7-2
SECTION 7.60.00 AMENDMENTS AND MODIFICATIONS TO EXISTING SPECIAL PERMITS: [EFFECTIVE 6-14-12] 7-3
SECTION 7.70.00 TIME LIMITATIONS [EFFECTIVE 7-11-06] 7-4

8. ARTICLE VIII – GENERAL DEVELOPMENT REGULATIONS 8-1

SECTION 8.00.00 GENERAL DEVELOPMENT REGULATIONS 8-1
SECTION 8.01.00 ACCESSORY BUILDINGS 8-2
SECTION 8.02.00 CORNER VISIBILITY 8-2
SECTION 8.03.00 DEVELOPMENT OF REAR LOTS 8-3
SECTION 8.04.00 DRIVE - UP WINDOWS [EFFECTIVE 6/1/05] 8-3
SECTION 8.05.00 EXISTING USES WHICH WOULD BE ALLOWED WITH THE APPROVAL OF A SPECIAL PERMIT 8-5
SECTION 8.06.00 HOME OCCUPATIONS 8-5
SECTION 8.07.00 JUNK [AMENDED 7-26-11, EFFECTIVE 9-1-11] 8-5
SECTION 8.08.00 MOBILE HOMES 8-7
SECTION 8.09.00 PARKING OF RECREATIONAL VEHICLES 8-8
SECTION 8.10.00 PROJECTION INTO REQUIRED YARD AREAS 8-8
SECTION 8.11.00 SOLID WASTE CONTAINMENT 8-8
SECTION 8.12.00 SALE OF HOME GROWN PRODUCTS 8-8
SECTION 8.13.00 STORAGE TRAILERS, PERMANENT 8-9
SECTION 8.14.00 STORAGE TRAILER, TEMPORARY 8-9
SECTION 8.15.00 STORAGE TRAILERS, CONSTRUCTION / OFFICE 8-10
SECTION 8.16.00 TRAILER CAMPS OR MOBILE HOME PARKS 8-10
SECTION 8.17.00 DRIVEWAYS AND PAVED APRONS 8-10
SECTION 8.18.00 ADULT ENTERTAINMENT BUSINESSES 8-10
SECTION 8.19.00 WIRELESS TELECOMMUNICATION SITES [EFFECTIVE 2-18-98] 8-14
SECTION 8.20.00 RESTRICTION ON UNREGISTERED MOTOR VEHICLES 8-20
SECTION 8.21.00 BILLBOARDS 8-20
SECTION 8.22.00 EXTERIOR LIGHTING REQUIREMENTS [EFFECTIVE 4-18-11] 8-20
SECTION 8.23.00 FAMILY ENTERTAINMENT CENTERS 8-22
SECTION 8.24.00 EMERGENCY MEDICAL CARE FACILITY HELISTOP [EFFECTIVE 3-22-12] 8-22
SECTION 8.25.00 MINIATURE GOLF COURSE [EFFECTIVE 8-16-2012] 8-23

SECTION 8.26.00 DONATION BINS [EFFECTIVE 9-18-14] 8-23
SECTION 8.27.00 FENCES [EFFECTIVE 12-17-15]..... 8-24

9. ARTICLE IX – SPECIAL DEVELOPMENT REGULATIONS 9-1

SECTION 9.00.00 CONGREGATE CARE FACILITY 9-1
SECTION 9.01.00 GENERAL 9-1
SECTION 9.02.00 PROCEDURE FOR A SPECIAL PERMIT AND SITE PLAN APPROVAL 9-1
SECTION 9.03.00 STANDARDS 9-1
SECTION 9.04.00 SPECIAL REQUIREMENTS: 9-2
SECTION 9.10.00 PLANNED RESIDENTIAL DEVELOPMENT DISTRICT [EFFECTIVE 8-15-03] 9-3
SECTION 9.11.00 SPECIAL REQUIREMENTS: 9-8
SECTION 9.12.00 CONSERVATION SUBDIVISION [EFFECTIVE 11-20-2004] 9-8
SECTION 9.13.00 BED & BREAKFAST ESTABLISHMENT [EFFECTIVE 9-19-2007] 9-15
SECTION 9.14.00 INN 9-16
SECTION 9.15.00 BOARDING, LODGING AND ROOMING HOUSES 9-18
SECTION 9.16.00 HOTEL/MOTEL WITH FEWER THAN FIFTY (50) ROOMS 9-20
SECTION 9.17.00 HOTEL/MOTEL WITH FIFTY (50) OR MORE ROOMS 9-22

10. LAND USE AND SITE DEVELOPMENT REGULATIONS 10-1

SECTION 10.00.00 PARKING/LOADING UNLOADING ZONE REQUIRENTS 10-1
SECTION 10.01.00 GENERAL REGULATIONS 10-1
SECTION 10.02.00 DESIGN CRITERIA 10-2
SECTION 10.03.00 PARKING DIMENSIONS AND LAYOUT 10-2
SECTION 10.04.00 LANDSCAPING OF PARKING AREAS 10-3
SECTION 10.05.00 OFF-STREET LOADING/UNLOADING ZONE 10-4
SECTION 10.06.00 PARKING CALCULATIONS 10-4
SECTION 10.10.00 SIDEWALKS 10-6
SECTION 10.11.00 SIDEWALKS, STREET 10-7
SECTION 10.12.00 LOCATION 10-7
SECTION 10.13.00 SIDEWALKS, INTERIOR 10-7
SECTION 10.14.00 DESIGN REQUIREMENTS 10-7
SECTION 10.20.00 SIGN REGULATIONS [EFFECTIVE 7-10-02] 10-7
SECTION 10.21.00 DEFINITIONS 10-8
SECTION 10.22.00 GENERAL REQUIREMENTS FOR SIGNS 10-9
SECTION 10.23.00 EXEMPT SIGNS 10-11
SECTION 10.24.00 SIGNS NOT REQUIRING A PERMIT 10-11
SECTION 10.25.00 SETBACK 10-12
SECTION 10.26.00 SIGN HEIGHT 10-12
SECTION 10.27.00 ILLUMINATION 10-13
SECTION 10.28.00 PORTABLE SIGNS 10-14
SECTION 10.29.00 NONCONFORMING SIGNS 10-14
SECTION 10.30.00 EXISTING SIGNS 10-14
SECTION 10.31.00 SEVERABILITY 10-14

11. ARTICLE XI – ENVIRONMENTAL REGULATIONS 11-1

SECTION 11.00.00 COASTAL SITE PLAN REVIEW 11-1
SECTION 11.10.00 EXCAVATION, REMOVAL AND DEPOSIT OF SOIL AND OTHER MATERIALS 11-2

SECTION 11.11.00 EXCLUSIONS. EXCLUDED FROM THE FOREGOING ARE THE FOLLOWING: 11-3
SECTION 11.20.00 Noise deleted & effective 02/21/14 Reserved for future use 11-3
SECTION 11.21.00 Noise deleted & effective 02/21/14 Reserved for future use 11-3
SECTION 11.22.00 Noise deleted & effective 02/21/14 Reserved for future use 11-3
SECTION 11.30.00 VIBRATION CONTROL 11-3
SECTION 11.40.00 SOIL EROSION AND SEDIMENT CONTROL REGULATIONS 11-3
SECTION 11.41.00 DEFINITIONS.....11-3
SECTION 11.42.00 ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT CONTROL PLAN 11-5
SECTION 11.43.00 EROSION AND SEDIMENT CONTROL PLAN 11-5
SECTION 11.44.00 ISSUANCE OR DENIAL OF CERTIFICATION.....11-6
SECTION 11.45.00 PERFORMANCE GUARANTEE 11-6
SECTION 11.46.00 GENERAL CONDITIONS.....11-7
SECTION 11.47.00 INSPECTIONS 11-7
SECTION 11.50.00 PROTECTION OF SURFACE AND GROUND WATER 11-7
SECTION 11.51.00 PROHIBITED HAZARDOUS MATERIALS 11-7
SECTION 11.52.00 PROHIBITED OUTDOOR ABOVE AND BELOW GROUND STORAGE OF OIL AND OIL BASED DERIVATIVES…… 11-7
SECTION 11.53.00 INSTALLATION OR REPLACEMENT OF HEATING OIL AND MOTOR VEHICLE FUEL STORAGE TANKS…….....11-7
SECTION 11.60.00 STORAGE OF ROAD SALTS 11-8
SECTION 11.70.00 STORMWATER MANAGEMENT REGULATIONS [EFFECTIVE 4-18-11, REV. 6-14-12] 11-9
SECTION 11.71.00 DEFINITIONS:.....11-9
SECTION 11.72.00 ACTIVITIES REQUIRING A STORMWATER MANAGEMENT PLAN [REV 6-14-12] 11-11
SECTION 11.73.00 STORMWATER MANAGEMENT PLAN REQUIREMENTS 11-12
SECTION 11.74.00 STORMWATER MANAGEMENT DESIGN CRITERIA 11-13

12. ARTICLE XII – ADMINISTRATION AND ENFORCEMENT..... 12-1

SECTION 12.00.00 BUILDING AND ZONING PERMITS 12-1
SECTION 12.10.00 ENFORCEMENT.....12-1
SECTION 12.20.00 ZONING BOARD OF APPEALS.....12-2
SECTION 12.21.00 PROCEDURE.....12-2
SECTION 12.22.00 VARIANCES.....12-3
SECTION 12.30.00 AMENDMENTS.....12-4
SECTION 12.40.00 ELECTION OF OFFICERS.....12-6

13. ARTICLE XIII – SEPARABILITY..... 13-1

SECTION 13.00.00 SEPARABILITY CLAUSE.....13-1

1. ARTICLE I – STATEMENT OF PURPOSE

SECTION 1.00.00 STATEMENT OF PURPOSE

Section 1.00.01 Statement

These Regulations are adopted in pursuance of authority granted by G.S.§ 8-2 and are a revision of the Zoning Regulations originally adopted August 28, 1956, for the purpose of promoting the health, safety, convenience and general welfare of the Town of Westbrook by lessening congestion in the streets; securing safety from fire, panic flooding and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; conserving the value of buildings; encouraging the most appropriate use of land, the protection of water resources, drinking water supplies and the protection of the coastal area by regulating shoreland development in a manner which minimizes adverse impacts to the adjacent coastal resources and gives preference to uses which are dependent upon the proximity to the water for their access and operation.

*Editor's note - Printed herein are the zoning regulations of the town adopted on May 28, 1991, as amended. Amendments to the revised ordinance of May 28, 1991, are identified by parenthentical history notes following amended provisions. The absence of a history note denotes the provision derives unchanged from the original ordinance. A uniform system of punctuation and capitalization has been utilized and material in brackets [ ] has been added for clarity.

Cross references – Buildings and building regulations, Ch. 5; land use regulations, Ch. 9; solid waste management, Ch. 15; streets and sidewalks, Ch. 16; utilities, Ch. 18.

2. ARTICLE II – GENERAL REGULATIONS

SECTION 2.00.00 APPLICABILITY

Section 2.00.01 General

No structure, or part thereof, shall be constructed, reconstructed, developed or used on any plot or parcel of land and no land shall be disturbed, developed or used, except as specifically permitted in these Regulations.

Where one (1) section of these Regulations is more strict or imposes higher qualitative or quantitative standards than are required in another Section of these Regulations the more restrictive shall apply.

Where these Regulations are more strict or impose higher qualitative or quantitative standards than are in any Statute, the provisions of these Regulations shall govern.

If the provisions of any Statute are more strict or impose higher qualitative or quantitative standards than these Regulations, the provisions of such Statutes shall govern.

SECTION 2.10.00 EXCEPTIONS

Section 2.10.01 Non-Conforming Lots

Where the safe and adequate disposal of sewage and a safe water supply, as required by the Public Health Code, can be provided without endangering the health and safety of the Town and its residents, nothing in these Regulations shall prevent construction of a building in accordance with all other requirements of these Regulations or the establishment of a permitted use, on a lot containing less than the prescribed lot area or frontage which at the time of adoption hereof or any pertinent amendment hereto was:

a) Shown on a valid subdivision plan as approved by the Planning Commission of the Town of Westbrook and filed in the Office of the Town Clerk of the Town of Westbrook.

Section 2.10.02 Reduction of Lots

No lot area shall be so reduced that the area of the lot or the dimension of the required yards shall be smaller than herein prescribed, except as mandated by Section 9.12 of these Regulations. [Effective 11-20-04] Nor shall any lot nonconforming as to area be further reduced in area.

Section 2.10.03 Multiple Zone Lots

Where a zone boundary line divides a parcel of land under single ownership of record, the Regulations specified herein for each zone shall apply only to those portions of the parcel within such zone.

Section 2.10.04 Non-Conforming Buildings, Lots or Uses May Be Continued

Any building or lot or use of land lawfully existing at the time of adoption of these Regulations or any amendments hereto may be continued.

Section 2.10.05 Changes to Non-Conforming Uses

No non-conforming use may be changed except to a conforming use or, with the approval of the Commission, to another non-conforming use if the proposed use is similar to the existing use, and will have less of an impact upon the surrounding area than the existing use, and the

required parking and loading spaces will not increase. No non-conforming use, if once changed into a conforming use, may be changed back into a non-conforming use.

Uses that have been continually in use since 1960, but do not have status as a legal non-conforming use, shall become a legal non-conforming use, subject to the provisions of these Regulations applicable to such uses [Effective 2-14-13].

Section 2.10.06 Extension or Enlargement of Non-Conforming Uses and Structures

A non-conforming use or structure shall not be enlarged or altered in any way, which increases its non-conformity. A nonconforming structure may only be altered or enlarged horizontally, vertically, or both, provided such enlargement complies with applicable parts of these Regulations for the specific use and zone, including, but not limited to floor area ratio, height and yard requirements. In addition, where an existing building or structure is nonconforming with respect to a required yard or yards, an increase in the height of that portion of the building or expansion which does not conform with the required yard therefore, shall constitute an impermissible enlargement, extension, or expansion of a nonconforming characteristic. The foregoing restrictions on increases in height shall be governed by the following section where the height increase is required for a structure in a Special Flood Hazard Area that has been "substantially damaged" as defined in Sect. 5.09.34, and the raising of an existing non-conforming structure is being done in order to have its lowest floor above the base flood elevation. [Effective March 3, 2010, Effective 11-15-2011]

Section 2.10.07 Replacement of Non-Conforming Structures

Any non-conforming structure, which has been damaged by fire, explosion, or accident, or had been declared structurally unsafe due to normal wear and tear by a licensed structural engineer, may be repaired, rebuilt or replaced, commencing within twelve (12) months of such damage, provided that such repair, rebuilding or replacement does not extend nor expand the previously existing non-conformity. [Effective 6-11-97] If such repair or replacement is not completed within twenty-four (24) months of such damage, it shall not be reconstructed except in conformity with the provisions of these Regulations. This paragraph shall apply only to non-conforming buildings or structures which require replacement for reasons beyond the control of the owner. In the case of a voluntary or willful demolition of a non-conforming building, or portion thereof, any reconstruction of such building or portion thereof shall comply with all applicable provisions of these Regulations. [Effective 03-03-2010]

Any non-conforming structure, which has been damaged by fire, explosion, or accident, or had been declared structurally unsafe due to normal wear and tear by a licensed structural engineer, may be repaired, rebuilt or replaced, commencing within twelve (12) months of such damage, provided that such repair, rebuilding or replacement does not extend nor expand the previously existing non-conformity. [Effective 6-11-97] In the case of repair for replacement of a structure in a Special Flood Hazard Area that has been "substantially damaged" as defined in Sect. 5.09.34, the raising of an existing non-conforming structure to have its lowest floor above the base flood elevation, shall not be considered an extension or expansion of the previously existing non-conformity as long as the raised structure complies with the maximum height requirements established for the District and is the minimum height necessary to meet the Floodplain Management regulations. Similarly, an increase in height or length of a stairway or handicapped ramp in order to reach such an increased floor elevation shall not be considered an extension of a non-conforming structure, provided that such increase is the minimum necessary, as required by Building Code, to provide reasonable access to the raised structure. If such repair or replacement is not completed within twenty-four (24) months of

such damage, it shall not be reconstructed except in conformity with the provisions of these Regulations. This paragraph shall apply only to non-conforming buildings or structures which require replacement for reasons beyond the control of the owner In the case of a voluntary or willful demolition of a non-conforming building, or portion thereof, any reconstruction of such building or portion thereof shall comply with all applicable provisions of these Regulations. [Effective 03-03-2010, Effective 11-15-2011]

Section 2.10.08 Building Permits Issued at Adoption of These Regulations

Nothing in these Regulations shall require any changes in the plans, construction, or designated use of any building for which a building permit has been issued, and for which construction has been diligently pursued prior to the adoption of these Regulations or any amendments hereto, and which shall be completed within one (1) year of the adoption of these Regulations.

SECTION 2.20.00 APPLICABILITYOF THE INLAND WETLANDS AND WATERCOURSES ACT

Section 2.20.01 Any development which involves activity regulated pursuant to the Inland Wetlands and Watercourses Act requires the applicant to submit an application to the Westbrook Inland Wetlands and Watercourses Commission no later than the date application is made to the Zoning Commission. No decision can be rendered on any Zoning application until receipt of a report of the decision of the Inland Wetlands and Watercourses Commission.

SECTION 2.30.00 INTERPRETATION OF REGULATIONS

Section 2.30.0l Interpretation of Terms

Certain terms used herein shall be interpreted as follows:

- Words used in the present tense include the future tense.

- The singular includes the plural, and the plural the singular.

- The word "person" includes a partnership, corporation or other entity.

SECTION 2.40.00 DEFINITIONS

Section 2.40.0l Purpose

The definitions contained in this Section shall be used for the purpose of interpreting the various provisions of these regulations.

Section 2.40.02 Interpretation of Words Not Defined

The Zoning Commission shall establish the appropriate definition for words not defined in this Section.

Section 2.40.03 Accessory Building

A detached building, other than a farm building, which is incidental and subordinate in both use and scale, to the principal building and that shall not have a gross floor area greater than the gross floor area of the principal building nor have a height greater than the height of the principal building, and which is in character with the neighborhood and which is on the same lot with such principal building.

Section 2.40.04 Accessory Use

A use located on the same lot with the principal use, and clearly incidental and subordinate to, and customary in connection with, the principal use. [Effective 12-22-99]

Section 2.40.05 Acre

A measure of land equal to 43,560 square feet.

Section 2.40.06 Adult Arcade

An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction of specified sexual activities or specified anatomical areas.

Section 2.40.07 Adult Bookstore

An establishment that has more than 50% of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Section 2.40.08 Adult Motion Picture Theater

An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions are shown and in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas. Those movies which are rated “R”, “PG13”, “PG”, and “G” are not included.

Section 2.40.09 Adult Uses

The definition of adult uses specified the following types of establishments, which are not otherwise described or defined under the CGS Title 53a-193 through 53a-197 inclusive, regarding obscenity and related offenses.

Section 2.40.09a Arcade Device

Any table, platform, mechanical or electronic device or apparatus operated or intended to be operated indoors for amusement, pleasure, test of skill, competition or sport, where the use or operation of which is conditioned upon payment of a consideration either by insertion of a coin, electronic card, or token into a slot or aperture on such device or by payment in any other fashion. [Effective 4-18-11]

Section 2.40.10 Bed And Breakfast Establishment

An establishment, whether called an inn, guest house, or any other designation, in an existing dwelling that (a) provides sleeping accommodations to the public for a fee with guests in rooms located on the first or second floor of the structure, and (b) the owner occupies the facility as his/her legal/primary place of residence, and (c) where cooking or food warming of any type is not permitted in any guest room, and (d) the number of guest rooms shall not

exceed seven [7] and (e) the dwelling must meet and pass all municipal and state fire, sanitation and health codes and inspections and (f) does not contain a mixed use.

Section 2.40.11 Berm

A mound of earth typically used as a landform design element or buffer.

Section 2.40.11a Boarding, Lodging or Rooming Houses

Buildings, on the same lot, whether called an inn, guest house, or any other designation, in which no more than seven (7) guest rooms are rented, providing sleeping accommodations, either on a transient or permanent basis, with or without meals, but without individual cooking facilities for individual occupants.

Section 2.40.12 Buffer

Land area used to visually and physically separate one (1) use from another or from a boundary line or to block noise, lights, or other nuisances, generally through the use of landscaping, structures, and/or vegetation.

Section 2.40.13 Building

A structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of any person, animal or property of any kind.

Section 2.40.14 Building Area

The ground area enclosed by the walls of a building together with the area of all covered porches/decks and other roofed portions.

Section 2.40.15 Building Coverage

The portion of the lot area, expressed as a percent that is covered by the maximum horizontal cross-section of a building or buildings.

Section 2.40.16 Building Height

The vertical distance from the average finished ground level as measured ten (l0) ft. from the building walls to the highest point of the roof.

Section 2.40.17 Certificate of Occupancy

A document issued by the Building Official allowing the occupancy or use of a building and certifying that the structure or use has been constructed in compliance with applicable regulations and approvals.

Section 2.40.18 Certificate of Zoning Compliance

Certificate issued by the Zoning Enforcement Officer indicating that the use or structure complies with these regulations.

Section 2.40.19 Clinic / Office, Medical / Dental

A place, including a medical, dental, doctor or dentist office, used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those in need of medical, surgical or dental attention, but who are not provided with room or board nor kept overnight on the premises.

Section 2.40.20 Club

A non-profit, fraternal or civic organization consisting of an association of persons who are bona fide members, paying regular dues, organized for a common purpose but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Section 2.40.21 Commission

The Westbrook Zoning Commission, Westbrook Connecticut.

Section 2.40.22 Congregate

A form of residential dwelling unit(s) in one (1) or more buildings providing a form of residential environment consisting of but are not limited to: meals, housekeeping, nursing, laundry and other personal services available to the occupants. Such unit(s) shall only be occupied by individuals over the age of sixty-two (62), their spouses and others having permanent or temporary difficulties and/or individuals providing care to such individuals. [Effective 12-22-99]

Section 2.40.23 Construction

Any activity affecting a structure, including the renovation, erection, alteration, extension, moving, or enlarging thereof.

Section 2.40.24 Day-Care, Adult

A facility for adults which provides a structured program of therapeutic, social, or rehabilitative services in a group setting, that is designed to serve four (4) or more persons outside of their home on a regular basis, for a part of one (1) or more days.

Section 2.40.25 Day-Care, Child

Includes the child day-care uses listed below, as defined in G. S. § 19(a)-77 of the Connecticut General Statutes:

1) A "CHILD DAY-CARE CENTER" which offers or provides a program of supplementary care to more than twelve (12) related or unrelated children outside their homes on a regular basis for part of the twenty-four (24) hours in one (1) or more days.

2) A "GROUP DAY-CARE HOME" which offers or provides a program of supplementary care to not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis for part of the twenty-four (24) hours in one (1) or more days.

3) A "FAMILY DAY-CARE HOME" which consists of a private family home caring for not more than six (6) children, including the provider's own children not in school full time, where the children are cared for not less than three (3) nor more than twelve (12) hours during a twenty-four (24) hour period and where care is given on a regularly recurring basis. During the regular school year, a maximum of three (3) additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three (3) children who are in school full time, all of the provider's children shall be permitted.

Section 2.40.26 Day-Care, Special Workplace

The term "special workplace day-care" shall mean uses as defined as "child day-care center" or "group day-care home", primarily serving employees of the immediate zoning district in which the workplace is located.

Section 2.40.27 Development

Any man-made change to improve or unimproved real estate, including but not limited to construction or demolition of structures, subdivision, dredging, filling, grading, paving, excavation of land or drilling operations.

Section 2.40.28 Disturbed Areas

Any area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Section 2.40.28a Donation Bin, unattended [Effective 9/18/14]

Any unattended container, receptacle, or similar device that is located on any property within Westbrook used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include recycle bins for the collection of recyclable materials.

Section 2.40.29 Drive-Up Window

A means by which goods or services are dispensed or business transacted by use of a window, door or machine to a customer in a motor vehicle. This definition shall include but not be limited to, drive-in and drive-through windows and auto teller machines.

Section 2.40.30 Dwelling, One- Family

A building having one (1) dwelling unit from the ground to the roof, having an independent outside access.

Section 2.40.31 Dwelling, Two- Family

A building having two (2) dwelling units, with separate entrances or joint corridors.

Section 2.40.32 Dwelling, Multiple

A building or group of buildings on one (1) lot, containing separate dwelling units for three (3) or more families, having separate entrances or joint corridors.

Section 2.40.33 Dwelling, Time-Share

A building or group of buildings on one (1) lot, containing separate dwelling units for three (3) or more families, having separate entrances or joint corridors. Such dwelling units are sold and ownership is held in divisions of time in a calendar year.

Section 2.40.34 Dwelling Unit

Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one (1) family.

Section 2.40.35 Earth

Earth, sand, gravel, clay, quarry stone and other earth materials.

Section 2.40.36 Efficiency Unit

A small dwelling unit of not more than one (1) room in addition to a kitchen and a bathroom which is designed and intended for occupancy by not more than two (2) people. In no case shall the gross floor area of an efficiency unit exceed five hundred (500) square feet.

Section 2.40.36a Emergency/Ambulatory Outpatient Medical Care Facility [Effective 3-22-12]

A facility providing both 24-hour urgent and emergency medical care and ambulatory outpatient services, including but not limited to an emergency treatment area, doctor's offices, diagnostic facilities, laboratories, other medical treatment facilities, and an accessory emergency medical care facility helistop serving helicopters engaged in air ambulance or other hospital/medical facility related functions.

Section 2.40.37 Family

One (1) or more persons occupying a single dwelling unit and using common cooking facilities provided that, unless all members are related by blood, marriage or adoption, no such family shall contain more than five (5) persons.

Section 2.40.37a Family Entertainment Center

An indoor commercial establishment providing as its principle use, arcade devices and/or games of skill or chance (e.g., pinball, video games, skeeball, simulated sports, and other similar devices) designed and intended for use by families with young children. [Effective 4-18-11]

Section 2.40.38 Farming

Cultivation of soil for growing of crops; dairy farming; and/or the raising, breeding and keeping of livestock and / or rabbits. Farming also includes the marketing of agricultural products grown or raised on premises. [Effective 2/19/96]

Section 2.40.39 Farm Building

A principal building used for the storage and/or shelter of crops, livestock, feed, hay and equipment associated with farming, (i.e.: tractors, trucks, plows, cultivators, harvesters, dairy equipment) grown, raised or used on premises.

Section 2.40.39a Fence or Wall

Any structure of wood, metal, stone, brick or other materials delineating or separating an area within a parcel of land or along property lines. A hedge or other trees, shrubs, or other plants serving a similar function shall not be deemed to constitute a fence or a wall. A wire or other material carrying an electrical current or barbs for the purposes of enclosing or creating a barrier between separate areas shall be considered a fence. [Effective 12/17/15]

Section 2.40.39b Fence Height

The vertical distance measured from the side of the fence that is interior to the property from the ground directly below the fence to the top of the fence panel excluding support posts and ornamental features that do not extend more than 8 inches above the fence panel. Where the grade below the fence has been altered for the sole purpose of elevating the fence, the measurement shall be taken from the original grade. Allowance may be made for variations in height along the length of the fence due to uneven terrain so long as the majority of the fence sections do not exceed the maximum height requirement and the panel itself does not exceed six (6) feet in height. In the case of a fence on or within three (3) feet of a retaining

wall, fence height shall be measured including the height of the retaining wall, unless the fence shall be deemed necessary for safety by the Zoning Officer. If a fence is setback at least three (3) feet from the face of the retaining wall, the fence height shall be measured from the base of the fence. [Effective 12/17/15]

Section 2.40.40 Fire Lane

An access of twelve (12) feet in width around and immediately adjacent to a building(s) or sidewalk for the use of emergency equipment and which shall remain clear of obstructions of any kind at all times.

Section 2.40.41 Floor Area, Gross

The total surface area enclosed by walls, of all the floors of a building, together with surface area of all covered porches/decks. [Effective 02-26-2015]

Section 2.40.42 Floor Area Ratio

The total floor area divided by the total square footage of the lot.

Section 2.40.43 Frontage

The linear distance between the side lot lines of a lot at the front lot line and which frontage shall be owned in fee simple on a street.

Section 2.40.44 Garage, Private

A building used for the storage of one (1) or more motor vehicles owned and used by the owner or residential tenant of the lot on which it is erected, or for the storage of not more than two (2) additional, non- commercial, motor vehicles, owned by others.

Section 2.40.45 Garage, Repair

A building, not a private garage, used for the repair, service or storage of motor vehicles, but not for auto body repair. [Effective 6-11-97]

Section 2.40.45a Greenhouse

A building made mainly of glass or other transparent or translucent material in which the temperature or humidity can be regulated for cultivation of plants. [Effective 12-22-99]

Section 2.40.46 Home Occupation

An activity, excluding retail, conducted for compensation by the occupant of a dwelling on the premises which is clearly secondary and customary to the primary use of the dwelling for residential purposes.

Section 2.40.47 Hotel/Motel W/ Fewer Than Fifty (50) Rooms

Building or group of buildings on the same lot, under the same management in which there are more than twenty (20) but fewer than fifty (50) guest rooms for hire, primarily used by transients who are lodged with or without meals, whether designated as a hotel, inn, club, motel, or by any other name. So-called apartment hotels shall be classified as hotels/motels because they are potentially subject to transient occupancy like that of a hotel.

Section 2.40.47a Hotel/Motel W/ Fifty (50) Or More Rooms

Building or group of buildings under the same management in which there are fifty (50) or more guest rooms for hire, primarily used by transients who are lodged with or without meals, whether designated as a hotel, inn, club, motel, or by any other name. So-called apartment

hotels/motels shall be classified as hotels because they are potentially subject to transient occupancy like that of a hotel.

Section 2.40.47b Inn

An establishment, whether called a bed and breakfast, guest house, or any other designation, that (a) provides sleeping accommodations to the public for a fee with no more than ten [10] guest rooms located on the first or second floor of the structure, and (b) the owner occupies the facility as his/her legal/primary place of residence, and (c) where cooking or food warming of any type is not permitted in any guest room. An Inn may include mixed uses including food services, which serves persons other than guests of the facility, may provide conference/meeting accommodations to persons other than guests of the facility and a retail gift shop.

Section 2.40.48 Junk (See Section 8.07.00) [Effective 9-1-2011]

Section 2.40.49 Junk Motor Vehicle

A motor vehicle not displaying proper registration plates which is worn out or discarded or inoperative or which is ready for dismantling or destruction.

Section 2.40.50 Junk Yard

For the purposes of these Regulations, the term junk yard shall be defined to include Junk Yard as defined by G. S. § 2l-9 of the Connecticut General Statutes; or a Motor Vehicle Junk Business or Motor Vehicle Junk Yard as defined in Section l4-67g of the Connecticut General Statutes.

Section 2.40.51 Kennel

Any establishment in which more than three (3) dogs or three (3) cats [Effective 2-23-03] over the ages of six months are housed, groomed, bred, boarded, trained or sold. [Effective 6-11-97]

Section 2.40.52 Laboratory

A place equipped for experimental study in a science or for testing and analysis. [Effective 8-23-96]

Section 2.40.53 Light Manufacturing

A use engaged in the manufacture predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing. [Effective 8-23-96]

Section 2.40.54 Landscaped Area

An open area or vegetated area maintained with natural ground cover, lawn, trees, shrubs or other plantings.

Section 2.40.55 Livestock

Shall include animals such as horses, cows, goats, sheep, fowl and pigs.

Section 2.40.56 Living Area

That portion of the total floor area of a residential dwelling unit which has ceilings, walls, and floors finished in a manner which is clearly intended for human occupancy and which conforms to the State of Connecticut Building and Health Code.

Section 2.40.57 Logo

A simple graphic representation which may include numbers or letters used to identify a business.

Section 2.40.58 Lot

A plot or parcel of land occupied or capable of being occupied in conformity with these Regulations by one (1) or more principal building(s) and the accessory buildings or uses customarily incidental to it.

Section 2.40.59 Lot Area

The total area within the boundary lines of a lot, provided that the required minimum lot area shall not include more than thirty-five (35) percent of the land designated as tidal or inland wetlands, watercourses, bodies of water or the total of any land below mean high water mark.

Section 2.40.60 Lot, Corner

A lot which abuts two (2) or more streets which intersect at the lot.

Section 2.40.61 Lot, Rear

A lot connected to a street by a continuous, contiguous strip of land of specific width, but without the required minimum frontage of the zone in which it is located.

Section 2.40.62 Lot, Through

A lot other than a corner lot which abuts two (2) or more streets, which do not intersect at the lot.

Section 2.40.63 Lot Line

Any boundary of a lot.

Section 2.40.64 Lot Line, Front

Any and all division lines between a street(s) and the lot shall be considered a front lot line(s).

Section 2.40.65 Lot Line, Rear

The line bounding a lot at the rear and approximately parallel to and a maximum distance from the front lot line, except in the case of a corner lot, the owner shall have the option of choosing which of the two (2) lot lines which are not front lot lines is to be considered the rear lot line.

Section 2.40.66 Lot Line, Side

All lot lines which are not front lot lines or rear lot lines. In the case of through lots, all lines extending from front lot lines shall be considered side lot lines.

Section 2.40.67 Manufactured Homes

A dwelling unit having as its narrowest dimension twenty-two (22) feet or more and built in accordance with federal manufactured home construction and safety standards, and which is constructed in whole or in part off site, and transported to an approved lot.

Section 2.40.67a Membrane Structure

A structure with a frame consisting of tubular metal, plastic, wood or any other framing material and covered with a plastic or other membrane fabric material. Sometimes also known as "hoophouse." [Effective 12-22-99]

Section 2.40.67b Miniature Golf Course [Effective 8-16-2012]

A novelty version of golf played with a putter and a golf ball on a miniature golf course, typically with artificial surfaces, and including obstacles such as bridges and tunnels.

Section 2.40.67c Mixed Use

For the purpose of Regulations regarding Bed & Breakfast (9.13.00), Boarding House (9.15.00), Inn (9.14.00) and Motel/Hotel (9.16.00 and 9.17.00) establishments, "mixed uses" shall be those additional primary uses that are intended for patronage by the general public in addition to clients of such establishments, including, but not limited to restaurant or similar food service uses, conference or meeting facilities and associated uses, recreation facilities, parties or gatherings intended for the general public and any other uses which are open to, or cater to, the general public.

Section 2.40.68 Mobile Home

A structure which is used as living quarters and contains sleeping accommodations, a flush toilet, a shower or bathtub, kitchen facilities, and plumbing and electrical connections for attachment to outside systems; and which is designed for transportation after fabrication on streets and highways on its own wheels or on a flat bed or other trailer and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations. Mobile homes shall not include manufactured homes or recreational vehicles as defined within this Section.

Section 2.40.69 Nonconforming Use

A use of structures or land legally existing at the time of the adoption of these Regulations but which does not conform to the Regulations of the district in which it is located.

Section 2.40.70 Nonconforming Structure

A structure legally existing at the time of the adoption of these Regulations but which does not conform to the Regulations of the district in which it is located.

Section 2.40.71 Nonconforming Lot

A lot legally existing at the time of adoption of these Regulations but which does not conform to the Regulations of the district in which it is now located.

Section 2.40.72 Nursery

An agricultural operation where the primary use is the growing of flowers, plants, shrubs or trees for commercial gain and which may include the sale of such products grown on the premises.

Section 2.40.73 Office

A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. [Effective 8-23-96]

Section 2.40.73a Owner

An owner is someone with an equity interest such as owner in fee, an officer of the corporation that holds title to the property, or the like. The Code does not permit an employee such as a manager to take the place of the owner. In addition, it must be the owner's legal/primary place of residence.

Section 2.40.74 Parking Space

An open space or garage, on a lot, used for parking motor vehicles, and of a dimension as detailed in Section 10.03.00 of these Regulations, and to which there is access from a street, alley, or driveway.

Section 2.40.75 Professional Office

An office of recognized professions with or without staff, such as doctors, dentists, lawyers, architects, engineers, planners, landscape architects, artists, musicians, designers, teachers, and other similar profession which are qualified to perform services of a professional nature.

Section 2.40.76 Property Line

The line between any lot and contiguous lots.

Section 2.40.77 Public Utility

Any use essential to the transmission and/or distribution of a service by an agency authorized by the state or municipality to provide the public with telephone, electricity, gas, water, sewage collection and/or treatment, cable television or similar service but excluding any facility connected with the actual production thereof. Minor structures, such as hydrants, telephone or light poles, sewer or water lines, or similar and incidental equipment shall be exempt from this regulation. [Effective 8-5-98]

Section 2.40.78 Rabbitry

A contained environment, in which more than twelve (12) rabbits are housed, groomed, bred or sold. [Effective 2/19/96]

Section 2.40.79 Recreational Vehicle

(See Section 4.62.02 A) For Parking Recreational Vehicles In The Commercial Boating District) [Effective 09-07-2009]

A mobile vehicular structure mounted on wheels and designed as a temporary dwelling for travel, recreation or vacation, including but not limited to self-propelled motor homes, travel trailers, collapsible tent trailers, and truck mounted units.

Section 2.40.79a Resort

A development consisting of a building or series of buildings under common ownership on a minimum of fifteen (15) acres principally intended to provide vacationers, visitors or seasonal residents with recreational and relaxation facilities.

Section 2.40.80 Restaurant

An establishment where food and beverages are served for consumption on the premises at tables or sit-down counters.

Section 2.40.81 Restaurant, Take Out

An establishment where food and beverages are served for consumption off and on premises.

Section 2.40.83 Sign

See Section 10.20.00 of these Regulations.

Section 2.40.84 Soil, Erosion And Sedimentation Control Plan

See Section 11.40.00 of these Regulations.

Section 2.40.85 Street

A public or private thoroughfare, including an approved subdivision street, which affords vehicular traffic circulation and means of access to abutting property. An alleyway or driveway shall not be deemed a street. [Effective 12-22-99]

Section 2.40.86 Street Line

See Lot Line, Front

Section 2.40.87 Structure

Anything constructed or erected which requires location on the ground or attachment to something having location on the ground, excluding septic systems, fences and walls not exceeding six (6) feet six (6) inches in height (unless the fence or wall constitutes a shoreline flood and erosion control structure as defined by CGS Section 22a-109(c)), driveways, parking lots, sidewalks, terraces and drainage structures. Structure includes Building. {Effective 10/1/05, Effective 11-15-11, 12/17/15]

Section 2.40.88 Substation

A subsidiary or support station and which is not a primary generation or transmission facility. [Effective 8-5-98]

Section 2.40.88a Terrace

A surfaced area adjacent to a building which serves as an outdoor extension of the use of that building, which is open both vertically and horizontally, and which does not exceed a height of eight (8) inches (.67 feet) above average grade taken adjacent to all sides of the structure. [Effective 10/1/05]

Section 2.40.89 Trailer, Storage

Vehicle, container or object excluding buildings, used for storage of goods or materials, which is designed to be moved on its own wheels, flatbed or other trailer.

Section 2.40.90 Town

Town of Westbrook, Connecticut.

Section 2.40.91 Watercourses

Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, public or private, vernal, intermittent or perennial, which are contained within, flow through or border upon the Town of Westbrook, or any portion thereof not regulated pursuant to Connecticut General Statues, Section 22a-28 to 22a-35 inclusive.

Section 2.40.92 Water Supply Facilities

Pump stations, pressure reducing stations, storage tanks reservoirs and towers, wells and treatment facilities used for public water supply. [Effective 9-28-93].

Section 2.40.93 Wetland, Inland

Land, including submerged land, not regulated pursuant to Connecticut General Statues, Section

22a-28 to 22a-35 inclusive, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, or flood plain, by the U.S. Department of Agriculture, Soil Conservation Service.

Section 2.40.94 Wetland, Tidal

Land, which borders on or beneath tidal waters, such as, but not limited to, banks, bogs, salt marshes, swamps, meadows, flats or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters, and whose surface is at or below an elevation of one (1) foot above local extreme high water, and which may grow or be capable of growing some but not necessarily all of the types of plant life set forth in Section 22a-29 (2) of the Connecticut General Statues.

Section 2.40.95 Yards

a) FRONT - The open space, the full width of the lot and to the maximum height requirement in a zone, extending from the front lot line, or mean high water line in the case of waterfront lots, to the front of the nearest principal structure on the lot.

b) SIDE - The open space the full depth of the lot, and to the maximum height requirement in a zone, parallel to the side lot line which extends to the nearest structure on the lot.

c) REAR - The open space, the full width of the lot and to the maximum height requirement in a zone extending from the rear lot line to the nearest principal structure on the lot.

Section 2.40.96 Zone

An area of land set aside on the Zoning Map having separate requirements as established by these Regulations.

Section 2.40.97 Zone, Flood Plain / Floodway, Definitions

See SECTION 5.00.00 of these Regulations.

3. ARTICLE III – ESTABLISHMENT OF ZONING DISTRICTS

SECTION 3.00.00 ZONING DISTRICTS

Section 3.00.01 The following Zoning Districts are hereby established:

Rural Residential District RRD [Effective 12-22-99]

Low Density Residential District LDRD [Effective 12-22-99]

Medium Density Residential District MDRD [Effective 12-22-99]

High Density Residential District HDRD [Effective 12-22-99]

Commercial District CD

Commercial Town Center District CTCD [Effective 12-22-99]

Commercial Boating District CBD [Effective 12-22-99]

Industrial District ID

Light Industrial District LID [Effective 12-22-99]

Turnpike Interchange District TICD [Effective 12-22-99]

Coastal Conservation District CCD [Effective 12-22-99]

Neighborhood Commercial District NCD

SPECIAL OVERLAY DISTRICTS

Flood Plain Zone District FPZD [Effective 12-22-99]

Water Resource District WRD

Planned Residential Development District PRDD

SECTION 3.10.00 ZONING MAP

Section 3.10.01 The Zoning Districts shall be shown on the map entitled "Town of Westbrook, Zoning Map" which as amended from time to time, is hereby declared to be part of these Regulations.

4. ARTICLE IV – ZONING DISTRICT REGULATION

SECTION 4.00.00 RURAL RESIDENTIAL DISTRICT

Section 4.00.01 Use Regulations

In a Rural Residential District (RR), buildings and land may be used and buildings may be erected or altered for the following uses and no other.

SECTION 4.01.00 PERMITTED USES

Section 4.01.01 A single-family detached dwelling.

Section 4.01.02 A group day-care home or family day-care home, licensed by the Connecticut State Department of Health Services.

Section 4.01.03 Farming / Farm Building. On lots containing a minimum of two (2) and a maximum of five (5) acres there shall be allowed no more than one (1) livestock per one-half (1/2) acre, no more than seventy-five (75) rabbits per acre, and in addition there shall be allowed ten (10) fowl per acre. Farming / Farm Buildings on more than five (5) acres with no more than thirty-five (35) livestock, no more than four hundred (400) rabbits, or in addition two hundred fifty (250) fowl shall also be a permitted use. [Effective 2-19-96] Wetland areas shall not be included in calculating required land area. [Effective 8-5-98]

Section 4.01.04 Accessory use, clearly incidental and subordinate to a residence.

Section 4.01.05 Accessory building. Not to include membrane structure. [Effective 12-22-99]

Section 4.01.06 Home Occupation: By Home Occupation Permit only.

Section 4.01.07 Greenhouses as accessory buildings are limited to one structure on a residential lot. More than one greenhouse as an accessory use may be allowed on a farm, but such buildings shall be accessory and incidental to the main agricultural use of the property. [Effective 12-22-99]

SECTION 4.02.00 USES SUBJECT TO SPECIAL PERMIT:

Section 4.02.01 Nursery, congregate care facility, adult day-care, child day-care center, church, synagogue, school, bed & breakfast establishment, library, public utility, substation, cemetery, Town or Municipal facility, kennel, farm/ farm building of more than five (5) acres and having more than thirty-five (35) livestock, or in addition more than two hundred fifty (250) fowl, water supply facilities. [Effective 9-19-07]

SECTION 4.03.00 AREA REGULATIONS

Section 4.03.01 Lot for every building: Every principal building hereafter erected shall be located on its own lot, and there shall be no more than one (1) principal building and its accessory buildings on any lot except as may be allowed for congregate care.

Section 4.03.02 Minimum Lot Area: Two (2) Acres.

Section 4.03.03 Minimum Frontage Requirement: Two hundred (200) feet.

Section 4.03.04 Exception to Minimum Frontage Requirement: See Rear Lots Section 8.03.00.

Section 4.03.05 Maximum Building Coverage: Not more than fifteen (15) percent of the area of each lot may be occupied by buildings.

Section 4.03.06 Minimum Yard Requirements:

a) Front Yard: Forty (40) feet.

b) Side Yard: Twenty (20) feet.

c) Rear Yard: Fifty (50) feet.

Section 4.03.07 Exceptions to Minimum Yard Requirements:

a) Farm buildings: Any buildings for the accommodation of livestock or fowl shall have a minimum yard requirement of seventy-five (75) feet from any property line.

b) Kennels: Any building or enclosed land for the accommodation of dogs or cats [Effective 4-11-03] shall have a minimum yard requirement of seventy-five (75) feet from any property line.

c) Rabbitry: Any building or enclosed land for the accommodation of rabbits shall have a minimum yard requirement of forty (40) feet from any property line. [Effective 2/19/96]

Section 4.03.08 Buffer from Tidal Wetlands: No building, structure, paved parking areas or septic systems shall be erected or placed within fifty (50) feet of any tidal wetlands, except as may be reduced or waived, see Section 11.00.05. [Effective 9-28-93]

Section 4.03.09 Maximum Height Requirement: No building shall exceed thirty-five (35) feet in height. Water treatment facilities and storage tanks may exceed the maximum height requirements subject to Special Permit. [Effective 9-28-93]

SECTION 4.10.00 LDR DISTRICT – LOW DENSITY RESIDENTIAL

Section 4.10.01 Use Regulations

In a Low Density Residential District (LDR), buildings and land may be used and buildings may be erected or altered for any of the following uses and no other.

SECTION 4.11.00 PERMITTTED USES

Section 4.11.01 A single-family detached dwelling.

Section 4.11.01a Two-family dwelling [Effective 3-22-12]

Section 4.11.02 A group day-care home, family day-care home, licensed by the Connecticut State Department of Health Services.

Section 4.11.03 Farming / Farm Building.

On lots containing a minimum of two (2) and a maximum of five (5) acres there shall be allowed no more than one (1) livestock per half (1/2) acre, no more than seventy-five (75) rabbits per acre, and in addition there shall be allowed ten (10) fowl per acre. Farming / Farm Buildings on more than five (5) acres with no more than thirty-five (35) livestock, no more than four hundred (400) rabbits, or in addition two hundred fifty (250) fowl shall also be a permitted use.[Effective 2/19/96] Wetland areas shall not be included in calculating required land area. [Effective 8-5-98]

Section 4.11.04 Accessory use, clearly incidental and subordinate to a residence.

Section 4.11.05 Accessory building. Not to include membrane structure. [Effective 12-22-99]

Section 4.11.06 Home Occupation: By Home Occupation Permit only.

Section 4.11.07 Greenhouses as accessory buildings are limited to one structure on a residential lot. More than one greenhouse as an accessory use may be allowed on a farm, but such buildings shall be accessory and incidental to the main agricultural use of the property. [Effective 12-22-99]

SECTION 4.12.00 USES SUBJECT TO SPECIAL PERMIT

Section 4.12.01 Nursery, congregate care facility, adult day-care facility, child day-care center, church, synagogue, school, bed & breakfast establishment, library, public utility, substation, Town or Municipal facility, farm/farm building of more than five (5) acres and having more than thirty-five (35) livestock or in addition more than two hundred fifty (250) fowl, water treatment facilities. [Effective 9-28-93]

SECTION 4.13.00 AREA REGULATIONS

Section 4.13.01 Lot for every building. Every principal building hereafter erected shall be located on its own lot, and there shall be no more than one (1) principal building and its accessory buildings on any lot except as may be allowed for congregate care.

Section 4.13.02 Minimum Lot Area: One (1) Acre.

Section 4.13.03 Minimum Frontage Requirement: One hundred twenty (120) feet.

Section 4.13.04 Exception to Minimum Frontage Requirement: See Rear Lots, Section 8.03.00.

Section 4.13.05 Maximum Building Coverage: Not more than fifteen (15) percent of the area of each lot may be occupied by buildings.

Section 4.13.06 Minimum Yard Requirements:

a) Front yard: Thirty (30) feet.

b) Side yard: Fifteen (15) feet.

c) Rear yard: Forty (40) feet.

Section 4.13.07 Exceptions to Minimum Yard Requirements:

a) Farm buildings. Any buildings for the accommodation of livestock or fowl shall have a minimum yard requirement of seventy-five (75) feet from any property line.

b) Rabbitry. Any building or enclosed land for the accommodation of rabbits shall have a minimum yard requirement of forty (40) feet from any property line. [Effective 2/19/96]

Section 4.13.08 Buffer from Tidal Wetlands:

No building, structure, paved parking areas or septic systems shall be erected or placed within fifty (50) feet of any tidal wetlands, except as may be reduced or waived, see Section 11.00.05.

Section 4.13.09 Maximum Height Requirement: No building shall exceed thirty-five (35) feet in height. Water treatment facilities and storage tanks may exceed the maximum height requirements subject to Special Permit. [Effective 9-28-93]

SECTION 4.20.00 - MDR DISTRICT – MEDIUM DENSITY RESIDENTIAL

Section 4.20.01 Use Regulations

In a Medium Density Residential District (MDR), buildings and land may be used and buildings may be erected or altered for any of the following uses and no other.

SECTION 4.21.00 PERMITTED USES

Section 4.21.01 A single-family detached dwelling.

Section 4.21.01a Two-family dwelling [Effective 3-22-12]

Section 4.21.02 A group day-care home or family day-care home, licensed by the Connecticut State Department of Health Services.

Section 4.21.03 Farming/Farm Building.

On lots containing a minimum of two (2) and a maximum of five (5) acres there shall be allowed no more than one (1) livestock per one-half (1/2) acre, no more than seventy-five (75) rabbits per acre, and in addition there shall be allowed ten (10) fowl per acre. Farming/Farm Buildings on more than five (5) acres with no more than thirty-five (35) livestock, no more than four hundred (400) rabbits, or in addition two hundred fifty (250) fowl shall also be a permitted use. [Effective 2/19/96] Wetland areas shall not be included in calculating required land area. [Effective 8-5-98]

Section 4.21.04 Accessory use, clearly incidental and subordinate to a residence.

Section 4.21.05 Accessory building. Not to include membrane structure. [Effective 12-22-99]

Section 4.21.06 Home Occupation: By Home Occupation Permit only.

Section 4.21.07 Greenhouses as accessory buildings are limited to one structure on a residential lot. More than one greenhouse as an accessory use may be allowed on a farm, but such buildings shall be accessory and incidental to the main agricultural use of the property. [Effective 12-22-99]

SECTION 4.22.00 USES SUBJECT TO SPECIAL PERMIT

Section 4.22.01 Nursery, congregate care facility, adult day-care facility, child day-care center, church, synagogue, school, bed and breakfast establishment, library, public utility, substation, town or municipal facility, farm/farm building of more than five (5) acres and having more than thirty-five (35) livestock or in addition more than two hundred fifty (250) fowl, water supply facilities.

SECTION 4.23.00 AREA REGULATIONS

Section 4.23.01 Lot for every building. Every principal building hereafter erected shall be located on its own lot, and there shall be no more than one (1) principal building and its accessory buildings on any lot except as may be allowed for congregate care.

Section 4.23.02 Minimum Lot Area: One-half (1/2) acre.

Section 4.23.03 Minimum Frontage Requirement: One hundred (100) feet.

Section 4.23.04 Exception to Minimum Frontage Requirement: See Rear Lots, Section 8.03.00.

Section 4.23.05 Maximum Building Coverage: Not more than twenty (20) percent of the area of each lot may be occupied by buildings.

Section 4.23.06 Minimum Yard Requirements:

a) Front yard: Twenty-five 25 feet.

b) Side yard: Fifteen (15) feet.

c) Rear yard: Thirty-five (35) feet.

Section 4.23.07 Exceptions to Minimum Yard Requirements:

a) Farm buildings: Any buildings for the accommodation of livestock or fowl shall have a minimum yard requirement of seventy-five (75) feet from any property line.

b) Rabbitry. Any building or enclosed land for the accommodation of rabbits shall have a minimum yard requirement of forty (40) feet from any property line. [Effective 2/19/96]

Section 4.23.08 Buffer from Tidal Wetlands: No building, structure, paved parking areas or septic systems shall be erected or placed within fifty (50) feet of any tidal wetlands, except as may be reduced or waived, see Section 11.00.05.

Section 4.23.09 Maximum Height Requirement: No building shall exceed thirty-five (35) feet in height. Water treatment facilities and storage tanks may exceed the maximum height requirements subject to Special Permit. [Effective 9-28-93]

SECTION 4.30.00 HDR DISTRICT HIGH DENSITY RESIDENTIAL

Section 4.30.01 Use Regulations

In a High Density Residential District (HDR), buildings and land may be used and buildings may be erected or altered for any of the following uses and no other.

SECTION 4.31.00 PERMITTED USES

Section 4.31.01 A single-family detached dwelling.

Section 4.31.02 A group day-care home or family day-care home, licensed by the Connecticut State Department of Health Services.

Section 4.31.03 Accessory use, clearly incidental and subordinate to a residence.

Section 4.31.04 Accessory building is not to include any membrane structure. [Effective 12-22-99] [deletion-Effective, 2-14-13]

Section 4.31.05 Home Occupation: By Home Occupation Permit only.

Section 4.31.06 Greenhouses as accessory buildings are limited to one structure on a residential lot. More than one greenhouse as an accessory use may be allowed on a farm, but such buildings shall be accessory and incidental to the main agricultural use of the property. [Effective 12-22-99]

SECTION 4.32.00 USES SUBJECT TO SPECIAL PERMIT:

Section 4.32.01 Bed & breakfast establishment (allowed to have no more than 2 guest bedrooms), public utility, substation, Town or Municipal facility.

SECTION 4.33.00 AREA REGULATIONS

Section 4.33.01 Lot for every building: Every principal building hereafter erected shall be located on its own lot, and there shall be no more than one (1) principal building and its accessory buildings on any lot.

Section 4.33.02 Minimum Lot Area: Fifteen thousand (15,000) square feet.

Section 4.33.03 Minimum Frontage Requirement: Eighty (80) feet.

Section 4.33.04 Exception to Minimum Frontage Requirement: See Rear Lots, Section 8.03.00.

Section 4.33.05 Maximum Building Coverage: Not more than twenty-five (25) percent of the area of each lot may be occupied by buildings.

Section 4.33.06 Minimum Yard Requirements:

		Non-Conforming Lots:	Conforming Lots
a)	Front yard:	Twenty Five (25) feet.	d) Twenty Five (25) feet.
b)	Side yard:	Ten (10) feet.	e) Fifteen (15) feet.
c)	Rear yard:	Thirty-five (35) feet.	f) Thirty-five (35) feet.

Section 4.33.07 Buffer from Tidal Wetlands: No building, structure, paved parking areas or septic systems shall be erected or placed within fifty (50) feet of any tidal wetlands, except as may be reduced or waived, see Section 11.00.05.

Section 4.33.08 Maximum Height Requirement: No building shall exceed thirty-five (35) feet in height.

SECTION 4.40.00 CD DISTRICT - COMMERCIAL DISTRICT

Section 4.40.01 Use Regulations

In a Commercial District (CD), buildings and land may be used and buildings may be erected or altered for the following uses and no other.

SECTION 4.41.00 PERMITTED USES

Section 4.41.01 Single-family detached dwelling.

Section 4.41.01a Two-family dwelling.

Section 4.41.02 Accessory building two hundred (200) square feet or less.

SECTION 4.42.00 USES SUBJECT TO SITE PLAN REVIEW

Section 4.42.01 Retail store or personal service establishment, i.e.: barber shop, beauty salon, tailor, physical fitness center, restaurant with five thousand (5,000) square feet or less of gross floor area, package store and similar uses.

Section 4.42.02 Bank, financial institution or office.

Section 4.42.03 Bed & Breakfast / Boarding House.

Section 4.42.04 Commercial greenhouse and garden center.

Section 4.42.05 Accessory use customary and incidental to any of the uses permitted in the Commercial District.

Section 4.42.06 Dwelling units over commercial uses. Such shall be limited to upstairs use and shall not exceed fifty (50) percent of the gross floor area of the building.

Section 4.42.07 Accessory Building. Accessory buildings greater than two hundred (200) square feet.

SECTION 4.43.00 USES SUBJECT TO SPECIAL PERMIT

Section 4.43.01 Restaurant greater than five thousand (5,000) square feet of gross floor area.

Section 4.43.02 Club.

Section 4.43.03 Drive-up window.

Section 4.43.04 Theater, bowling alley, miniature golf course, video arcade with less than three (3) machines.

Section 4.43.05 Hotel / motel.

Section 4.43.06 Animal hospital and kennel

Section 4.43.07 Automobile sale agency

Section 4.43.08 Repair garage - deleted. [effective 6/11/97]

Section 4.43.09 Mortuary or funeral home.

Section 4.43.10 Church, synagogue, public and private school, library, public utility, substation, town or municipal facility.

Section 4.43.11 Hospital or clinic.

Section 4.43.12 Congregate care facility, adult day-care, child day-care center, group day-care home, family day-care home, day-care special workplace.

Section 4.43.13 [deleted, Effective 3-22-12]

Section 4.43.14 Boat sales agency (not to include commercial storage of boats or outside yards for repairing or servicing of boats, any such repair or servicing shall be incidental to boat sales only, and shall be confined to the interior areas of structures on the subject premises). [Effective 6-15-92]

Section 4.43.15 Water supply facilities. [Effective 9-28-93]

Section 4.43.16 Public Utility [Effective 8-5-98]

SECTION 4.44.00 AREA REGULATIONS

Section 4.44.01 Minimum Lot Area: Fifteen thousand (15,000) square feet

Section 4.44.02 Minimum Frontage Requirement: Each lot shall have minimum frontage of fifty (50) feet at the street.

Section 4.44.03 Maximum Floor Area Ratio: 0.30

Section 4.44.04 Minimum Yard Requirements:

a) Front yard: Twenty (20) feet.

b) Side yard: Fifteen (15) feet.

c) Rear yard: Thirty (30) feet.

Section 4.44.05 Exceptions to Minimum Yard Requirements:

Kennel: Any building or enclosed land for the accommodation of dogs or cats [Effective 4-11-03] shall have a minimum yard requirement of seventy-five (75) feet from any property line.

Section 4.44.06 Buffer from Tidal Wetlands

No building, structure, paved parking areas or septic systems shall be erected or placed within fifty (50) feet of any tidal wetlands, except as may be reduced or waived (see Section 11.00.05)

Section 4.44.07 Maximum Height Requirement

No building shall exceed thirty-five (35) feet in height. Water treatment facilities and storage tanks may exceed the maximum height requirements subject to Special Permit. [Effective 9-28-93]

SECTION 4.50.00 CTC DISTRICT - COMMERCIAL TOWN CENTER

Section 4.50.00 Purpose

This District is composed of and limited to the Commercial Town Center District. The District provides for the central retail, office, cultural and governmental activities of the community as well as encouraging limited residential use.

The Regulations encourage harmony and compatibility of design in an area of buildings built at different times and under no or various zoning regulations. The object is to permit the rehabilitation or rebuilding of existing buildings on or close to the street and property lines, thus preserving the historic look of the Town Center.

SECTION 4.51.00 DESIGN OBJECTIVES

Section 4.51.01 Design of Buildings

The Commission encourages architectural and site designs which promote the aesthetic qualities associated with a small New England village and enhance the Commercial Town Center District. Buildings in this District shall be designed or redesigned to harmonize and be compatible within the District and shall be of such scale and mass that they relate well to each other and the street.

Section 4.51.02 Design Elements of Buildings and Lots

The following design elements shall be incorporated into the proposed site plan whenever possible:

Stone Walls	Split Rail Fences	Picket Fences
Clapboards	Cedar Shake Shingles	Peaked Roofs
Shutters	Multi Pane Windows	Flower Beds
Flowering Shrubs	Trees- mixed hardwood & evergreen	Decorative lighting

SECTION 4.52.00 USE REGULATIONS

Section 4.52.01 Special Permit

All permitted uses except an existing single-family dwelling are subject to Special Permit and Site Plan Review Requirements under Section VI and VII of these Regulations. [Effective 6/11/97]

Section 4.52.02 Permitted Uses

In the CTC District, buildings and land may be used and buildings may be erected or altered for any of the following uses and no other. Upon business interruption, tenant change, ownership transfer as subletting of a building or land having a previously approved permitted use, any person seeking to establish or re-establish the same or similar use (e.g. retail to retail) shall submit an application to the Land Use Department for administrative approval. Any proposed change to a different use shall require special permit and site plan review. [Effective 8-15-05]

Section 4.52.03

Inn, retail, personal and business services, restaurant of under five thousand (5000) sq. ft. of gross floor area, professional office.

Section 4.52.04 Bank, financial institution or office.

Section 4.52.05 Uses of the Town of Westbrook, including but not limited to offices.

Section 4.52.06 Residential dwellings as follows:

a) New single-family dwelling. An existing single family dwelling is exempt from Site Plan Review but must conform to the intent and requirements of these Regulations.

b) Two-family dwelling.

c) Residential apartments over commercial uses. [Effective 3-22-12]

SECTION 4.53.00 ACCESSORY USE / ACCESSORY BUILDING

Section 4.53.01 Accessory use customary with or incidental to a permitted use.

Section 4.53.02 Accessory building.

SECTION 4.54.00 MULTIPLE USES ON A LOT OR IN A SINGLE BUILDING

Section 4.54.01 Uses may be combined on a single lot or within a single structure, provided that all standards for each individual use are met. Where the standards of the combined uses are not identical, the most stringent standards shall apply to the entire complex.

SECTION 4.55.00 PROHIBITED USES

Section 4.55.01 The following are prohibited uses in the CTC District.

a) Repair garage, auto dealership, truck terminal, fuel storage facility, car wash.

b) The following shall be prohibited uses in the CTC District unless connected to a municipal sewer treatment facility: Laundromat, dry cleaner, and beauty salon.

SECTION 4.56.00 AREA REGULATIONS

Section 4.56.01 Minimum Lot Area

Fifteen thousand (15,000) square feet.

Section 4.56.02 Minimum Frontage Requirement

Each lot shall have a minimum frontage of fifty (50) feet at the street.

Section 4.56.03 Maximum Floor Area Ratio: 0.25

Section 4.56.04 Minimum Yard Requirements:

a) Front Yard: Minimum: Five (5) feet. Maximum: Twenty (20) feet.

b) Side Yard: One side, Six (6) feet. Second side, Twenty (20) feet.

c) Rear Yard: Thirty-five (35) feet.

Section 4.56.05 Buffer from Tidal Wetlands

No building, structure, paved parking areas or septic systems shall be erected or placed within fifty (50) feet of any tidal wetlands, except as may be reduced or waived. (see Section 11.00.05).

Section 4.56.06 Maximum Height Requirement

No building shall exceed thirty-five (35) ft. in height.

SECTION 4.57.00 EXISTING BUILDING ON LOTS LESS THAN TEN THOUSAND (10,000) SQUARE FEET

Section 4.57.01 It is hereby recognized that the existing mix of buildings in the Town Center is a long established pattern.

The purpose of this Regulation is to preserve and stabilize that pattern and promote the rehabilitation or reconstruction of existing buildings on small lots which contribute to the existing streetscape. To this end any building existing at the date of adoption of these Regulations and within twenty (20) feet of the street line may be rehabilitated or reconstructed even if not destroyed by natural forces. The existing footprint may not be expanded and the reconstructed building shall contain no more floor area than now exists if the total building is nonconforming.

SECTION 4.58.00 OFF STREET PARKING AND OFF STREET LOADING

Section 4.58.01 Off street parking and off street loading shall be provided in connection with any use in this district in accordance with the provisions of Section 10.00.00 of these Regulations.

Section 4.58.02 In addition, requirements for the provision of parking facilities may be satisfied by the permanent allocation of the required number of spaces for each use in a common parking facility, cooperatively established and operated in perpetuity. Off street commercial parking requirements may be met at a site beginning within five hundred (500) feet from the subject property. If, however, a residential use exists or is established in a building, at least one (1) space per dwelling unit must be provided on the same lot as the dwelling unit. Parking for all uses on all lots is encouraged to be located at the rear of the buildings.

SECTION 4.60.00 CB DISTRICT – COMMERCIAL BOATING DISTRICT

Section 4.60.00 Purpose

The primary purpose of the Commercial Boating District, (CB) is to permit the development of land for water dependent uses and subordinate accessory uses harmonious with the waterfront and compatible with the existing recreational boating services and commercial fishing trades.

SECTION 4.61.00 USE REGULATIONS

Section 4.61.01 Development, except for accessory buildings of two hundred (200) square feet or less of gross floor area, permitted in this District shall be by Special Permit only.

The Commission shall grant a Special Permit for such use if it finds that it will be in harmony with the Statement of Purpose, as set forth in Article I, Section 1.00.00 of these Regulations, is consistent with the legislative goals and policies of the Connecticut Coastal Management Act, conforms to the conditions for a Special Permit as set forth in Article VII and to all other requirements as set forth in this Article.

SECTION 4.62.00 PERMITTED USES

Section 4.62.01 Accessory buildings of two hundred (200) square feet or less of gross floor area.

Section 4.62.02 Parking of Recreational Vehicles, as an accessory use to a Commercial Marina:[Effective 09-08-2009]

a) Definitions: For the purpose of this regulation, the definition of a "Recreational Vehicle in a Commercial Marina" means a vehicle that is:

(1) built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) designed to be self-propelled, with the exception of collapsible tent trailers; and

(4) not designed for use as a permanent dwelling.

Section 4.62.03 Recreational Vehicles, as defined in Section 4.62.02a

May be parked at Commercial Marinas and utilized for short-term (April 1st through October 31st) human habitation, but only in accordance with the following requirements:

1. A maximum of one recreational vehicle per half acre of land area, with no more than five (5) recreational vehicles per marina.

2. Recreational vehicles are to be occupied by persons having a boat slip at the subject marina, and at no time used for storage of materials or stored on the lot.

3. Recreational vehicles shall not be located in designated parking spaces.

4. Dumpsters and restrooms must be adequate to accommodate recreational vehicle inhabitants; any Recreational Vehicle shall have provisions for disposal of wastewater, including both "grey water" from sinks, showers, and tubs, and "black water" from toilets, in accordance with the Public Health Code.

5. Recreational vehicles must be parked at least twenty (20) feet from any property line, and above the high tide line.

6. A recreational vehicle placed on the site of a commercial marina must be fully licensed and ready for highway use. “Ready for highway use” means that it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions. (The purpose of this requirement is to prevent recreational vehicles from being permanently placed in the floodplain).

7. Recreational vehicles shall not be inhabited during major storm events, and shall be removed from the marina whenever local or state officials suggest evacuation of low-lying areas.

SECTION 4.63.00 USES SUBJECT TO A SPECIAL PERMIT

Section 4.63.01 Marina, dock, wharf, slip for pleasure and fishing vessels and landing facility.

Section 4.63.02 Boat sales or rental, marine equipment sales or rental.

Section 4.63.03 Marine research laboratory

Section 4.63.04 Business and Professional office associated with marine activity.

Section 4.63.05 Fish Market.

Section 4.63.06 A yard or building for the storing, construction, repairing and servicing of boats and/or marine engines.

Section 4.63.07 The retail sale and dispensing of fuel and lubricants at dockside for marine purposes only, but expressly excluding the bulk storage of fuel.

Section 4.63.08 A sail loft or ship chandlery, including the sale or rental of pleasure boats, marine equipment, engines and supplies for pleasure boats.

Section 4.63.09 Restaurant.

Food take out service incidental to a principal restaurant use may be permitted. Drive-up windows are not permitted.

Section 4.63.10 Yacht Club.

Section 4.63.11 Single-family dwelling unit located within a commercial structure.

Section 4.63.12 A single family detached dwelling unit for one (1) family provided there is not more than one (1) such dwelling unit per lot and the minimum lot area is not less than fifteen thousand (15,000) square feet.

The residential use shall be set back a minimum of fifty (50) feet from coastal resources. The residential use shall not be exempt from the Coastal Site Plan review requirements of Section 11.00.00 of these Regulations.

Section 4.63.13 Day-care, Special Workplace.

Section 4.63.14 Accessory use customary and incidental to any of the uses permitted in the CB District.

Section 4.63.15 Accessory building.

SECTION 4.64.00 PROHIBITED USES

Section 4.64.01 Storage of boats in racks, for any purpose, in or outside of a building or structure.

SECTION 4.65.00 AREA REGULATIONS

Section 4.65.01 Minimum Lot Size: Fifteen thousand (15,000) square feet.

Section 4.65.02 Minimum Frontage Requirement: Fifty (50) feet.

Section 4.65.03 Maximum Floor Area Ratio: Not more than 0.30 of any lot may be occupied by buildings except that not more than 0.20 of a lot may be occupied by a residence, yacht club or beach club.

Section 4.65.04 Minimum Yard Requirements:

a) Front Yard: Twenty (20) feet.

b) Side Yard: Ten (10) feet.

c) Rear Yard: Twenty (20) feet.

Section 4.65.05 Exception to Minimum Yard Requirements

On any lot used in whole or in part for a water dependent use, as defined in Section 22A - 93 (16) of the Connecticut General Statues, an applicant for said use may request approval of the Commission to consider the high tide line as the property line and no setback from the high tide line would be required.

Section 4.65.06 Maximum Height Requirement: No building shall exceed thirty (30) feet in height.

SECTION 4.70.00 LI DISTRICT - LIGHT INDUSTRIAL DISTRICT

Section 4.70.01 Use Regulations

Development, except for accessory buildings of two hundred (200) square feet or less of gross floor area, permitted in this District shall be by Special Permit only. The Commission shall grant a Special Permit for such use if it finds that it will be in harmony with the Statement of Purpose, as set forth in Article I, Section 1.00.00 of these Regulations, conforms to the conditions for a Special Permit as set forth in Article VII, Site Plan Review as set forth in Article VI of these Regulations and to all other requirements as set forth in this Article.

SECTION 4.71.00 PERMITTED USES

Section 4.71.01 Accessory buildings of two hundred (200) square feet or less of gross floor area.

SECTION 4.72.00 USES SUBJECT TO A SPECIAL PERMIT

Section 4.72.01 Light manufacturing.

Section 4.72.02 Restaurant.

Section 4.72.03 Research laboratory.

Section 4.72.04 Stable.

Section 4.72.05 Storage warehouse.

Section 4.72.06 Professional office.

Section 4.72.07 Physical fitness center.

Section 4.72.08 Auto body repair shop.

Section 4.72.09 Repair garage.

Section 4.72.10 Day-care, special workplace.

Section 4.72.11 Accessory use customary and incidental to any of the uses permitted in this District.

Section 4.72.12 Accessory building with more than two hundred (200) square feet of gross floor area.

Section 4.72.13 Water supply facilities. [Effective 9-28-93]

Section 4.72.14 Public Utility [Effective 8-5-98]

SECTION 4.73.00 MINIMUM DEVELOPMENT STANDARDS:

In addition to any other requirements, as set forth in these Regulations, the proposed use shall meet the following minimum standards.

Section 4.73.01 Buffer

Any parcel of land which is to be developed in a Light Industrial District that has a property line(s) which abuts a Residential District or use, shall provide a landscape buffer a minimum of fifteen (15) feet in width along such property line(s) which will screen such development from the Residential District or use.

Section 4.73.02 Odor

Odor from any use shall not be discernible to any objectionable degree at the property line.

Section 4.73.03 Fly ash, dust, fumes, vapors, gases, and other forms of air pollution.

No emission of any nature which can cause any damage to human health, animals, or vegetation, or other forms of property is permitted.

Section 4.73.04 Smoke

No emission at any point of visible gray smoke darker than or more opaque than No. 1 on the Ringelman Smoke Chart will be permitted, except that smoke not darker than or more opaque than No. 2 may be emitted for periods not longer than four (4) minutes in any thirty (30) minute period.

Section 4.73.05 Glare / Heat

Glare and/or heat, whether reflected or direct, such as from flood lights or high temperature process, shall not be visible or discernible at any property line.

Section 4.73.06 Liquid, Solid or Hazardous Waste

No discharge at any point into any public or private sewage disposal system, or the discharge into any stream, watercourse, wetland, pond or other body of water or discharge to the surface of the ground or into any storm water system shall be permitted in any manner which by content or temperature would contaminate any water or ground.

Section 4.73.07 Access

Access to any Light Industrial facility shall be by a paved access drive at least twenty-four (24) feet in width.

Section 4.73.08 Antenna / Transmission Tower

No antenna or transmission tower shall be operated in any manner which causes interference with surrounding uses and shall not be located within one hundred (100) feet of any residential property line. No antenna or transmission tower shall exceed fifty (50) feet from the ground or ten (10) feet from the roof line.

SECTION 4.74.00 AREA REGULATIONS

Section 4.74.01 Minimum Lot Area: One (1) acre.

Section 4.74.02 Maximum Floor Area Ratio: 0.30

Section 4.74.03 Minimum Frontage Requirement: Fifty (50) feet.

Section 4.74.04 Minimum Yard Requirements:

a) Front yard: Forty (40) feet.

b) Side yard: Fifteen (15) feet.

c) Rear yard: Thirty (30) feet.

Section 4.74.05 Exceptions to Minimum Yard Requirements

There shall be no building or other improvement other than access roads within seventy-five (75) feet of any residential boundary or district.

Section 4.74.06 Buffer from Tidal Wetlands

No building, structure, paved parking areas or septic systems shall be erected or placed within fifty (50) feet of any tidal wetland except as may be reduced or waived, see Section 11.00.05.

Section 4.74.07 Maximum Height Requirement

No building shall exceed forty-five (45) feet in height. Water treatment facilities and storage tanks may exceed the maximum height requirements subject to Special Permit. [Effective 9-28-93]

SECTION 4.80.00 ID DISTRICT - INDUSTRIAL DISTRICT

Section 4.80.01 Use Regulations

Development, except for accessory buildings of two hundred (200) square feet or less of gross floor area, permitted in this District shall be by Special Permit only. The Commission shall grant a Special Permit for such use if it finds that it is in harmony with the Statement of Purpose, as set forth in Article I, Section 1.00.00 of these Regulations, conforms to the conditions for a Special Permit as set forth in Article VII, Site Plan Review as set forth in Article VI of these Regulations and to all other requirements as set forth in this Article.

SECTION 4.81.00 PERMITTED USES

Section 4.81.01 Accessory buildings of two hundred (200) square feet or less of gross floor area.

SECTION 4.82.00 USES SUBJECT TO SPECIAL PERMIT

Section 4.82.01 Day-care, Special Workplace.

Section 4.82.02 Manufacturing, research laboratory, business office.

Section 4.82.03 Printing and publishing establishment.

Section 4.82.04 Public Utility, excluding generating plants.

Section 4.82.05 Repair garage.

Section 4.82.06 Auto body shop.

Section 4.82.07 Restaurant.

Section 4.82.08 Stone polishing, engraving, cutting or carving.

Section 4.82.09 Sheet metal and light metal fabrication, including the manufacturing of light machinery.

Section 4.82.10 Storage warehouse.

Section 4.82.11 Sales, storage, repair or rental of automobiles, trucks, and construction and agricultural equipment.

Section 4.82.12 Swimming pool, tennis, racquet, paddleball facility, physical fitness center, gymnasium, skating rink, bowling alley, sports arena.

Section 4.82.13 Trucking and motor freight station or terminal.

Section 4.82.14 Wholesale / retail sale of lumber and building material.

Section 4.82.15 Wholesale and retail sale of furniture and carpet.

Section 4.82.16 Accessory use customary and incidental to any of the uses permitted in this District.

Section 4.82.17 Accessory building with more than two hundred (200) square feet of gross floor area.

Section 4.82.18 Water supply facilities. [Effective 9-28-93]

SECTION 4.83.00 WHOLESALE AND RETAIL USES IN THE SAME STRUCTURE:

Section 4.83.01 Combined commercial, retail and wholesale operations shall be permitted in the same structure, in those cases only where the products offered for sale on a retail or wholesale basis are the same.

SECTION 4.84.00 MINIMUM DEVELOPMENT STANDARDS:

In addition to any other requirements, as set forth in these Regulations, the proposed use shall meet the following minimum standards.

Section 4.84.01 Buffer

Any parcel of land which is to be developed in an Industrial District, that has a property line(s) which abuts a Residential District or use, shall provide a landscape buffer a minimum of fifteen (15) ft. in width along such property line(s) which will screen such development from the Residential District or use.

Section 4.84.02 Odor

Odor from any use shall not be discernible to any objectionable degree at the property line.

Section 4.84.03 Fly ash, dust, fumes, vapors, gases, and other forms of air pollution.

No emission of any nature which can cause any damage to human health, animals, vegetation, or other forms of property is permitted.

Section 4.84.04 Smoke

No emission at any point of visible gray smoke darker than or more opaque than No. 1 on the Ringelman Smoke Chart will be permitted, except that smoke not darker than or more opaque than No. 2 may be emitted for periods not longer than four (4) minutes in any thirty (30) minute period.

Section 4.84.05 Glare / Heat

Glare and / or heat, whether reflected or direct, such as from flood lights or high temperature process, shall not be visible or discernible at any property line. [Effective 12-22-99]

Section 4.84.06 Liquid, Solid or Hazardous Waste

No discharge at any point into any public or private sewage disposal system, or the discharge into any stream, watercourse, wetland, pond or other body of water or discharge to the surface of the ground or into any storm water system shall be permitted in any manner which by content or temperature would contaminate any water or ground.

Section 4.84.07 Access

Access to any Industrial facility shall be by a paved access drive at least twenty-four (24) feet in width.

Section 4.84.08 Antenna / Transmission Tower:

No antenna or transmission tower shall be operated in any manner which causes interference with surrounding uses and shall not be located within one hundred (100) feet of any residential property line. No antenna or transmission tower shall exceed fifty (50) feet from the ground or ten (10) feet from the roof line.

SECTION 4.85.00 AREA REGULATIONS

Section 4.85.01 Minimum lot area: one (1) acre

Section 4.85.02 Maximum floor area ratio: 0.40

Section 4.85.03 Minimum frontage requirement: fifty (50) feet.

Section 4.85.04 Minimum yard requirements:

a) Front yard: Forty (40) feet.

b) Side yard: Ten (10) feet.

c) Rear yard: Twenty (20) feet.

Section 4.85.05 Exceptions to Minimum Yard Requirements

There shall be no building or other `improvement other than access roads within seventy-five (75) feet of any Residential boundary or district.

Section 4.85.06 Buffer from Tidal Wetlands

No building, structure, paved parking areas or septic systems shall be erected or placed within fifty (50) feet of any tidal wetlands, except as may be reduced or waived, see Section 11.00.05.

Section 4.85.07 Maximum Height Requirement

No building shall exceed forty-five (45) feet in height. Water treatment facilities and storage tanks may exceed the maximum height requirements subject to Special Permit. [Effective 9-28-93]

SECTION 4.90.00 TIC - TURNPIKE INTERCHANGE DISTRICTS (TIC-64 AND TIC-65)

Section 4.90.00 Proposed Statement of Purpose

The Turnpike Interchange Commercial Districts are situated along main highways and thoroughfares, and applicable standards are designed to assure a high quality of development which will create a balance between community acceptance and regional needs. The larger sites and more spacious setback requirements are intended to allow for unified, coordinated growth with a diversity of quality commercial and light industrial uses.

SECTION 4.91.00 USE REGULATIONS

Development, except for accessory buildings of two hundred (200) square feet or less of gross floor area, permitted in this district shall be by special permit only. The commission shall grant a special permit for such use if it finds that it is in harmony with the statement of purpose, as set forth in Article I, Section 1.00.00 of these regulations and conforms to the conditions for a special permit as set forth in Article VII, Site Plan Review and as set forth in Article VI of these regulations and to all other requirements as set forth in this article.

SECTION 4.92.00 PERMITTED USES

Section 4.92.01 Accessory building of two hundred (200) square feet or less of gross floor area.

SECTION 4.93.00 TIC-64 USES SUBJECT TO A SPECIAL PERMIT

Section 4.93.01 Laboratories, Offices or Light Manufacturing

Section 4.93.02 Corporate Headquarters, Professional or Business Offices

Section 4.93.03 Swimming pool, tennis, racquetball, paddleball facilities, physical fitness center, gymnasium, skating rink, bowling alley or sports facility

Section 4.93.04 Daycare, Special Workplace

Section 4.93.05 Sale, service, storage, or rental of automobiles, trucks, construction or agricultural equipment

Section 4.93.06 Accessory use customary and incidental to any of the uses permitted in this District

Section 4.93.07 Accessory building with more than two hundred (200) square feet of gross floor area

Section 4.93.08 Water supply facilities

Section 4.93.09 Restaurants

Section 4.93.10 Public Utility [Effective 8-5-98]

SECTION 4.94.00 TIC-65 USE SUBJECT TO A SPECIAL PERMIT

Section 4.94.01 Hotel/Motel with fewer than 50 rooms

Section 4.94.01a Hotel/Motel with 50 or more rooms

Section 4.94.01b Boarding Houses, Lodging and Rooming Houses

Section 4.94.01c Inn

Section 4.94.02 Retail Stores

Section 4.94.03 Facilities for dispensing of motor vehicle fuel

Section 4.94.04 Theaters

Section 4.94.05 Corporate Headquarters, Professional or Business Offices

Section 4.94.06 Swimming pool, tennis, racquetball, paddleball facilities, physical fitness center, gymnasium, skating rink, bowling alley or sports facility

Section 4.94.07 Daycare, Special Workplace

Section 4.94.08 Sale or rental of automobiles and/or trucks

Section 4.94.09 Accessory use customary and incidental to any of the uses permitted in this District

Section 4.94.10 Accessory building with more than two hundred (200) square feet of gross floor area

Section 4.94.11 Restaurants

Section 4.94.12 Public Utility [Effective 8-5-98]

Section 4.94.13 Emergency/Ambulatory Outpatient Medical Care Facility and accessory Emergency Medical Care Facility Helistop in accordance with Section 8.24.00 of these Regulations. [Effective 3-22-12]

SECTION 4.95.00 DEVELOPMENT STANDARDS (TIC-65 ONLY)

Section 4.95.01 Building Form and Materials

a) Structures shall be designed to be compatible with New England character.

b) Lengthy, unbroken facades shall be avoided. As a general guide, the maximum horizontal length of an unbroken facade plane should be seventy-five (75) feet. Facade offsets shall be sufficient to create a strong shadow line.

c) Roof lines should be simple, functional and reflective of the broader community building stock. Where gabled or hipped roofs are proposed, they should have a pitch not less than four and one-half (4.5) inch rise in a twelve (12) inch run. Roofs should project enough beyond the façade to create an overhang and cast a shadow. Roof mass and building façade should form a consistent composition. False details such as mansard roofs, partial HVAC screens and truncated roof structures should be avoided. [Effective 6/14/12]

d) Mechanical equipment shall be concealed within the volume of the roof or enclosed within a structure. Where this is not possible, mechanical elements shall be located so that they are not visible from public streets or adjacent residential uses or districts and shall be landscaped.

Section 4.95.02 Color and Materials

a) Building and roof colors shall be subdued, with natural earth tones and compatible colors predominating. Primary colors shall be avoided.

b) Portions of a building visible from a street will be of natural materials, such as brick, stone or wood or materials natural in appearance are preferred. Windows shall be appropriately scaled with detailing such as shutters and wide board trim.

SECTION 4.96.00 DEVELOPMENT STANDARDS (TIC-64 AND TIC-65)

Section 4.96.01 Traffic Impact Analysis

A traffic impact analysis by a licensed traffic engineer registered in the State of Connecticut shall be required. The report shall include existing and projected traffic volumes (including average daily traffic, peak a.m. and peak p.m.), existing roadway capability, record of traffic accidents, existing

And projected volume/capacity ratios, existing and projected levels of service, general assessment of the local and regional road network and recommended improvements, where applicable.

SECTION 4.97.00 OFF-STREET LOADING AREAS

Section 4.97.01 Loading areas shall be located at the rear or side of a building with a minimum of seventy feet from any property line.

The loading areas must be screened from view from adjacent street and shall be located in such a way that in the process of loading or unloading, no truck will block or extend into any drive or street used for vehicular circulation. Loading and delivery zones shall be clearly marked.

SECTION 4.98.00 STORAGE AREAS

Section 4.98.01 All outdoor storage shall be visually screened from access streets, highways and adjacent property.

Section 4.98.02 Outdoor storage shall include all company owned and operated motor vehicles, with the exception of passenger vehicles.

Section 4.98.03 No storage shall be permitted between a frontage street and the building line.

SECTION 4.99.00 TELEPHONE AND ELECTRICAL SERVICE

Section 4.99.01 All on-site electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view from street and adjacent property.

SECTION 4.100.00 LANDSCAPING

Section 4.100.01 In order to ensure satisfactory performance in the fulfillment of landscaping requirements, a cash surety in an amount determined by the Zoning Commission shall be posted in the name of the Town of Westbrook and held until landscaping is well established.

Section 4.100.02 Landscaping, trees, and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.

Section 4.100.03 To the extent possible, existing trees, vegetation, and unique site features shall be trees, if properly located, shall be fully credited against the requirements of these regulations.

Section 4.100.04 Street trees at a minimum rate of one (1) tree for every fifty (50) feet or part thereof of street frontage shall be provided in all yard areas abutting public streets to provide shade and visual

interest. Street trees, whether deciduous shade trees, flowering trees, or evergreen trees, shall be a minimum of three (3) inch caliper measured at twelve (12) inches above ground, and selected for hardiness and appropriateness of use and soil conditions. Trees may be planted at intervals and/or in groups to assure the desired effect is achieved subject to the approval of the Zoning Commission.

Section 4.100.05 Landscaping shall be provided on all land use areas to provide transitions between buildings of different size, scale, architecture or use and to provide continuity of design. Landscaping shall provide shade and visual interest on pedestrian systems and shall be lighted to provide safety and security.

Section 4.100.06 All accessory uses, such as utility structures, dumpsters, storage facilities, loading or parking areas, or similar uses shall be screened to minimize visual intrusion or landscaped to integrate these elements into the site development plan.

Section 4.100.07 In order to meet the above requirements, landscaping elements shall include, but are not limited to, a variety and combination of mixed hardwoods with colorful fall foliage, evergreens, flowering shrubs, flower beds, groundcover, and earthworks (mounding, grading, etc.).

SECTION 4.101.00 LIGHTING

Section 4.101.01 Attached building or wall lighting shall be screened by the building's architectural features or contain a forty-five (45) degree cutoff shield.

Section 4.101.02 Outdoor lighting shall be designed to provide uniform distribution of light without compromising safety and security.

Section 4.101.03 Light fixtures which cast light primarily downward shall be used. Where necessary, cutoff devices should be specified to reduce throw on adjacent sites.

Section 4.101.04 The height of light fixtures shall be in proportion to the building mass, preferable no more than fourteen (14) feet high.

Section 4.101.05 Ground-oriented, pedestrian-scale lighting shall be considered as an alternative to pole-mounted fixtures.

SECTION 4.102.00 GENERAL STANDARDS

Section 4.102.01 Odor

Odor from any use shall not be discernible to any objectionable degree at the property line.

Section 4.102.02 Fly ash, dust, fumes, vapors, gases, and other forms of air pollution.

No emission of any nature which can cause any damage to human health, animals, vegetation, or other forms of property is permitted.

Section 4.102.03 Smoke

No emission at any point of visible gray smoke darker than or more opaque than No. 1 on the Ringelman Smoke Chart will be permitted, except that smoke not darker than or more opaque than No. 2 may be emitted for periods not longer than four (4) minutes in any thirty (30) minute period.

Section 4.102.04 Glare/Heat

Glare and/or heat, whether reflected or direct, such as from flood lights or high temperature process, shall not be visible or discernible at any property line. [Effective 12-22-99]

Section 4.102.05 Liquid, Solid or Hazardous Waste

No discharge at any point into any public or private sewage disposal system, or the discharge into any stream, watercourse, or wetlands.

Section 4.102.06 Antenna/Transmission Towers

An antenna or transmission tower shall not be operated in any manner which causes interference with surrounding uses, and shall not be located within one hundred (100) feet of any residential property line. No antenna or transmission tower shall exceed fifty (50) feet from the ground or ten (10) feet from the roof line.

SECTION 4.103.00 AREA REGULATIONS

Section 4.103.01 Minimum lot area: Three (3) acres

Section 4.103.02 Maximum floor area ratio: 0.30

Section 4.103.03 Minimum frontage requirement: Two hundred fifty (250) feet

Section 4.103.04 Minimum yard requirements:

a) Front yard: Fifty (50) feet

b) Side yard: Fifty (50) feet

c) Rear yard: Fifty (50) feet

Section 4.103.05 Exception from minimum yard requirements: There shall be no building or other improvements other than access roads within seventy-five (75) feet of any residential boundary or district.

Section 4.103.06 Buffer from tidal wetlands: No building, structure, paved parking areas or septic systems shall be erected or placed within fifty (50) feet of any tidal wetlands, except as may be reduced or waived, See Section 11.00.05.

Section 4.103.07 Maximum height requirement: No building shall exceed forty-five (45) feet in height. Water treatment facilities and storage tanks may exceed the maximum height requirements subject to special permit. [Effective 8-23-96]

SECTION 4.104.00 CC DISTRICT - COASTAL CONSERVATION DISTRICT

Section 4.104.01 Purpose: Land designated as part of the Coastal Conservation District has been determined to be environmentally significant and special in nature and is of such character in its natural state that it should be protected from development. [Effective 8-5-98]

SECTION 4.105.00 USE REGULATIONS

Section 4.105.01 Land in the Coastal Conservation District shall be preserved in its natural state unless authorization is granted by the issuance of a permit to conduct a regulated activity in a tidal wetland by the Commissioner of the Connecticut Department of Environmental Protection. [Effective 8-5-98]

SECTION 4.110.00 NCD - NEIGHBORHOOD COMMERCIAL DISTRICT

Section 4.110.01 Purpose: It is the intent of this district to promote a flexible mix of compatible residential and commercial uses that are innovative and compatible with the New England village-scale streetscape; do not generate large volumes of traffic; and are constructed of materials that preserve the residential character of the area.

The following design objectives were created to work in conjunction with the Westbrook Zoning Regulations as a whole.

SECTION 4.111.00 DESIGN OBJECTIVES

Section 4.111.01 Design of Buildings

Architectural and site designs that promote the aesthetic qualities associated with a small New England village and enhance the neighborhood commercial district are encouraged. Structural rehabilitation, wherever feasible, will be encouraged in order to preserve and enhance the diverse qualities of the area. Buildings in this district shall be designed or redesigned to harmonize with each other and be compatible within the district and shall be of such scale and mass that they relate to each other and the street.

Section 4.111.02 Design Elements of Buildings and Lots

The following design elements shall be incorporated into the proposed site plan whenever possible.

Section 4.111.03 Site Development

a) Stone walls, split rail, board, picket, and wrought iron fences are encouraged. New site structures, including accessory buildings and street furniture shall be of appropriate materials and scale, and be appropriately located in relationship to the site and streetscape.

b) Underground utilities shall be utilized whenever possible.

Section 4.111.04 Building Form & Materials

a) Commercial and office structures shall be designed to be compatible with the character of single family residential structures. Scale, materials and building forms are necessary elements of continuity.

b) Lengthy, unbroken facades shall be avoided. As a general guide, the maximum horizontal length of an unbroken facade plane should be seventy-five (75) feet. Facade offsets shall be sufficient to create a strong shadow line.

c) To harmonize with the residential character of the area, roof structures shall be gabled or hipped and visible from the street with a pitch not less than four and one half (4.5) inch rise in a twelve (12) inch run. Roofs shall project enough beyond the facade to create an overhang and cast a shadow. Roof materials shall be slate, standing seam metal, wood, asphalt, or slate shingles.

d) Mechanical equipment shall be concealed within the volume of the roof or enclosed within a structure. Where this is not possible, mechanical elements shall be located so that they are not visible from public streets or adjacent residential uses or districts and shall be landscaped. [Effective 12-22-99]

Section 4.111.05 Color and Materials

a) Building and roof colors shall be subdued, with natural earth tones and compatible colors predominating. Primary colors shall be avoided.

b) Natural materials, such as brick, stone or wood or materials natural in appearance are preferred. Metal buildings and large areas of exposed concrete are prohibited. Windows shall be appropriately scaled with detailing such as shutters and wide board-trim.

Section 4.111.06 Landscaping

a) Street trees at a minimum rate of one tree for every fifty (50) feet or part thereof of street frontage shall be provided in all yard areas abutting public streets to provide shade and visual interest. These trees may be planted at intervals and/or in groups to assure the desired effect is achieved subject to the approval of the commission. Street trees, either deciduous shade trees, flowering trees or evergreen trees, shall be a minimum of three (3) inch caliper measured at twelve (12) inches above ground, and selected for hardiness and appropriateness of use and soil conditions.

b) Landscaping shall provide a transition between buildings of different size, scale, architecture or use and to provide continuity of rural design. Landscaping shall provide shade and visual interest on pedestrian walkways between buildings and from buildings to parking areas and shall be lighted to provide safety and security.

c) The required front yard, excluding access-ways, shall be green-space, which includes grass, sod, groundcover, flowers, shrubs, and trees, etc.

d) Mixed hardwoods with colorful fall foliage, evergreens, flowering shrubs, flower beds and planters are encouraged. All building foundation areas shall be landscaped with suitable trees and shrubs. Storage areas, service areas, and trash receptacles shall be screened by fencing and plantings.

Section 4.111.07 Lighting

a) Light fixtures which cast light primarily downward shall be used. Fixtures that shield lamps and diffuser lenses from direct sight lines are preferred.

b) The height of light fixtures shall be in proportion to the building mass, preferably no more than fourteen (14) feet high.

c) Ground oriented, pedestrian-scale lighting shall be considered as an alternative to pole mounted fixtures along pedestrian walkways.

d) Warm lighting colors are preferred; blue-white color is discouraged.

SECTION 4.112.00 SIGNAGE – SEE SECTION 10.20.00

SECTION 4.113.00 USE REGULATIONS

Any use or structure, permitted as of right or subject to site plan review, which has five thousand (5,000) square feet or more of gross floor area shall require a special permit in accordance with Article VII of these regulations.

Section 4.113.01 Permitted Uses

a) Single-family detached dwelling

b) Two (2) family dwelling

c) Residential apartments over commercial uses

d) Accessory buildings two hundred (200) square feet or less

Section 4.113.02 Uses Subject To Site Plan Review

a) Retail

b) Business and professional office

c) Bank, financial institution or office

d) Restaurant and tavern

e) Museum

f) Accessory use customary with or incidental to a permitted use.

g) Accessory building greater than two hundred (200) square feet

Section 4.113.03 Uses Subject to Special Permit

a) Church, synagogue, public and private school, library, public utility, substation, Town, State or Federal facility.

b) Mortuary / Funeral Parlors.

c) Drive-up window - Banks, see Section 8.04.00.

d) Liquor store.

e) Boat sales agency.

f) Automobile sales agency.

g) Hotels / Motels with fewer than 50 rooms.

h) Video arcades (with less than three (3) machines)

i) Accessory use customary with or incidental to a special permit use.

j) Accessory building greater than two hundred (200) square feet.

k) Bed and Breakfast.

l) Boarding Houses, Lodging and Rooming Houses.

m) Inn.

n) Family Entertainment Centers [Effective 4-18-11]

o) Miniature Golf Course (see Section 8.25.00) [Effective 8-16-12]

Section 4.113.04 Multiple Uses on A Lot or in a Single Building

Uses may be combined on a single lot or within a single structure, provided that all standards for each individual use are met. Where the standards for the combined uses are not identical, the most stringent standards shall apply to the entire complex.

Section 4.113.05 Prohibited Uses

The following are prohibited uses in the NC District:

a) Repair garage, free-standing parking lot, truck terminal, fuel storage/dispensing facility, car wash

b) Free-standing parking lot

c) Truck terminal

d) Fuel storage/dispensing facility

e) Car wash

The following shall be prohibited uses in the NC District unless connected to a municipal sewer treatment facility and upon special permit and site plan approval:

a) Laundromat

b) Dry cleaner

c) Beauty salon

SECTION 4.114.00 AREA AND SIZE REQUIREMENTS

Section 4.114.01 Minimum lot area: fifteen thousand (15,000) square feet

Section 4.114.02 Minimum frontage requirement: Each lot shall have a minimum frontage of fifty (50) feet at the street.

Section 4.114.03 Maximum floor area ratio: .30

Section 4.114.04 Minimum yard requirements

a) Front yard: twenty (20) feet

b) Side yard: fifteen (15) feet

c) Rear yard: thirty (30) feet

d) Retail display or sales must meet minimum front and side yard setback requirements.

Section 4.114.05 Buffer from tidal wetlands

No building, structure, paved parking areas or septic systems shall be erected or placed within fifty (50) feet of any tidal wetlands, except as may be reduced or waived, see Section 11.00.05.

Section 4.114.06 Maximum Height Requirement

No building shall exceed thirty-five (35) feet in height.

Section 4.114.07 Maximum Size Requirement

No single building area coverage shall exceed fifteen thousand (15,000) square feet. Where two (2) or more buildings are located on a lot, minimum separation shall not be less than fifteen (15) feet.

SECTION 4.115.00 OFF STREET PARKING AND OFF STREET LOADING

Section 4.115.01 Off-street parking and off-street loading

Shall be provided in connection with any use in this zone in accordance with the provision of Section 10.00.00 of these Regulations. All off-street parking and loading shall be located to the rear of the structure unless otherwise waived by the Zoning Commission.

Section 4.115.02 In addition, requirements for the provision of parking facilities may be satisfied by the permanent allocation of the required number of spaces for each use in a common parking facility, contained within the respective properties, cooperatively established and operated in perpetuity. Off-street commercial parking requirements may be met at a site beginning within five hundred (500) feet from the subject property. If however, a residential use exists or is established in a building, at least one space per dwelling unit must be provided on the same lot as the dwelling unit.

SECTION 4.120.00 HOUSING OPPORTUNITY DISTRICT

GENERAL DESCRIPTION AND PURPOSE

A floating zone designed to provide for, encourage and accommodate affordable housing, as defined by the Connecticut General Statutes 8-30g, et seq., consistent with soil types, terrain and infrastructure capacity to meet local housing needs in accordance with the objectives outlined in the Plan of Conservation and Development. These regulations are adopted per the authority of Connecticut General Statutes 8-30g and 8-2i.

Section 4.120.01 Eligibility Criteria

A Housing Opportunity District (HOD) may be proposed for and located on parcels of land or combinations of adjacent parcels of land, containing at least one (1) acre in total, to which public water is available. Wherever possible, the district shall be located in proximity to existing commercial districts, public transit, and / or along a public transportation route.

Section 4.120.02 Definitions

a) Affordable housing development – a proposed housing development which is (1) assisted housing, or (2) a set-aside development.

b) Assisted housing – housing which is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing, and any housing occupied by persons receiving rental assistance under Chapter 319uu or Section 1437f of Title 42 of the United States Code.

c) Set-aside development – a development in which not less than thirty per cent of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to eighty percent of the median income. In a set-aside development, of the dwelling units conveyed by deeds containing covenants or restrictions, a number of dwelling units equal to not less than fifteen per cent of all dwelling units in the development shall be sold or rented to persons and families whose income is less than or equal to sixty percent of the median income and the remainder of the dwelling units conveyed by deeds containing covenants or restrictions shall be sold or rented to persons and families whose income is less than or equal to eighty percent of the median income.

d) Median income – for the purpose of determining eligibility for income restricted units in a set-aside development, “median income” shall be the lesser of the state median income or the area median income for lower Middlesex County after adjustment for family size.

Section 4.120.03 Uses Subject To Site Plan Review In Accordance With Section VI

An affordable housing development as defined herein, consisting of less than or equal to twenty (20) single family detached dwelling units or multi-family dwelling units arranged on a single lot or on multiple adjoining lots.

Section 4.120.04 Uses Subject To a Special Permit In Accordance With Section VII

An affordable housing development as defined herein, consisting of more than twenty (20) single family or multi-family dwelling units arranged on a single or multiple adjoining lots.

Section 4.120.05 Accessory Uses

Accessory uses customarily incidental to a Site Plan Review development shall be subject to review as an amendment of the Site Plan Review, and accessory uses customarily incidental to a Special Permit development shall be subject to review as an amendment to the Special Permit.

Section 4.120.06 Area Regulations

a) Minimum frontage: 50 feet

b) Maximum density: The maximum number of dwelling units permitted in an affordable housing development shall be 17 bedrooms per acre excluding inland and tidal wetlands and watercourses, special flood hazard areas as defined in Section 5.09 of these Regulations, and areas of steep slopes greater than twenty-five percent (25%).

c) Grouping: In no case shall the number of units per building exceed four (4). The shortest distance between any two structures shall not be less than 24 feet. The Commission may waive the separation requirement if design of the proposed development is benefited by closer spacing.

d) Minimum yard requirements, maximum coverage and maximum height for the underlying zoning district shall apply unless otherwise approved by the Zoning Commission. In granting reductions in these bulk requirements of the underlying zone, the Commission may consider: (1) buffering between buildings or between buildings and property lines provided by natural changes in topography, existing forest areas to remain, proposed landscaping, and other measures to assure privacy for the dwelling units; (2) clustering of buildings on portions of the site that will have a lesser impact on natural or coastal resources or that will preserve portions of the site that merit preservation for their habitat, scenic, historic, or other values or resources; (3) the design features of the buildings that reduce their perception of mass, or reflect traditional New England architecture, or that encourage groundwater recharge and low impact development.

e) Setback from Tidal Wetlands: No building, structure, paved parking areas or septic systems shall be erected or placed within 50 feet of any tidal wetlands.

f) Buffers: A suitably landscaped buffer, solid fencing or a combination of planting and fencing shall be provided along the property line where any Housing Opportunity District abuts any other property line. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier.

Section 4.120.07 Application Procedure

Applications to re-zone property meeting the above criteria shall be accompanied by either a Site Plan or Special Permit application as provided in Sections 4.120.03 and 4.120.04. In addition, an Affordability Plan shall be submitted. The Plan shall include at a minimum:

a) Designation of the person, entity or agency that will be responsible, for the duration of any affordability restrictions, for the administration of the affordability plan and its compliance with the applicable income limits and sale price or rental restrictions for the Town of Westbrook.

b) An affirmative fair housing marketing plan governing the sale or rental of all dwelling units.

c) A sample calculation of the maximum sales prices or rents of the intended affordable dwelling units.

d) A description of the projected sequence in which, within a set-aside development, the affordable dwelling units will be built and offered for occupancy and the general location of such units within the proposed development;

e) Draft deeds, restrictive covenants or lease provisions that will govern the affordable dwelling units.

Section 4.120.08 Administration and Enforcement

a) The name, contact information and qualifications of the person, entity or agency designated as the Administrator of the Affordability Plan shall be provided with the application, and the availability of the Administrator shall be confirmed with the Zoning Official prior to issuance of a Certificate of Zoning Compliance and kept current for the duration of the restrictions and covenants. The Administrator shall submit a report on an annual basis to the Zoning Official demonstrating compliance with the Affordability Plan, Deed Restrictions and these regulations. The Commission may require, as a condition of approval, the use of a different Administrator than proposed by the Applicant or may condition the approval on performance standards and monitoring requirements for the Administrator.

b) Upon notification or discovery of a reasonable belief of non-compliance with the Affordability Plan or the Deed Restrictions, either the Administrator or the Zoning Official, shall have the power, at any reasonable time, to inspect the property and to review the records of the Administrator in order to determine compliance of the Attainable Units with the Affordability Plan. Should the Administrator or the Zoning Official determine that the sale, rental, or occupancy of any unit does not comply with the Plan, it shall have all powers granted to it by the Connecticut General Statutes, including 8-12, and under the Deed Restrictions, to assure compliance.

Section 4.120.09 Phased Development

The applicant may request an approval of the development to be completed in stages. The minimum amount of land to be included within any single stage of development shall be three (3) acres. Each stage shall be capable of independent existence without the completion of succeeding stages, and shall contain a proportionate share of any required open space, and the construction of any recreation facilities or other amenities, even if said facilities are located in another phase of the development. Buffer requirements shall not apply to the common line between stages of development. Each phase shall contain the required percentage of affordable units.

INCENTIVE HOUSING ZONE (IHZ) [Effective 4-19-13]

SECTION 4.130.00 GENERAL DESCRIPTION AND PURPOSE

An overlay zone meeting the requirements of Connecticut General Statutes §8-13n to §8-13x designed to encourage compact housing in existing residential, commercial and mixed use districts that have the transportation connections, nearby access to amenities and services, infrastructure and on-site septic capacity necessary to support higher density residential development than would be allowed in the underlying district. Except as modified in this Section, the provisions of the underlying district shall govern.

Section 4.130.01 Location Criteria

Only land within the Rural Residential (RR), Medium Density Residential (MDR), Low Density Residential (LDR), Neighborhood Commercial (NCD), Commercial Town Center (CTC) or Turnpike Interchange (TIC-65) Districts served by public water shall be considered for an IHZ. Lands within the Floodplain Management Area as defined in Section 5.00.00 of these Regulations shall be excluded. Land zoned for IHZ shall be consistent with the State and local Plans of Conservation and Development, as amended from time to time, and meet at least one of the following criteria:

a) An area within 1 mile of a public transit facility or with available bus service.
b) An area of already concentrated development such as the Town Center or Flat Rock Place.
c) An area that, because of existing, planned or proposed infrastructure, transportation access or underutilized facilities or location, is suitable for development as an IHZ.

Land zoned as an IHZ need not be contiguous if part of a single integrated plan. Parcels within an integrated plan may not be separated by more than 1500 feet.

Section 4.130.02 Subzones

The Commission may designate subzones within an overall IHZ in which different types of uses may be permitted, as in the case of a mixed-use incentive housing development. Subzones may overlay each other as well as the underlying district. Within any IHZ, there may be any or all of five (5) subzones, designated as: Single Family - SF Subzone, Duplex - D Subzone, Townhouse - TH Subzone, Multi-Family - MF Subzone or Mixed-Use - MU Subzone.

Section 4.130.03 Approval of IHZ or Subzones

In approving each subzone, or any IHZ as a whole, the Commission shall find that any application for an incentive housing zone or subzone complies with the provisions of this Section. In establishing a subzone, the Commission shall have the discretion to exclude one or more uses that would otherwise be permitted in an incentive housing development in that subzone, including uses permitted in the underlying district, which exclusions, if any, shall be stated in the resolution creating or amending the subzone and shall become part of the text describing the incentive housing zone.

a) The applicant for an IHZ shall pay for the cost of review fees in accordance with the Westbrook Code of Ordinances Chapter 9.

b) Design Standards: Incentive housing developments shall be designed in accordance with the General Design Requirements in Section 6.20.00. In adopting the design criteria of Article VI the Commission has considered design standards that (1) ensure that development is complementary to adjacent neighboring buildings or structures and consistent with the housing plan provided for in Connecticut General Statutes §8-13p, (2) address the scale or proportions of buildings; site coverage; alignment, width or grade of streets or sidewalks; type or location of infrastructure; location of building or garage entrances; off-street parking; protection of significant natural site features; location and design of open spaces; signage; and setbacks and buffering from adjacent properties, etc. provided that the applications of such standards will not unreasonably impair the economic or physical feasibility of constructing housing at the minimum densities and with the required incentive housing restriction set forth in this Section; and (3) do not unreasonably impair the economic or physical feasibility of constructing housing at the minimum densities and with the required incentive housing restriction set forth in Connecticut General Statutes sections 8-13m through 8-13x.

c) Conditions of Approval: The Commission may waive any design standards that would unreasonably impair the economic or physical feasibility of constructing dwellings at minimum densities or with required incentive housing restrictions set forth in this Section.

The Commission shall approve an IHZ subject only to conditions necessary to (1) ensure substantial compliance of any proposed development with the requirements of this Section, the design standards of these regulations and, if applicable, the subdivision regulations; or (2) mitigate any extraordinary adverse impacts on nearby properties or the environment by means of conditions acceptable to the applicant.

Section 4.130.04 Approved IHZ's:

The IHZ's adopted to date are located as shown on the Westbrook Zoning Map and described as follows:

Old Clinton Rd. - Parcel IDs 175/061 & 062– 3.25 acres (underlying district-RR)

Section 4.130.05 Uses Subject to Site Plan Review:

Prior to the approval of any application for Certificate of Zoning Compliance for any incentive housing development that includes any principal or accessory use permitted under this Section, a Site Plan application shall be submitted to and approved by the Zoning Commission in accordance with Article VI and the requirements of this Section. The Zoning Commission shall conduct a public hearing in connection with all applications for Site Plan approval of an incentive housing development. The applicant shall meet the notification requirements for a public hearing as stipulated in Section 6.00.03. The following uses are permitted in an IHZ in addition to any principal or accessory uses as permitted in the underlying district and subject to the requirements and approval procedures as may be applicable to the uses:

a) Single-Family (SF) Subzone – single family dwelling for one (1) family

b) Duplex (D) Subzone – Duplex

c) Townhouse (TH) Subzone – Townhouse dwelling

d) Multi-Family (MF) Subzone – Multifamily dwelling

e) Accessory uses customarily incidental to the above permitted uses

f) Conservation Subdivisions, in accordance with Section 9.12.00, containing housing in accordance with this Section 4.130.00.

Section 4.130.06 Mixed Use Developments:

For any incentive housing development in a mixed-use subzone, the Commission may allow the inclusion of uses otherwise permitted by Site Plan or Special Permit in the underlying district provided that the minimum residential densities are met for the total incentive housing development.

Bulk requirements for non-residential uses in an incentive housing development shall be in accordance with the requirements of the underlying district, unless modified by the Commission to achieve a harmonious mixed use site plan.

Mixed-Use subzones shall only be permitted in the NCD, CTC and TIC-65 Districts. Any non-residential uses shall be approved in accordance with the requirements of the underlying district.

Section 4.130.07 Minimum Density Requirements:

a) The required densities below shall be calculated based on "developable land" meaning the area within the boundaries of a proposed incentive housing zone that feasibly can be developed into residential or mixed uses consistent with the provisions of Connecticut General Statute §8-13n to §8-13x, inclusive. "Developable Land" shall not include: (1) Land already committed to a public use or purpose, whether publicly or privately owned; (2) existing parks, recreation areas and open space that is dedicated to the public or subject to a recorded conservation easement; (3) land otherwise subject to an enforceable restriction on or prohibition of development; (4) wetlands or watercourses as defined in chapter 440 of the Connecticut General Statutes; and (5) areas exceeding one-half or more acres of contiguous land that are unsuitable for development due to topographic features, such as slopes over 15%; (6) 100-year and 500-year flood zones; (7) existing or proposed roadways, drainage easements, common driveways, or other common areas; (8) land within fifty (50') feet to an active railroad line;(9) land within fifty (50') of a tidal wetland (10) land required to maintain a 15' buffer to another district.

Single Family	6 units/acre
Duplex or Townhouse	10 units/acre
Multi-Family	20 units/acre

b) In no event shall the density of any incentive housing development be less than 1.25 times the density of the underlying residential or mixed-use district;

c) Notwithstanding the above, the required density for an incentive housing development proposed by a public agency or non-profit organization where 100% of the proposed residential units will be subject to an incentive housing restriction, may be reduced subject to the granting of a waiver by the Secretary of the Office of Policy & Management in accordance with Connecticut General Statute §8-13n(b)(3).

d) Where an incentive housing development contains a mix of the above dwelling types, the land occupied by non-residential uses shall be included in the residential density calculation. The residential densities are calculated by apportioning the total acreage of the incentive housing development in the same proportion that each type of housing bears to the total number of dwelling units.

e) For any incentive housing development to be developed in phases, each phase shall comply with the minimum residential densities and the incentive housing restrictions set forth in this section.

Section 4.130.08 Area Requirements

a) Frontage: minimum 50 ft.

b) Grouping: In no case shall the number of Townhouse units in a single building exceed four (4). The total number of Multi-Family units in a single building shall not exceed eight (8). The shortest distance between any two structures shall not be less than 24 feet unless the Commission determines that the design of the proposed development is benefited by closer spacing.

c) Minimum yard requirements, maximum coverage and maximum height for the underlying zoning district shall apply unless otherwise approved by the Zoning Commission. In granting reductions in these bulk requirements of the underlying zone, the Commission may consider: (1) buffering between buildings or between buildings and property lines provided by natural changes in topography, existing forest areas to remain, proposed landscaping, and other measures to assure privacy for the dwelling units; (2) clustering of buildings on portions of the site that will have a lesser impact on natural or coastal resources or that will preserve portions of the site that merit preservation for their habitat, scenic, historic, or other values or resources; (3) the design features of the buildings that reduce their perception of mass, or create privacy between units, or reflect traditional New England architecture, or that encourage groundwater recharge and low impact development.

d) Setback from Tidal Wetlands: No building, structure, paved parking areas or septic systems shall be erected or placed within 50 feet of any tidal wetlands.

e) Setback from Railroad: No building, structure or paved parking area shall be located within 50 feet of the center line of a railroad track.

f) Buffers: A suitably landscaped buffer at least 15 feet in width, solid fencing or a combination of planting and fencing shall be provided along the property line where any Incentive Housing Zone abuts any other property line. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier.

Section 4.130.09 Open Space

Land for parks, playgrounds, recreation areas or open spaces shall be provided and reserved in each incentive housing development as deemed appropriate by the Commission in accordance with the Open Space Criteria established in Section 9.12.05 of these Regulations.

a) In determining the need for the reservation of open space, the Commission will be guided by, but not limited to, a standard of ten percent (10%) of the land area of the incentive housing development. The Commission may determine that a lesser area is sufficient to satisfy the need for such open space within the incentive housing development or that such reservation is not feasible because:

   1. adequate existing parks, playgrounds, recreation areas or open space areas are available in the neighborhood; or

   2. there is no land in the incentive housing development suitable for such reservation.

b) The Commission shall determine the most appropriate method of disposition of the open space after considering the relationship of the subject area(s) and its specific characteristics to the Plan of Conservation and Development, the recommendation of the Conservation Commission, the desirability and suitability of public access and use, and the scope of the incentive housing development. The following disposition options may be utilized:

   1. Deeded to the Town, State, U.S. Fish and Wildlife Service, Westbrook Land Conservation Trust or a homeowner's association.
   2. Held in corporate ownership by owners of lots within the development.
   3. Perpetual Easement.
   4. Any combination of the above or any suitable alternative approved by the Commission.

c) Regardless of the method employed, the instrument of the open space conveyance must include provisions suitable to the Commission and its Legal Counsel for guaranteeing the following:

   1. Continuity of proper maintenance for those portions of the common open space land requiring maintenance.
   2. When appropriate, availability of funds required for such maintenance; and
   3. Recovery of loss sustained by casualty, condemnation or otherwise.

d) Title to the open space land shall be unencumbered and shall be transferred at a time approved by the Commission.

e) Land reserved for open space shall not be used for the storage of equipment or the deposit of debris and shall not be altered except in accordance with an approved plan or as outlined in a conservation restriction. Any physical improvements to open space areas approved as part of the incentive housing development shall be completed prior to issuance of a certificate of zoning compliance unless secured through submission of a performance bond in the amount of the estimated cost of the improvement(s).

Section 4.130.10 Incentive Housing Restriction

At least twenty percent (20%) of the dwelling units in an incentive housing development shall be rented or conveyed subject to an incentive housing restriction requiring that, for at least thirty (30) years after the initial occupancy of the development, the dwelling units will be sold or rented at, or below, prices that will preserve the units as housing for which persons earning

less than or equal to eighty percent (80%) of the median income pay thirty percent (30%) or less of their annual income. In determining compliance with this paragraph, the Commission will utilize regulations or guidelines published by the Office of Policy and Management, or any other successor agency designated in accordance with Connecticut General Statutes §8-13m. to §8-13x.

Section 4.130.11 Submission of an Affordability Plan

Each applicant for an incentive housing development shall submit an affordability plan that will detail the administration, monitoring and enforcement of the requirement for dwelling units to be sold or rented at below-market rates as described above. The plan shall include proposed deed restrictions or covenants, lease agreements, common interest ownership documents, bylaws, rules and regulations, sample income calculations, and any other information as the Commission may require to establish compliance with this Section and Connecticut General Statutes §8-13m to §8-13x.

Section 4.130.12 Designation of Administering Agency

The applicant shall indicate the name, address and other contact information for the agency that will administer the sale or rental of dwelling units that are subject to the below-market sale or rental in accordance with this Section. The availability of the Administrator shall be confirmed with the Zoning Official prior to issuance of a Certificate of Zoning Compliance and kept current for the duration of the restrictions and covenants. The Administrator shall submit a report on an annual basis to the Zoning Official demonstrating compliance with the Affordability Plan, Deed Restrictions and these regulations. The Commission may require, as a condition of approval, the use of a different Administrator than proposed by the Applicant or may condition the approval on performance standards and monitoring requirements for the Administrator.

Section 4.130.13 Enforcement

Upon notification or discovery of a reasonable belief of non-compliance with the Affordability Plan or the Deed Restrictions, either the Administrator or the Zoning Official, shall have the power, at any reasonable time, to inspect the property and to review the records of the Administrator in order to determine compliance of the IHD units with the Affordability Plan. Should the Administrator or the Zoning Official determine that the sale, rental, or occupancy of any unit does not comply with the Plan, it shall have all powers granted to it by the Connecticut General Statutes, including 8-12, and under the Deed Restrictions, to assure compliance.

Section 4.130.14 Method of Ownership

Dwelling units may be offered for sale or for rental in individual, public, cooperative or condominium ownership. Documentation as to management, organization and incorporation of applicable ownership associations shall be submitted to the Commission at the time of filing of the application for incentive housing development.

5. ARTICLE V – SPECIAL DISTRICTS

SECTION 5.00.00 FLOOD PLAIN MANAGEMENT AREA [EFFECTIVE 3-1-05, 11-15-11, 2-6-13, 7-30-14]

SECTION 5.01.00 STATUTORY AUTHORIZATION

The Legislature of the State of Connecticut has in Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Zoning Commission of the Town of Westbrook, Connecticut, does hereby adopt this Section 5.00.00 and the Floodplain Management Area.

SECTION 5.02.00 FINDING OF FACT

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

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

The Town of Westbrook has voluntarily participated in the National Flood Insurance Program (NFIP) since December 1, 1982. The NFIP is founded on a mutual agreement between the federal government and each participating community. Local, state and federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. The community's role is of paramount importance. Property owners are able to receive federally-subsidized flood insurance only if the community enacts and enforces the minimum floodplain regulations required for participation in the NFIP.

SECTION 5.03.00 STATEMENT OF PURPOSE

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

Section 5.03.01 To protect human life and health;

Section 5.03.02 To minimize expenditure of public funds for costly flood control projects;

Section 5.03.03 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

Section 5.03.04 To minimize prolonged business interruptions and other economic disruptions;

Section 5.03.05 To minimize damage to public facilities, infrastructure and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges, located in the floodplain;

Section 5.03.06 To help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize flood damage;

Section 5.03.07 To insure that potential buyers are notified that property is in a flood hazard area;

Section 5.03.08 To prevent increases in flood heights that could further increase flood damage;

Section 5.03.09 To ensure that those who occupy the flood hazard areas assume responsibility for their actions; and

Section 5.03.10 To discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

Section 5.03.11 It is the further purpose of this Regulation to ensure the continued eligibility of owners of property in the Town of Westbrook for participation in the National Flood Insurance Program pursuant to the rules and regulations published in the Code of Federal Regulations.

SECTION 5.04.00 APPLICABILITY

This Regulation shall apply to all Special Flood Hazard Areas (SFHA) within the Town of Westbrook, Connecticut as set forth below:

Section 5.04.01 The Floodplain Management Area is herein established as an overlay zone. Within the Floodplain Management Area, the requirements of the underlying Zoning Districts continue to apply except as may be modified by the requirements of the overlay zone.

Section 5.04.02 The Floodplain Management Area shall consist of the Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Middlesex County Connecticut dated February 6, 2013 and accompanying Flood Insurance Rate Maps (FIRM), dated February 6, 2013 (Panels 09007C0317J, 09007C0336J, 09007C0337J, 09007C0338J, 09007C0339J, 09007C0341J, 09007C0341J and August 28, 2008 (09007C0310G, 09007C0326G, 09007C0328G, 09007C0329G, 09007C0333G), and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this Regulation. Since mapping is legally adopted by reference into this Regulation, it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. [Effective 2-6-13]

Section 5.04.03 The SFHA includes any area shown on the FIRM as Zones A, AE, Coastal AE and VE, including areas designated as a floodway on a FIRM. Zone VE is also identified as Coastal High Hazard Area. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Also included in the SFHA are areas of potential, demonstrable or historical flooding, including any area contiguous with, but outside the SFHA identified by FEMA, and where the land surface elevation is lower than the base flood elevation (BFE) as shown in the FIS, and where the area is not protected from flooding by a natural or man-made feature. The FIRM and FIS, as the same may be amended from time to time, are on file in the Land Use Office of the Town of Westbrook. [Effective 7-30-14]

SECTION 5.05.00 STRUCTURES ALREADY IN COMPLIANCE

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

SECTION 5.06.00 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 ordinance, regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 5.07.00 WARNING AND DISCLAIMER OF LIABILITY

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

SECTION 5.08.00 SEVERABILITY

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

SECTION 5.09.00 DEFINITIONS

Section 5.09.01 Base Flood

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

Section 5.09.02 Base Flood Elevation (BFE)

The elevation of the crest of the base flood (100 year flood). The height in relation to mean sea level (NAVD 1988) expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Section 5.09.03 Basement

Any area of the building having its floor subgrade (below ground level) on all sides, and which is not constructed in accordance with Section 5.16.01(b) of these Regulations.

Section 5.09.04 Below Grade Crawlspace

Any area of the building having its floor subgrade (below ground level) on all sides which is constructed in accordance with Section 5.16.01(b) of these Regulations. For the purposes of this regulation, crawlspaces constructed in accordance with Section 5.16.01(b) shall not be considered basements.

Section 5.09.05 Breakaway Wall

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Section 5.09.06 Building – see definition for "Structure".

Section 5.09.06a Coastal AE Zone

The area within the AE Zone with wave heights between 1.5 feet and 3.0 feet located landward of the Coastal High Hazard Area (VE Zone) extending to the line labeled the "Limit of Moderate Wave Action" (LiMWA) on the Flood Insurance Rate Map (FIRM). [Effective 7-30-14]

Section 5.09.07 Coastal High Hazard Area

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal High Hazard Areas are designated as Zones V, V1-30 and VE on a Flood Insurance Rate Map (FIRM).

Section 5.09.08 Cost

As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure as established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

Section 5.09.09 Development

Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Section 5.09.10 Elevated Building

A non-basement building which has the bottom of the lowest floor elevated to or above the base flood elevation (BFE)

Section 5.09.11 Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

Section 5.09.12 Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Section 5.09.13 Federal Emergency Management Agency (FEMA)

The federal agency that administers the National Flood Insurance Program (NFIP).

Section 5.09.14 Finished Living Space

As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

Section 5.09.15 Flood or Flooding

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

Section 5.09.16 Flood Insurance Rate Map (FIRM)

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

Section 5.09.17 Flood Insurance Study (FIS)

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

Section 5.09.18 Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot.

For the purposes of these regulations, the term “Regulatory Floodway” is synonymous in meaning with the term “Floodway”.

Section 5.09.19 Fully Enclosed Area

An area of a building, including a crawlspace, that is below the base flood elevation (BFE) and formed by a foundation and other exterior walls where the floor is at or above grade on at least one full wall. “Fully Enclosed Area” does not include a basement or below grade crawlspace as defined in these regulations.

Section 5.09.20 Functionally Dependent Use or Facility

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

Section 5.09.21 Historic Structure

Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Section 5.09.21a LiMWA (Limit of Moderate Wave Action) The landward limit of the 1.5 foot breaking wave within a Coastal AE Zone. These areas are bounded by a line labeled "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM). The LiMWA line delineates that portion of the Special Flood Hazard Area (SFHA) landward of a VE zone in which the principal sources of flooding are astronomical high tides, storm surges, or tsunamis, not riverine sources. These areas may be subject to wave effects, velocity flows, erosion, scour, or combinations of these forces. [Effective 7-30-14]

Section 5.09.22 Lowest Floor

The lowest floor of the lowest enclosed area (including basement). A below grade crawlspace or an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Section 5.16.00 of this Regulation.

Section 5.09.23 Manufactured Home

A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

Section 5.09.24 Manufactured Home Park or Subdivision

A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

Section 5.09.25 Market Value

As related to substantial improvement and substantial damage, the market value of the structure shall be the property's Total Appraised Value minus Land Value as determined by the Tax Assessor or be determined by an independent appraisal conducted by a professional appraiser prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

Section 5.09.26 Mean Sea Level (MSL)

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

Section 5.09.27 New Construction

Structures for which the "start of construction" commenced on or after December 1, 1982, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

Section 5.09.28 New Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, December 1, 1982, of the floodplain management regulation adopted by the community.

Section 5.09.29 Recreational Vehicle

A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Section 5.09.30 Sand Dunes

Accumulation of sand in mounds or ridges located landward of the beach face, usually arranged parallel to the shoreline, created by constructive waves, wind, and/or manmade restoration that tend to grow landward and/or seaward in response to windblown sand accumulation trapped by vegetation.

Section 5.09.31 Special Flood Hazard Area (SFHA)

The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, AE, Coastal AE, and the Coastal High Hazard Areas shown as Zone VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard. [Effective 7-30-14]

Section 5.09.32 Start of Construction

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, crawlspace, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Section 5.09.33 Structure

For purposes of this Section 5.00 only, "Structure" shall be defined as a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Section 5.09.34 Substantial Damage

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

Section 5.09.35 Substantial Improvement

Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Section 5.09.36 Variance

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

Section 5.09.37 Violation

Failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Section 5.09.38 Water Surface Elevation

The height, in relation to the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Flood Plain Zone Designations – The following zone designations are used on the Flood Insurance Rate Maps (310, 328, 329, 333, 336, 337, 338, 339, 341, 343):

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
AE	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
X	Shaded areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one (1) square mile; or areas

protected by levees from the base flood.

X Unshaded areas determined to be outside the 0.2% annual chance floodplain.

VE Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

SECTION 5.10.00 ESTABLISHMENT OF THE FLOODPLAIN MANAGEMENT SECTION OF THE ZONING PERMIT

The Floodplain Management section of the Zoning Permit must be completed in conformance with the provisions of this regulation and approved by the Zoning Enforcement Officer prior to the commencement of any development activities in the Floodplain Management Area. Permits issued under this Section shall be valid for the time period established in Section 6.60.00.

SECTION 5.11.00 APPLICATION REQUIREMENTS FOR DEVELOPMENT ACTIVITIES IN THE FLOODPLAIN OVERLAY ZONE

In addition to completing the Floodplain Management section of the Zoning Permit, applications involving development activities in the Floodplain Management Area shall include the following:

Section 5.11.01 Site Plan Prepared by a Connecticut Licensed Land Surveyor

Drawn to scale showing, at a minimum, the property lines and location of the parcel; the nature, location, dimensions, and elevations of the area in question; limit and extent of the 100-year floodplain and floodway boundary and base flood elevation(s); existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

Section 5.11.02 Completed FEMA Elevation Certificate Form

Based on construction drawings indicating Base Flood Elevation (BFE) for the site in question as determined in the FEMA Flood Insurance Study (FIS) or Flood Insurance Rate Map (FIRM) [*the FIS flood profiles provide more accurate BFE data than the FIRM*] or approximate zone elevation as determined by a professional Land Surveyor or professional engineer where the Base Flood Elevation has not been determined by FEMA; and elevation in relation to mean sea level of the proposed lowest floor, including basement, crawlspace, and enclosed area of all new construction, substantial improvements or repairs to structures that have sustained substantial damage.

Section 5.11.03 Completed Floodproofing Certificate (FEMA Form 81-65)

If applicable, indicating elevation in relation to mean sea level to which any non-residential new construction, substantial improvements or repair to structures that have sustained substantial damage will be dry flood-proofed;

Section 5.11.04 Supporting Documentation of Estimated Construction Costs

Market value of structure verifying that the proposed alterations to an existing structure meets or does not meet the criteria of the substantial improvement and/or substantial damage definition. If a development meets the definition of substantial improvement and/or substantial damage, the structure must be brought into compliance with all floodplain regulations as if it were new construction;

Section 5.11.05 Building Elevation Plans Prepared By a Registered Architect or Professional Engineer showing

whether the structure has a basement, crawlspace or enclosed area below the finished floor, detailed drawings of foundation openings and/or breakaway walls to allow passage of

floodwaters, structural anchoring, location of utilities and description of construction materials that will be used below base flood elevation. Plans shall contain a statement from the licensed professional preparing the plans certifying that "the design and methods of construction are in accordance with accepted standards of practice and with the provisions of the Floodplain Management Regulations of the Town of Westbrook".

Section 5.11.06 Hydrologic and Hydraulic Analysis Prepared By a Registered Professional Engineer

Demonstrating that any development in a designated Floodway shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge published by FEMA.

Section 5.11.07 Any additional information deemed necessary by the Zoning Enforcement Officer to determine compliance with these Regulations.

Section 5.11.08 An Application Review and Inspection Fee shall be included with each application as set by Town Ordinance.

SECTION 5.12.00 VERIFICATION UPON COMPLETION OF CONSTRUCTION

Upon completion of construction and prior to issuance of a Certificate of Zoning Compliance, the applicant shall provide an as-built survey (prepared by a Connecticut Licensed Surveyor as per Connecticut State Statutes) and FEMA Elevation Certificate or Non-residential Floodproofing Certificate based on Finished Construction demonstrating compliance with the approved plans and standards set forth in Section 5.00.00. Benchmarks are to be left on site until the Certificate of Zoning Compliance is issued.

SECTION 5.13.00 DUTIES AND RESPONSIBILITIES OF THE ZONING ENFORCEMENT OFFICER

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

Section 5.13.01 Review all permit applications to assure that the permit requirements of this Regulation have been satisfied.

Section 5.13.02 Obtain, record and maintain for public inspection all records pertaining to the provisions of this Regulation.

Section 5.13.03 Where interpretation is needed as to the exact location of boundaries of the special flood hazard area

For example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning Enforcement Officer shall make the necessary interpretation utilizing any data available to render a decision. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.21.00 of these Regulations.

Section 5.13.04 When base flood elevation data or floodway data have not been provided in accordance with Section 5.04.03 and 5.11.01

The Zoning Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this Regulation.

SECTION 5.14.00 GENERAL STANDARDS

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

Section 5.14.01 New construction, substantial improvements, and repair to structures that have sustained

substantial damage shall be constructed using methods and practices that minimize flood damage; shall be constructed with materials and utility equipment resistant to flood damage; shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

Section 5.14.02 Electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, other service facilities, or any machinery or utility equipment or connections

Servicing a structure shall be elevated to or above the base flood elevation (BFE) to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes.

Section 5.14.03 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

Section 5.14.04 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

Section 5.14.05 On-Site Waste Disposal Systems

Shall be located and constructed to avoid impairment to them or contamination from them during flooding.

Section 5.14.06 Above-Ground Storage Tanks (Oil, Propane, Etc.)

Which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

Section 5.14.07 If any portion of a structure lies within the Special Flood Hazard Area (SFHA)

The entire structure is considered to be located within the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks, porches, or other portions of a structure that extend into a more restrictive flood zone will require the entire structure to meet the standard of the more restrictive zone.

Section 5.14.08 If a structure lies within two or more flood zones

The construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure.

Section 5.14.09 Compensatory Storage

The water holding capacity of the floodplain, except those areas that are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless perpetual easements have been gained from adjacent property owners and approved by the Zoning Enforcement Officer; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally

equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

Section 5.14.10 Equal Conveyance

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

SECTION 5.15.00 STANDARDS FOR WATERCOURSES WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS, ADOPTED FLOODWAYS, AND/OR FLOOD MAPPING

Section 5.15.01 The Zoning Enforcement Officer shall require base flood elevation (BFE) data to be provided with any application for new construction, substantial improvement, repair to structures which have sustained substantial damage or other development in Zone A without a FEMA-published BFE (un-numbered A Zone). The Zoning Enforcement Officer shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, including data developed for subdivision proposals, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in un-numbered A Zones on the community's Flood Insurance Rate Map (FIRM) meet the standards in Section 5.11.00 and Sections 5.16.00 and 5.18.00. If no BFE can be determined, the lowest floor, including basement, must be elevated to two (2) feet above the highest adjacent grade next to the structure.

Section 5.15.02 When BFEs have been determined within Zone AE on the community's FIRM

But a regulatory floodway has not been designated, the Zoning Enforcement Officer must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.

Section 5.15.03 The Zoning Enforcement Officer may request floodway data of an applicant

For watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community.

SECTION 5.16.00 CONSTRUCTION STANDARDS IN SPECIAL FLOOD HAZARD AREAS (SFHA), ZONES A, AE AND COASTAL AE

Section 5.16.01 Residential Construction

(a) All new construction, substantial improvements, and repair to structures that have

sustained substantial damage which are residential structures shall have the bottom of the lowest floor, including basement, elevated above the base flood elevation (BFE) except as provided below:

(b) Below-grade crawlspaces that are below the BFE may be allowed in conformance with the following requirements:

1. The bottom of the floor joists and insulation shall be elevated above the BFE. All other portions of the building below the BFE shall be constructed with materials resistant to flood damage.

2. The interior grade of the crawlspace must not be more than two (2) feet below the lowest adjacent exterior grade (LAG).

3. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the bottom of lowest horizontal structural member must not exceed four (4) feet at any point.

4. The crawlspace must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. The bottom of each flood vent opening shall be no more than one (1) foot above the lowest adjacent exterior grade (LAG).

5. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace within a reasonable time after a flood event.

6. The velocity of floodwaters at the site should not exceed five (5) feet per second unless the foundation design has been reviewed and certified by a professional engineer.

7. NOTE: Buildings that have below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the lowest adjacent exterior grade (LAG).

(c) If the structure is located within the Coastal AE Zone, the bottom of the lowest floor, including basement shall be elevated a minimum one foot above the base flood elevation (BFE. Below grade crawlspaces shall be allowed in accordance with 5.16.01 (b) so long as the bottom of the floor joists and insulation is elevated at least one foot above BFE. [Effective 7-30-14]

Section 5.16.02 Non-Residential Construction

All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial or non-residential structures shall:

(a) Have the bottom of the lowest floor, including basement, elevated to a minimum of one (1) foot above the base flood elevation (BFE); or

(b) In lieu of being elevated, non-residential structures may be dry flood-proofed to one (1) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this section. Such certification shall be provided to the Zoning Enforcement Officer on the FEMA Floodproofing Certificate, Form 81-65.

Section 5.16.03 Fully Enclosed Areas Below the Base Flood Elevation of Elevated Buildings

All new construction, substantial improvements, or repair to structures that have sustained substantial damage, whether residential or non-residential, that include fully enclosed areas formed by a foundation and other exterior walls below the base flood elevation (BFE) of an elevated building shall be designed to preclude finished living space and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect, and meet the following minimum criteria listed in sections (a) through (g) below:

(a) Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. These hydraulic openings must be located on at least two different walls. Only the area (square footage) that lies below the BFE can be used in the calculation of net area of vents required. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;

(b) The bottom of all openings shall be no higher than one (1) foot above the finished grade adjacent to the outside of the foundation wall. At least one entire side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of any access openings. The foundation slab of a residential structure, including the slab of a crawlspace except as provided in Sect. 5.16.01(b), must be set equal to the outside finished grade on at least one side of the building;

(c) The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by a registered professional engineer subject to approval by the Zoning Enforcement Officer;

(d) The area below the BFE cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation or partitioned into separate rooms.

(e) All interior walls, floor, and ceiling materials located below the BFE shall be unfinished and resistant to flood damage.

(f) Utilities or service equipment located in this enclosed area, even if elevated above the BFE in the space, will subject the structure to increased flood insurance rates.

(g) A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections 5.16.03(a)–(f). A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened

do not meet the flood vent opening requirements in Section 5.16.03(a)-(c). In addition to the automatic entry of floodwaters, the areas of the garage below BFE must be constructed with flood resistant materials. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry flood-proofed as per the requirements of Section 5.16.02(b) and (c).

Section 5.16.04 Exemptions

Detached accessory structures less than 400 sq. ft. in gross floor area may be exempted from the full requirements of Sect. 5.16.01 - 5.16.03 subject to the following:

(a) The structure shall not be used for human habitation.

(b) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(c) The structure shall be firmly anchored to prevent flotation, which may result in damage to other structures.

(d) Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated to or above the BFE.

(e) There shall be no basement or below grade crawlspace.

SECTION 5.17.00 CONSTRUCTION STANDARDS IN COASTAL HIGH HAZARD AREAS, ZONE VE

Located within the Special Flood Hazard Areas (SFHA) are areas designated as Coastal High Hazard Areas (Zone VE). These areas have additional flood hazards associated with wave wash, erosion scour, and high wind. Therefore, the following provisions in addition to the General Standards shall apply:

Section 5.17.01 All new construction, substantial improvement and repair to structures that have sustained substantial damage shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-102 [Effective 2-6-13]

Section 5.17.02 All new construction, substantial improvement and repair to structures that have sustained substantial damage shall be elevated so that the bottom of the lowest horizontal structural member (excluding pilings and columns) is a minimum of one foot above the base flood elevation (BFE), with all space below the lowest horizontal supporting member open and free of obstruction so as not to impede the flow of water. [Effective 7-30-14]

Section 5.17.03 Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated to or above the BFE and cannot be located below the structure. Any service equipment that must be located below the BFE must be flood-proofed to prevent water from entering during conditions of flooding.

Section 5.17.04 All new construction, substantial improvement and repair to structures that have sustained substantial damage shall be securely anchored on pilings or columns.

Section 5.17.05 All pilings and columns and the attached structures shall be anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values required by applicable State or local building codes.

Section 5.17.06 A registered professional engineer or architect shall develop structural specifications and plans for the construction and shall certify that the design, specifications and plans for construction

are in accordance with acceptable standards and are in compliance with the provisions contained in 5.17.01 – 5.17.05.

Section 5.17.07 There shall be no fill used for structural support.

Limited non-compacted fill may be used around the perimeter of the building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction, prior to generating excessive loading forces, ramping effects, or wave deflection. The Zoning Enforcement Officer shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by a registered professional engineer, architect and/or soil scientist, which demonstrates that the following factors have been fully considered: (1) Particle composition of fill material does not have a tendency for excessive natural compaction; (2) Volume and distribution of fill will not cause wave deflection to adjacent properties; and (3) Slope of fill will not cause wave run-up or ramping.

Section 5.17.08 There shall be no alteration of sand dunes that would increase potential flood damage.

Section 5.17.09 Prior to construction, plans for any structures that will have breakaway walls, lattice work or screening must be submitted to the Zoning Enforcement Officer for approval.

Section 5.17.10 Non-supporting breakaway walls, lattice work or mesh screening shall be allowed below the base flood elevation provided it is not part of the structural support of the structure and is designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the structure on which it is to be used and provided the following design specifications are met: (1) Design safe loading resistance of each wall shall not be less than ten (10) pounds per square foot or more than twenty (20) pounds per square foot; or (2) If more than twenty (20) pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components prior to or during the collapse of such wall.

Section 5.17.11 If breakaway walls, lattice work or screening are utilized, the resulting enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.

Section 5.17.12 Any alteration, repair, reconstruction, or improvement to a structure shall not enclose the space below the lowest floor except with breakaway walls, lattice work, or screening as provided for in 5.17.09 and 5.17.10 of this section.

SECTION 5.18.00 MANUFACTURED (MOBILE) HOMES AND RECREATIONAL VEHICLES (RVS)

Section 5.18.01 In Special Flood Hazard Areas (SFHA) with Zones A and AE, any manufactured (mobile) home to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at or above the base flood elevation (BFE). Mobile homes located in the Coastal AE Zone shall be elevated a minimum of one foot above BFE. The manufactured home must also meet all the construction standards for Zones A and AE as per Section 5.16.00. This includes SFHAs outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood. [Effective 7-30-14]

Section 5.18.02 In Special Flood Hazard Areas (SFHA), Zone VE, any manufactured (mobile) home to be newly placed, undergoing a substantial improvement or repaired as a result of sustained substantial damage, shall be elevated so that the bottom of the lowest horizontal structural member is at or above the base flood elevation (BFE). The manufactured home must also meet all the construction standards for Zone VE as per Section 5.17.00. This includes SFHAs outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood.

Section 5.18.03 All manufactured (mobile) homes within SFHA shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

Section 5.18.04 All manufactured (mobile) homes within SFHA shall be installed using methods and practices that minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.

Section 5.18.05 Recreational vehicles placed on sites within Zones A and AE in the SFHA shall either be on the site for fewer than 180 consecutive days during any consecutive 360 day period of time, and be fully licensed and ready for highway use, or meet all the general standards of Section 5.14.00 and the elevation and anchoring requirement of Section 5.18.01, 5.18.03 and 5.18.04. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Section 5.18.06 Recreational vehicles placed on sites within Zone VE in the SFHA shall either be on the site for fewer than 180 consecutive days during any consecutive 360 day period of time, and be fully licensed and ready for highway use, or meet all the general standards of Section 5.14.00, the V Zone construction requirements of Section 5.17.00, and the elevation and anchoring requirement of Section 5.18.02, 5.18.03 and 5.18.04. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION 5.19.00 FLOODWAYS

Section 5.19.01 Located within Special Flood Hazard Areas (SFHA) are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge published by FEMA. Fences in the floodway must be aligned with the flow and be of an open design.

SECTION 5.20.00 DESIGN STANDARDS FOR SUBDIVISION PROPOSALS

If a proposed subdivision, including the placement of a manufactured home park or subdivision

is located in a Special Flood Hazard Area (SFHA) the following requirements shall apply:

Section 5.20.01 All subdivision proposals shall be consistent with the need to minimize flood damage;

Section 5.20.02 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

Section 5.20.03 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

Section 5.20.04 The Zoning Enforcement Officer shall require the applicant to provide BFE data for all subdivision proposals including manufactured home parks. In all special flood hazard areas where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a registered professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks.

SECTION 5.21.00 VARIANCES

The Zoning Board of Appeals, as established by the Town of Westbrook, shall hear and decide appeals and requests for variances from the requirements of this Regulation in accordance with the provisions of this Section 5.21.00.

Section 5.21.01 Specific Situation Variances

a) Buildings on a Historic Register Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally-adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.

b) Functionally Dependent Use or Facility Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meets all the requirements of Sections 5.21.02 and 5.21.03.

c) Floodway Prohibition Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section 5.21.02 Considerations for Granting of Variances

In reviewing such applications for variances, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Regulation and the items listed below:

a) The danger that materials may be swept onto lands causing injury to others;

b) The danger to life and property due to flooding or erosion damage;

c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d) The importance of the services provided by the proposed facility to the community;

e) The necessity of the facility to waterfront location, in the case of a functionally dependent facility;

f) The availability of alternative locations not subject to flooding or erosion damage for the proposed use;

g) The compatibility of the proposed use with existing and anticipated development;

h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i) The safe access to the property in times of flood for ordinary and emergency vehicles;

j) The heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

Section 5.21.03 Criteria For Variances

a) Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Variances pertain to a piece of property and are not personal in nature.

b) Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of nuisance, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations. Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-created circumstances are not sufficient cause for the granting of a variance.

c) No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements and other development necessary for the conduct of a "functionally dependent use" provided that there is good and sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damages.

d) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as $25 for $100 of insurance coverage.

e) The Zoning Enforcement Officer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) in its biennial report.

Section 5.21.04 Upon consideration of these factors and the purposes of this Regulation, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Regulation.

SECTION 5.22.00 WATER RESOURCE DISTRICT

Section 5.22.01 PURPOSE: The purpose of the Water Resource District is to protect the public health by preventing contamination of the ground and surface water resources providing public water supply for the Town of Westbrook.

SECTION 5.23.00 ESTABLISHMENT OF DISTRICTS:

Section 5.23.01 The Water Resource Districts are herein established as overlay Districts. The Water Resource Districts are as shown and laid out on the Zoning Map of the Town of Westbrook.

Section 5.23.02 Where the bounds of the Water Resource Districts are in doubt or dispute, as delineated on the Westbrook Zoning Map, the burden of proof shall be upon the owners of the land in question to show where they should be properly located.

Section 5.23.03 DEFINITIONS: The following definitions shall be applicable to Water Resource Districts:

Section 5.23.04 *Aquifer* means a geologic formation composed of rock or sand and gravel capable of yielding usable amounts of water.

Section 5.23.05 *Disposal* means the deposit, injection, dumping, spilling, leaking, incineration or placing of any hazardous material into or on any land or water so that such hazardous material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.

Section 5.23.06 *Ground Water* means all the water beneath the surface of the ground.

Section 5.23.07 *Hazardous Material* means any substance or combination of substances which, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of, into, or on any land or water in this Town. Any substances deemed a hazardous waste under Section 300l of the Resource Conservation and Recovery Act of l976, 40 Code of Federal Regulations Part 26l, shall also be deemed a hazardous material for purposes of this Regulation.

Section 5.23.08 *Induced Infiltration* means the process by which water in a stream or lake moves into an aquifer because of a hydraulic gradient from the surface water toward a pumping well or wells.

Section 5.23.09 *Impervious* means impenetrable by surface water.

Section 5.23.10 *Recharge Area* means any area of porous, permeable geologic deposits, especially, but not exclusively, deposits of stratified sand and gravel, through which water from any surface drains into an aquifer, and includes any wetland or body of surface water surrounded by or adjacent to any such area.

Section 5.23.11 *Secondary Recharge Area* means the watershed, to the boundaries of the topographical divide, of any recharge area.

Section 5.23.12 *Septage* means sludge produced by domestic waste that is pumped from septic tanks.

Section 5.23.13 *Solid Waste* means discharged solid materials, including, for example, garbage, scrap materials, junk, refuse, inert fill material, and landscape refuse.

Section 5.23.14 *Stratified Drift* means unconsolidated, sorted sediment composed of layers of sand, gravel, silt or clay deposited by meltwaters from glaciers.

Section 5.23.15 *Structure* means anything constructed or erected, except a boundary wall or fence, the use of which requires location on or attachment to the ground.

SECTION 5.24.00 USE REGULATIONS:

Section 5.24.01 Within the Water Resource Districts, the requirements of the underlying Zoning districts continue to apply, except that uses which are prohibited in the Water Resource District are indicated by an "N" in the schedules, and those which require a Special Permit, pursuant to Section 5.28.03 of these Regulations, are indicated by an "SP", even where the underlying Zoning district requirements are more permissive. Where there is no entry for a type of use in this schedule, the permitted uses in the underlying district controls.

SECTION 5.25.00 PRINCIPAL USES:

Section 5.25.01 Manufacture, use, storage, transport, or disposal of hazardous materials as a principle activity. N

Section 5.25.02 Sanitary landfill, septage lagoon, wastewater treatment facility for household, municipal or industrial wastes. N

Section 5.25.03 Road salt stockpile. N

Section 5.25.04 Junkyard, salvage yard, truck terminal with more than five (5) trucks. N

Section 5.25.05 Car wash, repair garage, auto body shop, and marine repairs. N

Section 5.25.06 Dry cleaners, photo processors, furniture strippers, and machine shops. N

SECTION 5.26.00 ACCESSORY USES:

Section 5.26.01 Underground storage of hazardous materials, fuel oil, gasoline. N

Section 5.26.02 Above ground storage of hazardous materials in quantities greater than associated with normal household use, other than fuel storage for residential heating purposes SP

Section 5.26.03 Any use generating hazardous wastes in quantities greater than associated with normal household uses. SP

SECTION 5.27.00 OTHER USES:

Section 5.27.01 Rendering impervious more than thirteen (13) % of the total lot area, regardless of size. SP

Section 5.27.02 Any use retaining less than thirty (30) % of lot area, regardless of size, in its natural vegetative state with no more than minor removal of existing trees and vegetation. SP

Section 5.27.03 Any use, having on-site aggregate disposal of domestic wastes greater than one thousand. SP

Section 5.27.04 Structures served by on-site sewage disposal systems with less than one (1) acre required minimum lot. SP

SECTION 5.28.00 SPECIAL PERMIT REQUIREMENTS:

Section 5.28.01 All Special Permit applications required in the Water Resource District shall provide the following:

a) A Site Plan in accordance with Article VI of these regulations, which shall also include the location of the proposed storage of items detailed in subsection (b).

b) A complete list of all chemicals, pesticides, fuels, or other potentially hazardous materials to be used or stored on the premises in quantities greater than associated with normal household use, accompanied by a description of the measures proposed to protect all

storage containers from vandalism, corrosion, and leakage, and to provide for control of spills.

c) A description of all potentially hazardous wastes to be generated, including provisions for storage and disposal methods as described in subsection (b) above.

d) For above ground storage of hazardous materials or wastes, evidence of qualified professional supervision of the design of such storage system and installation of such storage facilities or containers.

e) For run-off from impervious surfaces greater than 13% of total lot area, evidence that such run-off will be recharged on-site and diverted towards areas covered with vegetation for surface infiltration to the maximum extent possible. Dry wells shall be used only where other methods are unfeasible and shall be preceded by oil, grease, and sediment traps to facilitate removal of contaminates. The plan shall also include a maintenance schedule and identify the person responsible for the maintenance of the dry well.

f) For disposal on-site of domestic wastewater, with an aggregate estimated sewage flow of greater than one thousand five hundred (l,500) gallons per day, evidence of qualified professional supervision of design and installation, including a narrative assessment of nitrate, coliform, and hazardous material (if any) impact on groundwater quality.

g) Structures with on-site sewage disposal systems with less than one (1) acre lot size shall provide evidence as specified in (f) above.

Section 5.28.02 Referral of Special Permit Application

Upon receipt of a Special Permit application, the Commission shall transmit one (1) copy each to the Westbrook Planning Commission, the Westbrook Conservation Commission, the Town Sanitarian, and the Connecticut Water Company for their written recommendations.

Section 5.28.03 Special Permit Approval Criteria

Special Permits required under Sections 5.25.00, 5.26.00 or 5.27.00 shall be granted only if the Commission determines that groundwater quality resulting from on-site wastewater disposal or other operations on-site shall not be reduced below Federal or State standards or action levels for drinking water, or, if existing groundwater quality is already below those standards, on-site disposal or operations shall result in no further deterioration. In making such determination, the Commission shall give consideration to the recommendations of the other Town agencies to which the application was referred and to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to groundwater quality which would result if the control measures failed. The Commission shall explain any departures from the recommendations of the other Town agencies in its decision.

SECTION 5.29.00 NONCONFORMING USES

Section 5.29.01 Legally existing nonconforming uses and structures shall be governed as per the provisions of Section 2.10.00 of these Regulations. (Except as prohibited, see Section 11.50.00 Protection of Surface and Ground Water.)

SECTION 5.30.00 ENFORCEMENT

Each Zoning Compliance Permit shall authorize, as a condition of approval, the Zoning Enforcement Official or designated agents to make regular inspections of the subject property. The Zoning Enforcement Official or designated agents are also authorized to inspect any property in a Special Flood Hazard Area (SFHA) where it appears that violations of these regulations may be taking place.

If the Zoning Enforcement Official finds that any person is undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which in violation of these regulations, the Zoning Enforcement Official shall:

Section 5.30.01 Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the prohibited activity cease and ordering the property owner to either seek to obtain a Zoning Compliance Permit prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the Special Flood Hazard Area (SFHA) immediately.

Section 5.30.02 Notify the Zoning Commission/Zoning Enforcement Official and request that any Zoning Compliance permit(s) in force be revoked or suspended and that a stop work order be issued.

Section 5.30.03 The Zoning Official may suspend or revoke a Zoning Compliance Permit if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application, including application plans. Prior to revoking any permit, the Zoning Enforcement Official shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct, which warrants the intended action.

Section 5.30.04 Failure to comply with any written order issued under this section shall be considered a violation of these regulations and is subject to the penalties described in Section 12.10.00.

Section 5.30.05 In the event violations or obstructions are not promptly removed from the Special Flood Hazard Area (SFHA), the Zoning Enforcement Official may cause such removal and remediation work to be performed utilizing bond money held in escrow pursuant to Section 12.10.00 of this regulation, or may direct the Director of Public Works to cause such work to be done and to place a lien against the property.

Section 5.30.06 Any person subject to enforcement action pursuant to this regulation may appeal any requirement, decision, or determination of the Zoning Enforcement Official to the Zoning Board of Appeals, in accordance with Section 12.20.00 of this regulation. Such person shall provide such information as necessary including appropriate certifications from a licensed professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the Zoning Enforcement Official was in error or unwarranted.

Section 5.30.07 Nothing contained herein shall prevent the owner of a residential dwelling, commercial or industrial building existing at the time of the adoption of this regulation from repairing, replacing or restoring said building or the components thereof to substantially the same character and form as existed at the time of such adoption.

6. ARTICLE VI – SITE PLAN REVIEW

SECTION 6.00.00 SITE PLAN REVIEW

Section 6.00.01 Purpose

Each use for which a Site Plan Review is required is a significant addition to a developing or developed area of the Town, and to a residential, commercial or industrial neighborhood. It is intended that the Site Plan for each use be prepared with due consideration for (a) the purpose and intent of these Regulations; (b) coordination with and improvement of systems of vehicular and pedestrian access, stormwater management, water supply and sewage disposal; (c) enhancement of the built environment and property values, (d) protection of natural resources; and (e) protection of the public health, safety and welfare.

Section 6.00.02 Applicability

No building or structure, and no parking lot, sign or outdoor use of land, except those designated as a Permitted Use in a District, shall be established, used, constructed, enlarged, modified or moved until a Site Plan meeting the requirements of this Section has been submitted and approved by the Zoning Commission. [Effective 12-22-99]

Section 6.00.03 Public Hearing

The Commission, at its sole discretion, may conduct a Public Hearing on any application for Site Plan Approval. [Effective 12-22-99]

a) Each application for a site plan for which the commission has determined a Public Hearing shall be held shall include a list, prepared by the applicant, of the names and addresses of the owners of property within two hundred (200) feet of the subject property as shown on the most recent records on file in the Town of Westbrook's Tax Assessor's office. In addition, if a property is located in a beach/land owner association, the name and address of the president shall be included in this list. The applicant shall mail notification of said pending application to a least one (1) owner of each of the properties not more than fifteen (15) days nor less than ten (10) days before the date set for the public hearing. The text of said notice shall be the public hearing notice provided by the Zoning Commission.

b) Evidence of such mailing, in the form of U. S. Post Office Certificate of Mailing, shall be submitted to the Zoning Enforcement Officer along with the above list of property owners, not less than five (5) days prior to the public hearing date. Failure to comply with any of the procedures required herein shall be deemed a valid basis for denial of a site plan request. [Effective 8-7-02, Amended 6-14-12]

Section 6.00.04 Notification to Water Company

In accordance with C.G.S. 8-3i, in any Site Plan Review or Special Permit application for any property which is within the watershed of a water company, as defined in C.G.S. 16-1, the applicant shall provide written notice of the application to the water company and to the Commissioner of the Department of Public Health, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.

Section 6.00.05 Informal Discussion

Any proponent of a use permitted by Site Plan Review may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for Site Plan Review. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for Site Plan Review.

SECTION 6.10.00 APPLICATION REQUIREMENTS

Section 6.10.01 Each application for Site Plan Review shall consist of the following.

Specific requirements may be waived by the Commission if, in its sole discretion, it finds that the particular information is not required or may be deferred. In addition to the paper copies to be submitted as indicated below, electronic copies of all maps, plans, surveys, drawings, reports and similar documents shall also be provided. Such copies shall be submitted as pdf (Portable Document Format) files on CD or DVD media unless the Commission or its agent agrees to a different electronic format or medium.

a) Application Form and Fee. The completed Site Plan Review application form as adopted by the Zoning Commission, and the payment of the application fee as provided by Town Ordinance. (12 copies)

b) Statement of Use. A written statement, signed by the applicant, and by the owner if different from the applicant, describing the following in sufficient detail to determine compliance with these Regulations and to establish the nature and extent of site occupancy as proposed; (12 copies)

   1. a detailed narrative description as to the nature and extent of the proposed use or occupancy including square footage of proposed buildings and additions, number of units, and hours of operation.

   2. provisions to be made for water supply and sewage disposal

   3. disclosure of any toxic or hazardous materials to be used, stored or processed in connection with the proposed use or occupancy as identified in the U.S. Environmental Protection Agency list of priority pollutants, Section 3001 of the Resource Conservation and Recovery Act (40 CFR Part 261) of the State of Connecticut Hazardous Waste Regulations, which disclosure shall include a description of how such materials are to be managed and a report on the status of permits and approvals required from Federal, State and Town agencies having jurisdiction.

   4. a list of any other Federal, State, and other local agencies which have responsibility for approval of, or granting of, permits for the proposed use and site development, and identification of the current status of such approvals and/or permits.

c) Site Plans. Plans shall be prepared in accordance with the following specifications and showing the information hereinafter required; Four (4) 24" x 36" sets of plans and twelve (12) 11" x 17" sets of plans shall be included with each application.

1. Preparation. The site plan shall be clearly and legibly drawn. The site plan shall be prepared by and shall bear the name, signature, and seal of a land surveyor, professional engineer, architect and/or landscape architect, each as required by law for preparation of parts of the site plan and licensed to practice in the State of Connecticut. The seal shall be impressed on all copies of the site plan presented for approval. The title block of individual site plan sheets and orientation of north arrows shall, to the extent practicable, be consistent from one sheet to the other.

2. Size and Scale. The site plan shall be drawn to a scale of not less than 1" = 40' or such greater scale as may be necessary to show the site development features clearly and in detail. The parts of the site plan that are intended for approval and will be required to be endorsed and filed in the office of the Town Clerk shall be prepared on sheet sizes 36"x 24", 24"x18", or 18"x12", and shall be printed on material acceptable for such filing.

3. Information on Plans. The information listed below is required to be shown on the site plan to the extent that the information occurs on or is applicable to the particular site or is required to demonstrate compliance with these regulations.

   a. title of development.

   b. name and address of applicant and owner.

   c. site address and Assessor Map(s) and Lot Number(s).

   d. north arrow, numerical and graphic scale.

   e. legend.

   f. date of plan and revision dates with each revision identified.

   g. location map showing streets, property lines and zoning district boundary lines in and within 500 feet of the site.

   h. index map if the proposed site development is divided into sections or phases or is of such size that more than one sheet for each plan element is provided.

   i. zoning compliance chart specifying the lot area; frontage; yard requirements; building coverage; floor area ratio; height; area of land designated as tidal or inland wetland, watercourses, bodies of water or land below mean high water; and number of off-street parking and loading spaces provided, as compared to the area regulations for the district and the requirements of Section 10.00.00 and including calculations utilized to determine the parking and loading requirements.

   j. property boundaries and existing conditions on the lot(s) based on a survey meeting or exceeding a "Class A-2" type survey as defined in the Regulations of State Agencies adopted pursuant to Conn. Gen. Stats. 20-00b, as amended with names of all abutting property owners.

   k. location, width and purpose of all existing and proposed easements and other encumbrance lines.

   l. existing and proposed grading contours at an interval not exceeding two (2) feet, or equivalent ground elevations, based on Mean Sea Level, including identification of a bench mark at the site [formerly 6.30.02 c)].

m. location of all wetlands, watercourses, rock outcrops, wooded areas, coastal jurisdiction line, the mean high water mark, floodway and flood hazard area boundaries, and other significant physical features including significant archeological sites as identified by the State of Connecticut Archeologist

n. building lines based on minimum yard requirements

o. U.S.D.A. Natural Resource Conservation Service soil type boundaries and classifications

p. limits of clearing

q. location of existing and proposed buildings, structures, outside storage areas and uses. Where located in a flood hazard area, specific FEMA-designated flood zone boundaries, base flood elevation and floor elevation as specified in Section 5.06.00 shall be shown

r. location and dimensions of existing and proposed parking, loading, access aisles, circulation driveways, sidewalks and other pedestrian ways, fire access lanes and traffic management signs

s. proposed off-site roadway improvement and traffic management facilities

t. location, size, height, color, character and illumination of project signs

u. electric, gas, telephone and cable television lines (underground and above ground)

v. facilities for subsurface sewage disposal systems

w. well locations and facilities for water supply and fire protection

x. underground storage for fuel or other liquids and fill facilities and connecting lines

y. solid waste storage facilities

z. signature block for approval by the Zoning Commission with line for signature by the Zoning Commission Chairman, date of signing, and expiration date expressed as follows: "The statutory five-year period for completion of all physical improvements expires on_____, 20 .

d) Landscape Plan. Landscape plans of proposed landscaping showing location, arrangement, type and size of planting for all landscaped areas, buffers and screening as required by these regulations and any ornamental paved areas, plazas and courts. Plans shall include a schedule of new plant materials to be used by botanical and common name, size and spacing, and size at maturity. Methods of planting shall be specified. Plans shall be prepared in accordance with 6.10.01c).

e) Architectural Plan. Architectural plans of all proposed buildings and structures drawn to scale, which plans may be preliminary in form but shall include exterior elevation drawings, floor plans and perspective drawings in sufficient detail to indicate the exterior building materials, color, height, bulk, stories, roof line, ornamentation and general character, the interior uses of the floor area, and special exterior features, such as building mounted signs, drive-in windows, building or roof lighting, roof drainage/gutters, and outside mechanical equipment. Plans shall be prepared in accordance with 6.10.01c).

f) Lighting Plan prepared in accordance with the requirements of Section 8.22.00

g) Soil Erosion and Sedimentation Control Plan prepared in accordance with Section 11.40.00, which plan may be combined with the site plan submitted under 6.10.01c)

h) Stormwater Management Plan prepared in accordance with the requirements of Section 11.70.00

i) Sanitary Waste Disposal Plan. A separate plan showing the proposed on-site sewage disposal system designed in accordance with the Connecticut Public Health Code, standards of the Connecticut Department of Energy and Environmental Protection, and the Westbrook Town Ordinance concerning Regulation of On-Site Sewage Disposal Systems (Sewer Avoidance Ordinance) shall be provided including location and results of percolation tests and deep test pits. A preliminary report from the approving agency may be requested if any potential conflicts with other elements of the plan under jurisdiction of the Zoning Commission are identified in the course of review. If the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes Section 7-245, a report from the Westbrook Water Pollution Control Commission indicating that all requirements of Connecticut General Statutes Section 7-246f have been satisfied shall be provided.

j) Water Supply; Certificate for Community Wells. The location and design of the proposed water supply systems shall be provided, including design calculations, materials specification, hydrostatic testing procedures, and flow testing procedures. Where connection to public water is proposed, a letter from the CT Water Company confirming that service is available and adequate to serve the proposed use shall be provided. In accordance with Section 8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any development providing water by means of a "water company" as that term is defined in CGS Section26-262m(a), shall provide to the Commission a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application for Site Plan Review or Special Permit involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Westbrook Board of Selectmen waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its customers. Where a Phase I Certificate of Public Convenience and Necessity has been approved, the Commission may condition approval upon the issuance of a final Certificate of Public Convenience and Necessity.

k) Protection of Surface and Ground Water Supply. Pursuant to Connecticut General Statutes Section 8-2, as amended by Public Act 85-279, every application for Site Plan Review or Special Permit shall include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation shall contain, at a minimum:

1. A statement describing the nature of the use of any buildings or areas of the site and their method of disposal.

2. The nature of any discharges anticipated.

3. The nature of any materials to be stored, processed, or otherwise present on the site, and the period of time for which, and conditions under which, such materials shall be present on the site.

4. The nature of the ground or surface waters on and around the site, including any public or private domestic users of such waters, their classification, as designated by the Connecticut Department of Environmental Protection's Groundwater Classification System, and the depth to any groundwater, the nature of the soils surrounding such groundwater, and the like.

5. Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies.

6. Other information which might assist the Commission in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development. Any such evaluation shall be prepared by a qualified geo-hydrologist or other professional who provides evidence satisfactory to the Commission/ Board that he/she is qualified to prepare such evaluations. The Commission/Board may refer such evaluations to any governmental agency for review and comment. The information described in subsections (4), (5) and (6) need only be provided when the information set forth in paragraphs (1), (2) and (3) indicates the presence of materials or processes which have the potential to adversely impact groundwater.

l) Significant Archeological Sites. When a Lot or Premises has been identified by the State of Connecticut Archeologist as historically or architecturally significant, a statement as to the nature of the resource and description of measures being or to be undertaken to protect the resource shall be submitted.

m) Covenants and Restrictions. Text of any proposed covenants, easements, deed restrictions, and community organizations necessary to assure the fulfillment of the intent and requirements of these Regulations.

n) Additional Information. The Commission may require additional information as may be needed to evaluate compliance with these regulations and the requirements outlined in Section 6.20.00.

SECTION 6.20.00 GENERAL DESIGN REQUIREMENTS [Effective 4-19-2013]

Section 6.20.01 Frontage Improvements

Where the subject site has frontage on an existing street, the pavement and shoulders shall be improved in accordance with the pattern existing on said street and any special requirements created by the proposed development, including, but not limited to, street widening, acceleration/deceleration lanes, curbing, stormwater drainage, street trees, and sidewalks.

Section 6.20.02 Access and Circulation

All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas, driveways, paths and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent sites without excessive curb cuts, access movements, and congestion. Provision shall be made for such interconnection, and for the extension of any road or driveway, terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone. Such provision shall include rights-of-way to the Town and/or to the adjacent property owner(s).

In the interests of public safety, the number of driveways onto public streets shall be minimized, and, in non-residential districts, access to adjacent sites shall be by common driveways where feasible. The Commission may require present or future sharing of such driveways.

Section 6.20.03 Emergency Services

All site plans shall make adequate provision for facilities and access for fire, police and other emergency protection. Such provision shall include, but not be limited to, fire lanes, access drives to otherwise remote portions of a building or site, adequate lighting of remote or visually obscured building or site areas, fire hydrants where surface or subsurface water supplies exist, and the like.

Section 6.20.04 Utilities

Electric, telephone and cable television lines on the lot shall be installed underground unless determined to be impractical by the Commission. Utility services located out of doors, such as transformers and electric or gas meters, shall be screened from view.

Section 6.20.05 Solid Waste Disposal

Provision shall be made for the collection, storage and disposal of solid wastes, accumulated in connection with the proposed use and in accordance with Section 8.11.00.

Section 6.20.06 Landscaping and Screening

Landscaping shall be provided and permanently maintained on the lot with an intent to reduce excessive heat, glare and dust, to provide privacy from noise and visual intrusion, to control erosion of soil and stormwater runoff, to enable recharge of groundwater and to avoid degradation of groundwater, wetlands and watercourses. The use of native plant species, where feasible, is strongly encouraged. The introduction of invasive plant species is prohibited and eradication of existing invasive species may be a required element of the landscaping plan.

All parking, service and storage areas shall be reasonably screened by landscaping and/or fences or walls; the general grading, improvement and landscaping of the site shall be designed so as to protect and enhance the historic and rural character of the Town and the subject neighborhood, and to provide strong, clear boundaries between different land uses or different neighborhood densities. The use of stone walls and decorative fences along the street line is encouraged.

To the extent feasible, parking areas should be designed using materials that are different from the asphalt paving of the street or access drive. Changes in material help to create pleasant spaces that can be enjoyed when cars are not occupying them. [Effective 4-19-2013]

In addition to the requirements of Section 10.04.00, all portions of the Lot not covered by buildings and other structures, outside storage areas, areas for off-street parking, loading and driveways, shall be suitably landscaped with trees, shrubs, lawns or other suitable landscaping or, if not disturbed by filling, grading, excavation or other construction activity, may be left as natural terrain if deemed suitable by the Commission. Low Impact Development techniques shall be fully integrated with the overall landscaping of the site.

Failure to maintain any landscaped area or buffer strip required by these regulations shall constitute a violation of these Regulations.

Section 6.20.07 Architectural Character

Buildings and structures shall be designed to harmonize and be compatible within the District and shall be of such scale and mass to relate well to each other and the street and, preserve and enhance the aesthetic qualities associated with a coastal New England community. In so far as the majority of buildings in Westbrook are of a traditional style and construction, preserving and enhancing aesthetic quality means adhering to the patterns of design and the materials and methods of traditional architecture where appropriate. Below are a set of guidelines intended to assist the applicant to achieve overall design objectives. These architectural guidelines are not intended to constitute a rigid set of requirements. Nor are they intended to dictate one particular architectural style or discourage the use of progressive sustainable materials or new technologies. The applicant shall note, in the application, any deviation from adherence to the design guidelines and provide a written explanation of the reason(s) why a specific standard cannot be met including a description of how other design elements have been incorporated to meet the intent of the unmet standard or achieve overall design objectives. [Effective 4-19-2013]

a) Lengthy, unbroken facades should be avoided. As a general guide, the maximum horizontal length of an unbroken façade plane on a commercial building should be seventy-five (75) feet and on a residential building should be forty (40) feet. Façade offsets should be sufficient to create a strong shadow line. Visual and functional focal points should be established for all large developments. [Effective 4-19-2013]

b) Roof lines should be simple, functional and reflective of the broader community building stock. Multiple changes in roof slope should be avoided. Where gabled or hipped roofs are proposed, they should have a pitch not less than five (5) inch rise in a twelve (12) inch run. Roofs should project enough beyond the façade to create an overhang and cast a shadow. Preferred roof materials are slate, standing seam metal, wood, or architectural asphalt shingles. Innovative designs such as green roofs are encouraged. Roof mass and building façade should form a consistent composition. False details such as mansard roofs, partial HVAC screens and truncated roof structures should be avoided. [Effective 4-19-2013]

c) Dormer roofs should be compatible in design and pitch with the primary roof and the dormer window size and style should relate to the windows in the rest of the building. Dormers should be set within the field of the roof - back from the face of the main building and below the ridge of the main roof. Gabled or hip dormers should be placed in relation to the pattern of windows on the body of the building. If the dormer is to contain more than one window, a shed dormer is generally preferred. Shed dormers should start below the spring line and not extend the entire length of the primary roof. The pitch of a shed dormer should not be flatter than 4 in 12. [Effective 4-19-2013]

d) Mechanical equipment should be concealed within the volume of the roof or enclosed within a structure. Where this is not possible, mechanical elements should be located so that they are not visible from public streets or adjacent residential uses or districts.

e) Portions of a building visible from a street should be of natural looking materials such as brick, stone, wood clapboards and cedar shingles. High quality composite, fiber cement or vinyl clapboards and shingles may be substituted for wood. Cladding the chimney in the same material as the building should be avoided. All facades facing or visible from public roads should be designed to match or complement the main entrance façade. [Effective 4-19-2013]

f) The number of different materials used on the exterior should be limited to avoid visual overload. Where changes in material occur, they should follow the basic guidelines below: [Effective 4-19-2013]

Changes in material should only occur between major building volumes – either vertically or horizontally.

Materials should always be placed such that visually "heavier" materials are below visually "lighter" ones.

Transition elements/trim should be used at vertical changes in material.

g) Windows should be appropriately scaled and arranged with a balanced spacing and conscious rhythm. True divided lite or simulated divided lite (SDL) windows are encouraged where they are appropriate to the architectural style of the building. Shutters should be operable or appear operable and be sized to fit the window when closed.

h) Architectural detailing should be historically correct and applied consistently throughout. [Effective 4-19-2013]

i) Main entrances should be clearly visible and identifiable from the primary public vantage points or public right-of-way with a logical and visually appealing approach. [Effective 4-19-2013]

j) All exterior components, such as signs, lighting, accessory structures and other elements should be in scale with, and complementary to, the main entrance façade. [Effective 4-19-2013]

k) Buildings should be oriented and designed to incorporate energy conservation principles. [Effective 4-19-2013]

l) Standardized buildings or structures that identify the owner or occupant by a trademarked architectural style that is not in harmony with the surrounding neighborhood or overall design objectives of the district is discouraged. [Effective 4-19-2013]

m) Town home developments should be designed to have the appearance of individual units through the use of a variety of compatible colors, patterns and roof pitches or changes in building mass. [Effective 4-19-2013]

n) Duplex housing should be designed to have the appearance of large single family homes. Where multiple duplexes are located in a single development, the style and color of the individual buildings should be varied. [Effective 4-19-2013]

o) To the extent feasible, garage doors in residential developments should not be in the same plane as the principal structure. If located such that the doors face the street or common driveway, they should be set back from the front of the building by a minimum of five feet. Where there is a two-bay garage, the use of two separate garage doors rather than one large door is preferred unless it can be located to the side or rear of the main facade. [Effective 4-19-2013]

p) Balconies and decks should not be incorporated in the front façade of residential buildings unless they are consistent with the architectural style of the building. [Effective 4-19-2013]

Section 6.20.08 Handicap Accessibility [effective 4-19-2013]

In addition to the required handicap accessible requirements mandated by state and local building codes, multi-family residential developments are encouraged to take into consideration how the disabled or physically challenged visit a building and circulate within it. The concept of visitability' promotes development that accommodates the needs of everyone, even if the dwelling unit is not specifically designed to be handicap accessible. Visitability helps to promote social interaction by allowing neighbors to be able to and comfortable visiting other neighbors. Visitability can be accomplished by incorporating simple design elements into the development as listed below:

a) Make at least one entrance handicap accessible.

b) Provide one bathroom on the first floor and make it handicap accessible.

c) Allow handicap accessible access between the main living areas and dining spaces.

d) Make public spaces and recreation areas handicap accessible and reduce barriers throughout.

e) Landscape with the elderly and disabled in mind (i.e. accessible garden spaces, containers, etc.)

SECTION 6.30.00 CRITERIA FOR DECISION

In reviewing an application for Site Plan, the Commission shall consider the following criteria:

Section 6.30.01 Complete Application

The application shall contain all information required by this Section VI with the number of copies required, and said information shall have been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission and its staff to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet these criteria shall be grounds for denial without prejudice to future, complete applications.

Section 6.30.02 Compliance with Site Plan Standards and Regulations

The application shall conform in all respects with the design requirements outlined in Section 6.20.00 and all other Zoning Regulations that may apply, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with Section 2.10.04 of these Regulations. Further, the application shall conform to the Westbrook Subdivision Regulations; the Westbrook Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Westbrook Inland Wetlands and Watercourses Commission, where required; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations.

SECTION 6.40.00 PERFORMANCE GUARANTEE

Section 6.40.01 The Commission, as a condition of approval of any site plan or modification thereof, may require a performance guarantee in an amount and in a form satisfactory to the Commission to guarantee satisfactory completion of drainage facilities, erosion and sediment control

measures, parking and access features, walkways, recreation facilities, buffer strips, and any site improvements other than buildings.

Section 6.40.02 Where a performance guarantee is required, no Zoning Permit shall be issued until such performance guarantee has been accepted by the Commission or its agent.

Section 6.40.03 The performance guarantee shall be held until its release or reduction is voted by the Commission. The Commission shall not grant a full release until it has certified that all requirements of the permit have been met.

SECTION 6.50.00 ACTION AND NOTICE

Section 6.50.01 Upon review of the application and determination of compliance with these regulations, the Commission may approve, modify and approve, or disapprove the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application.

Section 6.50.02 The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any non-compliance with the criteria set forth in this section. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g. for non-structural uses such as tag sales, outdoor events, and the like), the Commission may grant a Site Plan approval or Special Permit which is temporary and will be effective only commencing on, or terminating on, specified dates.

Section 6.50.03 The Commission shall state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision by certified mail, to the applicant within fifteen (15) days of its action.

SECTION 6.60.00 FILING OF AN APPROVED PLAN:

Section 6.60.01 When an approval has been granted by the Commission, the applicant shall submit one (1) set of final plans on a reproducible material suitable for filing in the Town Clerk's Office and three (3) copies of the approved plan, on which all modifications imposed by the Commission as part of the approval have been clearly indicated and noted in the revision block for signature by the Chairman of the Commission within sixty (60) days after approval. One final set of plans and associated documents shall be submitted in pdf digital format.

Section 6.60.02 No development shall be permitted except in conformity with the approved plan.

Section 6.60.03 All site improvements including all modifications required by the Zoning Commission shall be installed to the satisfaction of the Commission or its agent, before final approval is given and a Certificate of Zoning Compliance issued.

SECTION 6.70.00 TIME LIMIT ON CONSTRUCTION:

Section 6.70.01 All work in connection with the subject Site Plan shall be completed within five (5) years after approval of the Plan. The Certificate of Approval of such Site Plan shall state the date on which such five (5) year period expires and such date shall be noted on the approved site plan. Failure to complete all work within such five (5) year period shall result in automatic expiration of the approval of such plan. "Work", for the purposes of this subsection, means all physical improvements required by the approved plan.

SECTION 6.80.00 MODIFICATON OF AN APPROVED SITE PLAN

Section 6.80.01 The Zoning Enforcement Officer shall have the authority to approve minor changes to an approved Site Plan if in the judgment of the Zoning Commission such changes do not alter the character, quality, density, intensity, types of uses, amenities or other major features of the Site Plan as approved, and such changes are in conformity to the requirements of these Regulations. Where the proposed modification is located within the Coastal Boundary, this provision shall only apply to activities considered exempt from a Coastal Site Plan Review in accordance with Section 11.00.01.

Section 6.80.02 If the Zoning Commission determines that changes in the Site Plan, or any change of Use within a building or structure or on a Lot, may alter overall character, quality, density, intensity, uses, amenities, traffic generation, parking facilities or other major features of the Site Plan as approved, said modification shall require a new application.

7. ARTICLE VII – SPECIAL PERMIT REGULATIONS

SECTION 7.00.00 PURPOSE

Section 7.00.01 Purpose

It is recognized that there are certain uses which because of their unique characteristics cannot be distinctly classified or regulated so as to be uniformly permitted in a particular zoning district without careful consideration in each case of the impact of such uses upon neighboring uses and the surrounding area. In addition there shall be careful evaluation of the public need for such uses in the particular locations proposed. Such uses, therefore shall be treated individually through the use of Special Permits.

SECTION 7.10.00 APPLICATION AND SITE PLAN

Section 7.10.01 Applications for Special Permits may be obtained from the Zoning Commission. All applications for Special Permits shall be accompanied by a Site Plan which is in full conformance with Article VI of these regulations.

SECTION 7.20.00 REQUIRED PUBLIC HEARING AND REFERRAL TO THE PLANNING COMMISSION:

Section 7.20.01 The Commission shall conduct a public hearing on any application for a Special Permit. Applications shall be referred to the Westbrook Planning Commission for a report at least thirty (30) days prior to the date assigned for a public hearing.

SECTION 7.30.00 APPLICATION FEE

Section 7.30.01 An application fee, as set by Ordinance, shall accompany each Special Permit application. Such fee shall be paid by cash, check, or money order payable to the Town of Westbrook.

Section 7.30.02 Should any action require the preparation of a transcript of the public hearing proceedings, such costs shall be paid by the applicant.

SECTION 7.40.00 NOTIFICATION OF PROPERTY OWNERS

Section 7.40.01 Each application for a Special Permit shall include a list, prepared by the applicant, of the names and addresses of the owners of property within two hundred (200) feet of the subject property as shown on the most recent records on file in the Town of Westbrook's Tax Assessor's office. In addition, if a property is located in a beach/land owner association, the name and address of the president shall be included in this list. The applicant shall mail notification of said pending application to a least one (1) owner of each of the properties not more than fifteen (15) days nor less than ten (10) days before the date set for the public hearing. The text of said notice shall be the public hearing notice provided by the Zoning Commission. [Effective 7-27-93]

Section 7.40.02 Evidence of such mailing, in the form of U. S. Post Office Certified Mail, shall be submitted to the Zoning Enforcement Officer along with the above list of property owners, not less than five (5) days prior to the public hearing date. Failure to comply with any of the procedures required herein shall be deemed a valid basis for denial of a Special Permit request. [Effective 2-14-94] [Effective 8-5-98]

SECTION 7.50.00 FINDINGS

Section 7.50.01 A Special Permit shall not be granted until the Commission has determined that all of the following conditions have been satisfied. It is the responsibility of the applicant to provide plans and reports which describe the proposed development's conformance with the requirements of this Article, including all of the information in this Section.

Section 7.50.02 Compliance with The Westbrook Plan of Development and The Zoning Regulations: The proposed use of the subject site is consistent with the Plan of Development for the Town of Westbrook and the proposed use is permitted, subject to a Special Permit, within the district in which the subject site is located.

Section 7.50.03 Orderly Development: The location, type, character, and size of the use and of any building or other structure in connection therewith shall be in harmony with the appropriate and orderly development of the Town and the neighborhood and will not hinder or discourage the appropriate development and use of adjacent property.

Section 7.50.04 Property Values and Character: The proposed use will not depreciate adjacent property values and the size and height of all proposed buildings and the extent of all proposed site improvements shall both be of such as to harmonize with the existing character of the neighborhood in which such use is to be established.

Section 7.50.05 Public Safety

The nature and location of the proposed use and of any building or other structure in connection therewith shall be such that there is adequate access to it for the purpose of fire protection, police protection and other emergency equipment.

Section 7.50.06 Traffic Congestion

The streets serving the proposed use are adequate to carry all of the proposed traffic; adequate provision is made for entering and leaving the site in such a manner that no undue hazard to traffic or undue traffic congestion shall be created. When required by the Commission the applicant shall provide an independent traffic study prepared by a Professional Engineer who specializes in Traffic Engineering, verifying the impact of the proposed development as to traffic hazard and congestion. The development of the subject site shall provide for the continuation and appropriate improvement of streets terminating at or proposed to be constructed through the lot on which the proposed use is to be located.

Section 7.50.07 Protection of Public Drinking Water Supply

The proposed use shall not negatively affect existing or future public drinking supply sources.

Section 7.50.08 Landscaping and Buffers

On the site on which the proposed use is to be located, suitable landscaping and buffers will be provided in conformance with these Regulations. Existing landscaping /buffers between the subject use and adjacent properties shall be maintained to the greatest extent feasible. When adequate landscaping/buffers do not exist, sufficient landscaping/buffers between the proposed use and adjacent properties shall be provided and detailed on the site plan.

Section 7.50.09 Utilities

The subject site shall have adequate water and sewerage systems to service the proposed use. Adequate provisions for storm water drainage must be provided without adversely affecting neighboring properties, or adjacent public drainage systems.

Section 7.50.10 Compliance with The Zoning Regulations

In addition to meeting the other conditions described herein, the proposed use and the arrangements of all proposed buildings, structures, facilities and other site improvements shall comply with all applicable provisions of these Zoning Regulations.

Section 7.50.11 Water Supply Facilities

When an application for special permit relates to "water supply facilities" the Commission shall determine whether or not the proposed facility constitutes a reasonable and prudent method of providing water service taking into account (a) the need for the benefit to be derived from the proposed facility, (b) alternatives to the proposed facility, and (c) the comparative costs involved. If necessary the applicant will provide additional information required for the Commission to make a determination. In considering the impact of the proposed facility to the adjacent area under subsection 7.50.04, (a) the Commission shall consider and take into account the degree of care that applicant has exercised to protect the adjacent area and the commission shall not approve an application if applicant has not exercised reasonable care, and (b) the Commission shall consider and take into account the public purpose to be served by the proposed facility and shall balance such public purpose against any adverse impact to the adjacent area and determine whether or not the proposed facility, on balance, promotes the general welfare of the region and its citizens. [Effective 9-28-93]

SECTION 7.60.00 AMENDMENTS AND MODIFICATIONS TO EXISTING SPECIAL PERMITS: [Effective 6-14-12]

Section 7.60.01 An approved Special Permit may be amended or modified. All requirements of a Special Permit application shall apply, unless waived in accordance with Sections 7.60.02 or 7.60.03, provided that application shall be made in the same manner as the original application and subject to and in accordance with the provisions of these Regulations authorizing the granting of the original Special Permit. Any application for an amendment shall include a copy of any and all prior Certificate of Decision(s) as recorded in the Westbrook Land Records. Amendments to the Special Permit found to be of a minor nature, as described in Sections 7.60.02 or 7.60.03, or which would not substantially alter the special permit as determined by the Zoning Commission may be approved by the Commission without a public hearing unless the Commission deems that a public hearing is necessary. No Planning Referral is required if deemed to be minor, unless requested by the Planning Commission or its designated agent.

Section 7.60.02 Substitution of Special Permit Use: [Effective 6-14-12] A waiver of Special Permit requirements, as provided in Section 7.60.01, may be granted where one Special Permit use is being substituted for another similar use on the same lot which was previously granted a Special Permit by the Commission/Board and where the Commission finds that each of the following is true: (a) the new use will require no greater parking or loading than the original, as set forth in Section 10.00.00 of these Regulations; (b) the new use shall entail no exterior change to the building or site except as may be permitted under Section 7.60.03; and (c) the new use shall have no impact on the site, the neighborhood, or the Town which is different from the original, such impact to be measured by the standards set forth in Section 7.00.00 of these Regulations.

Section 7.60.03 Minor Modification: [Effective 6-14-12] A waiver of Special Permit requirements, as provided in Section 7.60.01, may be granted for minor modifications to the building or site plan development, where the Commission finds that each of the following is true:

(a) alterations to the building or site development do not affect the basic size, form, style, ornamentation and appearance of the structures as shown on the approved plans;

(b) the proposed modification does not reduce the effectiveness of the approved landscaping, screening or buffering of the site;

(c) the proposed modification does not impact the number of parking spaces or vehicular circulation; and

(d) the proposed modification does not significantly alter drainage patterns. Any proposed modification must continue to comply with the original approval action of the Zoning Commission except those items specifically modified and all other applicable requirements.

SECTION 7.70.00 TIME LIMITATIONS [EFFECTIVE 7-11-06, Amended 02-21-14]

Section 7.70.01 a) If the holder of a Special Permit for any development, except a conservation subdivision approved under Section 9.12.00, of these regulations, fails to secure a building permit for the development within twelve (12) months of the effective date of the Special Permit, then the Special Permit shall be rendered null and void. The Commission may, at its discretion, grant an extension of up to twelve (12) months to secure a building permit upon the receipt of written request from the holder of the Special Permit.

b) The holder of a Special Permit approved under section 9.12.00, Conservation Subdivision, must complete all improvements that are required under the approved Conservation Subdivision Special Permit within five (5) years of the effective date of the Special Permit. Through the authority delegated to it in Section 9.12.00, the Planning Commission may, at its discretion, grant an extension of up to an additional five (5) years to complete all such improvements upon the receipt of written request from the holder of the Special Permit.

c) The holder of a Special Permit approved under Section 7.00.00, Special Permit, must complete all improvements that are required under the approval within five (5) years of the effective date of the Special Permit. The Zoning Commission may, at its discretion, grant an extension of up to an additional five (5) yeas to complete all such improvements upon the receipt of a written request from the holder of the Special Permit. [effective 02/21/14]

8. ARTICLE VIII – GENERAL DEVELOPMENT REGULATIONS

SECTION 8.00.00 GENERAL DEVELOPMENT REGULATIONS

Section 8.00.01 Accessory Apartments [Effective 06-16-2011]

Section 8.00.02 Purpose

The purpose of this Section is to provide housing that responds to changing family needs and smaller household sizes and to encourage a more efficient use of existing housing stock and infrastructure in a manner that maintains the appearance and character of the single family neighborhoods in which they are located.

Section 8.00.03 General Requirements

Accessory apartments shall be allowed as a permitted use in the RR, LDR, MDR and HDR Districts subject to the following:

a) The lot upon which the accessory apartment is proposed shall have a minimum lot size of 15,000 square feet.

b) The accessory apartment shall be located within the primary residence or ATTACHED GARAGE (SEE SECTION 2.40.10b)

c) Only one accessory apartment shall be allowed on a lot.

d) The owner of the property on which the accessory apartment is located shall occupy either the primary residence or accessory apartment. For purposes of this section, "owner" may include the holder(s) of a life estate; or the beneficiaries of a trust created by a person(s) who was the owner(s) of record immediately preceding the conveyance to such trust, and such owner(s) reside on the property by virtue of their status as trust beneficiaries.

e) In accordance with the provisions of the Connecticut General Statutes (CGS) §8-6(a), the provisions of this Section 8.00.01 shall not be varied by the Zoning Board of Appeals.

f) No permit for an accessory apartment shall be issued unless the building housing such apartment is served by a subsurface sewage disposal system that is fully code-compliant with all current requirements of the Connecticut Public Health Code and the Westbrook Sewer Avoidance Ordinance (except for the 100% reserve area), including any additional design requirements of the accessory apartment. An as-built plan of the installed system, showing compliance with this requirement, must be submitted to the Westbrook Health Department for approval prior to application for the accessory apartment permit. Additional soil testing may be required by the Health Department to meet this requirement.

g) The primary structure and the accessory apartment shall be served by a single electrical meter. Separate meters may be allowed where the applicant demonstrates a legitimate need for such a separate meter.

Section 8.00.04 Design Standards

Accessory apartments shall be created only in conformance with the following design standards:

a) The maximum gross floor area of the accessory apartment shall not exceed 1,000 square feet or 30% of the total floor area of the principal dwelling within which it is located, whichever is less.

b) There shall be no more than two bedrooms in the accessory apartment.

c) There shall be provided at least two off-street parking spaces for the primary residence and at least one off-street parking space for each bedroom in the accessory apartment, as appropriately demonstrated on a site plan.

d) The accessory apartment shall be designed to maintain the exterior appearance and style (roof line, roof pitch, building materials, window style and spacing, etc.) of the primary residence.

e) Exterior entrances to the apartment shall be located so as to appear as a single family dwelling with one major entrance to the building, with the second entrance being subordinate and a variation from the main entrance.

f) The fire escape or outside stairway, if any, shall be enclosed.

Section 8.00.05 Additional Application Requirements

In addition to the application requirements for issuance of a Zoning Permit outlined in Section 12 the applicant shall provide sufficient architectural drawings, clear photographs or sketches to demonstrate conformance with the design standards outlined in Section 8.00.04.

Section 8.00.06 Condition of Approval

As a condition of the issuance of a Zoning Permit, the property owner shall file on the Land Records, a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner stating that:

1) The accessory apartment shall not be sold separately.

2) The unit is restricted to the approved size.

3) The zoning permit for the accessory apartment shall be in effect only so long as either the primary residence or the accessory apartment is occupied by the owner of record.

SECTION 8.01.00 ACCESSORY BUILDINGS

Section 8.01.01 Accessory buildings or uses are permitted in any district provided that:

Section 8.01.02 No accessory building, or structure shall be constructed on any lot prior to the construction of the principal building to which it is accessory.

Section 8.01.03 The location of such accessory building on a lot shall comply with all applicable yard setbacks and building coverage requirements except that accessory buildings or structures one hundred fifty (150) sq. ft. or less, may be located in the rear yard a distance from the rear lot line equal to the side yard requirement of the district in which it is located. However, no accessory building shall be located on a lot in a manner which causes it by size, height, color or design to dominate over the principal building.

SECTION 8.02.00 CORNER VISIBILITY

Section 8.02.01 No obstruction, such as vehicles, machinery, materials, signs, hedges, trees, shrubs or other growth, shall be created, established or erected which interferes with a clear view of drivers of

vehicles on a curve or at any street intersection and which endangers the safety of those traveling upon such streets. The Zoning Enforcement Officer shall order the removal or the alteration of any object which unreasonably obstructs the clear view of drivers or which otherwise endangers the safety of those traveling on a street. [Effective 8-5-98]

SECTION 8.03.00 DEVELOPMENT OF REAR LOTS

Section 8.03.01 Rear lots, located in a residential district, having less than the frontage required by that district shall permitted be provided that:

Section 8.03.02 The lot conforms to all requirements prescribed for the district in which it is located, except that the lot area shall be at least one and one-half (1½) times the minimum required for the district, exclusive of the area of the accessway.

Section 8.03.03 Rear lots, not having the street frontage normally required by Article IV of these Regulations shall be permitted provided that each rear lot has access to a street by means of an unobstructed, legal accessway held in the same ownership as the rear lot. The accessway must be a minimum of twenty-five (25) feet in width. Within the lines of the accessway, there shall be constructed a gravel or paved driveway at least fourteen (14) feet in width. Each rear lot shall be served by its own driveway located entirely within the accessway except when all of the following conditions are met:

a) Common driveways for serving rear and/or frontage lots may be permitted in a subdivision approved by the Planning Commission, in order to reduce the impact on the environment, reduce impervious surface, reduce the number of curb cuts and reduce the number of common driveways.

b) Each rear lot served by a common driveway shall demonstrate, by the submission of detailed plans, that it is capable of being served by its own driveway constructed within the boundary lines of each such lot, which driveway would meet the Design Standards of Section 4.5.15, Driveways and Aprons, of the Subdivision Regulations of the Town of Westbrook

c) The maximum number of residential lots served by a common driveway shall not exceed four (4), only two (2) of which may be rear lots.

d) To insure proper maintenance, a note referencing the deed restriction for any lot utilizing a common driveway shall be placed on the approved subdivision plan and filed in the Land Records of the Town of Westbrook. The wording of this deed restriction shall follow the format of "A Declaration of Easement for Driveways and Utilities" as adopted by the Planning Commission and published as an Appendix to the Subdivision Regulations as the same may be amended from time to time. [Effective 4-17-00]

SECTION 8.04.00 DRIVE - UP WINDOWS [EFFECTIVE 6/1/05]

Section 8.04.01 Drive-Up windows shall only be permitted at banks and pharmacies within TIC-65, CD, CTCD & NCD districts by way of Special Permit.

Section 8.04.02 Hours of operation for a Drive-Up window shall begin no earlier than 6:00 AM and end no later than 10:00 PM.

Section 8.04.03 The Drive-up service must be ancillary and subsidiary to the primary use and shall not constitute the entire establishment.

Section 8.04.04 A Drive-up window at a pharmacy shall only be permitted for the presentation of prescriptions and the pickup of prescription medications.

Section 8.04.05 If the approved use of any Drive-up window is discontinued, changed or modified, a new application must be submitted to the Zoning Commission for site plan approval.

Section 8.04.06 Drive-up windows must meet the following design criteria:

a) Pedestrians must be able to enter the establishment from the parking lot or sidewalk without crossing the waiting or exit lanes.

b) Waiting lanes for all uses should be designed for the maximum length possible. At a minimum, waiting lanes should accommodate 90 percentile of peak hourly queue flows, allowing 20 feet per vehicle. The applicant shall provide data about the peak flows of the drive component of the business.

c) All access/egress lanes shall be fourteen (14) feet in width.

d) No more than two (2) drive-up lanes at any one facility shall be permitted, one of which must utilize pneumatics or electronics for transfer of services.

e) Any lane shall be separated by a physical barrier from any driveway or parking area.

f) Directional signs should be placed and waiting lines should be designed so that waiting cars do not block sidewalks, public streets, or travel lanes of a parking area.

g) Landscaping, waiting-lane devices, and overall design should not prevent vehicles from safely and efficiently leaving waiting lanes.

h) All lights and illuminated materials must be screened from the view of adjoining residentially zoned properties.

i) The volume of the communications system must not exceed 55 decibels at any adjoining property line or at any public roadway, walkway or access way.

j) Site design and establishment operation should attempt to minimize air pollution and wasteful consumption of fuel.

k) Where possible the Drive-up window should be located at the rear of the building and not be visible from any public roadway.

Section 8.04.07 The following must be included as a part of the applicant's site plan.

a) Design and placement of signs and pavement markings and their role in facilitating the safe and smooth flow of traffic.

b) Details of pedestrian and vehicular circulation.

c) Details of waiting lanes, such as location and design of curbs, gates, bollards and chains, pavement markings and similar devices.

d) The placement of outdoor lighting and the methods used to shade the light from the view of adjacent properties.

SECTION 8.05.00 EXISTING USES WHICH WOULD BE ALLOWED WITH THE APPROVAL OF A SPECIAL PERMIT

Section 8.05.01 When the use of land or a building or structure existing prior to the adoption of these Regulations is only allowed hereafter upon approval of a Special Permit, such existing use shall be considered a permitted use. The provisions of Article VII of these Regulations shall apply, however, to all proposed changes to such existing use or structure.

SECTION 8.06.00 HOME OCCUPATIONS

Section 8.06.01 Home occupations, as defined in Section 2.40.00 of these Regulations, may be legally carried on for compensation as an accessory use to a one-family dwelling upon approval of a Home Occupation Certificate, issued by the Zoning Enforcement Officer. Application for such Certificate shall be made on the form provided by the Zoning Enforcement Officer and if required by such Zoning Enforcement Officer shall be accompanied by a copy of a plan drawn to scale which indicates clearly the dimensions of the lot on which such use is to be located, including a description of what area is to be devoted to the home occupation use and other information as may be required by the Zoning Enforcement Officer to indicate compliance with all the conditions and requirements listed herein. No Home Occupation Certificate shall be approved unless all the conditions and requirements of this section are met.

Section 8.06.02 Such occupation shall not require the storage of any materials or products on the premises outside of the structure in which it is located.

Section 8.06.03 Such occupation shall be clearly secondary to the use of the dwelling for residential purposes.

Section 8.06.04 Such operation shall not change the residential character of the dwelling in any visible manner.

Section 8.06.05 Such occupation shall not create objectionable noise, smoke, odor, toxic fumes, vibration, or unsightly conditions that would set the dwelling apart in its surroundings or degrade residential property values in the neighborhood.

Section 8.06.06 Such occupation shall not create interference with radio or television reception in the vicinity.

Section 8.06.07 Such occupation shall not create a health or safety hazard.

Section 8.06.08 Such occupation shall be carried on only by the inhabitants of the residence, except that one (1) person additional may also be employed.

Section 8.06.09 Such occupation shall not have any exterior display or advertisement regarding any service available on the premises. However, a single sign meeting the requirements of Section10.20.00 of these Regulations may be erected.

Section 8.06.10 Such occupation shall not increase the traffic or vehicular congestion in the neighborhood.

Section 8.06.11 Off-street, on-site parking in accordance with Section 10.00.00 of these Regulations shall be provided for the residence, except that, in addition one (1) space shall be provided for each employee.

SECTION 8.07.00 JUNK [AMENDED 7-26-11, EFFECTIVE 9-1-11]

Section 8.07.01 PURPOSE & INTENT: The purpose of this section is to limit and restrict the outdoor storage of household, commercial or industrial junk as defined in these Regulations. This includes the parking or unreasonable accumulation of junk, junk trailers, or junk tractor trailers, as defined in these Regulations.

Section 8.07.02 The purpose of limiting the accumulation of junk and trash is to:

a) avoid injury and hazards to children and others attracted to such junk and junk vehicles;

b) avoid the devaluation of property values;

c) avoid the ill effects upon adjoining residents and property owners;

d) avoid the creation of potential health hazards through the attraction of vermin and insects;

e) avoid the creation of unsightly and offensive odors; and

f) avoid the creation of potential fire hazards; and

g) avoid the contamination of soils, ground water, wetlands and watercourses

Section 8.07.03 Definitions

Section 8.07.03.1 Junk

Scrap brass, iron, lead, tin, zinc; all other scrap metals and alloys; discarded paper, cardboard, plastics, bones; rags; used cloth, rope, rubber, bottles, old or used machinery of any type; used tools, used appliances; used lumber or crates; building materials (not associated with an active construction project); carpeting; fabrication of any material; used pipe or pipe fittings; used conduit or conduit fittings; used automobile parts; derelict vehicles; used tires and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition.

Section 8.07.03.2 Junk Car / Junk Trailer / Junk Tractor Trailer

Any vehicle or device intended to be towed by a vehicle or used in connection with a motor vehicle that has extensive damage, has been stripped, wrecked or is otherwise apparently inoperable due to mechanical failure.

Section 8.07.03.3 Extensive Damage

Damage, including, but not limited to any of the following: missing wheels, body parts, tires, engine or transmission.

Section 8.07.03.4 Apparently Inoperable

Includes any of the following:

a) Registered vehicle that is unfit for travel on a roadway because of damaged, missing or defective parts.

Section 8.07.03.5 Unregistered Vehicles

There is no license plate attached to the vehicle.

Section 8.07.04 Any accumulation of junk as defined in 8.07.03.1 is prohibited when the following conditions exist:

a) The property where the junk is located is not within an industrial zone and

b) The junk is visible or discernible through odor from any adjoining property, public roadway, waterway or easement; and / or

c) The junk has not been properly fenced or secured through some other means so as to prevent a hazard to people and/or pets; and / or

d) The junk has been determined by the Fire Marshal or his/her designee to create a fire hazard; and / or

e) The junk has been determined by the Director of Health or his/her designee to attract or have the potential for attracting vermin or insects that could cause a health hazard to nearby residents; and / or

f) The junk has been determined by the applicable agency to have the potential to cause significant environmental damage to soils, ground water, wetlands and/or watercourses.

Section 8.07.05 Junk may be permitted within an industrial zone for the purpose of recycling or salvage operations when such operations have been approved by the Zoning Commission; or when the temporary storage of such materials is deemed necessary for the ongoing operation of the business located on the property and is located in accordance with a site plan or Special Permit approved by the Commission.

Section 8.07.06 Except as provided in 8.07.07, Junk cars, junk trailers and junk tractor-trailers are not allowed in any districts. Vehicles used on a farm or those stored on a Connecticut Department of Motor Vehicles licensed premise are exempted, but in no event shall such vehicles be kept the front yard.

Section 8.07.07 Exception: No more than One (1) Unregistered / or Apparently Inoperable Vehicle per lot if undergoing restoration. In this case, the vehicle, auto parts and tools must be covered at all times and / or properly screened so as not to be visible from any adjoining property or roadway.

Section 8.07.08 Except as provided in 8.07.05, any equipment, materials or furnishings that would ordinarily not be used outdoors shall not be stored outdoors. For example, indoor furniture, household appliances, auto parts or building materials shall not be stored outside.

SECTION 8.08.00 MOBILE HOMES

Section 8.08.01 No mobile home shall be permitted in any district except at a location occupied by a mobile home prior to the date of adoption of these Regulations, except in the case of the destruction of a dwelling by a natural disaster. In such an instance, a mobile home or trailer for the temporary use by the occupant(s) of the dwelling may be placed on the lot during the reconstruction of the dwelling for a period not to exceed six (6) months. One (1) six-(6) month extension may be granted by the Zoning Enforcement Officer upon receipt of a written request from the property owner. If a mobile home is removed from any location for a period of twelve (12) months, a mobile home may not thereafter occupy such location.

SECTION 8.09.00 PARKING OF RECREATIONAL VEHICLES

Section 8.09.01 No recreational vehicles may be parked on any lot unless such lot contains a dwelling as a primary use of said lot and no recreational vehicle shall be parked on any lot except in compliance with the following provisions:

Section 8.09.02 Nothing in these Regulations shall prohibit the storage of not more than one (1) recreational vehicle at any given time on the property of the owner or occupant of the residence which is located on said lot.

Section 8.09.03 Said recreational vehicles shall not be used for human habitation.

Section 8.09.04 Said recreational vehicles shall not exceed the following lengths by district:

a) RR: unrestricted

b) LDR: thirty-four (34) feet

c) MDR: twenty-six (26) feet

d) HDR: twenty (20) feet

e) CTC: twenty (20) feet

f) CD: twenty (20) feet

g) CBD: twenty (20) feet

Section 8.09.05 Any recreational vehicle exceeding sixteen (16) feet in length shall be kept at least ten (10) feet from any side or rear yard, and in no case shall such vehicle be stored in the front yard.

SECTION 8.10.00 PROJECTION INTO REQUIRED YARD AREAS

Section 8.10.01 In determining compliance with the minimum setback controlling distance on each lot shall be measured between the applicable lot line and the closest point thereto on any building or structure on said lot. Nothing in these regulations shall prohibit the projection of not more than one (1) foot into a required yard of pilasters, columns, sills, cornices, gutters, steps, chimneys or similar architectural features.

SECTION 8.11.00 SOLID WASTE CONTAINMENT

Section 8.11.01 All development, except a single-family home shall have designated, and shall so locate on any required plans, a solid waste container area. Such area shall include adequate containers for the proper separation of solid waste for recycling. All solid waste containers except for single-family homes shall be suitably screened on three (3) sides by a stockade fence.

Section 8.11.02 The location of a designated solid waste container area shall be such as to facilitate the servicing of the solid waste container(s) and shall not be located in any parking space, loading / unloading zone or fire lane.

SECTION 8.12.00 SALE OF HOME GROWN PRODUCTS

Section 8.12.01 Any agricultural product grown on any lot within the Town of Westbrook may be sold on a temporary or seasonal basis from that property on which said product is grown.

Section 8.12.02 Road Side Stand: Agricultural products grown on any lot may be sold from a road side stand on said lot allowing for adequate parking and providing that the location and size of such stand does not create a hazardous situation or an unsightly condition that would set it apart in its surroundings or degrade property values in the neighborhood.

SECTION 8.13.00 STORAGE TRAILERS, PERMANENT

Section 8.13.01 Any storage trailer located on the same lot for more than ninety (90) days in a calendar year shall be considered a permanent storage trailer.

Section 8.13.02 In any Commercial, Commercial Boating, Light Industrial, Industrial or Turnpike Interchange District a Zoning Compliance Permit for the use of a storage trailer may be granted by the Commission when found to be in compliance with the following provisions:

Section 8.13.03 Storage trailer(s) must be located on the same lot as the main structure and no more than one (1) storage trailer in the Commercial District and two (2) trailers in the Commercial Boating District, Light Industrial, Industrial and Turnpike Interchange Districts will be allowed on any lot.

Section 8.13.04 Approval is obtained pursuant to the conditions of Article VI of these Regulations, Site Plan Review.

Section 8.13.05 Proposed trailer(s) must be suitably screened so as not to be visible from any property or street line, must meet all the setback requirements and must be located in the rear yard. Should suitable screening not be possible, a storage trailer may be enclosed with walls and a roof of a design which is weather proof, structurally sound and complementary to the main structure.

Section 8.13.06 In no case shall a storage trailer be located in a residential district.

Section 8.13.07 In no case shall storage trailer be used for human habitation.

SECTION 8.14.00 STORAGE TRAILER, TEMPORARY

Section 8.14.01 In any Commercial, Commercial Boating, Light Industrial, Industrial or Turnpike Interchange District, a Zoning Permit for a temporary storage trailer may be granted by the Commission when found to be in compliance with the following provisions:

Section 8.14.02 One (1) temporary storage trailer may be located on the same lot as the main structure in the Commercial, Commercial Boating, Light Industrial, Industrial and Turnpike Interchange Districts.

Section 8.14.03 A temporary storage trailer may not be located on the same lot for a period exceeding ninety (90) days in a calendar year.

Section 8.14.04 Application must be accompanied by a drawing to scale of not more than forty (40) feet to an inch showing all existing structures, proposed location of temporary trailer, and the location of buildings on neighboring lots.

Section 8.14.05 Adequate screening must be provided such that the temporary storage trailer will not create an unsightly condition that would set it apart in its surroundings or reduce property values in the neighborhood.

Section 8.14.06 In no case shall a temporary storage trailer be located in a Residential District.

Section 8.14.07 In no case shall a temporary storage trailer be used for human habitation.

SECTION 8.15.00 STORAGE TRAILERS, CONSTRUCTION / OFFICE

Section 8.15.01 In any District a permit for a construction storage or construction office trailer may be granted by the Zoning Enforcement Officer when found to be in compliance with the following provisions:

Section 8.15.02 Trailer(s) must be located on the project site.

Section 8.15.03 Application must be accompanied by a drawing to a scale of not more than forty (40) feet to an inch showing all existing and proposed structures, proposed location of trailer(s) and the location of buildings on neighboring lots.

Section 8.15.04 No trailer shall be placed in a manner which would create a hazardous or unsafe condition.

Section 8.15.05 No construction trailer shall be placed at an approved location prior to two (2) weeks before the start of construction or site development nor shall it remain for a period greater than two (2) weeks after completion of construction or site development.

Section 8.15.06 The Zoning Enforcement Officer may require the relocation or removal of a trailer(s).

Section 8.15.07 In no case shall a construction storage / construction office trailer be used for human habitation.

SECTION 8.16.00 TRAILER CAMPS OR MOBILE HOME PARKS

Section 8.16.01 No parcel of land or premises in any district shall be used as a trailer camp or mobile home park. Any trailer camp or mobile home park existing at the time of adoption of these Regulations may not be expanded. However, individual spaces within the camp or park may be combined into larger spaces provided such combination does not increase the number of spaces, trailers or mobile homes.

SECTION 8.17.00 DRIVEWAYS AND PAVED APRONS

Section 8.17.01 All residential and nonresidential driveways, whether paved or not, shall have a paved driveway apron.

Section 8.17.02 Paved apron shall be made of bituminous concrete and Portland cement concrete and shall extend from the property line where driveways access onto paved surface of improved streets. (Effective 7-15-93)

SECTION 8.18.00 ADULT ENTERTAINMENT BUSINESSES

Section 8.18.01 PURPOSE AND INTENT

The purpose of this section is to regulate uses which, because of their nature, are recognized as having potentially serious objectionable operational characteristics, particularly when concentrated under certain circumstances, thereby having a deleterious effect upon surrounding areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

Persons under the age of eighteen (18) may be attracted to adult-oriented establishments and seek to enter or loiter about them without the knowledge or permission of their parents or

guardians. Closed booths, cubicles, studios and rooms within adult-oriented establishments have been used by patrons, clients and customers of such adult-oriented establishments for the purpose of engaging in certain sexual acts. Male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments within such booths, cubicles and rooms.

It is not the intent of the Zoning Commission, in enacting these regulations, to deny any persons rights to speech protected by the United States Constitution and/or the Constitution of the State of Connecticut, nor is it the intent of the Zoning Commission to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually-oriented films, video, tapes, books and/or other materials. Further, by enacting these regulations, the Zoning Commission does not intend to deny or restrict the rights of any adult to obtain and/or view any sexually-oriented materials protected by the United States Constitution and/or the Constitution of the State of Connecticut, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually-oriented materials may have to sell, distribute or exhibit such materials. These regulations prevent clustering of these uses in any one location and thereby protect health, safety, general welfare, and property values in the Town of Westbrook.

Section 8.18.02 Definitions

a) "Adult entertainment business" shall mean any establishment which is customarily not open to the public generally but only to one or more classes of the public, thereby excluding any minor by reason of age. These include, but are not limited to, one or a combination of the following types of businesses: adult amusement machine, adult arcade, adult book store, adult cabaret, adult entertainment enterprise, adult machine, adult motion picture theater, adult novelty business, adult-oriented establishment, adult personal service business.

b) "Adult amusement machine" shall mean any amusement machine that is regularly used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined below, for observation by patrons therein.

c) "Adult arcade" means any establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

d) “Adult bookstore” means an establishment which has as a principal activity the sale of books, magazines, newspapers, periodicals or other printed matter or photographs, videotapes, video discs and motion picture films, slides, or other photographic reproductions which are characterized by their emphasis on portrayals of human genitals and pubic areas or acts of human masturbation, sexual intercourse or sodomy or any other “specified sexual activity” or “specified anatomical area”, as defined below, or devices or paraphernalia that are designed for use in connection with “specified sexual activities” defined below.

e) “Adult cabaret” means a cabaret which features nude and/or partially nude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers and which excludes minors by virtue of age.

f) "Adult entertainment enterprise" means any exhibition of any motion pictures, video tapes, live performances, displays or dances of any type, which have as a significant or substantial portion of such performances any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas" defined below.

g) "Amusement machine" means any machine which upon the payment of a charge or upon the insertion of a coin, slug, token, plate or disk, may be operated by the public for use as a game, entertainment or amusement, whether or not registering a score and whether or not electronically operated.

h) "Adult motion picture theater" means any establishment having as a principal activity displaying motion pictures, video cassettes, slides or other photographic reproductions characterized by their emphasis on portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse, or sodomy for observation by patrons therein and from which minors are excluded by virtue of age.

i) "Adult novelty business" means a business which has as a principal activity the sale of devices of simulated human genitals or devices designed for sexual stimulation and which excludes minors by virtue of age.

j) "Adult-oriented establishment" means any premises to which the public, patrons, or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult entertainment, when such establishment is operated or maintained for a profit, direct or indirect.

k) "Adult personal service business" means a business having as a principal activity a person, while nude or partially nude, providing personal services for a person of the same or other sex on an individual basis in an open or closed room and which excludes minors by virtue of age. It includes, but is not limited to, the following activities: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed to persons pursuant to, and in accordance with, licenses issued to such persons by the State of Connecticut.

l) "Partially nude" means having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts.

m) "Specified anatomical areas" means less than completely or opaquely covered: (1) human genitals and pubic region; (2) buttocks; (3) female breasts below a point immediately above the top of the areola and; (4) human male genitals in a discernibly turgid state even if completely opaquely covered.

n) "Specified sexual activities" means: (1) human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse, or sodomy; (3) fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

o) "Specified anatomical areas" and "specified sexual activities" as used in these regulations, do not include materials depicted in any medical publications, or films, in any bonafide educational publications or films, in any art or photography publications which devote at least 25 percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography, in 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 news, or in publications or films which

describe and report different cultures 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.

p) "Principal activity" means a use accounting for more than 10% of a business' gross revenues, stock in trade, display space, floor space, or movie display time per month.

Section 8.18.03 Specific Conditions

An adult entertainment business may be approved by special permit pursuant to Article VII of these regulations in the Commercial District only, provided the following standards and criteria are met in addition to the standards, criteria and correlations stated in Article VII and Sections 4.40.00-4.44.07 of these regulations.

a) No such adult entertainment business shall be located within three hundred (300) feet of a residential use or district which, pursuant to these regulations and the zoning map of the Town of Westbrook, is classified RR, LDR, MDR, HDR, or TIC. If the adult entertainment business is within a shopping plaza, having a developed building of 5,000 square feet in size or larger, then the distance shall be measured from all entrances to such shopping plaza.

b) No such adult entertainment business shall be established within 1,000 feet of another such business.

c) No such adult entertainment business shall be established within 1,000 feet of the property line of a public, private or parochial school, day care center, library, museum, park, playground or other recreational facility, whether commercial or nonprofit, or any other area where numbers of minors regularly travel or congregate, in any district. Nor shall any such adult entertainment business be located within 1,000 feet of the property line of any church, convent, monastery, synagogue, or similar place of worship, or cemetery.

d) For purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest boundary of the property containing or proposing to contain an adult entertainment use to the nearest boundary of the uses specified in (a), (b) and (c) above.

e) No accessory apartment or apartments or other dwelling units shall be permitted on the premises of an adult entertainment business.

f) No adult entertainment business shall be conducted in any manner that permits the observation of any material depicting or describing any sexually explicit activities or anatomical areas from any public way. This provision shall apply to any display, decoration, sign, show window or other opening.

g) In accordance with Connecticut General Statutes Section 8-6, these adult entertainment business regulations shall not be varied by the Zoning Board of Appeals to permit an adult entertainment business nor shall such a use be permitted by way of variance.

h) No adult entertainment business shall include the installation of any enclosed booths, cubicles, rooms, or stalls within such adult entertainment business for the purpose of viewing adult entertainment.

i) Any adult entertainment business shall state on any site plan submitted that any room or other area used for the purpose viewing adult entertainment shall be well lighted and

easily accessible at all times and shall be continuously open to view in its entirety. The premises 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 (1.0) foot-candle as measured at the floor level.

Section 8.18.04 Application Procedure

Application for a permit for an adult entertainment business shall be made to the Zoning Commission in accordance with Article VII demonstrating compliance with this adult entertainment business regulation.

Section 8.18.05 Required Renewal

Renewal of a special permit for an adult entertainment business must be obtained under the following circumstances:

a) Purchasers of buildings that have had special permits for adult entertainment businesses who want to continue the special permit, must obtain a zoning permit by demonstrating that all conditions prerequisite to obtaining such special permit continue to be met.

b) Any such renewal must be referred to the Zoning Commission for consideration. The Zoning Commission, in its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for a special permit.

Section 8.18.06 Savings Clause

Should any court of competent regulations to be unconstitutional or statutorily illegal, such decision shall affect only such section, clause or provision so declared unconstitutional or illegal and shall not affect any other section, clause or provision of these regulations. [Effective: 3-30-95]

SECTION 8.19.00 WIRELESS TELECOMMUNICATION SITES [EFFECTIVE 2-18-98]

Section 8.19.01 Background and Purpose

Recent advances in wireless communications technology have resulted in a new generation of telecommunication services. These new services transmit electromagnetic waves of such a frequency and power that will likely require numerous antenna locations. These antennas may be located on buildings, water towers, and other similar structures but may also frequently be located on new or enlarged towers. This requires that the Town of Westbrook regulate these wireless communication system facilities in a different manner than conventional television and radio transmission towers which are able to transmit their signals at much greater distances.

A number of providers of wireless communication services have recently been licensed by the Federal Communications Commission and additional providers are expected to be licensed in the near future. These firms are expected to pursue antenna sites within the Town of Westbrook and these efforts are expected to include requests to construct new communication towers.

The intent of this proposed regulation is to provide for the establishment and/or expansion of wireless telecommunication services within the Town of Westbrook while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting, and screening. More specifically, this regulation has been developed in order to:

a) Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community;

b) Encourage providers to co-locate their facilities on a single tower;

c) Site facilities below visually prominent ridge lines;

d) Minimize the location of facilities in visually and environmentally sensitive areas;

e) Encourage creative design measures to camouflage facilities;

f) Protect historic and residential areas from potential adverse impacts of communication towers; and

g) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

Section 8.19.02 Definitions

For the purpose of applying the provisions of this section the terms below shall be defined as follows:

Section 8.19.02(1) Antenna means a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip antennas, panel antennas, and dish antennas.

Section 8.19.02(2) Co-Location means locating wireless communication facilities from more than one (1) provider on a single site.

Section 8.19.02(3) Wireless Telecommunication Services means licensed wireless telecommunication services including, but not necessarily limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Section 8.19.02(4) Wireless Telecommunication Site means a facility operated by a licensed wireless telecommunication service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

Section 8.19.02(5) Height of Tower means the vertical distance measured in feet from the average existing level of the ground surrounding the tower and within ten (10) feet thereof to the top most point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.

Section 8.19.02(6) Tower means a structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include: (a) self-supporting lattice, (b) guyed, and (c) monopole.

Section 8.19.03 Location Preferences

Section 8.19.03(1) The locations for siting the equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services are listed in paragraphs (a) through (f) below, in order of preference.

a) On existing or approved towers.

b) On existing structures such as buildings, water towers, and utility poles.

c) On new towers less than seventy-five (75) feet in height located in the following districts: CD, ID, LI, TIC-64, TIC-65

d) On new towers seventy-five (75) feet or greater in height located in the following districts: CD, ID, LI, TIC-64, TIC-65.

e) On new towers seventy-five (75) feet or less in height on a lot containing a minimum of five (5) acres located in the RR District.

f) On new towers greater than seventy-five (75) feet in height on a lot containing a minimum of five (5) acres located in the RR District.

Section 8.19.04 Uses Allowed Only By Special Permit

Section 8.19.04(1) All applications to develop a wireless telecommunications site pursuant to this Article shall be subject to the Special Permit provisions of Article VII in addition to the specific requirements listed in Sections 8.19.09 et seq and 8.19.10 et seq. All Special Permit application procedures, hearing and notice requirements shall also apply.

Section 8.19.05 Site Plan Requirements

Section 8.19.05(1) All applications to develop a wireless telecommunications site pursuant to this Article shall also be subject to the Special Plan requirements listed in Article VII of these regulations. In addition, the following information shall be submitted in accordance with each particular application where applicable.

a) A plan showing where and how the proposed antenna will be affixed to a particular building or structure.

b) Details of all proposed antenna and mounting equipment including size and color.

c) Elevations of all proposed shielding and details of materials including color.

d) An elevation of all proposed equipment buildings or boxes and details of all proposed fencing including color.

e) A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and types of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. Where a monopole is proposed, the design shall illustrate how the tower will collapse upon itself.

f) An analysis of the fall zone for the proposed tower prepared by a licensed engineer.

g) All applications shall include proof that either the applicant or co-applicant holds a bona fide license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support.

h) A propagation analysis depicting the extent of the coverage for the proposed wireless telecommunications site. The analysis must include a map indicating the search radius for the proposed wireless telecommunications

i) The application shall provide a rendering of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal.

j) For towers located within two hundred (200) feet of any residential district, the applicant shall provide a view shed analysis showing all areas from which the tower would be visible.

Section 8.19.06 Height and Area Requirements

Section 8.19.06(1) Lot Size: In all permitted areas, except for the RR District, wireless communication sites which utilize a free-standing tower shall not be located on any lot of less than fifteen thousand (15,000) square feet.

Section 8.19.06(2) In the RR District, the minimum lot area is five (5) acres.

Section 8.19.07 Height

Section 8.19.07(1) The maximum height of any free standing tower proposed under this regulation shall be two hundred (200) feet including the antenna and all other appurtenances.

Section 8.19.07(2) The maximum height of any antenna mounted to the side of, or atop, any existing structure shall be fifteen (15) feet above the highest point of such.

Section 8.19.08 Setbacks

Section 8.19.08(1) All towers shall comply with the underlying setback requirements of the district in which the tower is proposed to be located, except that the Commission may require a greater distance if the fall zone analysis indicates that there is a risk to the public health, safety or general welfare or if there is potential damage to property.

Section 8.19.08(2) All equipment buildings/boxes or equipment areas each fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying district.

Section 8.19.08(3) All equipment buildings/boxes or equipment areas each less than fifty (50) square feet in area shall comply with the following minimum property line setbacks:

a) Front Yard or Side Yard along a Street. Same as for a principal building in the underlying district.

b) Rear and Side Yards: Twenty (20) feet.

Section 8.19.08(4) All applications pursuant to this Article which seek location within any of the Special Districts set forth in Article V shall also comply with all applicable requirements of Article V.

Section 8.19.09 General Requirements

Section 8.19.09(1) No wireless telecommunication site shall be located within two hundred (200) feet of any neighboring residence.

Section 8.19.09(2) No tower exceeding seventy-five (75) feet in height shall be located within one thousand (1,000) feet of the boundary of any approved historic district.

Section 8.19.09(3) No lights shall be mounted on proposed towers unless otherwise required by the FAA. All strobe lighting shall be avoided, if possible.

Section 8.19.09(4) Towers not requiring special FAA painting or markings may be required to be painted a non-contrasting blue, gray, or black, or trimmed in such a manner to blend in with the surroundings.

Section 8.19.09(5) Towers may not be used to exhibit any sign or other advertising except for signage for safety or security purposes directly involving the operation of wireless service with the permission of the Commission.

Section 8.19.09(6) Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional competitive users if the tower is over one hundred (100) feet in height or for at least one (1) additional comparable antenna if the tower is over fifty (50) feet in height. An agreement signed by the owner(s) of the proposed tower acknowledging their obligation to permit the co-location of antenna facilities must be submitted to the Commission prior to final approval of the application. This agreement must also be included as a note on the approved Site Plan. [Effective 12-22-99]

Section 8.19.09(7) All towers shall be monopole design unless otherwise approved by the Commission. A monopole tower shall be designed to collapse upon itself.

Section 8.19.09(8) The Commission may require that any monopole be of such design and treated with an architectural material so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part.

Section 8.19.09(9) Antennas or equipment buildings/boxes mounted to or on buildings or structures shall, to the greatest degree possible, blend with the color and design of such building and shall be screened and fenced as required by the Commission.

Section 8.19.09(10) All dish antennas shall be of mesh construction unless otherwise approved by the Commission.

Section 8.19.09(11) Dish antennas shall not exceed six (6) feet in diameter. Panel antennas shall not exceed five (5) feet in height.

Section 8.19.09(12) No proposed wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.

Section 8.19.09(13) All applications for wireless telecommunication sites within the Special Districts set forth in Article V shall comply with the standards found in said Article of these regulations.

Section 8.19.09(14) The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions.

Section 8.19.09(15) All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.

Section 8.19.09(16) All generators installed in conjunction with any wireless telecommunication site shall comply with all state and local noise regulations.

Section 8.19.09(17) All equipment or boxes accompanying any free standing antenna or tower shall be screened and fenced as required by the Commission.

Section 8.19.10 Factors Upon Which Special Permit Decisions Of The Commission Shall Be Based

Section 8.19.10(1) In considering applications for wireless telecommunication sites, the Commission, in addition to the standards found in Article VII shall also find:

a) In the case where a wireless telecommunication site is proposed to be located on or within one thousand (1,000) feet of a property designated on the National Historic Register, that such proposal will preserve the historic and/or architectural character of the landscape or any structure.

b) In the case where an application for the proposed location of a wireless telecommunication site is not a preferred location as set forth in Section 8.19.03(1) (a) through (d), the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher preferred location was not technologically, legally, or economically feasible. The supplied documentation should evaluate the following factors:

1) The planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved structure or tower as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost.

2) The planned equipment cannot be accommodated on an existing or approved structure or tower due to structural deficiencies as documented by a qualified licensed engineer and that such deficiencies cannot be eliminated at a reasonable cost.

3) The existing or planned equipment on an existing or approved structure or tower would cause unacceptable interference with the equipment proposed by the applicant as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost.

4) Any restriction or limitation imposed by the FCC.

Section 8.19.11 Abandonment

Section 8.19.11(1) A wireless telecommunication site not in use for twelve (12) consecutive months shall be removed by the service facility owner. This removal shall occur within ninety (90) days of the end of such twelve (12)-month period. Upon removal, the site shall be restored to its previous appearance and, where appropriate, re-vegetated to blend with the surrounding area. These requirements shall be conditions of any Special Permit approval.

Section 8.19.12 Expiration of Permit

Section 8.19.12(1) The approval of an application for Special Permit shall be void and of no effect unless construction of the project commences within one (1) year and is completed within two (2) years from the date of the approval granted by the Commission. For purposes of this regulation, the term start of construction, where applicable, shall be defined as the installation of a permanent building foundation. The Commission may grant up to two (2), six (6)-month extensions of this period upon written request by the applicant. The Commission shall

withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval or if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all Special Permit, Site Plan, Inland Wetlands, or Subdivision approval shall extend the aforementioned one (1)-year period the length of such appeal. The Commission may, as a condition of approval of a Special Permit, establish a time period such Special Permit shall remain in effect. [Effective 2-18-98]

SECTION 8.20.00 RESTRICTION ON UNREGISTERED MOTOR VEHICLES

Section 8.20.01 Parking or storage of unregistered motor vehicles shall not be permitted in any residential district except within a building. Vehicles used on a farm or those stored on a Conn. Dept. of Motor Vehicles licensed premise are exempted, but in no event shall such vehicles be kept in front of any building or front building line. [Effective 8-5-98]

SECTION 8.21.00 BILLBOARDS

Section 8.21.01 Anything in these Regulations to the contrary notwithstanding, billboards shall be prohibited throughout the Town of Westbrook. “Billboards” shall include, but not be limited to, any sign greater than 150 square feet which is a free-standing structure, or is mounted upon the roof or wall of a building, and which is visible from any public street or highway. “Billboard” shall not include any sign(s) approved pursuant to Section 10.20.00 or approved as part of a Site Plan Review, per Article VI, or Special Permit Article VII, of these Regulations. [Effective 12-12-01]

SECTION 8.22.00 EXTERIOR LIGHTING REQUIREMENTS [EFFECTIVE 4-18-11]

Section 8.22.01 Purpose

These Regulations are intended to provide standards with regard to exterior lighting in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to raise public awareness of energy conservation, to discourage the installation of lighting fixtures that emit objectionable illumination, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare.

Section 8.22.02 Applicability

The standards herein shall apply to all exterior lighting where site plan review or special permit is required, except for single-family dwellings.

Section 8.22.03 Standards

1) All exterior lights, building illumination directed from the exterior of the building, and sign illumination shall be designed, located, installed and directed in such a manner as to prevent direct glare or light trespass of more than 0.1Fc onto neighboring properties, employ evenly distributed, transitional light levels which are consistent from area to area, minimize contrast between light sources, lit areas and dark surroundings, and be confined within the target area to avoid glare outside the property line or boundary, or into the sky.

2) All lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures shall be discouraged.

3) Lighting fixtures shall be full cut-off type fixtures or IESNA cut-off fixtures as approved by the Commission, except as required by 8.22.03 paragraph 7.

4) All lighting for display, aesthetic, parking and sign lighting, shall be placed on timers and turned off after business hours; lighting provided for security may be motion-activated after hours.

5) High pressure sodium light sources are discouraged.

6) Lighting designed to highlight flagpoles shall be targeted directly at the flag.

7) Where outdoor playing fields or other special outdoor activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that: their beams fall within the primary playing area and immediate surroundings, and Minimal light trespass is received off the site, and in no event greater than 0.1Fc.

Section 8.22.04 Lighting Plan Submission Requirements

The Lighting Plan shall be depicted on a site plan that indicates the location of each current and proposed outdoor lighting fixture including fixtures located on the ground, on a building, or architectural building or structure illumination located on or directed from the exterior of the building or structure, and illuminated signs. This plan shall be certified by a licensed professional engineer. The lighting plan shall include the following information:

a) Provide lighting layouts showing initial luminance calculations on prepared site plans to conform to these Regulations.

b) descriptions of outdoor light fixtures including component specifications such as lamps, reflectors, wattage, type of light source (metal halide, fluorescent, LED, etc.) optics, angle of cutoff, supports, poles and include manufacturers catalog cuts;

c) lighting fixture locations including parking lots, walkways, building mounted, signs, architectural building or structure illumination, and all other exterior lighting equipment or lighting located on or directed from the exterior of a building.

d) iso-illuminance contours and light level grid lighting plan of site property out to 10 feet beyond property lines or zero calculated initial light levels whichever comes first, showing footcandle readings including all property exterior light fixture contributions every ten (10) feet including the average footcandles, minimum and maximum footcandles and min. to max. ratios.

e) foundation details for light supports.

Section 8.22.05 Illumination Levels For Various Tasks, As Recommended By IESNA (Illuminating Engineering Society of North America) Illumination levels recommended by the Illuminating Engineering Society of North America (IESNA) for the subject uses shall not be exceeded and minimum levels shall be provided. When IESNA recommended illuminance levels cannot be met, submit reasons and supporting documentation.

Section 8.22.06 Exemptions and Modifications

1) Lighting, such as the types listed below, are exempt from these Regulations:

   a) traditional temporary seasonal/holiday lighting.

   b) temporary lighting associated with a fair, carnival or similar function authorized by the Town of Westbrook.

c) temporary lighting used by the Police Department, Fire Department, or Emergency Services.

2) The Commission may, by Special Permit, allow lighting that does not comply with the Specific standards listed in this Section provided the Commission determines that such proposed lighting is consistent with the intent and purpose of these Regulations and that such lighting is essential to safe operation of the subject use.

SECTION 8.23.00 FAMILY ENTERTAINMENT CENTERS

Section 8.23.01 A family entertainment center may be approved by Special Permit pursuant to Article VII of these regulations in the Neighborhood Commercial District (NCD) subject to the following provisions:

a) With the exception of ingress to and egress from the family entertainment center, there shall be no utilization of outdoor areas for any of the activities of the family entertainment center.

b) The facility must have security services available/on-call during hours of operation to avoid the creation of nuisances affecting adjacent properties. Such security services shall be independent of Town law enforcement personnel.

c) A supervisor, age eighteen (18) or older, must be on the premises at all times while the business is open to the public or otherwise in use.

d) Family entertainment centers shall not operate earlier than 10:00 a.m. or later than 8:00 pm in any given day.

e) Rules of patron conduct must be prominently posted in a conspicuous location and anyone violating those rules shall be required to leave the premises immediately.

f) The use shall be located within 100' of a resort property. All such measurements shall be made by airline measurement from the main entrance door of the family entertainment center to the property line of the resort.

g) Premises must contain a minimum of forty (40) square feet of floor space for each arcade device.

SECTION 8.24.00 EMERGENCY MEDICAL CARE FACILITY HELISTOP [EFFECTIVE 3-22-12]

1) An Emergency Medical Care Facility Helistop may be permitted as an accessory use in conjunction with an Emergency/Ambulatory Outpatient Medical Care Facility in the TIC-65 Zone of these Regulations, subject to a Special Permit. Such Emergency Medical Care Facility Helistop shall be limited to serving medical facilities engaged in air ambulance, or other hospital/medical facility related functions.

2) The design of the Emergency Medical Care Facility Helistop shall meet the criteria provided for "Hospital Heliports" in the Federal Aviation Administration's Heliport Design Guide, Advisory Circular No. 150/5390-2B dated September 30, 2004, as revised or amended.

3) Prior to operation, the Emergency Medical Care Facility Helistop shall receive any and all licenses required for such facilities by applicable State or Federal law or regulation.

4) No Emergency Medical Care Facility Helistop shall be located less than two hundred fifty (250') feet from a Residential District as measured from the center of the touchdown and

liftoff area of the Emergency Medical Care Facility Helistop to the Residential District boundary.

5) No maintenance or supply facility or facility for the storage of aviation fuel shall be permitted on the site.

6) An Emergency Medical Care Facility Helistop facility for landings and takeoffs shall be graded and designed to prevent volatile levels of flammable liquids or the vapors of such liquids from entering buildings, spreading onto automobile parking areas, roads or drives, or from entering the drainage systems of the site, or adjoining roads or properties.

7) Fire protection measures and equipment shall meet NFPA recommendations as enumerated in the FAA Heliport Design Guide and all expense associated with such measures and equipment shall be borne by the Emergency Medical Care Facility Helistop owner or operator.

8) The Emergency Medical Care Facility Helistop shall be located on the same lot as the Emergency/Ambulatory Outpatient Medical Care Facility.

SECTION 8.25.00 MINIATURE GOLF COURSE [EFFECTIVE 8-16-2012]

A miniature golf course may be permitted in conjunction with a Restaurant, Hotel/Motel, Bed & Breakfast or Family Entertainment Center in the Neighborhood Commercial District, subject to a Special Permit in accordance with Article VII of these regulations and the following provisions:

1) The use shall be located on a minimum parcel of five (5) acres.

2) The area of land for a miniature golf course must be constructed on a minimum ground area of 20,000 square feet and maximum of 60,000 square feet, exclusive of parking and ticket booth area requirements.

3) The facility must be staffed during hours of operation.

4) Any lighting used to illuminate the property shall be in accordance with the Exterior Lighting requirements in these regulations.

5) The facility shall be operated in such a manner so as to be in compliance with Section 11.22.01 of the Zoning Regulations.

6) The buffer for tidal wetlands required in Sect.114.05 shall be measured from the perimeter of the miniature golf facility.

SECTION 8.26.00 DONATION BINS [EFFECTIVE 9-18-14]

Unless otherwise exempt, no unattended donation bin shall be placed, operated or maintained until an application has been completed and approved by the Zoning Enforcement Officer.

Contents of Permit Application.

a) The permit application shall be made on a form provided by the Zoning Enforcement Officer and shall include the name, address, e-mail, website (if available) and telephone number of both the property owner and the unattended donation box's operator.

b) For the purpose of this application, the property owner shall be designated as the applicant.

c) Written proof shall be provided to establish that the operator of the unattended donation box is qualified to solicit charitable donations of salvageable personal property and is registered as a 501 (c) 3 organization.

d) The physical address of the proposed site and a drawing sufficient to indicate the proposed

location of the unattended donation box on the lot, as well as the size and color of the proposed unattended donation box.

e) A color photograph of the lot showing the location where the unattended collection box shall be located.

f) A schedule for the regular emptying and maintenance of the proposed unattended donation box.

Section 8.26.01 General Requirements

a) The property owner and operator shall be individually and severally responsible for operating and maintaining, or causing to be operated and maintained, the unattended donation box;

b) Unattended donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti;

c) Unattended donation boxes shall be locked or otherwise secured;

d) Unattended donation boxes shall contain the following contact information in two-inch type visible from the front of each unattended donation box: the name, address, e-mail, and phone number of both the property owner or their agent and the operator;

e) Unattended donation bins shall be serviced and emptied as needed, but at least once per month, or within five business days of a request by the Zoning Enforcement Office;

f) The property owner and operator shall be individually and severally responsible for maintaining, or causing to be maintained, the area surrounding the unattended donation bins free of any junk, garbage, trash, debris or other refuse material;

g) The property owner and operator shall be individually and severally responsible for abating and removing all junk, garbage, trash, debris and other refuse material in the area surrounding the unattended donation bins within 24 hours of written or verbal notice from the Zoning Enforcement Officer, Fire Marshall, Director of Health or the Office of the First Selectman;

h) No unattended donation bin shall be placed within 400 feet from another unattended donation bin on the same lot;

No unattended donation bin shall be placed on required parking spaces or so as to restrict road or highway visibility, interfere with the safe and orderly movement of vehicular or pedestrian traffic or otherwise pose a hazard to traffic.

SECTION 8.27.00 FENCES [EFFECTIVE 12-17-15]

Section 8.27.01 Fences for residential uses exceeding 78 inches in height must meet yard setbacks except those fences, including deer fences, constructed as a barrier to animals entering or leaving an enclosed area in conjunction with an agricultural use.

Section 8.27.02 Electrical, barbed wire fence, or other fences considered hazardous shall be prohibited in residential districts except when used to provide security to a public utility structure or tower or where constructed as a barrier to animals entering or leaving an enclosed area in conjunction with an agricultural use. For the purposes of this section, such agricultural use shall not include small flower or vegetable gardens.

Section 8.27.03 Fences intended to guard commercial or industrial property against unauthorized entry or to protect stored goods and products from theft and other unauthorized handling shall be exempt from height and yard setback requirements subject to Special Permit approval.

Section 8.27.04	Fences that are adjacent to a driveway that do not meet yard setbacks, shall not exceed a height of 3'-6" and shall be at least 40% transparent within 10' of the edge of pavement.
Section 8.27.05	On a corner lot, fencing along intersecting streets that does not meet yard setbacks, shall not exceed a height of 3'-6" and shall be at least 40% transparent within 25' of the intersecting street lines.

9. ARTICLE IX – SPECIAL DEVELOPMENT REGULATIONS

SECTION 9.00.00 CONGREGATE CARE FACILITY

Section 9.00.01 Purpose

Congregate Care Developments are permitted to provide residential dwelling units, restricted to residents as defined in these Regulations, which in addition provide common facilities and services, including administrative areas, common dining facilities, recreational facilities and health care facilities.

SECTION 9.01.00 GENERAL

Section 9.01.01 Congregate Care Development projects shall be permitted in the RR, LDR, MDR Districts and the Commercial District, only when authorized by a Special Permit and Site Plan Approval as may be granted by the Commission.

SECTION 9.02.00 PROCEDURE FOR A SPECIAL PERMIT AND SITE PLAN APPROVAL

Section 9.02.01 Procedure for a Special Permit and Site Plan Approval shall be described in Articles VII and VI, respectively, of these Regulations.

SECTION 9.03.00 STANDARDS

Section 9.03.01 The proposed Congregate Care Development shall conform to all the requirements of these Regulations and any applicant seeking a Special Permit and Site Plan Approval shall comply with the standards set forth in Articles VII and VI of these Regulations and shall also comply with the following additional standards:

Section 9.03.02 Lot Area

The Congregate Care Development shall be located on a lot having a minimum Lot Area, as defined in Section 2.40.53 of these Regulations, of five (5) acres. Such development shall include the following requirements:

a) There shall be a suitable location for the installation of on-site sewage disposal system.

b) Each Congregate Care Development shall be served by a public water supply.

c) Each building shall be served by a separate sewage disposal system designed and constructed in accordance with applicable State and Town codes and regulations.

d) A community septic system will be allowed when it is proven to be the best method for safe, long-term disposal of septic waste, and must be constructed in accordance with all applicable State and Town Codes.

e) Where feasible all electric and telephone lines and cable TV lines shall be located underground.

f) The area shall have direct access to frontage on a state highway or approved Town street.

Section 9.03.04 Dwelling Units

The dwelling units shall be located on suitable building land on the lot. The average density on the lot shall not exceed six (6) bedrooms per acre of land, calculated as lot area, as determined in Section 9.03.02 of these Regulations.

Section 9.03.05 Specifications

No dwelling unit shall contain more than one (1) bedroom and each unit shall contain a minimum of seven hundred (700) square feet of enclosed floor space. In addition all stairways and/or stairwells shall be enclosed within the main structure.

Section 9.03.06 Buildings

No building shall have more than two (2) stories, or exceed thirty-five (35) feet in height. No building in a project shall contain less than two (2) nor more than six (6) dwelling units in a single story structure or more than twelve (12) dwelling units in a two (2) story structure. For flexibility of design and to facilitate the ease of movement within the congregate care facility, buildings containing dwelling units in conformance with this subsection, may be connected to other buildings containing dwelling units by common connectors or structures which contain common facilities, such as administrative, dining, recreational and health care facilities, such common connectors or structures shall have an architectural design which visually breaks one building from another and in no case shall such common connectors or structures contain dwelling units, nor shall more than twenty-five (25) dwelling units in a single story structure or fifty (50) dwelling units in a two (2) story structure be connected by such common connectors or structures. All buildings shall conform to all State and Federal requirements for the handicapped.

Section 9.03.07 Setbacks

No building or other structure shall extend closer than fifty (50) feet to any street line or property line. No building shall be closer than thirty-five (35) feet from any other building.

Section 9.03.08 Sidewalk and Paving

All Congregate Care Developments shall have sidewalks for the safe passage of pedestrians throughout the project. Sidewalks shall also be constructed along the frontage at the street, on all interior roads and connecting to the sidewalk at the street. All sidewalks shall be constructed in accordance with Section 10.10.00 of these Regulations. Roadways, driveways, curbing and other paved areas shall conform in both design and construction standards to the Subdivision Regulations of the Town of Westbrook.

Section 9.03.09 Off-Street Parking

Off-street parking shall be provided as required in Section 10.00.00 of these Regulations.

SECTION 9.04.00 SPECIAL REQUIREMENTS:

Section 9.04.01 In the event that there is a conflict between the provisions of Section 9.00.00 et. seq. and any other Section of these Regulations the provisions of the former Section shall apply.

Section 9.04.02 In the event that there are properties adjacent to the proposed development site which are capable of future development, and which have no other suitable access for such development, the Commission may require access to said properties by setting aside, for future development, a fifty (50) foot wide right-of-way.

SECTION 9.10.00 PLANNED RESIDENTIAL DEVELOPMENT DISTRICT [EFFECTIVE 8-15-03]

Section 9.10.01 Purpose

The Zoning Commission, upon application in the manner prescribed herein, may designate a specific area as a Planned Residential Development District ("PRDD"). The purpose of such districts shall be to provide alternatives to single-family detached residential development on individual lots in areas that the Commission, exercising legislative discretion, determines are well-suited for such development because of the availability of public infrastructure, such as water, sewers, or highways; favorable soil and environmental conditions; opportunities to preserve significant open space, recreational, agricultural or other valuable land by creative site design; or other relevant factors. Any applicant under this regulation shall have the burden of establishing to the satisfaction of the Zoning Commission that any proposed use is consistent with the Comprehensive Plan for the Town and is compatible with land use patterns on adjoining properties. A PRDD shall not be permitted in the Light Industrial, Industrial, Turnpike Interchange and Commercial Boating Districts and within 75 feet of an abutting municipality.

The PRDD is a floating zone to be designated on the Zoning Map only after approval by the Commission of a Schematic Development Plan. The Commission acts in its legislative capacity when it approves, modifies and approves, or denies the zone change application and Schematic Development Plan.

Section 9.10.02 Uses Permitted In a PRDD

No uses in a PRDD shall be permitted, or deemed to be permitted, as of right. All uses in a PRDD shall be subject to, and shall be allowed <u>only</u> upon, the issuance of a Special Permit in accordance with Article VII of these regulations. A complete Site Plan in accordance with Article VI of these regulations shall be a required component of any Special Permit application, except that no required component of the Site Plan shall be waived by the Commission.

The following uses may be considered for such Special Permit approvals:

a) Multiple single-family detached dwellings.

b) Two-family dwelling or dwellings

c) Multiple-family dwelling or dwellings.

d) Accessory uses customary and incidental to the foregoing residential uses, including buildings used for permitted home occupations; but no accessory building shall be used for residence purposes.

Section 9.10.03 Physical Standards

a) <u>Minimum Standards</u>. The standards set forth in this Section 9.10.03 are minimum standards. The applicant shall, as part of any PRDD application, submit a list of proposed standards to govern the lots or parcels within the PRDD. Such standards may include, without limitation, lot area and width, minimum frontage, yards and setbacks, building height, and building density and impervious coverage. Except as provided hereafter, such standards may be more comprehensive, but shall not be less stringent, than the standards set forth in this Section 9.10.03 (Hereafter called “Basic PRDD Standards”). The applicant may propose, and the Commission may consider, a modification of one or more of the Basic PRDD Standards set forth in this Section 9.10.03 if it specifically finds: (1) that such modification would not unreasonably and detrimentally affect property values

in, or the character of, the neighborhood of the property proposed for the PRDD; and (2) that such modification is reasonably necessary to accommodate an important physical design element of the proposed PRDD. The reasons for said finding shall be clearly stated on the record. The Commission may also condition the approval of any PRDD on the addition or inclusion of standards that are more stringent than the Basic PRDD Standards if it finds that such condition is reasonably necessary to protect public health, public safety, natural resources, or property values. Except as these regulations may otherwise provide, or as the Commission may specify in approving any PRDD, the general requirements of these Zoning Regulations, including but not limited to those in Articles V, Special Districts, VIII, General Development Regulations and XII, Environmental Regulations, shall apply to the PRDD.

b) Lot Size. The minimum lot size in any PRDD shall be at least five times the minimum lot size required for the existing district where it is proposed. The PRDD may be composed of single or multiple lots.

c) Density, Yard and Building Coverage Requirements: Effective 06/19/14; (3)

1) The placement, size and unit count for all principal buildings shall provide for a safe, efficient and harmonious grouping, (shall be in character with the neighborhood in which it is located), and shall include front, side and rear yard requirements that are sufficient to ensure unit privacy .

2) No building shall be erected closer than 100 feet to any RR District boundary or 50 feet to the MDR, LDR or HDR Districts in order to preserve the character of existing single family neighborhoods.

3) In general, the minimum yard requirements of the underlying district shall apply unless the Commission makes a determination that a reduced setback of not less than 5' is desired to promote a streetscape and/or that adequate screening has been provided to the side and rear of the building(s) to ensure the privacy of adjoining dissimilar uses.

4) No building shall be erected in any 100 year flood zone.

5) No building, structure, parking areas, road, driveway or septic systems shall be erected or placed within fifty (50) feet of any tidal wetlands.

6) Inland and tidal wetlands and watercourses, as those terms are defined by Conn. Gen. Stat. Sections 22a-29 and 22a-38, shall be excluded from the area of the PRDD against which density and coverage limitations are computed.

d) Impervious Coverage. Impervious coverage shall not exceed 30% in the RR District or 50% in any other district.

e) Buffers. Where property to be developed as a PRDD abuts property in a different residential zone, the PRDD shall have a 25-foot minimum vegetated buffer, which shall be landscaped naturally or through plantings and shall be permanently maintained. Every effort shall be made to retain existing vegetation. The Commission may require larger buffers or specific vegetative screening were necessary to shield adjacent properties.

f) Building Height. The maximum building height shall be 35 feet.

g Parking Requirements. Two parking spaces shall be provided for each dwelling unit. The Commission may require, in its discretion that at least one of the spaces shall be in a garage. The Commission may require additional parking spaces for guests. Effective 06/19/14

h Design. Architectural and site designs shall be compatible with the neighborhood. Buildings shall be designed to harmonize with each other and shall be of such scale and mass that they relate to each other and to the street.

1) Untreated Walls. No more than two (2) feet of foundation or other wall above the final grade shall be without some aesthetic texture and/or color treatment or foundation plantings.

i) Landscaping. The PRDD shall be suitably landscaped. A general landscaping plan shall be included as part of the Schematic Development Plan required pursuant to Section 9.10.04 of these Regulations. A more specific and detailed plan and schedule shall be submitted as part of the Site Plan required for approval of a Special Permit. Suitable landscaping, which may include lawns or existing vegetation, is required in all areas not covered by impervious surfaces. Large trees and stands of mature trees and shrubs are to remain undisturbed where practical and desirable.

j) Open Space or Recreational Areas. No less than 50% of the area of any PRDD in the RR District and no less than 20% in any other district shall be designated as permanent open space, to be held by an appropriate public entity, land trust, or private association of property owners. Open space areas shall encompass land having meaningful ecological, aesthetic and/or recreational characteristics. All proposed Open Space shall be referred to the Conservation Commission at least 35 days before the public hearing. In deciding the suitability of the proposed Open Space, the Zoning Commission shall consider the comments of the Conservation Commission. Conservation Commission approval shall be required for any proposed Conservation Restriction or Easement (see Appendix A) or open space transfer to the Town.

k) Road Specifications and Layout. Road and driveway construction requirements shall be consistent with the Town of Westbrook road and driveway design standards as applicable.

Section 9.10.04 Application Procedure

Petition and Schematic Plan. A petition for a zone change to a PRDD and simultaneous submission of a Schematic Development Plan shall be made to the Commission pursuant to the provisions of Sec 12.30 of these Regulations, except that the requirements of this section which may be more stringent shall supersede those of Section 12.30.

a) The petition shall be in writing on a form provided by the Commission and accompanied by a fee as set by the Town in accordance with Town Ordinance. The petition shall contain the name(s) and address(es) and contact information for the applicant(s) and the applicant's agent(s) and the name, address and signature of the landowner(s), and shall include a narrative description of the reasons supporting a change of zone and a generalized time schedule for staging and completion of the development, along with a written explanation of the method of preservation and maintenance of all open space portions of the land. The Commission may require additional specific impact statements, technical reports or other documentation (e.g. stormwater management study, drainage study, traffic study, environmental impact study, etc.) as may reasonably be necessary to make an informed determination of the appropriateness of the proposal to the site and its fulfillment of the purpose and intent of these Regulations. The Commission may require information generally required in the Final Site Development Plan if it feels such information is necessary to make an informed judgment. Preliminary findings for all site investigations shall be provided. The petition shall also specify any other regulations that the petitioner(s) propose to be adopted as additional or supplementary regulations for the PRDD.

Included with the petition shall be 1) a location map at a scale that clearly shows the area to be reclassified and the present classification and proposed new classification including

existing and proposed boundaries; 2) a list, keyed to the map, of the names and addresses of the record owners of land within, and within 500 feet outside, the area to be affected by such reclassification; 3) area computations, by record owner, for all lots or portions of lots within, and within 500 feet outside, the area to be affected by such reclassification; 4) the name and address of the president of any beach/land owner association in which the property is located; and 5) a complete written description, by metes and bounds or courses and distances, of the location of any new District boundary or boundaries proposed.

b) Schematic Development Plan. The PRDD Schematic Development Plan shall include the following information, which shall not be waived by the Commission, in schematic form:

1) All plans shall be at a minimum scale of 1" = 100'.

2) A location map showing the location of the PRDD in relation to surrounding streets and thoroughfares, existing zoning of surrounding areas, existing land use on the site and surrounding areas within 500 feet.

3) North arrow, date and scale.

4) A certified boundary survey conforming to the-standards of Class A-2.

5) A topographic survey including contours at two-foot intervals in areas to be developed or otherwise disturbed, and ten-foot contour intervals for areas to remain undisturbed; flood plain delineations as shown on the most recent Flood Insurance Rate Map, Town of Westbrook; boundaries of all inland and tidal wetlands and watercourses as defined by C.G.S. 22a-29 and 22a-38; and existing water and/or sewer service within 500 feet of the property boundaries.

6) All currently existing buildings or structures within 100 feet of the boundary lines of the PRDD.

7) A master plan with topography that clearly identifies proposed land uses, the approximate location of residential lot lines and number of homesites, the location and type of proposed accessory and active recreational uses, the location of proposed open space, prominent natural environmental features such as large areas of exposed ledge, specimen trees, lakes, ponds, streams or swamps, and the proposed location of roads, easements, buffers, public areas, and other major facilities.

8) A table showing acreage for each category of land use including residential areas, roads, open space, commercial and community/open-space support uses, recreation, wetlands and watercourses, slopes greater than 20%, and a table of net residential densities.

9) Significant wildlife habitat and significant historical, archaeological or architectural features map.

10) Soils map.

11) Vegetation map, including existing tree lines.

12) Tidal and inland wetlands and watercourses areas.

13) Areas having slopes greater than 20% based on a scale of 1" = 100' and a contour interval of 2 feet.

14) A proposed utility service concept plan including soil test results, electric, telephone, gas, television, sanitary sewers, storm drainage, potable water supply and water supply for fire protection.

15) Illustrative landscaping plan prepared by a licensed landscape architect, showing landscaped areas, buffers, typical cross-sections, and any special landscape features.

16) A typical dwelling unit location plan including a siting of individual dwelling units in residential development areas.

17) Scale architectural elevations and sections, preliminary site plans, renderings, or other illustrations of the visual character and architectural style of the development.

c) Required Referrals and Notifications.

1) The Zoning Commission shall refer any application in the manner required by statute to the Planning Commission, the regional planning agency, adjoining municipalities, required water companies, and the Office of Long Island Sound Programs. The Zoning Commission shall also refer any application that includes a shared septic system or a system with a design flow exceeding 2,000 gpd (gallons per day) to the Water Pollution Control Commission at least thirty-five days prior to the public hearing. The Zoning Commission shall consider all comments received from the above agencies and shall require a two thirds (2/3) vote of all the members of the commission to approve any application which receives a negative recommendation from one or more of these agencies.

2) The applicant shall mail notification of the public hearing to at least one (1) owner of each of the properties listed in items 2 and 4 in paragraph 9.10.04 (a) above not more than fifteen (15) nor less than ten (10) days before the date set for the public hearing. The text of said notice shall be the public hearing notice provided by the Zoning Commission. Evidence of such mailing, in the form of U. S. Post Office Certified Mail, shall be submitted to the Zoning Enforcement Officer not less than five (5) days prior to the public hearing date. No application for a PRDD shall be approved if the applicant fails to provide evidence of this notification.

Section 9.10.05 Special Permit Approval Requirements

The adoption of a PRDD shall not, in and of itself, constitute the required Special Permit approval for the buildings, structures or other uses proposed in the petition. A separate application for a Special Permit approval must be filed, and such permit and approval must be granted, before such uses may be established. The petitioner(s) may submit such application at the same time as the petition is submitted. The Commission shall follow the procedures set forth in Article VII of these Regulations for making a decision on the Special Permit application.

No Special Permit approval may be issued for any buildings, structures or other uses in a PRDD unless the buildings, structures and uses substantially conform to the Schematic Development Plan submitted with the petition for establishment of the PRDD, except to the extent the Commission may require modifications in that plan.

SECTION 9.11.00 SPECIAL REQUIREMENTS:

Section 9.11.01 In the event that there is a conflict between the provisions of Section 9.10.00 et. seq. and any other Section of these Regulations the provisions of the former Section shall apply.

Section 9.11.02 In the event that there are properties adjacent to the proposed development site which are capable of future development, and which have no other suitable access for such development, the Commission may require access to said properties by setting aside, for future development, a fifty (50) foot wide right-of-way.

SECTION 9.12.00 CONSERVATION SUBDIVISION [EFFECTIVE 11-20-2004]

Section 9.12.01 Purpose

The purpose of these Regulations is to provide an opportunity for the preservation and protection of the Town of Westbrook's natural resources by permitting a transfer of density within a subdivision by way of reduction in the minimum lot size otherwise required in a specified zoning district in return for the dedication of designated areas as Open Space(s); provided, however, that the total number of lots in the subdivision developed under these Regulations does not exceed the number otherwise permitted under these Regulations and the Subdivision Regulations, Town of Westbrook, except as may be permitted under Section 19.12.04 f) 3) below.

Section 9.12.02 Definitions: For the purposes of this Section 9.12.02, the following definitions shall apply:

a) Development Restriction – A restriction which perpetually 1) prohibits further development or use inconsistent with the enhancement, preservation and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or 2) preserves a natural resource predominantly in its natural scenic or open condition, or permits non-profit recreational, and /or agricultural uses which are consistent or advantageous to the preservation and protection of the restricted area.

b) Open Space – As defined in the Subdivision Regulations, Town of Westbrook, as may be amended.

c) Conservation Subdivision – A subdivision approved in accordance with this Section 9.12.00. The term subdivision shall also include resubdivision.

d) Conventional Subdivision – A subdivision designed in accordance with all provisions and standards of the Westbrook Zoning Regulations and Subdivision Regulations, Town of Westbrook without the use of this Section 9.12.00.

Section 9.12.03 Establishment [Effective 4-19-2013]

The Conservation Subdivision shall be the required design for subdivisions in the Town of Westbrook, unless a waiver is granted in accordance with Section 9.12.04 (c) below.

Except for Conservation subdivisions located in an Incentive Housing Zone in accordance with Section 4.130.00 of these Regulations, Conservation subdivision applications shall be processed as Special Permits subject to the provisions of Section 7.00.00; except that the Westbrook Planning Commission shall be designated to hear these applications, as allowed for in Connecticut General Statutes § 8-2. Where the Planning Commission approves a Special Permit for a Conservation Subdivision the "area regulations" (see Article IV of these regulations) / dimensional requirements (lot area, width / frontage, required yards, etc.) of the underlying zone as defined in Article IV of these Regulations shall be superseded to the

extent, but only to the extent, approved by the Planning Commission in connection with a Conservation Subdivision. All subdivisions and lots must, except as otherwise provided in this Section 9.12.00, comply with all applicable sections of these Regulations and the Subdivision Regulations, Town of Westbrook and all applicable provisions of federal, state and local law. Subdivisions must provide for the dedication of at least fifty (50) percent of the total area of the parcel to be subdivided as Open Space. Open Space dedication must be in accordance with the provision of Sections 4.3 et seq. and any revisions thereto of the Subdivision Regulations, Town of Westbrook.

Section 9.12.04 Application Procedures

The Planning Commission shall provide the forms upon which application shall be made, and shall be designated to hear these applications, as allowed for in Connecticut General Statutes § 8-1c and 8-2.

The application processes for the Special Permit and subdivision approval shall proceed concurrently. The forms, number of copies of applications, plans, and fees required to be submitted shall be the same as required in Sections 2.2 et seq. of the Subdivision Regulations, Town of Westbrook, as may be amended. The applicant shall pay the fees established for Special Permit and subdivision applications as defined in the Code of Ordinances, Town of Westbrook Connecticut, Section 9-3, any additional fees required under the Subdivision Regulations, Town of Westbrook and any fees required by the State of Connecticut are to be paid through the Town.

The Planning Commission may require additional information in order to reach a determination of the impact of the Conservation Subdivision on the surrounding area. Such additional information shall be prepared by an appropriately qualified professional and may include, but is not limited to, the following (1) surrounding land uses; (2) existing/proposed building locations; (3) existing/proposed driveways; (4) existing/proposed streets; (5) existing/proposed easements; (6) existing/proposed topography and grades; (7) watercourses and wetlands; (8) existing/proposed drainage; (9) existing/proposed utilities and other information of a similar nature and purpose; (10) traffic impact study; (11) adequacy of water supply and on-site waste disposal; (12) environmental impact statement; and (13) any reports prepared by the applicant's staff or consultants. Where significant environmental impact may be involved, the Planning Commission may request a review of the application and site by a third party with recognized professional expertise, to be chosen by the Planning Commission and, if required, paid for by the applicant.

a) OPTIONAL: Pre-Application Conference. It is <u>strongly</u> recommended that one or more pre-application conference(s) with staff to discuss conceptual aspects of the proposed Conservation Subdivision, the preliminary yield plan, and the proposed plan. The pre-application conference is recommended to allow the general consideration of factors and problems affecting the development of the subject site before the applicant proceeds with the application and the preparation of maps, plans and documents required for informal consideration or formal application. Proceeding without such a meeting may increase the likelihood of longer approval times or denials based on insufficient information necessary for the Planning Commission to make an informal decision. No comments made during either the pre-application conference with staff, or the Informal Consideration of preliminary plans outlined below, shall be deemed to constitute any portion of the application for approval of a Conservation Subdivision, or be construed as any decision, prejudgment, or determination concerning the ultimate formal application.

b) OPTIONAL: Informal Consideration. It is recommended that, prior to submission of a formal application for a Conservation Subdivision, the applicant initiate an Informal Consideration review as is provided for in subsection 2.1 of the Subdivision Regulations, Town of Westbrook. A Yield Plan as outlined in 9.12.4(e) below, and a conceptual Conservation Subdivision Design Plan shall be provided for the consideration of the Planning Commission. The Planning Commission may provide informal, non-binding suggestions to the applicant.

c) OPTIONAL: Waiver. No subdivision shall be approved other than as a Conservation Subdivision, under this Section 9.12.00. The Planning Commission may waive this requirement upon written request from the applicant where, in its sole discretions, the Planning Commission finds the applicant has demonstrated that a Conservation Subdivision will not achieve the required findings of Sections 9.12.06 and 9.12.08 as effectively as a Conventional Subdivision. Any applicant seeking a waiver in accordance with this Section shall submit with the application form a Conceptual Conservation Subdivision Design Plan.

d) OPTIONAL: (See (b) and (c) above) Conceptual Conservation Subdivision Plan. This plan shall consist of a scaled schematic plan showing: (1) any portion of the land that is wetlands and watercourses, (2) flood zone A or V (elevation determined or not), (3) slopes of 20% or greater; (4) coastal resources and land within the CAM boundary, (5) lands shown on the Town's Open Space Plan, (6) proposed easements, deed restrictions or other public encumbrances of the land, (7) proposed street locations and alignment with existing streets, (8) lot lines, and (9) adequacy of each lot to accommodate a house, well and septic system. It is suggested that the applicant utilize the Pre-application Conference(s) and Informal Consideration process in developing the Conceptual Conservation Subdivision Plan.

e) Formal Application, Yield Plan. For all formal applications applicants shall estimate the maximum legally permissible lot density on the basis of a "Yield Plan." This plan shall comply with the requirements for a Conventional Subdivision for lot and street designs. Although such plans may be conceptual in nature and are not intended to involve significant engineering costs, they must be realistic and show potential house sites, septic systems, wells, streets and other improvements in compliance with the requirements of the zoning and subdivision regulations as they apply to a Conventional Subdivision or the lots therein. The Planning Commission shall make a finding on the record that the yield plan is reasonably in conformance with the standards that would apply to a Conventional Subdivision before considering the Conservation Subdivision Design Plan. Except as provided in Section 9.12.04 (f) (3) of these Regulations, the maximum density of lots in the Conservation Subdivision shall be no greater than the density in the Yield Plan.

f) Formal Application, Conservation Subdivision Design Plan. Conservation Subdivisions shall be designed so that the Open Space land is contiguous within the subdivision or to other existing or proposed Open Space to the maximum extent practicable.

   1) The design process should follow this sequence: delineation of all potential Open Space, designation of potential house sites, location and alignment of access road(s), establishment of lot lines.

   2) The Plan shall include a table with the proposed "area regulations" (see Article 4 of these regulations) for each lot which shall specify the lot area, frontage, yards, and other "area regulations" that shall be applied in the proposed subdivision. Uses allowed in the zoning district in which a Conservation Subdivision is proposed shall

apply unless specifically restricted as part of the Conservation Subdivision. Buffers from Tidal Wetlands and Maximum Height Requirement shall not be subject to modification. Approval of the proposed "area regulations" shall be at the sole discretion of the Planning Commission, which may approve lesser reductions in "area regulation" than those proposed.

3) In order to encourage dedication of appropriately located and sized Open Spaces areas, the Planning Commission may offer a lot-density bonus where in excess of fifty percent (50%) of the land within the proposed subdivision is designated for public use and/or resource protection. The Planning Commission, in its sole discretion, may accept additional Open Space area in exchange for the lot-density bonus when it finds that the additional Open Space serves a beneficial natural resource protection or recreational purpose.

4) Test holes and percolation test results shall be provided for up to a maximum of fifty percent (50%) of the potential lots determined by the Sanitarian to be the most difficult on which to locate on-site septic systems or shall be provided for the area proposed for a community system. The number and locations of all test holes and percolations tests shall be determined by the Town Sanitarian.

g) Formal Application, Legal Documents. An application shall not be considered complete unless accompanied by copies of existing and proposed easements (including, but not limited to, driveways, drainage, grading, or Conservation Restrictions; deeds (including, but not limited to streets, Open Space, lot-line changes, or dedication of land to the Town of Westbrook); the proposed Certificate of Incorporation, if any; By-Laws, Rules or Regulations of any association or corporation of the lot owners within the proposed Conservation Subdivision; proposed Covenants and Restrictions to be placed in the deeds of conveyance to the lot owners; any proposed deeds, agreements, conveyances or restrictions necessary for the creation of Open Space; and any other documents as may be necessary.

DISSOLUTION OF ASSOCIATION OR MODIFICATION OF ARTICLES OF INCORPORATION: The articles of incorporation of the homeowners' association may provide for dissolution of the association, or modification of the provisions within, by a majority of all its members, but not without the consent of the Town of Westbrook Planning Commission. Upon dissolution of the association, the Open Space shall revert to the Town, which may take action to accept it under the provisions of the conservation restriction included as an appendix to the Subdivision Regulations, Town of Westbrook convey it to a land trust organization or a suitable non-profit conservation organization, or permit it to be developed for a public use consistent with the purposes of Section 9.12.05 below.

h) Formal Application, Technical Information. All plans, analyses, certifications, parcel history plans, state permits, sanitarian approvals, coastal site plan reviews, adjacent owners list, passive solar energy schemes, and other information required for subdivision approval listed in Section 2.2 Formal Application, inclusive, of the Subdivision Regulations, Town of Westbrook.

Section 9.12.05 Open Space Criteria

The provisions of Sections 4.3 Open Space or Recreation Areas, et seq., of the Subdivision Regulations, Town of Westbrook shall be applied to the portion of this joint approval that is through the authority of the Planning Commission to approve subdivisions.

In determining the appropriateness of the proposed Open Space area, the Planning Commission shall consider: (1) the Westbrook Plan of Conservation and Development, (2) the Open Space Plan, prepared by the Westbrook Conservation Commission in cooperation with the Westbrook Planning Commission, (3) the Westbrook Coastal Resource Management Plan, and (4) the subject site's characteristics with respect to how well the design achieves the following:

a) protects and preserves aquifers, floodplains, wetlands, ledge outcroppings and steep slopes from clearing, grading, filling, or construction;

b) preserves and maintains existing fields, pastures, meadows, orchards, minimizes disturbance of prime agricultural soils, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses;

c) maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and watercourses;

d) provides protection for large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or avoids those which are degraded by invasive vegetation or on highly erodible soils with slopes greater than 10%;

e) allows for unblocked or uninterrupted scenic views and vistas, particularly as seen from public thoroughfares;

f) avoids disturbing prominent hilltops or ridges;

g) protects wildlife habitat and corridor areas especially if for species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Connecticut Department of Environmental Protection;

h) includes sites of historic, archeological, or cultural value, such as stonewalls, spring houses, barn foundations, cellar holes, earthworks, and burial grounds and their environs, insofar as needed to safeguard the character of the feature;

i) protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads or established buffer zones along the scenic corridor of rural roads with historic buildings, stonewalls, hedgerows, etc.;

j) provides active recreational areas in locations that meet neighborhood and/or community-wide needs and offer convenient access and adequate screening from nearby house lots;

k) provides Open Space that is reasonably contiguous, as close to a single block as practicable, contained within logical, straightforward boundaries and whose configuration is in accordance with the guidelines contained in the Design and Management Handbook for Preservation Areas, produced by the Natural Lands Trust, or such other equivalent handbook as the Planning Commission may identify or approve;

l) avoids long thin strips of Open Space unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails;

m) provides Open Space which generally abuts existing or potential Open Space land on adjacent parcels (such as in other subdivisions, public parks, or properties owned by or eased to private land conservation organizations); and/or

n) provides Open Space designed as part of larger contiguous and integrated greenway systems.

Section 9.12.06 Subdivision Design Guidelines

There are many objectives that may be desirable in a Conservation Subdivision, some of which may conflict with others. In evaluating a proposed Conservation Subdivision, the Planning Commission shall consider the subject site's characteristics with respect to how well the design achieves the following:

a) utilizes creative approaches to “area regulations” (see Article 4 of these regulations) such as one side yard setback being consistently smaller so as to better accommodate side-opening garages or wider drives for parking of vehicles or to create more appealing outdoor rooms;

b) excludes wetlands, flood plains, and coastal resources from the development area to the greatest extent possible;

c) excludes sites of historic, archeological, or cultural value, including stone walls, spring houses, barn foundations, cellar holes, earthworks, and burial grounds and their environs, insofar as needed to safeguard the character of the feature, from lots to the greatest extent possible;

d) maximizes the view of the Open Space from each lot without loss of buffer vegetation protecting wetlands and watercourses and other sensitive natural resources;

e) avoids locating new construction on prominent hilltops or ridges by taking advantage of lower topographic features;

f) provides or maintains existing desirable trees along roads, in existing hedgerows and between fields or meadows whenever possible;

g) utilizes native species shade trees and flowering shrubs with high wildlife conservation value in landscaped common areas such as community greens, cul-de-sac islands, and both sides of new streets;

h) provides for significant wildlife habitat and corridors;

i) creates a pedestrian circulation system that assures safety and ease of walking on the site, and between properties and activities or special features within the neighborhood and the Open Space system;

j) footpaths that are aligned to provide the greatest access to house sites as possible and connect with off-road trails, which in turn can link with existing or potential Open Space on adjoining undeveloped parcels;

k) consolidates Open Space so that resource areas are not divided into numerous small parcels located in various parts of the development;

l) accommodates continuance of agricultural use, or where encroachment on these soils is unavoidable, keeps dwellings to the far edge of fields;

m) preserves existing locally significant, prominent, open agricultural landscape vistas and views along public thoroughfares and places homes facing across a broad grassy expanse (i.e. utilizing the concept of “foreground meadows”);

n) maintains the sense of enclosure in existing wooded areas by making provisions to preserve existing vegetation, and avoids large trees when designing such development features as buildings, roads, yards, septic disposal fields, etc. to the fullest extent practicable; and

o) locates development in those woodlands that are in poor condition with limited management potential.

Section 9.12.07 Buffer Requirements

Where property to be developed as a Conservation Subdivision abuts property in a different district than the one in which it is situated, the Conservation Subdivision shall have a minimum twenty-five (25) foot buffer. Where visual screening at eye level is provided by existing vegetation, site features such as ledge, or significant changes in topography, these may be substituted for installation of new vegetation. Vegetation not surviving or determined to be in an unhealthy growing condition in the first season shall be replaced in the following season. The Planning Commission may require larger buffers or specific vegetative screening where necessary to shield adjacent properties. In locations where existing man made features such as roads or buildings restrict the available room for vegetative screening, fences and other structures may be substituted so long as they provide visual screening at eye level. The Planning Commission may require a cash bond for installation or maintenance of buffer vegetation or structures when it deems it necessary by virtue of the extent, or vulnerability, of new vegetation to be established, or the visual severity of impact upon existing land uses.

The Buffer may overlap Open Space or be part of a proposed lot as long as there is a sufficient legal mechanism to assure that it will be maintained. The buffer shall be permanently maintained by the homeowners' association, where one exists, or by the individual lot owners. Such obligation shall be reflected in the Declaration of Restrictions for the subdivision, and shall be enforceable by the Town Of Westbrook, acting by and through its Planning Commission or designated agent.

Section 9.12.08 Findings

In granting a permit under this Section 9.12.00, the Planning Commission shall consider:

a) all findings required for Special Permit under Section 7.50.00 of these Regulations;

b) compliance with the above Open Space criteria and subdivision guidelines;

c) the ability of the proposed lots to accommodate structures of an appropriate size and character for the neighborhood;

d) the recommendations for Open Space within the Westbrook Plan of Conservation and Development;

e) the suitability of areas within the proposed Conservation Subdivision for Open Space purposes in light of the topography, size, shape, and character of the land to be subdivided, and its relationship to other existing or proposed areas of Open Space;

f) the maintenance, insurance, and other burdens placed upon the residents of the Conservation Subdivision, and/or the Town of Westbrook;

g) any burden imposed by the proposed Conservation Subdivision on existing and proposed areas of Open Space;

h) recommendations of the Board of Selectmen, the Westbrook Inland Wetlands and Watercourses Commission, the Recreation Commission, the Conservation Commission, the Westbrook Zoning Commission, and any other public or private agencies or authorities providing comment to the Planning Commission;

i) public access to the Open Space;

j) the opportunity to concentrate building lots so as to avoid:

1) environmentally sensitive areas, such as inland or tidal wetlands, flood plains, aquifers, steep slopes, exposed rock outcroppings, wildlife habitats and corridors, large, contiguous forest tracts, or scenic vistas, or

2) culturally valuable sites such as those with archeological or historical resources, or

3) natural resource abundant sites such as prime agricultural soils, forests, historic streetscapes and historic areas, and active farms;

k) the opportunity to concentrate development on areas of a site that have already been disturbed or that present the opportunity for creative reuse of existing buildings.

SECTION 9.13.00 BED & BREAKFAST ESTABLISHMENT [EFFECTIVE 9-19-2007]

Section 9.13.01 Purpose

It is the purpose of this section to allow for a subordinate, residentially-scaled use of owner occupied residential dwelling, to have guest rooms, without their own separate cooking facilities, for overnight use of transients and to allow for such uses and the economic development opportunities that come with such establishments while at the same time ensuring that the intensity and impacts of such uses are consistent and in harmony with the immediate area within which such facilities are located.

An applicant shall submit an application for a Special Permit, together with a Site Plan which shall include, but not be limited to, the following information in addition to the requirements for Special Permit and the Site Development Plan Regulations:

Section 9.13.02 Application

1) Submitted Plans and Drawings

a) A detailed floor plan of the dwelling with the dimensions and square footage of all rooms to include documentation of all existing and proposed modifications.

b) Proposed area to be dedicated to guest accommodations demonstrating occupancy of no more than seven [7] guest rooms to include the owner(s) and his family.

c) Proposed area to be dedicated to owner's residential use. Area dedicated to owner's residence must be documented and it is the responsibility of the owner to update the documentation for any proposed changes.

d) Entrances, exits, driveways, parking areas, receptacle, landscaping and lighting including required parking spaces need to be indicated on the plans.

The Commission shall require such plan to be prepared and sealed by an Architect, Land Surveyor or Professional Engineer, as is applicable, licensed in the State of Connecticut. An A-2 map survey may be waived at the commission's discretion.

2) Demonstration of Compliance – Health and Fire/Safety Codes

The applicant shall establish that the proposed use will meet all requirements of the State of Connecticut Public Health Code, the Connecticut State Fire Safety Code requirements and any applicable local health codes as the same apply to bed and breakfasts.

3) Owner in Residence

The owner of the premises on which the use is conducted must reside on the premises and must be the owner's legal place of residence.

4) Residential Character

The Bed & Breakfast facilities, the parking area and any exterior modifications or additions to the building or structure, shall be such as to preserve the residential appearance of the property in question. Any alterations to the building or structure shall be compatible with the character of the area, ensure the residential character of the buildings and preserve the existing features of the building. Any recreational facilities on the property shall be for the use of occupants of the property and registered guests only.

5) Off-Street Parking

Off-street parking shall be in accordance with the provisions of Article X, Section 10.06.01a of these Regulations and shall be provided on the premises of the Bed & Breakfast. Provisions shall be made for the screening of the parking area from neighboring properties through the use of trees, shrubbery, fencing or such other means to enhance and maintain the residential character of the neighborhood, as may be required by the Commission.

6) Signage

Bed & Breakfasts shall be permitted a sign to identify the property, provided said sign is in conformance with the area, height and set-back requirements of Article X, Section 10.24.01(g) of these regulations.

7) Food Preparation

Morning meals shall be prepared only and such meals shall only be served to registered guests of the Bed & Breakfast establishment.

8) Landscaping

Landscaping for the entire property that will provide screening from uses of differing intensities and provide visual breaks along structures that will help them blend better with buildings in the district of differing scales.

Section 9.13.03 Findings: Before approving a Special Permit for a Bed & Breakfast establishment, the Zoning Commission shall make a finding that the proposed use has been designed to minimize significant impacts on surrounding roads and adjacent properties and the neighborhood within which the use is proposed and is in conformance with the requirements of Section 7.50.00, et. seq. of these regulations.

SECTION 9.14.00 INN

Section 9.14.01 Purpose

It is the purpose of this section to allow for a residentially scaled use of owner-occupied residential buildings, to have guest rooms, without their own separate cooking facilities, for overnight use of transients and to allow for such uses and the economic development opportunities that come with such establishments while at the same time ensuring that the intensity and impacts of such uses are consistent and in harmony with the immediate area within which such facilities are located. An Inn is a special category in which mixed uses are permitted. Such mixed uses include restaurant services for persons other than guests of the establishment, conference/meeting facilities for persons other than guests of the establishment

and other mixed uses that may be permitted at the discretion of the Commission. An Inn is a residentially scaled use which, because of the potential for higher intensity mixed uses, is to be located in more commercial zoning districts.

Section 9.14.02 Application

An applicant shall submit an application for a Special Permit, together with a Site Plan which shall include, but not be limited to, the following information in addition to the requirements for Special Use Permit and the Site Development Plan Regulations:

1) Submitted Plans and Drawings

   a) A floor plan of the dwelling with the dimensions and square footage of all rooms in the structure, which shall document all existing and proposed conditions.

   b) Proposed area to be dedicated to guest accommodations demonstrating occupancy of no more than ten (10) guest rooms.

   c) A floor plan of all mixed use amenities and their support facilities for any restaurant or conference/meeting room facilities that may be proposed. The floor plan shall take into account any loading dock facilities that may be necessary to service the Inn.

   d) Proposed area to be dedicated to owner's residential use.

   e) Entrances, exits, driveways, landscaping and parking areas including required parking spaces need to be indicated on the plans.

The Commission requires such plan be prepared and sealed by an Architect; Land Surveyor or Professional Engineer, as is applicable, licensed in the State of Connecticut. An A-2 map survey may be waived at the commission's discretion.

2) Demonstration of Compliance –Health and Fire/Safety Codes

   The applicant shall establish that the proposed use will meet all requirements of the State of Connecticut Public Health Code, the Connecticut State Fire Safety Code requirements and any applicable local health codes as the same apply to Inns.

3) Food Preparation

   An Inn may include a dining room that may serve meals in addition to morning meals to registered guests and may be open to the public. All food prepared in connection with an Inn shall be served on the premises. No on or off premises catering activities or take-out service shall be permitted. Guest rooms shall have no individual cooking or food warming facilities.

4) Conference/Meeting Rooms

   An Inn may include conference and meeting room facilities for use by guests as well as the public at large.

5) Residential Character

An Inn and all of its associated mixed uses, the parking area and any exterior modifications or additions to any existing buildings or structures, shall be such as to preserve the residential appearance of the property in question if appropriate. Any alterations to the building or structure shall be compatible with the character of the area, ensure the residential character of the buildings and preserve the existing features of the building.

6) Off-Street Parking

Off-street parking shall be in accordance with the provisions of Article X, Section 10.06.09b of these Regulations and shall be provided on the premises of the Inn. Provisions shall be made for the screening of the parking area from neighboring properties through the use of trees, shrubbery, fencing or such other means to enhance and maintain the residential character of the neighborhood, as may be required by the Commission, unless they determine that adequate parking is available in the immediate area.

7) Signage

Inns shall be permitted a sign to identify the property, provided said sign is in conformance with the area, height and set-back requirements of Article X, Section 10.24.01(g) of these regulations.

8) Landscaping

Landscaping for the entire property that will provide screening from uses of differing intensities and provide visual breaks along structures that will help them blend better with buildings in the district of differing scales.

Section 9.14.03 Findings

Before approving a Special Permit for an Inn, the Zoning Commission shall make a finding that the proposed use has been designed to minimize significant impacts on surrounding roads and adjacent properties and the neighborhood within which the use is proposed and is in conformance with the requirements of Section 7.50.00, et. seq. of these regulations.

SECTION 9.15.00 BOARDING, LODGING AND ROOMING HOUSES

Section 9.15.01 Purpose

It is the purpose of this section to allow for the establishment of Boarding, Lodging and Rooming Houses, without their own separate cooking facilities, for overnight use of transients or permanent use of inhabitants while at the same time ensuring that the intensity and impacts of such uses are consistent and in harmony with the immediate area within which such facilities are located. Any recreational facilities on the property shall be for the use of guests/occupants of the property and registered guests only.

Section 9.15.02 Application

An applicant shall submit an application for a Special Permit, together with a Site Plan which shall include, but not be limited to, the following information in addition to the requirements for Special Permit and the Site Development Plan Regulations:

1) Submitted Plans and Drawings shall include:

a) A detailed floor plan of the structure with the dimensions and square footage of all rooms, which shall document all existing and proposed conditions.

b) Proposed area to be dedicated to the guest rooms demonstrating occupancy of no more than seven [7] guest rooms.

c) Entrances, exits, driveways, landscaping and parking areas including required parking spaces.

The Commission shall require such plan to be prepared and sealed by an Architect, Land Surveyor or Professional Engineer, as is applicable, licensed in the State of Connecticut. An A-2 map survey may be waived at the commission's discretion.

2) Demonstration of Compliance –Health and Fire/Safety Codes

The applicant shall establish that the proposed use will meet all requirements of the State of Connecticut Public Health Code, the Connecticut State Fire Safety Code requirements and any applicable local health codes as the same apply to Boarding, Lodging and Rooming Houses.

3) Food Preparation Services

A common dining room of a Boarding, Lodging or Rooming House may serve meals to registered guests. All food prepared in connection with a Boarding, Lodging or Rooming House shall be prepared on site. No off premises catering activities or take-out service shall be permitted. Guest rooms shall have no individual cooking or food warming facilities.

4) Architectural Character

For Boarding, Lodging or Rooming House facilities, the parking area and any exterior modifications or additions to the building or structure, shall be such as to preserve the architectural appearance of the property in question. Any alterations to the building or structure shall be compatible with the character of the area and the architectural character of the existing structure to which the addition will be built.

5) Impacts of Boarding, Lodging or Rooming Houses on Surrounding Neighborhood As a part of the Special Permit process, the Zoning Commission may determine the impact(s) of a Boarding, Lodging or Rooming House on the surrounding neighborhood and modify a proposal at the Commission's discretion to minimize said impact(s) on surrounding properties.

6) Principal and Auxiliary Structures

Boarding, Lodging and Rooming House accommodations shall exist entirely within the principal dwelling and shall not be located in an accessory structure unless the applicant can demonstrate that the auxiliary Boarding, Lodging or Rooming House space will have

entry from a central point and avoid a motel-like appearance and be consistent with the appearance of surrounding properties.

7) Off-Street Parking

Off-street parking shall be in accordance with the provisions of Article X, Section 10.06.02 of these Regulations and shall be provided on the premises of the Boarding, Lodging or Rooming House. Provisions shall be made for the screening of the parking area from neighboring properties through the use of trees, shrubbery, fencing or such other means to enhance and maintain the residential character of the neighborhood, as may be required by the Commission.

8) Signage

Boarding, Lodging or Rooming Houses shall be permitted a sign to identify the property, provided said sign is in conformance with the area, height and setback requirements of Article X, Section 10.24.01(g) of these Regulations, and are approved by the Zoning Commission at the time of issuance of the Special Permit.

9) Maximum Stories and Height

No building shall exceed thirty-five (35) feet in height.

10) Required Licenses and Permits

The owner of a Boarding, Lodging or Rooming House shall have acquired and will maintain all valid and required licenses/permits for the use.

11) Landscaping

Landscaping for the entire property that will provide screening from uses of differing intensities and provide visual breaks along structures that will help them blend better with buildings in the district of differing scales.

Section 9.15.03 Findings

Before approving a Special Permit for a Boarding, Lodging or Rooming House, the Zoning Commission shall make a finding that the proposed use has been designed to minimize significant impacts on surrounding roads and adjacent properties and the neighborhood within which the use is proposed and is in conformance with the requirements of Section 7.50.00, et. seq. of these regulations.

SECTION 9.16.00 HOTEL/MOTEL WITH FEWER THAN FIFTY (50) ROOMS

Section 9.16.01 Purpose

It is the purpose of this section to allow for the establishment of motels and hotels with fewer than fifty (50) guest rooms, without their own separate cooking facilities, for overnight use of transients while at the same time ensuring that the intensity and impacts of such uses are consistent and in harmony with the immediate area within which such facilities are located.

Any recreational facilities on the property shall be for the use of guests/occupants of the property and registered guests only.

Section 9.16.02 Application

An applicant shall submit an application for a Special Permit, together with a Site Plan which shall include, but not be limited to, the following information in addition to the requirements for Special Permit and the Site Development Plan Regulations:

1) Submitted Plans and Drawings shall include at minimum:

   a) Proposed Rooming Units: A detailed floor plan to show that each rooming unit shall have a minimum floor area of 250 square feet and shall contain private bathing, lavatory and flush toilet facilities.

   b) Proposed Common Floor Area: There shall be provided lobby and common floor area, excluding hallways, equal to at least 5% of the total floor area of all rooming units, but not less than 300 square feet.

   c) Site Plan Requirements: Any application for new buildings or structural alterations shall be accompanied by building plans, floor plans and elevations and by a detailed landscaping plan showing all grading, drainage, fences, walls, shrub and tree plantings, and other landscaping features.

   d) Utilities: No Hotel/Motel shall be approved by the Zoning Commission unless the building is served by an approved sanitary sewerage system and public water supply.

   e) Minimum Lot Requirements: Lot Area per guest room – 1,100 square feet.

   The Commission shall require, such plan to be prepared and sealed by an Architect, Land Surveyor or Professional Engineer, as is applicable, licensed in the State of Connecticut. An A-2 map survey may be waived at the commission's discretion.

2) Demonstration of Compliance –Health and Fire/Safety Codes

   The applicant shall establish that the proposed use will meet all requirements of the State of Connecticut Public Health Code, the Connecticut State Fire Safety Code requirements and any applicable local health codes as the same apply to Motels and Hotels.

3) Architectural Character

   A Hotel/Motel with fewer than 50 guest rooms, its parking area and any exterior modifications or additions to the building or structure, shall be designed in such a way as to be compatible with the area within which it will be located. Any alterations to an existing building or structure shall be compatible with the character of the area and the architectural character of the existing structure to which the addition will be built.

4) Impacts of Hotel/Motels with Fewer Than 50 Rooms

   As a part of the Special Permit process, the Zoning Commission may determine the impact(s) of Hotel/Motel with fewer than 50 guest rooms on the surrounding neighborhood

and modify a proposal at the Commission's discretion to minimize said impact(s) on surrounding properties.

5) Off-Street Parking

Off-street parking shall be in accordance with the provisions of Article X, Section 10.06.09 of these Regulations and shall be provided on the premises of the Hotel/Motel with fewer than 50 rooms. Provisions shall be made for the screening of the parking area from neighboring properties through the use of trees, shrubbery, fencing or such other means to enhance and maintain the residential character of the neighborhood, as may be required by the Commission, unless they determine that adequate parking is available in the immediate area, utilizing section 10.01.01 of the parking regulations.

6) Signage

Hotel/Motels with fewer than 50 guest rooms shall be permitted a sign to identify the property, provided said sign is in conformance with the area, height and setback requirements of Article X, Section 10.20.00 of these Regulations.

7) Maximum Stories and Height

A Hotel/Motel with fewer than 50 rooms shall be a maximum of two and one half (2-½) stories and thirty five (35) feet in height and shall not contain a mixed occupancy.

8) Food Preparation

Guestrooms shall have no individual cooking or food warming facilities with the exception of a microwave oven and refrigerator.

9) Landscaping

Landscaping for the entire property that will provide screening from uses of differing intensities and provide visual breaks along structures that will help them blend better with buildings in the district of differing scales.

Section 9.16.03 Findings

Before approving a Special Permit for a motel or hotel with fewer than fifty (50) rooms, the Zoning Commission shall make a finding that the proposed use has been designed to minimize significant impacts on surrounding roads and adjacent properties and the neighborhood within which the use is proposed and is in conformance with the requirements of Section 7.50.00, et. seq. of these regulations.

SECTION 9.17.00 HOTEL/MOTEL WITH FIFTY (50) OR MORE ROOMS

Section 9.17.01 Purpose

It is the purpose of this section to allow for the establishment of mixed-use Hotel/Motel complexes with fifty (50) or more rooms which include significant mixed uses including office/retail complexes, restaurants, bars, nightclubs, exercise facilities and other accessory amenities.

Section 9.17.02 Application

An applicant shall submit an application for a Special Permit, together with a Site Plan which shall include, but not be limited to, the following information in addition to the requirements for Special Permit and the Site Development Plan Regulations. Hotel/Motel with fifty (50) or more guest rooms are subject to the following additional standards:

1) Submitted Plans and Drawings shall include at minimum:

   a) Proposed Rooming Units: A detailed floor plan to show that each rooming unit shall have a minimum floor area of 250 square feet and shall contain private bathing, lavatory and flush toilet facilities.

   b) Proposed Common Floor Area: There shall be provided lobby and common floor area, excluding hallways, equal to at least 5% of the total floor area of all rooming units, but not less than 300 square feet.

   c) Site Plan Requirements: Any application for new buildings or structural alterations shall be accompanied by building plans, floor plans and elevations and by a detailed landscaping plan showing all grading, drainage, fences, walls, shrub and tree plantings, and other landscaping features.

   d) Utilities: No Hotel/Motel shall be approved by the Zoning Commission unless the building is served by an approved sanitary sewerage system and public water supply

   e) Minimum Lot Requirements: Lot Area per guest room – 1,100 square feet.

2) Off-Street Parking

   Off-street parking shall be in accordance with the provisions of Article X, Section 10.06.09 of these Regulations and shall be provided on the premises of the Hotel/Motels with 50 or more rooms. Provisions shall be made for the screening of the parking area from neighboring properties through the use of trees, shrubbery, fencing or such other means to enhance and maintain the residential character of the neighborhood, as may be required by the Commission.

3) Signage

   Hotel/Motels with 50 or more guest rooms shall be permitted a sign to identify the property, provided said sign is in conformance with the area, height and setback requirements of Article X, Section 10.20.00 of these Regulations.

4) Maximum Stories and Height

   A Hotel/Motel with 50 or more rooms shall be a maximum of two and one half (2-½) stories and thirty five (35) feet in height and shall not contain a mixed occupancy.

5) Food Preparation

   Guestrooms shall have no individual cooking or food warming facilities with the exception of a microwave oven and refrigerator.

6) Landscaping

Landscaping for the entire property that will provide screening from uses of differing intensities and provide visual breaks along structures that will help them blend better with buildings in the district of differing scales.

Section 9.17.03 Findings

Before approving a Special Permit for a Hotel/Motel with Fifty (50) or More Rooms, the Zoning Commission shall make the following findings that the proposed use has been designed to minimize significant impacts on surrounding roadways, adjacent properties and the neighborhood within which the use is proposed and is in conformance with the requirements of Section 7.50.00, et. seq. of these regulations.

10. LAND USE AND SITE DEVELOPMENT REGULATIONS

SECTION 10.00.00 PARKING/LOADING UNLOADING ZONE REQUIRENTS

Section 10.00.01 Purpose

To serve every use of land or improvement thereon, there shall be provided:

a) permanent and conveniently available spaces for off-street parking of motor vehicles.

b) areas affording uncongested and safe access between such spaces and a street.

Section 10.00.02 For every use of land or improvement in the Commercial, Commercial Town Center, Commercial Boating, Light Industrial, Industrial and Turnpike Interchange Districts, there shall also be provided permanent and conveniently available space for loading and unloading of vehicles.

Section 10.00.03 No use of land or improvement thereon shall commence until required off-street parking and truck loading space has been completed in accordance with this Section.

SECTION 10.01.00 GENERAL REGULATIONS

Section 10.01.01 Location

Parking spaces as required shall be located on the same lot with the principal use or, in non-residential districts, within a five hundred (500) foot radius of any part of the property which they are intended to serve provided that the area is not located in a residential district. Said parking spaces may be transferred to another owner or use only if replaced in another location in conformance with these Regulations.

Section 10.01.02 Fractional Spaces

Where fractional spaces result from the application of these Regulations, the parking spaces required shall be construed to be the next higher number.

Section 10.01.03 Parking Space Requirements For Uses Not Listed

The parking space requirements for a use not specifically listed in this Section, shall be the same as for a listed use of similar parking demand characteristics, as determined by the Commission.

Section 10.01.04 Multiple Uses, Joint Facilities

A single-parking facility may serve more than one (1) use located in the main building provided that the aggregate number of spaces shall be the sum of that required for each use.

Section 10.01.05 Off-Street Loading/Unloading Requirements

Each lot or use requiring off-street loading/ unloading zones shall provide such zones as follows:

a) one loading space for each use over ten thousand (10,000) square feet of gross floor area.

b) one (1) additional loading space for each additional twenty-five thousand (25,000) square feet of gross floor area.

c) off-street loading/unloading zones shall not protrude into any street, designated fire lanes, pedestrian or vehicular access.

Section 10.01.06 Improvements

All off-street parking areas and loading areas shall be suitably surfaced, adequately drained, properly lighted, and appropriately landscaped for the protection of adjacent properties, and the safe access and egress of both vehicles and pedestrians.

SECTION 10.02.00 DESIGN CRITERIA

Section 10·02.01 Parking Space

Each parking space shall be nine (9) feet in width by eighteen (18) feet in length except for handicapped double parking spaces which shall conform in both number and dimension to the requirements of the State of Connecticut.

Section 10.02.02 Parking Space Delineation

Parking spaces shall be clearly delineated:

a) by the use of anchored wheel stops in non-paved parking lots;

b) by the use of pavement markings and/or anchored wheel stops in paved parking lots;

c) by signs as may be required.

SECTION 10.03.00 PARKING DIMENSIONS AND LAYOUT

Section 10.03.01 Parking dimensions and layout shall conform to the following requirements, based on angle of parking stalls.

Dimension				Angle		
		P	30	45	60	90
Stall width	A	09'00"	09'00"	09'00"	09'00"	09'00"
Stall length	B	24'00"	16'10"	19'10"	21'00"	18'00"
Aisle width between stalls, one-way	C	12'00"	12'00"	15'00"	18'00"	24'00"
Aisle width between stalls, two-way	D	24'00"	N/A	N/A	N/A	24'00"
Width of stall at curb	E	N/A	18'00"	12'09"	10'05"	09'00"
Cross aisle width, one-way	-	14'00"	14'00"	14'00"	14'00"	14'00"
Cross aisle width, two-way	-	24'00"	24'00"	24'00"	24'00"	24'00"

Section 10.03.02 Access Drives and Vehicular Circulation

Provisions shall be made for vehicular access to the lot to prevent queuing onto any public or private street. Further provisions shall be made for the vehicular circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and to provide safe and convenient circulation in the street and upon the lot.

Section 10.03.03 All parking areas shall be designed in such a manner that any vehicle entering or leaving the parking area from or to a public or private street shall be traveling in a forward motion.

Section 10.03.04 All access drives for parking areas shall be located in such a way that any vehicle entering or leaving such areas shall be clearly visible to any vehicle or pedestrian approaching such driveway from a public street or private road.

Section 10.03.05 For the purposes of this regulation, an access drive is defined as a private roadway providing access for vehicles between the public right-of-way of the street and a parking area, garage, dwelling, or other structure, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located. Access drives shall be suitably paved with brick, concrete, asphalt, gravel or other material as approved by the Zoning Commission, or its agent, to provide a firm, smooth and level surface. Shoulders shall be constructed with appropriate materials to withstand the anticipated vehicular loads and shall remain pervious to the extent feasible. [Effective 11-14-13]

a) Access drives shall have a travel way of fourteen (14) feet for one-way traffic and twenty-four (24) feet for two-way traffic with a minimum one (1) foot, level shoulder beyond the edge of pavement (measured form the back of curb), unless otherwise approved by the Town Engineer. In no case shall the width of the travel way be reduced to less that twelve (12) feet for one-way traffic and (18) feet for two-way traffic except as provided below. The use of mountable curbs or no curbs is encouraged where feasible. [Effective 11-14-13]

b) Single access driveways providing access to an individual residential dwelling unit from the public right-of-way or a common access drive shall have a minimum paved width of ten (10) feet. [Effective 11-14-13]

Section 10.03.06 No parking space or loading/unloading zone shall be designed in a manner that a vehicle entering or leaving such space or zone would block the entrance drive to the parking lot.

Section 10.03.07 All exits and entrances shall be so located as to provide the least amount of interference with the movement of pedestrian and vehicular traffic. Each entrance and exit shall be a distance of at least twenty (20) feet from any residential use or district and at least one hundred (100) feet from any street intersection. A distance of less than one hundred (100) feet from a street intersection may be permitted if proven, to the satisfaction of the Commission, an unsafe condition would not exist.

SECTION 10.04.00 LANDSCAPING OF PARKING AREAS

Section 10.04.01 Landscaping Requirements

The following landscaping requirements shall be provided for all parking areas except single and two-family dwellings, as follows:

a) At a street line along its entire length, exclusive of all curb cuts, there shall be a landscape buffer at minimum of four (4) feet in width between the parking lot and the sidewalk.

b) At any boundary not along a street line, there shall be a landscape buffer, along its entire length, exclusive of any curb cuts, a minimum of five (5) feet in width.

c) Along the entire length of any entrance driveway, there shall be a landscape buffer a minimum of three (3) feet in width between the driveway and the parking lot.

d) Along the entire length or width of any building, where any parking area or driveway would terminate or abut, exclusive of any entrances and /or exits, there shall be a landscape buffer a minimum of four (4) feet in width from the foundation of such building.

e) For every four (4) rows of parking there shall be a landscape island, for every fifteen (15) parking spaces there shall be a landscape island.

SECTION 10.05.00 OFF-STREET LOADING/UNLOADING ZONE

Section 10.05.01 Each off-street loading/unloading zone shall be at least twelve (12) feet in width, fifty (50) feet in length and have a vertical clearance of fifteen (15) feet. Such zone shall be separate from any parking space, access aisle or fire lane and shall, unless waived by the Commission, provide for the forward movement of vehicles entering or leaving such zone.

SECTION 10.06.00 PARKING CALCULATIONS

Spaces shall be provided in not less than the number indicated as follows:

Section 10.06.01 Auditorium, Theater or Place of Public Assembly

One (1) space for every three (3) fixed seats or one space for every three (3) persons as fixed by the Fire Marshal as the maximum capacity allowed, whichever is greater.

Section 10.06.01a Bed & Breakfast

One (1) space for every guest room, two (2) spaces for the resident family plus one (1) additional space for each employee.

Section 10.06.02 Boarding, Lodging and Rooming Houses

One (1) space for every guest room, two (2) spaces for the resident family plus one (1) additional space for each employee.

Section 10.06.03 Bowling Alley

Four (4) spaces for every lane.

Section 10.06.04 Club

One (1) parking space for every fifty 50 sq.ft. of gross floor area or one (1) space for every three (3) persons as fixed by the Fire Marshal as the maximum capacity allowed, whichever is greater.

Section 10.06.05 Congregate Care Facility

One (1) space for every unit, plus one (1) space for every three (3) units to be designated as visitor parking plus one (1) space for every staff member during largest shift.

Section 10.06.06 Convalescent or Nursing Home

One (1) space for every three (3) beds plus one (1) space for every employee during the largest shift.

Section 10.06.07 Customary Home Occupation

In addition to the requirement for the dwelling unit, one (1) space for every employee and one (1) visitor space.

Section 10.06.08	Day-Care Facilities
	One (1) space for every two (2) staff members, including teachers, administrators and voluntary assistants, plus one (1) space for every six (6) enrollees as determined by the licensed capacity.
Section 10.06.09	Hotel/Motel w/Fewer Than Fifty (50) Rooms
	One and one-half [1.5] spaces for each guest room.
Section 10.06.09a	Hotel/Motel w/Fifty (50) or More Rooms
	One and one-half (1.5) spaces for each guest room, one (1) space for every three (3) seats in any restaurant or bar, one (1) space per four (4) legal occupants under the State Fire Code in any conference or meeting room facility, and any additional parking that the Commission may deem necessary in order to accommodate additional uses.
Section 10.06.09b	Inn
	One (1) space for every guest room, two (2) spaces for the resident family, one (1) space for each employee, one (1) space for every three (3) seats within a restaurant/bar or similar use and one (1) space per four (4) legal occupants under the State Fire Safety Code.
Section 10.06.10	Manufacturing/Industrial Establishments
	One (1) space for every four hundred (400) square feet of gross floor area.
Section 10.06.11	Marina
	One and one-half (1½) spaces per slip plus one space for every employee. No required parking space may be used for sales, repair work, storage, or servicing or any kind during the months of May through November inclusive.
Section 10.06.12	Medical or Dental Clinic
	One (1) space for every two hundred (200) square feet of gross floor area plus one and one-half (1½) spaces for every doctor.
Section 10.06.12a	Miniature Golf Course
	One and one-half (1.5) parking spaces for every hole, but may be reduced to one space per hole if there are multiple uses on the lot. [Effective 8-16-2012]
Section 10.06.12b	Emergency/Ambulatory Outpatient Medical Care Facility: One (1) space for every 270 sq. ft. of gross floor area. [Effective 3-22-12]
Section 10.06.13	Mortuary / Funeral Home
	One (1) space for every twenty-five (25) square feet of floor area devoted to assembly rooms.
Section 10.06.14	Multiple Family Dwellings/Time Share Units
	Two (2) spaces for every unit or one (1) space for every bedroom, whichever is greater.
Section 10.06.15	Office, Office Building, Bank
	One (1) space for every two hundred fifty (250) square feet of gross floor area.
Section 10.06.16	One and Two Family Dwellings
	Two (2) spaces for each dwelling unit.

Section 10.06.17 Repair Garage

A minimum of ten (10) spaces or four (4) spaces for every bay, whichever is greater.

Section 10.06.18 Restaurant, Cafe or Tavern

One (1) space for every three (3) seats plus one (1) space for every three (3) tables, or one (1) space for every seventy-five (75) square feet of gross floor area plus one (1) space for every employee during the largest shift, whichever is greater.

Section 10.06.19 Retail Store, Personal Service Shop or Studio

One (1) space for every one hundred fifty (150) square feet of gross floor area up to one hundred thousand (100,000) square feet and one (1) space for every two hundred (200) square feet of gross floor area exceeding one hundred thousand (100,000) square feet.

Section 10.06.20 School

One (1) parking space for every employee plus one (1) parking space for every three (3) students in the 11th & 12th grades plus twenty (20) visitor spaces. However, the number of spaces shall not be less than required under this Section for the auditorium or gymnasium whichever is greater.

Section 10.06.21 Spa or Physical Fitness Center

One (1) space for every two hundred fifty (250) square feet of gross floor area.

Section 10.06.22 Warehouse/Storage Building

One (1) space for every seven hundred fifty (750) square feet of gross floor area.

Section 10.06.23 Family Entertainment Centers

One (1) space for every four hundred (400) square feet of gross floor area. [Effective 4-18-11]

Section 10.06.24 Portion of Required Parking Area Held on Reserve

The Commission may determine that the total number of parking spaces required by this section will not be immediately required by a particular use and may therefore further determine that up to fifty (50) percent of the required parking area may be kept in reserve. It must then be planted and maintained rather than surfaced for parking until such time as the Commission may determine that the additional parking area is required. At such time as the Commission shall inform the applicant in writing by certified mail that additional parking area is to be completed, as authorized in the approved application, the area shall be completed within one hundred-twenty (120) days of dispatch of such notification. No above ground improvement shall be constructed or placed upon such reserve parking area. The area designated as reserve parking must be clearly depicted on the Site Plan. The terms and conditions of any approval based on this Section must be clearly set forth in a note on the approved Site Plan. [Effective 12-22-99]

SECTION 10.10.00 SIDEWALKS

Section 10.10.01 Purpose

The purpose of this Section is to develop a continuous network of uniformly designed and constructed sidewalks along the streets throughout the Town and to provide for the safe and convenient passage of people within a lot.

SECTION 10.11.00 SIDEWALKS, STREET

Section 10.11.01 Requirement

All applications for a Certificate of Zoning Compliance, for development of new buildings or substantial addition or improvement to existing buildings shall be in conformance with these Regulations, and sidewalks shall be provided by District as follows:

a) BOTH SIDES OF THE STREET: Commercial, Commercial Town Center, Commercial Boating, on any street designated as a collector street, on any street that is being extended where sidewalks on both sides of the street already exist, and any development in any District along Route 1.

b) ONE SIDE OF THE STREET: RR, LDR, MDR, HDR, LI, ID, TIC, Districts. In residential districts sidewalks may only be required under this subsection, on existing streets, when the Town has adopted a Sidewalk Plan which establishes the side of the street on which sidewalks are to be constructed.

SECTION 10.12.00 LOCATION

Section 10.12.01 All sidewalks shall be located within the street line with one (1) edge located six (6) inches from the property line along the entire front lot line. If, however, it can be proven to the satisfaction of the Zoning Enforcement Officer or the Commission when a Site Plan Review is required, that it is not feasible to locate a sidewalk as described, said sidewalk shall be located in the front yard along the entire front lot line.

SECTION 10.13.00 SIDEWALKS, INTERIOR

Section 10.13.01 Requirements

All applications for a Certificate of Zoning Compliance for development of new buildings or substantial addition or alteration of existing buildings, except single- and two-family dwellings shall conform to these Regulations and sidewalks shall be provided as follows:

a) a coordinated network of interconnected interior sidewalks shall be provided for the safe passage of pedestrians to and from all parking areas to the entrances and exits of all buildings.

SECTION 10.14.00 DESIGN REQUIREMENTS

Section 10.14.01 All sidewalks shall be made of concrete and shall conform to the design requirements for concrete sidewalks as found in the Subdivision Regulations of the Town of Westbrook.

SECTION 10.20.00 SIGN REGULATIONS [EFFECTIVE 7-10-02]

Section 10.20.01 Purpose

The purpose of these sign regulations is to encourage the effective use of signs as a means of communication by discouraging excessive visual competition in signage; to ensure that signs aid orientation and adequately identify uses and activities to the public; to maintain and enhance property values and preserve the small town character of Westbrook and maintain an orderly and attractive community appearance; and to reduce distractions and obstructions from signs which would adversely affect traffic and pedestrian safety; or otherwise endanger public, health and safety.

To balance the rights of persons to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs; and to ensure the fair and

consistent enforcement of sign regulations, while providing for effective means of communication, consistent with constitutional guarantees. This Section does not regulate, nor is it intended to regulate, the message displayed on any sign, building design or any display not defined as a sign.

It is not nor will it be the intent of the Town and its enforcement agent(s) to interpret, restrict or regulate the messages contained on signage in the Town.

SECTION 10.21.00 DEFINITIONS

Section 10.21.01 For the purposes of this Section, certain terms are defined as follows:

1) Sign: A device for visual communication that is used to bring the subject to the attention of the public. Signs DO include every billboard, illustration, insignia, lettering, picture, logos, lights, or other graphic representations, display, banner, pennant, flag, inflated figures or devices, 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 (a) located out-of-doors, or (b) located indoors and clearly visible from outside of the building.

   The term "sign" shall also include any natural object or objects which are painted or arranged so as to represent or display any graphic representation.

   The term "sign", however, shall not include any flag, pennant or insignia of any governmental unit or non-profit organization, any traffic or directional sign located within the right-of-way of a street when authorized by the Town of Westbrook or State of Connecticut, nor any illustrations, insignia or lettering which are integral and a permanent part of the architecture of a building approved under a Site Plan and/or Special Permit.

2) Banners: Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic or fabric of any kind.

3) Canopy Sign: A sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

4) Flag Sign: A sign constructed of cloth or fabric material that has letters relating to the operation of a commercial business on it. National flags or flags of political subdivisions shall not be considered flags for the purpose of these regulations.

5) Freestanding Sign: A self-supporting sign not attached to a building or wall and in a fixed location. This does not include portable or trailer-type signs.

6) Hanging Sign: A sign which is attached to a building or wall in a manner so that its leading edge extends more than six inches beyond the surface to which it is affixed or the architectural feature, pole or frame from which it is suspended.

7) Illuminated Sign: A sign that is illuminated in any manner by an artificial light source.

8) Internally Lit Sign: A sign that is illuminated from sources inside the sign.

9) Portable Sign: A sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, whether on its own trailer, wheels or otherwise. Such signs include signs attached to or painted on vehicles or boats parked and visible, banner, pennant or sandwich board.

10) Post and Arm Sign: A freestanding sign comprised of a vertical post to which a

perpendicular arm is attached and from which the sign hangs.

11) Roofline: The intersection of the roof and perimeter wall of the structure.

12) Wall sign: A sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one advertised surface.

13) Merchandise displayed on the exterior of a premises shall be considered a sign when it contains advertising. Displayed merchandise without advertising will be considered outside storage and therefore may require a modification to or approval of a Site Plan and/or Special Permit pursuant to Articles VI and VII of the Westbrook Zoning Regulations.

SECTION 10.22.00 GENERAL REQUIREMENTS FOR SIGNS

Section 10.22.01 Signs in all districts shall conform to the following standards and unless otherwise provided for in this Section, no sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered until an application for a Sign Permit has been completed and approved by the Zoning Enforcement Officer.

Section 10.22.02 Contents of Permit Application:

a) An accurate plan showing the proposed location of the sign on the subject property in relation to property lines, existing signs, and principal buildings and other site improvements, if any.

b) A color photograph of the lot showing where the sign will be located.

c) An accurate elevation drawing of the proposed sign and the supporting structure or building façade intended to receive the sign, showing the sign dimensions, area, and height above finished grade, and proposed location of the sign in relation to the building façade and roof line.

d) The property address, the name and address of the property owner, and, if the applicant is not the property owner, the written consent of the owner or his/her agent to the placement and maintenance of the proposed sign.

e) The name and address of the business and the name, address and phone number of the applicant.

f) The name, address, phone number and license number of the sign contractor, if any.

g) The aggregate area of all existing signs on the lot.

h) The type of construction, sign supports, and any mechanical or electrical details.

i) Date of submission.

Section 10.22.03 All signs shall conform to the provisions hereinafter specified and to any additional conditions or limitations that may be imposed by the Zoning Commission in connection with the approval of a Site Plan and/or Special Permit pursuant to Articles VI and VII of the Westbrook Zoning Regulations.

Section 10.22.04 Maintenance of Signs

All signs shall be maintained in a secure and safe condition. The Zoning Enforcement Officer or his/her authorized agent shall inspect and shall have the authority to order the painting, repair or alteration of a sign which shall constitute a hazard to health, safety or public welfare

by reason of inadequate maintenance, dilapidation or obsolescence. If the defect in the sign is not corrected within ninety (90) days, the Zoning Commission may revoke the sign permit and order removal of said sign at the owner's expense. When a sign permit is revoked, a new application for the sign must be submitted to the Commission for review and consideration.

Section 10.22.05 Removal of Outdated signs

Any sign now or hereafter existing which no longer advertises an operating business conducted or product sold, at that location, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or lot upon which sign may be found within ninety (90) days of cessation. Upon failure to comply with the time specified, the Zoning Enforcement Officer is hereby authorized to order the removal of such sign within thirty (30) days of written notification, and the expenses incident thereto shall be paid by the owner or tenant of the building, structure or lot to which such sign is attached.

Section 10.22.06 Forfeited Signs

Any unauthorized sign installed or placed on municipal property, without a permit, shall be forfeited and subject to removal and disposal by the Zoning Enforcement Officer or his/her authorized agent. In addition to other remedies herein, the Town shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

Section 10.22.07 Prohibited Signs

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

a) Anything in these regulations to the contrary notwithstanding, billboards shall be prohibited throughout the Town of Westbrook. "Billboards" shall include, but not be limited to, any sign greater than one hundred and fifty (150) square feet which is a free-standing structure, or is mounted upon the roof or wall of a building, and which is visible from any public street or highway. "Billboard" shall expressly include any sign which is visible from a street from which the property on which the sign is located does not have direct vehicular access. "Billboard" shall not include any sign(s) approved under Section 10.20.00, or approved as part of a Site Plan Review, per Section VI, or Special Permit, per Section VII, of these Regulations.

b) No sign shall be located on any roof or extend above the roofline of any building

c) No sign shall be attached to a tree, fence or utility pole, or painted or drawn on a rock or other natural feature.

d) No sign shall project beyond any property or street line.

e) No vehicle, boat, or trailer which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises shall be parked on a public right-of-way or in any other location which is clearly for the purpose of public visibility. This section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle but rather to regulate the stationary location of such vehicles.

f) No sign shall use or be illuminated by lighting of flashing, intermittent or varying intensity, including, but not limited to, flashing, beacon, strobe, rotating beacon, chasing or zip lights.

g) No sign shall be illuminated by exposed tubes, bulbs or similar exposed light surfaces, or by exterior spot lighting or other illumination that would cause glare observable to a residential district or property or hazards to vehicular traffic.

h) No sign shall include any visible moving parts.

i) No sign shall simulate emergency lights on emergency vehicles or traffic control signals or devices, or hide from view any traffic control device, signal or sign.

k) No sign shall obstruct road or highway visibility, interfere with the safe and orderly movement of traffic, or otherwise pose a hazard to traffic.

l) All off-site advertising signs are prohibited.

m) Inflated air or ground object(s), flying, hung or standing outside of the advertised structure.

SECTION 10.23.00 EXEMPT SIGNS

Section 10.23.01 The following signs are not regulated by this section:

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

b) Holiday Decorations: Holiday lights and decorations with no commercial message.

c) Historical Signs: Memorial plaques or monuments, building markers, or historical plaques and similar items displayed for non-commercial purposes.

d) Private warning and traffic signs, with no advertising thereon, each not to exceed two (2) square feet.

SECTION 10.24.00 SIGNS NOT REQUIRING A PERMIT

Section 10.24.01 The following signs do not require a permit:

a) Municipal announcements

b) Elections signs with a maximum area of sixteen (16) square feet may be erected as follows:

1. Regular election - signs permitted not earlier than the first Tuesday after Labor Day prior to the election day.

2. Primary, special election or referendum signs permitted not earlier than twenty-five (25) days prior to balloting.

3. Signs shall be removed within five (5) days of the balloting except in the instance of a primary, special election or referendum that occurs within the regular November election sequence, such signs shall be removed within five (5) days of the regular election.

c) Civic or religious notifications'.

d) Tag sales of personal household premises. Signs to be displayed no earlier than seven (7) days prior to the sale date. Signs to be removed following the day of the sale.

e) On a lot where the premises are for sale or for rent, one (1) residential real estate sign with a maximum area of four (4) square feet, and not referring to any other premises.

f) Building contractors' and designers' signs pertaining to buildings under construction; the total area of such signs shall not exceed four (4) square feet, and such signs shall be removed within thirty (30) days after completion of the project.

g) Home occupation- one non-illuminated sign with a maximum area of four (4) square feet freestanding or attached to the building but not painted on the building, which identifies a permitted home occupation which exists on the property where the sign is located.

h) On any lot containing a farm, church, place of worship, parish hall, cemetery, museum, school, charitable institution, recreational facilities, nature preserve, wildlife sanctuary, public utility or facilities of the Town of Westbrook, State of Connecticut or the Federal Government, 1 sign not to exceed eight (8) square feet and a height of seven (7) feet.

Section 10.24.02 Special Events

Notwithstanding the provisions of this Section, and upon written application to the Zoning Enforcement Officer, authorization for the establishment of temporary signs for periods not exceeding ten (10) consecutive days, and totaling not more than thirty (30) days in any calendar year, for the purpose of announcing special events may be given, if in the judgment of the Zoning Enforcement Officer such signs do not create a hazard by design, location, construction or method of display. In a Residential district, any such sign shall pertain only to a use permitted in such District. Approval of signs for special events by the Zoning Enforcement Officer does not absolve the applicant from obtaining other permits as may be required by State and Local agencies.

SECTION 10.25.00 SETBACK

Section 10.25.01 Signs in all Districts will meet the required setback regulations for the specific district in which it is located but in no case shall the set back from the street or any lot line be less than ten (10) feet.

Section 10.25.02 Projecting and Hanging Signs

No sign shall project over or hang over any sidewalk, driveway, walkway, roadway, parking area, or accessway, except that signs attached to the wall of a building may thus project not more than twenty-four (24) inches into such sidewalk, driveway, walkway, roadway, parking area, or accessway, and provided that such projection does not occur within ten (10) feet vertical clearance of the ground.

SECTION 10.26.00 SIGN HEIGHT

Section 10.26.01 No portion of any freestanding sign or its support structure shall be greater than the following height above the average existing site grade.

Commercial District (CD): 8 feet

Commercial Town Center (CTC): 8 feet

Commercial Boating District (CB): 8 feet

Industrial District (ID): 8 feet

Light Industrial District (LID): 8 feet

Neighborhood Commercial (NCD): 8 feet

Turnpike Interchange District (TIC):

TIC-64: 8 feet

TIC-65: 25 feet

Residential Districts (PRDD, HOD, IHZ): 6 feet

SECTION 10.27.00 ILLUMINATION

Section 10.27.01 The following provisions govern the illumination of signs in all Districts:

1) Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare.
2) Illuminated signs, where permitted, may be used only to identify the premises where located or the enterprise conducted thereon or to publicize the name or the operator or occupant on such premises.
3) Internally illuminated signs are not permitted in any district except the TIC-65.
4) No flashing signs, strobe lights or rotating lights and no revolving, waving or other moving signs are permitted in any District.

Section 10.27.02 Size and number of signs

Section 10.27.03 Single business: Only one sign per business, freestanding or attached to, but not painted on the building, the principal sign area not to exceed the following:

Commercial Town Center (CTC): 9 square feet
Neighborhood Commercial (NCD): 16 square feet
Commercial Boating (CB): 22 square feet
Commercial District (CD): 32 square feet
Industrial District (ID): 32 square feet
Light Industrial District (LID): 32 square feet

Turnpike Interchange (TIC-64, TIC-65): 32 square feet

In addition to the above, a supplemental sign not to exceed two (2) square feet.

Section 10.27.04 Multiple Businesses

One freestanding sign shall designate the group of businesses and shall not exceed the principal sign square footage in the District for single business. In addition, one sign projecting or attached, but not painted, on the building for each individual business, each sign not to exceed four (4) square feet and a supplemental sign, not to exceed two (2) square feet.

Section 10.27.05 Measurement

Any sign may be double faced, 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 or points of the sign.

Section 10.27.06 Multi-Family Development

One freestanding sign identifying the name of a multi-family development shall be allowed at each entrance to the development. The sign shall not exceed sixteen (16) square feet. The width of the sign shall not exceed six (6) feet. [Effective 8-15-2013]

SECTION 10.28.00 PORTABLE SIGNS

Section 10.28.01 Portable signs shall be permitted for a total of sixty (60) days in the Commercial District (CD), Commercial Boating District (CB) and Neighborhood Commercial District (NCD), under the following restrictions and conditions:

a) Said sign shall not exceed four (4) feet in width and five (5) feet in height. The area of said sign shall not exceed sixteen (16) square feet. Said sign may be double-faced and, for the purpose of area computation, only one (1) face shall be counted in determining conformity with the area requirements of this paragraph.

b) Only one (1) portable sign shall be allowed per lot, except that if the lot has more than four hundred (400) feet of road frontage then one (1) additional portable sign shall be permitted.

c) Said sign shall describe or display only current factual information concerning present activities (including retail sales or services) on the subject lot.

d) Said sign shall not be attached to the ground and shall not extend into the right of way line or sidewalk on said lot. It also shall not impede sight lines or ingress and egress to said lot.

SECTION 10.29.00 NONCONFORMING SIGNS

Section 10.29.01 Nonconforming Signs

Within one year of the effective date of these regulations a registry of nonconforming signs will be prepared. The Town will make a survey and identify, in so far as it is able, those signs that are known or thought to be nonconforming. Those sites that are identified will be contacted and will be required to provide a photograph or facsimile, a sketch with dimensions, and a site development plan showing the location. Such submitted information will become the official record of all nonconforming signage.

Section 10.29.02 Signs in Violation

Any sign in violation of the regulations, in effect at the time of these revisions are enacted, does not become a legal nonconforming sign to these regulations. Any permitted or pre-existing non-conforming structure supporting such sign will be permitted to remain provided the owner of the property establishes his intent to continue the use of said structure for the sign of another business sin the future."

SECTION 10.30.00 EXISTING SIGNS

Nothing in this Regulation shall prohibit or modify the right of property owners to continue to use, maintain and exhibit signs which have been legally established and are existing on the effective date of this Regulation.

SECTION 10.31.00 SEVERABILITY

The provisions of these Sign Regulations are declared severable, to the maximum extent permitted by law. If any provision or provisions of these Sign Regulations or the application thereof to any person or circumstance is held invalid or unlawful, it is the intent of the Zoning Commission of the Town of Westbrook that said invalidity shall not affect other provisions of these Regulations, which shall remain in full force and effect as if such portion so declared invalid or unlawful were not originally part of these Regulations, even if the surviving parts of

the Regulations result in greater restrictions after any unlawful provisions are stricken. In particular, and without limitation, in the event any portion of these Regulations are declared invalid as applied to noncommercial signs, the Regulations, or any surviving portions thereof, shall remain in full force and effect as applied to commercial signs.

11. ARTICLE XI – ENVIRONMENTAL REGULATIONS

SECTION 11.00.00 COASTAL SITE PLAN REVIEW

Section 11.00.01 Requirements

The following site plans, plans and applications for all buildings, uses and structures located fully or partially within the coastal boundary as defined by G.S. Section 22a-94 and landward of the mean high water mark shall be defined as "Coastal Site Plans" and shall be subject to the requirements of this Section and G.S. Sections 22a-105 through 22a-109.

a) Site plans submitted to the Westbrook Zoning Commission in accordance with G.S. Section 22a-109,

b) Plans submitted to the Westbrook Planning Commission for subdivision or resubdivision in accordance with G.S. Section 8-25,

c) Applications for a Special Permit submitted to the Westbrook Zoning Commission in accordance with G.S. Section 8-2,

d) Applications for a variance submitted to the Westbrook Zoning Board of Appeals in accordance with Subdivision (3) of G.S. Section 8-6, and

e) A referral of a proposed municipal project to the Westbrook Planning Commission in accordance with G.S. Section 8-24.

The following uses are hereby exempt from Coastal Site Plan Review requirements, with the exception of shoreline flood and erosion control structures as defined in Subsection (c) of G.S. Section 22a-109 which shall not be exempt from the requirements of this Section:

1) Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds. "Minor addition" means an addition not exceeding 20% of the first floor area or two hundred (200) square feet whichever is less, and which addition does not require more than a 10% addition to the existing off-street parking area to meet the requirements of Section 10.00.00.

2) Construction of new or modification of existing structures incidental to the enjoyment or maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, docks, and detached accessory buildings.

3) Construction of new or modification of existing on premise fences, walls, pedestrian walks and terrace, underground utility connections, essential electric, gas, telephone, water and sewer lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources or restrict access along the public beach.

4) Construction of an individual single family residential structure or addition thereto, except in or within one hundred (100) feet of the following coastal resource areas: tidal wetlands, coastal bluffs and escarpments, beaches and dunes.

5) Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shell fish, wildlife and other coastal land and water resources.

6) Gardening, grazing and the harvesting of crops.

7) Interior modifications to buildings.

8) Minor changes in use of a building, structure or property except those changes occurring on property adjacent to or abutting coastal waters. A "minor change in use" means any use which is permitted by right under these regulations and which does not result in any addition or modification to the existing structures or to the existing off-street parking area or areas on the lot in excess of those allowed under Section 10.00.00.

Section 11.00.02 A Coastal Site Plan shall provide for the orientation and design of buildings that preserve visual and public access to the waterfront. Docks, piers, bulkheads and other structures placed in navigable waters shall observe all waterway encroachment lines established by the Town of Westbrook.

Section 11.00.03 Applications for approval of a Coastal Site Plan filed with the Commission shall comply with the provisions of Article VI (Site Plan Review) of these Regulations, insofar as the same may be applicable thereto; provided, however, in the event such proposed activity requires Special Permit approval, then said application shall conform to the provisions of Article VII. In addition to the requirements set forth in Article VII, the Coastal Site Plan shall include a plan showing the location and spatial relationship of coastal resources on and contiguous to the site; a description of the entire project with appropriate plans, indicating project location, design, timing, and methods of construction; an assessment of the capability of the resources to accommodate the proposed use; an assessment of the suitability of the project for the proposed site; and evaluation of the potential beneficial and adverse impacts of the project and description of proposed methods to mitigate adverse effects on coastal resources.

Section 11.00.04 Applications to the Zoning Commission for Coastal Site Plan Review shall be accompanied by a fee established by the Commission to defray the reasonable cost of reviewing and acting upon the applications.

Section 11.00.05 Reduction or Waiver of Setback Requirement - No building or structure shall hereafter be erected or placed within fifty (50) feet of a regulated tidal wetland as shown on maps prepared by the Connecticut Department of Environmental Protection, except this requirement may be reduced or waived for a marine facility or other water dependent use if it is determined that no adverse impacts to the tidal wetlands would result.

SECTION 11.10.00 EXCAVATION, REMOVAL AND DEPOSIT OF SOIL AND OTHER MATERIALS

Section 11.10.01 There shall be no excavation or removal from its natural situs or any deposit of soil, loam, sand, gravel, clay, stone or other material other than reference to the following:

Section 11.10.02 Excavation, removal or deposit of material determined by the Zoning Enforcement Officer to be necessary in connection with the bonafide construction or alteration of a building or other structure for which a building permit has been issued, or in connection with a bonafide landscaping operation for which a building permit has been issued, provided in no event shall more than three hundred (300) cubic yards per acre, or a maximum of one thousand five hundred (l,500) cubic yards per parcel affected by such work in a residential district, nor shall more than six hundred (600) cubic yards per acre, or a maximum of three thousand (3,000) cubic yards per parcel affected by such work in other districts, be removed from its natural situs or brought onto a lot or parcel of land, nor shall any excavation be below mean high water level. In no case shall the excavation, removal or deposit of materials described above cause adverse conditions on neighboring properties.

SECTION 11.11.00 EXCLUSIONS. EXCLUDED FROM THE FOREGOING ARE THE FOLLOWING:

Section 11.11.01 State or municipal owned land, roads or rights-of-way,

Section 11.11.02 The construction of improvements, including roads and the changing of contours in accordance with those shown on approved subdivision plans.

Section 11.11.03 Normal maintenance repairs of private roads and driveways.

SECTION 11.20.00 *Noise deleted & effective on 02/21/14, Reserved for future use*
SECTION 11.21.00 *Noise deleted & effective on 02/21/14, Reserved for future use*
SECTION 11.22.00 *Noise deleted & effective on 02/21/14, Reserved for future use*

SECTION 11.30.00 VIBRATION CONTROL

Section 11.40.01 No objectionable vibration shall be transmitted outside the parcel from which it originates with the exception of reasonable vibration caused by construction or demolition created during day time hours. Said day time hours are as defined in Section 11.21.01 of these Regulations.

SECTION 11.40.00 SOIL EROSION AND SEDIMENT CONTROL REGULATIONS

Section 11.40.01 Purpose: Soil Erosion and Sediment Controls, 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.

SECTION 11.41.00 DEFINITIONS

Section 11.41.01 Certification means a signed, written approval by the Westbrook Zoning Commission that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.

Section 11.41.02 County Soil and Water Conservation District means The Middlesex County Soil and Water Conservation District established under subsection (a) of Section 22a-329 of the General Statutes.

Section 11.41.03 Development means any construction or grading activities to improved or unimproved real estate.

Section 11.41.04 Disturbed Area means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Section 11.41.05 Erosion means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Section 11.41.06 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.

Section 11.41.07 Inspection means the periodic review of sedimentation and erosion control measures shown on the certified plan.

Section 11.41.08 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.

Section 11.41.09 Soil means any unconsolidated mineral or organic material of any origin.

Section 11.41.10	Soil Erosion and Sediment Control Plan means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative. The map shall show topography, cleared and graded areas, proposed area alterations and the location of and detailed information concerning erosion and sedimentation measures and facilities. The narrative shall describe the project, the schedule of major activities on the land, the application of conservation practices, design criteria, construction details and the maintenance program for any erosion and sediment control facilities that are installed.

SECTION 11.42.00 ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT CONTROL PLAN

Section 11.42.01 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 (½) acre.

Section 11.42.02 Exemptions: 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, except when deemed necessary by the Zoning Enforcement Officer.

SECTION 11.43.00 EROSION AND SEDIMENT CONTROL PLAN

Section 11.43.01 Purpose: A soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water run-off 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 (l985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

Section 11.43.02 Contents of Soil, Erosion And Sedimentation Plan Narrative: A Soil, Erosion and Sediment plan shall contain, but shall not be limited to a narrative describing:

a) the proposed overall development.

b) the schedule for grading and construction activities, including start and completion dates, sequence of grading and construction activities, sequence for installation and / or application of, soil erosion and sediment control measures, sequence for final stabilization of the project site.

c) the design criteria for proposed soil erosion and sediment control measures and storm water management facilities.

d) the construction details for proposed soil erosion and sediment control measures and storm water management facilities.

e) the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.

f) the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

Section 11.43.03 Contents of Site Plan: A Site Plan drawn to a scale of not less than forty (40) feet to the inch detailing the following:

a) the location of the proposed development and adjacent properties;

b) the existing and proposed contours at two (2) foot intervals, soil types, wetlands, watercourses and water bodies;

c) the existing structures on the project site, if any;

d) description of existing and proposed vegetation;

e) the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;

f) the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;

g) the sequence of grading and construction activities;

h) the sequence for installation and/or application of soil erosion and sediment control measures;

i) the sequence for final stabilization of the development site.

Section 11.43.04 Other Information as May Be Required: Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

Section 11.43.05 Minimum Acceptable Standards

a) Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapter 3 and 4 of the Connecticut Guidelines for Soil and Sediment Control (1985), as amended.

b) The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (l985), as amended. The Commission (or the County Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.

c) The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (l985), as amended, shall be used in determining peak flow rates and volumes of run-off unless an alternative method is approved by the Commission.

SECTION 11.44.00 ISSUANCE OR DENIAL OF CERTIFICATION

Section 11.44.01 The Zoning Commission shall either certify that the Soil Erosion and Sediment Control Plan, as filed, complies with the requirements and objectives of these Regulations or deny certification when the development proposal does not comply with these Regulations.

Section 11.44.02 Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapter l24, or l26 of the General Statutes.

Section 11.44.03 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.

Section 11.44.04 The Commission may forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

SECTION 11.45.00 PERFORMANCE GUARANTEE

Section 11.45.01 The Commission, as a condition of certification of a Soil, Erosion and Sedimentation Control Plan, may require a performance guarantee in the amount and in a form satisfactory to the Commission to guarantee satisfactory installation, maintenance and removal of soil, erosion and sedimentation control devices, in conformance with the Plan.

Section 11.45.02 Where a performance guarantee is required, no Zoning Permit shall be issued until such guarantee has been accepted by the Commission or its agent.

Section 11.45.03 The performance guarantee shall be held until its release or reduction is voted by the Commission. The Commission shall not grant a full release until it has certified that all requirements of the permit have been met.

SECTION 11.46.00 GENERAL CONDITIONS

Section 11.46.01 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.

Section 11.46.02 Planned soil erosion and sedimentation control measures and facilities shall be installed as scheduled according to the certified plan.

Section 11.46.03 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

SECTION 11.47.00 INSPECTIONS

Section 11.47.01 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, maintained and removed. The Commission may require the permittee to verify through progress reports that soil erosion and sedimentation control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

SECTION 11.50.00 PROTECTION OF SURFACE AND GROUND WATER

Section 11.50.01 PURPOSE: No use of land or structure shall be permitted which could pose a threat to the quality of the Town's surface waters, its ground water or its aquifers as identified and mapped by the U. S. Geological Survey and classified G.A. and G.A.A. under Connecticut's water quality standards as stated in Section 22a-426 of the Connecticut General Statutes.

SECTION 11.51.00 PROHIBITED HAZARDOUS MATERIALS

Section 11.51.01 Manufacture, use, above ground or underground storage or disposal of hazardous materials in significant quantities is prohibited, except as allowed in Section 11.53.00 of these Regulations. For the purpose of this Regulation, hazardous materials are defined as those substances identified by the U.S. Environmental Protection Agency in Table 302.4 as listed in 40 C.F.R. Section 302.4, (1981) as amended. The amount of any substance which shall constitute a "significant quantity" of such substance is as listed in said Table 302.4.

SECTION 11.52.00 PROHIBITED OUTDOOR ABOVE AND BELOW GROUND STORAGE OF OIL AND OIL BASED DERIVATIVES

Section 11.52.01 The outdoor above ground or below ground storage of oil and oil based derivatives as listed in 40 C.F.R. Section 112.2 (1981) as amended, is prohibited, except as provided in 11.53.00 of these Regulations. [Effective 5-19-92]

SECTION 11.53.00 INSTALLATION OR REPLACEMENT OF HEATING OIL AND MOTOR VEHICLE FUEL STORAGE TANKS

Section 11.53.01 Non-residential underground storage tanks for heating oil and motor vehicle fuels as regulated by Section 22a-449 of the Connecticut General Statutes and Section 22a-449 (d) 1 of the

Regulations of the Connecticut Department of Environmental Protection may be installed or replaced with approved double wall storage tanks, when the installations are designed and constructed in conformance with Connecticut Department of Environmental Protection Standards and when a permit for such work is issued by the Westbrook Building Official.

Section 11.53.02 Existing residential and non-residential underground and outdoor above ground fuel storage tanks, not regulated under 11.53.01, may not be replaced. Below ground and outdoor above ground storage tanks must be replaced with storage tanks located in the basement, garage or similar part of a building, provided such structure has a concrete floor. If to the satisfaction of the Zoning Enforcement Officer this required placement is not possible, existing residential and nonresidential outside above ground fuel storage tanks not larger than two hundred seventy-five (275) gallons may be replaced, provided that they are located on a concrete slab. This concrete slab must extend one (1) foot beyond all sides of the tank and must be sufficient in bearing the weight of the tank. All piping shall connect to the top of the fuel oil tank and valves shall not be installed on return piping. The system shall be designed for the maximum pressure required by the fuel oil burning equipment. All work allowed may only commence after the issuance of a permit by the Westbrook Building Official.

Section 11.53.03 In no case shall an underground tank be installed or replaced in the Water Resource District as defined by these Regulations (See Section 5.22.00) [Effective 5-19-92]

SECTION 11.60.00 STORAGE OF ROAD SALTS

Section 11.60.01 Storage of road salts shall be in weather-tight enclosures with an impervious base.

Section 11.60.02 The site contours surrounding such enclosure shall be graded to prevent salt or salt contaminated soils from combining with storm water run-off.

SECTION 11.70.00 STORMWATER MANAGEMENT REGULATIONS [EFFECTIVE 4-18-11, REV. 6-14-12]

Section 11.70.01 PURPOSE: To protect and preserve the waters within the Town of Westbrook and Long Island Sound from non-point sources of pollution and flooding through the proper management of stormwater flows and minimization of suspended solids, pathogens, toxic contaminants, heavy metals, petroleum hydrocarbons, nitrogen and floatable debris to these flows transported by stormwater and discharging to wetlands and watercourses within Westbrook. Water is a valuable natural, economic, recreational, cultural and aesthetic resource. The protection and preservation of ground and surface water is in the public interest and essential to the health, welfare and safety of the citizens of Westbrook. As such, changes to land cover due to development without proper consideration of stormwater impacts can permanently alter the hydrologic response of local watersheds and potentially increase stormwater runoff rates and volumes, which in turn has the potential to increase flooding, stream channel erosion, sediment transport and deposition, and to impact water quality. Increases to impervious surfaces associated with development result in increases to stormwater runoff and have been directly linked to the degradation of water quality and decrease in ground water recharge of aquifers and base flow of watercourses.

SECTION 11.71.00 DEFINITIONS:

Section 11.71.01 Bio-Retention – A practice to manage and treat stormwater runoff by using a specially designed planting soil bed and planting materials to filter runoff stored in a shallow depression. The areas consist of a mix of elements each designed to perform different functions in the removal of pollutants and attenuation of stormwater runoff.

Section 11.71.02 Catchment

The area contributing surface water flow to a point on a drainage or river system. Can be divided into sub-catchments.

Section 11.71.03 Common Plan of Development

A project that is part of a larger common plan of development that may be completed in separate stages, or in combination with other development activities. Such a project can generally be identified by documentation of the larger scope as shown on plats, or blueprints, or indicated in marketing plans.

Section 11.71.04 Design Storm

A hypothetical storm event, of a given frequency interval and duration, used in the analysis of a storm water management measure (e.g. 2, 10, 25, 50 or 100 yr.)

Section 11.71.05 Disturbed Area

Area where vegetation, topsoil, or overburden is removed, or where topsoil, spoil, or other material is placed, including stockpiles.

Section 11.71.06 Emergency Spillway

Auxiliary outlet to a water impoundment that is designed to convey stormwater that exceeds the capacity of the primary outlet.

Section 11.71.07 Filtration Measure

Stormwater treatment improvement designed to capture and store stormwater runoff and pass

it through a filtering media such as sand, synthetic or organic material, or soil for pollutant removal.

Section 11.71.08 Impervious Surface

Means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions; or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural condition. Common impervious surfaces include, but are not limited to, roof, walkways, patios, driveways, parking lots, or storage areas, areas that are paved, graveled or made of other surfaces that similarly impede the natural infiltration of surface and storm water.

Section 11.71.09 Infiltration Measure

Stormwater treatment improvement designed to capture stormwater runoff and infiltrate it into the ground.

Section 11.71.10 In-Situ – In place; undisturbed.

Section 11.71.11 Low Impact Development

Site design strategy intended to maintain or replicate predevelopment hydrology and manage runoff as close to its source as possible, through the use of small-scale controls integrated throughout the site.

Section 11.71.12 Measure

An improvement that is designed to control the quality or quantity of stormwater.

Section 11.71.13 Peak Discharge

The maximum instantaneous rate of flow of water at a particular point resulting from a specified storm event. Units of volume/time (e.g. cubic feet per second or cfs).

Section 11.71.14 Peak Flow Control

Stormwater management measures designed to maintain peak rate of flow from a development at pre-development values.

Section 11.71.15 Rain Garden

Functional landscape elements that combine plantings in depressions that are designed to allow the volume of water from small frequent storms to pool for only a few days after a rainfall then be slowly absorbed by the soil and plantings.

Section 11.71.16 Sediment Forebay

A separate cell within a pond formed by a barrier such as an earthen berm, concrete weir or gabion baskets designed to remove sediment and floatables prior to a primary or other secondary stormwater treatment practice.

Section 11.71.17 Stormwater

Surface flow from precipitation that accumulates in and flows through natural or man-made conveyance systems during and immediately after a storm event or upon snowmelt.

Section 11.71.18 Sub-Catchment

A division of a catchment, allowing runoff management as near to the source as is reasonable; also the area contributing runoff to, and therefore used to design, a specific stormwater treatment or conveyance measure.

Section 11.71.19 Swale

A channel with gently sloped sides designed to convey and retain water. Swale may also be designed to permit infiltration; vegetated swales include vegetation, which is maintained to filter particulate matter.

Section 11.71.20 Time of Concentration

The time required for water to flow from the most distant point to the downstream point of a site. Runoff flow paths, ground surface slope and roughness, and channel characteristics affect the time of concentration.

Section 11.71.21 Vegetated Buffer

An area or strip of land in permanent undisturbed vegetation [enhanced, restored or re-established] adjacent to a water body or other resource that is designed to protect resources from adjacent development during construction and after development by filtering pollutants in runoff, protecting water quality and temperature, providing wildlife habitat, screening structures and enhancing aesthetics, and providing access for recreation.

Section 11.71.22 Watershed

The land area that contributes runoff to a particular point along a waterway [used interchangeably with catchment].

SECTION 11.72.00 ACTIVITIES REQUIRING A STORMWATER MANAGEMENT PLAN [REV 6-14-12]

Section 11.72.01 A stormwater management plan shall be included as a part of any application for a zoning permit, conservation subdivision approval under Sect. 9.12.00, or coastal site plan review where:

a.) the application pertains to a development or construction project that will result in an increase in the amount of impervious cover or disturbance of one half acre or more of total land area on a lot; or

b.) the application pertains to a project that is part of a Common Plan of Development disturbing one half or more acres of total land within the area of the Common Plan of Development; or

c.) the Commission or its agent determines that the activity proposed has the potential to cause significant non-point source pollution to Long Island Sound or any waters of the state or to cause or exacerbate downstream flooding.

d.) Exemptions. Notwithstanding the requirements of Section 11.72.01 a.), the following activities shall be exempt from providing a Stormwater Management Plan in accordance with Section 11.73.00 unless required under the provisions of Section 11.72.01 c):

1) New single family dwellings including structures re-built in place with no significant change in existing drainage patterns on or off-site. Stormwater treatment shall be provided in accordance with Section 11.74.07.

2) On a developed lot where the proposed increase in impervious cover due to an addition or accessory structure is in excess of 200 sf measured as of the effective date of this regulation (6-14-12) with no significant change in existing drainage patterns on or off-site. Stormwater treatment shall be provided in accordance with Section 11.74.07 for the entire increase in impervious cover, excluding pools.

3) On a developed lot where the proposed increase in impervious cover due to an addition or accessory structure is less than 200 sf measured as of the effective date

of this regulation (6-14-12) with no significant change in existing drainage patterns on or off-site. No additional stormwater treatment shall be required. For the purposes of this Section, pools shall not be counted in the calculation of impervious cover.

SECTION 11.73.00 STORMWATER MANAGEMENT PLAN REQUIREMENTS

Section 11.73.01 The Stormwater Management Plan shall include a narrative of the design objectives including potential impacts resulting from the proposal or activity and a description of the practices, techniques, structures and facilities proposed to mitigate such impacts. Opportunities for stormwater retrofits of existing roads and other existing impervious areas on or adjacent to the site shall be explored. It shall provide, at a minimum, the following information and shall be prepared by an engineer licensed to practice in the State of Connecticut. Reference to the latest edition of the Connecticut Department of Environmental Protection Stormwater Quality Manual (DEEP Stormwater Quality Manual), or other design standards, shall be made as appropriate.

Section 11.73.02 Existing Site Conditions narrative inclusive of soil characteristics based on USDA soil surveys including soil names, map unit, erodability, permeability, depth, texture and soil structure, and results of any on-site testing for the proposed development site.

Section 11.73.03 Proposed Site Conditions narrative including description of proposed stormwater management system for construction and post-construction phases, total disturbed area, proposed groundcover conditions, the increase in impervious surface area, the percentage of the area of the development site that will be impervious, and identification of the potential impacts to wetlands, watercourses, and groundwater on or off site. The Commission may request information relative to the impact on downstream waterbodies and wetlands.

Section 11.73.04 Existing Drainage Area Plan showing sub-catchment drainage areas and analysis points with total area, groundcover, time of concentration flow paths including identification of presumed types of flow along the path, impervious surface area and runoff coefficients used to calculate pre-development peak runoff rates and volumes for the proposed development parcel. In addition to drainage related features, wells, topography, soil types, vegetation, wetlands and watercourses, and floodplains and floodways shall also be shown.

Section 11.73.05 Proposed Drainage Area Plan showing sub-catchment drainage areas and analysis points with total area, groundcover, including impervious surface areas, time of concentration flow paths including identification of presumed types of flow, and runoff coefficients used to calculate post-development peak runoff rates and volumes, location and description of receiving stormwater conveyance systems, surface waters, wetlands and other sensitive receptors for the proposed development site. Proposed wells, on-site wastewater disposal systems, topography, vegetation, easements, and maintenance access locations shall also be shown.

Section 11.73.06 A description of design methodologies, hydrologic, hydraulic, and water quality computations for all practices and techniques, and structures and facilities as prescribed in Sect. 11.74.00.

Section 11.73.07 Drawings including plan views, profiles, cross-sections, typical details, and calculated water elevations for each design storm, for all stormwater management system components at adequate scale(s) and containing sufficient detail to clearly depict the intent of the design; details, including any phasing requirements for construction and/or installation, dimensions and materials including planting and landscape plans and details associated with stormwater management system components.

Section 11.73.08 Structural design, geotechnical design and supporting information, as required by the Town Engineer for stormwater management system components including but not limited to, storm sewers, channels, outlet protection measures, culverts, bridges, dams, spillways, outlet weirs, and other structures.

Section 11.73.09 Location of all easements stating the specific responsibilities of the grantor and grantee as to the access and maintenance of the stormwater system. Easements shall be a minimum of 20' wide (10' each side of buried pipes), and shall extend 10' beyond outfalls and 10' outside both sides of open drainageways and 10' beyond buried and unburied non-linear stormwater management features.

Section 11.73.10 Proposed operation, inspection and maintenance program for the stormwater management system. The program shall include a general schematic of the stormwater management system, inspection and maintenance schedules, and checklists for each proposed stormwater management measure and the designation of the proposed responsible party for the operation, inspection and maintenance of the stormwater management system.

Section 11.73.11 Draft Stormwater Maintenance Agreement

SECTION 11.74.00 STORMWATER MANAGEMENT DESIGN CRITERIA

Section 11.74.01 Stormwater management systems shall be designed to manage site runoff to minimize or eliminate surface and groundwater pollution, prevent or mitigate flooding, and control peak discharges from the site and at critical downstream locations. Design of a stormwater management system shall be in accordance with the Connecticut Department of Transportation (ConnDOT) Drainage Manual and the DEP Stormwater Quality Manual, as amended. In addition, all designs shall meet the criteria as herein specified. This section, (11.74.00) shall prevail when conflicts arise between the requirements of this section and the above referenced documents. Additionally, when conflicts arise between ConnDOT and DEP referenced documents, the stricter standard shall apply:

Section 11.74.02 <u>Peak Flow Control</u>

The peak flow rates and stormwater volumes shall be calculated for both pre- and post-construction conditions using the most appropriate of the United States Department of Agriculture, Natural Resource Conservation Service(NRCS), Technical Release (TR) including updated extreme precipitation climate data as available, and U.S. Army Corps of Engineering Hydrologic Engineering Center (HEC) series or other hydrologic and hydraulic programs approved by the Town Engineer. The standard for characterizing pre-development land use for on-site areas shall be the current state of development at the time of the application, or the state of development at any time during the previous three years, whichever has the least amount of imperviousness.

The post-development peak rate of runoff shall not exceed the pre-development rate of runoff at any discharge from the site (property line(s)). The peak rate of runoff shall be calculated using the 2-, 10-, 25-, and 50-year, 24-hour storm events. If the development contributes stormwater runoff to more than one off-site watershed, the pre- and post-development peak rates of runoff shall be evaluated for each watershed. In the event that natural storage (depressions) occurs on site, the existing storage capacity shall be considered in the hydrologic analysis.

a.) Where it can be demonstrated that discharge from the site will not cause downstream flooding due to the site's location within the watershed or within a tidally influenced area, this requirement may be waived upon approval of the Town Engineer.

Section 11.74.03 Groundwater Recharge Volume (GRV)

The groundwater recharge volume is the volume of stormwater that shall be captured and infiltrated for each storm. The GRV shall be calculated as described in Sect. 7.5.1 of the DEP Stormwater Manual. The GRV requirement may be met in part through infiltration of the Water Quality Volume (WQV). In locations where the GRV cannot be infiltrated on-site due to the potential for high pollutant loads from the activities in or adjacent to the development, contaminated soils, water supply protection, or high ground water it shall be temporarily retained on site for a minimum of 24 hours after the end of the storm. The temporary storage of the GRV in such instances shall be designed to protect groundwater resources.

The post-development volume of runoff from the site shall not exceed the pre-development volume of runoff from the site, to the extent possible based on site conditions. If the development contributes stormwater runoff to more than one off-site watershed, the pre- and post-development volumes of runoff shall be calculated for each watershed.

Section 11.74.04 Water Quality Volume (WQV)

The Water Quality Volume (WQV) for all new impervious area on the site shall be calculated as described in Section 7.4.1 of the DEEP Stormwater Manual. The WQV shall be retained on- site in an off-line structure and treated by either infiltration or filtration or a combination thereof for each sub-drainage area of the site or as approved by the Town Engineer. At the discretion of the Town Engineer, the Applicant may propose to treat existing impervious areas in lieu of proposed, if the proposed area does not have a higher potential for pollutant loading.

a.) The WQV may be reduced by the following methods:

1) Decreasing the impervious area of the site using Low Impact Development design.

2) Subtracting the area of land dedicated as Open Space or Conservation Easement from the total area of the site in the calculation of the WQV, provided the area is to remain in an undisturbed natural state in perpetuity and is protected during construction and does not discharge to downstream WQV treatment structures.

3) Subtracting the GRV from the WQV if the GRV is infiltrated separately in each sub-drainage area from the WQV and there is equivalent treatment of pollutants.

4) Subtracting the area of land from the WQV calculation that drains by overland sheet flow and then across a vegetated buffer prior to entering a wetland or adjacent property that meets all the following conditions:

a) The slope of the overland sheet flow is less than 15%.

b) The length of the overland flow upgradient of the vegetated buffer used in this calculation is limited to a maximum of 150 feet for pervious surfaces and 75 feet for impervious surfaces. The WQV from overland flow exceeding these limits must be intercepted and treated accordingly.

c) The vegetated buffer is a minimum of 50 feet wide.

d) The vegetated buffer remains undisturbed and is protected in perpetuity as open space, conservation easement or other land use restriction.

e) The calculated runoff velocity across the vegetated buffer is less than 2 feet per second.

f) The average slope of the vegetated buffer is 6% or less.

b.) Structures including swales, basins, bio-retention areas, rain gardens, and gravel

based vegetated wet basins constructed to capture the WQV shall meet the following requirements:

1) Structures shall be designed with the WQV off-line unless approved by the Town Engineer.
2) Unless designed to maintain a minimum water level, such structures shall be designed to drain within 12 to 72 hours.
3) WQV structures must be designed with a suitable overflow and/or outfall structure.

Section 11.74.05 Requirements for Infiltration Measures

There are multiple measures that can be designed and implemented to control stormwater in compliance with Sections 11.74.01, 11.74.02 and 11.74.03. Measures that utilize infiltration shall meet the following minimum requirements:

a.) Infiltration measures shall be sized to drain within a 72-hour period using the following formula: tp=D/K, where tp is the ponding time in days, D is the depth of the measure in feet, and K is the infiltration rate in feet per day. The infiltration rates for each soil group shall be as follows:

Soil Group	K (ft/day)
A	0.6
B	0.3
C	0.1
D	0.0

The tabulated infiltration rates listed above are approximately equal to saturated hydraulic conductivities.

b.) The following field test methods may be used to measure the saturated hydraulic conductivity in lieu of those listed above. Measured rates are subject to a factor of safety of 2 (use 50 percent of the measured infiltration rate) to account for clogging over time. Accepted field test methods are as follows:

- Guelph permeameter - ASTM D5126-90 Method
- Falling head permeameter – ASTM D5126-90 Method
- Double ring permeameter or infiltrometer - ASTM D3385-033, D5093-024, D5126-90 Methods
- Amoozemeter or Amoozegar permeameter – Amoozegar 1992
- Borehole infiltration test (NHDES, 2008): or
- An alternative method as accepted by the Town Engineer.

Field tests to determine infiltration rates shall be made within the footprint of each proposed infiltration area. The Town Engineer or Commission may request more than one field test per area.

Because percolation tests, whether performed in accordance with the guidelines of the Connecticut State Health Code or otherwise, typically overestimate the saturated hydraulic conductivity rate, these tests are not considered acceptable for the measurement of saturated

hydraulic conductivity.

c.) Infiltration measures shall be protected from the accumulation of sediment and debris that adversely affect the infiltration rate of the measure. (i.e. sediment forebays, plunge pools, or deep sump catch basins.)

d.) Access to areas proposed for infiltration shall be controlled during construction to protect these areas from compaction by construction equipment.

e.) Infiltration basins shall be completely vegetated with plants tolerant to frequent inundation of water. Bare sand, gravel or stone surfaces are not allowed.

f.) Infiltration measures that exceed 150 s.f. in footprint area shall be tested in-situ after construction to ensure the design parameters are met. In the event testing indicates the design parameters have not been met, the area and/or depth shall be adjusted as necessary to meet design specifications.

g.) Underdrains and/or curtain drains cannot be used to locally lower the elevation of the existing found water table adjacent to the infiltration basin. Underdrains shall not be placed under infiltration measures.

h.) Infiltration measures must be constructed on in-situ soils unless otherwise approved by the Town Engineer.

i.) The bottom of an infiltration measure shall be a minimum of 1.5 feet above the maximum ground water level and a minimum of 3 feet above ledge. For the purposes of these regulations the term "maximum ground water level" shall be synonymous with the term "ground water table." Field tests to determine depths to maximum ground water table and ledge shall be made within the footprint of each proposed infiltration area. The Town Engineer or Commission may request more than one field test per area.

j.) It is the applicant's responsibility to obtain all applicable permits. If directed by the Town Engineer, the applicant shall have the Connecticut Department of Environmental Protection Dam Safety Unit (DEP Dam Safety Unit) review the plans to determine if dam construction permits are required for the construction of structures impounding water. The DEP Dam Safety Unit's determination shall be submitted with the formal Zoning Permit application.

k.) Groundwater elevations shall be determined by performing a visual observation of soils encountered in deep hole test pits. Soil Logs shall be submitted to the Commission.

Section 11.74.06 Requirements for Filtration Measures

There are multiple measures that can be designed and implemented to provide stormwater control in compliance with Sections 11.74.01 and 11.74.03. Measures that utilize filtration shall meet the following minimum requirements:

a.) Filtration measures shall be protected from the accumulation of sediment and debris that adversely affect the filtration rate of the measure. (i.e. sediment forebays, plunge pools, or deep sump catch basins.)

b.) Filtration measures shall be completely vegetated with plants tolerant to frequent inundation of water. Bare sand, gravel or stone surfaces are not allowed.

c.) Filtration measures shall be tested in-situ after construction to ensure the design parameters are met. In the event testing indicates that the design parameters have not been met, the area and/or depth shall be adjusted as necessary to meet design specifications.

d.) Underdrains may be used adjacent to filtration measures above the maximum ground water table. The discharge from the structures shall be considered in the calculation of

flow and volume. Underdrains and/or curtain drains cannot be used to locally lower the elevation of the existing ground water table adjacent to the filtration measure. Underdrains shall be used under lined filtration measures that are located in contaminated soils. Underdrains may be used to drain other filtration measures, as long as they do not lower the ground water table adjacent to the measure.

e.) It is the applicant's responsibility to obtain all applicable permits. If directed by the Town Engineer, the applicant shall have the DEP Dam Safety Unit review the plans to determine if dam construction permits are required for the construction of structures impounding water. The DEP's determination shall be submitted with the formal Zoning Permit application.

f.) All structures with a submerged primary outlet shall be designed with an emergency spillway. The emergency spillway shall be designed to convey the 100-year design flow without overtopping another portion of the filtration measure. Emergency spillway design shall assume other outlets from the structure are inoperable (frozen, blocked, etc.).

Section 11.74.07 Alternate Method of Achieving Stormwater Treatment for Single Family Residences

In lieu of meeting the design requirements outlined in Section 11.74.01 thru 11.74.05, the Applicant can select to install rain barrels, infiltrating subsurface stormwater chambers, rain gardens and/or combination of both structures. The required total volume of stormwater storage/infiltration (Tv) is solely be based on the aggregate area of existing and proposed roof area (Ra) multiplied by one inch (1"). The storage and/or infiltration systems should be connected to the primary downspouts of the dwelling. The (Tv) should be equally divided among the number of downspouts. The following information should be provided to demonstrate compliance:

- Calculations depicted on the plans demonstrating compliance with this section as follows:

  Tv (ft3) = 1" (one inch) */ 12 (in/ft) x Ra (ft2)

  * A waiver may be granted to reduce the requirement for 1" to 0.5" for applicants that can demonstrate a hardship due to setbacks from lot lines and septic systems.

- Plan and details depicting the location of stormwater structures and their ability to contain/infiltrate the (Tv). Plans should indicate locations of downspouts & estimated saturated high ground water.

- Field tests per 11.74.05 (a) & (b) shall be submitted.

Section 11.74.08 General Requirements

The applicant shall be fully responsible for constructing adequate facilities for the control, collection, conveyance and acceptable disposal of stormwater, other surface water and subsurface water, whether originating within the development site or in a tributary drainage area. All drainage facilities shall be designed by an Engineer licensed as a professional engineer in the State of Connecticut and shall be subject to the approval and final acceptance of the Town Engineer.

a.) The storm drainage system shall be separate and independent of the sanitary sewer system.

b.) Storm drain pipes shall have minimum flow velocities of 2 feet per second for self-cleansing, and otherwise meet the requirements of the ConnDOT Drainage Manual unless otherwise approved by the Town Engineer.

c.) Catch basins shall have deep sumps and shall otherwise meet the recommended

standards of the DEP Stormwater Quality Manual.

d.) When a proposed drainage system is located off-site on private land, appropriate drainage easements shall be secured and indicated on the map.

e.) When the applicant proposes to connect the storm sewer to an existing storm sewer, calculations shall be submitted to demonstrate the adequacy of the existing sewer to accept the flow.

f.) Stormwater shall not be permitted to cross the surface of any street but must be diverted away from the road or piped underground. The developer shall demonstrate that the conveyances have adequate capacity.

g.) On-site drainage systems shall have the minimum capacity to manage runoff from the 25-year design storm. Major ditches, channels and control structures shall be designed with the minimum capacity to manage runoff from the 50-year design storm, and conveyances, or other structures to accommodate existing streams shall be designed to manage runoff from the 100-year design storm.

h.) If in the judgment of the Commission the runoff from the development site will adversely affect the receiving stream or natural waterway, other means of stormwater runoff disposal shall be required.

i.) No unnatural depressions shall be allowed on lots, rights-of-way or recreation and open space area unless properly drained or approved as part of the Stormwater Management Plan.

j.) The proposed stormwater management measures shall be designed in accordance with any town drainage plan and with due regard for the ultimate development within the watershed.

k.) Any work to be performed in an area regulated by the Westbrook Inland Wetlands and Watercourses Commission must be approved by the Westbrook Inland Wetlands and Watercourses Commission and any proposed work within the tidal wetlands must be approved by the Connecticut Department of Environmental Protection. Work in or within the Coastal Area Management boundary must be consistent with the policies of the Connecticut Coastal Management Act. Work in inland or tidal wetlands may also require a permit from the U.S. Army Corps of Engineers.

Adopted: March 22, 2011
Effective: April 18, 2011
Revised: May 22, 2012
Effective: June 14, 2012

12. ARTICLE XII – ADMINISTRATION AND ENFORCEMENT

SECTION 12.00.00 BUILDING AND ZONING PERMITS

Section 12.00.01 Zoning Permit

No structure shall be constructed or used or land developed until a Zoning Permit has been issued by the Zoning Enforcement Officer. Application for such permit shall be made on the form provided by the Zoning Enforcement Officer and shall be accompanied by a plan drawn to scale showing the actual shape and dimensions of the lot to be built upon, the size, area, and location on the lot of the principal and accessory structures, the lines within which the building or structure is to be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, the subdivision title, if applicable, the location of the property, and other such information as may be necessary to determine and provide for the enforcement of these Regulations. All dimensions shown on such plans relating to the location of the buildings and structures on the lot and the location and size of the lot shall be accurate to the nearest one-half (0.5) feet, except that when the Zoning Enforcement Officer shall deem it necessary, such plans shall be prepared by a licensed surveyor. In addition to the paper copies as submitted above, electronic copies of all maps, plans, surveys, drawings, reports and similar documents shall be submitted as pdf (Portable Document Format) files on CD or DVD media unless the Commission or its agent agrees to a different electronic format or medium [Effective 2-14-2013].

Furthermore, in addition to the requirements stated above, when a Site Plan Approval or a Special Permit is required by the provisions of ARTICLES VI and VII of these Regulations, no Zoning Permit shall be issued for such construction until the required Site Plan has been approved by the Commission and endorsed by its Chairman.

Section 12.00.02 Building Permits

No building permit shall be issued for the use or construction of a structure, or development of land, until the Zoning Enforcement Officer has issued a Zoning Permit.

Section 12.00.03 Certificate of Occupancy

A Certificate of Occupancy must be issued by the Building Official before any land is occupied or used or any structure constructed is occupied or used for any purpose.

No Certificate of Occupancy shall be issued until certification by the Zoning Enforcement Officer that the activity is in compliance with the approved Zoning Permit and a Certificate of Zoning Compliance has been issued. An as-built plan prepared by a surveyor or engineer licensed by the State of Connecticut may be required prior to issuance of a Certificate of Occupancy. [Effective 8-5-98]

SECTION 12.10.00 ENFORCEMENT

Section 12.10.01 Authority

These Regulations shall be administered and enforced by the Commission. The Commission shall appoint a Zoning Enforcement Officer to be its duly authorized agent. The Zoning Enforcement Officer is hereby authorized to inspect and examine any building or structure, place, or premises and to order in writing the remedying of any condition found to exist there in violation of any provision of these Regulations.

Section 12.10.02 Penalties

The owner or agent of a building or premises where a violation of any provisions of these Regulations shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which any such violation shall exist shall be subject to the remedies and sanctions provided by the Connecticut General Statues, in addition to any other remedies provided by law.

SECTION 12.20.00 ZONING BOARD OF APPEALS

Section 12.20.01 Powers and Duties

The Zoning Board of Appeals shall have the following powers and duties which shall only be exercised in harmony with the purpose and intent of these Regulations and in accordance with the public interest and the development of the neighborhood:

a) 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; and

b) To vary the application of the Zoning Regulations in harmony with the general purpose and intent of said Regulations and with due consideration for conserving the public health, convenience, welfare and property values.

SECTION 12.21.00 PROCEDURE

All appeals and applications made to the Zoning Board of Appeals shall be submitted to the Clerk of the Board on forms prescribed by the Board and shall conform to the following.

Section 12.21.01 Certified Plans and Supporting Information

All applications shall include the following requirements, except as may be waived, in whole or in part, by the Zoning Board of Appeals:

a) Plans prepared by a Professional Engineer, Architect or Land Surveyor, registered and/or licensed to practice in the State of Connecticut, drawn to a scale of not less than forty (40) feet to the inch.

b) Title block, north point, numeric and graphic scale, location map, seal of the Professional Engineer, Land Surveyor or Architect preparing plan, street address, assessor's map, block and lot number and all revision dates.

c) Boundaries of the property certified to a State of Connecticut Class A-2 Survey standard. [Effective 8-5-98].

d) Drawings done to a scale of not less than one-quarter (¼) to the foot of all proposed buildings, additions and structures, including general exterior elevations.

e) Location of all existing and proposed buildings, additions structures, walls, fences, building setback lines, building height, septic system and landscaping.

f) Location and extent of watercourses, coastal resources and water bodies.

Applications shall include any other additional supporting information as may reasonably be asked for by the Zoning Board of Appeals.

Section 12.21.02 Notification of Property Owners

Each application for a Variance request to the Zoning Board of Appeals shall include a list, prepared by the applicant, of the names and addresses of the owners of property within two hundred (200) feet of the subject property as shown on the most recent records on file in the Town of Westbrook's Tax Assessors office. In addition, if a property is located in a beach/land owner association, the name and address of the president shall be included in the list as filed in the Town Clerk's Office. The applicant shall mail notification of said pending application to at least one (1) owner of each of the properties, not more than 15 days but not less than 10 days before the date set for the public hearing. The text of said notice shall be the public hearing notice provided by the Zoning Board of Appeals. [Effective 8-5-98, Effective 1-11-13]

Evidence of such mailing, in the form of U.S. Post Office Certificate of Mailing, shall be submitted to the Zoning Enforcement Officer along with the above list of property owners not less than five (5) days prior to the public hearing date. Failure to comply with any of the procedures required herein shall be deemed a valid basis for denial of a Variance request. [Effective 2-14-94, Effective 1-11-13]

The Zoning Board of Appeals shall send notice of a public hearing to any person filing an appeal of any order, requirement, or decision made by the Zoning Enforcement Officer and to the owner of the property subject to the appeal. [Effective 8-5-98]

Section 12.21.03 Fee

An application fee, as set by ordinance shall accompany each variance application. Such fee shall be paid by check or money order, payable to the Town of Westbrook.

Section 12.21.04 Public Hearing

The Zoning Board of Appeals shall hold a public hearing on all applications and appeals. All proceedings shall be in accordance with the applicable provisions of the Connecticut General Statutes.

Section 12.21.05 Time Limitation

Any action required by the applicant as a result of the decisions or orders made by the Zoning Board of Appeals must be taken by the time granted by said Board. [Deletion, Effective 1-11-13]

The Zoning Board of Appeals shall not be required to hear any application for the same variance for a period of six (6) months after a decision by the Board or by a court on an earlier application.

SECTION 12.22.00 VARIANCES

Section 12.22.01 No variance in strict application of any provision of these Regulations shall be granted by the Zoning Board of Appeals unless it finds the following:

a) That there are special circumstances or conditions applying to the land or structure for which a variance is sought, which are peculiar to such land or structure and do not apply generally to land or structures in the neighborhood, or in the district at large, and have not resulted from any act subsequent to the adoption of these Regulations whether in violation of the provision hereof or not.

b) That the aforesaid circumstances or conditions are such that the literal enforcement or strict application of the Regulations would result in exceptional difficulty or unusual hardship.

c) That the variance granted is the minimum variance that will alleviate the circumstances and conditions applying to the land or structure for which the variance is sought, and

d) That the granting of the variance will be in harmony with the purpose and intent of these Regulations; will accomplish substantial justice; and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare.

Section 12.22.02 Record of Findings

The findings of the Zoning Board of Appeals shall be fully described in the record of the Board.

Section 12.22.03 Use Variances

No use variance shall be granted merely because the permitted uses, (a) result in a particular difficulty or (b) provide less than the highest or best return to the owner. The Zoning Board of Appeals may, upon application by the owner, grant variances authorizing otherwise prohibited uses if the applicant makes an affirmative showing that:

a) In view of the available alternatives within the town, the public interest would be best served by permitting such use at the proposed location; and

b) The public interest cannot reasonably be served by location of such use in a zone in which it is permitted.

Section 12.22.04 Site Plan or Special Permit Approval

The Zoning Board of Appeals shall adhere to the following when application is made for a variance of a permitted or prohibited use under these Regulations:

a) Where the use of land, building or other structures is permitted under these Regulations in a district subject to approval of Site Plan and/or a Special Permit by the Zoning Commission, a variance in connection with such use may be granted only subject to approval of a Site Plan and/or Special Permit by the Zoning Commission as required by regulations of such district.

b) Where the use of land, building or other structures is prohibited in a district but is permitted under these Regulations in another district a variance in connection with such use may be granted only subject to special permit approval by the Zoning Commission.

c) No variance shall be granted which would permit a use of land, building or other structures prohibited in all districts in the Town. [Effective 6-11-97]

SECTION 12.30.00 AMENDMENTS

Section 12.30.01

Amendments to these Regulations, including the Zoning Map, may be petitioned for by any person or persons, or may be initiated by the Commission. Amendments may be made by the Commission after notice and public hearing in accordance with Section 8-3 of the Connecticut General Statutes.

Section 12.30.02 Applications, Change of Zone

Applications for a change of zone shall be accompanied by six (6) sets of a map prepared by a Professional Engineer or Land Surveyor, registered or licensed to practice in the State of Connecticut, accurately drawn to the scale of one (1) inch equals one hundred (100) feet. Such map shall include a boundary survey certified to a State of Connecticut Class D Survey standard, and the seal of the Professional Engineer or Land Surveyor shall be stamped on the plan. Such plan shall also include a location map and shall show existing and proposed zoning designations, adjacent zone designations, location and identification of streets, dimensions or acreage of land within proposed change, contours at not more than two (2) foot intervals (except as said intervals may be modified at the discretion of the Commission), wetlands, floodplains, coastal resources and soil types.

Section 12.30.03 Approval Criteria

Before the Commission approves a zone change request, the Commission shall refer said request to the Westbrook Planning Commission for a report regarding conformance with the Westbrook Master Plan of Development. The Commission shall determine that the proposed zone change conforms to the purposes of these Regulations, and that the uses permitted in the proposed zone will not adversely affect the public health, safety, welfare and property values.

Section 12.30.04 Notification of Property Owners

Each application for a change of zone filed with the Commission shall include a list, prepared by the applicant, of the names and addresses of the owners of property, that is subject to the zone change and persons who own or occupy land that is within five hundred feet in all directions of the property that is the subject of the proposed change as shown on the most recent records on file in the Town of Westbrook's Tax Assessor's office. The applicant shall mail notification of said pending application to each such person, not more than fifteen (15) days but not less than ten (10) days before the date set for the public hearing. The text of said notice shall be the public hearing notice provided by the Commission.

Evidence of such mailing, in the form of U.S. Post Office Certificate of Mailing, shall be submitted to the Zoning Enforcement Officer along with the above list of property owners not less than five (5) days prior to the public hearing date. Failure to comply with any of the procedures required herein, shall be deemed a valid basis for denial of a change of zone request. [Effective 10-1-05]

Section 12.30.05 Protest of Proposed Zone Change

If a protest against a proposed zone change is filed at or before a hearing with the Commission signed by the owners of 20 percent or more of the area of the lots included in such a proposed change, or of the lots within five hundred (500) feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds ($^2/_3$) of all the members of the Commission. [Effective 8-15-05]

Section 12.30.06 Time Limit on New Application

The Commission is not required to hear any petition or petitions relating to the same changes or substantially the same changes more than once in a period of twelve (12) months.

SECTION 12.40.00 ELECTION OF OFFICERS

Section 12.40.01 Election of Officers. The Zoning Commission shall, at the November meeting, in each odd numbered year, elect the following officers for a term of two years: Chairman, Vice Chairman and Secretary.

Section 12.40.02 Vacancy. If a vacancy occurs during the term of any of the above offices the vacancy shall be filled by the Commission at the meeting following notice of said vacancy. [Effective 11-25-94]

13. ARTICLE XIII – SEPARABILITY

SECTION 13.00.00 SEPARABILITY CLAUSE

Section 13.00.01 The invalidity of any word, clause, sentence, section, part or provision of these Regulations shall not affect the validity of any other part.

Section 13.00.02 The invalidity of these Regulations with respect to any particular activity shall not invalidate these Regulations with respect to other activities.