



2023 Zoning Regulations

Appendix A

Town of Seymour, CT

1 First Street, Seymour, CT 06483

Adopted by Planning & Zoning Commission: March 9, 2023

Effective: April 1, 2023

April 13, 2023; add definition: *Comm. Mental Health Residential Living Ctr.*; Use: RC-3 "P" eff.: 5/1/2023

May 11, 2023; Errata's

May 11, 2023 ADU's "C32" eff.: 7/1/2023

TABLE OF CONTENTS

Section 1	Purpose and Authority	2
Section 2	Application of Regulations	3
Section 3	Definitions	4
Section 4	Zoning Districts and Map	23
Section 5	Bulk Standards	24
Section 6	General Regulations	25
Section 7	Non-conforming Uses	33
Section 8	Permitted Uses	34
Section 9	“Of Right” Uses (Y or C)	47
Section 10	Plot Plan and Site Plan Review (YS) (S)	48
Section 11	Special Permits (P) (Z)	67
Section 11.1	<i>General Requirements</i>	69
Section 11.2	<i>Garden Apartments</i>	70
Section 11.3	<i>Town Houses</i>	72
Section 11.4	<i>Specialized Housing for the Elderly</i>	73
Section 11.5	<i>Three (3) and Four (4) Family Dwellings in an R-18 Zoning District</i>	75
Section 11.6	<i>Affordable Housing Zone (AHZ)</i>	77
Section 11.7	<i>Conservation and Energy Efficient Community (CEEC)</i>	82
Section 12	Flood Plain District	86
Section 13	Earth Removal, Filling and Regrading	88
Section 14	Certified Soil Erosion and Sediment Control Regulations	91
Section 15	Business and Professional Office Development District	93
Section 16	Planned Development District	96
Section 17	Mixed Use District	101
Section 18	Aquifer Protection District	105
Section 19	Signs	106
Section 20	Off-Street Parking and Loading	109
Section 21	Landscaping	112
Section 22	Administration	116
Section 23	Enforcement	117
Section 24	Zoning Board of Appeals	119
Section 25	Amendments	122
Section 26	Validity and Severability	124
Section 27	Effective Date	125

Section 1 Purpose and Authority

- 1.1 It is the purpose of these regulations to:
- a. Protect state’s historic, tribal, cultural, and environmental resources.
 - b. Consider the impact of permitted land uses on contiguous municipalities and on the planning region.
 - c. Address significant disparities in housing needs and access to educational, occupational, recreational, and other opportunities.
 - d. Promote efficient review of land use applications.
 - e. Affirmatively further, the purposes of the Federal Fair Housing Act that prohibits housing discrimination based on race, color, national origin, religion, sex, familial status, or disability.
 - f. Allow consideration to the physical site characteristics of the district and its peculiar suitability for uses.
 - g. Expressly allow the development of housing which will meet the housing needs identified in the state housing plan.
 - h. Be made in consideration of public and ground drinking water.
- 1.2 As authorized by the Charter of the Town of Seymour and Connecticut General Statutes (CGS) Chapter 124, as amended, the Seymour Planning and Zoning Commission hereby establishes a comprehensive zoning plan for the Town of Seymour as set forth in the following text and accompanying Seymour Zoning Map which shall be known as the Zoning Regulations of the Town of Seymour.
- 1.3 The Town of Seymour Zoning Regulations were first adopted on October 31, 1957.

Section 2 Application of Regulations

2.1 Town Property Exempt: Pursuant to Section 13.1, Code of Ordinances, Town of Seymour, properties owned by the Town of Seymour or any of its agencies or authorities and used for a municipal purpose are exempt from the application of the Seymour Zoning Regulations.

2.2 All Other Property to Conform: No building shall be erected, moved, altered, rebuilt or enlarged nor shall any land or building be used, designed or arranged to be used for any purpose or manner except in conformity with these regulations, and after having obtained a zoning permit as prescribed in Section 22 of these regulations.

2.3 Establishment of Lots: All lots (established after the effective date of these regulations) shall conform to the lot size, area and all other requirements contained herein.

2.3.1 Lots of Record: The lot size, area, and other requirements except setbacks, contained herein shall not apply to a lot of record if all the following apply:

- i. Such lot is currently in clearly separate ownership from any abutting property.
- ii. Such lot was in clearly separate ownership from any abutting property prior to the enactment of the zoning regulation that made it non-conforming.
- iii. There is no way such lot may be combined with abutting property in the same ownership to form either a conforming lot or a lot that is more in conformity with these regulations.
- iv. There is no physical evidence of intent to consolidate.

2.4 Approved and Recorded Subdivisions: Lot size, area, setback, and other dimensional requirements of these regulations shall not apply to undeveloped lots in duly approved and recorded subdivisions. The initial construction on such lots shall conform to the lot size, area, setback, and other dimensional requirements of the zoning regulations in effect at the time the subdivision was approved. Any subsequent construction shall conform to these regulations.

Section 3 Definitions

Words contained in these regulations shall have the usual dictionary definition except for those terms specifically defined below.

ABANDONMENT – The relinquishment of property, or a cessation of the use of the property, by the owner with the intention of neither transferring rights to the property to another owner nor resuming of the use of the property.

ABUTTER – The owner(s) of land adjacent to the subject parcel, within a radius of one hundred (100) feet from a property line, or a distance prescribed in Connecticut General Statutes Section 8-8(a)(1), whichever is greater, including land across any road, street, highway, river, stream, cove, or brook.

ACCESSORY BUILDING – A building detached from and located on the same lot as the principal building and used for a purpose customarily incidental, subordinate or in support of the principal building.

ACCESSORY DWELLING UNIT- Defined as a separate dwelling unit that is:

- 1.) Located on the same lot as the Principal Dwelling of greater square footage,
- 2.) Has at least a food preparation area, sleeping area and bathroom and
- 3.) Either complies with or is otherwise exempt from applicable Building, Fire and/or Health Codes.

ACCESSORY USE – A use customarily incidental and subordinate to the principal use conducted on the same lot, whether conducted in an accessory building or structure or in the open.

ADDITION – Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing wall, is new construction.

ADULT DAY CARE – A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a twenty-four (24) hour day.

AFFORDABLE HOUSING DEVELOPMENT – Affordable Housing Development” means a housing development, including but not limited to Garden Apartments, Town Houses, and Dwellings, in which not less than thirty (30) percent of the dwelling units will be held or conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing as defined in CGS Section 8-30g of the Connecticut General Statutes for persons and families whose income is less than or equal to eighty (80) percent of the area median income, for at least forty (40) years after the initial occupation of the proposed development.

AGE RESTRICTED HOUSING – A residential community, often gated, that typically limits eighty percent (80%) of the residency to individuals who are over a set age. The minimum age is frequently set at fifty-five (55) years old, but it can vary. These communities are set up to accommodate older individuals who would like to live in an area without the perceived problems of having children around. In most cases, a younger spouse or significant other is permitted to live in the community if one member meets the minimum age requirement. Age-qualified communities, also known as 55+ communities, active adult

communities, lifestyle communities, or retirement communities, are often planned communities that offer homes and community features that are attractive to 55+ adults. These might include a clubhouse or lifestyle center with many good activities, sometimes with indoor and outdoor swimming pools, exercise facilities, craft rooms, demonstration kitchens, and decks and patios for gathering.

AGRICULTURAL USE (FARM) - The employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops, or feeding (including grazing), breeding, managing, selling, or producing livestock, poultry, fur-bearing animals, or honeybees, or by dairying and the sale of dairy products, by any other horticultural, floricultural, or vinicultural uses, by animal husbandry, or by any combination thereof. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines including, but not limited to, providing riding lessons, training clinics and schooling shows. All land in agricultural use must be operating as part of the daily continuing operations of use as described above. The retail sale of "Connecticut Grown" products is permitted as an accessory land use.

APARTMENT – A room or suite of rooms, with toilet and food preparation area, used or designed for use as a residence by an individual or a family, located in a building containing two (2) or more such rooms or suites or located in a building devoted primarily to non-residential use.

AQUIFER PROTECTION AREA – As defined in CGS Section 22a-354h, any extension of such area approved by the Commissioner pursuant to CGS Section 22a-354i-4 of the Regulations of Connecticut State Agencies.

AREA OF SPECIAL FLOOD HAZARD – Land designated as Zone A or Zone A1 through A30 on the Flood Insurance Rate Maps, Town of Seymour, as may be prepared or amended from time to time by the National Flood Insurance Program.

ASSISTED LIVING FACILITY – A building or buildings containing apartments or other living units, primarily for persons who require assisted living services, including, but not limited to, nursing, personal care, assistance with activities of daily living, medication administration, supervision of self-administered medications and health and wellness programs.

BASE FLOOD – The flood having a one percent (1%) chance of being equaled or exceeded in any given year, as delineated on the Flood Insurance Rate Maps from the Federal Emergency Management Administration.

BASEMENT – A portion of the building partly underground, considered to be inhabitable and having less than one-half ($\frac{1}{2}$) its clear height below the finished grade plane of the adjoining ground.

BED AND BREAKFAST – An establishment offering transient lodging accommodations to the public operated by a resident manager with the serving of meals limited to breakfast for guests.

BEST MANAGEMENT PRACTICES – Methods or techniques found to be the most effective and practical means in achieving an objective (such as preventing or minimizing pollution) while making the optimum use of the firm's resources.

BILLBOARD – A large, outdoor sign, either static or dynamic that directs attention to an activity conducted in a location apart from the lot on which the sign is located.

BREW PUB – An establishment that produces up to fifteen thousand (15,000) barrels of beers, ciders, and/or similar alcoholic beverages annually, and offers such beverages for sale on-site as permitted by the Connecticut Department of Consumer Protection Liquor Control Division as a Manufacturer Brew Pub or Manufacturer Beer and Brew Pub. Food and beverage sales may be offered for both on-site and off-site consumption. Beverages produced at a brewpub may be sold at wholesale to retailers, distributors, and other commercial businesses.

BUFFER – An area or strip shall be of such width, height, and character to present an opaque visual barrier to traffic, parking, storage, buildings, or business activities. The barrier may be topographic or be evergreen plantings or structural; but, if structural, shall present a natural evergreen appearance to adjoining properties. Land adjoining a proposed use's property line being of a topography and type that is unbuildable as defined by Town Regulations, (i.e., excessive slopes, wetlands, flood plain, etc.) may be included as part of defined buffer areas and strips if applicable to the intent of buffering. In this event, a twenty-five (25) foot wide strip of land shall be provided to accommodate a future buffer, should the adjoining land, sometime in the future, no longer satisfy the buffer requirement. The Commission may waive the required opaque visual barrier if no parking storage, building, or other structure is on either side for seventy-five (75) feet of any property line.

BUILDABLE AREA – The portion of a lot or site, exclusive of required yard areas, setbacks, landscaping, wetlands and watercourses, or open space, within which a structure may be built.

BUILDING – A structure enclosed within exterior walls, built, erected, or framed of component structural parts, designed for the housing, shelter, enclosure and support of persons, animals, or property of any kind.

BUILDING HEIGHT – The vertical distance of a building measured from the average finished grade at the building wall to the highest point of mansard, curvilinear or flat roofs or to the mean level between the eaves and the ridge of gable, dormer, hip or gambrel roofs, excluding parapets not more than four (4) feet high. Maximum building height does not apply to chimneys, church steeples, silos, towers, antennas and similar structures and projections that may be erected to the height required to accomplish their intended purpose without endangering adjacent property or the safety of the public in general.

BULK REQUIREMENTS – The combination of the requirements that establishes the maximum size and shape of a building and its location on the lot. Their purpose is, first, to assure enough light, air, and open space on the ground and at all levels of a building and second, to maintain a compatible and pleasing appearance. Bulk includes regulations dealing with floor area ratio, floor area, building height, lot area, lot coverage, lot lines or other similar regulations of volume, dimension, special relationship, or location.

BUSINESS AND OFFICE DEVELOPMENT DISTRICT - An overlay district within which property may be developed or used either in accordance with the requirements of the underlying zoning district or in accordance with an approved office development district plan.

BUSINESS AND PROFESSIONAL OFFICE - Offices of persons engaged in business or the professions, including but not limited to medical and dental services; finance, insurance and real estate services; engineering, surveying, architectural and related services; computer software services; and other activities similar in nature to the foregoing. A business and professional office shall not include

fabrication or assembly of goods for sale or distribution, retail sale or rental of items or the storage of vehicles or equipment intended primarily for off-site use.

CANOPY – A roof-like covering over a door or an opening of a structure intended and used for the purpose of sheltering persons or inanimate objects from the weather.

CELLAR – A portion of a building located partly or wholly underground, considered to be habitable and having one half (½) or more of its clear floor to-ceiling height below the average finished grade of the adjoining ground.

CEMETERY – Land used for the burial of the dead and dedicated for cemetery purposes, excluding crematories, and mortuaries, established, and operated by an ecclesiastical society or cemetery association.

CHILD DAY CARE (COMMERCIAL) – A facility whose primary function and occupation is to offer and provide a program of supplementary care to children outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days of the week.

CHILD DAY CARE (HOME) – A dwelling that offers and provides a program of supplementary care outside their own homes for not more than ten (10) children on a regular basis for a part of the twenty-four (24) hours in one or more days of the week.

CLEAN FILL – Natural soil, rock, brick, ceramics, and concrete that are virtually inert and pose neither a pollution threat to ground or surface waters nor a fire hazard. Clean fill shall not include any bulky, solid, or special waste as defined by CGS Section 22a-209, as amended.

COMMERCIAL KENNEL – A place maintained for boarding or grooming dogs or cats, and includes, but is not limited to, any veterinary hospital which boards and/or grooms dogs or cats for nonmedical purposes.

COMMERCIAL RECREATION (INDOOR) – A recreational facility conducted entirely indoors for commercial purposes, with or without seating for spectators, and providing accommodations for a variety or individual, organized or franchised sports, including wrestling, soccer, tennis, volleyball, racquetball, handball, bowling, skating, and ice skating. Such facility may also provide other regular organized or franchised events, such as children’s amusements, dance studios and instruction, music.

COMMERCIAL VEHICLE – A vehicle that bears or displays indicators that the vehicle is designed or used for commercial purposes, regardless of capacity, or is licensed as a ‘for hire’ vehicle.

COMMON INTEREST PROPERTY - Real estate where the owner, by virtue of his ownership of a partial interest or unit, must pay for the maintenance, improvement, insurance of common areas described in a declaration and administered by an association.

COMMUNICATION TOWER – A structure that is intended to support antennas or other telecommunications equipment, excluding those facilities subject to the sole authority of the Connecticut Siting Council. Examples include monopoles, lattice, and guyed towers.

COMMUNITY MENTAL HEALTH RESIDENTIAL LIVING CENTER - A residential facility and related support and staffing services for the treatment of persons with mental or physical disabilities, including depression, anxiety, trauma and substance use disorder, which provide behavioral health treatment services such as therapy and substance abuse treatment services. Such facilities may also conduct related uses including but not limited to meals, housekeeping, maintenance, personal care assistance and educational support services for family residents. If residents are not permitted to own or operate a motor vehicle, the commission may reduce or waive the parking requirements.

CONGREGATE LIVING FACILITY – See Assisted Living Facility.

CONNECTICUT GROWN (PRODUCTS) - Agricultural and aquaculture products grown and raised in Connecticut, meeting all mandatory “Connecticut Grown” Labeling Requirements and Identity Standards per CGS Section 22-38.

CONTRACTOR YARDS – Property used for the conduct of a contractor business, including the storage of equipment, building materials and earth materials used in the conduct of the contractor business.

CONSTRUCTION EQUIPMENT – The construction machinery, vehicles, tools, derricks, hoists, scaffolds, platforms, runways, ladders and all material, handling equipment, safeguards, and protective devices used in construction operations.

CONVALESCENT FACILITY – An institution licensed by the Connecticut Department of Health having facilities and all necessary personnel to provide services of a personal nature, nursing care under medical supervision and direction for chronic diseases or convalescent stages of acute diseases or injuries.

COTTAGE FOOD OPERATOR – One who prepares food perceived to be low-risk for food-related injury or illness. As a low-risk product, Cottage Food can be prepared in a home environment without some of the controls used for a traditional ready-to-eat food such as those foods sold in a restaurant or grocery store. These foods would include Loaf breads, rolls, and biscuits, non-potentially hazardous cakes including celebration cakes and cookie, candies and confections, fruit pies (not pumpkin) Jams, jellies and preserves, dried fruits, dry herbs, seasonings and mixtures, non-potentially hazardous cereals, trail mixes and granola, coated or uncoated nuts, vinegar and flavored vinegars, and popcorn and popcorn balls. A Cottage Food Operator shall be subject to the requirements of a Customary Home Occupation.

CUL-DE-SAC – A dead end street with a circular turn around at the end.

CULVERT – A pipe, conduit, or similar enclosed structures with appurtenant works that carries surface or storm water under or through an embankment or fill, roadway, or pedestrian walk or other structure.

DECK/PORCH – A structure or portion of a structure, attached or not attached to a building usually constructed of wood or equivalent, with structural supports and supported above grade.

DEVELOPMENT – Any activity on improved or unimproved real estate that removes or destroys its natural cover leaving the land subject to accelerated erosion.

DISTURBED AREA – An area where the ground cover is altered or removed, likely leaving the land subject to accelerated erosion.

DRAINAGE – (1) Surface water runoff. (2) The removal or redirection of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

DRAINAGE AREA – That area in which all the surface runoff resulting from precipitation is concentrated to a point of interest.

DRIVE THRU FACILITIES – An establishment that distributes goods and services directly to consumers within their vehicle or entertains patrons within their automobile through a physical arrangement designed specifically for that purpose.

DWELLING – A building that is designed and used for residential habitable purposes only and contains one (1) or more dwelling units.

DWELLING UNIT – One (1) or more habitable rooms designed, occupied, or intended for occupancy as separate living quarters with a food preparation area, sleeping area and bathroom provided within the dwelling unit for the exclusive use of a single family.

DWELLING, ONE-FAMILY – A dwelling that contains one (1) dwelling unit only.

DWELLING, TWO-FAMILY – A dwelling containing two (2) dwelling units, which has not received Special Permit approval for an Accessory Apartment.

DWELLING, THREE-FAMILY – A dwelling that is not either a town house or a garden apartment and contains three (3) dwelling units.

DWELLING, FOUR-FAMILY – A dwelling that is not either a town house or a garden apartment and contains four (4) dwelling units.

EARTHEN MATERIAL – Earth, loam, topsoil, sand, gravel, rock, stone, clay, asphalt millings, broken concrete.

EASEMENT (RECORDED) – A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity, recorded in the Seymour Town Land Records.

EASEMENT, CONSERVATION – An easement precluding future or additional development of the land.

EASEMENT, DRAINAGE – An easement required for the installation of storm water sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

ELDER CARE FACILITY – A development in which all residents and their occupants shall comply with the requirement of the fifty (55) and over housing exemption as set forth in the Fair Housing Amendments

Action (42 U.S.C., Section 3601), the Housing for Older Persons Act of 1955 and in accordance with Federal law, including those housing types and accessory facilities which offer various levels of medical and residential care to residents.

ELEVATION – The height in feet relative to mean sea level (MSL) as defined by generally accepted datum such as NGVD 29 or NAVD 88.

EMINENT DOMAIN – The legal right of government to acquire or “take” private property for public purposes upon paying just compensation (fair market value) to the owner.

EROSION – The detachment and movement of earthen materials by water, wind, ice, or gravity.

EXCAVATION – The deposition, disturbance, or removal of earth material from any property more than fifty (50) cubic yards.

FAMILY – A family shall include no more than two persons unrelated by blood, marriage or adoption.

FARM BREWERY/FARM WINERY/FARM DISTILLERY – A farm operation, licensed by the State of Connecticut in which beer, wine, spirits or other alcoholic beverages are brewed, fermented, or distilled for distribution or consumption, and said beverages are made from ingredients of which a minimum of twenty percent (20%) are grown on-site. The facility may include a tasting room(s) for the consumption of an on-site produced beer, wine or alcoholic beverages; specifically permitted by the Special Permit and authorized by State Statutes.

FARMING – The production, processing of agricultural, and forestry products, including livestock and poultry on a tract of at least five (5) acres as a primary land use, but excluding the keeping of fur bearing animals other than cats and rabbits. The retail sale of “Connecticut Grown” products is permitted as an accessory land use.

FENCE/WALL – An artificial barrier constructed of any material or combination of materials that is erected to enclose, separate, screen or buffer areas of land.

FINISHED GRADE PLANE – The average existing or proposed level of the ground surrounding a building or structure within ten (10) feet of the outside wall.

FLOATING ZONE – A zoning district whose requirements are fully described in the text of these regulations, but which is unmapped. It is “anchored” to the land in response to an applicant’s petition for a rezoning. This technique has commonly been used for large-scale unified developments such as shopping centers, planned developments and industrial parks.

FLOOD OR FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAPS (FIRM) – The Inspector Map on which the Federal Emergency Management Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town of Seymour.

FLOOD INSURANCE STUDY – The Inspector report provided by the Federal Emergency Management Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

FLOOD-PROOFED – Watertight with walls substantially impermeable to passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood.

FLOOR AREA – The sum of the gross horizontal areas of every floor of a building, measured from the exterior face of outside walls or, where appropriate, from the center line of a common wall separating two (2) buildings, and including such features as hallways, stairs, closets, columns and the thickness of walls.

FOOD CART (MOBILE) – A non-registered portable food preparation cart in which food items are prepared and/or sold to the general public, and is: (1) Licensed by the Naugatuck Valley Health District as compliant with the Naugatuck Valley Health District Food Service Code and Public Health Code of the State of Connecticut (2) Temporarily operated in a private lot with the permission of its owner or tenant, specifically excluding public streets, rights of way and other municipally owned properties.

FOOD TRUCK (MOBILE) – A registered motorized vehicle or mobile trailer kitchen unit, in which food items are prepared and/or sold to the general public, and is: (1) Licensed by the Naugatuck Valley Health District as compliant with the Naugatuck Valley Health District Food Service Code and Public Health Code of the State of Connecticut (2) Temporarily operated in a private lot with the permission of its owner or tenant, specifically excluding public streets, rights of ways and other municipally owned properties.

FOREST - Areas or stands of trees, the majority of which are greater than twelve (12) inches in caliper measured four (4) feet above grade, covering an area greater than one-quarter (¼) acre or groves of mature trees without regard to minimum area consisting of more than ten (10) individual specimens

FORESTRY - The science and craft of creating, managing, planting, using, conserving and repairing forests, woodlands, and associated resources for human and environmental benefits.

FRONTAGE - The length measured along the property line of that side of a lot abutting on a public or private street.

GARDEN APARTMENT - A dwelling comprised of individual dwelling units each having either direct access to outdoors or interior access to a central hallway system. No more than two (2) units may be built on top of another unit.

GLARE - The effect produced by brightness enough to cause annoyance, discomfort, or loss in visual performance and visibility.

GOLF COURSE - An area of land laid out for golf with a series of nine (9) or eighteen (18) holes each including tee, fairway, and putting green and often one (1) or more natural or artificial hazards.

GRADE - The final elevation of the ground surface after the completion of grading.

GRADING - Any excavation, grubbing, filling or stockpiling of earth, or any combination thereof, which results in a change of contour or elevation.

GREENHOUSE – A structure devoted to the production of plants on a tract of three (3) acres or more including the seasonal retail sale of products produced on the premises.

HAZARDOUS MATERIAL - (A) any hazardous substance as defined in 40 CFR 302.4 and listed therein at Table 302.4, excluding mixtures with a total concentration of less than one (1) percent hazardous substances based on volume, (B) any hazardous waste as defined in CGS Section 22a-449(c)-101 of the Regulations of Connecticut State Agencies, (C) any pesticide as defined in CGS Section 22a-47, or (D) any oil or petroleum as defined in CGS Section 22a-448.

HEAVY EQUIPMENT SALES - Retail or wholesale sale or rental of heavy motorized vehicles or equipment, along with incidental service or maintenance such as, but not limited to construction equipment rental yards, tractor-trailers, semi-trailers, farm equipment and moving trailer rental.

HEIGHT OF BUILDING - The vertical distance measured between the average levels at which the average finished grade meets the walls and a point mid-way between the highest and the lowest point of the roof.

HOME KENNEL - The breeding of dogs for the purpose of show, sports or sale is allowed. No kennel, dog run, or other structure shall be allowed beyond the building setback lines. Not more than two (2) dogs shall be kept for breeding purposes if the parcel has an area of less than eighty thousand (80,000) square feet. The boarding or grooming of dogs not owned by residents of the premises is prohibited.

HOME OCCUPATION (CUSTOMARY) - A customary home occupation shall be subject to the following provisions:

1. A customary home occupation shall be carried on entirely within the dwelling unit or within a portion of the dwelling unit.
2. A customary home occupation shall be carried on by the inhabitants of such dwelling unit and shall involve the employment on the premises of only any member of the immediate family residing in such dwelling unit plus one person, full or part time, not residing in such dwelling unit.
3. A customary home occupation shall be clearly incidental and secondary to the use of such dwelling unit and lot for residential purposes.
4. A customary home occupation shall not change the residential nature of such dwelling unit and lot.
5. A customary home occupation, whether contained in a dwelling unit or a completely enclosed portion of the dwelling unit, shall occupy an area not to exceed twenty-five percent (25%) of the gross floor area of such dwelling unit.
6. A customary home occupation shall not store any materials or products on the premises outside of the dwelling unit in which it is located.
7. A customary home occupation shall not create any nuisance including, but not limited to objectionable noise, odor, vibrations, or unsightly conditions.

8. A customary home occupation shall not create a health or safety hazard.
9. A customary home occupation shall not create interference with radio, television reception, communications, and other utilities in the vicinity.
10. Signs associated with customary home occupation shall be limited to one identification sign per dwelling unit, not to exceed two (2) square feet in area.
11. Customers and clients are limited to two (2) at any given time.
12. The Zoning Enforcement Officer may, for good cause such as a non-customary use, potential excessive noise, storage of materials or parking, refer any question concerning a Home Occupation to the Planning and Zoning Commission for its review and recommendations.

HOTEL - A building, or portion thereof, containing rooms occupied primarily by transients who are lodged with or without meals, and in which are provided such services as are incidental to the use thereof as a temporary residence.

IMPERVIOUS SURFACE - Any hard-surfaced, man-made area that does not readily absorb or retain water including, but not limited to, building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreational areas.

INTERMEDIATE PROCESSING CENTER - An operation conducted entirely within a building that is limited to the receipt and separation of recyclable materials. No processing other than separation and minor compaction shall take place on site, nor is material to be stored for an extended period. No such center located in a commercial district shall include a building having an area of more than twenty thousand (20,000) square feet. There shall be no limitation on building size in an industrial building.

JUNKYARD - Any place in or on which old metal, glass, paper, cordage or other waste or discarded or secondhand material, which has not been a part, or is not intended to be a part, of any motor vehicle, is stored or deposited, but not including recycling centers, transfer stations or other such facilities established by the Town or its designee for the purpose of complying with the Connecticut General Statutes regarding solid waste.

LAND SURVEY – A survey map prepared by a Connecticut Licensed Land Surveyor. Accuracy shall be at a minimum A-2 and T-2 Standards as defined by Connecticut State Statutes.

LIVESTOCK - Cattle, sheep and goats raised in an agricultural setting to produce commodities such as meat, milk, and wool.

LOT - A parcel of land occupied or intended to be occupied by a principal building or buildings, accessory buildings and uses together with such yards and open spaces required by these regulations.

LOT, CORNER - A lot having frontage on more than one (1) public street.

LOT, INTERIOR - A lot that does not have the standard required lot frontage as shown in Section 5, Bulk Standards but contains an exclusive accessway to a public road of twenty-five (25) feet or greater. The accessway shall be in the same ownership as the balance of the lot and shall not be an easement or right-of-way.

LOT FRONTAGE - The total distance a lot abuts a street line.

LOT OF RECORD - A lot that can be found in the Land Records of the Town of Seymour.

LOT SQUARE - A square that is totally contained within the boundaries of a lot, with some portion of the square located within the required front yard setback.

LOT WIDTH - The distance between the side lot lines measured along a line at a distance from the front lot line equal to the front yard depth.

LOW IMPACT DEVELOPMENT - The protecting, maintaining, and enhancing of public health, safety, environment, and general welfare through the establishment of minimum requirements and procedures to control the adverse effects of increased post development storm water runoff and nonpoint source pollution associated with new development and redevelopment.

MANUFACTURING -- Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics, resins, or liquors, including the manufacturing of products from Earthen Materials for use as new recycled products.

MEMBERSHIP & FRATERNAL ORGANIZATION - An association or membership corporation whose object is the health and recreation of its members, and which does not carry on any activities for profit or for the profit of any other person or corporation except a non-profit corporation and which restricts the use of its premises, building or other facilities to its members and genuine guests.

MICROBREWERY/MICRODISTILLERY/MICROWINERY - A facility licensed by the State of Connecticut in which a maximum of less than 15,000 barrels of beer are brewed, 15,000 gallons of spirits are distilled, or 2,000 barrels of wine are fermented per year for distribution and consumption both on and off-site. The facility may include the following activities: 1.) Wholesale and retail sale of (beer, spirits, or wine) and related items; 2.) A tasting room and patio/deck for the consumption of on-site produced (beer, spirits or wine) as well as consumption of food; 3.) Tastings; 4.) Tours; 5.) Special Events; if the above listed events are specifically permitted by the Special Permit and authorized by State Statutes.

MIXED-USE DEVELOPMENT - A development that is planned and managed as a single property with off-street parking, landscaped areas, and pedestrian plazas provided on the property as an integral part of the development, and which has two (2) or more different uses such as but not limited to, office, retail, food service establishments, service businesses, banks, public and entertainment and, in limited and appropriate circumstances, residential, in a compact form.

MOBILE (MANUFACTURED) HOME - A structure transportable in one (1) or more sections that is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities.

MOTEL - An establishment providing sleeping accommodations for transient guests with most of all rooms having direct access to the outside, without the necessity of passing through the main lobby of the building.

NON-CONFORMING LOT - A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision or amendment of the Seymour Zoning Regulations, but which fails due to such adoption, revision or amendment to conform to the present requirements of the zoning district.

NON-CONFORMING SIGN - Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which renders such sign non-conforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NON-CONFORMING STRUCTURE OR BUILDING - A structure or building the size, dimensions, or location of which was lawful prior to the adoption, revision or amendment to a zoning ordinance but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

NON-CONFORMING USE - A use or activity which was lawful prior to the adoption, revision, or amendment of a zoning ordinance but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning district.

NON-PROFIT ORGANIZATION - A business that has been granted tax-exempt status by the Internal Revenue Service (IRS) because it furthers a social cause and provides a public benefit.

NUISANCE — An activity or condition that interferes with an owner's reasonable and lawful use and enjoyment of his property or interferes with public rights, such as free passage along streams and highways and enjoyment of public parks and places of recreation.

NURSING FACILITY (SKILLED) - A facility, or portion thereof, licensed by the State of Connecticut, providing services for persons who have a need beyond the basic provisions for food, shelter, and laundry, including but not limited to, health services, licensed nursing services, recreation, and physical therapy.

OFFICE (BUSINESS OR CORPORATE) - Offices used for the general conduct of business, such as management, administration, marketing, distribution, design, product development, advertising, data processing, legal affairs, or other functions associated with the overall operation of a business, but not intended to directly serve consumers or clients onsite. May include accessory activities and facilities such as laboratories, storage areas, showrooms, and other facilities that are required for the management of the business.

OFFICE (MEDICAL) - Any office building in which fifty (50) percent or more of its net leasable area is leased to physicians, groups of physicians or other legal entities owned or controlled by physicians and engaged in the practice of medicine or other legal entities providing ancillary medical services in such building.

OFFICE DEVELOPMENT DISTRICT PLAN - A plan prepared at a preferred scale of one (1) inch equals forty (40) feet showing property lines, existing and proposed buildings and structures, floor plans, architectural elevations, and existing or proposed uses for each floor. The plan shall also show driveways, parking, fencing, landscaping, signs, lighting, utility areas, and proposed grading. A complete description of the proposed use shall be submitted to include the nature of the office, number of employees, hours of operation, delivery requirements and equipment or machines to be used.

OPEN SPACE - A space not occupied by a building or structure on the same lot as the principal building or use and restricted from future development.

PACKAGE STORE - A store that has retail sales of alcoholic liquor not to be consumed on the premises. Such sales are to be made in sealed bottles or other containers; and such store shall sell only alcoholic liquor and items related to their consumption.

PAPER STREET (ROAD) - A street or road that appears on Tax Assessor's Maps but has not been built.

PARKING LOT - An off-street, ground level area used for the temporary parking of more than four motor vehicles and available to the general public, whether for free or for compensation, or to accommodate employees, clients, customers or residents, but not including private driveways.

PARKING SPACE, OFF-STREET - The area intended for the temporary parking of a motor vehicle, not including aisles and driveways giving access thereto, located in other than a public street or other public way and having a permanent means of access to a public street without requiring passage through another parking space. A space not less than eighteen (18) feet long and nine (9) feet wide required for the parking of one (1) passenger motor vehicle or light truck.

PATIO - An outdoor surfaced area, not more than eight (8) inches above the adjacent grade of the land and supported solely by grade that adjoins a residence that is open both vertically and horizontally. Any patio greater than eight (8) inches above the ground shall be considered a structure.

PERMIT - Unless otherwise indicated, elsewhere herein shall mean approved zoning permit application.

PERSONAL SERVICES BUSINESS - Establishments primarily engaged in providing non-medical related services and the care of a person, including beauty and barber shops, psychic readers, acupuncture, licensed massage therapy, licensed physical therapy, meditation, yoga, personal training and similar uses. These uses may also include accessory retail sales of products related to the services provided.

PERVIOUS SURFACE - Any material that permits full or partial absorption of storm water into previously unimproved land.

PLACES OF WORSHIP - A building which is intended for the conduct of religious services, and which is maintained and controlled by a religious body organized to sustain public worship.

PLANNED DEVELOPMENT - A tract of land, which is developed as a unit under single ownership, or control, which includes two (2) or more principal buildings, and which is at least one (1) acre in area for a planned residential development and ten (10) acres or an entire city block in area for a planned area development.

PLANNED RESIDENTIAL/RECREATIONAL COMMUNITY - A development consisting of an appropriate mix of detached and attached one (1) family dwellings, designed and intended for occupancy by persons fifty-five (55) years of age or older, together with a major open space area which may be a golf course, designed and developed as a single, coordinated project. All residential dwellings and their occupants shall comply with the requirements of the "55 or over housing exemption" as set forth by the Fair Housing Amendments Act of 1988.

PLOT PLAN - A drawing that shows all the major features and structures on a piece of property. The information on a Plot Plan will generally include the location of all buildings, porches, decks, sheds,

swimming pools, landscaping features, boundaries of the property. Depending on the complexity of the project, surveyors, architects, engineers, or homeowners may draw plot plans.

PRINCIPAL DWELLING UNIT - A residential building in which is conducted the principal residential use of the lot on which it is situated.

PRIVATE ROAD - A private road shall be an easement of access off a public highway owned in common by all the landowners to whom it provides access and constructed in accordance with the Town Road Ordinance, except as may be amended as described herein.

PRIVATE SCHOOL - Any building or group of buildings the use of which meets the State of Connecticut's requirements for primary, secondary, or higher education and which is not operated by the City or State.

PROFESSIONAL ENGINEER - A professional engineer licensed in accordance with CGS Chapter 391, and who is qualified because of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable law and identify appropriate pollution prevention practices for such activities.

PUBLIC STREET, ROAD OR HIGHWAY - In these Regulations means a State highway or one that has been accepted by the Town of Seymour or appears on the State-Aid list.

PUBLIC UTILITY - Electric, electric distribution, gas, telephone, telegraph, pipeline, sewage, water, and community antenna television companies.

PUBLIC WATER SUPPLY - A private water company fully licensed by the State of Connecticut to serve a general area that includes all or sections of the Town of Seymour, that is in existence and fully permitted at the time of adoption of this regulation. Public water supply shall not include small water companies, or other entities established solely to serve a development or developments, which is the subject of application to the Planning and Zoning Commission.

RECREATIONAL VEHICLE - A registered portable vehicle, built on a chassis, which can be towed, hauled or driven and primarily designed to be used as temporary living accommodations for travel, camping and recreational purposes, including but not limited to pop up campers, travel trailers, truck campers, camper vans, fifth wheels, motorhome coaches, caravans and motor homes but excluding mobile manufactured homes.

RESERVOIR - A large natural or artificial lake used as a source of water supply.

RESIDENCE - A house, building or dwelling in which people reside.

RESTAURANT - A business establishment open to the public for the principal purpose of preparing and serving food for consumption on the premises or sold in a ready-to-consume state.

RESTAURANT (DRIVE IN) - A place that delivers prepared food and/or non-alcoholic beverages to patrons in motor vehicles, regardless of whether it also serves said items to patrons who are not in motor vehicles, for consumption in or out of motor vehicles, on or off the premises.

RETAIL SHOPPING CENTER - A group of retail and other commercial establishments that is planned, developed, owned, and managed as a single property, typically with on-site parking provided.

RIGHT-OF-WAY - Any strip of land acquired by reservation, dedication, prescription, or condemnation and used or intended to be used by specific persons or the public for a specific purpose or purposes. A "Right-of-way" includes any public way.

ROOMING HOUSE - A private house in which rooms are rented for living or staying temporarily and the tenants share bathroom and kitchen facilities.

ROADS, INTERNAL - Private roads or driveways or other means of vehicular access that provide automobile and other vehicular access to the internal uses within a proposed development, not including designated parking space. Such roads shall be privately owned and maintained.

SEDIMENT - Solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site or origin by erosion.

SETBACK LINES - The line parallel to a street or lot line at a distance established by the minimum yard requirements of these Regulations, behind which buildings and structures may be legally erected.

SIGHT DISTANCE - The length of the roadway ahead that is visible to the driver from an area ten (10) feet back from the road, three (3) feet in height. The available sight distance on a roadway should be sufficiently long to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path.

SIGHT TRIANGLE - A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN - Any object, device or display that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means. A sign does not include any flag, pennant or insignia of any governmental unit, or any traffic or similar regulatory device or legal notice of any governmental unit.

SIGN (AREA) - The entire visible face of a sign, which may consist of more than one (1) side, including the advertising surface and any framing, trim or molding, but not including the supporting structure.

SIGN (ATTACHED) - A sign that is attached directly to or projects from the wall of a building.

SIGN (BANNER) - A sign of a temporary nature made of a material such as cloth, vinyl, cardboard, and the like.

SIGN (DETACHED) - A sign that is supported by beams or poles resting on the ground and is not attached to any building or structure.

SIGN (DYNAMIC) - A sign or portion of a sign with features that move or appear to move or change, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign.

SIGN (ROOF) - A sign that is attached to any part of the roof of a building.

SIGN (SANDWICH) - A portable, two (2) sided sign, commonly shaped like an "A," resting on the ground and having a height of not more than forty-five (45) inches and a width of not more than twenty-five (25) inches.

SIGN (STATIC) - A sign, which does not change its message or copy automatically, such as by electronic or mechanical means.

SITE PLAN - A map or collection of maps showing the development of one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways, open spaces, walkways, means of ingress and egress, utility service, landscaping, structures and signs, lighting and screening devices, and other information that reasonably may be required in order that an informed decision can be made by the approving authority.

SITE PLAN REVIEW - The process whereby local inspectors, usually the zoning commission and staff, review the Site Plan and maps of a developer to assure that they meet the stated purposes and standards of the zone, provide for the necessary public facilities such as roads and schools and protect and preserve topographic features and adjacent properties through appropriate siting of structures and landscaping.

SLOPES (PREDEVELOPMENT) - The contours and slopes of the land that exist in its natural state, prior to any re-grading, excavation, filling, or any other disturbance. The contours and slopes of the land at the date of adoption of this regulation on which re-grading, excavation, filling, or any other disturbance has already occurred shall be considered as predevelopment slopes for the purpose of this regulation.

SOIL - Any unconsolidated mineral or organic material of any origin.

SOIL EROSION CERTIFICATION - A signed, written approval by the Seymour Planning and Zoning Commission or its designated agent that a soil erosion and sedimentation control plan complies with applicable requirements of these Regulations.

SOIL EROSION AND SEDIMENT CONTROL PLAN - A scheme that minimizes soil erosion a sedimentation resulting from development that includes, but is not limited to, a map and narrative per the 2002 Connecticut Erosion and Sedimentation Guidelines as amended.

SPECIAL PERMIT - A building, structure or use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in a zoning ordinance and authorized by the Planning and Zoning Commission; for example, the need for a special permit for certain fences. See 6.8(b).

SPECIALIZED HOUSING FOR THE ELDERLY - Housing designed and intended for occupancy exclusively for the elderly or infirm such as nursing or convalescent homes, and congregate or assisted living facilities that offer supplementary services such as independent living units, on-site medical care and common dining.

STORY - A story is that part of a building between any floor and the floor, ceiling, or roof next above. When the ceiling of any story is an average of five (5) feet or more above ground level, and this story contains livable floor area, it may be considered as a story in determining the floor area.

STORAGE CONTAINER - A pre-built structure, sometimes known as an overseas or domestic (POD type) container, designed for transporting goods by truck, rail or ship, but sometimes used for storage on a lot.

STRUCTURE - Any building constructed or erected having a location on the ground, affixed to the ground.

STREET LINE - The street or highway right-of-way line of a public or private roadway.

STREET, PUBLIC - For purposes of these regulations, a street shown on an approved and recorded subdivision plan for which required surety has been posted shall be considered as a public street.

SURETY BOND - A bond issued by an entity on behalf of a second party, guaranteeing that the (2nd) second party will fulfill an obligation or series of obligations to a third (3rd) party. If the obligations are not met, the third party will recover its losses via the bond.

SURVEYOR - A land surveyor licensed to practice in the State of Connecticut.

SWIMMING POOL - A water-filled structure, permanently constructed or portable, having a depth of more than twenty-four (24) inches and a water surface area of more than sixty (60) square feet, used for bathing or swimming.

TAG SALE - The sale of personal property, including household items, clothing, and the like, held at a "Dwelling Unit." The term shall include garage sale, yard sale, estate sale, and the like. For this definition, personal property shall include items previously used by the person or persons of the "Dwelling Unit or the person or persons holding the "Tag Sale." Items acquired for resale are specifically excluded from this definition. Tag sales(s) shall not be engaged in at any one premise for more than four (4) consecutive days.

TEMPORARY PARKING - Means a permanent parking area designated for seasonal, overflow and emergency conditions for a temporary period not to exceed one hundred eighty (180) days in a calendar year and intended to accommodate occasional or emergency parking requirements.

TEMPORARY STRUCTURE - A structure without any foundation or footings and which is removed when the designated time, activity or use for which the temporary structure was erected has ceased.

TEMPORARY USE - A use established for a fixed period with the intent to discontinue such use upon the expiration of the time. Such time will be established by permit and will expire after one hundred-eighty (180) days.

TEST PIT - A small, exploratory excavation that is dug to discover soil conditions.

TOTAL LOT AREA – The gross area calculated within the boundaries of a lot minus those constraining elements per Sections 6.2.1, 6.2.2 and 6.2.3 of these regulations.

TOTAL LOT (BUILDING) COVERAGE - The aggregate ground coverage of all Buildings and Structures, including above and below-ground pools, outside storage areas, access aisles, excluding patios, pedestrian sidewalks less than five (5) feet and landscaped islands within parking areas.

TOWN HOUSE - A residential building containing individual dwelling units separated by firewalls and each having private direct exterior access. No unit may be built on top of another unit.

VARIANCE - A modification of the regulations of the zoning ordinance, which is authorized by the Zoning Board of Appeals after it, finds that the literal application of the provisions of the zoning ordinance would cause undue and unnecessary hardship in view of specific facts and conditions applying to a lot.

WETLANDS AND WATERCOURSES - Shall mean those areas designated by Connecticut General Statutes (CGS) Chapter 440.

WHOLESALE TRADE - Purchasing, storing and selling goods, generally to retailers, professional (industrial or commercial) users or authorities, or to other wholesalers or intermediaries, regardless of the quantities sold.

YARDS – An open space extending along the entire length of a street line, side lot lines or rear lot line. Yards may be occupied by fencing, landscaping and certain structures as permitted by these regulations. The front yard is the yard between the street line and the lot width measurement line. The rear yard and side yards are as defined below for a corner lot.

YARDS, CORNER LOT - The yard parallel to the longer axis of the principal building shall be considered as the front yard. The yard opposite the front yard is the rear yard. The other yards are side yards except that the required setback from each street line shall be met.

YARD, FRONT - An open space extending across the full width of a lot and lying between the closest edge of the street right-of-way and the nearest facing wall of a principal structure on the same lot.

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

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

YARD, SIDE - An open space parallel to a side lot line extending from the front yard to the rear yard and lying between the side-line of the lot and the nearest facing wall of a principal structure on the same lot. Any yard not a rear yard or a front yard shall be deemed a "side yard."

ZONING AMENDMENT - A change in the wording, context, or substance of this title or change in the zoning or district boundaries of the Seymour Zoning Map, to be made a part of this title.

ZONING MAP - The graphic depiction of the zones or districts within a municipality, region, or area for which the zoning ordinance is applicable. The map will include all the area within the boundaries of the governmental sphere of operation. It will also include an indication of the boundaries of each of the

zones or districts, as well as a legend showing the type of uses that may be permitted in each of the districts.

ZONING PERMIT - A document signed by the Zoning Enforcement Officer (1) which is required by the Seymour Zoning Regulations as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building and (2) which acknowledges that such use, structure or building complies with the provisions of the Seymour Zoning Regulations or variance therefrom duly authorized by the Zoning Board of Appeals.

ZONING REGULATIONS - A comprehensive zoning plan for the Town of Seymour as set forth in text defining the terms and conditions of zoning with the municipality, setting forth all the standards, procedures, and requirements and accompanying Zoning Map.

Section 4 Zoning Districts and Map

4.1 The Town of Seymour is hereby divided into the following zoning districts:

Residential Districts:	
Residential	R-65
Residential	R-40
Residential	R-18
Multi-Family Residential	MF
Commercial Districts:	
Central Commercial 1	CBD-1
General Commercial	C-2
Recreational Commercial	RC-3
Industrial Districts:	
Limited Industrial	LI-1
General Industrial	GI-2
Special Districts:	
Affordable Housing	AHZ
Conservation and Energy Efficient Community	CEEC
Business and Office Development	BOD
Planned Development District	PDD
Mixed Use District	MD
Floodplain District	FP
Aquifer Protection District	AQ

4.2 The boundaries of these districts are shown on the map (or set of maps) entitled "ZONING MAP, Town of Seymour." This map is incorporated into these regulations as if fully set forth herein.

4.2.1 Except for the AQ and FP Districts, zoning district boundaries shall be interpreted to follow property lines unless located by dimension from a street or other recognizable feature on the zoning map. If there is a difference between a property line shown on the zoning map and a property line identified by survey, the survey shall govern.

4.2.2 Where a zoning district boundary divides a parcel, a use allowed in one (1) zoning district may be permitted in the adjoining zoning district with the approval of the Planning and Zoning Commission. Such encroachment shall occupy an area of more than twenty thousand (20,000) square feet.

Section 5 Bulk Standards

	R-65	R-40	R-18	RC-3	CBD-1	C-2	LI-1	GI-2
Minimum Lot Area, sq. ft.	65,000	40,000	18,000	40,000	10,000	40,000	85,000	85,000
Minimum Lot Frontage, ft.	175	150	120	150	60	150	150	150
Minimum Lot Width, ft.	175	150	120	150	60	150	150	150
Minimum Lot Square, ft.	150	150	120	150	NR	NR	NR	NR
Minimum Front Yard, ft.	70	50	25	50	NR	50	75	75
Minimum Side Yard, ft.	35	25	15	25	5	25	25	25
Minimum Rear Yard, ft.	40	30	30	30	5	30	75	75
Total Lot Coverage	15 %	15 %	15 %	25 %	NR	25 %	35 %	35 %
Maximum Building Height, ft.	35	35	35	40	65	40	45	50
Principal Buildings/Lot	1	1	1	1/NR	NR	NR	NR	NR

NOTES:

1. 1/NR- denotes one principal residential building per lot, but no restrictions if lot used for commercial purposes only.
2. NR denotes no restrictions.

Section 6 General Regulations

- 6.1 Application of General Regulations. The provisions of this Section 6 shall apply to all property in all zoning districts, unless expressly noted otherwise. If this section conflicts with a more definitive requirement for a specific use found elsewhere in these regulations, such more definitive requirement shall apply.
- 6.2 Calculation of Total Lot Area. The following shall not be included in calculation of Total Lot Area for uses as required by these regulations:
- 6.2.1 The area of any utility or drainage easement, except that such easements located within wetlands and required yards may be included. Only one-half (½) of the area of any conservation easement may be included in calculating minimum lot area.
- 6.2.2 The area of any right-of-way used for driveway and parking purposes.
- 6.2.3 Seventy-five (75) percent of the area classified as a wetland by a certified soil scientist.
- 6.3 Wetland/Non-Wetland/Slope Requirements.
- a) Building lots in each of the following residential zoning districts shall be underlain by contiguous non-wetland soils as specified below.
- R-18 District—An area of at least 11,250 square feet that will accommodate a rectangle 70 feet by 95 feet.
- R-40 District—An area of at least 30,000 square feet that will accommodate a rectangle 100 feet by 185 feet.
- R-65 District—An area of at least 48,750 square feet that will accommodate a rectangle 100 feet by 185 feet.
- MF District—Individual lots containing single- or two-family dwellings shall meet the requirements of the R-18 District stated above.
- b) Building lots in each of the following zoning districts shall contain a contiguous area having a pre-development slope of twenty-five (25) percent or less and located within the building setback lines as follows:
- R-18 District—At least 6,000 square feet.
- R-40 District—At least 15,000 square feet.
- R-65 District—At least 25,000 square feet.
- MF District—Individual lots containing one (1) and two (2) family dwellings shall meet the R-18 standards stated above.
- 6.4 Accessory Buildings. The following shall apply to the R-18, R-40, R-65, and one (1) or two (2) family dwellings in the MF District:
- a) There shall be no more than three (3) accessory buildings of any type per lot. Accessory buildings of any type are prohibited in the required front yard. Accessory buildings shall meet the building setback requirements of their respective districts except small buildings as stated in Section 6.14.1.

- b) The total floor area of all accessory buildings located on a lot shall not exceed as follows:

<u>Lot Size</u>	<u>Total Floor Area of All Accessory Buildings</u>
Up to 40,000 sf	One thousand, two hundred, fifty (1,250) sf
40,001 sf to 64, 999 sf	One thousand, seven hundred, fifty (1,750) sf
>65,000 sf	Two thousand, two hundred, fifty (2,250) sf

- c) Portable structures consisting of a frame with a fabric cover with area of two hundred forty (240) square feet shall be at least ten (10) feet from a side or rear lot line. No such structures shall be permitted in the front yard.
- d) Storage containers, dumpsters are allowed on a temporary basis only for a period of three (3) months, except that this period may be extended for an additional three (3) months for cause. Only two (2) ninety-day extensions are permitted. The Zoning Enforcement Officer may extend beyond the time-periods allowed in the case of a hardship, specifically those losses due to fire, natural disasters, for a period of up to eighteen (18) months.

6.5 Corner Lots

- a) The owner has the option of selecting the location of the front and rear yards and one (1) of the side yards through his choice of building orientation. In a subdivision, the designer may designate side and rear yards. In all cases, the required setback from each street shall be maintained.
- b) All corner lots shall be subject to a triangular sight line easement within which nothing may be permitted to obstruct vision at any point between a height of three (3) feet and ten (10) feet back from the intersecting line of the paved street. This easement shall be bounded on two (2) sides by a line fifty (50) feet in length measured from the point of intersection of the two (2) street lines, and on the third (3rd) side by a straight line connecting the two (2) ends of the fifty (50) foot lines.

6.6 Drainage.

- a) Definitions. For purposes of this section, "drainage facilities" are defined as structures intended to convey rain, ground or surface water, including but not limited to roof drains, under drains, relief drains, interceptor drains, storm drainage pipes and drainage swales. Wetlands and watercourses are each as defined in CGS Section 22a-38.
- b) No land shall be altered or graded in such a manner as to divert, concentrate, or direct natural sheet flow on to an adjacent street or property. If the natural flow of ground or surface water is altered by grading or construction, proper drainage facilities shall be provided so that there is no increase in run off on to adjacent properties.
- c) Outlets from drainage facilities shall meet one of the following conditions:
 1. Be connected to the Town storm drainage system in a manner approved by the Town Engineer, in his or her sole discretion.

2. Be discharged into a wetland or watercourse.
3. Be located sufficiently distant from a public street or adjacent property so that outflow is dispersed and there is no concentrated discharge of water leaving the property.
4. Outlet protection such as riprap pads or level spreaders or by any method deemed required by the Town Engineer.
- 4 Detention and/or retention basins that collect water from public streets shall not be allowed on lots in private ownership.

6.7 Driveways.

- a) Number of Driveways. The number of driveways per lot shall be based on lot frontage as follows:

i.	125 feet of frontage or less	One (1) driveway.
ii.	126 feet to 250 feet of frontage	Two (2) driveways.
iii.	251 feet to 500 feet of frontage	Three (3) driveways.
iv.	More than 500 feet of frontage	Four (4) driveways.

- b) Corner Lots. Driveways on corner lots shall be located at least thirty (30) feet from the intersection of the street lines. If a lot does not have enough frontage to meet this requirement or if there are physical constraints to driveway location, the driveway shall be located as far from the intersection as practical.

- c) Setbacks. Driveways shall be set back at least two (2) feet from a side or rear lot line. Driveways on the same lot shall be separated by at least twenty (20) feet at the curb line. Driveways shall be located and aligned so that the apron does not extend beyond the extension of the side lot line.

- d) Aprons. That portion of the driveway between the curb and the street line and within the Town right-of-way shall be paved in accordance with Town standards set forth by the Town Engineer. All driveways and or accessways from a Town road must have a hot applied bituminous material or concrete product from curb line to a minimum distance of ten (10) feet into property for its entire width, with a one and one half (1 ½) inch lip at the gutter line on the public roadway.

- e) Grade. Grading shall avoid the concentration and direct discharge of storm water on to an adjacent property or street. The grade between the curb and the street line shall slope upwards at a minimum of two (2) percent and a maximum of five (5) percent for the first ten (10) feet. The grade on the remainder of an unpaved driveway shall not exceed twelve (12) percent. A paved driveway may be up to fifteen (15) percent after the first ten (10) feet. Vertical alignment shall be sufficiently flat to prevent the undercarriage of a vehicle from striking the ground.

- f) Interior Lot Driveways. Driveways shall either have a paved or gravel surface at least fifteen (15) feet in width within the area of the twenty-five (25) foot accessway and at least twelve (12) feet in other locations. Grade shall not exceed twelve (12) percent. Driveways shall be at least two (2) feet from the side lot lines within the twenty-five (25) foot accessway.

- g) Sight Distance. In general, all driveways shall have a sight distance of at least two hundred, twenty (220) feet in both directions. If these requirements cannot be met because of site conditions or road geometry, the driveway shall be located on that part of the lot that provides the best sight distance. Sight distance shall be based on an eye and object height of three (3) feet at ten (10) feet back from the intersecting line of the paved roadway.
- h) Entrance. Driveways shall intersect with the street at an angle of ninety (90) degrees if possible, but in no instance, less than sixty (60) degrees measured at its most acute point. The curb radius of a private driveway for a dwelling shall be at least five (5) feet. The curb radius of commercial and industrial driveways shall be designed to accommodate the type of vehicles expected to use the driveway. Driveways to retail centers containing fifty thousand (50,000) square feet or more of floor area shall have a curb radius of at least twenty-five (25) feet or as needed to safely accommodate the largest anticipated truck movement.
- i) Vertical Clearance. All driveways shall have a vertical clearance between the ground and any overhead obstruction of at least fourteen (14) feet for their entire length.
- j) Turnarounds. Interior lot driveways and all other driveways more than two hundred (200) feet in length shall have a turnaround at the end of the driveway. The turnaround shall have one dimension of at least thirty-five (35) feet.
- k) Drainage. Driveways shall be designed and located to avoid the concentration and direct discharge of storm water on to an adjacent property or street. Curbing may be required to control the discharge of storm water. Section 6.6 standards apply.
- l) The driveway to a detached, one (1) family dwelling shall be located on the same lot therewith for its entire length.
- m) Turns shall have a minimum radius of fifteen (15) feet at the inside curb.
- n) Driveways on lots other than interior lots shall have a minimum width of twelve (12) feet.

6.8 Fences and Walls.

- a) Fences in residential zoning districts shall be a maximum of three (3) feet in height in the area between the front setback line and the street(s), and a maximum of ten (10) feet in height on the remainder of the lot. Fences on residential properties adjacent to industrial zoning districts and/or industrial uses shall be a maximum of eight (8) in height on the remainder of the lot, following an approval from the Zoning Enforcement Officer.
- c) Fences in commercial or industrial zoning districts shall be a maximum of eight (8) feet in height. Fences and walls in commercial or industrial zoning districts over eight (8) feet in height are permitted subject to the issuance of a Special Permit from the Planning and Zoning Commission.
- d)

- c) The sight line easement specified in Section 6.5 b applies to fences and walls.
- d) No fence or wall, including a retaining wall, shall be in such a manner as to reduce sight distance along a public street to less than two hundred, twenty (220) feet.
- e) Retaining walls may be erected to the height required to accomplish their intended purpose. The Town Engineer, Zoning Enforcement Officer or Building Official may require that a retaining wall over four (4) feet in height be designed and certified upon completion by a Professional Engineer.
- f) There are no specific setback requirements for fences or walls; however, they should be located so that repair or maintenance may be done without encroaching upon adjacent property.
- g) Fencing may be required to be added to the top of retaining walls to ensure safety as directed by the Building Official.

6.9 Horses.

- a) The keeping or boarding of horses or other equines is permitted as an accessory use to a detached single-family dwelling. The minimum required lot area shall be eighty thousand (80,000) square feet for the first animal and twenty thousand (20,000) square feet for each animal thereafter. The maximum number of animals permitted shall be five (5). Minimum required lot area shall be gross area and may include wetlands, steep slopes, easements, or rights-of-way.
- b) Buildings used for housing of animals and the open or covered storage of manure shall be at least one hundred (100) feet from any lot line or residential building. Outdoor riding areas, which may be fenced, shall not be required to meet this setback.

6.10 Interior Lots.

- a) Interior lots shall be permitted in the R-65, R-40, and R-18 Zoning Districts
- b.) Each lot shall have its own accessway to a public street. The accessway shall be at least twenty-five (25) feet in width and be in the same ownership as the lot served. The accessway shall not be a right-of-way or easement.
 1. No more than one (1) interior lot served by an accessway may be placed directly behind another interior lot served by an accessway that fronts the same street.
 2. No accessway shall lie next to another accessway, driveway or other common driveway. Accessways will be separated from other accessways by a lot that conforms to the minimum lot width requirements of the zone in which it is located.
 3. No accessway shall be located within thirty (30) feet of any intersection.

- c) Interior lot shall conform to one- and one-half times the minimum lot area for the district involved. The area of the accessway shall not be included in calculating minimum lot area in addition to land cited in Section 6.2. The wetland/slope standards of Section 6.3 apply to interior lots.
 - d) Accessways to interior lots on the same side of the street shall be separated by a distance of at least the minimum lot frontage for the applicable zoning district.
 - d) The minimum setback from any property line shall be equal to or greater than the minimum setback from the street for the district involved.
 - e) The area within the building setback lines shall accommodate at least a sixty (60) square foot.
 - f.) Connection to public sanitary sewer and/or public water is required when an accessway, serving such interior lot adjoins a street having such facilities.
 - g.) Each interior lot shall be restricted to single family residences and such interior lot shall not be further subdivided or re-subdivided.
- 6.11 Outdoor Lighting. All outdoor lighting shall be shielded so that the source of illumination is not directly visible from any street or adjoining property. The circle of illumination cast by the lighting device shall be confined essentially to the lot.
- 6.12 Outside Storage/Display. Outside storage of materials, equipment, or inventory for commercial or industrial uses shall not be allowed in the required front yard or in any side or rear yard which abuts a residential zoning district. Such storage shall be in an area specifically designed for this purpose and defined by such means as an opaque fence, embankment, or plantings.
- The display of merchandise offered for retail sale can occupy up to one half (½) of the distance of the front yard setback line of any parcel in a commercial and/or industrial zoning district.
- 6.13 Slope. In general, the finished slope of any area excavated, filled or re-graded shall not exceed one (1) foot vertical for each two (2) feet horizontal. Slopes may exceed such slope in rock cuts or other areas after review of the proposed plans by the Town Engineer and a finding that the slope will be stable. Excavation, grading, removal, or deposition of earth materials on any lot or premises may be permitted within fifteen (15) feet of a property line to a slope not exceeding one (1) foot vertical for each three (3) feet horizontal. Where safety conditions or unforeseen circumstances warrant (as determined by the Town Engineer), an engineering analysis and approved engineered plan may be required. Retaining walls may be permitted as a manner to adjust grade conditions to allow for slope requirements. No land shall be re-graded to direct the flow of surface water towards a street or adjoining property unless proper provision has been made for the disposition of such water.
- 6.14 Yard Occupancy.
- 6.14.1 Except as specifically provided below no required front, side or rear yard may be occupied by a principal or accessory building. No more than two (2) accessory

buildings having a total floor area of two hundred forty (240) square feet or less, and a height of not more than eight (8) feet to an eave height, are allowed in a required side or rear yard, but in no instance shall be less than ten (10) feet from the property line. Architectural projections of the principal building such as decks, overhangs, bay windows, stairs, porches, chimneys, and the like may encroach upon any required yard by up to two (2) feet. Handicapped ramps may be located as required by the Americans with Disabilities Act (ADA).

6.14.2 Yards may be occupied by driveways, fences, retaining walls, parking, stairways, landscaping, and similar features as may be elsewhere permitted in these regulations. On residential property, yards may also be occupied by certain accessory structures such as picnic tables, play equipment, dog pens and the like that are customarily associated with a dwelling.

6.15 Parcels in Adjacent Towns. A zoning permit may be issued for a parcel having land partially in Seymour and partially in an adjacent municipality provided that the total parcel area meets all of the requirements of the zoning district in Seymour in which it is located, vehicular access to the parcel is from Seymour and the principal building is located in Seymour.

6.16 Construction on and Completion of a Paper Street

This section applies when an applicant proposes to construct a building on a lot that fronts on a paper street and to construct such street to Town street standards in order to provide frontage for such lot. Construction on such lots are subject to a Special Permit approval from the Planning and Zoning Commission.

6.16.1 Required Documentation

- (i) Construction plans and specifications for the proposed Town maintained street and municipal utilities that have been approved by the Town Engineer.
- (ii) A report from the Seymour Inland Wetland and Watercourses Commission concerning the construction of the road and utilities as proposed.
- (iii) Site Plans for the development of the lot or lots in accordance with Section 10 of these Regulations.
- (iv) Documentation from the Town Attorney that the applicant has executed a "Hold Harmless Agreement Bond" sufficient to hold the Town of Seymour harmless from claims, demands, or causes of action arising out of the Town's acceptance of a constructed paper street or to fund a condemnation of a right-of-way for such street.
- (v) Documentation that the Board of Selectmen has authorized the construction of the Paper Street and municipal infrastructure.

6.16.2 Bonding and Surety for Construction of Public Improvements

Construction of a paper street shall be subject to the filing of a surety bond in accordance with the Town of Seymour bonding procedures for all Public Improvements shown on the Site Plan to be owned by the Town of Seymour. This includes but not necessarily limited to the construction of streets, installation of storm drains and sanitary sewers, construction of sidewalks and curbs, installation of landscaping, signs

and lighting. Such bond may also be required for costs of setting the monuments, compliance with erosion and sediment control plans and any other stipulation required as a condition of approval.

6.17

The storage of camping trailers, recreational vehicles and the like is considered as an accessory use to one (1) or two (2) family dwellings. Such use is expressly limited to storage and does not include occupancy while on the same lot.

Section 7 Non-Conforming Uses

- 7.1 A non-conforming use may be repaired, renovated, or upgraded. A non-conforming use may be intensified due to a normal increase in business or other related activity. A non-conforming sign may be repaired, reconstructed, or have a change in copy. There shall be no changes to height, size, or location.
- 7.2 A non-conforming use may not be expanded into any portion of a building constructed after such use became non-conforming or into any portion of a building not originally designed or intended for occupancy by such use.
- 7.3 A non-conforming use may not be extended into any land not occupied by such use at the time it became non-conforming, except that such use may be extended throughout a lot of record if there is substantial evidence that such lot was intended to be occupied by the non-conforming use only.
- 7.4 A non-conforming use may be changed to a conforming use. A non-conforming use may be changed to another non-conforming use following a finding by the Planning and Zoning Commission that the new use has either the same or less non-conformity. In making such determination, the Commission shall consider similarity of use as specified in Section 8.1b, potential off-site effects, and the classification of uses as set forth in the Table of Permitted Uses. The Commission may impose reasonable conditions or limitations to assure the same or less degree of non-conformity.
- 7.5 A nonconforming use, building or structure shall not terminate or be deemed abandoned unless the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner's intent to not reestablish such use, building or structure.

Section 8 Permitted Uses

8.1 Interpretation of Table of Permitted Uses.

- a) Individual uses are allowed or prohibited by these regulations as specified in the Table of Permitted Uses, Section 8.2. Uses are allowed or prohibited in respective zoning districts in accordance with the following symbols:

- Y** Allowed following an approval of the Zoning Permit application by the Zoning Enforcement Officer, Town Planner or Town Engineer as required, and a finding of compliance with these regulations. This is considered as administrative “as a right” approval.

- C** In general, these uses are allowed by administrative approval as noted above. A very few require approval by the Planning and Zoning Commission. "C" uses are subject to certain special conditions. The number following the "C" in the Table refers to these special conditions that are set forth in Section 8.2.a

- E** This is a special use classification applied to certain carefully selected uses that have existed for many years as non-conforming uses and have not caused any problems. Lawfully existing uses designated as "E" are declared to be permitted uses in their respective districts; however, no new uses are to be established in new locations. Any changes to an "E" use require review and approval by the Planning and Zoning Commission. Such changes are to conform to all the requirements for such use.

- YS** Allowed by administrative approval if the development does not involve construction of a new building or involves the construction of a new building having a floor area of two thousand (2,000) square feet or less. Developments involving construction of a new building having a floor area of more than two thousand (2,000) square feet require approval by the Planning and Zoning Commission as specified below.

- S** Allowed after Site Plan approval by the Planning and Zoning Commission, subject to the requirements of Section 10 of these regulations and any other applicable requirements.

- P** Allowed by Special Permit approved by the Planning and Zoning Commission subject to any specific standards specified for the use in Section 8.4 and any other applicable requirements in these regulations. The number following the "P" in the Table refers to the special conditions in Section 8.2.b.

- N** Use is not permitted.

NOTE: The plot plan submitted with an application for a Zoning Permit for a one (1) or two (2) family dwelling shall be a Zoning Location Survey certified to A-2 Accuracy standards prepared by a Connecticut Licensed Land Surveyor. The Zoning Enforcement Officer may require a Zoning Location Survey certified to A-2 Accuracy standards prepared by a Connecticut Licensed Land Surveyor for an addition or an accessory building if there is a question of meeting required setback or lot coverage.

- b.) Uses Not Listed in Table. If a use not listed in the table of permitted uses is found to be substantially similar in character to a listed use, such use may be permitted in the same zoning district and under the same conditions as the listed use. The Zoning Enforcement Officer shall refer all such determinations to the Planning and Zoning Commission. The Planning and Zoning Commission shall consider at least the following factors in making its determination:
- 1) Location requirements of the requested use.
 - 2) Volume and nature of vehicular and pedestrian traffic generated by the requested use.
 - 3) Effects of requested use on adjoining properties compared with effects of other uses permitted in the same zoning district.
 - 4) Compatibility of requested use with other uses permitted in the same zoning district.
- c.) Prohibited Uses. Any use not specifically listed in the table of permitted uses or determined to be substantially similar in character is prohibited. The following uses are expressly prohibited and are not to be considered as substantially similar to any listed use: Landfill, Non-Licensed Massage Parlor, Manufacture, storage or disposal of radioactive substances, Tire recapping, Manufacture or distillation of coal or petroleum products including asphalt plants and commercial incineration.

8.2 Table of Permitted Uses

8.2. a Required Conditions for Uses Designated with a "C" in the Table of Permitted Uses.

8.2. b Required Conditions for Uses Designated with a "P" in the Table of Permitted Uses Required Conditions for Special Permit Uses. All Special Permit uses shall be subject to the requirements of Section 11 and other applicable requirements of these regulations.

RESIDENTIAL USES	R-65	R-40	R-18	MF	CBD	C-2	RC-3	LI-1	GI-2
One-Family Dwelling	Y	Y	Y	C1	E	E	Y	E	E
Two-Family Dwellings	N	E	C2	C1	E	E	S	E	E
Three- & Four-Family Dwelling	N	N	P1	P1	E	E	S	E	E
Town House	N	N	N	P2	N	N	P	N	N
Garden Apartment	N	N	N	P2	N	N	P	N	N
Convalescent, Nursing, Elder Care Facilities	N	N	N	P2	N	N	P	N	N
Apartments/Commercial	N	N	N	N	S	S	P	N	N
Rooming House	N	N	N	N	E	E	P	N	N
Community Mental Health Residential Living Center	N	N	N	N	N	N	P	N	N
Hotel and Motel	N	N	N	N	Y	Y/S	Y/S	N	N
Accessory Dwelling Unit	C32	C32	C32	C32	N	N	C32	N	N
Assisted Living Facility	N	N	N	P2	N	N	P	N	N

C1 — Detached one (1) and two (2) family dwellings on individual lots, including interior lots are permitted subject to all the lot size, area, setback, and other requirements of the R-18 District. Detached one (1) family dwellings on land in common interest ownership are permitted subject to the following:

1. Special Permit approval by the Planning and Zoning Commission is required subject to Sections 11 and 11.1.4 of these regulations.
2. The number of dwellings containing three bedrooms shall not exceed fifty (50) percent of the total number of all units in the project.
3. No dwelling shall contain more than three (3) bedrooms.

C2 — Two (2) family dwellings must have a separate entrance for each dwelling unit and a minimum lot area, as defined in these regulations, of at least twenty thousand (20,000) square feet.

C32 — An Accessory Dwelling Unit (ADU) is permitted in the R-18, R-40, R-65 Zoning Districts and MF and RC-3 Districts (Single Family Homes) located within a proposed or existing Principal Dwelling of greater square footage and height subject to a Site Plan Approval by the Planning and Zoning Commission, per the requirements of Section 10 of these regulations.

An Accessory Dwelling Unit (ADU) is permitted in the R-18, R-40, R-65 Zoning Districts and MF and RC-3 Districts (Single Family Homes) located within a detached proposed or existing detached building other than a proposed or existing Principal Dwelling Unit of greater square

footage and height subject to a Special Permit Approval by the Planning and Zoning Commission, per the requirements of Sections 10 and 11 of these regulations.

An Accessory Dwelling Unit shall meet the following standards:

1. There shall be only one Accessory Dwelling Unit per building lot.
2. No Accessory Dwelling Unit can occupy an existing non-conforming Principal Dwelling Unit or existing non-conforming Detached Building.
3. The Accessory Dwelling Unit shall occupy not more than thirty (30) percent of the floor area of the Principal Dwelling Unit or one thousand (1,000) square feet, whichever is less.
4. Scaled architectural elevations and floor plans of all buildings or additions shall be submitted as part of the application to determine applicable square footage.
5. Architectural exterior features of all ADUs match the exterior appearance of the Primary Dwelling including:
 - a. Exterior finish materials of the ADU must visually match in type, size and placement, the exterior finish materials of the Primary Dwelling.
 - b. The roof pitch of the ADU must be the same as the predominant roof pitch of the Primary Dwelling.
 - c. If the street-facing façade of the ADU is visible from the street, its windows must match, in proportion and orientation, the windows of the Primary Dwelling.
 - d. If the Primary Dwelling has eaves, the ADU must have eaves that project the same distance from the building. If the Primary Dwelling does not have eaves, no eaves are required for the ADU.
6. All Accessory Dwelling Units shall adhere to all lot area, lot frontage, lot width, lot square, building setback, lot coverage, height requirements, landscaping and architectural design standards equal to that which is required for a Principal Dwelling Unit.
7. There shall be only one utility service per lot (i.e., electrical, water, sewer, natural gas, bottled gas) provided for both the Principal Dwelling Unit and Accessory Dwelling Unit. Certification shall be required from the Naugatuck Valley Health District that the sewage disposal system and/or potable water supply is adequate to serve both the Principal Dwelling Unit and Accessory Dwelling Unit. In such cases that the ADU cannot conform to Standard #7, the Building Official may waive portions of this section.
8. One (1) additional parking space is required for an Accessory Dwelling Unit and shown on Site Plan.
9. There shall be only one (1) street number address for the Accessory Dwelling Unit and Principal Dwelling Unit and only one (1) mailbox.
10. An Accessory Dwelling Unit shall have a separate exterior entrance as required by the applicable Building and Fire codes and not be required to have a passageway between any such Accessory Dwelling Unit and a Principal Dwelling Unit.
11. No Home Occupation shall be allowed in any Accessory Dwelling Unit.
12. An Accessory Dwelling Unit shall not be occupied or utilized for either a vacation home and/or short-term rental.

13. Principal Dwelling Unit with Accessory Dwelling Unit shall register the existence of said Accessory Dwelling Unit with the local municipal PSAP “911” Seymour Police Department.

P1 — Three (3) family and four (4) family dwellings in the R-18 District shall meet the requirements of Section 11.6. Three (3) family and four (4) family dwellings in the MF District shall meet the requirements of Section 11.1.

P2 — Subject to the requirements specified in Section 11.1.

COMMERCIAL USES	R-65	R-40	R-18	MF	CBD	C-2	RC-3	LI-1	GI-2
Wholesale Trade	N	N	N	N	Y	YS	C30	S	S
Warehousing & Distribution	N	N	N	N	E	E	E	S	S
Fuel & Heating Oil Bulk Storage	N	N	N	N	N	N	N	N	YS
Retail Trade									
Supermarket	N	N	N	N	Y	YS	P	N	N
Automobile Sales	N	N	N	N	P3	P	P	C10	C10
Automobile Service	N	N	N	N	P3	N	N	C10	C10
Bars, Taverns, Cafes	N	N	N	N	Y	YS	P	N	N
Restaurant	N	N	N	N	Y	YS	P	C3	C3
Microbrewery, Micro distillery, Micro winery	N	N	N	N	P	P	P	N	N
Fast Food Restaurant	N	N	N	N	Y	P4	P	N	N
Mobile Food Trucks/Carts	N	N	N	N	C33	C33	C33	C33	C33
Package Store	N	N	N	N	Y	YS	YS	N	N
Convenience Store	N	N	E	N	Y	YS	YS	N	N
Heating Fuel Dealer	N	N	N	N	C4	C4	C4	C4	YS
Outdoor Living Products	N	N	N	N	Y	YS	C31	N	N
Other Retail Business	N	N	N	N	Y	YS	S	C5	C5
Banks & Financial Offices	N	N	N	N	Y	YS	S	C6	C6
Building Materials, Hardware, Landscaping, Garden & Stone Products	N	N	N	N	S	S	N	S	S
Personnel Services									
Places of Worship	P5	P5	P5	N	Y	P5	P	N	N
Cemetery	P14	P14	P14	N	N	E	N	N	N
Membership & Fraternal Organizations	N	N	N	Y	Y	Y	N	N	N

Funeral Home	N	N	E	N	Y	Y	N	N	N
Gym, Fitness Center	N	N	N	C8	Y	YS	YS	C8	C8
Other Personal Services	N	N	N	N	Y	YS	YS	N	N
Business Services									
Commercial Art, Signs	N	N	N	N	Y	YS	N	YS	YS
Building Maintenance and Landscaping Services	N	N	N	N	Y	YS	S	YS	YS
Building Materials, Hardware, Landscaping, Garden and Stone Products	N	N	N	N	S	S	N	S	S
Heavy Equipment Sales & Service	N	N	N	N	N	S	N	S	S
Computer Service	N	N	N	N	Y	YS	S	S	S
Professional Office	N	N	N	N	Y	YS	S	S	S
Contract Construction Service	N	N	N	N	C9	YS	N	P	S
Contractor Yard	N	N	N	N	N	N	P	S	S
Automotive Services									
Automotive and Trailer Rental	N	N	N	N	C11	YS	C11	N	S
Auto Body Repair/Painting	N	N	N	N	N	C10	E	E	C10
Automotive Specialty Installation	N	N	N	N	N	C12	C12	N	C12
Auto Junk & Salvage Yard	N	N	N	N	N	E	N	E	E
Automatic Car Wash	N	N	N	N	N	P6	N	P6	P6
Misc. Repair Services	N	N	N	N	C13	C13	N	YS	YS
Other Services									
Hospital	N	N	N	N	S	S	N	S	S
Outpatient Health Clinic	N	N	N	N	S	S	S	S	S
Veterinary Hospital	N	N	N	N	Y	YS	YS	YS	YS
Canine Grooming, Training and Related Services	N	N	N	N	Y	YS	YS	YS	YS
Commercial Kennel	N	N	N	N	Y	YS	YS	YS	YS
Private School (Business, Vocational Art, etc.)	N	N	N	N	Y	YS	N	P5	P5
Dance/Martial Arts School	N	N	N	N	Y	YS	YS	N	N
Social Service Agencies	N	N	N	N	Y	YS	N	N	N
Adult Day Care	C14	C14	C14	C14	Y	YS	YS	YS	YS
Child Daycare (Commercial)	N	N	N	S	N	S	S	S	S
Child Daycare (Home)	YS	YS	YS	YS	YS	Y	YS	Y	S

Welding, Machine Shop	N	N	E	N	N	P15	P15	YS	YS
Self-Service Storage	N	N	N	N	N	S	S	S	YS
Business, Professional, Civic & Fraternal Organization	N	E	E	N	Y	YS	YS	N	YS

- C3 — Establishment shall be designed and intended to serve the daytime, working population and conduct its heaviest volume of business during the morning and noontime hours.
- C4 — Use is limited to office, garage, maintenance, and similar activities. Bulk storage of fuel oil is prohibited.
- C5 — Permitted only as an accessory use, selling products produced or assembled on the premises.
- C6 — Limited to branch offices devoted principally to direct customer service.
- C8 — Allowed only as an accessory use, serving residents, guests, and employees.
- C9 — Use limited to administrative or office functions. There shall be no storage, maintenance, or rental of heavy equipment.
- C10 — Approval of location by the Zoning Board of Appeals is required as specified in Section 24. If the location is so approved, the Site Plan shall be referred to the Planning and Zoning Commission for approval.
- C11 — Use limited to rental of passenger vehicles, motor homes, all-terrain vehicles, motorcycles, and the like. Rental of heavy trucks or heavy construction equipment is prohibited.
- C12 — Installation and repair of specialized automotive and marine glass, vinyl, fiberglass, electrical and electronic accessories is allowed. General automotive repair, sales, auto body repair and painting are prohibited. All work areas and storage of boats or vehicles under repair shall be within a building.
- C13 — Includes repair of items such as appliances, electronic equipment, furniture, shoes, clocks, and the like. Any welding is allowed only as a purely incidental operation. Work shall be done entirely within a building.
- C14 — Allowed only as an accessory use to a church or other such permitted use in the R-40 and R-15 Districts, and as an accessory use to a planned development serving the residents of the development.
- C30 — Permitted in the RC-3 District, subject to the following conditions:
 - a) The parcel shall have an area of at least eighty thousand (80,000) square feet (1.84 Acres) and frontage on Roosevelt Drive.
 - b) Vehicular access shall be from Roosevelt Drive only.
 - c) The building setback line shall be at least seventy-five (75) feet from any property line in a residential district.
 - d.) Site Plan approval by the Planning and Zoning Commission as per Section 10 of these regulations shall be required.
- C31 — This use is more specifically described as business selling outdoor/recreational products and landscaping/gardening products as well as prefabricated structures such as gazebos, sheds, barns, arbors, windmills, playhouses, and the like. In the RC-3 District, the parcel shall have a minimum lot area of forty thousand (40,000) square feet and shall have road frontage on Roosevelt Drive. Site Plan approval by the Planning and Zoning Commission as per Section 10 of these regulations shall be required.
- C33 - The Zoning Enforcement Officer is authorized to allow Mobile Food Trucks/Carts at a specific location in the CBD, RC-3, C-2, LI-1 AND GI-2 Districts, in accordance with the requirements stated below:

- a) Copy of lease or written confirmation of permission from the owner (or authorized agent) of the property where the unit is to be located. This permission should include a legible name, signature, and phone number of the authorizing individual.
- b) Applicant shall provide a photo of the site and a drawing that shows where the Mobile Food Truck/Cart will be located and a written statement describing proposed food service.
- c) All Mobile Food Truck/Cart vendors must be licensed by the Naugatuck Valley Health District and shall be approved by the Seymour Fire Marshal and the Seymour Police Department, if required by town ordinance.
- d) Generators, if utilized, shall be maintained in good working order, and shall be shielded in a manner to effectively reduce noise levels emitted by their use.
- e) No permanent tent, dining table, or seating shall be permitted to be set up in conjunction with the mobile food service establishment.
- f) All temporary set-ups must be stored and secured at the end of each day.
- g) No additional signage shall be displayed other than that which is painted on or permanently affixed to the truck or trailer.
- h) The Mobile Food Truck/Cart shall be required to be in a location and in such a manner that vehicular access to any driveway, the view of drivers, or lawful movement of vehicles and pedestrians is not impeded and does not interfere with the activities of other businesses.
- i) Mobile Food Truck/Cart vendor is responsible to collect, store, and dispose of, without nuisance, all used containers, wrappings, and other disposables connected with the operation, and all other wastes or waste materials.

P3 — Approval of Site Plan by the Planning and Zoning Commission

P4 — All driveways shall meet the following standards:

- a) They shall be located at least two hundred, fifty (250) feet from any signalized intersection.
- b) Not more than one (1) driveway shall be located on a parcel having one hundred, fifty (150) feet of total road frontage or less.
- c) A two-way driveway shall have a curb radius of at least thirty (30) feet and a width of at least twenty-four (24) feet.
- d) A one-way driveway shall have curb radius of at least thirty (30) feet for right turns and at least five (5) foot radii on the opposite curb. The width shall be at least twenty (20) feet.
- e) Driveways shall intersect the street line at an angle of ninety degrees (90°). Driveways shall slope upwards from the gutter line on a straight slope of approximately two percent for at least twenty-five (25) feet.

P5 — Principal building shall be set back at least seventy-five (75) feet from any property line in a residential district. The driveway standards of P4 above shall apply.

P6 — Subject to the following conditions:

- a) The operation shall be fully automatic and conducted entirely within a building, fully enclosed.
- b) Ancillary uses such as vacuum cleaning services and gasoline sales may be permitted following a finding that such uses will not cause congestion. Gasoline sales require approval of location by the Zoning Board of Appeals.
- c) An on-site staking area shall be provided which provides space for a tandem line up of at least ten (10) vehicles.
- d) The entire use area shall be paved with a bituminous surface and provided with curbs to control run off. Grade shall be no more than five percent (5%) or less than two percent

(2%). Surface runoff shall be directed to drains on the lot and shall not be permitted to flow onto adjacent streets or property.

- e) All wash and rinse waters shall be reclaimed by an automatic system. Detergents used shall be non-toxic. The method of disposing on any wastewater or residue shall be fully described and approved by either the Naugatuck Valley Health District or the Seymour Water Pollution Control Authority.

P14 — Land used for burial plots shall be underlain by soils that are characterized by the Soil Survey for New Haven County, CT. Prepared by the USDA Soil Conservation Service as moderately well drained to excessively drained and having a depth to water table of at least ten (10) feet. No burials shall be allowed within seventy-five (75) feet of any wetland or watercourse. Buildings shall be set back at least seventy-five (75) feet from any property line in a residential district. The internal roadway system shall have bituminous pavement and provided with storm drainage. Curb to curb width shall be at least twenty-four (24) feet for two-way traffic and at least fifteen (15) feet for one-way traffic.

P15 — Location is restricted to those portions of the C-2 District that contain heavy commercial land uses such as warehousing, contractors, automotive uses, and the like. This use is not allowed in those parts of the C-2 with mixed commercial/residential uses or where the predominant use is retail trade and personal services such as a shopping center. In the RC-3 District, location is restricted to an existing building that is or has been used for a commercial purpose.

P16 — Permitted as specified in Section 15.

MANUFACTURING USES	R-65	R-40	R-18	MF	CBD	C-2	RC-3	LI-1	GI-2
Food and Beverages	N	N	N	N	N	N	N	YS	YS
Paper & Allied Products	N	N	N	N	N	E	N	YS	YS
Printing & Publishing	N	N	N	N	Y	YS	N	YS	YS
Chemicals & Allied Products	N	N	N	N	N	N	N	P7	P7
Pharmaceutical Products	N	N	N	N	N	N	N	S	S
Primary Metals	N	N	N	N	N	N	N	N	P7
Dry Concrete Batch Plant	N	N	N	N	N	N	N	P18	N
Manufacture, Fabrication or Assembly of Products	N	N	N	N	N	E	N	S	S

P7 — Use is prohibited within the primary recharge area of any aquifer protection area. The use is permitted in other locations subject to the following conditions as well as other applicable provisions of these regulations:

- a) Manufacture, processing or storage of chemicals or other hazardous materials shall take place entirely within a building.
- b) No floor drains from areas where chemicals are used, manufactured, or stored shall be connected to dry wells or other subsurface leaching structures.
- c) Outdoor unprotected storage tanks, containers or drums containing chemicals, chemical waste or other hazardous substances are prohibited. Interior storage areas shall have an impervious floor as well as a spill containment area.
- d) Loading or transfer activities for hazardous chemicals or substances shall be conducted on an impervious surface that is roofed and protected by a dike.

P18 — Minimum lot size shall be thirty (30) acres. A new source permit from CT DEEP is required.

RESOURCE PRODUCTION AND EXTRACTION	R-65	R-40	R-18	MF	CBD	C-2	RC-3	LI-1	GI-2
Forestry	C7	C7	C7	N	N	N	N	N	C7
Farming	C15	C15	C15	N	N	N	C15	N	C15
Animal Husbandry	Y	Y	Y	N	N	N	Y	N	N
Horticultural Specialties	C16	C16	C16	N	Y	Y	C16	N	N
Dairies	N	E	E	N	N	N	N	S	S
Mining & Processing of Earthen Material	N	N	N	N	N	N	E	P	P
Earth Removal	P	P	P	N	N	P	P	P	P

C7 — Operation is to be under the supervision of a Connecticut Certified Forester

C15 — Farming shall not include the commercially organized slaughtering of fowl or livestock having no relationship to the farm itself, except for operations existing as of September 1, 1991. All buildings or structures for the keeping and feeding of livestock, and the open or covered storage of manure, fertilizer, lime, herbicides, pesticides and the like shall be at least one hundred (100) feet from any lot line or residential structure.

C16 — Includes nurseries, green houses, truck gardens and similar uses on a tract of at least three (3) acres, and the accessory sale of agricultural and aquaculture products grown and raised in Connecticut, meeting all mandatory “Connecticut Grown” Labeling Requirements and Identity Standards per CGS Section 22-38. Activities such as parking, display of products and the location of all accessory structures shall be located beyond the building setback lines.

CULTURAL/ ENTERTAINMENT & RECREATIONAL	R-65	R-40	R-18	MF	CBD	C-2	RC-3	LI-1	GI-2
Museums/Historical Societies	N	N	E	N	Y	YS	YS	N	N
Historic Sites	Y	Y	Y	Y	Y	Y	Y	Y	Y
Art Gallery & Studio	N	N	N	N	Y	Y	Y	N	N
Auditoriums & Concert Halls	N	N	N	N	Y	YS	YS	N	N
Theater	N	N	N	N	Y	YS	YS	YS	YS
Rehearsal Studio	N	N	N	N	Y	YS	YS	YS	YS
Commercial Recreation Center (Indoors)	N	N	N	C17	Y	YS	YS	YS	YS
Electronic Game Room	N	N	N	N	Y	YS	YS	YS	YS
Carnivals and Fairs	C18	C18	C18	C18	C18	C18	C18	C18	C18
Marinas and Boat Sales	N	N	N	N	N	YS	P	N	N
Boat and Marine Service	N	N	N	N	N	YS	N	N	N
Golf Course	P8	P8	N	C17	N	N	P8	N	N
Riding Stable	P9	P9	P9	C17	N	N	P9	N	N

Tennis Court	C19	C19	C19	C17	N	P11	P11	P11	P11
Archery & Firearms Ranges	N	N	N	N	N	N	P10	N	P10
Other Outdoor Sports Facilities	N	N	E	C17	N	P11	P11	P11	P11
Farm Brewery/Farm Winery/Farm Distillery	C34	C34	N	N	N	N	C34	N	N

- C17 — Permitted as an accessory use only, serving the residents of the development or their guests.
- C18 — Permitted in residential districts only as accessory to a non-profit organization and on the same parcel therewith. Permitted on any parcel in a commercial or industrial district, provided that no structure is erected within fifty (50) feet of any lot line. Duration shall be no longer than seven (7) days in any district.
- C19 — Permitted as an accessory use.
- C34 - Permitted by a Special Permit from the Zoning Commission subject to the following conditions:
 - a.) Said facility shall be located on a parcel of land containing a minimum of ten (10) acres.
 - b.) Any newly constructed buildings and structures associated with the facility, including parking areas shall be located a minimum distance of one hundred (100) feet to all property lines.
 - c.) The conversion of existing buildings or structures shall be permitted provided the original buildings or structures were constructed prior to (the effective date of this regulation) and said building or structure is located a minimum distance of fifty (50) feet from an abutting residentially zone property containing a single-family dwelling.
- P8 — The following special requirements shall apply:
 - a) Minimum lot area shall be fifty (50) acres for a nine (9)-hole course and one hundred (100) acres for an eighteen (18) hole-course.
 - b) Club facilities such as restaurant and pro shop shall be at least two hundred (200) feet from any lot line in a residential district.
 - c) There shall be no outdoor lighting on the course. Play shall be limited to daylight hours.
 - d) Tees and greens shall be located at least fifty (50) feet from any property line in a residential district.
- P9 — Minimum lot area shall be ten (10) acres. Buildings for the keeping of horses, riding stables, and the open or covered storage of manure shall be at least one hundred (100) feet from any lot line in a residential district.
- P10 — Firearms ranges shall be indoors only.
- P11 — As part of the Site Plan application, the applicant shall provide a detailed plan for any outdoor lighting that shows that there will be no annoyance to any residential property in the vicinity.

TRANSPORTATION, UTILITIES AND COMMUNICATIONS	R-65	R-40	R-18	MF	CBD	C-2	RC-3	LI-1	GI-2
Ambulance Service	N	N	N	N	YS	Y	P	YS	YS
Automobile Parking & Storage	C20	C20	C20	C20	C20	C20	C20	C20	C20
Broadcasting Facilities	N	E	N	N	Y	YS	P	YS	YS
Public Utilities									

Distribution Lines; Pipes	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public Utility Buildings & Structure	C21	C21	C21	C21	C21	C21	C21	C21	C21
Communication Tower	P17	P17	P17	P17	P17	P17	P17	P17	P17
Trucking & Courier Terminal	N	N	E	N	S	S	N	S	S
Passenger Terminal	N	N	N	N	Y	YS	N	S	S
Intermediate Processing Center	N	N	N	N	N	P12	N	P12	P12

C20 — Garages and/or surface parking are allowed in all zoning districts as an accessory use. In residential districts, the number of vehicles parked on the premises shall bear a reasonable relationship to the number of occupants. The Zoning Enforcement Officer may use the motor vehicle assessment list as a basis for determining if an excessive number of vehicles are parked on the premises. The exterior storage of more than one (1) inoperable or unregistered motor vehicle, or parts of motor vehicles which collectively equal more than one (1) vehicle, is not considered as accessory to a dwelling and is not permitted. The Planning and Zoning Commission allows parking lots and garages as a principal use in any commercial or industrial district subject to Site Plan approval.

In the R-18 District, parking lots or garages on separate parcels are allowed as Special Permit uses, granted by the Planning and Zoning Commission if associated with a permitted use such as a church or funeral home. The parking or storage of commercial vehicles over sixteen thousand (16,000) Gross Vehicle Weight like are not considered as accessory to a dwelling and is not permitted.

C21 — Public service facilities as described in CGS Section 16-235 are allowed subject to Site Plan approval by the Planning and Zoning Commission.

P12 — As defined in Section 3.

P17 — The distance between a tower and any property line shall be at least equal to the height of the tower. See definition of Communications Towers, Section 3.

HOME OCCUPATIONS	R-65	R-40	R-18	MF	CBD	C-2	RC-3	LI-1	GI-2
Customary Home Occupation	Y	Y	Y	Y	N	Y	Y	YN	N
Cottage Food Operations	Y	Y	Y	Y	N	Y	Y	N	N
Home Kennel	C24	C24	C24	C24	N	C24	C24	C24	C24
Mail Order Business	C25	C25	C25	C25	Y	Y	C25	C25	C25
Artists and Craftsperson	C26	C26	C26	C26	Y	Y	Y	C26	C26

C24 — The breeding of dogs for the purpose of show, sports or sale is allowed. No kennel, dog run, or other structure shall be allowed beyond the building setback lines. Not more than two (2) dogs shall be kept for breeding purposes if the parcel has an area of less than eighty thousand (80,000) square feet. The boarding or grooming of dogs not owned by residents of the premises is prohibited.

C25 — In general, the operation shall be limited to placement of individual orders, reception of the order by mail or courier service and delivery of the order to the final customer. The operation shall conform to the general definition of a home occupation.

C26 — The workshop of an artist or artisan engaged in painting, ceramics, woodworking, glass working, sculpture and the like is permitted.

ACCESSORY USES	R-65	R-40	R-18	MF	CBD	C-2	RC-3	LI-1	GI-2
Pets and Other Animals	C27	C27	C27	C27	C27	C27	C27	C27	C27
Building Mounted Solar Systems	Y	Y	Y	Y	Y	Y	Y	Y	Y
Ground Mounted Solar Systems	C34	C34	C34	C34	N	N	C34	C34	C34
Swimming Pool	C28	C28	C28	C28	C28	C28	C28	C28	C28
Drive-Thru Facilities	N	N	N	N	P	P	P	P	P

C27 — Customary household pets are allowed in any dwelling unit. Livestock or fowl raised purely for profit are not considered as accessory to a dwelling and are allowed on a farm only. The keeping of a very limited number of livestock, fowl, rabbits or pigeons for personal use, enjoyment or consumption may be considered as accessory to a dwelling provided that such animals are kept in a sanitary and non-offensive manner, including noise, smell and such animals are located entirely on the property.

C28 — In such cases that the pool cannot conform to the Seymour Zoning Regulations, the Building Official may permit swimming pools in a required side or rear yard.

C34 — Ground Mounted Solar Systems in residential Zones no greater than ten (10) feet in height are treated as Accessory structures subject to Section 6.4 of these Regulations. Ground Mounted Solar Systems in residential Zones greater than ten (10) feet in height and those in Industrial Zones are subject to Section 5 Bulk Standards and a Site Plan approval from the Planning and Zoning Commission.

Section 9 "Of Right" Uses (Y or C)

9.1 Uses designated as Y or C in Section 8.1.1 are allowed in their respective zoning districts following a review of the zoning application by the appropriate official including the Zoning Enforcement Officer, the Town Planner and Town Engineer (as required) and a finding of compliance with these regulations. A very few of these uses require Site Plan approval by the Planning and Zoning Commission. All such uses are subject to all the applicable requirements of these regulations. The applicant should pay reference to the dimensional requirements in Section 4, general provisions in Section 5, and any special conditions listed in Section 8.3.

9.2 The application for a Zoning Permit shall be as established by the Planning and Zoning Commission and shall contain at least a statement of use and a plot plan of enough detail to demonstrate full compliance with these regulations. The application for approval of those uses requiring Site Plan approval by the Planning and Zoning Commission shall be as specified in Section 10 of these regulations.

Section 10 Plot Plan and Site Plan Review (YS) (S)

- 10.1 Uses allowed after Site Plan review are permitted either after administrative review or after review by the Planning and Zoning Commission depending upon the scale of the development as specified in Section 8.1 a. Uses permitted by administrative approval are subject to the same general requirements as stated in Section 9.1. Uses requiring approval from the Planning and Zoning Commission are subject to these same general requirements as well as the requirements of Section 10.5.
- 10.2 The zoning application for a use allowed by administrative approval shall require a Plot Plan containing enough information to demonstrate compliance with these regulations and may require generalized floor plans for the purpose of calculating parking requirements, building elevations and topographic data. The appropriate official including the Zoning Enforcement Officer, the Town Planner and Town Engineer has the authority to determine whether a Site Plan Review is necessary.
- 10.3 The following Regulations shall apply to the submission and approval of Site Plans for the establishment of certain uses of land, buildings and other structures as specified in these Regulations. In certain zoning districts, uses are permitted subject to approval of a Site Plan for the use in order:
 - 10.3.1 To assure an agreeable relationship between the use and other nearby uses or areas.
 - 10.3.2 To establish high quality of development, improving the economic conditions of the Town and preserving property values.
 - 10.3.3 To assure provision for safe vehicular, non-motorized and/or pedestrian passage.
 - 10.3.4 To implement the Plan of Conservation and Development.
- 10.4 General. Certain Uses of Premises, Buildings and other Structures, and the construction, reconstruction, Expansion, Extension, moving an Alteration of Buildings, and other Structures and site development in connection therewith, and any changes in site development of a previously approved site development plan, are permitted under these Regulations subject to the submission of a Site Plan and approval by the Planning and Zoning Commission under this Section. In any instance involving a Use or Uses requiring a Site Plan as set forth in Section 8 of these Regulations, no land or water areas shall be Used, nor Uses altered or expanded in space, time, or intensity, nor Buildings or Structures erected, altered, enlarged, or used until the Commission shall grant such Site Plan in accordance with Section 10.
- 10.5 Submission Requirements. The Site Plan submission shall consist of the following:
 - 10.5.1 Application Form and Fee. The completed Site Plan application form as adopted by the Planning and Zoning Commission, and the payment of the application fee as provided by Town Ordinance.
 - 10.5.2 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; ten (10) copies (minimally three (3) 36"x24") shall be submitted.

- a. A detailed narrative description as to the nature and extent of the proposed use or occupancy.
- b. Provision to be made for water supply, sewage disposal, solid and liquid waste disposal, drainage, and other utilities.
- c. The number of persons estimated to occupy or visit the premises daily, and the basis for determining the parking and loading requirements for the use, provisions for pedestrian access within and into the site, where appropriate.
- d. An estimate of the type of vehicular traffic and number of vehicle trips to be generated daily and at peak hours.
- e. The equipment or other methods to be established to comply with required performance standards; and
- f. Disclosure of any toxic or hazardous materials to be used, stored, or processed in connection with the proposed use or occupancy

10.5.3 Site Plan. A Site Plan prepared in accordance with the specifications and showing the information hereinafter required; ten (10) (minimally three (3) 36"x24") copies shall be submitted.

- a. Preparation. The Site Plan shall be clearly and legibly drawn on good quality paper. The Site Plan shall be prepared by and shall bear the name, signature, and seal of a licensed 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.
- b. 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 Seymour Town Clerk shall be prepared on sheet sizes 36"x24", 24"x18" or 18"x12".
- c. Information on Plans. The information listed below is required to be shown on the Site Plan to the extent that the information occurs on, is applicable to the site, or is required to demonstrate compliance with these Regulations. The title of individual Site Plan sheets and orientation of north arrows shall, to the extent practicable, be consistent from one sheet to the other.
- d. General Information, as follows:

- (i) Title of development.
- (ii) Name and address of applicant and owner.
- (iii) North arrow, numerical and graphic scale.
- (iv) Date of plan and revision dates with each revision identified.
- (v) A location map showing streets, property lines and zoning district boundary lines within five hundred (500) feet of the site, and an 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.
- (vi) A schedule specifying in square feet the area of the lot, certified by a Connecticut Licensed Land Surveyor: the area of wetlands and water courses, as determined by a Certified Soils Scientist and calculated by a Connecticut Licensed and Surveyor; amount of floor area by use, building ground coverage and total coverage by building and paving and the basis for computation of required off-street parking and loading spaces, all for existing development, proposed development and as required by these Regulations.

e. Property Information, as follows:

- (i) The boundaries of and existing conditions on the Lot based on a survey meeting or exceeding a "Class A-2" type survey as defined in the Regulations of State Agencies adopted pursuant to CGS Section 20-00b, as amended
- (ii) The names of all Abutting Lot owners, as disclosed in the records of the Town Assessor.
- (iii) Any line delimiting a portion of the Lot to be used under the Application and any Zoning District boundary on the Lot.
- (iv) Location, width and purpose of all existing and proposed Easements and other encumbrance lines.
- (v) 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 benchmark at the site.
- (vi) Location of all Wetlands, Watercourses, rock outcrops, wooded areas, floodway, and flood hazard area boundaries, established encroachment or Building lines, and other significant physical features.
- (vii) U.S.D.A. Soil Conservation Service soils type boundaries and codes.
- (viii) The Commission or other agency reviewing the Site Plan may require submittal of a descriptive report, prepared by an individual qualified in the on-site (in-situ) evaluation and characterization of soils for on-site sewage disposal leaching system suitability, detailing the soils present, evaluation of the results of on-site soil testing, location of ledge and ground water levels, and providing ratings of soils for suitability as onsite sewage disposal leaching areas.

f. Location of Existing and Proposed Buildings and Uses, as follows:

- (i) The Height, bulk, Use and location of all Buildings and Structures; typical floor plans or other plans for the use of interior spaces of proposed Buildings; location of heating, air conditioning, ventilation, and similar equipment if located outside the building.

- (ii) Signs.
 - (iii) Fences, walls including retaining walls, including details.
 - (iv) Outside storage areas.
 - (v) Supporting or Accessory Uses, including underground and overhead services and utilities, as well as any associated above ground equipment.
- g. Location, Design and Dimensions for Existing and Proposed Parking, Loading and Circulation, as follows:
- (i) The Site Plan shall include all information necessary to establish conformance with the requirements of Section 20 of these Regulations, Off-Street Parking and Loading, and shall also include the calculations utilized to determine the parking and loading areas as depicted on the Site Plan.
 - (ii) The Site Plan shall depict and dimension all access aisles and circulations driveways, the dimensions of all Parking and loading spaces, the total number of such spaces, and any proposed future or expansion parking or loading spaces. In addition, the Site Plan shall include the location, invert elevations, pipe sizes, flow calculations, and all other similar information as may be required by the Town Engineer to properly evaluate the storm water management plan for the site.
 - (iii) The methods used to meet these requirements shall be as prescribed by the Town Engineer in order to ensure that the development shall cause no detrimental effects downstream.
 - (iv) The proposed design, location, and illumination level of all outdoor lighting, particularly in pedestrian and vehicular areas.
 - (v) Sidewalks and other pedestrian ways.
 - (vi) Fire access lanes.
 - (vii) Specifications for parking, loading and circulation improvements.
 - (viii) Off-site roadway improvement and traffic management facilities.
- h. Signs and Outdoor Illumination, as follows:
- (i) Location, size, height, character, and illumination of project Signs.
 - (ii) Location, size, and message of traffic management Signs.
 - (iii) Location, height, intensity, and design of outdoor luminaries, including manufacturer's specifications.
- i. Landscaping and Open Spaces, as follows:
- (i) The Commission and/or its staff may request the applicant to locate the locations of significant tree species and/or other vegetation.
 - (ii) Location, arrangement, type, and size of planting for all landscaped areas.
 - (iii) Trees required for Parking areas and landscape strip along Street Lines.
 - (iv) Lines delimiting areas not to be disturbed and the top and toe of graded slopes.
 - (v) Materials for required transition landscape strips, screening of outside storage areas, including refuse collection facilities, utility lines, and mechanical equipment.

- (vi) Ornamental paved areas, plazas, and courts.
- (vii) A schedule of new plant materials to be used by botanical and common name, size and spacing, and size at maturity.
- (viii) Methods of planting.
- (ix) Provision to preserve existing trees, vegetation, wetlands and watercourses.
- (x) Methods to protect plantings from vehicles.
- (xi) Special natural features identified for preservation and Lot requirement modification therefor.
- (xii) Significant archeological sites.

j. Existing and proposed drainage, utilities and related facilities and services, as follows:

- (i) Electric, telephone and cable television lines (underground and aboveground).
- (ii) Storm drainage including pipe, catch basins, manholes, grates, ditches, detention basins, recharge facilities and swales and the size, specifications, and inverts therefor. In any Site Plan requiring the erection of any structure, grading, drainage work, paving or other improvement, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut Registered Professional Engineer.
- (iii) Facilities for subsurface sewage disposal systems, including location of seepage tests and deep test pits.
- (iv) Well locations and facilities for water supply.
- (v) Underground storage for fuel or other liquids and fill facilities and connecting lines.
- (vi) Base flood elevation and floor elevation data.

k. Measures for soil erosion and sediment control.

l. A signature block for approval by the Planning and Zoning Commission or other agency responsible for review of the Site Plan and date of signing.

m. The following legend below the signature block: *“The statutory five-year period for completion of all physical improvements expires on _____, 20__.”*

10.5.4 Sanitary Waste Disposal Plan. If the applicant proposes to utilize a community sewerage system, as defined in CGS Section 7-245, a report from the Seymour Water Pollution Control Authority indicating that all requirements of CGS Section 7-246f have been satisfied shall be provided.

10.5.5 Protection of Surface and Ground Water Supply.

Pursuant to CGS Section 8-2, every application for Site Plan 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:

- a. A statement describing the nature of the Use of any Buildings or areas of the site and their method of solid and sanitary waste disposal.
- b. The nature of any discharges anticipated.
- c. The nature of any materials to be stored, processed, or otherwise present on the site, and the period for which, and conditions under which, such materials shall be present on the site.
- d. 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 Energy and Environmental Protection's Groundwater Classification System, and the depth to any groundwater, the nature of the soils surrounding such groundwater, and the like.
- e. Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies.
- f. Other information that might assist the Commission in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development. A qualified geohydrologist or other professional who provides evidence satisfactory to the Commission he/she is qualified to prepare such evaluations shall prepare any such evaluation. The Commission may refer such evaluations to any governmental agency for review and comment.
- g. The information described in subsections (d), (e) and (f) need only be provided when the information set forth in paragraphs (a), (b) and (c) indicates the presence of materials or processes that have the potential to adversely affect groundwater.
- h. The Site Plan shall also conform to the requirements of Section 17 of these Regulations, Aquifer Protection District. Any Special Permit required under Section 17 for a proposed use or site development in a Mixed Use District shall be obtained prior to approval of the Site Plan application.

10.5.6 Water Supply; Certificate for Community Wells.

The location and design of the proposed water supply systems shall be provided, including design calculations, materials specifications, hydrostatic testing procedures, and flow testing procedures. In accordance with CGS Section 8-25a, any development providing water by means of a "water company", as that term is defined in CGS Section 16-262m(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 involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Seymour 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 consumers.

- 10.5.7 Covenants and Restrictions. The applicant shall provide the text of any proposed covenants, easements, deed restrictions, and community organizations necessary to assure the fulfillment of the intent and requirements of these Regulations and the Final Site Plan as approved.
- 10.5.8 Architectural Plans. Architectural plans of all proposed buildings and structures, drawn to scale, and signs and outdoor illumination facilities unless otherwise provided in connection with the Site Plan, 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 and 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 features on the interior of the Building designed to be capable of being seen from the exterior all prepared, except for drawings for Signs, by an architect or professional engineer licensed to practice in the State of Connecticut; ten (10) copies shall be submitted
- 10.5.9 Certified Soil Erosion and Sediment Control Plan: A Certified Soil Erosion and Sediment Control Plan; ten (10) copies shall be submitted in accordance with the requirements of Section 14.
- 10.5.10 Wetlands and Water Courses. If any part of the Lot affected by the Site Plan is within the jurisdiction of the Inland Wetlands and Water Courses Regulations of the Town of Seymour, the report and action of the Inland Wetlands and Watercourses Commission of the Town of Seymour concerning any regulated activity on the lot shall be submitted with the Site Plan. Any plans submitted to the Planning and Zoning Commission shall conform, in all relevant respects, to those plans submitted to the Inland Wetlands and Watercourses Commission as the same were approved, or modified and approved, by the Planning and Zoning Commission.
- 10.5.11 Traffic Impact Report. For Site Plans involving fifty (50) or more new parking spaces or proposed uses projected to generate either more than two hundred (200) vehicle trips per day or more than one hundred (100) vehicle trips per day per one hundred (1,000) square feet of floor area, a traffic impact report, prepared by a recognized traffic engineer, indicating the expected average daily vehicular trips and peak hour volumes to be generated by all of the uses on the lot and the access conditions at the lot, distribution of such traffic to be generated, types of vehicles expected, effect upon the level of service on the street giving access to the lot and at nearby intersections and the roadway capacity and traffic management improvements needed to accommodate projected traffic; ten (10) copies shall be submitted.
- 10.5.12 Other.
- a. A list of 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.

- b. Legal Documents. Draft copies of all proposed Easements and other legal documents pertaining to and/or required by the proposed Use and site development.
- c. Sufficiency of Information Presented. Any of the foregoing plans, reports, and evaluations may be presented on one or any number of separate sheets or documents, depending upon the complexity of the application. It shall be the duty of the applicant, however, to provide plans and other documents that incorporate all of the above information and demonstrate compliance with all of the requirements and criteria of these Regulations, in a way that is clear and comprehensible to the Commission and its staff.

10.5.13 Review and Modification of Submission. The Planning and Zoning Commission or other agency responsible for review of the Site Plan submission, upon written request by the applicant, may by resolution a) determine that the required submission of all or part of the information is not necessary in order to decide on the application and need not be submitted or b) determine that required submission of part of such information is deferred for submission and decision at a later date, and the Commission or other agency may otherwise determine that additional or alternate information is necessary and required to be submitted in order to make a reasonable decision on the application under the standards of these Regulations.

10.6 Criteria for Review of Site Plans.

The Commission shall consider the following criteria in evaluating a Site Plan.

10.6.1 General Standards. The proposed Use, Buildings, Structures, and site development shall conform to all the requirements of these Regulations and shall be designed and arranged as follows:

- a. To protect and enhance the public health, safety, property values, and welfare, in accordance with the purposes of these Regulations and Connecticut General Statutes Chapter 124:
 - i. To conserve, to the maximum extent practical, the existing terrain, vegetation, and other natural resources of the site.
 - ii. To protect nearby residential, historic, and environmentally fragile areas.
 - iii. To show that reasonable consideration has been given to the matter of restoring and protecting the ecosystem and habitat of Naugatuck River and reducing the amount of hypoxia, pathogens, toxic contaminants, and floatable debris therein.

10.6.2 Complete Application. The application shall contain all information required by this Section 10, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission 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.

- 10.6.3 Compliance with Regulations. The application shall conform in all respects with these Regulations, 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 7 of these Regulations. Further, the application shall conform to the Seymour Subdivision Regulations; the Seymour Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Seymour Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced by a report of the Naugatuck Valley Health Department; and all relevant provisions of the Connecticut General Statutes, whether cited in these Regulations.
- 10.6.4 Plan of Conservation and Development. The Site Plan shall be in conformance with the purpose and intent of the Seymour Plan of Conservation and Development, or supplement or amendment thereto, adopted by the Planning and Zoning Commission under the provisions of Connecticut General Statutes Chapter 126 and pertaining to the area in which the use is to be located, particularly regarding but not limited to the following:
- a. The provision or improvement of streets in the area of the site which the Use may require; the provision or improvement of frontage roads used for access to the site; limitations on the location and number of access driveways; and maintenance of safety, convenience and level of service on streets, and avoidance of congestion.
 - b. The setback, location and bulk of buildings and structures; the appearance of buildings and structures from any street or highway, or from other lots.
 - c. The preservation of natural landform features, wetlands, and watercourses.
 - d. The provision, location, and type of landscaping.
 - e. The location, style, and intensity of outdoor illumination; and
 - f. The extent, variety, purpose, and location of signs.
- 10.6.5 Access and Circulation. Provision shall be made of vehicular access to the Premises and circulation upon the Premises in such a manner as to safeguard against hazards to traffic and pedestrians in the Street and upon the Lot, to avoid traffic congestion on any Street and to provide safe and convenient circulation upon the Lot and on the Street giving access to the Premises. Access and circulation shall also conform to the following:
- a. The Street giving access to the Lot shall have traffic carrying capacity and roadway improvements and traffic management facilities that are sufficient to accommodate the amount and types of traffic generated by the proposed Use, considering access to existing uses along the Street and existing traffic projected

to the date the proposed Use will be in effect. Roadway, traffic management and other deficiencies in the Street giving access, which result in congestion or impairment of safety and convenience, may be remedied by the applicant if authorized by the owner of the Street or other traveled way.

- b. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage road driveways and traffic controls within the Street.
- c. Access driveways shall be of a design and have enough capacity to avoid queuing of entering vehicles on any Street.
- d. Driveways into the Lot shall have suitable alignment and grade, not exceeding ten (10) percent, as well as transition grades and sight distances, for safe, convenient, and efficient access and shall meet the Street Line and travel way of the Street in such a manner as to conform to the established cross section for the Street as may be specified by the Town of Seymour or the State of Connecticut.
- e. Where a Lot has frontage on two (2) or more Streets, the entry and exit from the Street shall be provided where potential for traffic congestion and for hazards to traffic and pedestrians are minimized.
- f. Where reasonable alternate access is available, the vehicular access to nonresidential use of a Premise shall be arranged to minimize traffic use of local residential Streets and other traveled ways situated in or bordered by residential districts.
- g. Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining Lots of similar existing or potential use 1) When such driveway connection will facilitate fire protection services, as approved by the Chief of Police and Town Fire Marshal, or their agents, and/or 2) When such driveway will enable the public to travel between two (2) existing or potential sites, open to the public generally, without need to travel upon a Street.
- h. There shall be no more than one (1) driveway connecting from any Lot to any Street, except that 1) Separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion and 2) Additional driveway connections may be provided, particularly for but not limited to large tracts and Uses of extensive scope, if traffic flow in the Street will be facilitated by the additional connection. Driveways shall not exceed thirty (30) feet in width at the Street Line, or such lesser width, as will be enough to accommodate the traffic to be generated, unless a greater width is required by Town ordinance or by the State of Connecticut.

- i. The Planning and Zoning Commission may require that any Site Plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around Buildings. Walkways along Streets may also be required and should be constructed of slate, brick or concrete and be a minimum width of five (5) feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways.
- 10.6.6 Existing Streets. Along an existing Street where the Lot has frontage or access, proper provision shall be made for grading and improvement of shoulders, and sidewalk areas within the right-of-way and for provision of curbs and sidewalks, as approved by the owner of the Street and in accordance with the pattern of development along the Street. Provision shall be made for turning lanes and traffic controls within the Street as necessary to provide the access.
- 10.6.7 Disabled Persons. The Site Plan shall make proper provision for buildings and site development that are accessible to and usable by disabled persons, such as by 1) provision of walks and ramps of suitable width and grade, 2) inclined curb approaches or curbs cut flush with parking areas, 3) reserved, wide parking spaces, and 4.) ground level building entrances.
- 10.6.8 Parking and Loading. Off-street Parking and loading spaces shall be provided in number and with location and design as specified in Section 20 of these Regulations.
- 10.6.9 Lighting. Outdoor illumination facilities shall be designed for safety, convenience and security while minimizing sky glow, safeguarding against discomfort glare and disability veiling glare and avoiding trespass lighting and adverse effect from illumination upon the use, enjoyment, and value of property and upon the appearance and beauty of the community. There shall be no change in the height, intensity, location, or other aspects of site or building lighting except as an amendment to any approval granted under this Section.
- 10.6.10 Sanitation. Proper provision shall be made for the water supply, sewage disposal and waste management requirements of the proposed use as follows:
- a. Demonstration of a suitable system of potable water supply to serve the proposed use shall include 1) chemical, bacteriological or other analyses and tests, performed by a licensed water analyst and which meet water standards established by the Connecticut Department of Public Health, and 2) pumping tests of the well or wells to be used, conducted for at least twelve (12) hours, determining the yield and maximum draw down. The Naugatuck Valley Health Department (NVHD) shall approve the potable water supply system.
 - b. On-site sewage disposal systems shall be designed in accordance with the Connecticut Public Health Code and standards of the Connecticut Department of Energy and Environmental Protection and with Town ordinances and regulations where applicable. The design of the sewage disposal system shall be approved in writing by the NVHD and by CT DEEP when applicable, prior to

approval of the Site Plan. Provision shall be made for collection, storage, and disposal of solid wastes, accumulated in connection with the proposed use, in a manner approved by the NVHD. A professional engineer when required by the Naugatuck Valley Health Department shall design facilities for management of toxic or hazardous wastes. Waste management shall include control of litter by means of receptacles, fences, or other means.

10.6.11 Storm Drainage. Provision shall be made on the Lot for the management of storm water, including collection and disposal thereof, in the following manner:

- a. To assure the usability of off-street Parking and loading spaces.
- B To avoid hazards to pedestrians and vehicular traffic on the Lot and in any street.
- c. To avoid storm water flow across sidewalks and other pedestrian ways.
- d. To protect watercourses and wetlands from pollution, erosion and sedimentation.
- e. To avoid an amount of discharge and time of concentration of flow beyond the capacity of downstream drainage channels, and
- f. To avoid downstream flooding, provision shall also be made for the protection or improvement of existing water courses, channels, and other drainage systems, on the Lot or downstream from the Lot, as needed to accept the proposed drainage discharge, based on sound design criteria under good engineering practice, taking into account the drainage requirements of the entire watershed in which the lot is located. Provision shall also be made on the Site Plan for control of storm water runoff during construction. Analysis of increased runoff from the proposed use shall be based on the appropriate method from Chapter 9 of the Connecticut Erosion and Sediment Guidelines (2002), as amended, unless the Commission or other responsible agency approves an alternative method. The one hundred (100) year frequency, twenty-four (24) hour duration, Type III distribution storm shall be used for runoff calculations.

10.6.12 Utilities. Electric, telephone and cable television lines on the Lot shall be installed underground unless underground installation is determined to be impractical by the Commission or other agency responsible for approval of the Site Plan. Lines when necessary to be installed aboveground shall be located, landscaped, or screened in a manner to harmonize with the design of the Premises. Utility services located out of doors, such as transformers and heating and cooling equipment, shall be placed at the side or rear of Buildings being served and screened from view; and if on rooftops, shall be screened in a manner which compliments the architectural style of the building.

- 10.6.13 Emergency Services. Suitable provision shall be made on the lot for access to Lots, Buildings and other Structures by fire, police, and other emergency services. Suitable provision shall be made for fire wells, fire ponds, water tanks or access to other water sources for fire protection.
- 10.6.14 Outside Storage. See Section 6.12 General Regulations.
- 10.6.15 Total Ground Coverage per Section 5 Bulk Standards.
- 10.6.16 Landscaping. Landscaping shall be provided and permanently maintained on the lot to conform to the standards of Section 21, Landscaping and to the following:
- a. In addition to standards for landscaping heretofore specified, landscaping shall be provided and permanently maintained with an intent to reduce excessive heat, glare, and dust, to provide privacy from noise and visual intrusion, to control erosion of soil and excessive runoff of stormwater, to enable recharge of groundwater and to avoid degradation of groundwater, wetlands and water courses.
 - b. All portions of the Lot not covered by Buildings and other Structures, outside storage areas, areas for off-street Parking, loading and driveways and permitted paved areas 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 provided any such area has trees and other vegetation and a location, size and shape that supports the landscaping plan for the Premises.
 - c. For setbacks and buffering from residential districts including MF Districts. See Section 21 Landscaping.
 - d. Any parking area accommodating twenty (20) or more cars shall 1) be provided with interior landscaping within the paved portion of the Parking area and 2) have a landscaped area along its perimeter except where the parking area is functionally integrated with an adjoining parking area on an immediately adjacent Lot. Landscaped areas within the interior of the Parking area shall have a minimum size of one hundred (100) square feet and a minimum dimension of at least eight (8) feet. Parking areas shall contain no more than fifteen (15) spaces in a row or have more than four (4) rows across without an intervening landscaped area. Interior landscaped areas shall be planted with grass or shrubs and with at least one (1) tree for each twenty (20) cars or fraction thereof. The perimeter landscaped area shall have a minimum dimension of five (5) feet and shall be planted with grass or shrubs and with at least one (1) tree for every fifty (50) feet along such perimeter. All such trees shall be of not less than three (3) inches caliper and ten (10) feet in height when planted. Landscaping required under the following paragraph (e) may, if appropriately located, be counted to satisfy this requirement. Islands within the Parking area shall indicate and assure safe and efficient channelization of both pedestrian and vehicular traffic.

The Planning and Zoning Commission or other agency responsible for approval of a Site Plan may by resolution, upon request of the applicant, modify or adjust one or more of the requirements of this Paragraph for the purpose of recognizing the conditions of the site with respect to enhancement of growth potential of landscaping or assurance of safety of site utilization and the proper functioning of site improvements while maintaining the purpose and intent of this paragraph.

- e. A strip of land on the lot along and adjacent to the street line and not less than twenty (20) feet in width in C-2 Districts and thirty (30) feet in width in all other Districts shall be landscaped with lawn, shrubs and/or other growing ground cover and provided with one (1) deciduous tree not less than three (3) inches caliper and ten (10) feet in height for each forty (40) feet of lot frontage or fraction thereof. Such required landscaped strip may be crossed with driveways and sidewalks approved under the Site Plan. The area in front of the lot between the street line and edge of street pavement shall also be graded and landscaped with lawn or other growing ground cover as may be approved by the owner of the street.
- f. All off-street loading bays or docks visible from any Street or Residence District shall be screened from view by means of fences, walls, embankments or evergreen shrubs or trees.
- g. Landscaping, including trees and shrubs, shall be selected, located, and maintained to avoid sight line hazards for vehicles and pedestrians within the site and for access to the site from the street.
- h. All plant and other landscaping materials shall be provided in accordance with good landscaping practice and be suitable for survival and growth under the conditions at the site. Landscaping shall be protected from damage by motor vehicles by means of curbs, fences, or other devices. Planting islands in Paved Areas shall have suitable area and dimensions to support plantings. Plant materials and landscape design are subject to approval by the Planning and Zoning Commission
- i. Landscaping, including trees, shrubs, fences, walls, and other landscape features, provided in connection with an approved Site Plan to comply with these Regulations shall be maintained, and replaced when deteriorated, for the full duration of the approved use on the lot. Such maintenance and replacement are a continuing requirement for compliance with these Regulations.

10.6.17 Preservation of Natural Features. The Site Plan, including proposals for the location and arrangement of Buildings, Structures, driveways, landscaping, drainage, wetlands protection, paved areas, and other development, shall be prepared with consideration for preservation of the natural assets of the Lot and to minimize changes in the elevation of existing topography.

When the Planning and Zoning Commission finds that there exist on the Lot significant natural or manmade features (such as water bodies, rock formations, major trees, scenic vistas and distant views, wildlife habitats, historical or archeological sites, or unusual landscaping), the preservation of which would contribute significantly to the livability and values of the general area and thus promote the purposes of these Regulations, such Commission may, after due notice and public hearing as required by law, grant a Special Permit reducing by not more than twenty-five (25) percent the minimum Lot shape and/or the Building Setbacks specified in these Regulations, or modifying the required location of the square on the Lot, provided that the following requirements are met:

- a. The reduction or modification shall be only to the degree necessary to achieve such preservation.
- b. The features to be preserved shall be clearly and accurately shown on the Site Plan element of the Plan and their significance described in writing as part of the Site Plan submission.
- c. The precise extent of the area within which such features lie shall be accurately delineated on such Site Plan and this area restricted by notation on the Site Plan, providing for such area to be preserved in a natural or undisturbed condition.
- d. The reduced Lot shape and/or Building setback requirements and modified location of square shall be shown on such Site Plan and reference made to this Section of the Regulations by notation thereon; and
- e. The total Lot Area required by the Zoning Regulations remains the same.

10.6.18 Significant Archeological Sites. When a Lot or Premises for which a Site Plan is to be submitted has been identified by the State of Connecticut Archeologist as historically or architecturally significant, the Site Plan submission shall include the location of the archeological resource, a statement as to the nature of the resource and description of measures being or to be undertaken to protect the resource.

10.6.19 Soil Erosion and Sediment Control. Provision shall be made in the Site Plan for installation, maintenance, and completion of measures for soil erosion and sediment control in accordance with Section 14 of these Regulations.

10.6.20 Surface and Groundwater Protection. In reviewing any Site Plan or use, the Zoning Commission shall consider the impact on existing and potential public surface and ground drinking water supplies. The application may be denied if the Commission concludes that unreasonable adverse impact will result from the approval of the Site Plan.

- 10.6.21 Water Supply. No Site Plan depicting a development to be served by a water company, as defined herein above, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Seymour Board of Selectmen.
- 10.6.22 Buildings and Structures. The exterior walls of any Buildings that are visible from any Street or any other Lot shall present a finished appearance and color by means of materials consistent with the design of the building as a whole. No mechanical equipment shall be located on the roof of a Building, or on the ground, if visible from any Street or from any Residence District unless such equipment is housed or screened from view in a manner consistent with the architectural design of the building.
- 10.7 Application and Fee. Application for approval of the Site Plan shall be submitted in writing to the Zoning Enforcement officer, shall be accompanied by an APPLICATION for a ZONING PERMIT and shall be accompanied by the following:
- 10.7.1 An application for approval of the Site Plan on forms approved by the Planning and Zoning Commission and an application fee as set by such Commission pursuant to Town Ordinance and the Town of Seymour Zoning Regulations.
- 10.7.2 The following persons may apply for a Site Plan: An owner, or all of the joint owners, of the property upon which the Use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.
- 10.8 Application Review. When received, the Planning and Zoning Commission shall review the application and Site Plan submission for completeness, may consult with the applicant and may make determinations concerning the sufficiency of the submission. Incompleteness of a Site Plan submission is cause for disapproval. Along with meeting both the general and special standards set by Section 10 of these regulations, the Commission shall consider the potential environmental impact of the proposed project on Town resources.
- 10.9 Notices of Consideration.
- 10.9.1 Notices Mandated by Statute. The Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any Site Plan application in accordance with CGS Section 8-3h. In accordance with CGS Section 8-3i, in any Site Plan application for any property which is within the watershed of a water company, as defined in CGS Section 16-1, the applicant shall provide written notice of the application to the water company, 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. In addition to the requirements set forth in the preceding paragraphs, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.

- 10.9.2 Public Hearing. The Planning and Zoning Commission may hold a public hearing regarding any Site Plan submission if, in its judgment, circumstances warrant such hearing. The Planning and Zoning Commission shall give notice of the hearing in the same manner as required by law for hearings on Special Permits per CGS Section 8-3c.

The Town shall provide a Notice of Hearing sign to be posted on any property that is the subject of a public hearing before the Board. Such signs shall meet the following requirements:

1. Minimum size of 2' x 3'.
2. Such sign shall be posted no more than five (5) feet from the street line and shall be clearly visible and readable from the street for the entire time of the required posting.
3. Such sign shall be posted a minimum of ten (10) days prior to the date of the hearing.
4. Such sign shall contain the following information: a. The statement "Notice of Hearing – Seymour Planning and Zoning Commission", b. Date of the hearing, c. Time of the hearing, d. Place of the hearing and e, the statement "For more information please contact at # or visit the Seymour Town Hall.
5. Surrounding property owners within seventy-five (75) feet from the property boundaries shall be notified by Certified Mail by the Applicant of the impending Public Hearing before the Seymour Planning and Zoning Commission. Notice shall include a brief description of the proposed zone change, location of proposed zone change, date, location and time of public hearing, and an invitation to attend such hearing.

- 10.10 Action and Notice. The Planning and Zoning Commission shall review the application for conformance with the criteria of this Section 10. 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. If such re-application is made within one (1) year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed. The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for preventing or diminishing any noncompliance with the criteria set forth in this Section 10. 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 which is temporary and will be effective only commencing on, or terminating on, specified dates. 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 under the signature of the Commission's Secretary or clerk, by certified mail, to the applicant within fifteen (15) days of its action. A copy of the decision shall also be transmitted by the Planning and Zoning Commission to the Zoning Enforcement Officer.

10.11 Filing of Site Plan. A copy of the Site Plan element of an approved Site Plan, and as such Plan may have been required by the Planning and Zoning Commission to be modified, shall be made on translucent polyester film .003 mil thick or better and presented to the Planning and Zoning Commission for endorsement of its approval within sixty-five (65) days of such approval. The following are applicable to endorsement and filing of the Site Plan:

10.11.1 Upon receipt of such copy of the Site Plan, together with executed copies of any required legal documents in form for recording and the posting of any completion bond, the Chairman, Vice Chairman, or Secretary of the Planning and Zoning Commission shall endorse the approval of such Commission on such copy and note thereon the date of such endorsement the date of expiration of the period allowed for completion of the work. The applicant shall then be notified by the Commission that such endorsed copy of the Site Plan and executed copies of any required legal documents may be obtained from its clerk.

10.11.2 The applicant shall then file in the office of the Seymour Town Clerk such endorsed copy of the Site Plan and shall record in such office any required legal documents received from the Commission's clerk, such filing to take place within ninety (90) days from the date of the endorsement approving such Site Plan; provided, however, that the Planning and Zoning Commission may, by majority vote, extend the time of such filing for up to two (2) additional consecutive period of ninety (90) days, during which periods the approved Site Plan shall remain valid.

10.11.3 Filing and recording fees shall be paid by the applicant, and the applicant shall, as promptly as filing and recording procedures permit, furnish the Commission's clerk a memorandum stating the date when the endorsed copy of the Site Plan was filed and each required legal document was recorded together with the map number(s) assigned to such Site Plan and the number and page of the volume in which each such legal document was recorded.

10.13 Posting of a Completion Bond. The Zoning Commission as a condition of approving a Site Plan may require that the applicant, within ninety (90) days from the date of the endorsement approving the Site Plan element of such Plan, file with the Town of Seymour Land Use and Code Compliance Office a completion bond in an amount approved by the Planning and Zoning Commission as security for the satisfactory completion of all of the work shown on such Site Plan element.

10.13.1 Term and Form of Bond. Such bond shall refer to and identify the various Site Plan sheets, shall be for a term expiring no earlier than ninety (90) days after the

planned completion date of the project, and shall remain in full force and effect until modified or released by the Planning and Zoning Commission. The form of the bond shall be satisfactory to legal counsel for the Commission.

- 10.13.2 Continuing Effectiveness. Such bond shall remain in full force and effect, regardless of future ownership of the property being developed, until released by vote of the Planning and Zoning Commission. The Site Plan element filed in the Office of the Seymour Town Clerk shall so state. Where the Commission deems it appropriate, it may authorize release of bonding in stages. The Commission shall not authorize final release of a bond until after it shall have received written certification from the applicant and from the Commission's engineer or other technical staff member designated by the Commission that all of the requirements of the Site Plan have been met.
- 10.13.3 Prerequisite to Field Work. No fieldwork implementing an approved Site Plan shall commence until the required completion bond in content and form acceptable to the Planning and Zoning Commission shall have been filed with the Town of Seymour Planning and Zoning Office.
- 10.14 Minor Changes to Site Plans. The collective affirmative determination of the Zoning Enforcement Officer, the Town Planner and Building Official shall have the authority to approve minor changes to an approved Site Plan if in the judgment of the Zoning Enforcement Officer such changes do not alter the 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.
- 10.15 Major Changes to Site Plans. If the Zoning Enforcement Officer, the Town Planner and Building Official collectively determine that changes in the Site Plan, or any change of Use within a Building or Structure or on a Lot, may alter the overall quality, density, intensity, uses, amenities, traffic generation, parking facilities or other major features of the Site Plan as approved, said modification shall be made only after approval thereof by the permitting agency. The permitting agency may determine that the modifications are so substantial as to require a new application.

Section 11 Special Permits (P) (Z)

Special Permits may be granted by the Planning and Zoning Commission for those uses designated as P in Section 8.2.

No Special Permit shall be approved unless the approving authority finds that the use will not be detrimental to the public health, safety, convenience, or property values, and that the use will be in conformity with the comprehensive zoning plan for the municipality.

The following factors shall be considered when making these findings:

- a) The suitability of the site for the intended use considering its size, area, shape, topography, subsoil conditions and presence of wetlands and watercourses.
- b) The ability of the adjacent roadway system to accommodate existing traffic and any increase in traffic generated by the proposed use.
- c) The availability and adequacy of supporting municipal services such as police and fire protection, water and sewer, storm drainage, sanitation services and the like.

All Special Permit uses are declared to possess such special characteristics that each shall be considered as an individual case. The approving authority may impose additional requirements if the review of the application has shown that additional requirements are needed to protect the public health, safety, convenience, or property values.

Additional requirements, conditions and safeguards shall include but not be limited to greater setbacks, additional landscaping or screening, additional parking, limitations on building height or bulk, a lesser number of occupants, storm drainage, a modification of the exterior appearance of any structure if needed to ensure neighborhood compatibility or reasonable limitations on hours of operation.

All Special Permit applications shall include a Site Plan as specified in Section 10 of these regulations and all Special Permit applications shall require a public hearing as required by Statute.

The Planning and Zoning Commission shall have a public hearing regarding any Special Permit submission. The Planning and Zoning Commission shall give notice of the hearing in the same manner as required by law for hearings on Special Permits per CGS Section 8-3c.

The Town shall provide a Notice of Hearing sign to be posted on any property that is the subject of a public hearing before the Board. Such signs shall meet the following requirements:

1. Minimum size of 2' x 3'.
2. Such sign shall be posted no more than five (5) feet from the street line and shall be clearly visible and readable from the street for the entire time of the required posting.
3. Such sign shall be posted a minimum of ten (10) days prior to the date of the hearing.
4. Such sign shall contain the following information: a. The statement "Notice of Hearing – Seymour Planning and Zoning Commission", b. Date of the hearing, c. Time of the hearing, d. Place of the hearing and, d, the statement "For more information please contact at # or visit the Seymour Town Hall".

5. Surrounding property owners within seventy-five (75) feet from the property boundaries shall be notified by "Certification of Mailing" by the Applicant of the impending Public Hearing before the Seymour Planning and Zoning Commission. Notice shall include a brief description of the proposed zone change, location of proposed zone change, date, location and time of public hearing, and an invitation to attend such hearing.

Submission of stamped receipt(s) of the "Certification of Mailings" with the letter shall be filed with the Zoning Enforcement Officer as proof of notification.

All Special Permits shall be subject to the requirements of this Section 11, any special requirements set forth in Section 8.4 as applicable and any other general requirements as set forth in the body of these regulations. Requirements for Garden Apartments, Town Houses, Elderly Housing, In-Law Apartments, three (3) family and four (4) family Dwellings, Cluster Subdivisions and Earth Removal Operations are contained in their respective sections. If there is a conflict between a requirement in these specific sections and a requirement in the general body of the regulations, the requirement in the specific section shall apply.

11.1 *General Requirements*

11.1.1 **Application.** The application shall include a Site Plan application and supporting plans and data as specified in Section 10 of these regulations. In addition, a statement shall be submitted giving the area of wetlands as determined by a soil scientist, lot coverage of principal and accessory buildings, and lot coverage of impervious surfaces. Plans and profiles of interior roadways shall be submitted if the development includes more than two (2) principal buildings. A traffic analysis may be required.

11.1.2 **Phased Developments.** The Planning and Zoning Commission may approve a Composite Development Plan allowing a parcel to be developed in two (2) or more phases. Approval of a Composite Development Plan shall represent the Commission's endorsement of the applicant's long-term plan for the entire tract but shall not be construed as approval of any individual phase. Each individual phase shall require Special Permit approval.

1. A Composite Development Plan shall be drawn at a scale suitable for the degree of detail to be shown and shall show the location of principal and accessory buildings, number of dwelling units, layout of circulation and parking, proposed grading, accessory uses, limits of individual phases and anticipated construction timetable. Any community service or recreational areas or facilities shown of the plan shall be considered as an essential part thereof.
2. Each phase shall be capable of independent existence without the approval of subsequent phases. Each subsequent Special Permit application shall faithfully implement the composite development plan. Substantial differences, including failure to include community service or recreational areas, shall be caused to reject the Special Permit application.
3. A Composite Development Plan may be submitted at the same time as a Special Permit application for the first phase but shall be considered and acted upon as a separate application.
4. The construction timetable submitted by the applicant shall be diligently pursued. Delays of five (5) years or more shall be cause for the Commission to reconsider its approval of any phase on the approved Composite Development Plan that has not been started.
5. A Special Permit for any subsequent phase shall not be approved until all community service facilities, recreation facilities and off-site improvements included in any approved phase have been completed.
6. Approval of a Composite Site Plan shall not prevent the Planning and Zoning Commission from amending the zoning regulations and map in the usual manner. A Special Permit application for any phase shown on an approved Composite Site Plans shall conform to such regulations as amended.

Garden Apartments, Town Houses, Specialized Housing for the Elderly, three (3) and four (4) Family Homes, Affordable Housing Zoning Developments and Conservation and Energy Efficient Community Developments are allowed by Special Permit granted by the Planning and Zoning Commission, as specified by Section 8.2, subject to the provisions of this section as well as all other applicable provisions of these regulations. Where there is a conflict, this section shall prevail.

11.2 *Garden Apartments*

- a. Developments containing twenty-four (24) or more dwelling units shall have at least two (2) connections to a public road. One connection shall have a pavement width a minimum of twenty-four (24) feet and a Right of Way a minimum of forty (40) feet. The second connection may be for emergency vehicles only. Developments of less than twenty-four (24) units shall have at least one connection that meets the twenty-four (24) foot/forty (40) foot standards described above.
- b. Area. Parcels shall have a minimum lot area of two (2) acres and such size and shape that a two hundred (200) foot “square” will fit totally within its boundaries.
- c. Density. All Parcels shall have at least five thousand, five hundred (5,500) square feet of area for each dwelling unit.
- d. Lot Coverage. Total lot coverage of buildings and impervious surface shall not exceed thirty-three (33) percent of total parcel area.
- e. Buildings and Outdoor Private Space. There shall be no limit to the number of principal buildings. Buildings shall have no more than three (3) habitable stories, excluding basements and garages. Each dwelling unit shall have at least one hundred, sixty-eight (168) square feet of private outdoor space in the form of a porch, deck, patio, balcony, or similar feature.
- f. Yards and Setbacks. Principal buildings shall be set back at least fifty (50) feet from each other or from any internal roadway. The width of front, side and rear yards shall be at least two and one half (2 ½) times that required for the adjoining property or in the case of the front yard the property on the opposite side of the street if such adjoining property is in the R-18, R-10 or R-65 District. In other locations the front yard shall be sixty (60) feet, the rear yard shall be seventy-five (75) feet and the side yards shall be thirty-five (35) feet. Side and rear yards that abut property in the R-18, R-40 or R-65 Districts shall contain a landscaped or natural buffer area at least twenty (20) feet in width. The buffer shall provide a reasonably opaque barrier to a height of at least ten (10) feet. The front yard shall be suitably landscaped to present a pleasing appearance from the street.
- g. Interior Roadways. Streets shall have pavement shall have a pavement width of at least twenty-four (24) feet and a Right of Way a minimum of forty (40) feet. Roadways shall have an unobstructed, paved travel lane at least twelve (12) feet in width for each direction of travel. Horizontal and vertical alignment shall be based on design speed and sound engineering practice. In no event shall the horizontal curve

radius at the centerline be less than thirty-five (35) feet. Maximum grade shall be twelve (12) percent, except that grades of up to fourteen (14) percent may be permitted for distances of less than one hundred (100) feet. The roadway system shall be designed to provide access to each structure for emergency service vehicles. Interior roadways shall remain private in perpetuity, and all Town road maintenance services including plowing shall stop at the property line.

- h. Parking. There shall be no parallel parking permitted on internal roadways. Parking lots shall be located at least twenty (20) feet from any property line. The required parking for each building shall be located within two hundred (200) feet of the building served and connected thereto by a paved walkway at least four (4) feet in width. The walkway shall be illuminated throughout its entire length. The requirements of Section 20 of these regulations shall apply.
- i. Utilities. Utility lines and wires shall be underground. Streetlights may be required at the project entrance, at intersections of internal roadways and at entrances to parking areas. At least one (1) fire hydrant shall be located within one hundred (100) feet of each residential structure, and there shall be at least one (1) fire hydrant for each twenty (20) dwelling units.
- j. Signs. One freestanding sign, having an area not to exceed fifty (50) square feet identifying the development is permitted. There may be one (1) sign per building, not to exceed an area of ten (10) square feet except that a sign identifying a community building may be up to thirty (30) square feet. Street name and directional signs are allowed as needed.
- k. Open Space. At least thirty (30) percent of the area used for calculating permitted density shall be reserved as common space. Open space shall be designated on the Site Plan and distributed throughout the project in a reasonably uniform manner so that all residents may benefit.
- l. Renovation of Existing Buildings. The less restrictive density requirement of five thousand five hundred (5,500) square feet per unit shall apply. Other requirements of this Section 10.1.3 including road connections, open space, habitable stories, lot coverage, parking and setbacks may be modified by the Planning and Zoning commission if existing conditions related to the building or site prevent full compliance. Compliance shall be as complete as existing conditions will allow.

11.3 Town Houses

- a.) Site Requirements. The site shall have at least one (1) connection to a public road, such connection having a minimum pavement width of twenty-four (24) feet and minimum property Right of Way width of forty (40) feet. Developments containing more than twenty (24) dwelling units shall have at least two (2) such connections. One of the entrances may be a limited emergency accessway.
- b.) Density. The requirements of Section 11.2.1c shall govern.
- c.) Lot Coverage. The requirements of Section 11.2.1d shall govern.
- d.) Buildings and Private Outdoor Space. There shall be no limit to the number of principal buildings. No building shall contain more than four (4) dwelling units, except that up to ten (10) units per building are allowed if multiple levels of architectural relief of the front of the building is provided. Each dwelling unit shall have at least four hundred (400) square feet of private outdoor space delineated by a fence, wall, plantings, or similar method.
- e.) Yards and Setbacks. Principal and accessory buildings shall be at least thirty (30) feet from each other and at least twenty-five (25) feet from an internal roadway. Front, side, and rear yards shall be as specified in Section 11.2.1.f. A buffer as specified in this same Section shall be provided.
- f.) Internal Roadways. Internal roadways shall be as specified in Section 11.2.1g.
- g.) Parking. Parking shall be as stated in Section 11.2.1.h, except that at least one (1) covered parking space shall be assigned to each dwelling unit.
- h.) Utilities. Utilities shall be as stated in Section 11.2.1.i.
- i.) Signs. Permitted as stated in Section 11.2.1.j.
- j.) Open Space. Requirements of Section 11.2.1.k shall apply.

11.4 Specialized Housing for the Elderly

1. Site Requirements. All principal building shall be connected to the municipal sanitary sewer system and a public water supply. Parcels shall have a minimum lot area of two (2) acres, be of such size, and shape that a two hundred (200) foot "square" will fit totally within its boundaries. Nursing or convalescent homes having a capacity of more than fifty (50) beds, and congregate living facilities having a capacity of more than twenty-four (24) dwelling units, shall have a principal connection to a public road as well as a hard surfaced accessway for emergency vehicles. The principal connection shall have a pavement width of at least twenty-four (24) feet.
 - a) Density. The parcel shall contain at least one thousand two hundred fifty (1,250) square feet of lot area for each bed in a nursing or convalescent home, and at least eight thousand (8,000) square feet of lot area for each dwelling unit in a congregate living facility. Lot area restrictions for calculating density stated in Section 5.2 shall apply.
 - b) Lot Coverage. The requirements of Section 11.2.1.d shall apply.
 - c) Buildings. A nursing or convalescent home shall have a capacity of not more than one hundred thirty (130) beds. No single building containing congregate living units shall contain more than twenty-four (24) such units. Buildings shall have no more than three (3) usable stories, excluding basements and garages. Buildings shall not exceed a height of thirty-five (35) feet except that building height may be up to forty (40) feet if justified by special architectural considerations.
 - d) Yards and Setbacks. The requirements of Section 11.2.1.f shall apply.
 - e) Internal Roadways. If required, the provisions of Section 11.2.1.g shall apply.
 - f) Parking. The requirements of Section 11.2.1 g shall apply, except that the required number of spaces shall be as follows. Convalescent or nursing homes shall have one (1) space for each person employed at any one (1) time plus one (1) space for each four (4) beds. If community meeting rooms, day care or other such services are provided, additional parking shall be required as specified in Section 20.3. Congregate housing facilities shall provide one and one quarter (1 ¼) spaces for each dwelling unit plus one (1) space for each person employed at any one time.
 - g) Utilities. The requirements of Section 11.2.1.i shall apply to congregate living projects including more than two principal buildings.
 - h) Signs. One (1) sign identifying the project and having an area of no more than fifty (50) square feet is permitted. This may be either free standing or attached to the building. Building identification, street name and directional signs are permitted as needed.
 - i) Supporting Services. Congregate housing facilities shall contain formal areas suitable for social and leisure time activities. The plan shall also include physical

facilities for supportive services such as common dining, housekeeping, laundry, and medical care.

- j) Open Space. Requirements of Section 11.2.1.k shall apply.
- k) Pursuant to CGS 8-2i, the Planning and Zoning Commission may, upon a finding of compliance with Section 11, adjust the development standards for a congregate, independent or assisted living facility under the ownership and control of the Seymour Housing Authority as follows:
 1. Lot coverage for principal and accessory buildings may be up to thirty-five (35) percent. Total lot coverage (buildings plus impervious surface) may be up to fifty (50) percent.
 2. Lot area per dwelling unit may be reduced to three thousand (3,000) square feet for parcels larger than two and one half (2 ½) acres and to one thousand eight hundred fifty (1,850) square feet for parcels two and one half (2 ½) acres or less.
 3. The total number of dwelling units or beds, or combination thereof, in a single building may be increased to up to eighty (80).
 4. Open space may be reduced to twenty (20) percent of the parcel area.
 5. Parking may be reduced to one (1) space per two (2) units.
 6. Minimum lot size, shape and setback requirements may be reduced by up to twenty (20) percent.
 7. For parcels of two and one half (2 ½) acres or less, the setback requirements shall be that of the adjoining zone, provided the building height does not exceed that of the adjoining zone. For all other parcels, the setback requirements of may be reduced by twenty (20) percent.

11.5 *Three (3) and Four (4) Family Dwellings*

- a. Authorization. The Planning and Zoning Commission is hereby authorized to grant a Special Permit for three and four-family dwellings in an R-18 Zoning District in accordance with the requirements of this section and all other applicable requirements of these regulations.
- b. Location. Three (3) and four (4) family dwellings shall be located exclusively in areas containing similar mixed housing types and prohibited from areas containing detached single-family dwellings only. Duly approved Subdivisions where the prevailing lot area is fifteen thousand (15,000) square feet, among other areas, shall be considered as areas containing single-family dwellings only.
- c. Density. New construction shall require at least ten thousand (10,000) square feet of lot area per unit. Conversions of existing structures shall require at least eight thousand (8,000) square feet of lot area per unit. If building additions are proposed, the requirements for new construction shall apply to the entire project. Land area identified as wetlands, land area having a slope of more than twenty (20) percent and the area of any easements or rights-of-way shall be deducted from total parcel area for purposes of calculating permitted density.
- d. Parking. There shall be at least two (2) off-street parking spaces per dwelling unit. Each space shall have direct access to a driveway or maneuvering lane. Tandem arrangements are prohibited. No parking is permitted in the required front yard. Parking areas and driveways shall be paved with bituminous concrete.
- e. Usable Outdoor Space. There shall be at least five hundred (500) square feet of usable outdoor space per dwelling unit. A deck, patio or balcony may be used to meet a portion of this requirement. The area of the required front yard shall not be considered as usable outdoor space.
- f. Yards, Setbacks and Screening. New construction or additions to existing structures shall have a side yard and rear yard at least equal to the highest point of the principal building or shall meet the requirements of the R-18 Zoning District, whichever is greater. Screening or buffer strips consisting of opaque fencing or plantings to a height of at least ten (10) feet shall be provided along any side or rear lot line common to a lot containing a single-family dwelling.
- g. Utilities. Each dwelling unit shall be served by a public water supply system and connected to the municipal sanitary sewer system.
- h. Affordability. Dwellings constructed or altered under the provisions of this section shall contain affordable units. A three (3) family dwelling shall contain at least one (1) affordable unit. A four (4) family dwelling shall contain at least two (2) affordable units. Affordability shall be assured by an agreement between the Town and the property owner which agreement shall be filed on the land records and binding on all subsequent owners for a period of thirty (30) years.

- i. Application. Application shall be made on a form provided by the Planning and Zoning Commission accompanied by the established fee. A Site Plan prepared to the standards of an A-2 survey shall be submitted showing at least property lines, principal and accessory buildings, driveways, and parking areas, designated open space, landscaping and screening, proposed grading and location of wetlands and watercourses. Density calculations as specified in Section 11.2.1.c above and a map showing existing land use in the immediate area shall be submitted. Architectural elevations of new buildings or additions to existing buildings are required.
- j. No application will be accepted and placed on the Commission's agenda for consideration until it is complete in all respects.
- k. Renovation of Existing Building. The density requirement of five thousand, five hundred (5,500) square feet per unit shall apply. Other requirements, including road connections, open space, habitable stories, lot coverage, parking, and setbacks, may be modified by the Planning and Zoning Commission if existing conditions related to the building or site prevent full compliance. Compliance shall be as complete as existing conditions will allow.

11.6 Affordable Housing Zone (AHZ)

11.6.1 Intent and Purpose. The purpose of this Affordable Housing Zone regulation is to establish regulations governing the development of a residential community that will provide the Town of Seymour and the region with multi-family market-rate rental units and rental units that are subject to long-term restrictions that will ensure their accessibility for moderate income and low-income households. This regulation establishes standards to facilitate such development on selected parcels on which construction will be consistent with soil types, terrain, and infrastructure capacity.

11.6.2 Eligible Zoning Districts and Parcels. Parcels may be zoned AHZ upon satisfaction of the following requirements:

- a) Existing zoning designation of Multi-Family (MF) District or R-18 District; provided however, no more than two (2) acres can be zoned R-18.
- b) Satisfaction of the Site Requirements of Section 11.6.4; and
- c) Satisfaction of the Development Standards of Section 11.6.7.
- d) An AHZ parcel may utilize noncontiguous property across a road for drainage and utility purposes, only. Such site area shall not count towards calculation of lot area as provided in Sections 11.6.4 below and shall not count toward compliance with any required development standard provided in Section 11.6.7.

11.6.3 Site Requirements.

- a) Each dwelling unit shall be served by the municipal sanitary sewer system and a public water supply system.
- b) Developments containing twenty-four (24) or more dwelling units shall have at least two (2) connections to a public road. One (1) connection shall have a pavement width of at least twenty-four (24) feet and a lot area width of at least fifty (50) feet. The second connection may be for emergency vehicles only. Developments of less than twenty-four (24) units shall have at least one connection that meets the twenty-four (24) foot/fifty (50) foot standards described above.
- c) Parcels shall have a minimum lot area of four (4) acres and such size and shape that a 200-foot square will fit totally within its boundaries.

11.6.4 Permitted Uses.

- a) Affordable Housing Development.
- b) Uses customary incidental and subordinate to the above uses when located on the same lot, such as tenant amenities and facilities management office.

11.6.5 Affordable Units. The purpose of the AHZ is to facilitate a residential development containing both market-rate and price-restricted units that comply with CGS Section 8-30g of the Connecticut General Statutes. Such price-restricted, a/k/a “affordable” units are referred to herein as “Affordable Units.” The following requirements shall apply to Affordable Units in an Affordable Housing Development.

- a) Affordable Units shall be of a construction quality that is comparable to market-rate units within a development.
- b) Affordable Units shall be built on a pro rata basis as construction proceeds.
- c) Calculation of the maximum monthly payment for an Affordable Unit, so as to satisfy CGS Section 8-30g, shall utilize the area median income data as published by the U.S. Department of Housing and Urban Development (a) for a rental unit, as in effect on the day the lease is signed; and (b) for an ownership unit, as in effect on the day a bond for deed or similar contract of conveyance is accepted by the seller.
- d) The maximum payment that the occupant for an Affordable Unit shall not be greater than the amount that will preserve such unit as “affordable housing” as that term is defined in General Statutes Section 8-30g, and shall include the following:
 - 1. For rental housing, the maximum monthly housing payment shall include the cost of rent; common charges in the case of a rental in a common interest community, if the tenant is directly responsible; heat; and utility costs, including hot water and electricity, but excluding telephone and cable television.
 - 2. For ownership housing, the maximum monthly housing payment shall include periodic mortgage payments, based on a commercially reasonable down payment for affordable housing buyers and prevailing interest rates at the time of sale; taxes; insurance; common charges in the case of ownership of a unit in a common interest community; heat; and utility costs, including hot water and electricity, but excluding telephone and cable television.
- e) Affordable Units shall be occupied only as a tenant’s or purchaser’s principal residence. Subletting of Affordable Units shall be prohibited.
- f) At the same time that the market-rate units in an AHZ development are advertised to the general public, notice of availability of the Affordable Units shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of Seymour, and providing notice to the Seymour Board of Selectmen, the Seymour Town Clerk, and the Seymour Planning and Zoning Commission.
- g) Each deed or lease for an Affordable Unit will contain substantially the following provision:

This unit is sold or rented as an “affordable housing unit” as defined in CGS Section 8-30g, and is available only to persons or families whose income is at or below eighty (80) percent or sixty (60) percent, as applicable, of the area median income for Seymour or the statewide median income, whichever is less, as annually determined by the U.S. Department of Housing and Urban Development. This development has been approved by agencies of the Town of Seymour based in part on the condition that a defined percentage of the units will be preserved as affordable housing units. The restrictions related to affordability are required by law to be strictly enforced.

- h) The forty (40) year affordability period shall be calculated separately for each Affordable Unit in an AHZ development, and the period shall begin on the date, as defined at closing, or initial occupancy of the Unit.
- i) In conjunction with an application for approval of a site plan for an AHZ development, the applicant shall submit an “Affordability Plan,” which shall describe how the regulations regarding affordability will be administered. The Affordability Plan shall include provisions for administration of and compliance with the provision of this section, notice procedures to the public of the availability of affordable units, identification of those units that are to be designated affordable, procedures for verification and periodic confirmation of unit occupancy income, and compliance with affordability requirements.
- j) A violation of the Regulations contained in this Section shall not result in a forfeiture or reversion of title, but the Planning and Zoning Commission shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under CGS Section 8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

11.6.6 Development Standards.

- a) Development in the AHZ shall be exclusively governed by the provisions of this Section 10.3, and not those contained in the body of the zoning regulations, unless otherwise provided in this Section 11.6.
- b) Density. The parcel shall have a minimum lot area of four thousand seven hundred fifty (4,750) square feet for each dwelling unit.
- c) Open Space. At least fifty (50) percent of the lot area shall be reserved as open space for the benefit of the residents of the Affordable Housing Development only. Open space shall include all pervious lot area, provided however, it shall specifically exclude parking spaces, drive aisles and vehicular access areas. Open Space shall be designated on the site plan and distributed throughout the project in a reasonably uniform manner so that all residents may benefit.
- d) Yards and Setbacks. Principal buildings shall be set back at least twenty (20) feet from each other or from the curb of any internal roadway. The required front yard shall be sixty (60) feet from the property line, the required rear yard shall be seventy-five (75) feet from the property line, and the required side yard shall be thirty-five (35) feet from

the property line. Side and rear yards that abut a residential zone shall contain a landscaped or natural buffer area of at least fifteen (15) feet in width. The buffer shall provide a reasonably opaque barrier to a height of at least ten (10) feet. Provided, however, the foregoing landscaped, or natural buffer area requirement shall not apply to the first one hundred (100) linear feet on either side of a vehicular accessway.

- e) Coverage. There shall be no limit to the number of principal buildings. Total building coverage shall not exceed twenty (20) percent of lot area. Total impervious coverage shall not exceed fifty (50) percent of lot area.
- f) Building Height. Principal Buildings shall be no more than three (3) habitable stories, excluding basements and garages, and forty-five (45) feet high. Accessory structures shall not exceed a height of twenty-five (25) feet. Building height is measured as the vertical distance from the average finished ground surface elevation to the roof's highest point.
- g) Parking. Parking shall be provided at a minimum of one and three quarters (1 $\frac{3}{4}$) spaces per dwelling unit. Parallel parking is permitted on internal roadways, but parking spaces shall be located at least twenty (20) feet from any property line.
- h) Signs. Two freestanding signs having an area not to exceed fifty (50) square feet identifying the development are permitted. In addition, there may be one ground sign or wall sign per building, not to exceed an area of ten (10) square feet except that a sign identifying a community building may be up to thirty (30) square feet. Street name and directional signs are allowed as needed.
- i) Landscaping. All areas not covered by either a principal or accessory building or pavement either shall be left in its natural state or shall have a ground cover of grass or planting sufficient to prevent wind or water erosion and present a pleasing experience.

11.6.7 Utility and Driveway Requirements.

- a) There shall be a public water supply and municipal sewer system adequate to meet the needs of the development.
- b) All utilities shall be installed underground.
- c) Detailed utility structures such as dumpsters, air conditioning units, transformers and the like shall be enclosed by buildings, embankments, fences, walls, plantings, or otherwise screened from pedestrian view. There is no maximum height for retaining walls.
- d) All common areas are to be maintained by the property owner, if a rental community, or by an association of unit owners, or a designee.
- e) All internal roads and driveways shall be private and have an unobstructed travel lane of at least ten (10) feet in width for each direction of travel. Maximum grade shall be twelve (12) percent, except that grades of up to fourteen (14) percent may be permitted for distances of less than one hundred (100) feet.

- f) There shall be a storm drainage system that shall collect, carry off and dispose of surface water runoff. On-site detention shall be required only if the increase in storm water runoff cannot be accommodated by the storm drainage system as it exists or may be improved by the applicant.

11.6.8 Application Procedures and Requirements. An affordable housing application seeking a change of zone shall include the submission of a conceptual site plan describing the proposed development's total number of residential units and their arrangement on the property and the proposed development's roads and traffic circulation, sewage disposal and water supply.

11.7 Conservation and Energy Efficient Community (CEEC)

11.7.1 A residential development on parcels of land fifteen (15) acres or greater in the R-40 zone of up to four (4) attached units with no more than two (2) bedrooms per unit that preserves existing natural and environmental features and incorporates energy efficient building and utility elements. The goal of the CEEC is to develop large parcels in the R-40 area in a manner that preserves natural features, protects environmental areas, provides buffers from existing one (1) family development and promotes market rate affordable residential options that are highly energy efficient.

- a. A CEEC shall be permitted only on parcels in the R-40 Zone that are twenty (20) acres or larger upon the approval of a Special Permit.
- b. Residential unit density shall not exceed two and one half (2 ½) units per gross acre.
- c. Residential units may be one (1) to four (4) unit buildings and shall contain no more than two (2) bedrooms per unit if ten (10) percent of the units may be handicapped accessible with a third (3rd) bedroom. The units may be individual ownership, common ownership or rental units with a homeowner's association, condominium association or Declaration of Covenants and Restrictions as appropriate. All residential buildings shall have a height of no more than thirty-five (35) feet.
- d. Interior Roadways:
 - 1) All interior roadways shall be constructed to the standards specified in Sec. 4.5.2, Figure 1, of the Seymour Subdivision Regulations, except for width of pavement and right of way. Roadways shall have a paved travel lane at least twelve (12) feet in width for each direction of travel. Horizontal and vertical alignment shall be based on design speed and sound engineering practice, but in no event shall the horizontal curve radius at the centerline be less than thirty-five (35) feet. The maximum road grade shall be twelve (12) percent except that grades of up to fourteen (14) percent may be permitted for distances of one hundred (100) feet or less.
 - 2) All interior roadways shall remain private in perpetuity and be maintained, repaired, and/or replaced by the owner or association. A Declaration of Road Maintenance in a form approved by Town Counsel and the Board of Selectmen shall be recorded on the land records immediately after the recording of the Special Permit in accordance with Connecticut General Statutes Section 8-3d. The Declaration must contain a requirement that the property owner and/or association shall always keep all roadways open and passable for town emergency services such as police, fire, and ambulance.
 - 3) Interior roadways shall be designed to accommodate sidewalk and snow shelf on one side of the roadway.

e. Open Space: Forty (40) percent of the CEEC shall be open space either by deed to the Town or Seymour Land Trust or by Conservation Easement to the Town and shall provide, where necessary, a buffer to existing uses abutting the CEEC. Except as provided below, Open Space shall not contain a greater percentage of wetlands, watercourses, slopes over twenty (20) percent than the percentage of wetlands, watercourses, and slopes over twenty (20) percent within the property to be developed. In determining if the location of the open space is satisfactory and if it should be in fee or easement, the Commission shall consider the following factors:

- 1) The natural condition and location of the open space as a buffer to abutting properties not part of the CEEC and the existing and potential uses of the abutting properties.
- 2) The proximity or connectivity of the open space to other open space of the Town or Land Trust and/or other properties likely to remain in their natural state.
- 3) The protection of natural features including but not limited to ridgelines, forests, and wetlands within the open space.
- 4) The Commission may determine that, based on the factors in subsections e(1)(2) and (3) above, (i) a proposed open space parcel of less than forty (40) percent but greater than twenty-five (25) percent is significant and beneficial to acquire or preserve and/or (ii) a proposed open space parcel with wetlands, watercourses and slopes greater than twenty (20) percent greater than the percentage of wetlands, watercourses and slopes over twenty (20) percent within the property to be developed is significant and beneficial to acquire or preserve.

If the Commission makes such a determination, it shall state on the record the factors listed in subsections e (1) (2) (3) above that support such determination.

f. Utilities and Energy Conservation:

- 1) The CEEC shall be solar oriented with every unit having solar electric power in accordance with any state, federal or public utility regulations as may be amended.
- 2) Wind or geothermal energy shall be permitted, subject to such restrictions as may be imposed related to the impact of wind generation systems on abutting properties.
- 2) The CEEC shall be served by the municipal sanitary sewer system and a public water supply.
- 3) Except for lines or structures related to the generation of wind or solar power, electric power, telephone, and similar utility lines shall be underground.
- 4) The construction materials and standards for the residential units shall be such as to minimize the annual energy requirements (AER) for lighting, power, heating, cooling and hot water through energy efficient

building design, passive solar building orientation, and high efficiency heating, cooling and ventilation building systems. The construction materials and standards for the residential units shall result in the building having reduced energy consumption to the extent that electrical power required by the buildings shall be provided, to the greatest extent possible, by on-site generation systems.

- g. Recreational and Social Amenities: A clubhouse and/or recreational facilities restricted to use by the residents shall be permitted in the area not designated as open space/buffer except for walking paths for the residents as approved by the Commission.
- h. Parking: Parking shall be provided at a minimum of two and one half (2 ½) spaces per dwelling unit, provided that up to one-half (½) of the spaces may be designated as reserve spaces. Any spaces designated as reserve spaces must be shown to be able to be constructed as parking spaces of adequate size and grade.
- i. Setbacks: Principal buildings and clubhouse and recreational facilities shall be setback at least twenty-five (25) feet from each other or the curb of any internal roadway and thirty-five (35) feet from all parcel property boundaries.

11.7.2 Application Procedures and Requirements

- a. While not required, the Commission recommends that, prior to the submission of a formal application for approval of a CEEC, the applicant review with the Commission and its staff in a preliminary and informal manner any proposal for a CEEC.
- b. An application for Special Permit approval in accordance with Section 11 with site plans as required by Section 10 herein shall be submitted to the Commission.
- c. The site plan shall locate the natural features to be preserved by open space or easement and the distance from adjacent residential uses to the closest proposed units in the CEEC.
- d. Color architectural elevations of all proposed units with floor plans of each proposed unit and any common building shall be submitted. The elevations shall identify the exterior treatments for all buildings.
- e. In addition, the applicant shall submit a narrative that includes the following:
 - 1) The natural features of the subject property that will be protected by the open space designation and whether the open space should be in fee or by conservation easement.

- 2) Any social and/or recreational features.
 - 3) The proposed renewable energy sources and energy efficient construction methods to achieve zero net energy.
 - 4) Whether residential use will be in fee, common ownership or residential.
-
- f. Copies of proposed easements, Declarations of Maintenance, Covenants and/or Homeowner Association Agreements shall be submitted with the application.
 - g. The Commission may require other reports such as traffic, marketing and fiscal as it deems necessary upon review of the application.
 - h. If approved by the Commission, the Special Permit shall be recorded in the Seymour land records with all conditions of approval.

Section 12 Flood Plain District

12.1 Delineation. In general, the Flood Plain District includes all land subject to the 0.01 % flood that is or may be designated as Flood Zone A or any of its subcategories as shown on the Flood Insurance Rate Maps, Town of Seymour, prepared by the National Flood Insurance Program. The stream profiles shown in the latest Flood Insurance Study for the Town of Seymour together with the actual ground elevation as determined by a Connecticut Licensed Land Surveyor shall control in determining the exact location of the boundaries of the Flood Plain District.

12.2 Standards.

- a) Standards for residential and nonresidential construction taking place within the Flood Plain District shall be as specified in Section 7-41 and Section 7-42, Flood Damage Prevention Ordinance, Town of Seymour.
- b) No construction, renovation, excavation, grading, filling, or other activity shall result in an increase in the hundred (100)-year flood elevation at any point outside of the developed property.
- c) Compensatory storage or other mitigation measures may be required by the Town Engineer as necessary.
- d) Enclosed areas below the base flood elevation shall be used only for parking, building access or limited storage.

12.3 Application.

- a) An application for a Zoning Permit, Site Plan or Special Permit approval shall be submitted as required for the type of use as specified in Section 8. All applications including applications for administrative approval shall include a Site Plan prepared by a Connecticut Licensed Land Surveyor that shows the limits of the Flood Plain District, basement and first floor elevations of existing or proposed buildings, and the elevation of the grade immediately adjacent to all buildings.
- b) If flood proof construction is required, the Site Plan shall contain a notation that certification by a registered architect or Professional Engineer that the design meets the flood proofing standards specified in Article III Provision for Flood Hazard Reduction, Seymour Municipal Ordinance shall be submitted to the Building Official.
- c) If there are to be enclosed areas below the base flood elevation, the Site Plan shall contain a notation that such areas will be designed to equalize hydrostatic pressure as specified in Article III Provision for Flood Hazard Reduction, Seymour Municipal Ordinance.
- d) All Site Plans shall contain a certification by a Professional Engineer that the plan will not result in an increase of more than one (1) foot in the base flood elevation at any point along the watercourse. If any development is to be within a floodway, such certification shall state that the development will not result in any increase in the base flood elevation at any point along the watercourse.
- e) Compensatory storage or other mitigation measures may be required by the Town Engineer as necessary.

12.4 Approval. An application shall be approved by the Zoning Enforcement Officer, Planning and Zoning Commission upon a finding of compliance with this section and the requirements of the underlying zoning district.

12.5 Exemptions. The following are exempt from the provisions of this Section 12, but not the requirements of the underlying zoning district:

- a) Repairs or alterations of existing structures, the cost of which does not exceed fifty (50) percent of the market value of the structure.
- b) Repairs necessary to correct a code violation.
- c) Alterations to an historic structure as defined in the Flood Damage Prevention Ordinance.

Section 13 Earth Excavation, Filling and Regrading

- 13.1 General. Except for those activities excluded in Section 13.2 below, the excavation, filling or regrading of earthen material on any lot in any zoning district shall require a Special Permit granted by the Planning and Zoning Commission subject to the requirements of this section.
- 13.2 Exclusions. The following activities involving excavation, filling, or regrading of earthen materials are exempt from the specific requirements of this section, but may be subject to requirements contained elsewhere in these regulations:
- a) Activities involving fifty (50) cubic yards of material or less are allowed on any lot for any purpose without zoning approval.
 - b) Activities involving more than fifty (50) cubic yards and up to one hundred fifty (150) cubic yards of material require a Zoning Permit issued by the Zoning Enforcement Officer. Activities involving more than one hundred fifty (150) cubic yards must conform to the requirements of this section.
 - c) Activities required for the construction of foundations, driveways, septic systems, swimming pools and lot regrading associated with building construction for which a building permit has been issued involving no more than one thousand, two hundred (1,200) cubic yards of material.
 - d) Activities associated with land preparation for agricultural use involving no more than one thousand five hundred (1,500) cubic yards of material.
 - e) Activities shown on a grading plan submitted with a Site Plan, Special Permit or Subdivision application and approved by the Planning and Zoning Commission. In the case of a Site Plan or Special Permit, the Commission may require an as built progress plan after one (1) year to determine that enough progress has been made. The Commission shall require surety for restoration of the entire site.
 - f) Activities associated with the repair or alteration of an existing roadway or parking lot, or the installation and repair of public utility lines.
- 13.3 Application for Earthen Material Removal, Filling or Regrading.
- 13.3.1 Site Plan Requirements.
- a) The Site Plan shall be prepared at a scale of no more than one (1) inch to forty (40) feet. The plan shall meet the standards of a Class A-2 and Class T-2 survey and be prepared by a Connecticut Licensed Land Surveyor. A Professional Engineer shall design storm water drainage, retaining walls and similar improvements.
 - b) The Site Plan shall show as much of the following information as is applicable to or reasonably required by the proposed activity: property lines, existing and proposed structures, existing and proposed contours at two-foot intervals, grading limits, location and results of soil borings, location of wetlands and watercourses, storm water drainage facilities, access or haul roads,

areas for storage of equipment, fuel or other hazardous materials, and the location of any rock crusher or other processing machinery.

- c) The Site Plan shall include notations giving the following information: types of equipment to be used, estimates of the amount of material to be removed, hours of operation and acknowledgement that any blasting will conform to the Town's blasting ordinance.
- d) A certified erosion control plan as specified in these regulations shall be submitted either as a separate sheet or on the Site Plan.

13.3.2 Standards.

- a) Not more than five (5) acres shall be disturbed at any one time. In general, the area of active excavation shall be no more than two (2) acres, with the balance of the disturbed area to be used for ancillary operations such as stockpiling, storage of machinery, haul roads and the like.
- b) The access road shall be paved for a distance of at least twenty-five (25) feet from a public road. There shall be the usual construction entrance at the end of the pavement.
- c) There shall be no excavation within fifty (50) feet of any adjoining property line.
- d) The permit holder shall ensure that vehicles transporting earthen materials to and from the site are securely loaded to prevent spillage.
- e) Drainage facilities shall be provided to control the discharge of storm water on to adjacent property or streets. On-site detention and/or stormwater quality management measures may be required.
- f) The storage of hazardous materials and the fueling of vehicles shall take place on an impervious surface protected by a dike to contain spillage.
- g) Any form of processing of materials (rock crushing, screening, loading, sifting, importing or exporting) shall be permitted in any zoning district subject to a Special Permit approval from the Planning and Zoning Commission. Fixed in place Processing machinery shall be located at least three hundred (300) feet from any property line. Movable equipment or portable track equipment with self-contained, measures of dust control may be located not closer than one hundred fifty feet (150) from a property line. Acoustical and dust control measures shall be provided as required by the Town Engineer.
- h) The maximum hours of operation involving the processing of materials (rock crushing, screening, loading, sifting, importing or exporting) shall be from 7:00 a.m. to 5:00 p.m. on weekdays and from 8:00 a.m. to 12:00 p.m. on Saturday. There shall be no processing of materials on Sundays or legal holidays.

13.3.3 Restoration.

- a) No area of more than two (2) acres shall remain in an undisturbed state for more than one (1) year after excavation and/or filling to final grade has been completed as shown on the application. Restoration shall be started within this one (1) year period.
- b) Disturbed areas shall be evenly graded to a slope not exceeding one (1) foot vertical rise to each two (2) feet of horizontal distance. This slope may be modified where exposed bedrock or other natural conditions make a steeper slope unavoidable, provided that the resulting slope is stable and safe.
- c) Disturbed areas shall be covered with a suitable planting media and seeded with a perennial grass. The permit holder shall maintain the area until the vegetative cover is established and there is no danger of erosion by wind or water. The entire area shall be free from debris and loose boulders.
- d) Restoration of the entire permit area shall have been either completed or started within one (1) year after establishment of final grade. The performance bond required below shall not be released until the Planning and Zoning Commission has ruled that restoration is satisfactory.

13.4 Performance Bond. A performance bond shall be provided by the applicant in favor of the Town of Seymour. The bond shall be in an amount recommended by the Town Engineer and in a form acceptable to Town Counsel. The bond shall provide for site stabilization, restoration, erosion control and the completion of any other improvements required for public convenience and safety

13.5 Duration of Permit/Renewal. A permit issued pursuant to this section shall be valid for a period of one (1) year from the date of approval and may be renewed for subsequent periods of one (1) year. An application for renewal shall include an updated Site Plan and a statement of the volume of material removed during the past year. An application for renewal shall be approved, if the Zoning Enforcement Officer finds that work done during the preceding year was in compliance with the issued permit. If the ZEO determines that the work has not been compliant with the issued permit, the applicant shall be required to appear before the Planning and Zoning Commission to determine its renewal status.

Section 14 Certified Soil Erosion and Sediment Control Regulations

14.1 Application of Regulations.

- a) A Certified Soil Erosion and Sedimentation Control Plan shall be submitted with any development application when the disturbed area of such development is cumulatively more than one-half (1/2) acre, as determined by the Zoning Enforcement Officer.
- b) A soil erosion and sedimentation control plan for a one (1) family dwelling that is not part of a subdivision is not required. A standard construction entrance and a filter fence and/or hay bales down slope from any disturbed area is required for all new construction.
- c) Stockpiling of earthen materials on any lot for any purpose shall be protected by a filter fence and/or haybales.

14.2 Content of Soil Erosion and Sediment Control Plan.

- a) In general, a Certified Soil Erosion and Sedimentation Control Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the site based on the best available technology. Such technology can be found in the 2002 Connecticut Erosion and Sediment Guidelines, latest edition. Alternative methods may be used if approved by the Planning and Zoning Commission.
- b) The Certified Soil Erosion and Sedimentation Control Plan shall include but not be limited to a narrative and a Site Plan. The narrative shall include a description of the development; the schedule for grading and construction activities to include start and completion dates, sequence of grading and construction activities, sequence for installation of erosion control measures, and sequence for final site stabilization; and the design criteria, construction details, installation procedures, and operations and maintenance procedures for erosion control and storm water management facilities.
- c) The Certified Soil Erosion and Sedimentation Control Plan shall be prepared by a Connecticut Licensed Professional Engineer at a sufficient scale to show property lines, existing and proposed contours, wetlands, watercourses, existing and proposed structures, and the location and design details for all proposed erosion control and storm water management facilities. The Town Engineer may require additional information as necessary.

14.3 Standards. In general, a soil erosion control plan shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed and does not cause unnecessary erosion and sedimentation. The minimum standards for individual erosion control measures shall be as specified in the latest edition of 2002 Connecticut Erosion and Sediment Guidelines. Determination of peak flow rates and volumes of runoff shall be taken from this same publication. The Planning and Zoning Commission, for sound technical reasons may grant exceptions from the standards of the those Guidelines.

14.4 Approval Conditions. The Planning and Zoning Commission may require surety for the installation and maintenance of erosion control and/or storm water control measures shown on an erosion control plan. The Planning and Zoning Commission shall require that the applicant perform

monthly (as well as twenty-four (24) hours after a major rainfall event) inspections and report the results to the Commission.

Section 15 Business and Office Development District

Purpose and Content.

- a) The purpose of this district is to allow the conversion of existing buildings and the construction of new buildings for use as business and professional offices under carefully controlled conditions. It is the finding of the Planning and Zoning Commission that such offices can co-exist in harmony with residential uses in selected areas and with proper conditions and safeguards.
- b) The Planning and Zoning Commission is hereby authorized to permit business and professional offices as a Special Permit use within an area designated as an office development district and constructed in accordance with an approved office development district plan.
- c) This section delineates the areas within which office development districts may be established by amendment to the zoning map, sets forth conditions and requirements for the approval of an office development district plan, states the procedures for applications for designation and plan approval and establishes methods of enforcement.

15.1 Designation of Office Development District.

- a) Property that may be considered for designation as an office development district shall meet all the following requirements:
 - 1) It shall be located within the R-18 Zoning District.
 - 2) It shall not be located in subdivision approved by the Planning and Zoning Commission if the subdivision included the construction of a new road.
It shall either have frontage on a State numbered highway or have frontage on a Town road that directly feeds a State highway and be located no more than three hundred (300) feet distant from the State highway.
- b) Parcels that are presently used for business or professional offices and have valid non-conforming status are eligible for designation as an office development district in accordance with this section regardless of location.

15.2 Office Development District Plan Standards.

- a) All buildings and structures resulting from either renovation or new construction shall be architecturally compatible with the surrounding neighborhood in terms of style, size, height and bulk.
- b) For new construction, the gross floor area devoted to office use shall not exceed five thousand (5,000) square feet. Renovated buildings may have up to five thousand five hundred (5,500) square feet of gross floor area for office use.
- c) Off-street parking shall be provided at the rate of one (1) space for each two hundred (200) square feet of floor area used for office purposes, excluding stairways, storage areas and other

such areas. A lesser amount will be acceptable only if it can be clearly shown that the plan will not result in employees, visitors or patrons parking on adjacent streets.

- d) Parking shall be prohibited in the required front yard. Parking is allowed in the required side and rear yards. All parking shall be screened from adjacent residential properties by fencing or landscaping.
- e) Off-site parking is permitted if it is on property under the same ownership or control as the principal site. It shall be subject to the same location and screening requirements as on-site parking. It shall be secured against unauthorized occupancy during non-business hours.
- f) One, unlighted sign identifying the occupants of the premises is allowed. It shall have an area of thirty-two (32) square feet or less.
- g) There shall be no outside storage of materials, overnight parking of non-passenger vehicles, nor any other such evidence of a nonresidential use.
- h) All the requirements of Section 4, Section 20 and Section 22 of these regulations shall apply as well as any other applicable requirements of these regulations. If there is a conflict, this section shall prevail.

15.3 Application Procedures and Approval.

- a) An application for designation as an office development district shall be made in the same manner as an application for a change in the zoning map per Section 25 of these Regulations.
- b) An application for approval of an office development district plan shall be submitted at the same time as the application for designation. The application shall consist of the Special Permit application form as supplied by the Planning and Zoning Commission together with the office development district plan.
- c) A public hearing on the application for designation and the application for approval of the office development district plan shall be held on the same date. Notice of hearing for designation shall be as required for a zone change and notice of hearing for plan approval shall be as required for a Special Permit.
- d) The Commission shall act upon the application for designation within the time limits specified for a zone change, and the application for plan approval within the time limits for a Special Permit. Action on both applications shall take place on the same date, except that an area must be designated as an office development district before an office development district plan may be approved. It is expressly stated herein that the Commission shall have the same legislative discretion in acting upon an application for designation that it has in acting upon any other application for an amendment to the zoning map.

15.4 Enforcement

- a) Before any premises is used for business or professional offices, the owner or tenant shall have received written certification from the Zoning Enforcement Officer that the project as completed is in substantial compliance with the approved office development district plan.
- b) Any substantial change in an approved office development plan made without the approval of the Planning and Zoning Commission shall render both the plan and the designation null and void. The property may then be used only in accordance with the underlying zoning district. Substantial change shall specifically include an increase of more than five (5) percent in the area of office use, any change in the building other than a cosmetic change and any change in the Site Plan that would directly affect surrounding property.
- c) The Zoning Enforcement Officer may issue an order for correction if the premises are not maintained in accordance with the approved plan. The order shall state the condition to be corrected, the manner of correction and the time within which correction is to be made. The Zoning Enforcement Officer may modify his order if he has been shown because why the condition cannot be corrected in the manner or time set forth or if reasonable progress has been made. Appeal of any part of the order may be made to the Zoning Board of Appeals.
- d) If the premises are sold or is occupied by a new tenant, the new owner or tenant shall obtain written certification from the Zoning Enforcement Officer that the new occupancy is in substantial compliance with the approved office development district plan before the premises is so occupied. If the Zoning Enforcement Officer determines that the new occupancy is substantially different, then the Planning and Zoning Commission shall approve an amended office development district plan in the same manner as approval of the original plan. The Zoning Enforcement Officer may determine that a new occupancy having less office space is in substantial compliance.

Section 16 Planned Development District

Intent and Purpose. It is the intent and purpose of this section to encourage innovation and flexibility in the use of the remaining large tracts of land in Seymour by allowing a mixture of residential, recreational and community uses in a single zoning district. It is the finding of the Planning and Zoning Commission that such uses can exist in harmony with each other and surrounding residential areas with adequate conditions and safeguards. With proper planning, the Planned Development District will result in a more efficient utilization of land and the preservation of greater areas of open space than what would result from conventional development.

16.1 Permitted Uses.

- 1) Any use permitted in the R-40 District as specified in Section 8 of these regulations.
- 2) Planned Residential/Recreational Community as defined in this section.
- 3) Specialized Housing for the Elderly as defined in this section.
- 4) Uses customarily incidental and subordinate to the above uses when located on the same lot. Uses accessory to a golf course shall include a clubhouse, which may contain a restaurant and banquet facility, pro shop, instruction programs, health and exercise facilities, swimming pool and tennis courts. Community buildings designed to provide for the physical or social needs of older persons are considered as accessory to a Planned Residential Community.

16.2 Development Standards.

16.2.1 Conventional Single-Family Subdivision. Single-family subdivisions shall be developed in accordance with the subdivision regulations of the Town of Seymour. The following shall apply:

- a) The number of lots permitted in subdivision shall be determined by dividing the adjusted tract area in square feet by forty thousand (40,000). The adjusted tract area is the gross or total tract area minus the open space area required by (b) below, the area of public or private rights-of-way, the area of wetlands and the area of land having a slope of twenty (20) percent or more that has not been designated as open space.
- b) At least twenty-five (25) percent of the gross parcel area shall be dedicated as permanent open space.
- c) Individual lot size, area, setback, and other requirements shall conform to the standards of the R-40 Zoning District.

16.2.2 Planned Residential/Recreational Community.

- a.) Required Open Space. At least thirty (30) percent of the total parcel area shall be reserved as permanent open space, which may be a golf course or other land which meets the definition of open space as set forth in C.G.S. 12-107b (3).

- b) Density. Required parcel area per dwelling unit shall be as follows:
1. 21,430 square feet for the first twenty-five (25) acres or part thereof.
 2. 35,700 square feet for any parcel area between twenty-five (25) and fifty (50) acres.
 3. 57,100 square feet for parcel area more than fifty (50) acres.

This section is intended in part to limit the development of very large parcels to a scale appropriate for the Town of Seymour. It shall not be used to allow a parcel to be divided into twenty-five (25) acre portions by either a present or subsequent owner so that maximum density will result. The Commission shall consider this intent when evaluating a request for a map change to PDD. The permitted density of any parcel subsequently changed to PDD shall be based on the area of the parcel, as it exists as of the effective date of this regulation.

The above sliding scale of density requirements shall apply only to dwelling units containing a single master bedroom and a second subsidiary bedroom. Dwelling units containing two (2) bedrooms of equal or nearly equal size or more than two (2) bedrooms shall be required to have at least fifty seven thousand, one hundred (57,100) square feet of parcel area regardless of total parcel area.

- c) Buildings. Either detached or attached one (1) family dwellings are permitted. No single structure shall contain more than four (4) dwelling units, and no dwelling unit shall be located above another dwelling unit. At least sixty (60) percent of the total number of dwelling units shall be in detached one (1) family units. No more than twenty-five (25) percent of the total number of dwelling units shall be in buildings containing four (4) dwelling units.
- d) Buffers. Land dedicated for open space purposes as defined in this section shall be located along the entire perimeter of the parcel area for a depth of at least one hundred (100) feet, except that the following shall apply:
1. A golf course fairway may be located within this one hundred (100) foot buffer area; however, tees, greens and any parking associated with the golf course shall be set back at least one hundred (100) feet from the perimeter of the project area wherever such perimeter abuts a residential property.
 2. The golf course clubhouse shall be set back at least three hundred (300) feet from the perimeter of the project area. Any other principal building shall be set back at least one hundred (100) feet from the perimeter of the project area.
 3. Buffer area may be included in calculation of required open space. Landscaping as described in Section 22 of these regulations shall be required in the buffer area if it has been disturbed during construction.
- e) Setbacks. Principal and accessory buildings shall meet the following setbacks:
1. Front: Thirty (30) feet from edge of roadway.

2. Side: Thirty (30) feet between buildings or a distance equal to the height of the tallest building, whichever is greater.
 3. Rear: Sixty (60) feet between buildings.
- f) Private yards. Each dwelling unit shall have at least four hundred (400) contiguous square feet of private yard for its exclusive use.
- g) Interior Roadways. All interior roadways shall be constructed to the standards specified in Section 4.5.2, Figure 1, of the Seymour Subdivision Regulations, except for width of pavement and right-of-way. Roadways shall have a paved travel lane at least twelve (12) feet in width for each direction of travel. Horizontal and vertical alignment shall be based on design speed and sound engineering practice, but in no event shall the horizontal curve radius at the centerline be less than thirty-five (35) feet. The maximum road grade shall be twelve (12) percent except that grades of up to fourteen (14) percent may be permitted for distances of one hundred (100) feet or less.
- h) Roadway Ownership and Maintenance. All interior roadways shall remain private in perpetuity, and town maintenance services shall stop at the perimeter boundaries of the project. The owner shall, by formal agreement with the Board of Selectmen, always agree to keep all roadways open and passable for town emergency services such as police, fire, and ambulance.
- i) Utilities. The community shall be served by the municipal sanitary sewer system and a public water supply. Electric power, telephone, and similar utility lines shall be underground.
- j) Access. Each group of fifty (50) or more dwelling units shall have a secondary accessway to a town road in addition to the principal accessway. The second access may be for emergency use only.

16.2.3 Signs. The following signs are permitted:

1. One freestanding sign, not to exceed twenty (20) square feet, identifying the development at each entrance onto town roads.
2. One (1) sign per building, not to exceed five (5) square feet, identifying internal community uses.
3. Golf course and clubhouse signs, not to exceed ten (10) square feet, at internal road entrances.
4. Street name and directional signs as required. All other signs are prohibited.

16.2.4 Specialized Housing for the Elderly. Development standards for specialized housing for the elderly are as specified in Section 11.1.5 of the Seymour Zoning Regulations, except that the following open space, density, and setback requirements shall apply:

- a) At least twenty-five (25) percent of the total parcel area shall be dedicated as permanent open space. The density standards set forth in b) and c) below shall be based on parcel area after deducting twenty-five (25) percent for required open space.
- b) At least five thousand (5,000) square feet of parcel area shall be provided for each bed in a nursing home, convalescent home or similar building.
- c) At least twelve thousand five hundred (12,500) square feet of lot area shall be provided for each complete dwelling unit in a congregate living, assisted living or similar facility.
- d) Principal buildings shall be set back at least one hundred (100) feet from the perimeter of the project area where such perimeter abuts a residential lot.

16.3 Application Procedures and Requirements.

16.3.1 Planned Residential/Recreational Community.

1. Composite Development Plan. A Composite Development Plan illustrating the proposed development of the entire tract shall be submitted to the Planning and Zoning Commission for its review. The plan shall illustrate the basic elements of the development such as number and location of dwelling units, circulation and parking, golf course layout or location and character of alternate open space, location and character of community buildings and other accessory uses. The plan shall be of a sufficient scale and degree of detail for the Planning and Zoning Commission to evaluate the above elements.
2. Supporting Plans and Studies. The following plans and studies shall be submitted with the Composite Development Plan:
 - a) Conceptual architectural elevations and floor plans of all buildings.
 - b) A description of the homeowner's association or other organization that will be responsible for providing long-term maintenance of roads, maintenance of any land in common interest ownership and provision on any community facilities or services designed to meet the physical and social needs of those ages fifty-five (55) or older.
 - c) Narrative describing qualification as fifty-five (55) or older housing exemption under the Fair Housing Amendments Act of 1988 and age verification procedures.
 - d) An environmental impact study including such topics as the effect of the proposed development on the wetland and watercourse's capacity to support fish and wildlife, to prevent flooding, to protect surface and ground waters, to facilitate drainage and to retain nutrients and control sediment.
 - e) A traffic analysis evaluating the adequacy of existing roadways to serve the proposed development, including intersection capacity. If a drop in level of service or any other

traffic problem is projected to result from the development, this report shall include a description of the way this problem is to be corrected.

- f) A phasing plan and tentative construction timetable shall be submitted if the development is to be constructed in more than one phase. Phase boundaries shall be shown on the composite development plan.
- 3. Action on a Composite Development Plan. The Planning and Zoning Commission may approve, modify, and approve or disapprove the Composite Development Plan. Any approval represents the Commission's acceptance of the basic elements of the Plan but does not constitute final zoning approval.
 - 4. Site Plan Approval. An application for Site Plan approval of either the entire project or an individual phase shall be submitted as specified in Section 10 of the Seymour Zoning Regulations. Where there is a conflict between the requirements of Section 10 and this section, the requirements of this section shall apply. It is recognized that minor changes may be necessary following detailed project planning; however, no Site Plan shall be approved unless it conforms to the Composite Development Plan, as approved or modified and approved with respect to its basic elements as set forth above. Site Plan approval shall represent final zoning approval.
- 16.3.3 Specialized Housing for the Elderly. An application for Site Plan approval as specified in Section 10 of these regulations shall be submitted. Where there is a conflict between the requirements of Section 10 and this section, the requirements of this section shall apply.
 - 16.3.4 Other Permitted Uses. Application procedures for other permitted uses shall be as required by the Seymour Zoning and/or Subdivision Regulations.

Section 17 Mixed-Use District MD

17.1 Intent and Purpose. The intent of this section is to provide flexibility to traditional zoning practice. Experience has shown that some development proposals have much merit but may not be able to conform to the letter of the zoning requirements of any zoning district. The purpose of this section is to permit such development with proper conditions and safeguards provided such proposal conform to the Plan of Conservation and Development. An applicant shall prepare a detailed project development plan as described herein in support of a request to establish a mixed-use district and demonstrate compliance with the intent and purpose of this section.

17.2 Location. The mixed-use district is a floating zone that may be established within the GI-2, LI-1, C-2, RC-3 and CBD-1 Zoning Districts.

17.3 Permitted Uses.

- 1) Any use allowed in the GI-2, LI-1, C-2 and CBD-1 Zoning Districts except as stated below and as qualified by Section 5.
- 2) Uses permitted in the MF District are allowed, except for detached one (1) or two (2) family dwellings on individual lots, and provided they be combined with a nonresidential use.
- 3) The following uses are not permitted:
 - a) Detached one (1) family dwellings on individual lots.
 - b) Fuel and Heating Oil Bulk Storage.
 - c) Mining and Processing of Earthen Material.
Earth Removal not as a part of site preparation.
 - d) Those uses prohibited by Section 8.1.c.

17.4 Zoning Requirements.

1. Except for permitted uses, zoning requirements shall conform to the body of the Seymour Zoning Regulations but may be modified as necessary by the project development plan.
2. The property shall be served by a public water supply.
3. Proposed uses shall reflect the comprehensive zoning plan and the way the several classes of land use are distributed throughout the Town. If the project borders a residential district, the proposed uses and their location on the site shall promote an acceptable transition between potentially incompatible uses.
4. Architectural design shall be of superior quality and aesthetically pleasing. The structures and their location on the site shall blend in with the surrounding neighborhood. Building setbacks shall not deprive the surrounding properties of adequate light and air. The total floor area of all buildings shall not exceed sixty-five (65) percent of total parcel area.
5. The project shall not cause undue congestion on adjacent streets or result in obvious traffic safety issues. Particular attention shall be paid to the capacity of nearby intersections.

6. The project shall not result in significant harm to the environment with respect to air quality, flooding, wetlands degradation, water quality and the like.
7. The Fire Marshal shall certify that adequate fire protection can be provided with respect to access to structures and building height.
8. Signage shall generally conform to the requirements of Section 19 of these regulations except such modifications as may be deemed necessary for the success of the project, shown on the Site Plan and in good taste as determined by the Planning and Zoning Commission during the review process.
9. Parking provided for retail use shall be at least two and one half (2 ½) spaces for each one thousand (1,000) square feet or retail sales area.

17.5 Contents of Project Development Plan.

1. A detailed statement of all uses, including accessory uses, proposed for the project.
2. A Site Plan per Section 10 of these Regulations.
3. Preliminary architectural plans including generalized floor plans, exterior elevations and complete description of exterior finish materials.
4. A graphic description of all signage, such signage to be shown on the plot plan.
5. A complete engineering report, including but not limited to storm drainage, flood potential, grading requirements including volumes, geotechnical data as appropriate, water supply details, sanitary sewer details, analysis of septic system, landscaping, lighting, and construction details.
6. A traffic study to include such topics as traffic volumes, pavement width, intersection capacity, safety considerations, pedestrian circulation, sight distances and any proposed street improvements.
7. An environmental assessment to include, at least, the effect on wetlands and watercourses, flooding potential, air quality, ground water and on wildlife if appropriate.
8. An analysis of parking requirements.
9. A statement of compliance with the Plan of Conservation and Development.
10. The Planning and Zoning Commission may request an independent review of the technical aspects of any of the above. The applicant shall pay the cost of such review.

17.6 Procedure for Establishing a Mixed-Use District.

1. The establishment of a Mixed-Use District requires a change in the zoning map and concurrent approval of the project development plan.

2. A preliminary project development plan as described in this section shall be submitted to the Planning and Zoning Commission for informal review and discussion. Following this review, the applicant may apply for a change in the zoning map.
3. Application for a change in the Zoning Map shall be made in accordance with the requirements of Section 23 of these regulations, except that the project development plan shall be submitted at the same time as the zone change application. The letter of application for the zone change shall state that it is the intent that the area of the zone change if approved will be developed only in accordance with the approved or amended project development plan. The Planning and Zoning Commission shall have the same legislative discretion in acting upon a mixed-use zone change that it has in acting upon any other zone change.
4. A public hearing on the zone change application shall be held in the usual manner, except that the project development plan shall be presented at the hearing to support the zone change application. Public comment on the project development plan shall be accepted at this hearing. The Commission may either close or continue the hearing at its discretion.
5. Following the public hearing, the applicant shall make any changes in the project development plan as deemed necessary. If changes are substantial, the Planning and Zoning Commission may hold a new hearing or hear evidence at a continued hearing.
6. The Commission may either approve the project development plan as presented or with modifications, or it may deny it if the project development plan does not meet all the requirements of this section.
7. The zone change application may be approved only after approval of the project development plan. The motion approving the zone change shall state that approval is given with the understanding that the area of the zone change is to be developed in full compliance with the approved project development plan, and that no certificate of occupancy will be authorized without such full compliance.
8. A zoning start permit shall be issued upon final review and the Commission may require approval of the Site Plan submitted with the project development plan together with such supporting documentation as.
9. The Commission may require surety for the completion of any off-site public improvements required by the project development plan, long-term maintenance of the septic system, or of any site improvement that would be a threat to public safety if not completed.
10. The project development plan may be amended, but such amendments shall comply with the requirements of this section. If the change is minor, it may be approved administratively. If it is a substantial change, the Commission may approve it. The Zoning Enforcement Officer may seek a ruling from the Commission on the question of a minor or substantial amendment.
11. If the initial development as approved is discontinued, abandoned or phased out in any manner the mixed-use designation shall remain in effect, but future development shall conform to either the original project development plan or a revised project development plan as approved by the Planning and Zoning Commission.

12. The Commission shall charge a fee for an application for a mixed-use district. This fee shall be based on the combined fees for 1) a Change in the Zoning Map, 2) a Zone Text Change and 3) a Site Plan review.

Section 18 Aquifer Protection District AQ

The following shall apply immediately after the effective date of aquifer protection regulations adopted by the Aquifer Protection Agency per Town of Seymour Code of ordinances Division 13. – Municipal Aquifer Protection Agency Sections Sec. 2-160.121, 122 and 123 dated April 20, 2004.

If any portion of a parcel of land is located within the Aquifer Protection District, no zoning permit shall be issued for such land unless an application has been made to the Aquifer Protection Agency or its Agent, and a permit has been issued for any activity regulated by the Agency, or a finding has been made that the application does not include a regulated activity.

Section 19 Signs

19.1 General. It is the intent of this section to regulate the height and size and location of all signs in the Town of Seymour, and the character of such signs to the extent necessary to protect the public safety convenience and continuity. No sign shall be erected, moved or altered without first having obtained a zoning permit, except for those signs exempt from zoning approval as specified in this section. Signs not expressly permitted by this section are prohibited.

19.2 Prohibited Signs. The following signs are prohibited:

- a) Billboards and all other signs that do not identify advertise or otherwise directly relate to the property on which they are located, except for existing billboards as specified in Section 8.2. This section is further intended to prohibit such signs within a Town or State right-of-way or other Town or State property.
- b) Hazardous Signs. Signs that are either within or hang over a public or private street or right-of-way, including a sidewalk; that are located within ten (10) feet of a street line in such a manner as to interfere with vehicular sight distance; that are otherwise located or maintained in a condition that is a hazard to pedestrians or vehicles.
- c) Roof Signs. Signs that are attached to the roof of a building except as may be allowed by special permit.
- d) Animated Signs. Signs that are flashing, revolving, oscillating, pulsating or otherwise animated which can be interpreted as an emergency vehicle as determined by the authority having jurisdiction.
- e) Improperly Lighted Signs. Signs that cast unshielded light directly upon an adjacent street or property.
- f) Excessive Height. Detached signs shall not exceed a height of twenty-four (24) feet.
- g) Stake in place signs. Signs of a temporary nature and bearing any type of advertising or business services that are made of a material that are staked in place are not allowed in any zoning district.

19.3 Permitted Signs. The following signs are permitted in any zoning district and do not require a permit except as noted:

- a) Traffic control, street name or directional signs within a public or private right-of-way or on private property. Such signs shall be of a standard size and design. (See C22, Section 53.)
- b) Regulatory signs such as No Hunting or No Trespassing, and the like.
- c) Signs bearing the name and address of the property owner.
- d) Political signs to be removed immediately after the election.

- e) Contractor's Signs. One (1) sign per contractor identifying the person or firm currently constructing or repairing a building, not to exceed sixteen (16) square feet.
- f) Temporary signs for public service, charity or similar events provided they are displayed for no more than thirty (30) days prior to the event and removed within seven (7) days after the event. Such signs shall pertain only to the event and shall contain no commercial message.
- g) For Sale or Rent Signs. One sign not to exceed ten (10) square feet advertising the sale or rental of land or buildings provided it is located on the same premises or on private property with the consent of the owner.
- h) Subdivision Signs. Signs advertising or identifying lots for sale in an approved subdivision, limited to one sign per subdivision not to exceed thirty-two (32) square feet. Signs identifying each lot by developer's lot number are also permitted.
- i) Repair and Maintenance. Operations that do not change the height, size, location or basic character of a sign including change of copy do not require zoning approval, but may require a building permit.
- i) Temporary banners provided they are approved by the Zoning Enforcement Officer and displayed for no more than thirty (30) days.
- j) Standard time and temperature signs are permitted as well as electronic signs provided the changing display of an electronic sign remains for a period of at least five (5) minutes.

19.4 4 Residential Districts. The following signs are permitted upon receipt of a zoning permit:

- a) Home Occupation Signs. For the sole purpose of identifying a home occupation and shall bear no advertising and not exceed an area of two (2) square feet.
- b) Special Permit/Site Plan. Signs associated with any use allowed by Special Permit or Site Plan approval are permitted. The location, number and size requirements for commercial/ or industrial districts as set forth below shall apply.

19.5 Commercial/Industrial Districts.

(a) Signs identifying and/or advertising for the principal use or uses on the lot are permitted. One (1) detached sign for each building is permitted. One (1) attached sign is permitted. One (1) sign for each business, service or tenant is allowed. The area of such sign shall be no more than ten (10) percent of the area of the front façade of the building where the business is located, but shall not exceed one hundred (100) square feet. A second such sign is permitted if the building fronts on or is clearly visible from a second street. The area of such sign shall not be greater than ten (10) percent of the area of the wall to which it is attached.

Subordinate signs such as directory signs or entry signs are permitted if they are shown on a Site Plan approved by the Planning and Zoning Commission and are not otherwise prohibited in these regulations.

- b) No detached sign shall be in a required side or rear yard that is adjacent to a residential zoning district.
- c) Banners or temporary signs of paper, cardboard, cloth or similar material advertising goods sold, or services rendered located outside a building-are allowed for a period not to exceed fourteen (14) days if associated with a grand opening or similar event. A Zoning Permit is required for such exterior signs.
- d) Sandwich Board/Sidewalk Signs located directly in front of the business served, outside of adjacent rights of ways or driveways, located so they do not block vehicular sight lines nor interfere with pedestrian traffic and are removed during non-business hours.

19.6 Non-conforming Signs. Signs lawfully existing at the time of enactment of this section and not conforming to its provisions shall be considered as non-conforming signs. A non-conforming sign shall not be changed as to height, size, location or basic character except in conformance with this section.

19.7 Special Permit Signs. Signs that do not meet the requirements of this section may be permitted by Special Permit granted by the Planning and Zoning Commission upon a finding that:

- a) The number, size, height and character of the requested sign(s) bear a reasonable relationship to the scale and characteristics of the associated use.
- b) The location does not present a hazard to public safety.
- c) The sign(s) do not cause an annoyance or nuisance to adjacent properties.
- d) The resulting signage is not considered excessive or unattractive according to standards reasonably acceptable to the community.
- e) The resulting signage demonstrates compatibility, continuity, and uniformity with existing signage in the vicinity.

Section 20 Off-Street Parking and Loading

Off-street parking and loading for all uses shall be provided as specified in this section.

20.1 Design Standards.

- a) Size. Each individual parking space shall be at least nine (9) feet by eighteen (18) feet.
- b) Accessways. Each parking space shall have direct access to a driveway or maneuvering lane. Accessways or driveways having no adjacent parking shall be at least twelve (12) feet in width for each direction of traffic. The width of accessways having adjacent parking shall be at least twenty-four (24) feet for ninety-degree (90°) parking, eighteen (18) feet for sixty-degree (60°) parking and thirteen (13) feet for forty-five-degree (45°) parking. Access to sixty-degree (60°) and forty-five-degree (45°) parking shall be one-way.
- c) Turning Radius. Parking lots shall be designed to accommodate passenger vehicles. The turning radius of all driveways and maneuvering lanes shall be at least twenty-four (24) feet.
- d) Grade. Driveways or accessways to parking areas for nonresidential uses, and parking areas for multifamily development, shall have a grade of ten (10) percent or less. All parking areas for nonresidential uses, and for multifamily developments, having a capacity of more than five (5) vehicles shall have a grade of five (5) percent or less.
- e) Traffic Islands. Parking lots with four (4) or more rows of parking shall contain islands to direct and control circulation.

20.2 Other Standards.

- a) Paving/Drainage. All parking lots having a capacity of more than four (4) spaces shall have a paved binder aggregate (a hot applied bituminous material or concrete product) bituminous surface or an alternative, properly bound all weather surface acceptable to the Planning and Zoning Commission. Storm water shall not be permitted to drain on to adjacent property.
- b) Lighting. The circle of illumination of any outdoor lighting shall be confined to the parking area. Lights shall be shielded or directed so that the source of light is not directly visible from the street or surrounding property.
- c) Marking. Parking spaces in all lots except for dwellings of four (4) families or less shall be marked with paint or otherwise individually delineated.
- d) Buffer. Parking lots in commercial or industrial districts that abut property in a residential district shall contain a suitable buffer of fencing, landscaping or other means to provide a reasonably opaque barrier along the property line. Buffer shall proportionate to the chosen buffer design with a minimum width of ten (10) feet.
- e) Use. Parking lots shall be used for the short-term parking of vehicles of occupants, employees, and patrons of the principal use. Storage of unused motor vehicles, trailers, boats, inventory, equipment and the like is prohibited.

20.3 Number of Spaces Required.

- a) Dwellings. Two (2) spaces per dwelling unit.
- b) Retail, Personal Services and Office. Five (5) spaces per one thousand (1,000) square feet of floor space in actual use for the purpose. Storage areas, hallways, stairs, and the like shall not be included for calculating parking requirements.
- c) Manufacturing. One (1) space for each five hundred (500) square feet of floor area. Determination of manufacturing technology can reduce the required number of parking spaces
- d) Warehouse, Distribution, Wholesale. One (1) space for each one thousand five hundred (1,500) square feet of floor area.
- e) Uses Having Fixed Seats. One (1) space for each four (4) seats. This requirement may be based upon expected percent of occupancy rather than total seats if the applicant can supply reliable supporting data.
- f) Eating/Drinking Places. One (1) space for each seventy-five (75) feet of floor area used for eating or drinking. Area of kitchen, storage and the like shall be excluded for purposes of calculating parking requirements. Establishment involving only take out service shall provide at least five (5) parking spaces per one thousand (1,000) square feet of gross floor area used for preparation and service of products.
- g) Hotels/Motels. One (1) space for each guest unit.
- h) Automotive Services. One (1) space for each employee plus one (1) space of each service bay.
- i) Cultural, Entertainment and Recreational Uses. One (1) space for each four (4) seats or service units. This may be based upon anticipated occupancy if reliable supporting data is provided, subject to the approval of the appropriate zoning official such as the Zoning Enforcement Officer, the Town Planner or the Town Building Official.
- k) Uses Not Specified. As determined by the applicant based on an analysis of parking needs as related to the scale of the operation subject to the approval of the appropriate zoning official such as the Zoning Enforcement Officer, the Town Planner or the Town Building Official.
- l) Reserved future parking. If the actual demand or need for off-street parking spaces for office park use can be shown to the applicable Planning and Zoning Commission's satisfaction to be actually less than the minimum required number of parking spaces for said use, the commission may permit the reservation of up to twenty-five (25) percent of the required spaces for future parking needs. Such reserved spaces shall be standard-sized, shown on the site plan and labeled "future parking," but landscaped for the present. The Commission may require the future construction of said reserved spaces, or portion thereof, within three (3) months of written notice to do so based upon a change in parking demand, a change of use or a change in traffic safety circumstances as determined by the commission. The Commission may consider evidence

of actual use and need in parking areas for similar uses, and other evidence presented by the applicant that would provide a reliable basis for the Commission's determination of actual need

20.4 Joint Use. Properties containing multiple uses, under the same ownership or control may share parking for up to one half (1/2) of the total required spaces provided that peak parking demand for the individual uses takes place at a different time with the approval of a Special Permit from Planning and Zoning Commission

Section 21 Landscaping

21.1 Landscaping, Screening, and Buffer Areas

The following standards are intended to enhance the appearance and natural beauty of the Town and to protect property values through preservation of existing vegetation and planting of new screening and landscaping material. Specifically, these standards are intended to reduce excessive heat, glare, and accumulation of dust, to provide privacy from noise and visual intrusion, and to prevent the erosion of the soil, excessive run-off of drainage water, and the consequent depletion of the ground water table and the pollution of water bodies.

For purposes of this Section, landscaping shall consist of any of the following, or combination thereof: grass, shrubs, hedges, and trees. With the approval of the Commission, existing natural vegetation, and unique site features such as existing stonewalls, large boulders or rock outcroppings may be included in the area used to satisfy this requirement. Detention basins and other storm water impoundment areas shall not be used to meet the minimum landscaped area requirement.

For purposes of this Section, the following standards are intended for development as specified in Section 8.1 a, Sections 10, 11, 15, 16 and 17.

21.2 General Requirements.

- a. Any disturbed portion of a developed lot or property that will not be used for the location of buildings, structures, accessory uses, off-street parking and loading areas, sidewalks, or similar purposes, shall be landscaped and maintained in order to minimize storm water runoff. All landscape material shall always be maintained.
- b. Landscaping, trees, and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and shall be maintained in a healthy growing condition. The property owner shall replace all landscaping, trees, and plants that do not meet the above requirements during the next planting season. The Commission shall maintain a list of unacceptable plant materials. All trees shall have a caliper of two and one half (2 ½) inches and a minimum height of ten (10) feet. The tree's caliper shall be measured three and one half (3½) feet from the top of the root ball.
- c. Irrigation may be required by the Commission for all landscaped areas, except one (1) family and two (2) family dwellings.
- d. The property owner shall maintain a screening fence or wall required by these regulations in good condition throughout the period of the use on the lot.
- e. The Commission may require all landscaping, trees, and planting material adjacent to parking areas, loading areas, or driveways to be protected by barriers, curbs, or other means from damage by vehicles. All curbing shall be constructed of bituminous curbing, concrete and/or granite.

- f. Existing healthy mature trees, if properly located shall be fully credited against the requirements of these regulations.
- g. Where lot size and shape or existing structures make it infeasible to comply with the requirements for a front landscaped area or landscaped parking area, the Planning and Zoning Commission may allow the applicant to substitute planters, plant boxes, or pots containing trees, shrubs, and /or flowers to comply with the intent of the regulations.

21.2.1 Buffer Area.

- a. The purpose of a buffer area is to provide privacy from noise, headlight glare, and visual intrusion to a residential zoning district. A buffer area, which shall be in addition to the landscape requirements contained in other sections of these regulations, shall be required for the following circumstances:
 - 1. The establishment of any use, other than a one (1) family, on a lot abutting, or directly across a street from, any lot in the residential zoning district.
 - 2. The establishment or expansion of any use, other than a one (1) family or two (2) family dwelling, on a lot or parcel abutting, or directly across a street from, any lot on which a one (1) family or two (2) family dwelling already exists.
- b. The minimum width of buffer areas shall be twenty-five (25) feet for all other lots located adjacent to a residential zoning district.
 - 1. Where lot size and shape or existing structures make it infeasible to comply with the minimum widths required above, the Commission may modify the width requirements provided the buffer area meets the intent of these regulations.

c. Nature of Buffer.

- 1. The buffer area shall be of evergreen planting of such type, height, spacing, and arrangement as, in the judgment of the Planning and Zoning Commission will effectively screen the activity on the lot from the neighboring residential zoning district. At a minimum, the planting shall consist of trees ten (10) feet in height at intervals of eight (8) feet on center or less. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place
- 2. An earthen berm, wall, or fence of location, height, design, and materials approved by the Planning and Zoning Commission may be substituted for any portion of the required planting and/or buffer area strip.

3. Where existing topography and/or landscaping provide adequate screening, the Planning and Zoning Commission may modify the planting and/or buffer area requirements.

21.2.2 Landscaped Parking Areas.

In addition to the front landscaping area and buffer area requirements, parking areas shall comply with the following standards:

- a. All parking aisles that contain more than five (5) spaces shall be required to have landscaped islands at each end. Each landscaped island shall be a minimum of nine (9) feet wide, the length of such island shall be equal to the dimension of the parking space that abuts the island. Each landscaped island shall contain a minimum of one (1) shade trees having a caliper of two and one half (2 ½) inches and a minimum height of ten (10) feet.
- b. Landscaped islands shall separate every two parking bays throughout the interior of all parking areas. The landscaped island shall be installed along the entire length of the aisle. Each landscaped island shall be a minimum of eight (8) feet wide with curb stops and ten (10) feet wide. At a minimum, one street shade tree having a caliper of two and one half (2 ½) inches and a minimum height of ten (10) feet shall be planted for each thirty (30) feet of landscaped island or a fraction thereof. A portion of the island may be used for accessible space access.
- c. Landscaped areas shall be provided along the perimeter of any parking area except where the parking area is functionally integrated with an adjoining parking area on an abutting lot. The landscaped area shall have a minimum dimension of ten (10) feet, shall be planted with grass or shrubs, and shall include at least one deciduous tree of not less than two and one half (2 ½) inch caliper, at least a minimum of ten (10) feet in height for every thirty (30) feet along the perimeter of the parking area.
- d. Landscaped areas shall be provided along all interior roads. The landscaped areas shall be installed along the entire length of the road, minus an intersecting road. The minimum width of the landscaped areas for all roads that provide access to the site shall be fifteen (15) feet. The minimum width of the landscaped areas for all other roads that provide access within the site shall be ten (10) feet. At a minimum, one (1) street shade tree having a caliper of two and one half (2 ½) inches and a minimum height of ten (10) feet shall be planted for each thirty (30) feet of linear landscaped area or a fraction thereof

21.2.3 The Planning and Zoning Commission may modify the requirements of deciduous trees if the lot size and shape or existing structures make it infeasible to comply with the minimum requirements.

21.3 Street Trees

Subject to existing conditions, development plans and at the discretion of the Seymour Planning and Zoning Commission, street trees shall be installed along all streets subject to the following conditions:

- a. All trees shall be planted within the road right of way at a minimum distance of five (5) feet from the edge of the roadway pavement. If the right of way is of insufficient width to meet this requirement or the Commission finds that the intent of this regulation is best served by planting outside of the public right of way, the Commission may permit the planting of the street trees outside of the public right of way. However, all street trees to be planted shall be planted within twenty-five (25) feet of the edge of the roadway.
- b. All trees shall be nursery stock, balled and burlapped and shall be a minimum of two and one half (2 ½) inches caliper, at least a minimum of ten (10) feet in height.
- c. One (1) street tree shall be planted for each seventy-five (75) feet of street frontage on both sides of the street.
- d. No tree shall be planted or left standing within thirty-five (35) feet of an intersection unless the Seymour Planning & Zoning Commission determines otherwise.
- e. Tree species shall be selected from the following list including, Red Maple, Red Oak, White Oak, Black Oak, Sugar Maple or Honey locust. The Commission may permit the substitution of another species of tree if it finds it suitable in characteristics for use as a street tree.

Section 22 Administration

- 22.1 No new buildings or structures, additions to existing buildings, excavation or filling of land, or change in the use of land or buildings shall be undertaken until a Zoning Permit has been issued and if required, a Site Plan or Special Permit approval has been given. Site Plan and Special Permit approval shall be given pursuant to Section 10 and Section 11 of these regulations. The Zoning Enforcement Officer may issue a Zoning Permit for any use allowed by administrative approval as specified in Section 8, except that no Zoning Permit may be issued for a parcel that does not have frontage on an approved Town or State Road or a public street as defined herein.
- 22.2 No Certificate of Occupancy required for a new building or additions or renovations to existing buildings shall be issued until it is certified in writing by the Zoning Enforcement Officer that such building, renovations or additions are in compliance with the Seymour Zoning Regulations. In the case of Site Plan or Special Permit approval, such certification shall state that the project as completed is in substantial compliance with the approved plan. A property survey certified to Class A-2 standards prepared by a Connecticut licensed land surveyor shall be required for new buildings and substantial additions to existing buildings before a Certificate of Occupancy is authorized. The survey shall show all substantial improvements.
- 22.3 The Planning and Zoning Commission may adopt such forms, fees, and procedures deemed necessary to enforce and administer these regulations effectively and fairly. In the case of a Site Plan or Special Permit, the applicant may be required to pay for the cost of special studies such as traffic, geo-technical engineering, drainage, and the like.
- 22.4 Where it has been determined by the Commission that it must consult with experts to analyze, review and report on areas requiring a detailed peer review in order to assist the Commission in evaluating the effect of a proposal on the Town, the Commission shall require the applicant to pay these costs. These fees will be paid to the Town for the Commission's uses prior to proceeding on the application based on a preliminary estimate from such experts, multiplied by one hundred fifty (150) percent. Upon completion of the technical review and full accounting of the charges owed or paid, all excess funds will be returned to the applicant.

Section 23 Enforcement

23.1 These regulations shall be enforced by a Zoning Enforcement Officer (ZEO) who shall be appointed by formal vote of the Planning and Zoning Commission. The Planning and Zoning Commission may appoint an individual hired for this purpose, a qualified Town employee, or the Planning and Zoning Commission itself as the Zoning Enforcement Officer. An Assistant Zoning Enforcement Officer may be appointed as needed. The Zoning Enforcement Officer shall serve under the direction of the Director of Land Use and Code Compliance Office for the Town of Seymour and enforce the regulations for the Planning and Zoning Commission and shall have the powers and duties specified by CGS 8-12 and 8-12a, and by these regulations.

23.2 The Zoning Enforcement Officer shall investigate all complaints of violations of these regulations except that preference will be given to written, signed complaints. The Zoning Enforcement Officer may discuss a complaint with the Planning and Zoning Commission and receive direction from the Commission before taking an enforcement action.

23.3 Possible Violation: Upon first becoming aware that a violation of these regulations may exist, it is the duty and responsibility of the ZEO(s) to review the facts and verify the violation. The ZEO will then issue a verbal and/or written notification of the facts of the possible violation to the individual property owner, or other person(s) responsible for the violation taking place.

23.4 The ZEO will determine the priority of possible zoning enforcement actions and deal with them accordingly as follows:

- 23.4.1 Possible violations that pose immediate danger to the public health, safety, and general welfare of the community.
- 23.4.2 Possible violations related to grading of land, the removal of earth or soil erosion and sediment control.
- 23.4.3 Possible violations related to development projects that are in the construction phase.
- 24.4.4 Those associated with neighbor/civil disputes will receive the lowest priority.

23.5 Notice of Violation and Request for Voluntary Compliance: Upon hearing any information provided by the individual property owner, tenant or other person(s) responsible, the ZEO may issue a Notice of Violation and Request for Voluntary Compliance. The ZEO will initiate dialogue and/or notify the individual property owner or other person responsible in writing of the violation and request voluntary compliance.

If the violation involves the grading of land, removal of earth or soil erosion and sediment control, or is determined to be an emergency or egregious in nature, a Cease-and-Desist Order may be issued (to be effective immediately) instead of a Notice of Violation. In such instances, the ZEO may issue such Order and then bring notice to the Commission at its next regular meeting.

- 23.6 Follow up Inspection: The Notice of Violation shall include a grace period to allow voluntary compliance, depending on the severity of the violation and the threat to public health, safety and welfare.
- 23.7 Upon expiration of the grace period, the ZEO will conduct a follow up inspection to determine if compliance has been achieved. If substantial progress has been made toward correction of the violation, the Commission may extend the grace period for up to an additional thirty (30) days.
- 23.8 Cease and Desist Order: If the first or second follow up inspection reveals that the property is still in violation, or if the violation and violator represent a persistent violation, the Planning and Zoning Commission may instruct the ZEO to issue a Cease and Desist Order. If the violation involves the grading of land, removal of earth or soil erosion and sediment control, or is determined to be an emergency or egregious in nature, the Cease and Desist shall require the violation to be corrected immediately.
- 23.9 Notice of Violation: Following the issuance of a cease-and-desist order or order to remedy a zoning violation by the ZEO, and the subsequent failure of the individual property owner, or other person(s) responsible, as the case may be, to comply with such order, unless any such order has been appealed to, and overturned by, the Zoning Board of Appeals:
- A. The ZEO or other authorized municipal agent shall place the intent to file a Notice of Zoning Violation on the agenda of the Planning and Zoning Commission.
 - B. The ZEO or other authorized municipal agent shall file the Notice of Zoning Violation on the Seymour Land Records.
 - C. Once any violation has been corrected to the satisfaction of the Planning and Zoning Commission and all fines or penalties been paid in full, the ZEO shall file a Notice of Release Zoning Violation on the Seymour Land Records.
- 23.10 Penalties: The owner or agent of a building, other structure, or property where such violation shall have been committed or shall exist, or the lessee or tenant of an entire building or an entire lot where such violation shall have been committed or shall exist or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in such violation or who shall maintain any building or premises in which such violations exist shall be subject to the penalties as provided in Chapter 124 of the Connecticut General Statutes, including any municipal fines as authorized by Town Ordinance #2001(c) approved October 16, 2001 by the Seymour Board of Selectmen as well as in accordance with CGS 8-12a.
- 23.11 Remedy through the Courts: The Planning and Zoning Commission may request the Board of Selectmen to direct Town Counsel to commence criminal or civil action in State or Federal court for enforcing the provisions of these Regulations.

Section 24 Zoning Board of Appeals

24.1 Establishment. There shall be a Zoning Board of Appeals (ZBA) consisting of five regular members and three alternate members established pursuant to Connecticut General Statutes (CGS) Section 8-5.

24.2 Powers and Duties. The Zoning Board of Appeals shall have the following powers and duties:

- a) To hear and decide upon appeals from any order, requirement or decision made by the Zoning Enforcement Officer, Assistant Zoning Enforcement Officer or Planning and Zoning Commission acting as the Zoning Enforcement Officer.
- b) To determine and vary the application of the zoning regulations in harmony with their general purpose and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially effecting such parcel, but not affecting generally the district in which it is situated, a literal enforcement of the zoning regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.
- c) To grant approval of location of a license for dealing in or repairing motor vehicles pursuant to CGS Section 14-54 and for the sale of gasoline and associated products pursuant to CGS Section 14-321 and Section 14-322.

24.3 Standards.

- a) Applications for approval of location pursuant to CGS Sections 22.1 d and Section 22.1 e above require a Site Plan prepared by a Connecticut registered land surveyor showing at least property lines, existing and proposed structures, driveways, parking and any other information that the Zoning Board of Appeals may reasonably require to properly evaluate the application.
- b) Any application that proposes the establishment of a new lot of record requires a property survey certified to Class A-2 standards prepared by a Connecticut licensed land surveyor of each lot to be established, and a separate application for each lot. If approved, the survey of each lot shall be filed on the land records.
- c) The ZBA may require a property survey certified to Class A-2 standards prepared by a Connecticut licensed land surveyor for an application for a yard or setback variance if the exact location of a property line is critical.
- f) Uses specifically prohibited by Section 8.1.c may not be allowed by variance in any zoning district. Uses allowed in one zoning district may be permitted by variance in another zoning district upon referral of the application to the

Planning and Zoning Commission and a finding by the Commission that the use change is not tantamount to a change in the zoning regulations or map, and is not contradictory to the comprehensive zoning plan.

24.4 Procedures.

- a) Applications shall be submitted on a form provided by the Zoning Board of Appeals together with any required plans or documents at least twenty-one (21) days before the meeting at which the application is to be considered.
- b) All applications to the Board require a public hearing. Notice and conduct of all hearings are to be as prescribed by Statute.
- c.) The Town shall provide to the Applicant with a Notice of Hearing sign to be posted on any property that is the subject of a public hearing before the Board. Such signs shall meet the following requirements:
 1. Minimum size of 2'x3'.
 2. Such sign shall be posted no more than five (5) feet from the street line and shall be clearly visible and readable from the street for the entire time of the required posting.
 3. Such sign shall be posted a minimum of ten (10) days prior to the date of the hearing.
 4. Such sign shall contain the following information: a. The statement "Notice of Hearing – Seymour Zoning Board of Appeals", b. Date of the hearing, c. Time of the hearing, d. Place of the hearing and e, the statement "For more information please contact at # or visit the Seymour Town Hall".
 5. Surrounding property owners within seventy-five (75) feet from the property boundaries shall be notified by "Certification of Mailing" by the Applicant of the impending Public Hearing before the Seymour Zoning Board of Appeals. Notice shall include a brief description of the proposed zone change, location of proposed zone change, date, location and time of public hearing, and an invitation to attend such hearing.
- d.) Submission of stamped receipt(s) of the "Certification of Mailing" with the letter shall be filed with the Seymour Land Use and Code Compliance Office as proof of notification within ten (10) days of the scheduled public hearing.
- e) Whenever a Zoning Board of Appeals grants or denies any variance in the zoning regulations applicable to any property or sustains or reverses wholly or partly any order, requirement or decision appealed from, the ZBA shall provide to the applicant and any aggrieved party in writing its reason(s) for its decision.
- f) An appeal of a decision, order or requirement as specified in Section 22.1 a shall be made within thirty (30) days of its receipt by filing an application to the Zoning Board of Appeals on the form provided. A copy of the decision, order or requirement appealed from shall be submitted with the application. The Board may reverse or affirm, totally or partly, or may modify any such decision, order, or requirement.

- g) The affirmative vote of at least four (4) members shall be required to approve any application or appeal to come before the Zoning Board of Appeals except that an approval of location approval will require only a majority vote.
- h.) All approved variances shall be filed on the land records by the applicant on a form provided by the Board before they become effective with a copy returned to the ZEO soon after.

Section 25 Amendments

- 25.1 These regulations and the boundaries of the zoning districts established hereunder may be from time to time amended in accordance with the provisions of this section and the provisions of CGS Chapter 124. Applications for zoning amendments shall be accompanied by a filing fee as established by the Planning and Zoning Commission.
- 25.2 An application for a change in the text of the regulations shall include a letter of application explaining the reason for the proposed change and ten (10) copies of the precise wording of the existing and submitted text amendment.
- 25.3 For petitions concerning the Zoning Map, ten (10) maps shall be submitted meeting the following requirements:
- 25.3.1 Showing the area of the proposed zone change drawn to scale of not less than two hundred (200) feet to the inch.
- 25.3.2 Showing the area of the proposed zone change and all lots within five hundred (500) feet of the proposed change and a list of the names and address (mailing if different) of the current property owners as indicated in the Seymour Assessor's records.
1. Surrounding property owners within five hundred (500) feet from the property boundaries shall be notified by "Certification of Mailing" by the Applicant of the impending Public Hearing for a Zone Change. Notice shall include a brief description of the proposed zone change, location of proposed zone change, date, location and time of Public hearing, and an invitation to attend such hearing.
 2. Submission of stamped receipts of the "Certification of Mailing" with the letters shall be filed with the Seymour Land Use Code Compliance Office as proof of notification.
- 25.3.3 Delineating the existing and proposed zoning boundary lines.
- 25.3.4 Meeting the requirements of a property survey certified to Class A-2 prepared by a Connecticut licensed land surveyor.
- 25.4 An applicant for a change in the zoning map shall either own or have a written option to purchase all the land included in the proposed change. The Commission may accept an application that includes land not owned by the applicant if a written letter of approval from each of the other owners is submitted.
- 25.5 A change of zone or in the text of the regulations initiated by the Town of Seymour shall be exempt from the requirements of Section 25, but not the prescribed requirements of Connecticut General Statutes Section 8-3.

- 25.6 Both the application for a change in the text of the regulations and application for a change in the zoning map shall require a Public Hearing within sixty-five (65) days after receipt of application by the planning and Zoning Commission.
- 25.7 In considering either the application for a change in the text of the regulations or an application for a change in the zoning map, the Commission shall state on the record its findings on consistency of a proposed zoning regulation or boundaries or changes thereof with the Seymour Plan of Conservation and Development, as amended.
- 25.8 The Town shall provide to the Applicant with a Notice of Hearing sign to be posted on any property that is the subject of a public hearing before the Board. Such signs shall meet the following requirements:
1. Shall be visible to the public.
 2. Minimum size of 2' x 3'.
 3. Such sign shall be posted no more than five (5) feet from the street line and shall be clearly visible and readable from the street for the entire time of the required posting.
 4. Such sign shall be posted a minimum of ten (10) days prior to the date of the hearing.
 5. Such sign shall contain the following information: a. The statement "Notice of Hearing – Seymour Planning and Zoning Commission", b. Date of the hearing, c. Time of the hearing, d. Place of the hearing and e, the statement "For more information please contact at # or visit the Seymour Town Hall".
- 25.9 If a protest is filed before such Hearing with the Commission against the proposed change, signed by owners of twenty percent (20 %) or more of the area of lots included in such change, or of the lots within five hundred (500) feet in all directions of the property change, such change can only be adopted by a vote of two-thirds (2/3) of all the members of the Commission.

Section 26 Validity and Severability

If any section, paragraph, sub-section, clause or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, sub- section, clause or provision so adjudged, and the remainder of these regulations shall be deemed valid and effective.

If any section, paragraph, subdivision, clause or provision of these Regulations shall be adjudged invalid or unconstitutional for any reason, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these Regulations shall be deemed to be and shall continue to be valid and in full force and effect.

Section 27 Effective Date

These regulations shall become effective on April 1, 2023. All other zoning regulations of the Town of Seymour are hereby repealed as of said effective date.