



**ZONING REGULATIONS**

**BOROUGH OF NAUGATUCK,**

**CONNECTICUT**

## Zoning Commission Interpretations

- 4-19-1989     Parking – Section 42.5.5 of the Zoning Regulations is for congregate housing Plus 3 additional spaces for staff.
- 2-21-1990     Day Care Facility- Any day care facility running out of one’s home that has six children or less does not require a special permit. It will be considered under home occupation.
- 3-21-1990     Mobile Trailer- To consider the temporary use of a mobile trailer in a business zone under the same conditions as residential.
- 4-25-1990     Section 24.10- the 10% of marshes and ponds and wetlands applies to minimum lot size.
- 8-21-1991     Schedule A, B-8 B- The “patient accommodation” means 2500 sq. ft per room.
- 10-16-1991    Schedule B, 6.4 “Additional” to mean added to other setbacks or in addition to other required setbacks.
- 10-16-1992    Schedule A, A-7. A. - “Poultry” defined as any game that can be raised for the purpose of eating the meat or eggs and includes ducks, chicken, turkeys, pigeons etc.
- 11-20-1991    The Certified Mail Notifications (by the applicants) on both zone change applications and applications to the Zoning Board of Appeals- As it relates to condo developments to mean those “buildings/units within the required distances which includes notice to the association/management”.
- 10-20-1993    That the RA-2 zone does not allow single-family homes.
- 12-15-1993    The second paragraph of section 42.5.7 to mean any shopping center over 100,000 sq. ft.; be it one large retailer or a number of retailers. So either would apply under this parking regulation if the total square feet of the building or buildings were over 100,000 square feet.
- 5-4-1994      Scoreboards would use the guidelines of signs.
- 5-18-1994     That an electric fence for commercial purposes was an enclosure.
- 9-21-1994     Parking requirements for a bank in a B-1 zone to be one space for each 180 square feet of floor area.

- 12-13-1995 Schedule A item 8 to mean that no horse should be within 100 feet of an adjoining property when associated with a special permit.
- 6-18-1997 Section 31 to mean that bringing in more than 350 cubic yards of material to a lot also requires a sand and gravel permit as does taking more than 350 cubic yards out per lot.
- 1-21-1998 Section 21.2.3- Allows R-15 development without public water and sewers provided the development complies with all other applicable land use regulations affecting the development, including but not limited to the Connecticut Public Health Code and the Naugatuck Valley Health District Regulations.
- 1-21-1998 Section 31.2.5.1- would include land depicted by the subdivision plan plus any adjacent land wherein the proposed site activities on the adjacent land do not involve use of borough streets.
- 7-13-2005 Permitted Uses- Schedule "A"- Section 23 Interpretation of Zoning Regulations Schedule A, as it pertains to the Business Districts and Professional Banks and other Primary Institutions with regard to being allowed in a B-4 zone over 10,000 sq.ft.
- 7-20-2005 Districts – Section 21.2.3 Intent is to protect landowners already in R-30, prior to the revisions of the zoning regulations in January of 2005 that have well/septic service. The intent was to eliminate the necessity of those landowners from having to come in for a zone change from R-30 to R-45. The intent was not to give people coming in for a zone change the choice of changing to R-30 when they have well/septic service- but rather only allow zone changes to R-45 or R-65 district is defined as areas where wells and septic service are used.
- 7-16-2008 Intent - Section 42.1 and Earth grading, fill & grading associated with site development - 42.2 of the Zoning Regulations as, "it applies to all construction and grading activities upon any approved or unapproved lot in the Borough of Naugatuck being residential, commercial or private".
- 3-18-2009 Intent – Section 23.1 Schedule A "processing" in our previous and current regulations as it applies to allow uses in I-1 and I-2 Districts, does not mean sifting, screening, crushing, or refining of earth materials including concrete, asphalt or modifications thereof.
- 7-15-2009 Section 24.4.4 Regarding narrow streets in a manner wherein any corner lot that fronts two separate narrow streets need only comply with additional setback requirements on one of the two streets.

**ZONING REGULATIONS**

**BOROUGH**

**OF NAUGATUCK,**

**CONNECTICUT**

*N. Warren Hess, Mayor*

**Naugatuck Zoning Commission**

Wayne Malicki, Chair

Neil Mascola, Secretary

Richard Cool, Vice Chair

Thomas Kiernan

Eileen Bronko

Attila (AJ) Bordas, Alternate

, Alternate

, Alternate

## ZONING REGULATIONS BOROUGH OF NAUGATUCK

Adopted: August 15, 1983

Effective: September 15, 1983

Amended to: February 14, 1984

May 31, 1986

\*December 7, 1987

\*Note: Amendments effective Dec. 7, 1987  
were null and void.

July 15, 1988

September 16, 1988

March 2, 1989

April 18, 1989

June 1, 1989

\*Note: Amendments effective June 1, 1989  
were null and void. (effective January 10, 1990)

August 11, 1989

August 20, 1989

April 16, 1990

August 7, 1990

November 15, 1990

January 6, 1991

February 9, 1991

May 20, 1991

October 1, 1991

March 24, 1992

May 26, 1992

January 15, 1993

April 1, 1993

November 1, 1993

\*May 25, 1999 Schedule B Charts replaced  
no changes to content, only format.

Section 57 January 7, 2000

Section 41.4 February 12, 2001

Section 58 April 22, 2003

Comprehensive Revision of the  
Regulations January 1, 2005

Section 45 June 1, 2006

Section 58 November 15, 2006

\*Note: Regulations for the creation of Rubber  
Avenue Design District, New Haven Road  
Design District North, New Haven Road Design  
District South added as part of Amendment.  
Effective December 1, 2007  
Amended sections include:

Section 21.1  
Section 21.2.19  
Section 21.2.20  
Section 23 Schedule A  
Section 23 Schedule B  
24.7.4  
26.5.10  
32.1.1  
32.1.4 (a)  
33.2.4  
58.2 (b)

Amendments Effective  
January 1, 2008.  
Sections Amended:  
Soil and Erosion Control  
32.4  
34.3.3  
36.1  
36.2.2  
36.3  
36.5.3  
36.6  
36.7

\* Regulation for creation of Special  
Downtown District (SDD)  
Effective April 1, 2008  
Section 59 (SDD)

\* Note: Amendments Effective  
June 1, 2008.  
Section 43.9, Non- Conformity  
Zone Amendment: New Haven Road  
Design District.

\* Note: Text Amendment Effective  
July 1, 2008.  
Section 25.6.5, Portable Structures

\* Note: Text Amendment Effective  
June 1, 2009  
Section 23.1 Schedule A, Dwelling  
Units RADD & NHRDD

- \* Note: Zone Amendments, Town wide R-65 Zones Effective August 15, 2010
- \* Regulation for creation of a Plan Development District (PDD) #11 Effective August 18, 2010
- \* Note: Zone Amendment, I-2 & R-15 to a B-2 Zone, Prospect Street Effective September 15, 2010
- \* Text Amendment Effective October 20, 2010  
Section 29 Floodplain
- \*Text Amendments Effective May 1, 2011  
Section 44 Alcoholic Beverages
- \*Text Amendments Effective September 1, 2011  
Section 58 Age Restricted Residential Development
- \*Text Amendments Effective September 17, 2013  
Section 42 Earth Excavation, Fill & Re-Grading
- \*Text Amendments Effective December 1, 2013  
Section 27 Signs
- \*Text Amendment Effective May 1, 2014  
Section 23.1, Schedule A, to allow by special permit dwellings containing 2 or more units in the B-2 zone
- \*Text Amendments Effective August 1, 2014  
Section 32.2.1 Site Plan Application Addition of #21

\*Text Amendments Effective  
August 1, 2014  
Section 24.1, Schedule B, line 5.4  
Section 24.4.3a  
Section 24.4.10  
Section 26.5.8

\*Text Amendments Effective  
May 1, 2015  
Section 59 SDD #1

\*Text Amendments Effective  
June 17, 2015  
Sections 25.4.3, 25.6.3, 25.6.4

\*Text Amendments Effective  
January 16, 2016  
Section 44.1.4

\*Text Amendments Section 59.2  
Effective February 13, 2016  
SDD #1

\*Text amendment Section 58  
Effective April 20, 2017  
Removes requirement to  
maintain age restriction for  
developments prior to 12/14/05

\*Text amendment Section 23  
Effective June 16, 2017  
Allowing 1<sup>st</sup> floor  
residential with commercial  
component on same lot.

\*Text amendment Section 24.4.2  
Effective July 15, 2017  
Handicapped access ramps

\*Text amendment Section 21.2.7  
Section 23, Schedule A  
Section 24.1, Schedule B  
Effective December 15, 2017  
Allows for a single family home  
to be built in an RA-2 zone



\*Text amendment Section 27.2.1, 27.3.6, 27.12.3 and add Sections 27.19, 27.19.1, 27.19.2 for Electronic Messaging Center Signs (EMCS) Effective December 19, 2018

\*Note: Zone Amendment, 6 properties on Rubber Avenue from R65 to RADD Effective June 3, 2019

\*Note: Zone Amendment 18 Hillside Avenue from RA-1 to RO-1 Effective June 3, 2019

\*Note: Zone Amendment, 11 properties in Bridge Street area from various residential districts to B-2 Effective December 5, 2019

\*Text amendment Effective June 8, 2020 Section 58A Senior Residential Community

Kara M. Keating, Borough Clerk  
January 11, 1988 – November 21, 1994

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Judith E. Crosswait, Borough Clerk  
June 1, 1995 – August 31, 2009

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Nancy DiMeo, Borough Clerk  
September 1, 2009 -

**ZONING REGULATIONS  
BOROUGH  
OF NAUGATUCK,  
CONNECTICUT**

**ADOPTED: May 26, 1958**

**EFFECTIVE: June 8, 2020**

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**Nancy DiMeo  
Borough Clerk**

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# **ARTICLE I - GENERAL PROVISIONS**

## **SECTION 1 - JURISDICTION**

### **1.1 JURISDICTION**

Within the Borough of Naugatuck, no land, building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these Regulations. No lot or land shall be subdivided, sold, encumbered or conveyed so as:

- (1) to make said lot or land nonconforming or more nonconforming to these Regulations;
- (2) to make any use, building or other structure nonconforming or more nonconforming;
- (3) to reduce any setback, yard, open space or off-street parking and loading spaces less than is required by these Regulations;
- (4) to make any nonconforming setback, yard, open space or off-street parking and loading spaces more nonconforming.

### **1.2 AUTHORITY**

These regulations as well as revisions and amendments are adopted by the Borough of Naugatuck Zoning Commission under the authority of the General Statutes of the State of Connecticut.

### **1.3 PURPOSES**

These regulations are adopted for the following purposes:

- 1.3.1** To promote the health, safety, morals, and general welfare of the community.
- 1.3.2** To promote the quality of life and economic viability.
- 1.3.3** To facilitate adequate transportation, water, sewerage, schools, parks and other public benefits.
- 1.3.4** To regulate the height, number of stories and size of buildings and other structures.

**1.3.5** To divide the Borough into zones of such number, shape and area as may be best suited to carry out the purposes of these regulations.

**1.3.6** To regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land in such zones.

**1.3.7** To secure safety from fire, panic, flood and other dangers.

**1.3.8** To provide adequate light and air.

**1.3.9** To regulate the density of population and the location and use of buildings, structures, and land for trade, industry, residence or other purposes.

**1.3.10** To encourage the most appropriate use of land throughout the Borough, thereby conserving the value of properties.

**1.3.11** To compliment and further the policies of the Plan of Conservation and Development.

#### **1.4 BASIC REQUIREMENTS**

No land, building or other structure shall be constructed, reconstructed, enlarged, extended, moved, altered or placed except in conformity with the regulations herein specified for the Borough.

#### **1.5 VALIDITY**

If any section, paragraph, sentence, clause or phrase of these regulations shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court or competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of these regulations

## **SECTION 2 - CERTIFICATE OF ZONING COMPLIANCE**

### **2.1 CERTIFICATION**

No building or other structure, or part thereof, shall be constructed, reconstructed, enlarged, extended, moved or structurally altered until an APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE has been approved by the Zoning Enforcement officer. No land, building or other structure, or part thereof, shall be used or occupied or changed in use, until an APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE therefore has been approved by the Zoning Enforcement Officer and until a CERTIFICATE OF ZONING COMPLIANCE therefore has been issued by the Zoning Enforcement Officer certifying conformity with these Regulations. No CERTIFICATE OF ZONING COMPLIANCE, however, is required for a farm, forestry, truck garden or nursery use when no livestock is to be kept. All applications for a Certificate of Zoning Compliance shall be submitted and approved in accordance with the provisions of Section 52, and all Certificates of Zoning Compliance shall be issued in accordance with said Section.

## **SECTION 3 - DISTRICT AND BOROUGH-WIDE PROVISIONS**

### **3.1 DISTRICTS**

As provided in Section 21, the Borough of Naugatuck is divided into classes of districts. Such districts are established on the Zoning Map specified in Section 22 for the uses specified in Section 23. The area, location and bulk standards applicable to uses noted in Section 23, Schedule "A" Permitted Uses, are specified in Section 24.

### **3.2 PERFORMANCE STANDARDS**

The use of land, buildings, and other structures, wherever located, shall be established and conducted so as to conform to the performance standards specified in Section 41.

### **3.3 OFF STREET PARKING AND LOADING**

Parking and loading spaces shall be provided off the street for any use of land, buildings, and other structures as specified in Section 26.

### **3.4 SIGNS**

All permitted signs shall be established in accordance with the requirements of Section 27.

### **3.5 NONCONFORMITY**

Any use, building or other structure or any lot which existed lawfully, by variance or otherwise, on the date these Regulations or any amendment hereto became effective, and fails to conform to one or more of the provisions of these Regulations or such amendment hereto, may be continued subject to the provisions and limitations of Section 41.

### **3.6 INTERPRETATION OF ZONING REGULATIONS**

When a question arises as to the exact intent of the Regulations, the Zoning Commission shall by Resolution, determine the precise meaning giving due consideration among other factors to all applicable sections of these Regulations and previous interpretations made by the Commission. All interpretations, and reasons for adopting said interpretations, shall be maintained in perpetuity in the minutes of the Zoning Commission and shall be indexed in said minutes under the heading "Interpretations" as well as under the heading of the specific item under interpretation. (See Appeals 51.2.1, regarding decision of Zoning Enforcement Officer.)

### **3.7 ZONING DISTRICT BOUNDARIES**

**3.7.1** Unless otherwise indicated on the Zoning Maps, the zoning district boundary lines are the center line of streets, the middle of the channel of waterways, the center line of main tracks of railroad lines, or the center of utility rights of way.

**3.7.2** In cases of uncertainty, the exact location of the zone boundary shall be determined by the Zoning Commission.



## **SECTION 4 - DEFINITIONS**

- ABUTTING – Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.
- ACCESSORY – A term applied to a building or use clearly incidental or subordinate to and customary in connection with the principal building or use on the same lot.
- ACCESSWAY – A dedicated means of vehicular approach, entry to, or exit from property.
- ADJACENT – Touching or contiguous.
- APARTMENT – A room or suite of rooms, with toilet and culinary accommodations, used or designed for use as a residence by an individual or a family, located in a building containing two or more such rooms or suites or located in a building devoted primarily to non-residential use.
- ARTERIAL STREET – Roads located in the business districts of Naugatuck which service heavy traffic, such as Rubber Avenue, New Haven Road and Prospect Street.
- BED AND BREAKFAST – An owner-occupied building designed for and used as a single-family or two family dwelling that provides four or fewer lodging rooms or accommodating no more than eight adults, in which overnight accommodations and a morning meal are provided to transients for compensation, and that is open to the traveling public for a stay not to exceed 20 days.
- BELT COURSE – A projecting horizontal band of masonry, wood or similar material around the façade of a building.
- BUFFER STRIP – A strip of land along a property line or zone line abutting properties zoned residential, which may be a part of the minimum yard requirements, and at the discretion of the Commission may be within a residential district.
- BUFFER ZONE – A parcel of land established to separate incompatible adjacent land uses, such as a residential use. The area may include walls, fences, screen plantings or earthen mounds (berms) to insulate the adjoining properties from noise, traffic or visual intrusions.

- BUILDING –** A structure having a roof supported by columns or walls along whose outside face can be traced an unbroken line for the complete circumference of the building, which is permanently affixed to a lot(s) for the housing or enclosure of persons or animals, and shall include each of the independent units into which it is divided by party walls or connections of two buildings. Except as otherwise indicated, "buildings" as used in these Regulations shall be deemed to include "structures."
- BUILDING AREA –** The aggregate of the maximum horizontal cross section area enclosed by the walls of all buildings on a lot, together with the area enclosed by the columns of all covered porches and similar roofed structures.
- BUILDING FRONTAGE –** Those building elevations that face upon a road or a parking area between the building and the road.
- BUILDING HEIGHT –** The vertical distance measured from the average level of the finished grade adjacent to the exterior walls of the building to the mean height between eaves and ridge for gable, hip, and gambrel roofs, or to the highest point of any other type of structure.
- BUILDING INSPECTOR –** The administrative officer charged with the duty of enforcing the Borough Building Code.
- BUILDING PERMIT –** A certified permit issued by the building inspector, giving the applicant permission to construct or alter a specified structure.
- BUILDING SETBACK LINE –** The line within a lot defining the minimum required horizontal distance between the principal building or use to be erected and an adjacent street or lot line.
- BULK REGULATIONS –** 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 sufficient light, air, and open space on the ground and at all levels of a building

and second, to maintain a compatible and pleasing appearance.

**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 rays of the sun and from rain and weather.

**CERTIFICATE OF OCCUPANCY –** Official certification that a premise conforms to provisions of the zoning ordinance and building code and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be occupied.

**CHARITABLE INSTITUTION –** Any partnership, association, corporation or other group whose activities are conducted for selfless, civic, or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group. Such institution may include, but shall not be limited to, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities.

**CHURCH –** A house of worship.

**CLUB –** An association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose whose activities are confined to the members and guests, are not extended to the general public, and include the establishment so operated.

**CLUSTER OR OPEN SPACE DEVELOPMENT –** A development for residential, commercial, industrial, institutional, or a combination of such uses in which the uses are grouped development, or “clustered” through a density transfer, rather than spread evenly throughout a parcel as in conventional lot-by-lot development. A zoning ordinance may authorize such development by permitting smaller lot sizes if a specified portion of the land is kept in permanent open space, either through public dedication, creation of a homeowner association, or other means approved by the municipality.

- COMMISSION – The term "Commission" shall mean the Zoning Commission of the Borough of Naugatuck.
- COMMON DRIVEWAY – A driveway which shall serve no more than three interior lots.
- COMMUNITY CENTER – A building used as and providing a place of meeting for religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.
- CONDOMINIUM – An apartment house or town house, in which dwelling units are individually owned. Each owner receives a deed enabling him or her to sell, mortgage or exchange his or her dwelling unit independent of the owners of the other units in the building.
- CONVALESCENT HOME – An institution licensed by the State Department of Health having facilities and all necessary personnel to provide services of a personal nature, nursing care under medical supervision and direction to carry out non-surgical treatment and dietary procedures for chronic diseases or convalescent stages of acute diseases or injuries.
- CORNICE – Any horizontal member, structural or non-structural, projecting outward from the exterior walls at the roof line, including eaves and other roof overhangs.
- COVENANT – An agreement written into deeds and other instruments promising performance or nonperformance of certain acts or stipulating certain uses or non-uses of property. There may be certain legal requirements for formal establishment of a covenant such as a written document, a mutual interest in the property, a concern with the use of land rather than with individual characteristics of ownership.
- COVERAGE – That percentage of the lot area covered by the combined area of all buildings or structures on the lot.
- CUL-DE-SAC – A dead end street with a circular turn around at the end.
- CURB CUT – A depression in a curb allowing access to or from a road.

DAY CARE  
CENTER,  
ADULT –

A facility providing care for five or more elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

DAY CARE  
CENTER,  
CHILD –

A facility which offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis for a part of the 24 hours in one or more days in the week.

DAY CARE HOME,  
FAMILY –

A private family home in which a permanent occupant of the dwelling, licensed by the State Department of Health, provides for the care of six or fewer children, including the provider's own children not in school full time, for a portion of a 24-hour day not less than three hours nor more than twelve hours.

DENSITY –

The average number of families, persons, or house units per unit of lands; usually density is expressed as units per acre.

DEVELOPMENT  
RIGHTS –

The right of a land owner to develop his or her land to its highest and best use restricted by provisions of the zoning ordinance. An owner can retain title to his or her land and sell the development rights to another person, agency, or group. They become the only ones who may then develop the land. This is often done to ensure that land remains in its present state. By selling the development rights to a conservation group or a land trust, the land is assured of maintaining its status quo while remaining in private ownership.

DRIVE-IN

ESTABLISHMENTS – A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to either serve patrons while in the motor vehicles or else intended to permit consumption in the motor vehicle of food or beverage obtained by a patron from said business establishment. (e.g. restaurants, service stations, cleaners, banks, theaters, etc.)

- DRIVEWAY – A private way providing access to a public street.
- DWELLING – A "dwelling" is a building containing one or more dwelling units.
- DWELLING, ATTACHED – A dwelling having any portion of one or more walls in common with another dwelling.
- DWELLING, MULTIPLE FAMILY – A dwelling containing three or more dwelling units.
- DWELLING, ONE FAMILY – A detached dwelling containing one dwelling unit.
- DWELLING, TWO FAMILY OR DUPLEX – A dwelling containing 2 dwelling units.
- DWELLING UNIT – A dwelling or portion thereof, providing a single housekeeping unit with living, sleeping, cooking, eating and bathroom facilities.
- EASEMENT – A right given by the owner of land to another party for specific limited use of that land, i.e., a property owner may give or sell an easement to allow utility lines to cross his property or to allow access to another property.
- EATING PLACES – A business establishment open to the general public for the primary purpose of serving prepared food for consumption on the premises.
- EAVE – The projecting lower edge of a roof overhanging the wall of a building.
- EMINENT DOMAIN – The legal right of government to acquire or "take" private property for public purposes upon paying just compensation to the owner.
- EROSION – The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

- FAÇADE – The exterior wall of a building exposed to public view or that wall viewed by persons not within the building, extending from grade to the top of the parapet, wall or eaves, and including the entire width of the building elevation.
- FAMILY – A "family" is a person or a group of related persons, plus guest and domestic servants thereof, or a group of not more than six (6) persons who need not be so related who are living as a single housekeeping unit maintaining a common household. A roomer or boarder to whom rooms are let and/or board is furnished as permitted by these Regulations shall not be considered a member of a family for the purpose of this definition.
- FARM – A tract of land containing five (5) acres or more, used in whole or in part for agricultural purposes, excluding raising of fur bearing animals and swine for commercial use, slaughter house and fertilizer manufacture.
- FIRM – Flood Insurance Rate Map -The final official map used in the regular phase of the federal Flood Insurance Program. It reflects flood boundaries, elevations and insurance risk zones.
- FLOATING ZONES – A zoning district whose requirements are fully described in the text of the ordinance 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 unit developments and industrial parks.
- FLOODPLAIN – The land area susceptible to inundation by water as a result of flooding.
- FLOOR AREA – In determining compliance with maximum floor area requirements for an office in a "dwelling unit" of a "customary home occupation" in a "dwelling unit", only finished livable floor area having a ceiling height of at least seven (7) feet shall be counted and shall exclude garages, terraces, outside vestibules, bay windows, any basement rooms, enclosed porches not heated by a central heating system for the "dwelling" and hallways and other space designed for common use by occupants of two (2) or more "dwelling units". Measurements of floor area for any "dwelling, or

"dwelling unit" shall be taken from the inside surfaces of exterior walls or partitions enclosing the floor area. Any floor other than a ground floor must have access thereto by a permanent inside stairway to be included in computing floor area.

- FLOOR AREA RATIO (F.A.R.) – The floor area of buildings on a lot divided by the area of such lot.
- FOREST LAND – Any land which is listed with the city assessor as forest land for tax purposes and that has 25 acres or more of woodland.
- FORESTRY – Only permitted on forest land.
- FRONTAGE – All property abutting the side of a street in which the building faces.
- GARAGE, PRIVATE – An accessory building or portion of a principal building used for storage as an accessory use.
- GARAGE, VEHICLE REPAIR AND/OR SERVICE – A commercial garage or gasoline station used for repairing, overhauling, removing, adjusting, replacing, assembling or disassembling any parts of any motor, engine, or vehicle.
- GASOLINE STATION – Any lot, building or part thereof, used for the sale of gasoline or motor vehicle fuel which may include facilities for lubrication, washing, or otherwise servicing vehicles, but not including painting of vehicles.
- GLARE – The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
- GRADE – The slope of a road or hill as measured in degrees.
- GRADING – Means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.



## GROSS

**BUILDABLE AREA** – The sum of the gross horizontal areas of the several floors of all buildings enclosed by walls on the property excluding parking decks and basement areas used for storage, loading and unloading.

**GROUND COVER** – Any shrub, plant or grass that does not attain a mature height of more than one foot. Such plants shall be characterized by a growth habit in which the shrub, plant or grass spreads across the ground to connect with similar plants forming a continuous vegetative cover on the ground.

## HABITABLE

**FLOOR** – Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used for commercial and/or industrial storage purposes is not a "habitable floor".

## HOME BUSINESS

**USE** – A use customarily conducted for compensation entirely within a dwelling and carried on only by the residents thereof which use is clearly incidental and secondary to the use of the building for dwelling purposes and does not change the residential character thereof. The conducting of a clinic, hospital, barber shop, beauty shop, tea room, tourist home, bed and breakfast, animal hospital, or any other similar use shall not be deemed to be a home business use.

## HOME

**OCCUPATION** – Any gainful occupation customarily conducted within a dwelling exclusively by the residents thereof, clearly secondary to the use of the dwelling for living purposes, one that does not change the character of the structure as a residence or the surrounding neighborhood. (interpretation 2-21-90 - any day care facility running out of one's home that has six children or less does not require a special permit. It will be considered under home occupation.)

## HOSPITAL

– A building licensed by the State of Department of Health having facilities, medical staff and all necessary personnel to provide diagnosis, care and treatment of a wide range of acute conditions or chronic diseases, including injuries.

## HOTEL

– A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities having

a central lobby, and main access through the lobby of the building.

**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.

**INLAND WETLANDS ENFORCEMENT OFFICER –**

The municipal official charged with enforcing the Inland Wetlands Regulations.

**JUNK YARD –**

An area of land used for the enclosed storage, keeping, or abandonment of discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machines, vehicles, or parts thereof, with or without the dismantling, processing salvage, sale or other use or disposition of the same.

**KENNEL –**

An establishment in which more than five dogs or domesticated animals of more than one year old are groomed, bred, boarded, trained or sold.

**LANDSCAPED BUFFER –**

An area of landscaping separating two distinct land uses, or a land use and a public use or public right-of-way, that acts to soften or mitigate the effects of one land use on the other.

**LANDSCAPING PLAN –**

A plan, drawn to scale, showing dimensions and details for vegetating a property, or a portion of a property, including maintenance and protection measures.

**LAND USE –**

The utilization of any piece of land whether it be a lot, plot, tract, or acreage. The way in which land is being used, i.e., for agricultural, residential, commercial, or industrial purposes.

**LAND USE PLAN –**

The proposed or projected utilization of land, resulting from planning and zoning studies. This is usually presented in a map form, indicating areas in which it would be most desirable to have residential, commercial, industrial, or other types of usage to occur. It is supported by documentation

and written text, explaining the principals upon which it is based.

- LIVESTOCK – The term "livestock" shall include one (1) or more horses, ponies, cattle, sheep, goats, pigs or other animals raised for their services or for food or other products.
- LOT – The basic development unit – an area with fixed boundaries, used or intended to be used by one or more buildings and its accessory building(s) and not divided by any public highway or alley. A "zoning lot" must meet the requirements of the zoning district in which it is located and must front on a public street or an approved private street.
- LOT AREA – In determining compliance with minimum lot area and shape requirements of these Regulations, land subject to easements for drainage facilities and underground public utilities may be included, but no street or highway, easement of vehicular access, private right-of-way for vehicles or easement for above ground public utility ponds, lakes or marsh shall not be used for compliance with more than 10% of the minimum lot area.
- LOT,  
CORNER – A "corner lot" is a lot having lot lines formed by the intersection of two streets, whether public or private, and where the interior angle of such intersection is less than 135 degrees. A lot fronting on a curved street shall also be considered a corner lot if the central angle of the curve is less than 135 degrees. A "corner lot" shall have the minimum street frontage required in Section 24, Schedule B.
- LOT, DEPTH – The distance from the street line of a lot to the rear lot line of such lot.
- LOT WIDTH – The distance between side lot lines measured at the required minimum front yard depth.
- LOT LINE,  
FRONT – The lot line coinciding with the right-of-way or street line of a public or private road providing access to the lot.
- MOBILE HOME – A structure that is transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation, when connected to the required utilities. It does not include recreational vehicles or

travel trailers for purposes of compliance with flood-proofing requirements.

**MARQUEE –** A roof-like structure of a permanent nature that projects from the wall of a building or its supports and may overhang.

**MASTER PLAN –** A plan for the physical, social, economic, and environmental development of the municipality. Its three main components are a land use plan, a transportation and circulation plan, and a community facilities plan. These three major studies are embodied in an overall report which presents the assumptions, standards, goals and objectives of the community based upon collected and analyzed information.

**METES AND BOUNDS –** A system of describing and identifying a tract of land by distance (metes) and direction (bounds) from an identifiable point of reference, such as the monuments of a quarter section of land.

**MODULAR HOME –** A manufactured dwelling which is assembled in one or more sections on the site, is attached to a permanent foundation with living and sleeping accommodations for permanent occupancy.

**MOTEL –** Any establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**MOTOR HOME –** A self-propelled vehicle which is intended or designed primarily for recreational purposes and which is not fixed to a permanent foundation.

**MOTOR VEHICLE SERVICE STATION –** A building or lot or part thereof where refueling service and related services, including washing of motor vehicles, are offered for gain, but not including the storing, holding or display of the vehicles for sale, re-sale, or retail.

**MULTI-FAMILY DWELLINGS –** The term "multi-family dwelling" shall mean a dwelling containing three (3) or more dwelling units and shall include

apartments, condominiums, cluster housing and all other attached dwellings.

**NATURAL  
FEATURES –**

Components and processes present or produced by nature, including soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life and wildlife.

**NON-CONFORMING  
USE –**

A use of land which is not in conformance with the conditions and requirements of the zoning ordinance. Such uses usually predate the adoption of a zoning ordinance and are permitted as long as they remain in that use.

**NURSERY  
SCHOOL –**

A building or portion thereof, licensed by the State Department of Health, having facilities and all necessary personnel for the care guidance and/or supervision of five or more children not common parentage.

**OPEN SPACE –**

The portion of the ground space which is either landscaped, or developed and maintained for recreation or conservation purposes. Open space shall not include those portions of a lot that are utilized for off-street parking or loading, driveway or building purposes. This area of the lot shall be used in the calculation of open space to meet the percentage of the lot area or square feet per dwelling unit requirement as specified in various use districts.

In general, when the Commission identifies the portion of a site that shall remain as open space, such open space should serve one or more of the following functions:

- a) Natural Resource Protection, such as habitat protection for plants and animals, streambelt or riparian corridor protection, shorefront protection, or the provision of greenbelt linkages, forest land, agricultural land and fisheries;
- b) Outdoor Recreation, including parks, playgrounds, beaches, and trails for active recreation, and nature preserves for passive recreational uses, serenity and sites that contribute to quiet experiences;
- c) Protection of Public Health and Safety, such as floodplains, inland and tidal wetlands, unbuildable areas or areas with limitations for development

- including steep slopes, high water table or shallow depth of bedrock;
- d) Promotion and Maintenance of Community Character, such as the development of greenbelts, open space dedication related to development, scenic vistas, and appropriate buffer strips;
- e) Protection of Historic or Archeological Sites, historic districts and historic structures and grounds;
- f) Environmental Education, including school-based and citizen-based programs to advance the knowledge of the natural environment and Naugatuck's cultural heritage.

**OVERLAY ZONE** – A set of zoning requirements that is described in the ordinance text, is mapped, and is imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two. It is usually employed to deal with special physical characteristics, such as flood plains, scenic vistas, or steeply sloping areas.

**PDD** – (Planned development district) A form of development usually characterized by a unified site design for a number of housing units. Buildings are clustered, thereby providing open space. A mixture of building types and land uses is permitted, and the density of development may be increased, depending upon how the ordinance is written. In general, a PDD ordinance permits the planning of a project and the calculation of densities over the entire development, rather than on an individual, lot-by-lot basis. While PDD has most commonly been used for housing developments, it also is frequently applied to other forms of development, such as shopping centers, industrial and office parks, and to mixed-use developments, which may be any combination, depending on local ordinance.

**PERMITTED USES** – A use by right which is specifically authorized in a particular zoning district. It is contrasted with the special permit or conditional use which is authorized only if certain requirements are met and after review and approval by the zoning board.

**PILASTER** – A shallow rectangular column projecting only slightly from a wall and, in classical architecture, conforming with one of the orders.

PLANNING

COMMISSION – The public agency in a community empowered to prepare a plan of development and to prepare subdivision regulations. The group is also responsible for evaluating proposed subdivisions and re-subdivisions.

PLAT – A map, generally of a subdivision, showing the location, boundaries, and ownership of individual properties. In communities which have subdivision regulations, submission and approval of a plat is a prerequisite to building. To plat means to subdivide. Where subdivision regulations are in effect, this may mean to obtain the necessary approvals without necessarily intending to improve or build on the land. Property is frequently platted as a speculative venture.

POLICE POWER – The authority of government to exercise controls to protect the public health, safety, morals, and general welfare. As distinct from eminent domain powers, in which government takes property, no compensation need be paid for the imposition of police power controls.

POULTRY – (1016-91 – interpretation “Poultry” defined as any game that can be raised for the purpose of eating the meat or eggs and includes chicken, ducks, turkeys, pigeons, etc. Schedule A, A-7.a.)

PRIMARY  
CUSTOMER  
ENTRANCE -

Main place of entry utilized by those persons who buy the goods and/or services offered by an establishment.

PRIVATE ROAD – Any road or street that is not publicly owned and maintained and used for access by the occupants of the development, their guests, and the general public.

PROFESSIONAL  
OR BUSINESS  
OFFICE –

Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, which includes but are not limited to advertising and mailing; building maintenance; employment services; management and consulting service; protective services; and equipment rental and leasing.

PROPERTY

LINE, REAR – A "rear property line" is any property line which is parallel to a street line, except that in the case of a "corner lot" only one

lot line shall be considered a "rear property line". That one line to be determined by the applicant at time of obtaining zoning compliance by showing that designation on the submitted plot plan.

PROPERTY  
LINE, SIDE –

A "side property line" is any property line which is not a "rear property line" or a "street line". Except that in the case of a corner lot, only one lot line shall be considered a "side property line". That one line to be determined by the applicant at the time of obtaining zoning compliance by showing that designation on the submitted plot plan.

PUBLIC

WATER SUPPLY – The term "public water supply" shall mean a piped water supply system owned by a public utility or the Borough of Naugatuck.

RECEPTION/  
TRANSMISSION  
ANTENNA OR  
DEVICE –

Any of a variety of dishes, sets of wires, metal or carbon fiber elements, or electromagnetically reflective or conductive elements designed to transmit or receive wireless communication radio waves, including cellular, personal communication service (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services; point to point UHF or VHF radio waves in wireless telephone communications; public or commercial broadcast radio, television programming, or electromagnetic waves; radio or electromagnetic waves between terrestrially and/or orbitally based uses; or radio waves used for short-wave radio communications. This definition shall also refer to any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

RECREATIONAL  
VEHICLE –

Any towed or self-propelled residence, coach, trailer, truck body converted for residential occupancy primarily designed or utilized for seasonal and/or vacation use.

REGIONAL SHOPPING  
CENTER

A planned commercial development consisting of a building or group of buildings for retail purposes and related activity containing at least (a) two department stores of not less than 100,000 sq. ft. each with an enclosed mall and (b) 800,000 sq. ft. of Gross Buildable Area.

RESTAURANT –

A business establishment open to the general public for the



principal purpose of preparing and serving food for consumption primarily on the premises.

**RIGHT-OF-WAY –** In a subdivision, a road abutting a lot which allows a person to enter and exit his or her property with a vehicle. Subdivision approval requires that all lots have a right-of-way; landlocked lots are not permitted. In cases where a person has no access to a public road, a neighbor or neighbors may grant a private right-of-way across their property, so that a landlocked lot has access to a road.

**SCALE –** Proportion in dimensions between a map and that area being represented.

**SCHOOL –** Any educational facility owned and operated by a governmental entity, a religious body or organization, a non-governmental agency or organization, or one or more non-profit corporations or associations.

**SETBACK –** The required minimum distance from a property line to any structure built upon the land.

**SIGN –** See Section 27.

**SITE PLAN –** A map 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. (see Section 32)

**SITE PLAN REVIEW –** The process whereby local officials, 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. Site plans are commonly required for special permitted uses.

**SMALL WATER COMPANY –** Any person, company or corporation owning, operating, managing, leasing or controlling water from a pond, lake, reservoir, stream, well or distribution system designed to provide water to 15 to 250 service connections or 25 to

1,000 persons on a regular basis.

**SPECIAL PERMIT** – A permit required to allow a specific building, structure or use which is regarded as desirable, but which could have an adverse impact on surrounding properties if not properly planned. Such uses are generally subjected to conditions so as to ensure their desirable character on that of the surrounding area. All special permits require a site plan submission and approval.

**SPECIAL USE** – A special permit use subject to Zoning Commission approval pursuant to Sections 8-2, 8-3c and 8-3d of the General Statutes of Connecticut and permitted in a particular zoning district. Proof that such use in a specified location will comply with all conditions and standards for the location is required by the Zoning ordinance.

**STORY** – A "story" is that portion of a building between the surface of any floor and the surface of the floor, ceiling or roof next above. Attics not used for human occupancy shall not be considered a story. When the ceiling of a basement is four (4) feet or more above the average ground level within ten (10) feet of the building, the basement shall be considered a story.

**STREET** – A "street" shall mean any Borough Street or State highway except limited access State Highway, or any street shown on the subdivision map and approved by the Borough Planning Commission filed in the office of the Town Clerk, Borough of Naugatuck.

**STREET LINE** – The term "street line" shall mean the right-of-way easement or taking line of any street or of any easement of vehicular access or private right of way twenty-five (25) feet or more in width.

**STREET WIDTH** – The "width" of a street shall mean the distance between the "street lines".

**STRUCTURE** – A "structure" shall mean anything constructed or erected which requires location on the ground, or is attached to something having a location on the ground other than stairs and landings in the front, limited to a landing maximum of 9 X 5 not to encroach more than five feet into the setback line.

**SUBSTANDARD**

- LOT – A parcel of land whose area, frontage or depth does not meet the minimum zoning dimensional requirements of the district in which the parcel is located.
- TRAILER – Any vehicle designed to be pulled by motor power and which is not permanently secured to a foundation or anchored to the ground. A "trailer" includes trailers used for human habitation for recreational purposes or as a place in which a person(s) may eat, sleep or congregate. A "trailer" shall include mobile homes, boat trailers, utility trailers, camping trailers and recreational vehicles.
- TRUCK GARDEN – A farm where vegetables are grown for market.
- USE – The specific purposes for which land or a building is used or occupied or maintained.
- 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.
- WATERCOURSES – Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, not regulated pursuant to section 22a-28 to 22a-35, inclusive of the Connecticut General Statutes.
- WETLANDS – Land which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and flood plain by the National Cooperative Soils Survey of the U.S. Soil Conservation Service. Section 22a-36 through 22a-45 of the Connecticut General Statutes regulate wetlands in Connecticut. Regulation of wetlands in Connecticut rests at the local level with local inland wetlands commissions.
- YARD, FRONT – An unoccupied ground area, within and extending the full width of the lot between the street line and the principal building located on such lot.
- YARD, REAR – An unoccupied ground area, between the rear lot line and a line drawn parallel thereto at the rear of the principal building.
- YARD, SIDE – An unoccupied ground area, between any property line other

than a front or rear lot line, and a line drawn parallel thereto, and between the front and rear yards at the principal building.

**ZERO LOT LINE –** A development approach in which a building is sited on one or more lot lines with no yard. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot between buildings, especially in urban areas with high density and small lots.

**ZONING –** A police power given to local governments by state enabling legislation. Under zoning a municipality is divided into districts or zones within which permitted and special uses are established to each district. Regulations governing lot size, building bulk, coverage, and other development standards, are also established. Requirements may vary from district to district, but they must be uniform for each type of use (single family, two family, etc.), within districts.

**ZBA –** (Zoning Board of Appeals) An appointed board from three to seven members empowered to grant variances from the literal interpretation of the ordinance in cases of demonstrated unnecessary hardship or practical difficulty and to interpret decisions of the code enforcement officer.

**ZONING COMMISSION –** The public agency in a community empowered to create a zoning ordinance and to make changes to said ordinance. The commission is also responsible for site plan review and for approving special permits.

**ZONING DISTRICT –** An area or areas within a municipality for which the regulations and requirements governing use of buildings and premises are uniform.

**ZONING ENFORCEMENT OFFICER –** The municipal official charged with enforcing the zoning the zoning ordinance.

**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 of 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  
ORDINANCE –

The text, researched and written by the zoning commission and adopted by them, which defines the terms and conditions of zoning with the municipality. It is put together as a written document setting forth all of the standards, procedures and requirements.

## ARTICLE II - DISTRICT REQUIREMENTS

### SECTION 21 - DISTRICTS

#### **21.1 DISTRICTS**

For the purposes of these Regulations, the Borough of Naugatuck is hereby divided into the following classes of districts:

<u>DISTRICTS</u>	<u>MAP CODE</u>
Residence R-65 District	R-65
Residence R-45 District	R-45
Residence R-30 District	R-30
Residence R-15 District	R-15
Residence R-8 District	R-8
Residence RA-1 District	RA-1
Residence RA-2 District	RA-2
Residence RO-1 District	RO-1
Business District #1	B-1
Business District #2	B-2
Business District #3	B-3
Business District #4	B-4
Industrial District #1	I-1
Industrial District #2	I-2
Planned Development District	PDD appropriately numbered and included in these Regulations
Regional Shopping Center District	RSC
Rubber Avenue Design District	RADD
New Haven Road Design District North	NHRDDN
New Haven Road Design District South	NHRDDS

## **21.2 DISTRICT DEFINITIONS**

**21.2.1 RESIDENCE R-65 DISTRICT** – the purpose of the R-65 District is to allow single family residences on a minimum of 65,000 square foot lots. The R-65 District does not require public sewer or public water supply service.

**21.2.2 RESIDENCE R-45 DISTRICT** – the purpose of the R-45 District is to allow single family residences on a minimum of 45,000 square foot lots. The R-45 District does not require public sewer or public water supply service.

**21.2.3 RESIDENCE R-30 DISTRICT** – the purpose of the R-30 District is to allow single family residences on a minimum of 30,000 square foot lots. The R-30 District requires public sewer and public water supply service unless the lot size is a minimum of 45,000 square feet.

**21.2.4 RESIDENCE R-15 DISTRICT** – the purpose of the R-15 District is to allow single family residences on a minimum of 15,000 square foot lots. The R-15 District requires public sewer and public water supply service.

**21.2.5 RESIDENCE R-8 DISTRICT** – the purpose of the R-8 District is to allow single family residences on a minimum of 8,000 square foot lots. The R-8 District requires public sewer and public water supply service. The R-8 District shall be restricted to those areas already designated R-8 or approved for development as R-8 without further expansion.

**21.2.6 RESIDENCE RA-1 DISTRICT** – the purpose of the RA-1 District is to allow single family, two family, three-family and multi-family dwellings to be developed in areas served by public sewer and public water supply service. The RA-1 provisions are intended to regulate high density multi-family development in areas of Naugatuck most capable of offering urban public services and facilities. The RA-1 District shall be restricted to those areas already designated RA-1 or approved for development as RA-1 without further expansion.

**21.2.7 RESIDENCE RA-2 DISTRICT** – the purpose of the RA-2 District is to allow two-family, three family and multi-family dwellings to be developed on a minimum of 10,000 square foot lots in areas served by public sewer and public water supply service. The RA-2 provisions are intended to regulate moderate density multi-family development. The RA-2 Districts shall be restricted to those areas already designated RA-2 or approved for development as RA-2, without further expansion. Nothing herein prevents the development of a single family home in an RA-2 zone.

**21.2.8 RESIDENCE OFFICE R0-1** – the purpose of the RO-1 District is to allow single family, two-family, three-family and professional, commercial or business offices in areas served by public sewer and public water supply service. The purpose of RO-1 is to allow high density in mixed residential and office use adjoining the core area of the Borough.

**21.2.9 BUSINESS DISTRICT #1** – The purpose of the B-1 District is to allow general commercial and office development in designated areas located on core area streets with adequate off-street parking and at higher urban densities of development. Area must have pedestrian access walkways.

**21.2.10 BUSINESS DISTRICT #2** – The purpose of the B-2 District is to allow general commercial and office development in suitable locations for automotive and drive-in type establishments which serve the needs of motorists. The B-2 District provisions are intended to provide general commercial development along arterial streets of Naugatuck.

**21.2.11 BUSINESS DISTRICT #3** – the purpose of the B-3 District is to allow neighborhood oriented commercial services. The B-3 District provisions allow for smaller-scale development and exclude motor vehicle service repair stations.

**21.2.12 BUSINESS DISTRICT #4** – the purpose of the B-4 District is to allow low intensity commercial development and to serve as a transitional zone between residential and existing higher intensity commercial districts.

**21.2.13 INDUSTRIAL DISTRICT #1** – the purpose of the I-1 District is to provide for the location of heavy industry. The I-1 District is also suitable for the open storage of goods, heavy commercial activities and freight terminals.

**21.2.14 INDUSTRIAL DISTRICT #2** – the purpose of the I-2 District is to provide suitable locations for light industry, wholesaling, warehousing and research laboratories in a lower density atmosphere. Light industry includes activities that create minimal levels of noise, air pollution, and water pollution, and is generally involved in secondary or tertiary manufacturing, assembling, packaging, fabrication or treatment of goods and merchandise.

**21.2.15 PLANNED DEVELOPMENT DISTRICT** – a Planned Development District is a class of districts established in accordance with Section 33.



**21.2.16 FLOOD PLAIN DISTRICTS** – a Flood Plain District is a class of district in addition to and overlapping one or more of the other districts. For purposes of these Regulations, the Flood Plain District shall include all areas of special flood hazard, designated as Zones AI-A-30, Zone B and floodway areas as shown on the maps entitled: "Flood Insurance Rates Map, Borough of Naugatuck, Connecticut", and "Flood Boundary and Floodway Map, Borough of Naugatuck, Connecticut", prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Study for the Borough of Naugatuck. Said maps and any amendments thereto are hereby declared to be a part of these Regulations and shall be on file in the Town Clerk's office.

**21.2.17 REGIONAL SHOPPING CENTER DISTRICT** – The purpose of the RSC District is to provide suitable locations for major commercial development subject to the special standards in Section 33.11.

**21.2.18 AGE RESTRICTED RESIDENTIAL DEVELOPMENT** – An age restricted residential development shall be designated to meet the needs and requirements of an active adult community, where at least one adult occupant of each dwelling unit is 55 years of age or older, and there is no permanent resident under the age of 18 years. Visitors under the age of 18 years may stay for a maximum individual period of two weeks. An age restricted residential development shall fully comply with the provisions of the United States Fair Housing Act, as amended, and Connecticut State Statutes Section 46a-64b, as amended as it pertains to "Housing for older persons". This includes compliance with any and all rules promulgated by the United States Department of Housing and Urban Development which govern the implementation of such act.

**21.2.19 RUBBER AVENUE DESIGN DISTRICT** - The purpose of the Rubber Avenue Design District is to encourage the investment in the area as a mixed retail and service area serving both the adjacent densely developed residential areas and the community as a whole. Development in this area should be directed towards achieving a high level of urban design. A further purpose is to improve the function of Rubber Avenue as a major arterial while enhancing the pedestrian environment and protecting Long Meadow Pond Brook which parallels Rubber Avenue.

**21.2.20 NEW HAVEN ROAD DESIGN DISTRICT NORTH AND SOUTH**  
The purpose of the New Haven Road Design District North and South is to encourage the future development of the district as an economic asset to the Borough within a framework of sound, sustainable design. The future development shall protect the quality of life of adjacent residential areas. As a major thoroughfare within the Borough and region, development in the corridor must not increase congestion nor result in unsafe traffic conditions.

### **21.2.21 SENIOR RESIDENTIAL COMMUNITY**

The purpose of this section is to allow for a Senior Residential Community which will provide residential opportunities and congregate care services to enable seniors to maintain a maximum level of independence. This flexible concept of living is intended to meet the changing needs of the Borough's aging population. Senior Residential Community can refer to an Assisted Living Facility, with or without memory care units and/or Independent Living Dwellings as defined in Section 58A.1.1 of these regulations. The development of such uses is licensed by the State of Connecticut and are allowed by Special Permit, as set forth in these regulations.

Services offered to residents include assistance with activities of daily living as defined by the State of Connecticut Department of Public Health. Further, the development of such facilities also allows, by Special Permit, certain commercial accessory uses, within an assisted living facility, to ensure the health, safety and welfare of its residents.

## **SECTION 22 - ZONING MAP**

### **22.1 MAP-**

The boundaries of the districts specified in Section 21 hereby established as shown on a map entitled "Zoning Map of the Borough of Naugatuck, Connecticut", dated May 4th, 1983, including any special maps and boundary descriptions supplementary thereto and any amendments thereof, which map is hereby declared to be a part of these Regulations and is herein referred to as "Zoning Map".

### **22.2 Interpretation of map-**

Where a question arises as to exact boundaries of a district shown on the Zoning Map, the Zoning Commission shall by Resolution determine the boundaries, giving due consideration, among other factors, to the indicated location of the boundary on the Zoning Map, the scale of the Zoning Map and the express intent and purposes of these Regulations.

### **22.3 Extension of Use-**

Where the boundary of a district divides a lot, the existence of which lot is evidenced by deed or deeds recorded in the land records of the Borough of Naugatuck on the effective date of these Regulations or on the effective date of any amendment of these Regulations establishing such boundary, the Borough Zoning Commission may grant a SPECIAL PERMIT to authorize a use of land, buildings and other structures permitted in one district for a distance of not more than fifty (50) feet in accordance with the provisions of Section 33.

## **SECTION 23 - PERMITTED USES**

### **23.1 SCHEDULE A-**

Schedule A "Permitted Uses" is hereby declared to be a part of these Regulations and is herein referred to as "Schedule A". Land, buildings and other structures in any district may be used for one or more of the uses, and no other, specified in Schedule A as permitted in the district. Uses in Schedule A are permitted or prohibited in accordance with the following designation and procedure:

"P" means a use permitted in the district subject to a Certificate of Zoning Compliance, which may include the requirement of a plot plan submission;

"S" means a use permitted subject to the administrative site plan review by the Naugatuck Zoning Commission as provided in Section 32 - Site Plan Review;

"SP" means a use permitted in the district subject to the securing of a special permit from the Borough Zoning Commission as provided in Section 33 - Special Permit;

"X" means a use prohibited in the districts.

### **23.2 Regulated Activities-**

The development to which this Section applies includes any of the following activities:

**23.2.1** to erect, construct, reconstruct, move, enlarge or alter any structure or part thereof; or

**23.2.2** to use or occupy or arrange or design for use or occupancy any land or structure or part thereof, or

**23.2.3** to do any grading preparatory to any of the activities in Section 23.2.1 through 23.2.2; or

**23.2.4** to do any removal of earth materials.

### **23.3 Prohibited Uses-**

Any use not specified in Schedule A as permitted is prohibited. To further assist in the interpretation of Schedule A, the following uses, the listing of which is not intended to be exhaustive, are specifically prohibited:

**23.3.1** the use or occupancy of a trailer or tent as a permanent dwelling;

**23.3.2** the outdoor storage in any Residence District of more than one unregistered motor vehicle in accordance with Section 25.11 herein;

**23.3.3** the outdoor accumulation or storage of trash, rubbish, debris, building materials, inoperable motor vehicles, parts of motor vehicles or construction equipment in such a manner as to:

- (1) be offensive to the sight of the general public or to adjoining owners;
- (2) depreciate the value of property other than the lot where the accumulation or storage is located.

(interpretations Schedule A)

**B.5 2-21-90** Day Care Facility running out of one's home that has six children or less does not require a special permit. It will be considered under home occupation.

**E.1 3-21-90 - Mobile Home** - To consider the temporary use of a mobile trailer in a business zone under the same conditions as residential.

**B.8.b 8-21-91** - The "Patient Accommodation" means 2500 sq ft per room.

**A-7.a. 10-16-91** - "Poultry" defined as any game that can be raised for the purpose of eating the meat or eggs and includes chicken, ducks, turkey, pigeons etc.

## Section 23 – Schedule A

“**X**” means not permitted use in zone.

“**P**” means a use permitted as a matter of right, subject to a Certificate of Zoning Compliance, which may include the requirement of a plot plan submission.

“**SP**” means a use permitted subject to obtaining a Special Permit from the Zoning Commission.

“**S**” means a use permitted subject to Site Plan review.

<b>LAND USES</b>	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD #1
<b>PART A – RESIDENTIAL AND RELATED USES</b>																		
A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot	P	P	P	P	P	P	P	P	X	X	X	P	X	X	X	P	P	X
Dwellings containing two (2) dwelling units	X	X	X	X	X	P	P	P	X	SP*	X	X	X	X	X	SP	SP*	X
Dwellings containing three (3) or more dwelling units	X	X	X	X	X	SP	SP	SP	SP	SP*	X	X	X	X	X	S	SP*	SP

\*Use limited to 2<sup>nd</sup> story and above, except for residential projects that provide a minimum of 10,000 sf of commercial space on the same parcel. There shall be an internal access way between the residential units and the commercial component such as a sidewalk or pathway with appropriate lighting and landscaping.

### ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD #1
<p>A professional or business office in a dwelling unit, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>a) The person or persons conducting the office shall reside in the dwelling unit and there shall be no more than two (2) non-resident persons engaged in the conduct of the office.</li> <li>b) The office shall not impair the residential character of the premises, and there shall be no evidence of the office outside the dwelling unit except permitted signs.</li> <li>c) The floor area used for the office shall not exceed one-third of the floor area of the dwelling unit.</li> <li>d) The portion of the dwelling unit used as an office shall be located on the ground level.</li> <li>e) The office shall not generate excessive vehicular traffic.</li> </ul>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	X

## ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD #1
<p>Customary home occupation in a dwelling unit, including home industries service occupations, subject to the following conditions:</p> <p>a) The person or persons conducting the office shall reside in the dwelling unit and there shall be no more than two (2) non-resident persons engaged in the conduct of the office.</p> <p>b) The office shall not impair the residential character of the premises, and there shall be no evidence of the office outside the dwelling unit except permitted signs.</p> <p>c) The floor area used for the office shall not exceed one-third of the floor area of the dwelling unit.</p> <p>d) The portion of the dwelling unit used as an office shall be located on the ground level.</p> <p>e) The office shall not generate excessive vehicular traffic.</p>	P	P	P	P	P	SP	SP	SP	SP	P	P	P	P	P	X	P	P	X



## ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD #1
<p>Farms, truck gardens, forestry, the keeping of livestock, poultry or nurseries (including greenhouses incidental thereto) subject to the following conditions:</p> <ul style="list-style-type: none"> <li>a) No livestock, poultry or rabbits shall be kept on a lot of less than three (3) acres.</li> <li>b) Any buildings, enclosures, feed yards or runs therefore shall be located not less than 100 feet from any property or street line.</li> <li>c) No more than five (5) poultry or five (5) rabbits or a combination totaling five (5) may be kept in an enclosure on a lot with a dwelling.</li> <li>d) In Residence Districts, any greenhouse shall be located not less than 100 feet from any property or street line.</li> </ul> <p>(interpretation 10-16-91, "poultry" defined as any game that can be raised for the purpose of eating the meat or eggs and includes chicken, ducks, turkey, pigeons, etc.)</p>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X

## ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD #1
Stands for the display and sale of farm, truck garden, forestry and nursery produce grown on the premises, provided that such stand does not exceed 200 square feet in area and is located not less than 20 feet from any property or street line.	SP	SP	SP	SP	SP	X	X	X	P	P	P	P	P	P	X	X	X	X
Commercial kennels, livery and boarding stables and riding schools, subject to the following conditions: a) The use shall be located on a lot of not less than four (4) acres. b) Dogs shall be kept in buildings, enclosures or runs located not less than 150 feet from property or street line. c) Any building, enclosure or feed yard for livestock shall be located not less than 100 feet from any property or street line.	SP	SP	SP	SP	SP	X	X	X	X	SP	X	X	X	SP	X	SP	SP	X
<b>PART B – COMMUNITY FACILITIES AND SERVICES</b>																		
Buildings, uses and facilities of the Borough of Naugatuck.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	SP	SP
Buildings, uses and facilities of the State of Connecticut, the Federal Government or any other government unit.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	SP	SP
Parish halls, schools, colleges, universities, educational, religious, philanthropic and charitable institutions, membership clubs, lodges, community houses.	X	X	X	X	X	X	X	SP	SP	SP	SP	SP	SP	SP	X	SP	SP	SP

## ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD #1
The following uses when not conducted as a business for profit: churches and places of worship, parish halls, schools, colleges, universities, educational, religious, philanthropic and charitable institutions, membership clubs, lodges, community houses.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	SP	SP
Nature preserves, wildlife sanctuaries, and recreational facilities.	S	S	S	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Cemeteries	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	SP	X
Day nurseries and child care centers (see interpretations).	SP	SP	SP	SP	SP	SP	SP	SP	S	S	S	S	SP	SP	X	S	S	SP
Golf , tennis, swimming or similar clubs, whether operated as a business or for profit or not including customary accessory services and eating facilities incidental to the conduct of a club, but not including a commercial golf driving range or miniature golf.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	SP	SP
Hospitals, convalescent homes, nursing homes and sanitarium licensed by the State of Connecticut subject to the following conditions: a) The use shall be served by the public water supply and by the Borough sanitary sewers. b) The use shall be located on a lot containing not less than 2,500 square feet for each patient accommodation. (Interpretation 8-21-91, Schedule A, B-8 B- The "patient Accommodation" means 2,500 sq. ft. per room.)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	SP	X

## ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD #1
Senior Residential Community (Assisted Living Facility and/or Independent Living Dwelling) as licensed by the ST of CT.	X	X	X	X	X	X	X	X	X	SP	X	X	X	X	X	SP	SP	X
Public utility company electric, gas and telephone substations, switching stations equipment buildings and maintenance and service facilities.	X	X	X	X	X	X	X	X	S	S	S	S	S	S	X	S	S	X
Public utility company electric, gas and telephone substations, switching stations and equipment buildings, excluding maintenance and service facilities and provided that there is no outside storage yard or outside storage of supplies.	SP	SP	SP	SP	SP	SP	SP	SP	S	S	S	S	S	S	X	S	S	X
Public utility company electric power plants and generating facilities and gas storage.	X	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X	SP
Public utility company water supply reservoirs, wells, pump stations, storage facilities and treatment facilities.	SP	SP	SP	SP	SP	SP	SP	SP	P	SP	SP	SP	SP	SP	X	SP	SP	X
Transmission and communication towers.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	SP	X
<b>PART C – COMMERCIAL USES</b>																		
Stores and other buildings and structures where goods are sold or service is rendered primarily at retail, except as may be limited by the listing or similar uses in Part C of this schedule.	X	X	X	X	X	X	X	X	SP	SP	SP	X	SP	X	X	SP	SP	SP
Stores and other buildings and structures where goods are sold or service is rendered at retail when accessory and subordinate to another permitted use on the same lot.	X	X	X	X	X	X	X	X	SP	SP	X	X	SP	SP	X	SP	SP	SP
Stores and other buildings and structures where goods are sold or service is rendered at retail when each use, permitted herein, occupies not more than 10,000 square feet of floor area.	X	X	X	X	X	X	X	X	SP	SP	SP	X	SP	SP	X	SP	SP	SP

## ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD#1
Laundry and dry cleaners	X	X	X	X	X	X	X	X	SP	SP	SP	X	SP	SP	X	SP	SP	X
Business or professional, banks and other financial institutions, medical and dental clinics.	X	X	X	X	X	X	X	SP	S	S	X	S	S	S	X	SP	SP	SP
Business and professional, banks and other financial institutions, medical and dental clinics when each use permitted herein occupies not more than 10,000 square feet of floor area.	X	X	X	X	X	X	X	SP	S	S	S	S	S	S	X	SP	SP	SP
Undertaker's establishments.	X	X	X	X	X	X	X	SP	S	S	X	SP	X	X	X	SP	SP	X
Veterinary hospitals.	X	X	X	X	X	X	X	X	S	S	X	SP	S	S	X	SP	SP	X
Restaurant and other food and beverage service establishments.	X	X	X	X	X	X	X	X	S	S	X	X	X	X	X	SP	SP	SP
Restaurant and other food and beverage service establishments (Existing Structures), where customers are served only when seated at tables or counters and the customer seats are located within an enclosed building and where spirituous and alcoholic beverages are available for consumption on or off the premises in accordance with State Law, as may be from time to time amended.	X	X	X	X	X	X	X	X	S	S	S	X	S	X	X	SP	SP	SP

## ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD#1
Restaurants and other food and beverage service establishments (New Construction) where customers are served only when seated at tables or counters and the customer seats are located within an enclosed building and where spirituous and alcoholic beverages are available for consumption on or off the premises in accordance with State Law, as may be from time to time amended.	X	X	X	X	X	X	X	X	SP	SP	SP	X	SP	X	X	SP	SP	SP
Restaurant and other food and beverage service establishments where customers are served only when seated at tables or counters and at least three-quarters of the customer seats are located within an enclosed building. Such uses may include a food take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles or served primarily at food take-out counters.	X	X	X	X	X	X	X	X	S	S	X	X	S	X	X	SP	SP	SP

## ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD-1
Restaurants and other food and beverage service establishments (Existing Structures) where customers are served only when seated at tables or counters and at least three-quarters of the customer seats are located with an enclosed building. Such uses may include a food take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles or served primarily at food take-out counters and where spirituous and alcoholic beverages are available for consumption on or off the premises in accordance with State Law, as may be from time amended.	X	X	X	X	X	X	X	X	S	S	S	X	S	X	X	SP	SP	SP

## ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD#1
Restaurants and other food and beverage service establishments (New Construction) where customers are served only when seated at tables or counters and at least three-quarters of the customer seats are located within an enclosed building. Such uses may include a food take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles or served primarily at food take-out counters and where spirituous and alcoholic beverages are available for consumption on or off the premises in accordance with State Law, as may be from time to time amended.	X	X	X	X	X	X	X	X	SP	SP	SP	X	SP	X	X	SP	SP	SP
Restaurants and other food and beverage establishments where customers are served only when seated at tables within an enclosed building when occupying not more than 10,000 square feet of floor area. Such use may include a food take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles or served primarily at food take-out counters.	X	X	X	X	X	X	X	X	S	S	S	X	S	S	X	SP	SP	SP



## ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD-1
Restaurants and other food and beverage service establishments (Existing Structures) where customers are served only when seated at tables or counters and at least three-quarters of the customer seats are located within an enclosed building occupying less than 10,000 square feet of floor area. Such uses may include a food take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles or served primarily at food take-out counters and where spirituous and alcoholic beverages are available for consumption on or off the premises in accordance with State Law, as may be from time to time amended.	X	X	X	X	X	X	X	X	S	S	S	X	S	X	X	SP	SP	SP

## ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD#1
Restaurants and other food and beverage service establishments (New Construction) where customers are served only when seated at tables or counters and at least three-quarters of the customer seats are located within an enclosed building occupying less than 10,000 square feet of floor area. Such uses may include a food take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles or served primarily at food take-out counters and where spirituous and alcoholic beverages are available for consumption on or off the premises in accordance with State Law, as may be from time to time amended.	X	X	X	X	X	X	X	X	SP	SP	SP	X	SP	X	X	SP	SP	SP
Commercial and service establishments with a drive through service.	X	X	X	X	X	X	X	X	SP	SP	SP	X	SP	SP	X	SP	SP	X
Hotels and motels, restaurants and recreation facilities accessory and subordinate thereof.	X	X	X	X	X	X	X	X	S	S	X	X	S	S	X	X	SP	SP

### ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD#1
Hotels and motels with accessory restaurants and/or recreation facilities (Existing Structures) where spirituous and alcoholic beverages are available for consumption on the premises in accordance with State Law, as may be from time to time amended.	X	X	X	X	X	X	X	X	S	S	X	X	S	S	X	X	SP	SP
Hotels and motels with accessory restaurants and/or recreation facilities (New Construction) where spirituous and alcoholic beverages are available for consumption on the premises in accordance with State Law, as may be from time to time amended.	X	X	X	X	X	X	X	X	SP	SP	X	X	SP	SP	X	X	SP	SP
Bed and breakfast	SP	SP	SP	SP	SP	SP	SP	X	X	X	X	X	X	X	X	SP	SP	SP
Indoor theaters and assembly halls.	X	X	X	X	X	X	X	X	S	S	X	X	SP	SP	X	SP	SP	SP
Indoor theaters and assembly halls when accessory and subordinate to another permitted use on the same lot.	X	X	X	X	X	X	X	X	S	S	X	X	S	X	X	SP	SP	SP
Indoor theaters and assembly halls (Existing Structures) where spirituous and alcoholic beverages are available for consumption on the premises in accordance with State Law, as may be from time to time amended.	X	X	X	X	X	X	X	X	S	S	X	X	S	S	X	SP	SP	SP

## ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD#1
Indoor theaters and assembly halls (New Construction) where spirituous and alcoholic beverages are available for consumption on the premises in accordance with State Law, as may be from time to time amended.	X	X	X	X	X	X	X	X	SP	SP	X	X	SP	SP	X	SP	SP	SP
Bowling alleys, billiard or pool halls and indoor commercial recreation businesses.	X	X	X	X	X	X	X	X	S	S	X	X	S	X	X	SP	SP	SP
Bowling alleys, billiard or pool halls and indoor commercial recreation businesses (Existing Structures), where spirituous and alcoholic beverages are available for consumption on the premises in accordance with State Law, as may be from time to time amended.	X	X	X	X	X	X	X	X	S	S	X	X	S	X	X	SP	SP	SP
Bowling alleys, billiard or pool halls and indoor commercial recreation businesses (New Construction), where spirituous and alcoholic beverages are available for consumption on the premises in accordance with State Law, as may be from time to time amended.	X	X	X	X	X	X	X	X	SP	SP	X	X	SP	X	X	SP	SP	SP
Outdoor theaters, golf driving ranges, skating rinks and other commercial outdoor recreation businesses.	X	X	X	X	X	X	X	X	X	S	X	X	X	X	X	SP	SP	SP

## ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD#1
Outdoor theaters, golf driving ranges, skating rinks and other commercial outdoor recreation businesses (Existing Structures), where spirituous and alcoholic beverages are available for consumption on the premises in accordance with State Law, as may be from time to time amended.	X	X	X	X	X	X	X	X	X	S	X	X	X	X	X	SP	SP	SP
Outdoor theaters, golf driving ranges, skating rinks and other commercial outdoor recreation businesses (New Construction), where spirituous and alcoholic beverages are available for consumption on the premises in accordance with State Law, as may be from time to time amended.	X	X	X	X	X	X	X	X	X	SP	X	X	X	X	X	SP	SP	SP
Motor vehicle service stations, motor vehicle repair garages, including automobile, truck trailer and farm equipment, repairing, painting and upholstering, establishments for motor vehicle washing and establishments for the sale of new or used automobiles, trucks, trailers or farm equipment or the rental thereof.	X	X	X	X	X	X	X	X	X	SP	X	X	SP	X	X	SP	SP	X
Motor vehicle service stations having no repair services or having only a limited repairer's license issued by the State of Connecticut.	X	X	X	X	X	X	X	X	SP	SP	X	X	SP	X	X	SP	SP	X

### ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD#1
Motor vehicle repair garages including automobile truck, trailer and farm equipment repairing when accessory and subordinate to another permitted use on the same lot.	X	X	X	X	X	X	X	X	SP	SP	X	X	SP	SP	X	SP	SP	X
Commercial and non-accessory off-street parking facilities.	X	X	X	X	X	X	X	X	S	S	X	X	S	S	X	SP	SP	SP
Painting, plumbing, electrical, woodworking, sheet metal, blacksmith, welding, machine and other trade shops.	X	X	X	X	X	X	X	X	X	SP	X	X	SP	SP	X	SP	SP	X
Automobile and truck sales area and store, including repairs.	X	X	X	X	X	X	X	X	X	SP	X	X	SP	SP	X	SP	SP	X
Painting, plumbing, electrical, woodworking, sheet metal, blacksmith, welding, tire recapping, machine and other trade shops when occupying not more than 5,000 square feet of floor area.	X	X	X	X	X	X	X	X	S	S	X	X	S	S	X	SP	SP	X
Printer establishments and binderies.	X	X	X	X	X	X	X	X	X	S	X	X	S	S	X	SP	SP	SP
Printer establishments and binderies when occupying not more than 5,000 square feet of floor area.	X	X	X	X	X	X	X	X	S	S	X	X	S	S	X	SP	SP	SP
Warehousing and wholesale business, commercial storage, sale and distribution of heating fuel.	X	X	X	X	X	X	X	X	X	SP	X	X	SP	SP	X	SP	SP	X

## ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD#1
Freight and materials, trucking businesses and terminals, bus maintenance terminals.	X	X	X	X	X	X	X	X	X	SP	X	X	SP	S	X	X	SP	X
Freight and materials trucking businesses and terminals when accessory and subordinate to another permitted use on the same lot.	X	X	X	X	X	X	X	X	SP	SP	X	X	SP	SP	X	X	SP	X
Lumber and building materials yards, building contractors' yards.	X	X	X	X	X	X	X	X	X	S	X	X	S	X	X	X	SP	X
Manufacture, processing or assembling of goods, research laboratories.	X	X	X	X	X	X	X	X	X	X	X	X	S	S	X	X	X	X
Manufacture, processing or assembling of goods when accessory and subordinate to another permitted use on the same lot and when located within an enclosed building.	X	X	X	X	X	X	X	X	S	S	X	SP	S	S	X	SP	SP	X
Research laboratories provided that there is no manufacture, processing or assembling of goods except as incidental to research.	X	X	X	X	X	X	X	X	SP	SP	X	SP	SP	SP	X	SP	SP	SP
Bulk storage of cement and petroleum products, concrete mixing plants.	X	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X	X	X
Junk yards when conducted within an enclosed building when accessory to another permitted use on that lot.	X	X	X	X	X	X	X	X	X	X	X	X	SP	SP	X	X	X	X
Railroad rights-of-way, passenger stations and services.	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	S	S	SP
Signs as provided in Section 27.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	P

## ZONING DISTRICTS

LAND USES	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDD	SDD#1
Regional Shopping Center	X	X	X	X	X	X	X	X	X	X	X	X	X	X	SP	X	X	X
Outdoor storage centers	X	X	X	X	X	X	X	X	X	X	X	X	SP	SP	X	X	X	X
Public storage	X	X	X	X	X	X	X	X	X	SP	SP	X	SP	SP	X	SP	SP	X
<b>PART D – ACCESSORY USES</b>																		
<p>Accessory uses customary with and incidental to the aforesaid permitted uses, subject to the securing of a SPECIAL PERMIT or VARIANCE, if required for such permitted uses and subject to the following additional standards and conditions applicable in Residence Districts:</p> <p>a) The accessory use shall be located on the same lot with the permitted use to which it is accessory.</p> <p>b) Accessory uses may include off-street parking spaces and private garages.</p> <p>c) No part of a lot shall be used for vehicular access to a use permitted only in a Business or Industrial District.</p>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	X
Private garages for residential uses, attached or detached.	P	P	P	P	P	P	P	P	X	X	X	P	X	X	X	P	P	X



**ZONING DISTRICTS**

<b>LAND USES</b>	<b>R-65</b>	<b>R-45</b>	<b>R-30</b>	<b>R-15</b>	<b>R-8</b>	<b>RA-1</b>	<b>RA-2</b>	<b>RO-1</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>I-1</b>	<b>I-2</b>	<b>RSC</b>	<b>RADD</b>	<b>NHRDD</b>	<b>SDD# 1</b>
Private greenhouses.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	X
Utility buildings in conjunction with a residential use.	P	P	P	P	P	P	P	P	X	X	X	P	X	X	X	P	P	X
Detached storage buildings, workshops, hobby shops, recreation rooms and other similar purposes, in conjunction with a residential use.	P	P	P	P	P	P	P	P	X	X	X	P	X	X	X	P	P	X
Barns and agricultural storage buildings.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	X
Accessory living units for family members.	P	P	P	P	P	P	P	P	X	X	X	X	X	X	X	SP	SP	X
Junk vehicles and vehicles unregistered for more than six months.	X	X	X	X	X	X	X	X	SP	SP	X	X	SP	SP	X	SP	SP	X
Vehicles unregistered for less than six months	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Vehicles when in an enclosed, permanent structure.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public commercial parking as an accessory use	X	X	X	X	X	X	X	P	P	P	P	P	P	P	X	P	P	SP
<b>PART E – TEMPORARY USES</b>																		
The use of a trailer as a temporary dwelling unit for a maximum of six (6) months during rebuilding of structure destroyed by fire or an act of GOD with written authorization of the ZEO stating the expiration of approval.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	X
One extension of the use of a trailer as permitted in E-1 for an additional maximum period of six (6) months provided that the construction is not complete, but being diligently carried out on a regular basis.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	SP	SP	X

### **Additional Uses for the SDD#1 Zone with Special Permit Application**

- Residential Units, either for sale or rent
- Conference & Convention Space
- Personal service uses
- Alternative energy production
- Tech/Flex uses
- Public Amenities including open space, landscaping, walking trails, planters, roof gardens and other similar features which soften the hardscape.

### **Not Permitted in SDD#1 Zone**

- Adult Oriented Establishments as defined in Section 57
- Pawn Shops
- Tattoo Parlors

SECTION 24 – AREA, LOCATION AND BULK STANDARDS

Schedule B – Standards is hereby declared to be a part of these regulations

24.1 – SCHEDULE B

STANDARDS	R-65	R-45	R-30	R-15	R-8	RA-1	RA-2	RO-1	B-1	B-2	B-3	B-4	I-1	I-2	RSC	RADD	NHRDDN	NHRDDS	SDD
1. Minimum Lot Area (in s.f)(1)(single unit only)	65,000	45,000	30,000	15,000	8,000	5,000	5,000	5,000	5,000	20,000	20,000	30,000	20,000	40,000	See 32.11.2	8,000(7) 16,000(8)	15,000	8,000(7) 16,000(8)	87,120
1.1 Minimum Lot Area for Dwelling Units in Excess of One(1)(in s.f)	N/A	N/A	N/A	N/A	N/A	5,000	5,000	5,000	1,000	N/A (10)	N/A	N/A	N/A	N/A	N/A	N/A (10)	N/A (10)	N/A (10)	None
2. Minimum Street Frontage for Each Lot	130'	130'	110'	95'	70'	40'	50'	40'	40'	85' (10)	100'	100'	50'	50'	100'	70' (10)	85' (10)	70' (10)	40'
3. Maximum Number of Stories for A Building	3	3	3	3	3	3	3	3	6	3 (10)	2	2	6	3	3(2)	3 (10)	3 (10)	3 (10)	None
4. Maximum Height of Building or Structure	40'	40'	40'	40'	40'	40'	40'	40'	60'	40' (10)	30'	30'	60'	40'	60'	40' (10)	40' (10)	40' (10)	120'
5. Minimum Setbacks: 5.1 From Street Line(s)	40'	40'	40'	30'	25'	25'	25'	25'	10'	25' (10)	25'	50'	25'	50'	75'	10' (10)	10' (10)	10' (10)	None
5.2 From Rear Property Line	40'	40'	30'	30'	30'	25'	25'	25'	10'	25' (10)	30'	50'	25'	25'	75'	25' (10)	25' (10)	25' (10)	None
5.3 From Side or Other Property Line (3)	30'	30'	20'	20'	10'	10'	10'	10'	None	15' (10)	30'	30'	15'	20'	75'	15' (10)	15' (10)	15' (10)	None
5.4 From Residence District Boundary Line- Additional Setback (see Interpretation)	N/A	N/A	N/A	N/A	N/A	35'(4)	35'(4)	35'(4)	25'	At the discretion of the Borough Zoning Comm. (10)	25'	40'	50'	50'	75'	25' (10)	25' (10)	25' (10)	25'
6. Maximum Lot Coverage as Percent of Net Buildable Area	10%	10%	15%	20%	25%	25%	20%	40%	75%	40% (10)	30%	7%	50%	40%	25%	40%(9) (10)	40%(9) (10)	40%(9) (10)	100%
7. Maximum Floor Area as Percent of Lot Area	20%	20%	30%	40%	50%	50%	40%	100%	200%	100% (10)	60%	14%	200%	100%	N/A	150% (10)	150% (10)	150% (10)	None
8. Minimum Natural Coverage as Percent of Lot	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	25%(6)	N/A	N/A	N/A	N/A
9. Setback from Wetlands or Watercourse	Refer to IWC for Regulations and Setback Information																		
10. Square Footage of Residential Use as % of Total S.F. of Property Development	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	75%

(1) See also Section 24.9 & 24.10; (2) Excluding all or any portion of any parking garages or decks as stories; (3) Not applicable when said line is also a street line; (4) From R-65, R-45, R-30, R-15; (5) See also 24.10; (6) For the purposes hereof, natural coverage shall include landscape coverage; (7) For single family home only; (8) For all lots other than single family; (9) If two properties combine access, coverage increased to 50%; (10) See Section 58A for standards for Senior Residential Community.

## **24.2 Lot, Area, Shape and Frontage-**

Each lot shall have at least the minimum area as specified in Schedule B. Each lot to be used for a dwelling containing two (2) or more dwelling units shall have at least the minimum area per dwelling unit specified in Schedule B. Each lot shall comply with the minimum buildable area standard. (See Section 24.10, buildable lot standards)

**24.2.1 Exceptions** – The requirements of Paragraph 24.2 shall not be construed to prohibit the following:

(a) Condominium Ownership of a building or buildings meeting the requirements of said Paragraph, the requirements of ownership of a portion of a building and its related lot provided that a special permit therefore has been granted by the Borough Zoning Commission in accordance with Section 33 and a subdivision map therefore has been approved in accordance with the standards of the Subdivision Regulations and the Zoning Regulations of the Borough of Naugatuck and recorded in the land records of the Borough of Naugatuck.

(b) Interior Lots provided that all requirements of Paragraphs 24.9 are met.

## **24.3 Height-**

No building or other structure shall exceed the number of stories and/or the maximum height, whichever is less, as specified in Schedule B. This limitation, however, shall not apply to the following when not used for human occupancy: spires, ornamental cupolas, towers, chimneys, flagpoles and silos as well as such features plus tanks and elevator, heating, ventilating, air-conditioning and similar equipment that are located on the roof of a building and do not occupy more than 20% of the area of the roof.

## **24.4 Setbacks-**

No building or other structure shall extend within less than the minimum distances of any street line, rear property line, other property line or residence district boundary line as specified in Schedule B, subject to the following exceptions and additional limitations:

**24.4.1 Signs** - certain permitted signs, as specified in Section 27, may extend within lesser distances of property or street line.

**24.4.2 Projections** - pilasters, belt courses, sills, cornices, marquees, canopies, eaves and similar architectural features and fire escapes may

project two (2) feet into the area required for setback from a property or street line except that a canvas canopy for a restaurant or funeral home in a Business District #1 or #2 may extend from the main entrance to the street line. Handicapped access ramps meeting the standards of the State of Connecticut Building Code may project at a distance into the area required for setback from a property or street line necessary to construct the ramp when doing so does not impede pedestrian sidewalk traffic.

**24.4.3 Additional Setbacks** - in residence districts and Business District #1, any portion of a building or other structure, which portion exceeds 30 feet in height, shall be setback from any property or street line by two (2) additional feet for each foot or fraction thereof by which such portion exceeds 30 feet in height.

**24.4.3a** – In accordance with section 5.4 in Schedule B, the Borough Zoning Commission may increase the buffer between a business district and residential district up to the distance enumerated in section 5.4 of Schedule B, taking into account topography, existing natural buffer, existing business/commercial uses in the area and other conditions related to buffers between business and residential districts. In any application where the application requests that any additional buffer is not necessary or can be less than the maximum amount as listed in section 5.4 of Schedule B, the applicant shall submit the reasons for the request and propose plantings and/or fencing as alternative to the expanded buffer.

**24.4.4 Narrow Streets** - the required setback from a street line having a width of less than 50 feet shall be increased by one half of the difference between 50 feet and the actual width of the street. See interpretations 7.15.09

**24.4.5 Arterial Streets** - no building or other structure shall extend within less than 50 feet of the street designated on the Zoning Map for "Arterial Street Setbacks."

**24.4.6 Railroad & Channel Lines** - In Business and Industrial Districts, no setback is required from a railroad right-of-way or an established channel line.

**24.4.7 Guard Houses** - In Industrial Districts, a building not exceeding 150 square feet in floor area and a height of 15 feet and used solely as a guard house, gate house or security building may extend to within 10 feet of any street line.

**24.4.8 Form of Ownership** - the requirements of Paragraph 24.4 shall not be construed to prohibit condominium ownership of building or buildings, the requirements of Paragraph 24.4 shall be construed to prohibit other ownership of a portion of a building and its related lot provided that a

SPECIAL PERMIT therefore has been granted by the Borough Zoning Commission in accordance with Section 33 and a subdivision map therefore has been approved by such Commission in accordance with the standards of the Subdivision Regulations of the Borough of Naugatuck and recorded in the land records of the Borough of Naugatuck.

**24.4.10 Fences, Walls, & Terraces** - The required setback shall not apply to fences or walls six (6) feet or less in height or to necessary retaining walls or to unroofed terraces, but no fence, wall or terrace shall be located within the right-of-way of any street, provided that, the Borough Zoning Commission shall have the authority to require fencing or walls greater than six (6) feet in height for the purpose of creating an appropriate buffer in accordance with section 5.4 of Schedule B and section 24.4.3a herein. The frame or supporting members of the fence shall be on the installer's side, the good or finished side of the fence shall face the street or the adjoining property owner.

**24.4.11 Reception/Transmission Devices** - Any devices (antennae) for the reception or transmission of radio, television or communication "signals" shall be considered to be a structure and shall conform to all the setback requirements for a structure applicable in the district that the structure (per Section 24, Schedule B), is located in, except that at no time shall a receiving/transmitting device be located less than ten (10) feet from a side or rear property line. The height of said device shall be restricted according to Federal Communications Commission (FCC) regulations except that in no case shall any adjacent property be subjected to damage by the possible dislodgement of the reception/transmission device from its mooring.

**24.4.12 Pools - (recreational, swimming, hot tubs)** Any above ground or in ground pool of 576 square feet or less shall be considered an accessory building and subject to the setback requirements of Section 25. Any pool in excess of 576 square feet shall be subject to requirements of Section 24, Schedule B, Number 6, regarding minimum setbacks.

**24.4.13 Glare** - No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, so as to be visible at the property line shall be permitted. This restriction shall not apply to signs otherwise permitted by this ordinance.

## **24.5 Coverage & Bulk**

The aggregate lot coverage of all buildings and other structures on any lot shall not exceed the percentage of the lot area as specified in Schedule B, and the total floor area of all buildings and other structures on any lot, excluding basements, shall not exceed the percentage of the lot area as specified in

Schedule B, which coverage and floor area provisions are subject to the following exceptions and additional limitations:

**24.5.1 Form of Ownership:** the requirements of Paragraph 24.5 shall not be construed to prohibit condominium ownership of a building or buildings, the requirement of Paragraph 24.5 shall not be construed to prohibit other ownership of a portion of a building and its related lot provided that a SPECIAL PERMIT therefore has been granted by the Borough Zoning Commission in accordance with the standards of the Subdivision Regulations and the Zoning Regulations of the Borough of Naugatuck and recorded in the land records of the Borough of Naugatuck.

**24.5.2 Business District #1:** in Business District #1, the limitation on total floor area shall not apply to floor area in or on a building or structure used for off- street parking or loading spaces.

## **24.6 Outside Storage**

Outside storage, which is hereby defined to be the outside storage or display of merchandise, supplies, machinery and other materials and/or the outside manufacture, processing or assembling of goods, but excluding areas for parking of registered motor vehicles in daily use, shall be limited as follows:

**24.6.1 Business Districts 1, 3, & 4:** there shall not be outside storage areas in Business Districts 1, 3, and 4.

**24.6.2 Business District #2:** in Business District #2, outside storage areas shall not extend into the area required for setback from a street line or Residence District boundary line, or any other property line.

**24.6.3 Industrial District #2:** in industrial District #2, outside storage areas shall not extend into the area required for setback from a property line, street line, shall not exceed 15% of the lot area and shall be enclosed (except for necessary access drives), by buildings and/or by fences, walls, embankments, evergreen shrubs or trees so as to screen the storage area from view from any other lot or from any street.

## **24.7 Site Development and Landscaping-**

On any lot that is to be used in Business or Industrial Districts, site development and landscaping shall be established as follows:

**24.7.1 Off-Street Parking and Loading** - all off-street parking and loading spaces shall conform to the standards of Section 26.

**24.7.2 Excavation** - all excavation activities shall conform to the standards of Section 42.

**24.7.3 Driveways** - there shall be no more than two (2) driveways entering any lot from any one street, except that there may be one (1) additional driveway for each additional 300 feet of lot frontage, or fraction thereof, in excess of 300 feet. Driveways shall not exceed 30 feet in width at the street line unless a greater width is required by the State of Connecticut.

**24.7.4 Business Districts** - in Business Districts, no part of the area required for setback from a Residence District boundary line shall be used for off-street parking or loading. A strip of land, not less than 10 feet in width in Business District #1 and not less than 40 feet in width in Business District #2, Business District #3, Rubber Avenue Design District and New Haven Road Design District along and adjacent to any Residence District boundary line shall be suitably landscaped with lawns and with trees and/or shrubs.

**24.7.5 Industrial District #2** - in Industrial District #2, no part of the area required for setback from a Residence District boundary line shall be used for off-street parking or loading spaces or driveways in connection therewith. No part of the area required for setback from a street line shall be used for off-street loading spaces and no more than 50% of such area shall be used for driveways and/or off-street parking, the area required for setback from a street line shall be suitably landscaped with lawns, trees and/or shrubs, washed gravel or ornamental brick or stone pavement except for sidewalks and permitted driveways and off-street parking spaces. Along and adjacent to any Residence District boundary line, a strip of land not less than 30 feet in width shall be left in its natural state of already wooded or shall be landscaped with lawns and/or shrubs.

## **24.8 Courts and Windows**

In addition to the setback requirements specified in Paragraph 24.4, rooms used for human occupancy in a dwelling containing two (2) or more dwelling units shall have windows which open onto yards, setback areas, courts or other open spaces, except that windowless, interior kitchens and bathrooms shall be permitted. The least horizontal dimension of any court between opposing walls shall be not less than twice the average height of such opposing walls. In the case of a court formed by walls on three sides and open on the fourth side, the distance between the open end and the opposite wall shall not exceed the distance between the other two walls, unless such latter distance is greater than 50 feet. On any lot, no window in one dwelling unit shall face the window of another dwelling unit at a distance of less than 25 feet. On any lot, no dwelling



shall be nearer to another dwelling in another structure than the average height of such dwellings.

## **24.9 Access ways and Interior Lots/Flag Lots**

In residential districts, no Certificate of Zoning Compliance will be issued for the construction of a dwelling or building or the conversion of any existing accessory building used in connection therewith, unless the required minimum street frontage for the district involved, as set forth in Schedule B is met, except that where a parcel of land is of sufficient area to afford division thereof into two or more lots, of which one does not have the required minimum street frontage required for the district involved on a public street, a Certificate of Zoning Compliance may be issued for the lot not having the required minimum street frontage, provided that all of the following requirements are met:

**24.9.1** that the lot has access to a public street by means of an access way serving only that lot not having the required minimum width for the district involved and such access way is not less than thirty (30) feet in horizontal width.

**24.9.1(a)** No interior lot served by an accessway shall be placed directly behind another interior lot served by an accessway that fronts the same street.

**24.9.1(b)** No accessway shall lie next to another accessway, driveway or common driveway. Accessways shall be separated from other accessways by a lot which conforms to the minimum lot width requirements of the zone in which it is located. No accessway shall be located to within thirty (30) feet of any intersection.

**24.9.2** the access way has a travelway for vehicles of not less than eighteen (18) feet in width and is constructed with a graveled base of at least eight inches on rolled subgrade.

**24.9.3** such interior lot shall conform to one and one half times the minimum lot area for the district involved, without including the area of such access way. The access way shall be that portion of the lot leading to the street, which has less than one half (1/2) the required street frontage for that district in which the lot is located.

**24.9.4** no access way shall be included in determining the minimum buildable area for the district involved of such interior lot.

**24.9.5** the minimum setback from any property line shall be equal to or greater than the minimum setback from the street for the district involved.

**24.9.6** An access ways serving an interior lot shall be permitted as follows:

(a) in Residence R-65, R-45, R-30 Districts provided that a subdivision or resubdivision therefore has been approved by the Borough Planning Commission and in accordance with the Subdivision Regulations and the Zoning Regulations of the Borough of Naugatuck and the endorsed map recorded in the land records of the Borough of Naugatuck.

(b) in Residence R-15, R-8, RA-1, RA-2 Districts provided that a SPECIAL PERMIT therefore has been approved by the Borough Zoning Commission in accordance with the Subdivision Regulations and the Zoning Regulations of the Borough of Naugatuck and the endorsed map recorded in the land records of the Borough of Naugatuck.

(c) in Residence R-65, R-45, R-30, R-15, R-8, RA-1, RA-2 Districts, where the division of a tract of land does not constitute a subdivision or resubdivision, as defined in the General Statutes of the State of Connecticut, provided that a SPECIAL PERMIT therefore has been granted by the Borough Zoning Commission in accordance with Section 33.

**24.9.7** Connection to public sanitary sewer and/or public water is required where an access way, serving such interior lot adjoins a street having such facilities.

**24.9.8** Each such interior lot shall be restricted to single family residences and such interior lot shall not be further subdivided or resubdivided.

**24.9.9** A common driveway can be established for up to three interior lots in the R-15, R-30, R-45 and R-65 Districts. A common driveway shall have a minimum width of 34 feet at point of intersection with a public street. The maximum grade shall not exceed 10%. The common driveway length shall not exceed 1,200 feet in length. The minimum width of the common driveway shall be 24 feet. Driveways shall be designed for proper drainage. The design and construction requirements shall be reviewed by the Engineering Department. The design and layout of lots and common driveway shall provide safe access for emergency services and shall be referred to the Police and Fire Departments for their review and comment.

**24.9.10** A common driveway shall be under joint ownership of the lots it serves. The owners of lots on the common driveway shall share in the maintenance costs of the driveway unless and until the common driveway

is improved, at no cost to the Borough of Naugatuck, to the requirements of a local street as specified in the current subdivision regulations and the Borough Road Ordinance. Applicants shall provide the Commission with copies of proposed deed or covenant that shall identify common driveway ownership and maintenance responsibilities. The Commission shall be assured that the ownership responsibility for maintenance, improvements and liability associated with the common driveway shall remain private unless and until the common driveway is upgraded and accepted as a Borough street at no cost to the Borough.

**24.10 Minimum Buildable Area:**

A contiguous area containing a minimum amount of square footage by zoning district as listed below, and bounded by four sides with no side less than the length listed below by zoning district and no angle less than 45 degrees. No wetlands, watercourses, or water bodies shall be present within the Minimum Buildable Area. No more than 25 percent of the Minimum Buildable Area shall contain slopes in excess of 25 percent. Slopes shall be measured from existing topography prior to grading. The Minimum Buildable Area shall be capable of being drawn entirely within the boundaries of a lot and behind the minimum front setback line. All structures greater than 150 square feet shall be located entirely within the Minimum Buildable Area.

<b>Zoning District</b>	<b>Minimum Buildable Area (Square Feet)</b>	<b>Minimum Dimension (Feet)</b>
<b>R-65</b>	<b>18,000</b>	<b>100</b>
<b>R-45</b>	<b>18,000</b>	<b>100</b>
<b>R-30</b>	<b>12,000</b>	<b>100</b>
<b>R-15</b>	<b>6,400</b>	<b>80</b>
<b>R-8</b>	<b>3,600</b>	<b>60</b>
<b>RA-1</b>	<b>1,600</b>	<b>40</b>
<b>RA-2</b>	<b>1,600</b>	<b>40</b>

Interpretation - 10-16-91 Schedule B, 5.4 "Additional" to mean added to other setbacks or in addition to other required setbacks.

## **SECTION 25 – ACCESSORY USE REGULATIONS**

### **25.1 Purpose**

The purpose of the Accessory Use Regulations is to establish the relationship among the principal and accessory uses and the criteria for regulating accessory uses. Accessory uses are uses which are customarily incidental and subordinate to a permitted principal use.

### **25.2 Accessory Uses In Residential Zones**

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in R-65, R-45, R-30, R-15, R-8, RA-1 and RA-2 zones and, where applicable, RO-1 and B-4 zones. Certificates of Zoning Compliance are required for all uses listed below that are separate from a house and must conform to structure setbacks except as provided in Section 24.

Plot Plan approval is required and the application for a permit shall be acted upon by the ZEO. The Commission may, in its discretion, hold a public hearing thereon, and the following documents shall be submitted to the Commission at its request, with the application.

**25.2.1** Plot Plan drawn to reasonable scale (prepared by a registered land surveyor or professional engineer).

**25.2.2** Other considerations as the Zoning Commission may establish.

**25.2.3** A plot plan for an accessory building less than 150 square feet does not require preparation by a licensed professional.

### **25.3 Private Garages, Attached**

**25.3.1** Total area not to exceed 1,000 sq. ft. or 50% of the living area of the principal residence, whichever is more. A garage area of 480 sq. ft. is permitted regardless of the living area of the principal residence.

**25.3.2** May be two stories if second floor is an integral part of principal residence or approved accessory apartment.

**25.3.3** All yard setback requirements shall be the same as the underlying zone.

## **25.4 Private Garages, Detached**

**25.4.1** Total area not to exceed 1,000 sq. ft. or 50% of the living area of the principal residence, whichever is less. A garage area of 480 sq. ft. is permitted regardless of the living area of the principal residence.

**25.4.2** Limited to 1 story not to exceed 15 feet maximum height.

**25.4.3** Front yard setback requirements shall be the same as the underlying zone. All other yard setback requirements shall be five (5) feet for R-15, R-8, RA-1 and RA-2 Districts, and fifteen (15) feet for R-65, R-45, R-30, RADD and NHRDD Districts.

## **25.5 Private Greenhouses**

Greenhouses may have rigid or flexible exterior materials provided the material is transparent. An opaque covering over the transparent exterior may be used temporarily. The principal use of greenhouses is strictly for the purpose of propagating or starting of plants.

**25.5.1** Area for any greenhouse regulated under this section shall not exceed 450 sq. ft. When on the same lot as a detached garage, all uses together shall not exceed 1,100 sq. ft. or 50% of the living area of the principal residence, whichever is less.

**25.5.2** Limited to one story not to exceed 15 feet maximum height from average ground level to peak of roof.

**25.5.3** All greenhouses regulated under this section that are less than 80 sq. ft. must not be located less than 15 feet from a property line other than a street line. Any greenhouse regulated under this section that exceeds 80 sq. ft. and any greenhouse regulated under this section regardless of size that is constructed with a foundation must not be located less than 20 ft. from property line other than a street line. Front yard setback requirements shall be the same as the underlying zone.

## **25.6 Shed, Utility Buildings, Detached Storage Buildings, Workshops, Hobby Shops, Recreation Rooms and Other Similar Purposes**

**25.6.1** Area for any one structure regulated under this section shall not exceed 450 sq. ft. When on the same lot as a detached garage, all uses together shall not exceed 1,100 sq. ft. or 50% of the living area of the principal residence, whichever is less.

**25.6.2** Limited to one story not to exceed 15 feet maximum height from average ground level to peak of roof.

**25.6.3** All structures regulated under this section shall conform to the following side and rear yard setback requirements of five (5) feet for R-15, R-8, RA-1, and RA-2 Districts and fifteen (15) feet for R-65, R-45, R-30, RADD and NHRDD. Front yard setback requirements shall be the same as the underlying zone.

**25.6.4** All structures not attached to a dwelling must be located beyond the rear range line of the house.

**25.6.5** The exterior of structures regulated under this section must be constructed of wood, aluminum, vinyl or other commercially accepted siding material.

Portable structures, inclusive of garage, storage, workshops or greenhouses use, are permitted at the rear of the house or a minimum of 75' from the street line, subject to size and setback restrictions as indicated in the table below.

Portable structures are to be assembled from commercially available kits consisting of a metal framework and heavy duty cover. **Prohibited are portable, temporary or permanent inflatable structures or homemade structures of wood framing covered with clear, opaque, or solid color plastic sheeting, tarp covers, canvas or other fabric.**

The portable structure framework is to be made of rust-resistant steel (galvanized or powdered coated) and be sufficient gauge and diameter to, along with the cover, withstand high wind and substantial snow loads. Heavy duty cover consists of canvas, polyethylene (plastic) or poly/fabric (plastic/cloth combination) materials defined as 10 oz. per square yard and/or 24-mil thickness and generally specified by the manufacturer as to be weatherproof, tear resistant, UV protected. Covers are to meet CPA1-84 Section 5 fire retardant standard.

Portable structures are to be properly maintained for the serviceable life of the unit and not be allowed to fall into a state of neglect. Any apparent damage or excessive wear is to be addressed as soon as possible. Repair and/or replacement procedures are to be carried out as recommended by the manufacturer.

**PORTABLE STRUCTURE SIZES AND SETBACK RESTRICTIONS**

Zone	Max Size	Not To Exceed	Side Set Back	Rear Set Back	Rear Range Line House
R-8	200sq'	10'Wx20'L	5'	10'	10'
R-15	240sq'	12'Wx20'L	10'	10'	10'
R-30	288sq'	12'Wx24'L	15'	10'	10'
R-45	480sq'	20'Wx24'L	25'	15'	15'
R-65	576sq'	24'Wx24'L	25'	20'	20'

## 25.7 Barns and Agricultural Storage Buildings

Barns and Agricultural Storage Buildings used for farm purposes (See definition of Farm), the maximum floor area shall not exceed 5,000 sq. ft.

**25.7.1** All barns and agricultural storage buildings regulated under this section must not be located less than 20 ft. from property line other than a street line. Front yard setback requirements shall be the same as the underlying zone.

## 25.8 Parking and/or Garaging Of Commercial Vehicles

### 25.8.1 Definitions

- (1) **Commercial Vehicle**: Any truck, trailer, van or other equipment on wheels used in the operation of a commercial activity. This term includes automobiles, vans, mini-vans and pickup trucks when such vehicles feature a company name, slogan or logo. Construction equipment and farming equipment of any type are included in this definition.
- (2) **Recreational Vehicle**: Any towed or self-propelled residence, coach, trailer, truck body converted for residential occupancy primarily designed or utilized for seasonal and/or vacation use.

### 25.8.2 Requirements

- (a) The parking and/or garaging of one (1) Commercial Vehicle (see definition) not exceeding 10,000 pounds gross vehicle weight is permitted.
- (b) Front yard setback requirements shall be the same as the underlying zone for both commercial vehicles and recreational vehicles. All other yard setback requirements shall be five (5) feet for R-8, RA-1 and RA-2 Districts, and ten (10) feet for R-65, R-45, R-30 and R-15 Districts.

## 25.9 Outdoor Open Storage

Outdoor open storage of unsightly materials, such as but not limited to garden equipment, excavation equipment, commercial equipment, industrial equipment, appliances, furniture or debris or waste or products not actively being utilized in construction or repair of structure on the lot and stored outdoors is not permitted Residence Districts.

## **25.10 Accessory Living Units**

**25.10.1** A single family residential dwelling unit may contain one accessory living unit provided that:

**(1)** The accessory living unit shall contain not less than 360 sq. ft. or more than 30% of the total floor area designated as habitable space in the residence.

**(2)** The dwelling containing an accessory living unit must conform to lot square, frontage, area, setbacks and structure height as required by the Naugatuck Zoning Regulations.

**(3)** The dwelling containing an accessory living unit must retain its character and appearance of a single-family dwelling unit and have interior access to and from each unit. A side or rear door may be added, only to comply with building codes. Only one (1) service meter for each utility will be allowed per building lot.

**(4)** A maximum of two family members may reside in any accessory living unit.

**(5)** Residents of the accessory living unit must be related to the principal owner by blood, marriage or adoption, or the accessory living unit must be occupied by the principal owner, provided that if the principal owner occupies the accessory living unit, then the residents of the primary dwelling must be related to the principal owner by blood, marriage or adoption.

**(6)** A minimum of four (4) parking spaces (10' minimum, paved or processed material) must be provided for a residence with an accessory living unit (garage space may be counted). Parking shall be at least five (5) feet from a side Property line and a minimum of twenty-five (25) feet from a street line. (Street curb or gutter is not a street line) Only one driveway is allowed per lot.

**(7)** Septic and water systems will meet state health code standards.



**(8)** An applicant must obtain a certificate from the Naugatuck Building Department that the proposed accessory living unit complies with all current building codes.

**(9)** The Zoning Office shall review the application, required support information and conduct an inspection of the property and dwelling. The Zoning Office shall report its findings to the Commission and if the application complies with regulations, a Certificate of Zoning Compliance shall be approved by the ZEO.

**(10)** Whenever the Commission approves a permit, a notice shall be given identifying the residence including a description of the dwelling, the occupants and the date such a permit expires.

**(11)** A permit may be renewed by making application to the Zoning Office who shall review the application, conduct an inspection of the dwelling and property to confirm compliance and report its findings to the Commission. If in compliance, the Commission shall issue a renewal permit for the same as the original permit.

**(12)** Failure of an applicant requesting a permit or permit renewal to show proof of family relationship will be reason for refusal to issue a permit.

**(13)** Notice of ratification of a permit approval by the Commission shall be filed in the Land Records of the Naugatuck Town Clerk.

**(14)** Occupancy of an accessory living unit not in accordance with these regulations will be subject to enforcement action in accordance with Connecticut General Statutes, Sec. 8-12 of Chapter 124.

**(15)** The letting of rooms or furnishing of board by the principal owner or occupant at a dwelling containing an accessory living unit shall not be allowed.

## **25.11 Outside Storage of: Junk Vehicles and Unregistered Vehicles**

**25.11.1** Junk Vehicles and vehicles unfit for highway use that are unregistered for more than six (6) months may be kept on a lot only by Special Permit in the B-1, B-2, I-1 and I-2 zoning districts and are prohibited in all other zoning districts. Titles of ownership, registration or Bill of Sale of the vehicle must be readily available upon request.

**25.11.2** A maximum of one (1) unregistered vehicle unfit for highway use owned by a member of the household may be kept on a lot for not more

than six (6) months. Title of ownership, registration, or Bill of Sale of the vehicle must be available upon request.

**25.12 Pools (Recreational, Swimming, or Hot Tubs)**

**25.12.1** The setbacks for pools shall be the same as the side and rear setbacks for the primary structure on the lot.

**25.12.2** No pool shall be located closer to the street or front lot line of a lot than the primary structure on the lot.

## **SECTION 26 - OFF STREET PARKING AND LOADING**

### **26.1 General-**

It is the purpose and intent of this Section to assure that parking spaces and loading spaces are provided off the street in such number and with suitable design and construction to accommodate the motor vehicles of all persons normally using or visiting a use, building or other structure at any one time. Off street parking and loading spaces required to be provided by this Section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such spaces are herein required. If any existing use of land, buildings or other structures, conforming to the requirements of this Section is changed to a use requiring additional off street parking or loading space to comply with this Section, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified. All off street parking and loading spaces hereafter established shall conform to the design and construction standards specified in this Section as well as to the site development and landscaping standards of Section 24 and any conditions attached to the approval of a SPECIAL PERMIT under these regulations.

### **26.2 Definitions-**

For the purpose of this Section, one (1) parking space shall constitute an area with such shape, vertical clearance, access and slope as to accommodate one (1) automobile having an overall length of 20 feet and shall contain an area of 180 square feet, except that the mini area may be reduced to 160 square feet for spaces located in or on a building or structure. One (1) loading space shall constitute an area sufficient in size and arrangement to accommodate trucks of the type servicing the establishment.

### **26.3 Design Standards-**

Each parking space shall be provided with adequate area for an automobile having an overall length of at least 20 feet, to approach and exit and execute any necessary backing and turning movements without need to use any part of a street right-of-way. Points of entrance and exit for driveways onto the street shall be located so as to minimize hazards to pedestrian and vehicular traffic in the street. Driveways at points of entrance and exit onto the street shall be designed in such a manner that any automobile or truck ordinarily servicing the establishment may execute normal turning movements without resorting to wide turns or other maneuvers which would be hazardous to the flow of traffic. No off street loading space, including any truck loading bay, ramp or dock, shall be designed or arranged in a manner that trucks must back within any part of a street right-of-way in order to use such space. The restrictions of this Paragraph, however, shall not apply to parking spaces provided in connection with a dwelling containing one (1) or two (2) dwelling units or a permitted office, customary home

occupation or rooms to let in a dwelling.

#### **26.4 Construction Standards-**

All off street parking and loading spaces shall be suitable improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any public street. Except for necessary driveway entrances and except for parking spaces provided in connection with a dwelling containing one (1) or two (2) dwelling units or a permitted office, customary home occupation or rooms to let in a dwelling unit, any area for off street parking and loading located within ten (10) feet of any street line shall be separated from such right of way by a concrete curb, a fence, or a wall or by an embankment not less than 24 inches in height, and shall be provided with the curb, fence, wall or embankment in such a manner that vehicles will not overhang the street line.

#### **26.5 Parking Spaces-**

Number & Location - For each use of land, buildings and other structures, off street parking spaces shall be provided in such number and in the location specified as follows:

**26.5.1** Dwelling containing one (1) or two (2) units; two (2) spaces for each dwelling unit and located on the same lot with the dwelling;

**26.5.2** Dwelling containing more than two (2) dwelling units; three (3) spaces for each dwelling unit and located on the same lot with the dwelling;

**26.5.3** Professional or business office in a dwelling unit; three (3) spaces per professional person or business proprietor, located on the same lot with the dwelling;

**26.5.4** Place of worship, church, theater, assembly hall, or stadium; one (1) space for each four (4) seats total capacity and located on the same lot with the building or on a lot distant not more than 500 feet in a direct line from the principal entrance to the structure;

**26.5.5** Hospital, convalescent home, sanitarium; one (1) space for each three (3) beds for patients and located on the same lot with the building; (interpretation 4-19-89 - this regulation applies to congregated housing plus three (3) additional spaces for staff);

**26.5.6** Rooms to let in a dwelling; one (1) space for each two (2) beds for guests and located on the same lot with the dwelling;

**26.5.7** Age-restricted development; 1.5 spaces per dwelling unit to be located not more than 150 feet from the unit;

**26.5.8** Retail stores, business and professional offices, financial institutions, and medical and dental clinics in Business District #2: one (1) space for each 150 square feet of ground floor patron area of the building and one (1) space for each 300 feet of upper floor patron area, and located on a lot distant not more than 300 feet in a direct line from the building. Patron area shall exclude common hallways, elevators, bathrooms, storage and other areas not for service to the public/customers. Any parking area involving more than twenty-five (25) spaces shall submit an acceptable traffic flow pattern with visual enhancements to the Planning Commission.

Shopping centers with a total ground floor area exceeding 100,000 square feet, containing retail stores, business and professional offices, financial institutions and restaurants are to have a minimum of one (1) parking space for each 165 square feet of floor area in such shopping center.

**26.5.9** Retail stores, business and professional offices, financial institutions, medical and dental clinics in other than Business District #1 and Business District #2: one (1) space for each 150 square feet of ground floor area of the building and one (1) space for each 400 square feet of upper floor area and located on a lot distant not more than 300 feet in a direct line from the building.

**26.5.10** Retail stores, business and professional offices, financial institutions, medical and dental clinics in Business District #1 - the parking spaces shall be determined by the Borough Zoning Commission during the site plan review process (Section 32 Borough Zoning Regulations) which must be reviewed and approved by the Borough Zoning Commission. Within the RADD and NHRDD areas the parking spaces required for retail stores, business and professional offices, financial institutions, medical and dental clinics shall be determined by the Borough Zoning Commission during the special permit and site plan review process.

**26.5.11** Motor vehicle service stations and repair garages and establishments for motor vehicle washing: ten (10) spaces, plus five (5) spaces for each garage bay in excess of two (2) and located on the same lot with the building;

**26.5.12** Undertaker's establishments: Fifteen (15) spaces and located on a lot distance not more than 300 feet in a direct line from the building;

**26.5.13** Hotels and motels: one (1) space for each sleeping room and located on the same lot with the building; plus two (2) spaces for each 10 sleeping rooms and located on a lot distant not more than 300 feet in a direct line from the building (Section 26.5.12 may also apply);

**26.5.14** Restaurants, taverns, bars, night clubs and dance halls: one (1) space for each 75 square feet of patron floor area and located on a lot distant not more than 300 feet in a direct line from the building;

**26.5.15** Warehouses, wholesale businesses, trucking terminals, contractors' businesses, research laboratories, office buildings (not primarily serving customers or clients on the premises), and establishments for the manufacture, processing or assembling of goods: one (1) space for each one (1) employee during the largest daily work shift period and located on a lot distant not more than 500 feet in a direct line from the building;

**26.5.16** Bowling alleys: five (5) spaces for each alley and located on a lot distant not more than 300 feet in a direct line from the building;

**26.5.17** Daycare/nurseries: one space per five students and one space for each employee on a shift.

**26.5.18** Other uses: sufficient off street parking spaces shall be provided in connection with any use not listed in Paragraphs 26.5.1 through 26.5.14, as approved by the resolution of the Zoning Commission as sufficient to preserve the purpose and intent of this Section.

## **26.6 Classification of Uses-**

Whenever two or more classifications provided in Paragraph 26.5 shall apply to a use of land, buildings or other structures the standards requiring the larger number of parking spaces shall apply, but where separate parts of a building or structure are used for purposes requiring a different number of parking spaces, the number of required spaces shall be determined by adding the number of spaces required for each type of use.

## **26.7 Loading Spaces-Number & Location-**

Each hospital, hotel, motel, retail store building, undertaker's establishment, restaurant, tavern, bar, nightclub, warehouse, wholesale business, trucking terminal, contractor's business, research laboratories, office building and establishment for the manufacture, processing or assembling of goods having a ground floor area in excess of 5,000 square feet of gross floor area or fraction thereof excluding basement and located on the same lot with the building or as provided in Paragraph 26.8.

### **26.8 Joint Use of Space-**

Except where off street parking spaces are required under Paragraph 26.5 to be located on the same lot with the building, joint parking areas and loading spaces may be established by the owners of separate lots in order to provide the total number of off street parking and loading spaces required.

### **26.9 Parking Exempt Areas-**

The Zoning Commission after due notice and public hearing as required for adoption or amendment of these regulations may delineate areas of the Borough which shall be exempt from the required provision of off street parking spaces under Paragraph 26.5. Such delineation shall be shown on the Zoning Map and may be made only after the Commission determines that the Borough of Naugatuck, or a combination of the Borough and property owners, will provide sufficient and permanent off street parking spaces to carry out the purpose and intent of this Section.

### **26.10 Parking Space Shall be Independent-**

No area may be designated as a parking space when movement of a vehicle from another area which has been properly designated as a parking space in accordance with this Section of these Regulations.

**26.10.1** Exception: Any space that shall fall into the category of a fully enclosed garage.

## **SECTION 27 – SIGNS**

It is the purpose of these sign regulations to control the location, size, height, number, manner of lighting, architectural appearance, color and lettering, so as to promote public safety, protect property values, minimize visual clutter and protect the appearance of the community. Further, these regulations are designed to respect the scale of development in the various zones and neighborhoods in Naugatuck. Any legal sign erected prior to the December 1, 2013 adoption of these regulations is not subject to the requirements of these new regulations unless there is a substantial altering of the original.

### **27.1 General**

No sign shall be established, installed, constructed, reconstructed, enlarged, extended, moved or structurally altered until an APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE therefore has been approved and received an approval stamp by the Zoning Enforcement Officer. Exemptions made for real estate signs and special event signs. All completed applications must be accompanied by the fee set forth in the Land Use Schedule. The Zoning Enforcement Officer is responsible for the enforcement of all site plans. The Zoning Enforcement Officer may consult with the Zoning Commission when deemed necessary. The owner and/or tenant of the property where the sign is located are responsible for ensuring the sign(s) meets the provisions of the regulations.

#### **27.1.1**

All applications for a sign permit and approval shall be made on forms provided by the Land Use Department and shall be accompanied by a drawing or sketch or photo, showing the height, design, materials, colors, size of lettering and illumination of the proposed sign and by a building elevation or sketch showing pertinent building dimensions. All signs shall conform to the provisions hereinafter specified.

#### **27.1.2**

Signs should be legible by pedestrians and slow moving vehicles within a reasonable-distance. Except as otherwise provided hereunder, a sign shall be limited to not more than the display of the name of the business establishment, a symbol, logo or drawing, and the service provided by the business. Preparers of all signs must adhere to all provisions of Section 27.

#### **27.1.3**

Sign colors and lettering should harmonize with the exterior colors, including trim, of the building to which the sign is attached whenever possible. In the case of a freestanding sign, the colors and design on such sign should be compatible with the colors of the building to which the sign principally relates.

#### **27.1.4**

Routine maintenance or changing the parts or copy of a sign does not require a permit provided that the maintenance or change of parts or copy do not alter the



surface area or otherwise render the sign nonconforming or in violation of the Zoning Regulations in place at the time of the change.

#### **27.1.5**

Location of all signs for advertising purposes shall be limited to the lot where the establishment is located. Off-site advertising signs are not allowed. One advertising sign per commercial or industrial business is allowed. When a building that houses a business establishment is more than fifty (50) feet from the road or street, a second free standing sign for that business may be allowed with Zoning Commission Review. (Ref. 27.3.6) The fifty (50) feet pertains to any part of said building. Allowances shall be made for additional signs when entry is from multiple access points.

#### **27.1.6**

All signs shall be maintained in good structural condition and in compliance with all building, fire and electrical codes.

### **27.2 Definitions**

#### **27.2.1**

For the purpose of these regulations the term "sign" shall include every sign, billboard, poster, illustration, insignia, lettering, picture, display, banner, pennant, flag, nameplate, inflatable sign, tethered balloon, marquee, canopy, portable sign, sandwich board, or awning sign, umbrellas used for advertising, statues, objects, displays of any type, signs painted directly on structures or buildings or other device, however made, displayed painted, supported or attached, intended for use for the purpose of advertisement, identification, beautification, decoration, publicity or notice, when located out of doors and visible from any street or from any lot other than the lot on which the sign is located. The term "sign" shall also include continuous strip lighting, flashing, blinking or moving lights, solar lights, flood lights of any size or wattage, beacon lights, landscape lights and any types of lighting or animation visible to the public from the outside of the establishment whether established inside or outside the establishment. This shall not include any flag, pennant or insignia of any government unit or any sign located within the right of any public street when authorized by the Board of Burgesses of the Borough of Naugatuck in accordance with the General Statutes of the State of Connecticut. Decorative flags no larger than 3' x 5' are permitted provided they are in compliance with zoning regulations.

### **Sign Definitions**

**Awning Sign:** Any sign painted or applied to an awning. An awning is a structure which is designed to provide protective cover over a door, entrance, window or other service area made of cloth, metal or other material affixed to a building in such a manner that the structure may or may not be raised or retracted to a position against the building.

**Banner:** Any device (cloth, plastic, etc.) suspended by poles, ropes, etc.

Balloon Sign:	Any sign painted or applied to an airtight bag inflated with gas or air.
Billboard:	A board, tablet or panel intended for the display of posters or placards, a bulletin board.
Canopy Sign:	Any sign that is painted or applied to a canopy. A canopy is a structure which is designed to provide protective cover over a door, entrance window or other service area and may be made of cloth, metal or other material with frames affixed to a building and carried by a frame which is supported by the ground. A canopy requiring support from other than the building it is affixed to requires a site plan.
Directory/Pole Sign:	A free standing sign containing one or more business names.
Display:	To show, make apparent to the eye or mind. To exhibit.
Electronic Message Center Sign:	An electronically activated, changeable sign whose variable message or graphic presentation capability can be electronically programmed from a remote location. (EMCS)
Flag:	A piece of cloth or other material attached to a staff or halyard used as a symbol or standard.
Footcandle:	The English measure of illuminance.
Illustration:	That which illustrates. A print, drawing or picture of any kind inserted in written or printed text to elucidate or adorn it.
Inflatable Sign:	Any object filled with gas, air or other substance.
Insignia:	Badges, emblems, etc. used as marks of office or distinction.
Lettering:	The act, process or business of marking or stamping of letters or of making letters. Letters collectively, an inscription.
Lighting (all kinds):	Used for the purpose of illumination.
Marquee Sign:	A marquee sign is attached to a marquee on a theater, movie theater or any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building. It is designed and constructed to provide protection from precipitation. A gas station canopy is an example of a marquee when a sign is added to it.

- Nameplate: Bearing a name or other personal information.
- Object Sign: Any material thing put in place for the purpose of advertising.
- Pennant: A long flag type object consisting of triangular or other shapes, whether or not containing a message.
- Picture: A surface representation of an object or scene, a drawing, engraving, photograph or mental image.
- Political Sign: Any sign advertising the election of persons or party for town, state, or federal office or containing political information.
- Portable Sign: Any sign not permanently attached to the ground or to another fixed or unmovable structure. Examples include signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operation of the business.
- Poster: A placard or bill used for public advertising, public information, etc. A bill poster.
- Reconstructed: Altered from the original.
- Sandwich Board Sign: A free standing transportable A-frame single or double faced sign.
- Statues, Objects, Displays: Any representation of a human, animal, or other object or objects living or otherwise.
- Tethered Sign /Balloons: Any sign attached by a rope, wire, or other such means for the purpose of fastening.
- Umbrella Sign: Any sign painted or applied to a portable canopy on a folding or fixed frame.

### **27.3 Standards for all Districts**

Signs shall conform to the following standards applicable in all Districts:

#### **27.3.1 Purpose**

All signs shall pertain only to goods sold, services rendered and establishments, enterprises, activities, persons, organizations and facilities.

### **27.3.2 Location**

No sign shall be located within or hang over the right of way of any street, sidewalk, driveway, walkway, roadway or access way except that a sign attached to the wall of a building and parallel to the wall may project no more than twenty (20) inches into such right of way.

### **27.3.3 Projecting and Hanging Signs**

No sign attached to a building shall project or hang more than twenty (20) inches from any building. Request for signs that project or hang more than twenty (20) inches from a building are subject to approval by the Zoning Commission.

### **27.3.4 Obstructions**

No sign shall be located or maintained so as to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system or fire escape or exit or entrance or to cause any other hazard to the public health or safety.

### **27.3.5 Setbacks**

All signs must be set back no less than ten (10) feet from the street line or property line. If the configuration of the road subsequently changes, the sign shall be moved to conform to these setback requirements. This distance may be increased if the Naugatuck Traffic Authority determines that a sign's placement presents a sight line or traffic safety problem.

### **27.3.6 Directory Signs**

Any building that houses one (1) or more tenants that requests and qualifies under zoning regulations for a free standing sign, is limited to the use of one (1) directory sign only, which may be double sided if requested. A directory sign shall be classified as one (1) sign. One (1) free standing sign per lot permitted. Directory signs may be illuminated by either internal or external lighting that compliments the building and the sign it is posted for and must not illuminate anything but the sign. Color of light must be natural (white). All light components and wires, other than the direct source of light, should be hidden from the public view via landscaping, or other means. Size of letters, colors and wattage on directory signs must comply with all zoning regulations. EMCS exempt. See 27.19.

## **27.4 Residence Districts**

In addition to the standards specified in Paragraph 27.3, signs in Residence Districts shall conform to the following standards:

### **27.4.1 Purpose-Signs shall be limited to the following:**

No commercial/industrial signs allowed in residential districts. On premises which are for sale or rent, not more than one (1) free-standing, non-illuminating sign per lot is allowed. Where a lot abuts two (2) or more streets, an additional sign oriented to each abutting street shall be allowed. Sign shall advertise only the premises for sale or rent, provided that each sign shall have an area not exceeding eight and a half (8½) square feet. No sign for advertisement, publicity or notice purposes, other than legal notices, shall be posted in any window or on any windowsill. All lighting of signs in Residence Districts shall be indirect with the

source of illumination not visible from any street or from any lot other than the lot on which the sign is located.

#### **27.4.2**

On any lot containing a farm, place of worship, parish hall, cemetery, museum, school, college, university, membership club, charitable institution, hospital, recreation facility, nature preserve, wildlife sanctuary, convalescent home, sanitarium, public utility or buildings, uses and facilities of the Borough of Naugatuck, State of Connecticut or Federal Government or in Residence Office Districts, business and professional offices, banks and other financial institutions, medical and dental clinics and undertaker's establishments one (1) sign not exceeding sixteen (16) square feet in area shall be permitted or two (2) signs not exceeding three (3) square feet in area, identifying the occupant of the lot shall be permitted.

#### **27.4.3 Private Signs**

Private warning and traffic signs with no advertising thereon, each not exceeding eight (8) square feet in area, located and intended primarily for warning and traffic control purposes shall be permitted.

#### **27.4.4 Location**

No sign shall be located within ten (10) feet of any street or property line, but signs permitted under Section 27.4.3, may extend to the street line. No sign shall be located on any roof and no sign attached to a building shall project above the top of the wall of the building. Signs attached to buildings may project into the area required for setbacks provided that the sign does not project more than twenty (20) inches from and is parallel to the wall of the building.

#### **27.4.5 Height**

No sign supported from the ground shall exceed a height of four (4) feet including its foundation in a Residence District. The sign may not be more than twelve (12) square feet.

#### **27.4.6 Identification Sign Subdivision or Planned Residential Development**

If located on ten (10) or more acres with no fewer than ten (10) units, one (1) freestanding sign is allowed with Special Permission by the Land Use Department. In the event of more than one (1) major entrance to the subdivision or development, one (1) sign for each entrance is allowed. The total area of each sign shall not exceed twenty-four (24) square feet. The signs may be internally or externally illuminated.

### **27.5 Other Than Residence Districts**

#### **27.5.1 Setbacks**

Signs shall observe all setbacks required for buildings and other structures except signs of the type specified under Section 27.4.3.

#### **27.5.2**

Signs attached to buildings may project into the area required for setbacks

provided that the sign does not project more than twenty (20) inches from and is parallel to the wall of the building. Each commercial and industrial business shall be allowed one (1) sign attached to a building in compliance with zoning regulations. One (1) illuminated non-flashing OPEN inside window sign visible to the public, containing nothing but the four (4) letters, may be allowed per each commercial or industrial business, the size no larger than twenty (20) inches by ten (10) inches depending on the size of the host window. Where a business abuts two (2) or more streets an additional OPEN sign shall be allowed. At the close of the business day the illumination must be discontinued.

### **27.5.3**

On any lot, no sign may extend to within ten (10) feet of any street line or property line.

### **27.5.4**

All signs, pictures, symbols or combination thereof designed to communicate information regarding activity, business, commodity, event, sale or service that is placed inside a window or upon the window panes or glass, including stained glass or painted directly on a window and is visible from the exterior of the window shall not exceed ten (10) percent of the window space they are occupying. This also pertains to glass doors.

### **27.5.5**

Any sign which pertains to a business no longer conducted on the premises where such a sign is located shall be removed by the owner of the lot on which the sign is located within thirty (30) days following cessation of the relevant activity. The frame and supporting members must be removed within nine (9) months.

## **27.6 Height & Area**

### **27.6.1**

Any sign attached to or mounted on a building shall not project above the highest point of the roof of the building or more than four (4) feet above the wall of the building, whichever is higher. Signs attached to a wall of a building designed to be viewed from the same side of a building shall not have an aggregate area greater than ten (10) percent of the area of such wall. Any sign attached to the ground (including pole or other support structure) shall not exceed a height of fifteen (15) feet.

### **27.6.2 Exceptions**

Notwithstanding the provisions of Section 27.5.4, the Borough Zoning Commission may grant a SPECIAL PERMIT in accordance with the procedures, standards and conditions of Section 33, to permit signs of greater height and area in other than Residence District.

## **27.7 Measurements**

Any sign may be double facing and only one face shall be counted in determining conformity to sign area limitations. All dimensions for signs shall be based on measurements to the outside edge of the sign excluding any structure necessary

to support the sign. The area of any sign shall be the entire area encompassed by the perimeter of the sign, which perimeter shall be the polygon formed by connecting all the outermost edge or points of the sign.

## **27.8 Site Plans & Special Exceptions**

### **27.8.1**

Limitations on signs which may be imposed by variance or in connection with the granting of a SPECIAL PERMIT under these regulations are in addition to the provisions of this Section.

## **27.9 Borough Sign Ordinance**

### **27.9.1**

All signs shall also be constructed and maintained in accordance with the applicable provisions of the Borough Ordinance pertaining to signs. Zoning Enforcement Officer shall require the repair or removal of any sign or structure which has deteriorated to the point of becoming a hazard to public health or safety. Such signs may be restored to its original condition or must be removed within no more than thirty (30) days from notification of violation.

## **27.10 Measurements**

### **27.10.1**

All permits for permanent signs over forty (40) square feet will expire three (3) years from dated permit. A new application shall be submitted and re-approval given by the Zoning Commission if the following considerations are met:

- (a) That the structure is safe
- (b) That the sign has been maintained
- (c) That a public hearing shall be necessary

### **27.10.2**

The permit form "Application for Erection of a Sign" shall have noted thereon the following:

"This permit expires three (3) years from date entered if sign exceeds forty (40) square feet in area."

Said permit forms with change will be available in the Land Use Office Borough of Naugatuck.

## **27.11 Gasoline Station & Motor Vehicle Dealer Signs**

### **27.11.1**

In most districts where gasoline stations or motor vehicle dealers are permitted the underlying requirements of the district shall apply but shall be modified as follows:

**27.11.2**

The maximum height for any freestanding sign shall be twenty (20) feet including the foundation.

**27.11.3**

Each garage or service bay shall be allowed one (1) wall mounted sign, in front of that particular garage or bay, not larger than ten (10) square feet consisting of words like "washing" lubrication", "repair".

**27.11.4**

Signs and insignias on gas pumps such as brand names and price information are allowed not exceeding two and a half (2½) square feet per side which is attached to the pump. Signs required by law are exempt from these computations.

**27.11.5**

A product pricing sign may be attached to a permitted freestanding sign. Said pricing sign shall not exceed sixteen (16) square feet, which shall be exempt from the sign area computation.

**27.12 Prohibited Signs****27.12.1**

Portable or wheeled signs or signs on parked vehicles (autos, trailers, boats, etc.) where the sign is the primary use of the vehicle for advertising purposes.

**27.12.2**

No sign may be anchored or supported by any public, town, state or government property; or anchored to or supported by any tree, fence or rock.

**27.12.3**

A sign whose message or image that is on the property or facade of the building that revolves, rotates, flashes or blinks in any manner is prohibited. A time-temperature device employed as part of an otherwise non-flashing, non-animated display is allowed. Exception for this may be allowed for Town, State or Federal buildings only with a site plan approved by the Zoning Commission. Exemptions for this shall be made for the illuminating of non advertisement holiday lights during the holiday season.

**27.12.4**

Advertising flags, banners, streamers, pennants, searchlights, string or festoon lights, solar lights, tethered balloons, umbrellas, inflatable signs, statues, objects or similar device unless temporary permit for special events granted by Zoning Enforcement Officer.

**27.12.5**

Signs on roofs and signs which extend above the highest point of a roof.



**27.12.6**

A-frame and sandwich board signs. Exception made for residential, real estate open house signs provided they follow all Zoning Regulations and are no larger than twelve (12) square feet.

**27.12.7**

Any sign, artificial light or reflecting device connected to or used with a sign or otherwise located or displayed where such light competes for the attention of the driver of a mechanical vehicle or may be mistaken for a traffic signal.

**27.12.8**

No sign shall be placed on town property without a permit from the Zoning Enforcement Officer. Absent a permit, such sign shall be removed without notice in accordance with the provisions of the sign permit. The sign can be redeemed by the owner with payment of a fine within ten (10) days. After ten (10) days, the sign will be destroyed. If the property where the sign was established is damaged in any way due to the installation of that sign, the owner of the sign shall be liable for returning the damaged property to its original state.

**27.12.9**

Any sign prohibited under these regulations shall be removed within forty-eight (48) hours or be subject to disposal by the Zoning Enforcement Officer.

**27.12.10**

No commercial or industrial signs for advertising purposes shall be allowed on Naugatuck Public Property.

**27.13 Tag Sales/Estate Sales/Garage Sales****27.13.1**

One (1) sign advertising the sale will be allowed on the sale property. Three (3) directional signs will be allowed. Sales will be allowed to run for three (3) days after which time all signs and all items related to the sale shall be removed from public view.

**27.14 Real Estate Signs****27.14.1**

One (1) freestanding non-illuminating sign per lot is permitted. Where a lot abuts two (2) or more streets, an additional sign oriented to each abutting street shall be allowed. No sign shall exceed eight and a half (8½) square feet in Residential Districts, thirty-two (32) square feet in Commercial and Industrial Districts. All real estate signs shall be limited to no more than the information that pertains to the sale.

**27.14.2**

Open House Real Estate Signs are permitted. Up to six (6) non-illuminating signs, each sign limited to eight and a half (8½) square feet are allowed. The signs

shall be installed no earlier than sunrise on the day of the open house, and removed immediately upon termination of the open house or by sunset. Signs may be free standing and must be safely secured.

## **27.15 Grand Openings, Going out of Business Signs**

### **27.15.1**

All Grand Openings and Going out of Business Signs shall require a temporary permit issued by the Naugatuck Zoning Enforcement Officer. The permit shall limit the time for such signs for Grand Openings to three (3) months and Going out of Business Signs to six (6) months.

## **27.16 Construction/Home Improvement Signs**

### **27.16.1**

One (1) non-illuminated sign on the lot where the work is being performed, not to exceed eight and a half (8½) square feet is permitted. Construction/home improvement signs may be erected and maintained for a period not to exceed fourteen (14) days prior to the commencement of construction and shall be removed within fourteen (14) days of the termination of construction of the project or development. The sign may be freestanding. Sign must be properly secured or anchored.

## **27.17 Special Events**

### **27.17.1**

Special event signs for schools, churches, non-profit organizations, town events etc. shall be allowed to post six (6) freestanding signs and must comply with all zoning regulations. These signs are not to exceed twelve (12) square feet and must be securely anchored. They will be allowed three (3) weeks prior to the event and must be removed within ten (10) days after the event and must adhere to all zoning regulations.

### **27.17.2**

All signs intended for non advertising purposes, such as beautification, welcome, etc. shall contain no advertising. If the sign has a sponsor, only the sponsor's or sponsors' name shall be allowed and shall be secondary in size and importance to the message. Beautification signs shall comply with the specs set by the Beautification committee and approved by the Land Use Department.

## **27.18 Residence Office Districts**

### **27.18.1**

Offices that are allowed in residence district zoned RO-1 must follow all zoning regulations pertaining to residence districts. One (1) non-illuminating sign no more than eighteen (18) inches x five (5) inches may only be mounted along side or above the entrance door or below the mailbox of the establishment with a special permit from the zoning commission. Wording allowed on this limited to name "or" type of business.

**27.19 Electronic Messaging Center Signs (EMCS)**

**27.19.1**

EMC Signs are allowed in the following districts:  
Business District #1 (B-1), Business District #2 (B-2), Business District #3 (B-3),  
Business District #4 (B-4), Industrial District #1 (I-1), Industrial District #2 (I-2),  
Planned Development District #2 (PDD-2), Planned Development District #8 (PDD-  
8), Planned Development District #11 (PDD-11), Rubber Avenue District (RADD),  
New Haven Road Districts North and South (NHRDDN & NHRDDS) and all future  
Design Districts that are not considered residential.

**27.19.2**

In all districts, institutional uses such as churches, libraries, schools, theatres,  
public facilities and other similar places of assembly are allowed to use signs with  
electronic message display capabilities, subject to other requirements in this  
section.

**27.19.3 Illumination.**

Electronic message boards shall not operate at brightness levels of more than 0.3  
foot candles above ambient light, as measured using a foot candle meter at a pre-  
set distance. For signs with an area in square feet other than those specifically  
listed in the table (i.e., 12 sq ft, 400 sq ft, etc), the measurement distance may be  
calculated with the following formula: The square root of the product of the sign  
area and one-hundred.

Measurement Distance of a 12 square foot sign =  $\sqrt{(12 \text{ Sq. Ft.} \times 100)} = 34.6$ .

<b>AREA OF SIGN</b>	<b>MEASUREMENT</b>
SQ. FT.	DISTANCE (FT.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84

Each electronic message board must have a light sensing device (photocell) that  
will adjust the brightness as ambient light conditions change.

No direct light or significant glare from the sign shall be cast onto any adjacent lot  
that is zoned and used for residential purposes.

Electronic message board shall be operated with systems and monitoring in place

to either turn the display off or show “full black” on the display in the event of a malfunction.

Operational Limitations. Electronic message boards shall contain static messages only, and shall not have movement or the appearance or optical illusion of movement during the static display period of any part of the sign.

Minimum display time. Each static message on the sign must be displayed for a minimum of (8) eight seconds. Message change shall be completed in one (1) second or more.

**27.19.4  
Illustrations**



## **SECTION 28 – AQUIFER PROTECTION ZONE**

### **28.1 Purpose**

Two notable sources of drinking water are the Indian Field Well Field and the Marks Brook Well Field. Protection of these resources is vital to ensure an adequate supply of safe drinking water. This protection can best be achieved by regulations that control pollution within the aquifer recharge area.

### **28.2 Applicability**

The Aquifer Protection Zone shall be superimposed over the primary and secondary recharge areas of the Indian Field Well Field and the Marks Brook Well Field and all regulations, requirements and controls of this section shall be in addition to the standard regulations of the underlying zoning district, as well as any change of use that may occur within any underlying zoning district.

### **28.3 Aquifer Protection Zone Permit**

An Aquifer Protection Zone (APZ) permit shall be obtained before any building permit shall be issued for development, other than for one or two-family houses and their customary accessory buildings and uses that lie either partially or completely on the designated aquifer.

### **28.4 Application**

An application for an APZ permit shall include, in addition to the site plan requirements set forth in Section 32 the following information:

- (1) The amount and composition of any hazardous materials that will be handled, stored, generated, treated, or disposed of on the property.
- (2) Provisions for treatment, storage and/or disposal of any hazardous materials.
- (3) Distance to nearest public drinking water supply well or AA streams (tributary to public drinking water supply).
- (4) Whether public sewer is available or proposed at the location.
- (5) Septic tank location, size, and capacity, and/or sewage lift stations, force mains and grease traps.
- (6) Expected types and amount of discharge to sewers, to the ground and to surface water.
- (7) Provisions for stormwater runoff controls which will minimize suspended solids and maximize groundwater recharge except in areas of known groundwater contamination including a detailed drainage plan showing: locations of storm drains and points of discharge; building roof

and floor drains and points of discharge; and locations of dry wells and drainage pipe whether pervious or impervious.

**(8)** Location of loading and unloading docks.

**(9)** Provision for containment of any spills.

**(10)** Location and description of outside storage areas and types of material to be stored.

### **28.5 Application Review**

All applications for APZ permits shall be submitted to the Commission, which shall refer any such application to the affected water company and the Naugatuck Valley Health District for review prior to any action by the Commission. The applicant shall provide written notice of the proposed activity via certified mail, return receipt required to the affected water company within seven (7) days of the date of the application. Requests for site plan approval of industrial or commercial uses that involve use, storage, treatment, or disposal of hazardous materials shall be referred by the Commission to the Connecticut DEP Hazardous Waste Management Unit and Water Compliance Unit.

### **28.6 Non-Permitted Uses**

The following uses are not permitted in an APZ:

**(1)** Dry cleaning establishments and similar establishments using or storing hazardous chemicals

**(2)** Solid waste disposal

**(3)** Junkyards

**(4)** Landfills

**(5)** Septage lagoons

**(6)** Hazardous waste drum storage areas

**(7)** Bulk storage piles, except sand

**(8)** Surface impoundments (pit, pond or lagoon)

**(9)** Animal farms

**(10)** Road salt storage

**(11)** Pipelines for transmission of oil, gasoline, or other hazardous

materials

**(12)** Warehouse storage of any hazardous material

**(13)** Gas stations **(14)**

Mining activities **(15)**

Blasting activities

### **28.7 Subsurface Sewage Disposal**

Any residential building with three or more dwelling units shall be connected to a sanitary sewer.

### **28.8 Chemical and Fuel Storage Above Ground**

Any above-ground chemical or fuel storage tank shall be on an impervious, structurally diked area to contain any leaks or spills, with no drains other than a sump pit, and suitably covered to prevent precipitation accumulation.

### **28.9 Fuel Storage Underground**

Underground fuel storage tanks and storage systems are prohibited.

### **28.10 Manure, Fertilizer, Pesticide, and Herbicide Storage**

New or enlarged sites for the accommodation or storage of manure, fertilizers, pesticides and herbicides shall:

- (1)** Have a roof, which shall prevent precipitation from coming into contact with these materials.
- (2)** Have a liquid-tight floor with no drains other than a sump pit.
- (3)** Be located so that surface water run off drains away from the storage area.

## **SECTION 29- FLOODPLAINS**

### **29.1 Purpose**

It is the purpose of these regulations to recognize that there are areas of special flood hazards within the Borough of Naugatuck that are subject to potential, periodic, occasional or frequent flooding and which function as part of the natural drainage system. These regulations serve to establish necessary minimum standards and review procedures over the use of land in the areas of special flood hazard in order to: reduce flooding hazard to human life and health, reduce flood damages to public and private property, minimize disruptions of commerce and governmental services, protect values, maintain the natural drainage system's capacity to safely store and transport flood waters and minimize damaging flood erosion and any increases in downstream flood potential.

#### **29.1A - Warning and Disclaimer of Liability**

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

#### **29.1B - Abrogation and Greater Restrictions**

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

### **29.2 Definitions**

For the purpose of this Section, certain words shall have the following meanings:

**29.2.1 BASEMENT:** Any area of the building having its floor subgrade (below ground level) on all sides.

**29.2.2 BASE FLOOD:** The flood having a one percent chance of being equaled or exceeded in any given year.

**29.2.3 BASE FLOOD ELEVATION:** The elevation of the base flood as recorded on the Flood Insurance Rate Maps and accompanying stream profile data.



**29.2.4 BUILDING:** A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

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

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

**29.2.7 EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 15, 1979, the effective date of the floodplain management regulations adopted by the community.

**29.2.8 EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed

(including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**29.2.9 FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The federal agency that administers the National Flood Insurance Program (NFIP).

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

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

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

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

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

**29.2.15 LOWEST FLOOR:** Means the lowest floor of the lowest enclosed area (including basement.) An unfinished or flood resistant enclosure, usable solely

for parking of vehicles, building access or storage, in an area other a basement area is not considered a building's lowest floor.

**29.2.16 MANUFACTURED HOME (MOBILE HOME):** Means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

**29.2.17 MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

**29.2.18 MARKET VALUE:** The market value of the structure shall be determined by the cost approach to value method prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

**29.2.19 MEAN SEA LEVEL (MSL):** The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**29.2.20 NEW CONSTRUCTION:** Structures for which the start of construction commenced on or after August 15, 1979 the effective date of this Section, and includes any subsequent improvements to such structures.

**29.2.21 NEW MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 15, 1979 the effective date of the floodplain management regulation adopted by the community.

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

**29.2.23 SPECIAL FLOOD HAZARD AREA (SFHA):** The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a

community. BFEs provided on the Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SHFAs include, but are not necessarily limited to, the land shown as Zones A and AE on a FIRM. The SHFA is also called the Area of Special Flood Hazard.

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

**29.2.25 STRUCTURE:** A walled and roofed building, a manufactured (mobile) home, or a gas or liquid storage tank, or other man-made facilities or infrastructure that is principally above ground.

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

**29.2.27 SUBSTANTIAL IMPROVEMENT:** Means any combination of repairs, reconstruction, alteration, or improvements to a structure over the life of the structure, in which the cumulative cost equals or exceeds fifty percent of the market value, as determined by cost approach to value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

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

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

**29.2.30 WATER SURFACE ELEVATION:** The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

### **29.3 General Provisions**

This regulation shall apply to all areas of special flood hazard within the jurisdiction of the Borough of Naugatuck. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated December 17, 2010, accompanying Flood Insurance Rate Maps (FIRM), dated December 17, 2010 and other supporting data applicable to the Borough of Naugatuck, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this ordinance it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. A Development Permit shall be required in conformance with the provisions of these regulations prior to the commencement of any development activities.

The area of special flood hazard includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

### **29.4 Duties and Responsibilities**

**29.4.1** The Zoning Enforcement Officer shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

**29.4.2** The Zoning Enforcement Officer shall advise all permittees that additional Federal or State Permits may be required; notify adjacent communities and the

Department of Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse; and assure that maintenance is provided within the altered or relocation portion of said watercourse so that the flood-carrying capacity is not diminished.

**29.4.3** The Zoning Enforcement Officer shall record the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved or flood-proofed structures. When flood-proofing is utilized for a particular structure, the Building Inspector shall obtain certification from a registered professional engineer or architect.

**29.4.4** When base flood elevation data or flood way data have not been provided, the Building Inspector shall obtain, review and reasonably utilize any base flood elevation and flood way data available from a Federal, State or other source in order to administer the provisions of Sections 29.6 and 29.7.

**29.4.5** Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, the Zoning Enforcement Officer and the Building Inspector shall obtain, review and reasonably utilize any base flood elevation and flood way data available from a Federal, State or other source in order to administer the provisions of Sections 29.6 and 29.7.

**29.4.5** Where Interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, the Zoning Enforcement Officer and the Building Inspector shall make the necessary interpretation.

## **29.5 General Standards**

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

**29.5.1** New Construction and Substantial Improvements: New Construction and substantial improvements shall be:

- (1)** Anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2)** Constructed with materials resistant to flood damage.
- (3)** Constructed by methods and practices that minimize flood damage.
- (4)** Constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**29.5.2** Water Supply and Sanitary Sewage Systems: New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. New and replacement sanitary sewage systems

shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

**29.5.3** The Zoning Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and flood way data available from a federal, state or other source, including data developed pursuant to Sections 4.7.7 and 5.12 of the Subdivision Regulations as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FIRM meet the standards in Section 29.6 and those of the Subdivision Regulations.

**29.5.3.1** In A Zones where base flood elevations have been determined, but before a flood way is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

**29.5.4 Above Ground Storage Tanks:** Above ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

**29.5.5 Portion of Structure in Flood Zone:** If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

**29.5.6 Structures in Two Flood Zones:** If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e. V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet requirements of the more restrictive zone.)

**29.5.7 No Structures Entirely or Partially Over Water:** New construction, substantial improvements and repair to structures that have sustained substantial

damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

## **29.6 Specific Standards**

In the areas of special flood hazard, no structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered, no land use shall be established and no land shall be filled, graded or excavated until the Zoning Enforcement Officer has approved a plan for the proposed structure, land use or alteration of land contour. Such approval shall not be granted or permit issued unless the plan complies with all of the following requirements:

**29.6.1** New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least two feet above the base flood elevation.

**29.6.2** New construction and substantial improvement of any nonresidential structure shall have the lowest floor, including basement either elevated or dry flood proofed to at least two feet above the base flood elevation. Dry flood proofed non-residential structures, together with all attendant utilities and sanitary facilities, must be designed so that the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this section.

**29.6.3** All manufactured (mobile) homes shall be placed on a permanent foundation which itself is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. All manufactured (mobile) homes shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level. All manufactured (mobile) homes to be newly placed, undergoing a substantial improvement or repair as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at least two feet above the base flood elevation (BFE). The manufactured (mobile) home must also meet all the construction standards per Section 29.5. These requirements apply to all manufactured (mobile) homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing home park or subdivision, in an expansion to an existing home park or subdivision, or on a site in an existing park which a manufactured home has



incurred substantial damage as a result of a flood. No manufactured (mobile) home shall be placed in a floodway. Recreational vehicles placed on sites within an area of special flood hazard shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use or meet all the general standards of Section 29.5 and the elevation and anchoring requirement of a manufactured (mobile) home required in Section 29.6.3. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

**A.)** Flood proofing shall conform to standards set by the Federal Insurance Administration and shall be certified by a registered professional engineer or architect.

**29.6.4** No encroachment including fill, new construction, substantial improvements and other development shall be permitted in a flood way unless a technical evaluation demonstrates that the encroachment will not result in any increase in flood levels during the base flood discharge. All other areas of special flood hazards standards must also be satisfied.

**29.6.5** New and replacement sanitary systems shall be designed to minimize infiltration of flood waters and discharge from the systems into flood waters. On site sanitary disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**29.6.6** Structures and improvements shall be designed to cause the least possible impediment to the flow of flood water and debris.

**29.6.7** No outdoor storage of such materials shall be permitted which would tend to be floated by flood water and cause obstructions down stream.

**29.6.8 Compensatory Storage:** The water holding capacity of the floodplain, except those areas which are tidally influenced shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

**29.6.9 Equal Conveyance:** Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure are prohibited

unless the applicant provides certification by a registered professional engineer demonstrating with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such way so as to cause an increase in flood stage or flood velocity.

## **29.7 Floodways**

In areas where flood ways have been designated or determined: Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design. When utilizing data other than that provided by FEMA, the following standard applies: select and adopt a regulatory flood way based on the principle that the area chosen for the regulatory flood way must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point.

## **29.8 Application**

Application for approval of a development in a flood plain shall be submitted to the Zoning Enforcement Officer and it shall include the following:

**29.8.1** Eight (8) copies of a plot plan of the premises, drawn to scale and certified by and bearing the seal of a land surveyor or professional engineer licensed to practice in the State of Connecticut, depicting the actual shape and dimensions of the lot, the size and location of all existing and proposed structures and land uses, the layout of parking and loading facilities where applicable and access thereto, existing and proposed grades, base flood elevation data and limits of the Flood Plain area. This section may be waived by the Zoning Commission.

**29.8.2** Such other information as required by the Zoning Enforcement Officer to determine compliance with this ordinance.

## **29.9 Procedure**

The Zoning Commission shall approve, disapprove or approve with modifications, the proposed plans. One copy of the approved plan, the approval noted thereon, shall be filed with Zoning Commission, one copy shall be made available to the applicant and one copy shall be filed with the Building Inspector.

## **29.10 Conditions**

No building permit shall be issued which is not in conformance with the approval plan and with any other regulations governing the use of the Applicant's property.

## **29.11 Information to be recorded**

The Zoning Enforcement Officer shall record and maintain a record of the actual elevation of the lowest floor, including basement, of all new and substantially improved structures in the areas of special flood hazard. The Zoning Enforcement Officer shall also record actual elevation and flood proofing certifications for all new or substantially improved flood proofed structures.

## **29.12 Alteration of Watercourses**

The Zoning Enforcement Officer shall notify adjacent municipalities and the Water Resource Unit of the Connecticut Department of Environmental Protection prior to any alteration or relocations of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

## **29.13 Variances**

As provided by Section 51, the Zoning Board of Appeals may hear and decide requests for variances from the requirements of Section 29 – FLOOD PLAINS and may attach such conditions to the granting of a variance as it deems necessary to further the purposes of this Section. Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard to afford relief if any increase in flood levels during the base flood discharge would result. In granting a variance, the Zoning Board of Appeals shall:

**29.13.1** Give written notice to the applicant that the structure will be permitted to be built with the lowest floor elevated below the base flood elevation. Such notice shall also advise the Applicant that the project is not exempted from flood insurance requirements and that insurance costs will be commensurate with the increased risk resulting from reduced lowest floor elevation.

**29.13.2** Maintain the records of all appeals, including technical information and report any variances to the Federal Insurance Administration upon request.

## **ARTICLE III - SPECIAL PERMITS AND PLANNED DEVELOPMENT**

### **SECTION 31 – PLOT PLAN**

The Borough of Naugatuck requires the submission of a Plot Plan with the application for a building permit for a one- or two-family dwelling and their accessory(ies) on a single lot prepared by a licensed CT professional.

**31.1** A Plot Plan must contain the following information:

- (1)** Owner's name with address and daytime phone number.
- (2)** Contractor's name with address and daytime phone number, if applicable.
- (3)** Property location (including address, city and state).
- (4)** Scale of drawing shall be in feet per inch at a scale no less than 1" equal to 40' or no greater than 1" equal to 60'.
- (5)** Plat book or deed book reference.
- (6)** Proposed and existing building(s) location and dimensions, including accessory building and structures (swimming pools, garages, out buildings, and other types of buildings).
- (7)** Property lines and dimensions.
- (8)** Distances from street centerline or property lines to existing and proposed buildings and distances between buildings at closest point.
- (9)** Location of floodplain from Flood Hazard Boundary maps, and finished floor elevations.
- (10)** Location, dimensions and type of all easements.
- (11)** Proposed or existing location of septic tank, drain field and repair area, if applicable; or location of sanitary sewer.
- (12)** Proposed or existing well location, if applicable; or water line.
- (13)** Proposed driveway and parking areas.

**31.2** Two (2) copies of the Plot Plan must be submitted with your building construction plans.

## **SECTION 32 – SITE PLAN REVIEW**

### **32.1 Standards:**

It is the intent of this Section to provide for administrative site plan review and approval for the following purposes and in accordance with the following standards:

**32.1.1 Driveways:** To require that there be no more than two (2) driveways entering any lot from any one street, except that there may be one (1) additional driveway for each additional three hundred (300) feet of lot frontage, or fraction thereof, in excess of three hundred (300) feet. Driveways shall not exceed thirty (30) feet in width at the street line unless a greater width is required by the State of Connecticut or as otherwise required by these regulations. Within the RADD and NHRDD areas the use of joint driveways between adjacent properties shall be encouraged in order to limit or reduce the number of access points.

**32.1.2 Parking & Loading:** To determine whether or not off street parking and loading will be suitably designed, paved, and drained in such a manner as to promote traffic safety and to protect public health and shall conform to the standards of Section 26.

**32.1.3 Utilities:** To determine whether or not suitable provision has been made for water supply and sewage disposal in accordance with applicable standards of the Naugatuck Valley Health District.

**32.1.4 Landscaping:** To provide for permanently maintained landscaping on the lot to accomplish the following purposes:

**(a) Business Districts:** In Business Districts, no part of the area required for setback from a Residence District boundary line shall be used for off street parking and loading. A strip of land, not less than ten (10) feet in width in Business District #1 and not less than twenty (20) feet in width in Business District #2 and Business District #3, along and adjacent to any Residence district boundary line shall be suitable landscaped with lawns and with trees and/or shrubs. Within the RADD and NHRDD the strip of land suitably landscaped shall be not less than 40 feet in width when adjacent to any Residence District.

**(b) Industrial- District #2:** In Industrial District #2, no part of the area required for setback from a residence district boundary line shall be used for off street parking or loading spaces or driveways in connection therewith. No part of the area required for setback from a street line shall be used for off street loading spaces and no more

than 50% of such area shall be used for driveways and/or off street parking; the area required for setback from a street line shall be suitably landscaped with lawns trees and/or shrubs, washed gravel or ornamental brick or stone pavement except for sidewalks and permitted driveways and off street parking spaces. Along and adjacent to any residence district boundary line, as trip of land not less than thirty (30) feet in width shall be left in its natural state if already wooded or shall be landscaped with lawns and/or shrubs.

**(c.)** To provide landscaped planting areas within or adjacent to off street parking and loading areas in such a manner as to enhance the appearance of the area. The planting areas shall consist of planting strips or islands no less than eight (8) feet in width which are within or from a landscaping border adjacent to the parking and loading areas.

**32.1.5 Soil Erosion & Sedimentation Control:** Design and construction of any development including related streets, drainage and other improvements shall be executed in a manner so that such improvements will not cause soil erosion or sedimentation on the property being developed, or on surrounding properties, wetlands or water courses. (see Section 36).

**32.1.6 Lighting:** To determine the location, height, design and arrangement of outside lighting in order to avoid glare on any other lot and avoid hazards to traffic on any street.

## **32.2 Application:**

Application for Site Plan Approval shall be submitted in writing to the Zoning Enforcement Officer, shall be accompanied by an APPLICATION FOR SITE PLAN OR SPECIAL PERMIT APPROVAL and shall also be accompanied by the following:

**32.2.1 Site Plan:** A site plan, drawn to a scale of not less than forty (40) feet to the inch. The site plan shall be prepared by and bear the seal of an architect or professional engineer or land surveyor licensed to practice in the state of Connecticut and shall show the following information.

- (1.) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
- (2.) North arrow, scale and date, existing and proposed contours;
- (3.) Boundaries of the property plotted to scale;
- (4.) Existing watercourses;
- (5.) Grading and drainage plan, showing existing and proposed

contours;

(6.) Location, design, type of construction, proposed use and exterior dimensions of all buildings;

(7.) Location, design, type of construction of all parking and truck loading areas, showing access and egress;

(8.) Provision for pedestrian access;

(9.) Location of outdoor storage, if any;

(10.) Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences, streets, driveways;

(11.) Description of the method of sewage disposal and location, design and construction materials of such facilities;

(12.) Description of the method of securing public water and location, design and construction materials of such facilities;

(13.) Location of fire and other emergency zones, including the location of fire hydrants;

(14.) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;

(15.) Location, size and design and type of construction of all proposed signs;

(16.) Location and proposed development of all buffer areas, including existing vegetative cover;

(17.) Location and design of outdoor lighting facilities:

(18.) Identification of the location and amount of building area proposed for retail sales or similar commercial activity;

(19.) General landscaping plan and planting schedule; and

(20.) An estimated project construction schedule.

(21.) Location of all outdoor dumpsters, waste systems, trash bins and their like and the method and materials of their required enclosures, i.e. barriers, fences, or plantings.

In addition, applicants shall submit, or be prepared to submit, separately:

**(1)** A record of applications for and approval status of all necessary permits from state and regional officials;

**(2)** Identification of any state or regional permits required for the projects execution, and

**(3)** Other elements integral to the proposed development as considered necessary by the Zoning Commission.

**32.2.2 Architectural Plans:** Preliminary architectural plans of all proposed buildings, structures and signs, including general exterior elevations, perspective drawings and generalized floor plans and including drawings for proposed signs. Four (4) copies shall be submitted. Such plans shall be prepared and signed by an engineer or an architect licensed to practice in Connecticut.

**32.2.3 Certificate of Public Convenience:** A Certificate of Public Convenience accompanied by a water supply plan approved by the Connecticut Department of Health Services and Public Utility Control whenever water is to be supplied by a small water company. Four (4) copies shall be submitted.

**32.2.4 Soil Erosion & Sedimentation Control Plan:** A soil erosion and sedimentation control plan as described in Section 36.

**32.2.5 Inland Wetlands Report:** A written report from the Naugatuck Inland Wetlands Commission as described in Section 33.3.4 if applicable.

**32.2.6 Architectural and Landscape Review Board Report:** A report as described in Section 33.3.8.

**32.2.7 Sanitation:** A Sanitation Certificate endorsed by the Naugatuck Valley Health District or water Pollution Control Board report as described in Section 33.3.6.

**32.2.8 Other:** The Zoning Commission may by resolution waive the submission of all or part of the information required under Sections 32.2.1 through 32.2.7, or may request additional information.

**32.2.9 Fee:** Set by the Board of Mayor and Burgesses.



**32.3 Procedure:**

Application shall be received only at a regular meeting of the Borough Zoning Commission, but must be filed in the office of the Zoning Enforcement Officer at least seven (7) days prior to such meeting for review and placement on the agenda. The Borough Zoning Commission shall approve, approve subject to modification, or disapprove the application within sixty-five (65) days after the application has been received at a regular meeting and determined to be complete. Failure of the Commission to act thereon shall be considered as an approval and a certificate to that effect shall be issued by the Commission upon written demand by the applicant received within thirty (30) days after the expiration of the 65 day period for action. An extension of the 65 day period for action may be had with the written consent of the applicant. The grounds for decision of an application shall be stated by the Borough Zoning Commission in its records.

**32.4 Certification of Soil Erosion & Sedimentation Control Plan:**

The Borough Engineer shall certify that the soil erosion and sedimentation control plan complies with the requirements of Section 32.2.4 before the plan is approved by the commission. The certification shall read as follows:

This Soil and Erosion plan has been reviewed by the Borough of Naugatuck Engineering Department, and when signed below, is certified to be in compliance with the applicable requirements of the Connecticut Guidelines for Soil Erosions and Sediment Control, current edition. Certifications by the Borough Engineer or Commission does not relieve the owner, applicant, contractor or interested party from the responsibility to maintain or increase soil and erosion control measures, as necessary. Small berms or other additional measures may be required to order to maintain compliance with the Connecticut Guidelines for Soil Erosions and Sediment Control.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Borough Engineer

**32.5 Certificate of Occupancy:**

No Certificate of Occupancy shall be issued until it has been determined by the Zoning Enforcement Officer that all provisions of the site plan as approved by the Zoning Commission have been complied with. In those cases where seasonal conditions prevent compliance with the provisions of the site plan before the building is complete, the Zoning Enforcement Officer may authorize issuance of the Certificate of Occupancy on the condition that all provisions of the plan are complied with as the season permits. Noncompliance with the stated time shall make approval null and void unless further extended for good cause.

### **32.6 Revisions & Extensions:**

Any substantial revision of an approved site plan application and any reconstruction, enlargement, extension, moving or structural alteration of an approved site plan use or any building or structure in connection therewith shall require submission of a site plan application as for the original application, including applicable fees.

### **32.7 Condition of Approval:**

Any person, firm or corporation having obtained approval of a site plan application under this section shall complete all work and comply with all conditions of approval of said site plan approval within five (5) years after said approval. In the event all such work and/or all such conditions are not completed within said time, the approval granted shall become null and void. The Borough Zoning Commission may by resolution and without public hearing extend its approval for one (1) year periods for good cause shown.

### **32.8 Change of Use:**

For any property where a site plan has already been approved and the occupancy changes so that the new occupancy falls under a different part of Section 23, Schedule A, Permitted Uses, from that use that was previously approved, a new site plan application shall be necessary. Such site plan shall be reviewed by the Zoning Enforcement Officer, and the Zoning Enforcement officer or his/her designated agent shall be allowed to approve administratively, such changes if:

(1) there is not additional exterior construction except for signs on the previously approved property, and

(2) if the parking requirements for the new use are the same or less than the previous use.

Such approval by the Zoning Enforcement Officer or his/her designated agent shall allow occupancy by the new use immediately. Such action shall be reviewed and, if in accordance with the Zoning Regulations, shall be ratified by the Commission at its next scheduled meeting.

Any approval by the Zoning Enforcement officer or his/her designated agent, shall state that it is subject to review by the Borough Zoning Commission.

In case of any change as described above, where either additional parking or any exterior structural alterations, additions or renovations are involved, a site plan shall be submitted to the Borough Zoning Commission as per the normal procedure under Section 32.

## **SECTION 33 - SPECIAL PERMIT**

### **33.1 GENERAL-**

In accordance with the procedures, standards, and conditions hereinafter specified, the Borough Zoning Commission may grant a SPECIAL PERMIT for the establishment of one (1) or more uses for which a SPECIAL PERMIT must be secured from the Commission as specified in Schedule A of these Regulations. All requirements of this Section are in addition to other requirements applicable, in the district in which the SPECIAL PERMIT use is to be located.

### **33.2 Special Permit Objectives-**

In evaluating a SPECIAL PERMIT, the Zoning Commission shall take into consideration the public health, safety and welfare of the public in general, and the immediate neighborhood in particular, and may prescribe reasonable conditions and safeguards to insure the accomplishment of the following objectives:

**33.2.1** Harmony with Development: that the proposed use is of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

**33.2.2** Traffic Circulation: that the location and size of such use, the nature and intensity of operations involved in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient, or incongruous with, any residential district or conflict with the normal traffic of the neighborhood.

**33.2.3** Impact on Environment: that the location and size of such use, the nature and intensity of operations involved in connection therewith, and the site layout and development will not have a negative impact on any environmental and natural resource areas on or adjacent to the site or within the neighborhood.

**33.2.4** The following Special Standards shall apply to a Special Permit within the Rubber Avenue Design District and the New Haven Road Design District.

#### **Rubber Avenue Design District**

- To the extent possible off-street parking shall be located to the rear of buildings fronting Rubber Avenue.
- Buildings shall be sited with a minimum front yard setback to establish an attractive street face.

- Site access points to Rubber Avenue should be at a minimum and when possible combined with adjacent properties.
- Where possible, Long Meadow Pond Brook which parallels Rubber Avenue to the south shall be incorporated and protected as part of site planning. The Site Plan shall include design of storm water treatment to protect the water quality of the brook, landscaping to enhance the visual quality of the brook and appropriate fencing for the safety of pedestrians and vehicles.
- Sidewalks shall be required in all Site Plans. The Commission shall determine the extent and location of the sidewalks.
- The outdoor display of vehicles and other materials shall be separated from the sidewalk by appropriate fencing, landscaping and other methods.
- Stormwater management plans shall comply with the best practices contained in the Connecticut Stormwater Quality Manual in effect at the time of site plan review.

#### New Haven Road Design District (North and South)

- To the extent possible off-street parking shall be located to the rear of buildings fronting New Haven Road.
- Buildings shall be sited with a minimum front yard setback to establish an attractive street face.
- Site access points to New Haven Road should be at a minimum and when possible combined with adjacent properties.
- Hours of operation shall be considered as part of any Special Permit review and specified in any approvals.
- Stormwater management plans shall comply with the best practices contained in the Connecticut Stormwater Quality Manual in effect at the time of site plan review.
- Sidewalks shall be required in all Site Plans. The Commission shall determine the extent and location of the sidewalks.

#### Landscaping, Screening and Buffer Areas In New Haven Road And Rubber Avenue Design Districts

##### General Landscaping Requirements

- (1) Any portion of a developed lot which is not used for the location of buildings, structures, accessory uses, outside storage areas, off-street parking and loading areas, sidewalks or other paved areas, shall be landscaped in accordance with a landscaping plan.
- (2) 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.

Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced in kind within six months after receipt of notice to the owner by the Zoning Enforcement Officer.

- (3) All landscaping, trees and planting material located adjacent to parking areas, loading areas, or driveways shall be properly protected from damage by vehicles by barriers, curbs, or other means.
- (4) For all new landscaping, an ample variety and quantity of ornamental plants shall be provided, with a few dominant species chosen to create unity and subordinate types interspersed for accent.
- (5) Landscaping shall serve to integrate the proposed development to the site, with particular consideration for natural topography and existing vegetation. Where terrain is uneven, the Commission will consider and may approve parking areas at different levels. Preservation of existing landscape materials and landforms is desirable.
- (6) Landscape composition shall be complimentary to scale and style of existing and proposed buildings, other site features and shall consist of a variety of planting types and heights to be approved by the Commission.

#### Specific Landscaping Requirements

- (1) Evergreen trees and large deciduous trees should be spaced using accepted landscaping practices, usually forty (40) feet or more on center.
- (2) Flowering trees should be spaced using accepted landscaping practices, usually twenty (20) or more feet on center.
- (3) Evergreen trees shall be a minimum of seven (7) feet in height at the time of plantings; deciduous shade trees shall be a minimum of 3" caliper and ten feet in height at the time of planting; and flowering trees shall be a minimum of eight (8) feet in height at the time of planting and 2" caliper.
- (4) Native New England plants, trees and shrubs should be used whenever possible. The incorporation of existing vegetation, particularly large-caliper trees, in all buffer areas and landscaping plans is strongly encouraged.
- (5) Landscape and buffer areas shall include an adequate mixture of deciduous, coniferous and flowering trees, evergreen and deciduous

shrubs and bushes, flowering plants and bushes, and ground cover.

### Front Landscape Areas

The purpose of a front landscape area is to enhance the appearance of the subject property and the street, and to provide shade on the adjacent streets and sidewalks.

- (1) Front landscape areas, where required by these regulations, shall extend across the full width of the lot along the interior side of the front lot line except where driveway entrances and exits are located. This area shall be at a depth which is equal to the front yard requirement for the district.
- (2) Every required landscape area shall be planted with trees (shade or ornamental), shrubbery and ground cover or grass. As a minimum, one deciduous shade tree of at least three (3) inches in diameter at breast height, and a height of ten (10) feet measured from grade, shall be planted within the front landscape area for each forty (40) feet or fraction thereof of lot frontage. The spacing of trees or groups of trees shall be appropriate to the species selected.
- (3) Front yard landscaping shall not obstruct line-of-sight for vehicles entering and exiting the premises, nor shall it obstruct line-of-sight for vehicles traveling on abutting Borough or State highways. Existing plant materials may be used to meet all or part of the landscape regulations.

### Buffer Areas

The purpose of the buffer area is to provide privacy from noise, headlight glare, and visual intrusion to any residential district.

- (1) A buffer area shall be required along and within all boundaries of a lot abutting a Residential District.
- (2) The buffer strip shall be provided and maintained by the owner. Failure to maintain such strip shall constitute a violation of these regulations by the owner of the land zoned for business, industrial or multi-family use, or the owner of the land for which a Special Permit has been granted. Buffer plantings shall be non-deciduous, planted eight (8) feet or less on center. Evergreens shall be at least seven (7) feet in height.
- (3) The minimum width of all buffer areas are contained in Section 24.7.4.
- (4) Plantings shall be staggered/clustered so that the field of view between abutting residential and non-residential uses shall be obscured visually within one (1) years time to such an extent that

activity on the abutting lot is not immediately apparent.

- (5) The buffer area may include fencing in order to effectively screen the activity on the lot from the abutting area. Buffer and screening areas with a mixed evergreen component are strongly encouraged. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place.
- (6) Where the existing topography and/or vegetation provide natural screening, which satisfies the purpose of this regulation, no additional screening may be required.
- (7) The Commission may allow an alternative landscaped buffer design which meets, or exceeds, the performance level of the buffer. Said alternative buffer shall include trees and shrub plantings, and may include hedges, earthen berms, fencing, or other treatments.

#### Landscaping of Off-Street Parking Areas

- (1) Any lot which contains parking facilities for more than ten cars shall also provide landscaped areas within the parking lot equal to at least ten percent (10%) of the gross parking lot area. Gross parking area shall include the area of parking stalls, aisle ways and associated landscaping. This landscaped area shall require landscaped end islands and landscaped center islands within the parking area. Shade trees shall be provided in quantity not less than one tree per five parking spaces.
- (2) Intermediate landscaped islands measuring 9 feet wide by 20 feet in length shall be provided in parking rows for every 16 spaces. The landscaped area shall require landscaped end islands and landscaped center islands within the parking area. Each island shall have a suitable curb of granite or concrete.
- (3) Along any boundary line of an off-street parking area that runs along a sidewalk or street line, a landscaped buffer strip with a minimum width of six (6) feet shall be provided between the parking area and the sidewalk or street line. Said buffer strip shall comply with all applicable landscaping requirements of this Section.
- (4) Along any boundary line of an off-street parking area that runs along a property line which abuts a residential district that is not a sidewalk or street line, a landscaped buffer strip with a minimum width of ten (10) feet shall be provided between the parking area and the property line.

The Commission may waive or modify portions of these landscaping requirements based upon specific site conditions when such requirements are found to be impractical and the objectives of these requirements can be achieved by such modifications.

### **33.3 Application-**

Application for a SPECIAL PERMIT shall be submitted in writing to the Zoning Enforcement Officer, shall be accompanied by an APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE, any other application for which it is related to and shall also be accompanied by the following:

**33.3.1** Statement of Use: A written statement describing the proposed use in sufficient detail to determine compliance with these Regulations, five (5) copies shall be submitted;

**33.3.2** See Section 32 - Site Plan Review Site Plan Section 32.2.1

**33.3.3** Architectural Plans: Preliminary architectural plans for all proposed buildings, structures and signs, including general exterior elevations, perspective drawings and generalized floor plans and including drawings for proposed signs; four (4) copies shall be prepared by and bear the seal of an architect or professional engineer licensed to practice in the State of Connecticut.

**33.3.4** Inland Wetlands Report: A written report from the Naugatuck Inland Wetlands Commission indicating its recommendations concerning the impact of development on wetlands property.

**33.3.5** Fire Protection Report: It shall be the responsibility of the applicant to submit a written report from the Naugatuck Fire Marshall and the Naugatuck Fire Commission commenting and/or recommending on fire protection provisions affecting the development or the abutting properties.

**33.3.6** Water Pollution Control Report: If the proposed development is to be dependent upon the existing municipal sewer system, the applicant shall be responsible for the submission of a written report from the Naugatuck Water Pollution Control Board commenting on the availability and timing of sewage disposal services for the proposed development.

**33.3.7** Police Report: It shall be the responsibility of the applicant to submit a written report from the Naugatuck Police Commission commenting and/or recommending on traffic safety and access provisions affecting the development and the surrounding area.

**33.3.8** Architectural & Landscaping Review Board Report – to be reviewed by the Zoning Commission in the absence of the Advisory Architectural and Landscaping Review Board:

Where new buildings, structures, or alterations to existing structures are proposed, the applicant shall include with the application the written comments and recommendations of the Advisory Architectural and Landscaping Review Board concerning site plan, landscaping and architectural design of all buildings and other structures so that they are of



such character as to harmonize with the neighborhood and to preserve and improve the appearance and beauty of the community. This report shall be issued by the Zoning Commission in the absence of the Advisory Architectural and Landscaping Review Board.

**33.3.9 Water Company Report:** If the proposed development is to be dependent upon the existing public water company, the applicant shall be responsible for the submission of a report from the applicable water company commenting on the availability and timing of water services for the proposed development.

**33.3.10 Soil Erosion & Sedimentation Control Plan:** See section 36 - Soil Erosion & Sedimentation Control Plan.

**33.3.11 Other:** The Zoning Commission may also request the submission of such additional information that it deems necessary in order to decide on the application or waive the requirements of any information deemed unnecessary by a two-thirds vote of the Zoning Commission.

**33.3.12 Application Fee A Special Permit fee** as set by the Board of Mayor and Burgesses upon recommendation of the Zoning Commission.

### **33.4 Procedure**

**33.4.1 Commission Action:** The Zoning Commission shall hold a public hearing regarding any Special Permit within sixty-five (65) days after the date the commission officially received the Special Permit application. Public hearings shall be completed within thirty-five (35) days after the hearing's start date and decisions on the application shall be rendered within sixty-five (65) days of the hearings completion date. An extension not to exceed a total of sixty-five (65) days may be granted to extend any of the aforementioned periods with the consent of the applicant.

**33.4.2 Notice:** Notice of the time and place of such hearing shall be paid for by the applicant and published in the form of a legal advertisement in a newspaper having a substantial circulation in the Borough at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days before such hearing, and a copy of such proposed regulation or boundary shall be filed in the office of the Land Use Inspector and the office of the Town Clerk for public inspection at least ten (10) days before such meeting. Notice of the public hearing shall be mailed by the applicant by certified mail with return receipt requested no later than ten (10) days before such hearing to all owners of property, as recorded in the office of the Town Assessor on the date the application is filed, located within 200 feet of the property which is the subject of the application. In the case where any property within 200 feet of the property that is the subject of the application has been submitted to common interest ownership, such as a condominium, the required notice need only be sent to the homeowners association and

to those owners of buildings or dwelling units located within such 200 feet. Affidavits of the certified letters shall be filed with the Land Use Office as proof of notification.

**33.4.3 Referral to Planning Commission:** The Planning Commission shall, at the first regular meeting of the Commission following the transmittal of the application by the Zoning Enforcement Officer, review the application and issue a report to the Zoning Commission. The failure of the Planning Commission to report at or prior to the public hearing shall be taken as an approval of the application. A statement of the Planning Commission's vote approving or disapproving or proposing modification of such proposal and reasons for the vote shall be publicly read at the public hearing and incorporated into the record of the public hearing.

An application disapproved by the Planning Commission may be adopted by the Zoning Commission by a vote of not less than four fifths (4/5) of all members of the Zoning Commission.

### **33.5 General Considerations**

In addition to the general standards and any special standards for particular uses that may be hereinafter specified, the Borough Zoning Commission shall consider the following before acting on SPECIAL PERMIT application:

**33.5.1** the size and intensity of the proposed use and the size of the lot on which it is to be located;

**33.5.2** the effect of the proposed use on any adopted Plan of Conservation and Development for the Borough;

**33.5.3** the capacity of adjacent and feeder streets to accommodate peak traffic loads, and any traffic hazards that may be created by the use;

**33.5.4** the effect upon property values and appearance in the neighborhood, taking into account the topography of the lot and the character, location and height of proposed buildings and structures and the site plan and proposed landscaping;

**33.5.5** the number, location, arrangement of off-street parking and loading spaces and the vehicular access to the lot;

**33.5.6** fire and police protection needs;

**33.5.7** water supply, sewage disposal facilities and drainage and erosion problems;

**33.5.8** the availability of recreation areas;

**33.5.9** the effect of the lighting system in terms of location and type of display signs and lighting, loading zones, landscaping and pedestrian walkways;

**33.5.10** the height, location, orientation of main and accessory buildings in relation to other structures in the vicinity;

**33.5.11** the degree to which the proposed use fosters and energy efficient building layout and landscaping plan through the use of building orientations and vegetation; and

**33.5.12** drainage considerations shall include effects on land which the drain-way passes through, and also, the effects on those off-site areas ultimately receiving said drainage whether within the development or not.

**33.6** Approval: Subsequent to the public hearing, the Borough Zoning Commission may approve, disapprove, or approve it with modifications, the SPECIAL PERMIT. In approving the application or approving it subject to modifications, the Commission shall make a finding that all applicable requirements of this Section have been met in addition to the requirements applicable in the district in which the SPECIAL PERMIT use is to be located and that the SPECIAL PERMIT will be in harmony with the general purpose and intent of these Regulations. The grounds for decision of a SPECIAL PERMIT application shall be stated by the Borough Zoning Commission in its records. The SPECIAL PERMIT shall become effective at such time as is fixed by the Zoning Commission, provided a copy thereof shall be filed in the office of the Naugatuck Town Clerk. Special Permits are effective from the date that they are registered in the Grantors Record of the Borough Clerk's Office.

### **33.7 General Standards**

The following general standards shall apply to all SPECIAL PERMIT uses:

**33.7.1** Access: Provision shall be made for vehicular access to the lot in such a manner as to avoid undue hazards to traffic and undue traffic congestion on any public highway;

**33.7.2** Neighborhood: The site plan and architectural plans shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community;

**33.7.3** Plan of Conservation and Development: The site plan and architectural plans shall be in conformance with the purpose and intent of any plan of conservation and development adopted by the Borough Planning Commission for the area in which the use is to be located, and the site plan shall provide for appropriate continuation and improvement of streets terminating at the lot where the use is to be located;

**33.7.4 Bond:** The Zoning Commission may authorize the Chairman to endorse the Record Map of Approval, if applicable, to permit filing with the Town Clerk, but such endorsement shall not be executed until all conditions of approval have been met, all required improvements have been completed in accordance with the plans as approved. In lieu of completion of all or part of required improvements prior to endorsement of the Record Map of Approval, the applicant shall execute an agreement and file a bond with the Zoning Commission to guarantee such completion within two (2) years. The bond shall be in form and amount acceptable to the Zoning Commission and to the Borough Attorney;

**33.7.5 Release:** Before release of any site bond, or before the Zoning Commission endorses any site map to permit filing with the Town Clerk when no bond has been posted, the Building Inspector and Borough Engineer shall inspect the premises and notify the Zoning Commission in writing that all work has been completed according to plans. If necessary, the Zoning Commission shall require an "as built" site plan from the applicant's engineer or land surveyor, licensed to practice in the State of Connecticut or a certification that all work has been completed according to site plan submitted.

**33.7.6 Erosion & Sedimentation Control Plan:** The Zoning Commission shall certify based upon the Borough Engineer's report that the soil erosion & sedimentation control plan complies with the requirements of Paragraph 33.3.10 and furthermore, site development shall not begin unless the soil erosion and sedimentation control plan and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional. All control measures and facilities shall be maintained in effective condition to ensure compliance with the certified plan.

### **33.8 Additional Conditions and Safeguards**

In granting any SPECIAL PERMIT, the Zoning Commission may attach such additional conditions and safeguards as are deemed necessary to protect the neighborhood, such as, but not limited to:

**33.8.1** Requirement of setbacks greater than the minimum required by these Regulations;

**33.8.2** Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting or other devices as specified by the Zoning Commission;

**33.8.3** Modification of the exterior features or appearance of any structure where necessary to be in harmony with the surrounding areas;

**33.8.4** Limitation of size, number of occupants, methods and times of operation or extent of facilities;

**33.8.5** Regulation of number, design and location of access drives or other traffic features including pedestrian ways;

**33.8.6** Requirement of off-street parking or other special features beyond the minimum required by these Regulations or other applicable codes or regulations;

**33.8.7** Regulation of the number, type and location of outdoor lighting facilities;

**33.8.8** Requirement that the proposed use be approved in phases;

**33.8.9** Regulation of the orientation of spacing of buildings;

**33.8.10** Requirement that a Certificate of Public Convenience approved by the Connecticut Department of Health Services and Public Utility Control Commission be demonstrated to the Commission whenever the development is to be supplied with water from a small water company (see Section 4.33).

### **33.9 Conditional Approval**

**33.9.1** Approval of an application for a SPECIAL PERMIT under Section 33 shall constitute approval conditional upon completion of the proposed development, in accordance with plans as approved within a period of two (2) years after approval is given. Approval of the application shall become null and void in the event of failure to complete the proposed use or development within the two year period. The extension of such period for an additional period not to exceed one (1) year may be granted by the Borough Zoning Commission after public hearing for good cause demonstrated to the satisfaction of the Commission. The Zoning Commission reserves the right to deny an extension if there have been repeated violations of the Special Permit conditions, requirements or zoning regulations.

All SPECIAL PERMITS may be granted subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood.

### **33.10 Special Standards for Multi-Family Dwellings**

The following special standards shall apply to particular SPECIAL PERMIT uses and shall be in addition to the standards found in Schedule B of Section 24 of these Regulations:

**33.10.1** Dwelling containing three or more dwelling units as set forth in Schedule A-5 of Section 23, Permitted Uses, subject to the following mandatory conditions:

**(a) Qualifying Standards:** no tract of land shall be considered for multiple dwelling units unless it meets the following minimum requirements:

**(1)** The tract shall meet the following minimum size requirements:

B-1 District - 7,000 square feet

RO-1 District - 15,000 square feet

RA-1 District - 15,000 square feet

RA-2 District - 30,000 square feet

**(2)** The development shall be served by public sewers and public water.

**(3)** Minimum frontage requirements for the entire tract shall not be less than one hundred (100) feet.

**(b) Design Standards:** The following standards shall apply to the design and development of multiple dwelling units;

**(1) Maximum Density:** The maximum density shall be in accordance with Schedule B, Section 24 of these Regulations.

**(2) Building Separation:** All principal buildings shall be a minimum fifty (50) feet from all other principal buildings.

**(3) Off-Street Parking:** Off-street parking shall be provided in accordance with Section 26.5. Off-site parking within a 300 foot radius of site may be provided in the B-1, RA-1 and RO-1 Districts, if the off-site parking area is maintained in common ownership with the dwellings. No parking shall extend within less than fifteen (15) feet from any dwelling.

**(4) Setbacks:** As per Section 24, in B-1, RO-1 and RA-1. In RA-2, no structure or parking area shall extend within 150 feet of any property line.

**(5) Two Access ways Mandated:** Any development providing six (6) or more units and having on-site parking, shall provide a minimum of two (2) access ways to a public street.

**(6) Maximum Floor Area:** The maximum floor area of dwellings and buildings shall not exceed the standards set forth in Schedule B of Section 24.

**(7) Maximum Lot Coverage:** The maximum area covered by dwellings and buildings shall not exceed the standards set forth in Schedule B of Section 24.

**(8) Maximum Length of Dwelling and Staggering Of Dwelling Units:** No dwelling shall exceed a length of one hundred fifty (150) feet and no exterior wall of any dwelling shall exceed fifty (50) feet in length in an unbroken plane without an offset of at least six (6) feet.

**(9) Buildable Height:** No dwelling shall exceed a height of forty (40) feet.

**(10) Utilities:** All utilities, including electric, cable T.V., and telephone shall be underground. In addition, utility meters shall be screened from view.

**(11) Usable Outdoor Recreation Space:** All land not utilized for dwellings and private outdoor space shall be considered common land. Such land shall be in such condition, size and shape as to be readily usable for circulation, parking, recreation or conservation. For any SPECIAL PERMIT regarding six (6) or more units, a minimum of 20% of the tract shall be used to provide active and passive recreational activities to residents of the development. However, when more than 10% of all dwelling units in the development containing three (3) or more bedrooms, a minimum of 40% of the tract shall be designated open space.

**(12) Community Building:** Whenever thirty (30) or more dwelling units are proposed, there shall be provided one community building suitably located and buffered from any dwellings providing at least 50 square feet of floor area per dwelling unit. This shall not include any office space.

**(13) Street Standards:** Each dwelling shall be served by an approved private street built to town construction standards and designed to discourage through traffic. Such street shall not extend within less than thirty (30) feet of any dwelling. All private streets shall have at least a twenty-four (24) foot pavement width. The Commission shall have the discretion to require that streets be public and be built, designed and

dedicated to the Borough of Naugatuck whenever a proposed street would serve to improve the circulation system of the Borough of Naugatuck.

**(14)** Specification: Standards for sidewalks, drainage, sewers, landscaping, parking, and other site improvements in accordance with the zoning regulations shall be included in the site plan application submitted to and subject to the approval of the Borough Zoning Commission.

**(c)** Phased Development: The Commission shall require that any development involving the creation of fifty (50) or more dwelling units be approved in phases. Each phase shall be capable of independent existence without the completion of succeeding phases. No phase shall be in excess of fifty (50) units.

**(d)** Procedure: An application for multiple dwellings must be approved as a SPECIAL PERMIT pursuant to Section 33 of these Regulations. Thereafter, parts or phases of the approved tract may be approved for development by filing a site plan application therefore to be processed by the Commission.

**(e)** Additional Submission Requirements: The applicant shall submit the following documents in addition to those specified in Sections 33.3.1 through 33.3.11:

**(1)** Traffic Impact Report: a traffic impact report from a traffic expert setting forth his/her findings and conclusions on the impact of traffic to be generated by the proposed development on the neighborhood and the adequacy of the prospective traffic.

**(2)** Landscaping Plan: a landscaping plan prepared by a Connecticut registered landscape architect at a reasonable scale showing the location of buildings upon the site, off-street parking, circulation layout, lighting standards, proposed landscaping and planting layout and pedestrian walks. The landscape plan shall show the location of all existing trees over eight (8) inches in caliper measured at twelve (12) inches above the ground to be retained or removed. The landscaping and design of recreation and open space areas and the perimeter buffer area shall also be shown on the plan.

**(3)** Homeowner Association or Condominium Association Legal Documents: including a copy of the declaration of



covenants, by-laws and rules and regulations of the Association, a map identifying the private and common areas, including legal documents identifying responsibility for maintenance of private and common recreation areas, documents specifying procedures for assuring financing of essential community services and activities over time (ie. 1) automatic membership; (2) mandatory payment of common expenses; (3) personal obligation of lot/unit owner for payment], a covenant providing the municipality with the right -a take over (in the event the Association fails) and appoint a receiver to assess each unit owner fees in order to meet the expenses of the development and a financial report estimating the annual costs to maintain and operate the services and facilities provided within the development.

**(4)** The Commission may by resolution, waive the required submission of all or part of the information required under paragraphs 33.10.1 (e) through 33.10.1 (e.3), above if the Commission finds that the information is not necessary in order to decide on the application.

**(f)** Site Plan Submission on Approved Application: Once the SPECIAL PERMIT application has, in concept, been approved, or approved with conditions, the applicant shall thereafter submit a final site plan and construction plans incorporating any and all modifications or conditions imposed by the Zoning Commission. The final site plan and construction plans for all or a phase of the entire tract shall be approved, approved subject to modification, or disapproved within sixty-five (65) days after the site plan application has been reviewed at a regular meeting and determined to be complete. Failure of the Commission to act thereon, shall be considered as an approval and a certificate to that effect shall be issued by the Zoning Commission upon written demand by the applicant received within thirty (30) days after the expiration of the sixty-five (65) period. The failure of the applicant to submit a final site plan and construction plans timely shall constitute reason for mandatory denial.

**(g)** Certificate of Public Convenience: Requirement that a Certificate of Public Convenience approved by the Connecticut Department of Health Services and Public Utility Control Commission be demonstrated to the Commission whenever the development is to be supplied with water from a small water company (see Section 4.33)

### **33.11 Special Standards for Regional Shopping Centers**

The following Special Standards shall apply to a Special Permit for a Regional Shopping Center. To the extent that any other provisions of the Zoning Regulations are inconsistent with these Special Standards, these Special Standards shall apply.

**33.11.1** A Regional Shopping Center shall be a commercial development consisting of some or all of the following uses as permitted uses:

(a) Stores and other buildings and structures where goods are sold or services rendered primarily at retail.

(b) Business and professional, banks and other financial institutions, medical and dental clinics.

(c) Restaurants and other food and beverage establishments where customers may be seated at tables, counters or common seating areas, which may include food take-out service incidental to such establishments.

(d) Indoor theaters and assembly halls.

(e) Bowling alleys, billiard or pool halls and indoor commercial recreation businesses.

(f) Sales and service for tires, batteries and other motor vehicle accessories but excluding gas stations.

(g) Drive-through service windows for banks and restaurants provided the service windows are incidental to such bank or restaurant.

(h) Accessory uses customary with and incidental to any of the foregoing permitted uses and to Regional Shopping Centers.

**33.11.2** Qualifying and Design Standards - In addition to the Standards for the RSC District contained in Schedule B of Section 24, a Regional Shopping Center shall meet the following requirements:

(a) A Regional Shopping Center shall have a minimum total lot area of 50 acres; however, the lot comprising the Regional Shopping Center may be divided into separate parcels of land containing a minimum lot area of 5 acres each. For purposes of this Section, lot area shall mean the gross horizontal area contained within the lot.

**(b)** A regional Shopping Center shall contain a minimum of 400,000 square feet of Building Area and a minimum of 700,000 square feet of Floor Area. For purposes of this subparagraph, Building Area shall mean the ground area enclosed by the walls of a building together with the area of all covered porches and other roofed portions; and Floor Area shall mean the sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings, and shall include the area of basements when used for commercial purposes but need not include a basement or portion of a basement used for storage or housing of mechanical or central heating equipment.

**(c)** A Regional Shopping Center shall be located in close proximity to a limited access highway.

**(d)** A Regional Shopping Center shall be served by public sewer and water.

**(e)** A Special Permit approval for a Regional Shopping Center shall become null and void in the event of failure to complete the proposed development within five (5) years, unless further extended by the Borough Zoning Commission.

**(f)** A Regional Shopping Center shall be allowed to have one business premises with a liquor permit, wherever located, for each 50,000 square feet of Floor Area (as Floor Area is defined in subparagraph (b) above). The provisions of Section 44.1.1 shall not apply to a Regional Shopping Center.

### **33.11.3 Off Street Parking**

The parking requirements shall be one space for each 200 square feet of Gross Leasable Area, excluding theaters, and the parking requirement for theaters shall be one space for each four seats in excess of the first seven hundred fifty seats. These requirements are in lieu of the requirements of Section 26.5.

**33.11.4** Off Street Loading off- street loading spaces shall be provided at the rate of 4 for the first 100,000 square feet of Gross Leasable Area and 1 space for each additional 50,000 square feet of Gross Leasable Area. These requirements are in lieu of the requirements of Section 26.7

**33.11.5** Signs in lieu of any standard in Section 27 which may be contrary, the following shall be permitted:

**(a)** Wall signs on any building face shall not exceed 10% of any building face where the sign is located.

- (b)** One ground sign at each point of ingress from a public street.
- (c)** Directional signs not to exceed 100 square feet at each point of ingress from a public street.
- (d)** Directional signs not to exceed 50 square feet within the property at each point of intersection.
- (e)** All permits for a permanent sign over 40 square feet in size shall be automatically renewed, every three (3) years, without necessity of any reapproval, unless any such sign is structurally unsafe.

### **33.11.6 Performance Standards**

The use of land, buildings and other structures shall conform to the performance standards specified in Section 41 of the Zoning Regulations.

### **33.11.7 Other**

- (a)** Along and adjacent to any residential zoning district boundary line, a strip of land not less than 30 feet in width shall be left in its natural state or shall be landscaped with lawns and/or shrubs. This area shall be included for computation of the Qualifying and Design Standards of this Section (including Schedule B).
- (b)** For purposes of this Section, Gross Leasable Area shall mean the total floor area permanently constructed for the exclusive occupancy and use of tenants, including basement, mezzanine, and upper floor areas. Gross Leasable Area does not include areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, utility rooms, lobbies, enclosed malls and parking garages.
- (c)** A Special Permit for a Regional Shopping Center may include or may be amended to permit a division or divisions of the land comprising a Regional Shopping Center, except each separate parcel need not comply with frontage, setbacks, lot coverage, minimum Building Area and Floor Area, off-street parking and off-street loading requirements of the Zoning Regulations, including this Section, provided that all of the parcels continue to function as integrated parts of the approved Regional Shopping Center.
- (d)** For purposes of compliance with the Zoning Regulations, including this Section, and regardless of ownership, all land comprising a Regional Shopping Center, including any portions located in an adjoining town, shall be considered as if all of such land was entirely located within the Borough of Naugatuck.

**33.11.8 Additional Submission Requirements** The applicant shall submit the following documents in addition to those specified in Sections 33.3.1 through 33.3.11:

**(1) Traffic Impact Report:** A traffic impact report from a traffic expert setting forth his/her findings and conclusions on the impact of traffic to be generated by the Regional Shopping Center on the neighborhood and the adequacy of the prospective traffic improvements.

**(2) Landscaping Plan:** A landscaping plan prepared by a Connecticut registered landscape architect at a reasonable scale showing the location of buildings upon the site, offstreet parking, circulation layout, lighting standards, proposed landscaping and planting layout and pedestrian walks.

**(3) Environmental Impact Study:** A report setting forth his/her findings and conclusions on the impact that the Regional Shopping Center will have on any environmental and natural resource areas on or adjacent to the site or within the immediate area.

## **SECTION 34 - PLANNED DEVELOPMENT DISTRICTS**

### **34.1 PURPOSE**

Planned Development Districts may be established by the Zoning Commission in accordance with the procedures hereinafter specified. A planned development district may be established by such commission when it is determined by said commission to be more desirable to consider an entire parcel of land as a single unit of development for the purpose of site planning and utilities so that there is a coordinated and orderly plan of development while maintaining the option of individual ownership of lots or units within the district. A planned development district may be established when found to be necessary and appropriate for the following purposes:

**34.1.1** - To allow tracts of land of twenty (20) or more acres to be developed, redeveloped and improved as integrated and harmonious design units of stable character, consistent with the character of the Borough and the long range improvement of the neighborhood and consistent with any plan of conservation and development adopted by the Borough Planning Commission, when such tracts are of sufficient size to accommodate such design units and when another existing zoning district could not be appropriately established to accomplish such purposes.

**34.1.2** To allow the use of land, buildings and other structures for purposes that would be beneficial to and consistent with the character of the Borough and the long range improvement of the neighborhood and consistent with any plan of conservation and development adopted by the Borough Planning Commission, when such uses are located on tracts of sufficient size to accommodate integrated and harmonious design of buildings, structures and facilities in connection with the use and when another existing zoning district could not be appropriately established to accomplish such purposes.

**34.1.3** - To design the use of land, buildings and other structures with the aim to:

(a) Encourage the use of passive solar energy space heating during the heating season;

(b) Encourage the use of natural ventilation during the cooling season; and

(c) Protect access of sunlight to the south wall of all proposed structures.

**34.1.4** - To allow appropriate and varied mixes of uses which are not allowed in other zones, i.e., a combination of residential and commercial uses, or a combination of different residential densities such as multi family units

and single family units or other appropriate residential uses. Mixed uses must be determined to be compatible with each other, the plan of development of the Borough of Naugatuck and existing uses surrounding the planned development district. Industrial land uses may not be mixed with commercial or residential uses.

### **34.2 QUALIFYING STANDARDS-**

The Zoning Commission upon the application of the owner or owners of a contiguous parcel of land of sufficient size and location may establish a planned development if the following criteria can be established:

**34.2.1** - that such development is desirable for the physical and economical growth of the community;

**34.2.2** - that such development will not detract from the character and value of the adjoining property;

**34.2.3** - that such development shall be served by public sewer and public waste facilities;

**34.2.4** - that such development shall consist of an appropriate mix of uses so as to be consistent with the purposes set forth above;

**34.2.5** - with the exception that such parcel that is 25 acres or more shall not be required to have public sewer and water, but shall be required to have systems approved by Valley Health and Water Pollution Control.

### **34.3 PETITION-**

A petition for the establishment of a planned development district shall be submitted in writing to the Zoning Commission and simultaneously to the Borough Planning Commission and shall be signed by the owners of all parcels within the proposed district. The petition shall be accompanied by the following:

**34.3.1 STATEMENT** - A written statement specifying in detail the particular provisions of these Regulations which are proposed to be applicable or inapplicable within the district and the special or provisional provisions which are proposed to be applicable to the use of land, buildings and other structures, the location and bulk of buildings and other structures, and the area, shape and frontage of lots within the district. Ten (10) copies shall be submitted to each Commission.

**34.3.2 - DEVELOPMENT PLANS** - A development plan for the proposed development, including site plans, architectural plans and other drawings as relevant, in sufficient detail to show the precise boundaries of the proposed district and the character and location of existing and proposed contours, uses building and other structures, sign, outdoor illumination, streets, driveways, off-street parking and loading spaces, outside storage areas,

water courses, storm drainage, sewage disposal facilities, water supply facilities and landscaping. Ten copies shall be submitted to each Commission.

**34.3.3 - SOIL EROSION & SEDIMENTATION CONTROL PLAN** A soil erosion and sedimentation control plan drawn to the scale of not less than 100 feet to the inch, containing proper provisions to adequately control runoff on the proposed site. The plan shall show existing and proposed topography, soil types, cleared and graded areas, proposed area alterations and the location of the erosion and sedimentation control measures and facilities. The developer/owner shall be responsible for notifying the Land Use office when construction on the site begins, and when each soil erosion and sediment control measure is installed, so that they may be inspected, and shall conform to the standards of section 36 of these regulations and the Connecticut Guidelines for Soil Erosion and Sediment Control 2002 as amended. The model regulations in the guidelines shall be made a part of these regulations.

**34.3.4** A petition fee will be set by the Board of Mayor and Burgesses.

**34.3.5** Additional Items to Address in Development Plan Screening - The Commission may require appropriate fencing and/or landscaping of suitable type, density and height in order to effectively screen the proposed uses from adjacent properties and streets.

**34.3.6** Street Access - No PDD shall be approved by the Commission unless the development site has suitable access or accesses to a street(s) which is adequate to accommodate the potential traffic generation from such development, as determined by the Zoning Commission.

**34.3.7** Utilities - No PDD shall be approved by the Commission unless each dwelling unit in said development is:

(1) served by an adequate public sanitary sewerage system a community subsurface sewage disposal system or private, individual sewage disposal facilities and approved by both the City and State Departments of Health; and

(2) supplied with water from an adequate water supply. Also see Section 34.2.5.

**34.3.8** Improvement Standards - Plans and specifications for the construction and/or improvement of all street, parking areas, curbs and gutters, sidewalks, storm drainage facilities, sanitary sewage facilities, water supply facilities, electric and telephone facilities, and other improvements shall comply with all applicable Borough and State laws, codes, ordinances and regulations shall be submitted to the Board for approval.

(1) To the extent possible, utility lines within the development site shall be placed underground in order to promote an aesthetic



development.

**(2)** Notwithstanding any other Borough ordinances or regulations, the Commission may permit private, interior streets with a pavement width of not less than 24 feet from two-way traffic and 14 feet for one-way traffic.

**34.3.9** Ownership and Maintenance - All private streets, parking areas, sidewalks, utilities, recreations facilities, open space areas and other private maintained and operated by the applicant, owner, association or corporation without expense to the Borough. The development site shall, at all times, be maintained in a safe, sanitary and presentable condition.

#### **34.4 Procedure**

After receipt of a complete petition for a planned development district and after receipt of the Borough Planning Commission report or the lapse of the sixty-five (65) day period, the Commission shall hold a public hearing on the petition in the same manner and with the same notice as required for amendment of these Regulations. If necessary, as is required by these regulations, any Special Permit activity as is detailed in Sections 33 and 42 shall be applied for in the same application as the PDD. The requirements of those sections shall be met if applicable and shall be included as part of the statement per Section 34.3.1. The report, if any, of the Borough Planning Commission may adopt the planned development district thereby amending these Regulations and the Zoning Map only after such Commission makes the following findings in addition to other findings necessary for amendment of these Regulations:

**(1)** The Planned Development District and the standards and Development Plan applicable therein will be consistent with any plan of development adopted by the Borough Planning Commission and will be in accord with the comprehensive plan of zoning;

**(2)** Another existing zoning district could not be appropriately established to accomplish such purposes;

**(3)** The Borough Planning Commission has not recommended that the petition be disapproved. If the planned development district is adopted by the Zoning Commission, notice of such adoption shall be given as required for amendment of these Regulations, and the planned development district, appropriately numbered, shall be shown on the Zoning Map. Before or after adoption of the planned development district and prior to an approval of an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE by the Zoning Enforcement Officer, the Zoning Commission may require the petitioner to submit detailed specifications for particular aspects of the proposed development in order that such specifications may be reviewed and may be approved by the Zoning Commission after finding that they are consistent with the qualifying standards and development plan are made a

part of the conditions under which an APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE is approved.

### **34.5 Soil Erosion & Sedimentation Control Plan**

The Zoning Commission shall based upon a report from the Borough Engineer find that the soil erosion and sedimentation control plan complies with the requirements of Paragraph 33.3.10 and furthermore, site development shall not begin unless the soil erosion & sedimentation control plan and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional. All control measures and facilities shall be maintained in effective conditions to ensure compliance with the certified plan. (see Section 36)

### **34.6 Change of Plans-**

Any change of plans shall require the approval of the Zoning Commission. Said approval is necessary whenever the Commission determines that the proposed change of plans will significantly alter the character, density, size, design and/or spacing of land and buildings so as to make the proposed plans inconsistent with the purposes of the planned development district, as specified above. In said event, another public hearing shall be required in accordance with the procedure noted above.

**34.6.1 Fee** - A petition fee for a change of plans shall be set by the Board of Mayor and Burgesses.

### **34.7 Certificate of Public Convenience-**

Requirement that a Certificate of Public convenience approved by the Connecticut Department of Health Services and Public Utility Control Commission be demonstrated to the Commission whenever the development is to be supplied with water from a small water company. (see Section 4.33)

### **34.8 Additional Limitations-**

Adoption of a planned development district by the Zoning Commission shall constitute authorization to establish the uses, buildings, structures and site development in accordance with the standards and Development Plan adopted by such Commission for the district and in accordance with detailed specifications approved by such Commission. The development authorized by the district shall be completed within four (4) years from the effective date of the district, except that the Zoning Commission may extend the time for completion for one (1) year periods after public hearing for good cause demonstrated to the satisfaction of the Commission; otherwise, the Commission shall be deemed authorized by the owner or the owners of land within the district to amend these Regulations and the Zoning Map, deleting the planned development district and establishing for such land the previous or another zoning district.

**34.8.1** All applicants must demonstrate that there is a reasonable assurance that the developer has the financial and organizational capability to complete the project as submitted.

**34.8.2** All applicants must demonstrate that phases of development as submitted are capable of sustained and independent existence within the standards of this section without development of subsequent phases.

**34.8.3** Applicants - The record owner, owners or optionee of land proposed to be developed as a Planned Development District shall bind themselves by an agreement which shall be a part of the Site Plan to act as one person in developing the property.

**34.8.4** Ownership and Maintenance - All private streets, parking areas, sidewalks, utilities, recreation facilities, open space areas and other private improvements, facilities and areas shall be owned, maintained and operated by the applicant, owner, association or corporation without expense to the Borough. The development site shall, at all times, be maintained in a safe, sanitary and presentable condition.

**34.8.5** Performance Bond - As a condition of its approval, the Zoning Commission shall require the applicant to submit a Cash Bond or Performance Bond in form and amount satisfactory to it and with a bonding company licensed to do business in the State of Connecticut as surety conditioned on the construction of all required public improvements, such as, but not limited to, roads, sidewalks, curbing, sanitary sewers, storm sewers, public water, etc., and the completion of all amenities, such as, but not limited to, landscaping, private walks, pave parking areas, street frontage, etc., and providing that in case of default, the surety company shall promptly with said conditions. The Commission may reduce the bond requirements as portions of the work are completed in accordance with the requirements of the Commission.

### **34.9 Effect of Approval-**

An approved Planned Development District shall be deemed to conform to the provisions of the Zoning District in which it is located, so long as all applicable regulations and conditions of approval are met.

**34.10** If the owner, his successors or assigns, fail to any part of the Site Development Plans as adopted by the Commission, the Building Inspector shall notify such owner, by certified mail, that a violation of said plans exists, specifying the nature of the violation and ordering a correction thereof. If the owner does not proceed to comply with the order to correct the specified violations within thirty (30) days after receipt of notification thereof, the Building Inspector shall, at the direction of the Commission, instruct the Borough Board to call in the bond established hereunder.

### **34.11 Waiver-**

The Zoning Commission by a two thirds vote may waive the submission of all or part of the information required by any part of this section of the Zoning Regulations if it finds that the information is not necessary in order to decide on the application for a planned development district.

## **SECTION 35 - OPEN SPACE SUBDIVISION PLANS**

### **35.1 General**

The Borough Planning Commission may approve an open space plan simultaneously with the approval of a subdivision plan under the Subdivision Regulations of the Borough of Naugatuck, to permit establishment of an open Space Subdivision Plan involving reduction of lot area and lot shape requirements and reduction of certain yard and setback requirements applicable in any Residence R-65, R-45 or R-30 District in order to accomplish one or more of the open space purposes specified in Paragraph 35.2 of this Section. Before the Planning Commission shall approve an open space subdivision, an application shall be submitted to such Commission in accordance with the procedures, standards and conditions herein specified. Such Commission shall follow the procedures herein specified, and before approving any open space subdivision, shall find that the standards and conditions herein specified have been met and that the open space subdivision will accomplish one or more of the open space purposes stated and will be in harmony with the purposes and intent of the Zoning Regulations.

### **35.2 Purpose**

The Borough Planning Commission may approve an open space subdivision to permit establishment of an open Space Subdivision Plan if it finds that the plan will accomplish one or more of the following purposes:

**35.2.1** To preserve land as unsubdivided and undeveloped open space which preserves or enhances the appearance, character and natural beauty of an area;

**35.2.2** To preserve land for parks and recreational purposes;

**35.2.3** To preserve land for purposes of conserving natural resources;

**35.2.4** To preserve land and protect particular areas and terrain having qualities of natural beauty or historic interest;

**35.2.5** To protect streams, rivers and ponds so as to avoid flooding, erosion and water pollution.

### **35.3 Application**

Application for an open space subdivision shall be submitted in writing to the Borough Planning Commission and shall be accompanied by the following:

**35.3.1** A written statement describing the open space purpose to be accomplished and the proposed method of preservation and disposition of the open space land. Four (4) copies shall be submitted.

**35.3.2** A Preliminary subdivision map as specified in the subdivision regulations of the Borough of Naugatuck and showing a proposed subdivision of the land in conformity with the Regular Residence R-65, R-45 or R-30 District requirements as applicable. Four (4) copies shall be submitted.

**35.3.3** A subdivision map as specified in the Subdivision Regulations of the Borough of Naugatuck, and showing the proposed subdivision of the land as an Open Space Subdivision Plan. Four (4) copies shall be submitted.

**35.3.4** Such additional information that such Commission may deem necessary to make a reasonable decision on the application.

**35.3.5** An application fee as has been set by the Planning Commission.

#### **35.4 Standards and Conditions**

The application for Open Space Subdivision Plan shall conform to the following standards and only be allowed in R-65, R-45 and R-30 as follows:

**35.4.1** Area of Subdivision: The acreage covered by the Open Space Subdivision Plan shall consist of not less than 25 acres if located within the Residence R-65 District and not less than 15 acres if located within the Residence R-45 or R-30 District.

**35.4.2** Location: The area covered by the proposed Open Space Subdivision Plan shall be located entirely within the Residence R-65, R-45 or R-30 District.

**35.4.3** Number of Lots: The number of building lots shown on the open space subdivision plans shall not exceed the number that could be created in conformity with the regular Residence R-65, R-45 or R-30 District requirements, as applicable, and the Subdivision Regulations of the Borough of Naugatuck as indicated on the preliminary subdivision plan submitted under Paragraph 35.3.2.

**35.4.4** Lot Area, Shape and Other Requirements: In the Residence R-65 District, each lot shall have a minimum area of 45,000 square feet; in the Residence R-45 District, each lot shall have a minimum area of 30,000 square feet; in the Residence R-30 District, each lot shall have a minimum area of 20,000 square feet. In Residence R-45 each district, each lot shall be in conformance with the minimum buildable area of such shape that a square with 115 feet on each side will fit on the lot and shall have a minimum frontage of 115 feet on a street. In a Residence R-30 Districts, each lot shall be of such shape that a square with 95 feet on each side will fit on the lot and shall have a minimum frontage of 95 feet on a street. In Residence R-45 District, buildings and other structures may extend to within 35 feet of any street line or rear property line and to within 25 feet of any side or other

property line. In Residence R-30 District, buildings or other structures may extend to within 30 feet of any street line or rear property line and to within 20 feet of any side or other property line.

**35.4.5 Open Space, Land:** The Open Space Subdivision Plan shall result in preservation of open space land with suitable access, shape, dimension, character, location and topography to accomplish one or more of the open space purposes specified in Paragraph 35.2. Such open space land shall be shown on the Open Space Subdivision Plan and shall be labeled in a manner approved by the Borough Planning Commission and is not to be used for building lots.

**35.4.6 Disposition:** The method of preservation and disposition of the open space land shall accomplish the open purposes and shall be subject to the approval of the Borough Planning Commission. The open space land shall first be offered to the Borough of Naugatuck as permanent community-owned open space. Should forty-five (45) days elapse after such offer without the Borough electing to accept transfer of title to the land, another method may be used to preserve and dispose of the open space land. The method used may include, but is not limited to:

(a) Establishment of a neighborhood association to own and maintain the land for the open space purposes intended; or

(b) Transfer of the land to an institution, person, organization or other entity to own and maintain the land for the open space purposes intended.

**35.4.7 Area of Open Space Land:** The area of the open space land shown on the open Space Subdivision Plan shall not be less than 15,000 square feet in Residence R-65 Districts, 12,500 square feet in Residence R-45 Districts, and 7,500 square feet in Residence R-30 Districts, times the number of building lots indicated on the preliminary subdivision plan submitted.

## **35.5 Action**

**35.5.1 Hearing:** The Borough Planning Commission shall hold a public hearing on the application. Notice of the time and place of such hearing shall be published in a newspaper having a substantial circulation in the Borough at least twice, at intervals of not less than two (2) days the first not more than 15 days, nor less than 10 days, and the last not less than two (2) days before the date of such hearing.

**35.5.2 Park Commission Review:** A copy of the proposed open space subdivision map shall be forwarded to the Park Commission for its review. No open space subdivision shall be approved until a written report from said Commission is received by the Planning Commission.

**35.5.3 Approval:** Within 65 days after close of the public hearing, such Commission shall approve or disapprove the application. Such Commission may approve the application if it finds that one or more of the open space purposes specified in Paragraph 35.2 will be accomplished, that the standards and conditions of Paragraph 35.4 have been met and that the open space subdivision plan will not be detrimental to the health, safety and property values in the neighborhood. In granting the open space subdivision, the Commission may attach such conditions that it deems necessary to preserve the purpose and intent of these Regulations.

**35.5.4 Endorsement:** The approval of the open space subdivision shall be noted on the subdivision map to be recorded in the Office of the Naugatuck Town Clerk. The map shall be signed by the Chairman of the Borough Planning Commission with the date of approval indicated on the map.

**35.5.5 Expiration:** Any open space subdivision granted under these provisions shall become null and void ninety days from the date the open space subdivision was granted if the subdivision map for which the subdivision was granted has not been recorded in the office of the Naugatuck Town Clerk.

### **35.6 Permitted Uses**

Any building lot on an approved open space subdivision plan shall be used only for a single family house and accessory structures and customary home occupations as specified in Schedule A of these Regulations.

### **35.7 Area, Location and Bulk Requirements**

Except for the variations specified in Section 35.4.4, any building lot shown on an approved open space subdivision plan shall be subject to all of the requirements of Section 24 and Schedule B ordinarily applicable to building lots in Residence R-45 and R-30 Districts.

### **35.8 Open Space Land**

The open space land shown on an approved open space subdivision plan shall not be used for any other purpose other than that contained in Section 35.2 and shall remain as open space.



## **SECTION 36 - SOIL EROSION AND SEDIMENTATION CONTROL PLAN**

### **36.1 Soil Erosion & Sedimentation Control Plan**

As required in Sections 42, 33, 34 and 32 a Soil Erosion & Sedimentation Control Plan must be submitted to the Zoning Commission. The applicant shall submit five copies of the plan drawn to a scale of not less than one hundred (100) feet to the inch, containing proper provisions to adequately control erosion and sedimentation and reduce the danger from storm water runoff on the proposed site.

The plan shall show existing and proposed topography, soil types, cleared and graded areas, proposed area alterations and the location of and detailed information concerning erosion and sedimentation control measures and facilities. The narrative shall describe the project, the sequence and schedule and phases of major grading and construction activities on the land, the application of conservation and the maintenance program of the installed erosion and sediment control facilities wherever cumulatively one half (1/2) acre or more of land will be disturbed. The developer/owner shall be responsible for contacting the Land Use Office when construction activities on the site begin, and also when each soil erosion and sediment control measure is installed, so that they may be inspected by the land use office. The erosion and sedimentation control plan shall be prepared by and bear the seal of a professional engineer, architect or landscape architect licensed to practice in the State of Connecticut, and shall meet the requirements and objectives set forth in the Connecticut Guidelines for Soil Erosion and Sediment control, 2002, as amended.

### **36.2 Definitions:**

**36.2.1 DEVELOPMENT:** any construction or grading activities to improved or unimproved real estate;

**36.2.2 DISTURBED AREA:** a disturbed area is any area where the ground cover is or will be destroyed or removed or altered thereby leaving the land subject to accelerated erosion;

**36.2.3 EROSION:** the detachment and movement of soil or rock fragments by water, wind, ice or gravity;

**36.2.4 GRADING:** any excavating, grubbing, filling or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition;

**36.2.5 INSPECTION:** The periodic review of sediment and erosion control measures shown on the certified plan;

**36.2.6 SEDIMENT:** a solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site

of origin by erosion;

**36.2.7 SOIL:** any unconsolidated mineral or organic material of any origin;

**36.2.8 SOIL EROSION & SEDIMENT CONTROL PLAN:** a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a site plan map and narrative.

**36.3** The soil Erosion and Sediment Control Plan shall be certified in writing by the Borough Engineer before the plan is approved by the Commission. The certification shall read as follows:

This Soil and Erosion plan has been reviewed by the Borough of Naugatuck Engineering Department, and when signed below, is certified to be in compliance with the applicable requirements of the Connecticut Guidelines for Soil Erosions and Sediment Control, current edition. Certifications by the Borough Engineer or Commission does not relieve the owner, applicant, contractor or interested party from the responsibility to maintain or increase soil and erosion control measures, as necessary. Small berms or other additional measures may be required in order to maintain compliance with the Connecticut Guidelines for Soil Erosions and Sediment Control.

Signed: \_\_\_\_\_ Date: \_

\_\_\_\_\_  
Borough Engineer

Signed: \_\_\_\_\_ Date: \_

\_\_\_\_\_  
Naugatuck \_\_\_\_\_ Commission

Alternative principles, methods and practices may be used providing that prior approval of the Borough Engineer has been received.

**36.4** Said plan shall contain, but is not limited to:

**36.4.1** A narrative describing:

(a) the proposed development;

(b) the proposed schedule for grading and construction activities including:

(1) the sequence of grading and construction activities;

(2) the sequence for installation and/or application of all soil erosion and sediment control measures;

(3) the sequence for final site stabilization

(c) the design criteria for proposed soil erosion and sediment control measures;

(d) the construction details for proposed soil erosion and sediment control measures;

(e) the installation and/or application procedures for proposed soil erosion and sediment control measures, and;

(f) the operation and maintenance program, for proposed soil erosion and sediment control measures.

### **36.5 Minimum Acceptable Standards**

**36.5.1** Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control 2002, as amended. Soil erosion and sediment control plans shall result in a development that:

(a) minimizes erosion and sedimentation during construction;

(b) is stabilized and protected from erosion when completed, and;

(c) does not cause any off site erosion and/or sedimentation problems.

**36.5.2** The minimum erosion and sedimentation control standards for individual measures are those in the Connecticut Guidelines for Erosion and Sediment Control 2002, as amended. The Commission may grant exceptions to these minimum standards when requested by the applicant only when technically sound reasons are presented.

**36.5.3** The developer/owner shall be responsible for contacting the Land Use Office when construction begins on site, and when each soil erosion and sediment control measure is installed so that it may be inspected. If a Stormwater General Permit is required for the site, said permit shall be submitted to the land use office prior to the commencement of any construction on site.

Approved temporary drainage measures shall be installed immediately after clearing and grubbing of site. Disturbances to the site shall be limited to no more

than five acres at a time unless areas are stabilized in accordance with these regulations and the Connecticut Guidelines for Soil Erosion and Sediment Control 2002, as amended.

Permanent drainage shall be installed before any impervious surfaces are installed.

### **36.6 Certification/Denial of Erosion and Sediment Control Plans**

The Borough Engineer shall certify a soil erosion and sediment control plan when the plan complies with the requirements and objectives of these regulations and the Connecticut Guidelines for Soil Erosion and Sediment Control 2002, as amended. When the soil erosion and sediment control plan fails to comply with these regulations, the Borough Engineer shall deny certification of the plan.

**36.7** The developer/owner shall be responsible for maintaining all erosion sediment control measures and facilities in proper working order throughout the life of the project. The developer/owner shall be responsible for contacting the Land Use Office when construction activity begins on site, and when each soil erosion and sediment control measure is installed so that they may be inspected.

### **36.8 Inspections**

Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly installed and maintained.

### **36.9 Enforcement**

Enforcement of the Soil Erosion and Sediment Control regulations shall be the responsibility of the Commission or its designated agent. Failure to properly install and/or maintain any erosion and sediment control measures may result in the immediate issuance of a stop work or cease and desist order by either the Commission or its designated agent, as provided under Connecticut Public Act 87-244, until the problem is satisfactorily corrected.

## **ARTICLE IV - BOROUGHWIDE REQUIREMENTS**

### **SECTION 41 - PERFORMANCE STANDARDS**

#### **41.1 Air Pollution-**

No dust, dirt, fly ash or smoke and no offensive odors or noxious, toxic or corrosive fumes or gases shall be emitted into the air from any lot so as to endanger the public health or safety, to impair safety on or the value and reasonable use of any other lot, or to constitute a critical source of air pollution.

#### **41.2 Noise-**

With the exception of time signals and noise necessarily involved in the construction or demolition of buildings and other structures, no noise shall be transmitted outside the lot where it originates when noise has a decibel level, octave band, intermittence and/or beat frequency which would endanger the public health or safety or impair safety on or the value and reasonable use of any other lot.

#### **41.3 Vibration-**

With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibration shall be transmitted outside the lot where it originates.

#### **41.4 Land & Water Pollution-**

No refuse or other waste materials shall be dumped on any lot except with the approval of the Director of Health of the Borough of Naugatuck and the Zoning Commission. No refuse or other waste materials and no liquids shall be dumped on any lot or dumped or discharged into any river, stream, water courses, storm drain, pond, lake, or swamp so as to constitute a source of water pollution. No construction, development or activity shall occur within the regulated area/setback of a wetland or watercourse unless approved by the Borough of Naugatuck Inland Wetlands Commission. (boat and pump houses exempt)

**41.4.1** Refer to the Borough of Naugatuck Inland Wetlands Regulations for setback information.

#### **41.5 Danger-**

No material which is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored, manufactured, processed or assembled

except in accordance with applicable codes, ordinances and regulations of the Borough of Naugatuck, State of Connecticut and Federal Government.

#### **41.6 Radio Interference-**

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

#### **41.7 Determination of Compliance-**

In the event of doubt as to whether a proposed use will conform to the above performance standards, the Zoning Enforcement Officer shall not approve the APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE and shall defer decision to the Zoning Commission for an interpretation as to compliance with the performance standards.

## **SECTION 42 – EARTH EXCAVATION, FILL & REGRADING**

### **42.1 Intent**

This intent of Section 42 is to regulate all construction or grading activities upon improved or unimproved real estate and to control the excavation, grading, or addition or removal of soil, loam, sand, gravel, clay, rock or any other earth material on land or premises in the Borough of Naugatuck. Additionally the following items should be considered:

**42.1.1** To provide for the maintenance and preservation of existing elevations and contours and only when necessary, for the establishment of proposed elevations and contours subject to the provisions of Section 42 and any other applicable Zoning Regulations of the Borough of Naugatuck.

**42.1.2** To control and regulate all excavation, grading, screening, crushing and addition or removal of earth materials so as to prevent the creation of any safety or health hazard, including without limitation, soil erosion, excessive noise and dust, stagnant water, water pollution and excessive drainage runoff to the public or to owners of adjoining or adjacent property and to preserve land values of premises situated within the Borough of Naugatuck and to provide for the quiet use and enjoyment thereof.

**42.1.3** To preserve the natural vegetation and growth for the purpose of preventing erosion by the wind or water and to protect historic factors such as stone walls and archaeological artifacts, for the purpose of preserving our heritage on premises situated within the Borough of Naugatuck.

**42.1.4** To accomplish such other purposes as permitted by Connecticut General Statutes, as needed, Sec 7-148, Sec. 8-2 Sec. 8-25.

### **42.2 Earth Excavation, Fill & Grading Associated with Site Development**

No excavation, grading, crushing, addition or removal of soil, loam, sand, gravel, clay, rock, or any other earth material upon any land or premises shall be commenced or conducted, except in accordance with and subject to the provisions of Section 42 and any other applicable regulations of the Borough of Naugatuck. For the purpose of this section Applicant and/or Permittee shall mean the owner or his agent, or any other person, firm, or corporation claiming a right under a recorded deed or easement to excavate, remove earth material from or add material to the site, or to grade earth material upon premises.

**42.2.1** Under Section 42, elevations at a property line shall not be changed without prior approval of the Zoning Commission and the adjoining property owners. No excavation, grading, removal or

deposition of earth materials on any lot or premises shall be to within 15' of a property line, and elevations within 15' of a property line shall not be steeper than a 2 to 1 slope except as noted below:

- (1) Slopes along roadways, access roads and driveways shall be graded to a 4 to 1 slope in lieu of installing guardrails and;
- (2) Where safety conditions or unforeseen circumstances warrant (as determined by the Borough Engineer and the Commission), slopes shall be graded to a 4 to 1 slope at a minimum.

**42.2.2** In the event that one of the exceptions noted above is applicable, the elevation within 15' of a property line shall not be steeper than a 4 to 1 slope. All slopes shall be suitably seeded or planted to prevent erosion and shall be free of boulders and large stones, or anything that would cause an unsightly or dangerous condition. Natural drainage onto or from an adjacent property shall not be adversely affected. Natural watercourses shall not be obstructed.

**42.2.3 Activity Requiring/Not Requiring a Special Permit:**

- (1) Excavation, deposition, grading or other earth disturbance in direct connection with construction or alteration on a residential lot which involves the removal from or addition to the premises of more than three hundred and fifty (350) cubic yards of earthen material shall require a Special Permit by the Zoning Commission. A Site Plan showing existing and proposed contours of the lot and adjoining property shall be required, as necessary, to depict existing conditions.
- (2) Any lot of three (3) acres or more within a commercial business or industrial zone may remove up to five thousand (5,000) cubic yards of material without a Special Permit and any lot less than three (3) acres in an industrial or commercial zone may remove up to one thousand (1,000) cubic yards of material per acre without a special permit provided:
- (3) No excavation, grading, addition or removal of earth materials shall be allowed unless it is necessary and not created by design, and clearly incidental to the improvement of the property as permitted by these regulations and approved by the Zoning Commission.



(4) All subsections of Section 42 shall apply, including site restoration bond (Section 42.2.4.10) and blasting regulations (Section 42.2.4.3). The Zoning Commission may waive any other required submissions if it deems them unnecessary.

(5) All rock crushing and processing of earth material as defined in Section 42 shall require a Special Permit.

#### **42.2.4 Standards**

**42.2.4.1** No Special Permit shall be issued for any excavation, removal, grading, or addition of earth materials upon any land unless such excavation, removal, grading, or addition is necessary and clearly incidental to the improvement of property as permitted by the Naugatuck Zoning Regulations.

**42.2.4.2** No processing of any earth materials removed in accordance with Section 42 of these regulations shall be permitted except for on-site use as specifically approved by a Special Permit issued pursuant to Section 42. Approved processing shall comply with the following:

(1) A parcel of at least three (3) acres is required for on-site processing of earth materials.

(2) No processing equipment, excluding soil screeners, shall be located within one hundred-fifty (150) feet of a street line, a wetland or watercourse or within three hundred (300) feet of an abutting property line, unless such abutting property is owned by the owner of the property on which the processing will occur.

(3) No processing equipment shall be operated on Saturdays, Sundays or holidays as is observed by the borough.

(4) All conveyors and chutes associated with the processing equipment shall, at all times, utilize noise reduction materials such as rubber lining or other noise abatement mitigating materials or procedures approved by the Zoning Enforcement Officer and Borough Engineer.

(5) All processing equipment shall utilize muffler systems. Evidence of the same shall be submitted to the commission at the time the application is filed.

(6) No rock or stone washing is permitted on site unless within an industrial district.

(7) The hours of operation for rock or stone crushers, drilling and washing shall be Monday through Friday, 8:00 AM to 4:00 PM.

- a. The use of any processing equipment will not endanger the health, safety, or general welfare of the public or neighborhood where it is located.
- b. The use will reduce the amount of construction traffic on public roads.
- c. Only earth material which originates from the site and will be used on the site will be allowed to be processed on site.
- d. Processing activity shall be limited to the least number of days necessary to complete the activity but shall not exceed a maximum of thirty (30) days total within the one (1) year permit period.
- e. The borough ZEO will be notified by the applicant each time processing activity commences and ceases so as to record the number of days remaining for the completion of the activity.
- f. An extension can be requested for up to ten (10) additional days for good cause provided that there have been no repeated violations of Special Permit conditions requirements or zoning regulations.

**42.2.4.3**

Any blasting associated with earth materials excavation must be specifically authorized by the Fire Marshall, and subject to the following:

**Blasting conditions:**

- a. The applicant shall perform a pre-blast survey of all building walls, interior and exterior, and drinking water wells within a minimum distance of five hundred (500) feet from the site property lines before any blasting commences.

- b.** The applicant shall notify all property owners within the distance specified by certified mail, return receipt requested. Said notification shall include a description of what the survey/well testing entails, when it will be conducted and the time so that the property owner can be present. It shall also include the name, address and phone number of a contact person in case the property owner has any questions. Proof of receipt of the mailing must be submitted to the Zoning Enforcement Officer, along with a copy of the notification letter, prior to commencement of blasting.
- c.** Well testing shall include a flow test. If the well is located near a septic system, a bacteriological test shall be conducted by a qualified testing firm.
- d.** Inspection reports for both wells and building walls and well testing shall be in triplicate with a copy given to the homeowner, a copy to the ZEO and a copy for the applicant before blasting commences.
- e.** All fire department regulations and conditions shall apply, including: submission of a detailed blasting plan to the Fire Marshall for his approval prior to blasting, and adherence to all local, state and Federal regulations for blasting. Where there is a conflict with these conditions, local, state or federal guidelines, the stricter of them shall apply.

**42.2.4.4** No topsoil shall be transported from the lot, except that which is excavated from the location of buildings, structures, driveways, sidewalks, terraces and other paved areas on the property as necessary for construction of same and as shown on the Site Plan.

**42.2.4.5** No excavation shall be within fifteen (15) vertical feet of a water table. Test boring data shall be provided to the Commission by the Applicant to indicate compliance with this regulation. No excavation, deposition, and or grading shall be made that would reduce the final elevation below flood plain, change the area of the flood plain, or expose groundwater unless, after proper analysis, submitted to and

approved by the Borough Engineer and the Commission, it is determined that no pollution or silting of existing water courses, or increased flood or erosion hazards will result and any necessary permits related to activities impacting regulated wetland areas have been issued by the Naugatuck Inland Wetlands Commission.

- 42.2.4.6** Any excavation, deposition, or grading which is within fifteen (15) feet of the property line must be covered with not less than six (6) inches compacted screened topsoil; graded to a slope of not steeper than 1 in 2 (2 feet horizontal to 1 foot vertical) or 4 to 1 for slopes abutting roadways, and seeded with a permanent type grass or other type of permanent vegetation. The sloped and graded area shall be free of boulders and large stones or anything which would cause an unsightly or dangerous condition.
- 42.2.4.7** No earth excavation, fill, or grading activities shall take place after 5:00 PM or before 8:00 AM, Monday through Saturday. Hours for processing earth materials shall be between the hours of 8:00 AM and 4:00 PM, Monday through Friday and no such activities will be allowed on holidays.
- 42.2.4.8** Site restoration, including required buffer strips or other landscaping, shall be shown on the Site Plan and shall be compatible with the adjoining properties and surrounding neighborhood and in compliance with applicable sections of these regulations.
- 42.2.4.9** Permanent drainage of any earth excavation, deposition, and re-grading must be provided to prevent a condition of flooding or erosion to adjoining property. To reduce the amount of erosion, mechanical equipment should work as little as possible in swampy or wet areas. Activity within a designated wetland regulated area shall require approval by the Borough of Naugatuck Inland Wetlands Commission. Only small areas should be exposed, whenever possible to prevent excessive erosion, and existing field sod should be used to control erosion during construction wherever possible. Also, adequate dust control will be affected by sprinkler trucks using only drinking quality water, and no chemical or oil type dust control substances. The following is a list of a few methods which may be used to control erosion and sedimentation. Specific methods and correct applications shall be determined by the

Connecticut Guidelines For Soil and Sediment Control,  
Connecticut DEP 2002 as amended.

- (1) Sedimentation pools and dams
- (2) Baled hay erosion checks
- (3) Ditch checks
- (4) Temporary culverts
- (5) Jute netting

**42.2.4.10** The Commission may impose a site restoration bond as a condition of approval, in form and amount acceptable to the Borough Attorney and the Commission, based on cost calculations provided by the applicant and approved by the Town Engineer and the Commission. Such bond shall be in addition to any bond required as a condition of approval of the proposed Site Plan or other permit plans.

**42.2.4.11** The Commission may require evidence of liability insurance naming the Borough of Naugatuck as an additional insured for any liability resulting from the permitted operations.

### **42.3 Earth Excavation Operations**

These Regulations shall be construed and applied to promote their purposes and policies, which are to regulate and control the excavation, deposition, screening, crushing and removal of soil, loam, sand, gravel, clay, rock or any other natural earth material (hereinafter, collectively or individually, earth materials) from land or premises within an earth excavation operation. A special permit is required for all earth excavation operations.

**42.3.1** For this section, the definition of an earth excavation operation is one that is operated for commercial/industrial purposes:

#### **42.3.2 Application Procedure**

**42.3.2.1** A Special Permit shall be obtained from the Zoning Commission before any grading, construction, crushing, site work, or development is commenced.

**42.3.2.2** An Applicant seeking a Special Permit for sand and gravel/excavation/processing shall file a written application with the Zoning Commission on a form supplied by the Zoning Commission in conformance with Section 33 of the Zoning Regulations, signed by

the owner of the premises and the person, firm or corporation intending to carry out the work sought under the permit. The following documents shall accompany such applications:

- 42.3.2.3** A site plan certified by a licensed CT Land Surveyor as an A-2 class survey which shows the entire property. Such site plan shall indicate the area thereof which is subject to development, excavation or filling and an area for the stockpiling of topsoil during construction.
- 42.3.2.4** Existing contours in the area to be excavated and proposed contours after completion of the work, which contours shall be prepared from an actual field or aerial survey, shall be based on a bench mark noted and described on the map and shall be drawn to a scale of not less than one hundred (100) feet to the inch and with a contour interval not to exceed two (2) feet;
- 42.3.2.5** If earth material other than topsoil is to be excavated, removed, graded, or added, topographical maps at a scale of 1" = 40' certified by a licensed Professional Engineer or licensed CT land surveyor showing existing contours and finished contours at intervals of two (2) feet minimum, and one (1) foot contour intervals, and spot elevations are required in areas of minimal slopes. No excavation below the proposed finished grade or beyond the proposed perimeter is permitted.
- 42.3.2.6** An exact computation in cubic yards of the amount of earth material which will be excavated, removed, graded, or added to the site shall be included on the plans submitted, prepared by the applicant's licensed Professional Engineer or licensed CT land surveyor. Such computation shall be supported by attached topographical maps.
- 42.3.2.7** All test pits and soil tests should be shown on the site plan as is required by the Zoning Regulations.
- 42.3.2.8** A statement that clearly defines the schedule and sequence of site construction activities associated with the Special Permit, the extent of and time frame for site construction and site recovery including grading and planting.
- 42.3.2.9** The boundaries of the property where the excavation is proposed and the area to be excavated;

- 42.3.2.10** Existing and proposed drainage on the premises;
- 42.3.2.11** Surrounding streets and property lines;
- 42.3.2.12** Principal wooded areas and any rock outcrops;
- 42.3.2.13** Existing and proposed structures on the premises;
- 42.3.2.14** Proposed truck access to the excavation area;
- 42.3.2.15** An erosion and sedimentation control plan as provided for in Section 36 Naugatuck Zoning Regulations and containing such information as outlined in the Connecticut Soil and Erosion Guidelines.
- 42.3.2.16** A valid Inland Wetlands approval or a written statement from said agency that such an approval is not required.
- 42.3.2.17** A performance bond shall be provided by the applicant in the form of a letter of credit, cash bond or other form of security acceptable to the Commission and the Borough Attorney, made payable to the Borough of Naugatuck, in a form and in terms approved by the Commission and the Borough Attorney, and in an amount equivalent to the cost of site recovery and soil and erosion remediation, as determined by the Borough Engineer and reviewed by the Applicant's engineer and approved by the Commission. Such security shall assure the Borough of Naugatuck that the area for which the Special Permit is issued shall be graded, recovered with topsoil and successfully planted with grass or other ground cover by the date the Special Permit expires.
- 42.3.2.18** The terms of the performance security shall allow the Borough access to such funds and shall be accompanied by a written agreement signed by the owner of the premises, executed with the same formalities as a Connecticut deed of real estate containing terms satisfactory to the borough attorney, which permits the Borough or its designee to enter upon the premises to undertake site recovery in the event that the Permittee fails to refuses to complete the site recovery in accordance with the Special Permit as issued, and/ or the abandonment thereof, within one year from the expiration of the Permit.

- 42.3.3** Upon receipt, the Zoning Enforcement Officer shall transmit copies of the SPECIAL PERMIT application and the application for a CERTIFICATE OF ZONING COMPLIANCE to the Borough Zoning Commission. The Commission may require the submission of such additional information including but not limited to data on soil conditions, locations and depth of rock ledge and ground water conditions that it deems necessary to make a reasonable review of the application.
- 42.3.4** Proof in the form of a certificate of insurance that the Applicant carries sufficient liability insurance to save the Borough of Naugatuck harmless from any liability resulting from his/her operations.
- 42.3.5** A permit fee shall be submitted with the special permit application in the form of a bank check or certified check payable to the Borough of Naugatuck.
- 42.3.6** Commission Action: The Zoning Commission shall hold a public hearing regarding any Special Permit within sixty-five (65) days after the date the Planning Commission officially received the Special Permit application. Public hearings shall be completed within thirty-five (35) days after the hearing's start date and decisions on the application shall be rendered within sixty-five (65) days of the hearings completion date. An extension not to exceed a total of sixty-five (65) days may be granted to extend any of the aforementioned periods with the consent of the applicant.
- 42.3.7** Notice: Notice of the time and place of such hearing shall be paid for by the applicant and published in the form of a legal advertisement in a newspaper having a substantial circulation in the Borough at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days before such hearing, and a copy of such proposed regulation or boundary shall be filed in the office of the Land Use Inspector and the office of the Town Clerk for public inspection at least ten (10) days before such meeting. Notice of the public hearing shall be mailed by the applicant by certified mail with return receipt requested no later than ten (10) days before such hearing to all owners of property, as recorded in the office of the Town Assessor on the date the application is filed, located within two hundred (200) feet of the property which is the subject of the application. In the case where any property within two hundred (200) feet of the property that is the subject of the application has been submitted to common interest



ownership, such as a condominium, the required notice need only be sent to the homeowners association and to those owners of buildings or dwelling units located within such two hundred (200) feet. Affidavits of the certified letters shall be filed with the Land Use Office as proof of notification.

**42.3.8** In all Special Permit applications for earth excavation activities, the applicant shall notify by certified mail (Certificates of Mailings) all adjoining property owners, according to the current Grand List, within five hundred (500) feet of the perimeter of the permit area at least seven (7) days in advance of the initial public hearing.

#### **42.3.9 Conditions**

**42.3.9.1** No topsoil shall be stripped in connection with any construction, except from the smallest area necessary. All such topsoil shall be stockpiled and used to recover the disturbed area. No topsoil shall be removed from any land or premises except as permitted by the Zoning Regulations. Any stockpiling will follow appropriate guidelines established in the CT soil and erosion guidelines latest edition.

**42.3.9.2** Rock and stone crushers, screening, sifting and impact hammers are permitted as construction activities, in an earth excavation operation, with a Special Permit, provided that:

- 1.) The use of such rock or stone crushers is utilized solely in accordance with the conditions of the Special Permit and Section 42;
- 2.) No processing machinery shall be erected, maintained or operated within three hundred (300) feet of any property line, one hundred fifty (150) feet from a street line, wetland or watercourse, or such further distance as the Commission may establish as a condition of any Special Permit.

**42.3.9.3** All stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties;

**42.3.9.4** No sharp declivities, pits, depressions or soil erosion problems will be created, and that no slopes or banks will be steeper than one (1) foot of vertical rise in two

(2) feet or horizontal distance nor be steeper than whatever lesser slope is necessary to maintain stability under the particular soil conditions;

**42.3.9.5** Where any excavation, while in process, shall have a depth of ten (10) feet or more and create a slope steeper than two (2) foot horizontal to one (1) foot vertical there shall be a substantial fence, at least six (6) feet in height, which may have suitable gates. Such fence shall be located fifty (50) feet or more from the edge of the excavation. All operations shall be screened from view if located near residential areas or highways; such screening shall meet the approval of the Commission.

**42.3.9.6** The proposed excavation will not impair the future use of the property in accordance with the Zoning Regulations, and that the slopes and banks will not impair good development and safe use of the property after the excavation;

**42.3.9.7** The proposed excavation will not depress land values or adversely affect surrounding property in the neighborhood;

**42.3.9.8** There will be no excavation or removal within fifty (50) feet of a property or street line except to an elevation equal with or above grade of the adjoining property or street;

**42.3.9.9** There will be no excavation to a depth of less than fifteen (15) feet above any ledge, rock or the natural water table;

**42.3.9.10** When excavation and removal operations or either of them is completed, the excavated area shall not be steeper than a slope of one (1) foot or vertical rise to three (3) feet of horizontal distance. A layer of arable screened topsoil, of a quality approved by the Borough Engineer, shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of six (6) inches in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Commission.

**42.3.9.11** The portion of access road within the area of

operation shall be provided with a dustless surface which shall be maintained in good condition at all times;

**42.3.9.12** All proposed truck access will not create safety or traffic hazards;

**42.3.9.13** The applicant shall post a performance bond with the Borough of Naugatuck, in form approved by the Commission and the Borough Attorney, and in an amount submitted by the Borough Engineer and approved by the Commission, to guarantee faithful performance of work in accordance with plans as approved and conditions of approval, which bond shall cover a period of time not less than two (2) months beyond the period during which the SPECIAL PERMIT is effective.

**42.3.9.14** All Special Permits as they relate to Section 42 shall be for one year from the date it is effective, provided that the applicant remains in compliance with all terms of the permit. Such permit date may be extended for up to one (1) year provided the Zoning Commission finds that 1) there are no repeated violations of the Zoning Regulations 2) the structure or building to which the excavation, removal, grading, or filing is incidental is incomplete and the completion thereof is being actively pursued by the Permittee; 3) that the applicant's performance security will cover the extension of time allowed herein; and 4) that an updated insurance certificate is received. Special Permits are effective from the date that they are registered in the Grantors Record of the Borough Clerk's Office.

**42.3.9.15** Should the Zoning Enforcement Officer or Zoning Commission find that an applicant's performance is in violation of the Special Permit, the Zoning Regulations or upon receipt of a notice from the applicable agency or department that a violation of the Building Code, Sanitary Code or Road Ordinance of the Borough of Naugatuck exists, such Special Permit shall be revoked. An applicant's failure to comply with any requirements of these regulations shall be cause for the revocation of a permit provided that notice of said violation has been given on the Permittee together with an order to comply therewith within a reasonable time and the Permittee has failed to comply with said order. Repeated violations

may lead to revocation.

**42.3.9.16** Any Permittee under permit granted under the terms of these regulations or any person acting for or under him, who shall cause damage to any road or roads of the Borough of Naugatuck, shall be liable for the cost of repairing said damage. The Permittee shall be responsible for cleaning, when necessary, any State, Borough or private road over which earth materials shall have been transported.

**42.3.9.17** No excavation for detention basins or ponds shall be made below the normal ground water table which causes a lake or pond to stagnate or cause a hazard to health or safety or to existing land uses or facilities. The bottom of any pond created shall not slope down from the shoreline at a slope in excess of three (3) foot horizontal for each one (10) foot vertical. The final area of a pond created shall not be so large as to lessen the full residual use of the land, and shall in no event exceed fifty (50) percent of the area of the lot devoted to sand and gravel removal at the time this regulation or preceding regulation was adopted.

## **SECTION 43 - NONCONFORMITY**

### **43.1 Intent**

It is the intent of these Regulations that nonconformities are not to be expanded or created and that the existence of any existing nonconformity shall not in itself be considered grounds for the issuance of a variance for any other property.

### **43.2 Definitions**

A nonconforming use, building or other structure or lot is one which exists lawfully, whether by variances or otherwise, on the date these Regulations or any amendment hereto became effective, and which fails to conform to one or more of the provisions of these Regulations or such amendment hereto. No nonconforming use, building or other structure, or lot shall be deemed to have existed on the effective date of these Regulations unless:

- (1) it was actually in being on a continuous basis on such date, and;
- (2) if such nonconformity is a use, such use had not been abandoned within the meaning of Paragraph 43.5

### **43.3 Approved Permits & Certificates**

Unless otherwise specifically provided in these Regulations, nothing in these Regulations shall require any change in the use of any land, building, or other structure, or part thereof, or in the area, location, bulk or construction of any building or other structure for which a CERTIFICATE OF ZONING COMPLIANCE shall have been lawfully approved and any required Certificate of Occupancy shall have been lawfully issued even through such use, building or structure does not conform to one or more provisions of these Regulations or any amendment hereto.

### **43.4 Change in Plans**

Subject to the time limitations of Paragraph 43.4.1, nothing in these Regulations shall be deemed to require any change in the proposed use of any land, building or other structure of the area, location, bulk or construction of any building or other structure for which an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE has lawfully been approved and any required Building Permit shall have been lawfully issued even though such proposed use, building or other structure does not conform to one or more provisions of these Regulations or any amendment hereto.

**43.4.1 Time Limit:** An approved APPLICATION FOR A CERTIFICATE FOR ZONING COMPLIANCE authorizing a proposed use, building or

other structure that does not conform to one or more provisions of these Regulations or any amendment hereto, as described in Paragraph 43.4, shall become null and void unless:

(1) the use authorized thereby shall have been established within one (1) year from the effective date of such Regulations or any amendment thereto when such use does not involve the establishment of a building or other structure for which an APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE must be approved, or;

(2) the use building or other structure authorized thereby shall be established and completed within two (2) years from the effective date of such Regulations or any amendment thereto. The Zoning Board of Appeals may grant one (1) extension of such periods for an additional period not to exceed one (1) year after public hearing for good cause demonstrated to the satisfaction of the Board.

**43.4.2 Previous Regulations:** The provisions of Paragraph 43.4 and 43.4.1 shall apply to Building Permits and Certificates of occupancy issued under the Zoning Regulations in effect prior to these Regulations.

### **43.5 Repair**

Nothing in this Section shall be deemed to prohibit work on any nonconforming building or other structure when required by law to protect the public health or safety and when ordered by the Fire Marshal or Director of Health, provided that such work does not increase the nonconformity. Nothing in this Section shall be deemed to prohibit work on ordinary repair and maintenance of a nonconforming building or other structure or replacement of existing materials with similar materials.

### **43.6 Enlargement**

No nonconforming use of land shall be enlarged, extended or altered, no building or other structure or part thereof devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed or structurally altered, except where the result of such changes is to reduce or eliminate the nonconformity. No nonconforming use of a building or other structure shall be extended to occupy land outside such building or other structure or space in another building or other structure. No nonconforming building or other structure shall be enlarged, extended, constructed, reconstructed or altered, if the result would be an increase in nonconformity.

### 43.7 Moving

No nonconforming use of land shall be moved to another part of a lot or outside the lot, and no nonconforming use a building or other structure shall be moved or extended to any part of the building or other structure no manifestly arranged and designed for such use at a time the uses became nonconforming, and no building or other structure containing a nonconforming use shall be moved, unless the result of any such move is to end the nonconformity. No nonconforming building or other structure shall be moved unless the result of such moving is to reduce or eliminate its nonconformity.

### 43.8 Change

No nonconforming use of land, building or other structure shall be changed to any use which is substantially different in nature and purpose from the former nonconforming use except such uses as are permitted as of right in the district in which they are to be located. No nonconforming use of land, building or other structure if once changed to conform or to more nearly conform to these Regulations shall thereafter be changed so as to be less conforming again. No nonconforming building or structure if once changed to conform or to more nearly conform to these Regulations shall thereafter be changed so as to be less conforming again.

### 43.9 Casualty to Building Containing Nonconforming Use

- A. "If any nonconforming building or other structure or any building or structure containing a nonconforming use shall be damaged by fire or other casualty to such extent that more than 50% of its floor area is unusable under the building and fire-safety codes applicable in the Borough, as determined by the Building Inspector on the advice of the Borough Fire Marshall and Borough Engineer, such building or other structure shall be reconstructed or repaired and such use shall be resumed as a matter of right, **as long as a building permit is issued for the reconstruction or repair within one year of the fire or other casualty and the reconstruction or repair shall be completed within one year of issuance of the building permit. Completion shall be defined as issuance of a Certificate of Occupancy.**
  
- B. **If the owner should fail to obtain a building permit, or fail to complete the reconstruction or repair within one year of the issuance of a building permit,** then, in the event that it is not possible to rebuild the structure in such a manner that conforms to the current Regulations as to use or bulk standards, the owner may rebuild a structure provided that said structure is built as close to conformity to bulk standards and use as is possible as determined by the Zoning Enforcement Officer. By way of example, if a two family home on a lot consisting of 4,900 sq. feet in a RA-1 zone is destroyed by fire, the owner may rebuild a one family home

provided that the home is located in such manner that there is no further infringement into the setback area. By way of a further example, if a three family home on a lot consisting of 20,000 sq. feet in a R-15 zone is destroyed by fire, the owner may rebuild a one family home provided that the home is located in such a manner that there is no further infringement into the setback area. The owner is permitted to rebuild a structure as close as possible to conformity as to use provided that there is no greater infringement into the setback area. Nothing hereunder, prevents a homeowner from seeking a variance from this regulation.

- C. Where the casualty affects 50% or less of its floor area, as above determined, the building or other structure may be constructed or repaired and any nonconforming use resumed, provided that such restoration is started within a period of six (6) months from such casualty and is diligently prosecuted to completion. In the event of failure to start such reconstruction or repair within a period of six (6) months such casualty, or within such additional period not exceeding six (6) months, as the Commission may grant upon written application made to it, the right under this Paragraph to reconstruct or repair such building or other structure and the right to resume such nonconforming use shall be lost and terminated.

#### **43.10 Lots**

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

**43.10.1** the use, building or other structure shall conform to all other requirements of these Regulations;

**43.10.2** the use shall not be for a use for which a SPECIAL PERMIT is required in Schedule A;

**43.10.3** the parcel shall have existed as a separate lot in the Borough of Naugatuck land records at the inception of Zoning in Naugatuck, June 6, 1958, or shall have been a conforming lot at the time of its' creation, and shall not have been joined to or absorbed into any other parcel since that time.

#### **43.11 Title**

No change of title, possession or right of possession shall be deemed to affect right to continue a nonconforming use, building or other structure.



### **43.12 Performance Standards**

Any use, building or other structure which does not conform to one or more of the performance standards of Section 41, Performance Standards, shall not be changed to decrease or eliminate such nonconformity. Any such nonconformity so reduced or eliminated shall not be resumed.

### **43.13 Off Street Parking & Loading**

Any use, building or other structure which does not conform to one or more of the provisions of Section 26, Off Street Parking & Loading, shall continue to conform to such provisions to the extent that it conforms on the effective date of such Section. Any use of land, buildings or other structures which does not conform to one or more of the provisions of Section 26 shall not be changed to a use which would need additional off street parking and loading spaces to comply with the provisions of Section 26 unless such spaces are provided as required for the new use under Section 26.

### **43.14 Signs**

Signs of a size or type not permitted in the district which they are situated, or which are improperly located or illuminated, or which are nonconforming in any other way, shall be considered nonconforming structures under this Section, and any increase in size, illumination, or flashing of such signs shall be deemed to be an enlargement or extension producing an increase in nonconformity.

## **SECTION 44 - ALCOHOLIC BEVERAGES**

### **44.1 General**

In addition to the other applicable requirements of these Regulations, the use of land, buildings and other structures for the storage, sale or exchange of spirituous and alcoholic beverages shall conform to the following:

**44.1.1** No property shall be used for the sale of spirituous and alcoholic beverages either at wholesale or retail for consumption off the premises within five hundred (500) feet or less from property upon which spirituous and alcoholic beverages are sold either at wholesale or retail for consumption off the premises.

This distance is measured from location of the nearest primary customer entrance facing a public roadway frontage on which liquor will be sold to the location of the nearest primary customer entrance facing a public roadway frontage on which liquor is now being sold.

This measured distance will be calculated using the walking distance along public roadways between the two points.

**44.1.2** If said building or premises is licensed by the State of Connecticut for sale of such beverages under a Grocery Beer Permit, then said premises shall not be required to conform to the minimum distance requirements set forth in this Paragraph.

**44.1.3** In case where a site plan has been approved for a building or premises under Section 23, Schedule A, Permitted Uses and a new occupancy proposes to sell spirituous and alcoholic beverages for consumption on-site or off the premises, a new site plan shall be submitted to the Borough Zoning Commission per the procedure set forth in Section 32 of these Regulations.

#### **44.1.4 Seasonal Outdoor Sidewalk Dining**

Seasonal outdoor sidewalk dining areas for permitted restaurant establishments in Districts B-1, B-2, B-3, I-1, RADD, NHRDD and SDD#1, as defined in Section 21 in the Zoning Regulations for the Borough of Naugatuck, are subject to the following general and specific requirements:

**Purpose:** The Borough of Naugatuck wishes to promote commerce in the Business, Shopping and Planned Development Districts and recognizes that outdoor sidewalk dining is an amenity that promotes pedestrian traffic in the Borough of Naugatuck. The Borough of Naugatuck has established the following requirements and procedures for potential restaurants to obtain permits for Seasonal Outdoor Sidewalk

Dining on municipal or state sidewalks or walkways.

**General Requirements:**

- (a) Seasonal outdoor sidewalk dining areas are permitted as an accessory use to an approved restaurant, subject to zoning permit approval on an annual basis by the Zoning Commission in accordance with Schedule A of Section 23 of the Naugatuck Zoning Regulation. Along with the permit application, the applicant shall submit a plan drawn to scale showing the area intended for outdoor sidewalk dining. The plan shall show the limits of the dining area, remaining sidewalk, utility structures and any other sidewalk obstacles.
- (b) Seasonal Outdoor Sidewalk Dining Zone Permits are valid from April 1<sup>st</sup> to October 31<sup>st</sup> of each year.
- (c) The Naugatuck Zoning Office shall at all times have full jurisdiction concerning compliance with appropriate laws, statutes and regulations regarding the safe handling of food and beverages.
- (d) The applicant shall provide the Borough of Naugatuck with a Hold Harmless Agreement and provide a Certificate of Liability Insurance covering the effective dates of the permit in the amount of \$1,000,000. In addition, the Borough of Naugatuck shall be named as the additional insured. The Borough Attorney shall review and approve the Hold Harmless Agreement and Certificate of Liability Insurance.
- (e) No additional parking is required for outdoor seasonal sidewalk dining.

**Specific Requirements:** All outdoor seasonal sidewalk dining areas in all Districts aforementioned shall comply with the following requirements:

- (a) The seasonal sidewalk outdoor dining area may be located entirely or partially on the public sidewalk adjoining the premises, subject to the receipt of all other necessary approvals relative thereto.
- (b) The seasonal sidewalk outdoor dining area shall not create interference with, hazards to, or visibility problems for Pedestrians on sidewalks or for vehicular traffic. A minimum of five (5) feet of sidewalk width shall be kept clear for pedestrian travel.
- (c) The seasonal sidewalk outdoor dining area shall not be located within or interfere with any parking or loading areas.
- (d) Any non-vegetative shading devices shall be of a non-permanent type (e.g., umbrellas, retractable awnings, etc) and shall be safely anchored.
- (e) Adequate trash receptacles shall be provided, and the restaurant shall be responsible each day for cleanup of all trash (both on-site and off-site) generated by the outdoor dining area.
- (f) Tables and chairs in the outdoor dining area shall be so located as to maintain proper access to the building for emergency services

as approved by the Fire Marshall.

- (g) Aside from individual table lighting, such as candles, there shall be no additional exterior lighting installed.
- (h) At the end of each outdoor dining season, all tables, chairs, trash receptacles, etc., shall be removed from the outside of the premises.
- (i) Any signs placed on outdoor umbrellas, awnings, or chairs, shall be limited to the name of the establishment, products sold by the establishment or services offered by the establishment.
- (j) The seasonal sidewalk outdoor dining area shall open no earlier than 6:00 a.m. and close no later than 12:00 a.m.

## **SECTION 45 – AIRCRAFT RESTRICTIONS**

### **45.1 Fixed-Wing Aircraft**

**45.1.1** The take off or landing of fixed-wing aircraft or the establishment of a site for the take off or landing of such aircraft is prohibited within the Borough of Naugatuck.

#### **45.1.2 Emergency Landings:**

- (a)** The emergency forced landing of a fixed-wing aircraft within the Borough of Naugatuck shall not be considered a violation of these Regulations;
- (b)** Any fixed-wing aircraft landing as provided for in Section 45.1.2a shall be prohibited from resuming flight from any site within the Borough of Naugatuck.

### **45.2 Helicopters/Vertical Take Off and Landing Aircraft (VTOL)**

**45.2.1** The “one time only” landing and take-off of a helicopter/VTOL within the boundaries of the Borough of Naugatuck is permitted with the submission of an application to the Zoning Enforcement Officer and a landing and take-off plan approved by the Zoning Commission. The landing and take-off plan must contain the following information:

- (1.)** Statement of Use describing the event in sufficient detail to determine regulatory compliance;
- (2.)** Names and addresses of landowner, applicant and person responsible for the preparation of such drawing;
- (3.)** Property map showing boundaries of the property and abutting property owners;
- (4.)** Location of proposed Landing Area, Viewing Area (s);
- (5.)** Location of all existing buildings, above ground utilities, towers, trees, fire hydrants;
- (6.)** Location of all parking areas;
- (7.)** Proof in the form of a certificate of insurance that the applicant carries sufficient liability insurance to save the Borough of Naugatuck harmless from any liability resulting from the “one time only” landing and take-off of a helicopter/VTOL;
- (8.)** Provisions to insure that vehicular and helicopter access to the site does not create undue hazards to traffic or create traffic congestion on existing public roadways;
- (9.)** An estimated landing/take off schedule, including date of event;
- (10.)** Referrals from Inland Wetlands Enforcement Officer, Fire Department and Police Department.

**45.2.1a** Approval of an application for a “one time only” landing and take-off of a helicopter/VTOL under Section 45.2.1 of the Regulations shall be at the sole discretion of the Zoning Commission.

**45.2.1b** The Zoning Commission may prescribe reasonable conditions and safeguards to insure the proposed use will not be detrimental to adjacent properties, or the health, safety, welfare and convenience of the public.

**45.2.1c** The Zoning Commission reserves the right to deny any such application if it does not approve of the landing area or landing site, or if it determines that the application is detrimental to the safety, health and welfare of the public in general, and the immediate neighborhood in particular.

**45.3** The establishment of a permanent site for the take off or landing of such aircraft within the Borough of Naugatuck shall be subject to the following restrictions:

**(a)** The site shall be accessory to and located at a facility housing emergency medical services available to the public or such site shall be accessory to and located at a public safety facility at which ambulance and other emergency vehicles are housed. **(b)** The establishment of such a site shall be subject to the granting of a SPECIAL PERMIT as provided for by Section 33 of these Regulations and approval of Federal and State authorities.

**(c)** Any site shall be approved exclusively for and limited to emergency situations. The use of said site for non-emergency take off and landings is prohibited.

**(d)** The SPECIAL PERMIT approving said site should remain valid only so long as the requirements of Subsection 45.2.1a are met.

**45.4.** The emergency take off and landing anywhere within the Borough of Naugatuck of any military, police, emergency service or government helicopter/VTOL shall not be considered to be in violation of these regulations.

**45.5** The take off and landing of any helicopter/VTOL, regardless of ownership except as provided for by these regulations is expressly prohibited.

## **ARTICLE V - ADMINISTRATION AND ENFORCEMENT**

### **SECTION 51 - ZONING BOARD OF APPEALS**

**51.1** The Zoning Board of Appeals shall have all of the powers duties prescribed by these Regulations and the General Statutes of the State of Connecticut and may adopt rules and procedures necessary to exercise its authority.

**51.2** The powers and duties of the Board of Appeals shall include following:

**51.2.1** To hear and decide where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer;

**51.2.2** To hear and decide all matters upon which it is required to pass by the specific terms of these Regulations or of the General Statutes of the State of Connecticut;

**51.2.3** To determine and vary application of these Regulations in harmony with their general purpose and intent and with major consideration for the conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured.

The Zoning Board of Appeals may consider the following in making a decision on a variance application:

**(a)** that if the owner complied with the provisions of these Regulations he would not be able to make any reasonable use of his property;

**(b)** the difficulties or hardship relate to the physical characteristics of that parcel of land and are peculiar to the property in question in contrast with those of other properties in the same district;

**(c)** that the hardship was not the result of the applicant's own action.

**(d)** that the hardship is not merely financial or pecuniary;

**(e)** hardship shall be stated in writing at the time of said application and shall appear in the variance when granted.

**51.3** The Zoning Board of Appeals shall consider the following conditions when and file such conditions in the Office of the Town Clerk of the Borough of Naugatuck:

**51.3.1** require the screening and parking areas of other parts of the premises from adjoining premises or from the street by walls, fences, plantings or other devices;

**51.3.2** modify the exterior features or appearances of any structure where necessary to be in harmony with surrounding property;

**51.3.3** limit the size, number of occupants or extent of facilities;

**51.3.4** limit the methods or times of operations;

**51.3.5** regulate the number, design and location of access drives;

**51.3.6** regulate the number, type and location of outdoor lighting facilities;

**51.3.7** any other conditions that are deemed necessary by the Zoning Board of Appeals.

**51.4** The Zoning Board of Appeals shall not be allowed to permit use of land or structure not authorized by the provisions of these Regulations under Section 23 (Schedule A-Permitted Uses), for the zone in which the land is located.

### **51.5 Notification of Applications**

**51.5.1** Upon application for a variance, the petitioner shall conspicuously post a sign on said parcel, indicating the date and time of said hearing. Such sign as provided by the Zoning Enforcement Officer as authorized by the Borough of Naugatuck Zoning Commission.

**51.5.2** Surrounding property owners within 55 feet from the property boundaries shall be notified by Certified Mail by the applicant of the impending public hearing. Affidavits of the certified letters shall be filed with the Land use office as proof of notification. (interpretation 11-20-91 - the certified mail notification (by the applicants) on both zone change applications and applications to the zoning board of appeals - as it relates to condo developments to mean those "buildings/units within the required distances which includes notice to the association/management".)



## **SECTION 52 - ADMINISTRATION**

### **52.1 Zoning Enforcement Officer**

The Zoning Commission shall appoint a Zoning Enforcement Officer (ZEO) who shall have the responsibility and authority to enforce the provisions of these Regulations, subject to appropriate supervision and direction by the Zoning Commission. The Zoning Commission may appoint deputy zoning enforcement officers to assist and act for the Zoning Enforcement Officer. The zoning Enforcement Officer and any deputy zoning enforcement officer shall have terms of service and compensation established by the Commission. The Building Inspector may be appointed as Zoning Enforcement Officer. The Chairman may serve as Zoning Enforcement Officer during times of emergency, not to exceed ninety (90) days at the discretion of the Zoning Commission by a two-thirds vote of the Zoning Commission.

### **52.2 Application**

An APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE shall be submitted to the Zoning Enforcement Officer prior to construction, reconstruction, extension, enlargement, moving or structural alteration of any building or other structure. The APPLICATION shall be accompanied by three (3) copies of a plot plan map that meets the criteria indicated in Section 31 herein.

In addition, the APPLICATION shall be accompanied by other plans, drawings, data and statements necessary to determine compliance with the provisions of these Regulations. The site plan required under Sections 33 or 32 may be submitted for the plan drawing or drawings required above.

### **52.3 Business & Industrial Districts**

In addition to the requirements of Paragraph 52.2, any APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE pertaining to nonresidential use of land, building or other structure in any Business or industrial District and not covered by an application under Section 33 or Section 32, shall be accompanied by the following, drawings prepared by and bearing the seal of a professional engineer, architect or landscape architect licensed to practice in the State of Connecticut:

**52.3.1** Site Plan: See Section 32, Site Plan Review, Section 32.2.1.

**52.3.2** Architectural Plans: Preliminary architectural plans of all proposed buildings, structures and signs, including general exterior elevations, perspective drawings and generalized floor plans and including drawings for proposed signs; four (4) copies shall be submitted.

Upon receipt, the Zoning Enforcement officer shall transmit a copy of the application and above plans to the Borough Zoning Commission and the Commission within 35 days after receipt, shall report its recommendations to the Zoning Enforcement Officer for approval, disapproval or modification of the application and plans based on the provisions of these Regulations.

#### **52.4 Fees**

Fees shall be set by a resolution of the Board of Mayor and Burgesses upon recommendation by the Zoning Commission.

#### **52.5 Approval & Issuance**

The Zoning Enforcement Officer shall approve an APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE and shall issue a CERTIFICATE OF ZONING COMPLIANCE when determined that all requirements of these Regulations have been met. No application shall be considered approved and no certificate shall be issued unless signed or countersigned by the Zoning Enforcement Officer, or deputy Zoning Enforcement officer. Each application shall be approved or disapproved by the Zoning Enforcement officer within ten (10) days after receipt of

(a) the APPLICATION,

(b) the report of the Zoning Commission under Paragraph 52.3 or expiration of the 35 day period, or

(c) the report of action of the Borough Zoning Commission or Zoning Board of Appeals on any SPECIAL PERMIT, VARIANCE or other decision. of such Board or Commission, whichever is applicable and occurs later. Within ten (10) days after notification by an applicant that the premises are ready for occupancy, the Zoning Enforcement Officer shall issue or deny or drawings shall be returned by the Zoning Enforcement officer to the applicant when the APPLICATION is approved. The following additional requirements shall apply to the approval of APPLICATIONS and CERTIFICATES.

##### **52.5.1 Conditions:**

Any maps, plans, documents, statements and stipulations submitted to and approved by the Borough Zoning Commission or Zoning Board of Appeals in connection with any decision of such Commission or Board, and any conditions of approval attached by the Commission or Board shall be conditions for approval of an APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE by the Zoning Enforcement Officer and issuance by him of a CERTIFICATE.

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

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

**52.5.4 Other Permits:** Approval of an APPLICATION or issuance of a CERTIFICATE shall not be construed to constitute compliance with any other regulation, ordinance or law nor to relieve the applicant from responsibility to obtain any permit thereunder.

## **52.6 Inspections**

The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any land, building or other structure to determine compliance with these Regulations. No CERTIFICATE shall be issued until the Zoning Enforcement Officer has inspected the land, building or other structure involved to determine that the use and/or the building or other structures conform to these Regulations. At the time of the inspection for determination of issuance of a CERTIFICATE, the Zoning Enforcement Officer may request the applicant to:

**(a)** furnish the Zoning Enforcement Officer with measurements, prepared by and bearing the name and seal of a land surveyor licensed to practice in the State of Connecticut, of all setback distances for any structure on the lot, or:

**(b)** facilitate the making of such measurements during the inspection during the inspection of a land surveyor licensed to practice in the State of Connecticut.

**(c)** furnish the zoning enforcement officer (ZEO) when requested, with a letter prepared by and bearing the name and seal of a land surveyor or professional engineer, licensed with the State of Connecticut noting that

the inspected land, lot or lots meets all the standards specified in Section 42 paragraph 42.2.6 (B & C).

Said letter shall be submitted to the zoning enforcement officer before he or she signs off on the check off sheet for a certificate of occupancy issued by the office of the building department.

**52.6.1(a)** An A-2 Survey map made by a licensed land surveyor in the State of Connecticut shall be submitted to the Zoning Enforcement Officer. This map shall have all distances accurate to within the Zoning Regulations and shall be on sheet sizes of multiples of 8 1/4 x 11, but no larger than 24" x 36". This plot plan shall be filed with the Zoning Enforcement Officer when:

**(1)** a new building is to be constructed for which zoning and building permits have been issued and upon such time as the completion of the foundation of such building. No further work, shall be done on the proposed structure until the aforementioned plot plan map showing "As built" conditions has been filed with the Zoning Enforcement Officer and stamped approval therewith.

**(2)** the proposed construction is an addition to an existing building or structure and the aforementioned plot plan map shall be filed with the application for the permit.

**(3)** the construction or structure is a tower, or other project not considered a "building" per se. The aforementioned plot plan map shall be submitted upon completion of the excavation and forming but before placing or surfacing, pouring of footings or erection of structure to the Zoning Enforcement Officer for his approval.

All zoning and building permits have been previously issued. Each staked suitable reference for ease and accuracy of replacement in instances where sight work may damage or destroy or damage the markers.

**(b)** The plot plan map for the aforementioned three situations shall meet the criteria indicated in Section 31 herein.

**(c)** That for the purpose of expediency, a letter from the builder or his designated surveyor shall be submitted prior to the actual "as built" plans, stating to the Zoning Enforcement Officer that all items in all preceding paragraphs will be complied with and in conformity with the Zoning Regulations of the Borough of Naugatuck.

**(d)** In the case of rear additions, side additions, in ground pools, tennis courts or signs in/on residential structures, the A-2 Survey requirement may be waived at the discretion of the Zoning Enforcement Officer provided the following conditions are met: (waiving the street line requirement is not

allowed)

(1) Proposed addition is clearly 20 feet (in addition to what is required for that zone) from rear and side setback.

(2) Applicant provides a Class D Survey.

(3) Applicant accepts liability in writing for any future property line disputes.

(4) All abutting property owners are notified by the applicant of the proposed addition by registered mail and there is no dispute. (registered mail receipts returned to Zoning officer along with a copy of the letter.)

However, if in the opinion of the Zoning Enforcement officer, there is a question as to the accuracy of the information submitted by the applicant, the applicant shall be required to obtain an A-2 survey, made by a licensed land surveyor in the State of Connecticut, showing the property lines and the location of existing structures.

## **52.7 Orders**

The Zoning Enforcement Officer is authorized to issue a STOP WORK ORDER or a CEASE AND DESIST if in his judgment the use of land, buildings and other structures or the construction, reconstruction, enlargement, extension moving or structure alteration of a building or other structure are not being carried out in compliance with these Regulations. He shall withdraw such ORDER when he determines that there is compliance with these Regulations. The Zoning Enforcement officer is authorized to order in writing the remedying of any condition found to be in violation of these Regulations.

## **52.8 Records**

The Zoning Enforcement Officer shall keep records of all fees, all APPLICATIONS and CERTIFICATES, all identifiable complaints of any violations of these Regulations and all notices of violations served by him and the action taken thereon, and shall report monthly to the Zoning Commission on such complaints, violations and actions.

## **52.9 Procedure**

The Zoning Commission may from time to time by resolution adopt administrative rules and procedures for the enforcement of these Regulations.

## **SECTION 53 - PENALTIES**

**53.1** Any person, firm or corporation who shall violate any provision these Regulations shall be subject to penalties in accordance with the General Statutes of the State of Connecticut and the Borough Ordinance #116 for zoning violations.

## **SECTION 54 - AMENDMENTS**

**54.1** These Regulations, including the Zoning Map which is a part, may be amended by the Commission on its own initiative or when initiated by a petition. Any amendment may be adopted only after due notice and public hearing as prescribed by the General Statutes of the State of Connecticut.

In considering change of zone applications the Commission shall require compliance with the following:

**54.1.1** That the existing and future character of the neighborhood in which the zone and/or use is to be located will be protected;

**54.1.2** That adequate safeguards have been taken to protect adjacent property and the neighborhood in general from detriment;

**54.1.3** That in the case where an application proposes a zone change which will increase building density over that permitted under the existing zone, the topography and other natural features of the property are capable of accommodating such increased development without detrimental impact; and that adequate safeguards have been taken to protect the natural environment;

**54.1.4** That all required public services will be reasonably available to serve the proposed development;

**54.1.5** Every application for change of zone shall require a public hearing.

**54.1.6** That the zone change is consistent with all permitted uses for the proposed district.

**54.2** Any petition submitted to the Zoning Enforcement Officer for amendment shall be accompanied by the following:

**54.2.1** For petitions concerning the text of these Regulations, twenty (20) copies of the precise wording of the existing and proposed text shall be submitted.

**54.2.2** For petitions concerning the Zoning Map, eight (8) maps shall be submitted meeting the following requirements:

**(a)** drawn to a scale of not less than two hundred (200) feet to the inch;

**(b)** showing the area of the proposed change and of all lot within five hundred (500) feet of the proposed change and all of the existing property owners as indicated by the Naugatuck Assessor's records;

(1) Surrounding property owners within 500 feet from the property boundaries shall be notified by Certified Mail by the applicant of the impending public hearing for a zone change. Affidavits of the certified letters shall be filed with the Land Use Office as proof of notification. (interpretation 11-20-91 - The certified mail notification (by the applicants) on both zone change applications and applications to the zoning board of appeals - as it relates to condo developments to mean those "buildings/units within the required distances which includes notice to the association/management".)

(c) delineating the existing and proposed zoning boundary lines;

(d) meeting the requirements of a "Class 'D', 'AA', 'A1', or 'A2" as prepared by a Registered Land Surveyor, licensed to practice in the State of Connecticut; or prepared by a Professional Engineer (PE), Civil Engineer or Landscape Architect; and a declaration of the area of all lots within said proposed zone change to within one hundredth of an acre (.01 plus or minus) or ten (10) square feet plus or minus when less than one (1) acre and to within 1 acre when greater than one (1) acre and certified by and bearing the seal of the preparer for accuracy.

Any change of the Zoning Map initiated by the Borough of Naugatuck Zoning Commission shall be exempt from the requirements of this subsection, but not the prescribed requirements of Section 8-3 of the Connecticut General Statutes

**54.2.3** A public hearing on said petition shall commence within 65 days after receipt of said petition by the Zoning Commission.

The date of receipt shall be the date of the first scheduled monthly meeting of the Zoning Commission following submittal of the petition or the date of a Special Meeting having said petition on its' agenda.

**54.2.4** Upon receipt of said petition, the Zoning Commission shall provide the applicant with a sign to be conspicuously posted on the property. Said sign shall indicate the date and time of a public hearing and remain in place until said hearing has been held.

**54.2.5** If a protest is filed at such hearing with the Zoning Commission against such change, signed by owners of 20% or more of the area of lots included in such proposed change, or of the lots within 500 feet in all



Directions of the property change, such change shall not be adopted except by a vote of two-thirds of all the members of the Zoning Commission.

## **SECTION 55 - VALIDITY**

**55.1** If any provision of these Regulations is adjudged by a court competent jurisdiction to be invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations shall continue to be valid and fully effective.

**55.2** If any provision of these Regulations is adjudged by a court competent jurisdiction to be invalid as such provision applies to a particular building, other structure or lot, the effect of such decision shall be limited to the particular building, other structure or lot, and the general application of such provision to other buildings, structures or lots shall not be affected.

## **SECTION 56 - EFFECTIVE DATE AND REPEAL**

**56.1** These Regulations and any amendment or change hereto, shall be full force and effect from the date established by the Commission in accordance with the General Statutes of the State of Connecticut.

**56.2** The Zoning Regulations of the Borough of Naugatuck, adopted April, 1971, and amended since that date are hereby repealed coincident with the effective date of these Regulations. The repeal of the above Regulations and all amendments thereto shall not affect or impair any act done, offense committed or right accruing, accrued, or acquired or any liability, penalty, forfeiture or punishment incurred prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.

## **SECTION 57- ADULT ORIENTED ESTABLISHMENTS**

### **57.1 Purpose and Intent**

**(a)** The purpose and intent of Section 57 is to manage and regulate those particular uses which, because of their character and nature, are recognized as having potentially serious and objectionable operational characteristics and which have been proven to adversely affect neighborhood children, community enrichment and improvement efforts, retail trade, commercial and residential property values.

**(b)** Special regulation of this use is necessary.

**(c)** The primary purpose of these Regulations is to prevent the concentration of these types of uses in any one area, to minimize any adverse community impacts, and to assure that these adverse effects will not contribute to the degradation of the surrounding neighborhoods.

**(d)** These regulations are intended to prevent any concentration of adult business uses and to protect the general health, welfare, safety, way of life and local property values in the Town of Naugatuck.

### **57.2 Definitions**

For the purpose of this Article, certain words and terms used herein are defined as follows:

#### **(a) ADULT ORIENTED ESTABLISHMENT**

**(1)** An "Adult Oriented Establishment" is defined to include the following, without limitation:

**(a)** "adult motion picture theater"

**(b)** "adult mini-motion picture theater"

**(c)** "adult bookstores"

**(d)** "adult cabaret"

**(e)** "adult personal service business"

**(f)** "adult motel"

**(g)** "adult video arcade and adult arcade"

**(2)** It also includes any premise to which members or patrons, or the general adult public are invited or admitted and which is so arranged as to provide studios, booths, compartments, rooms or

stalls separate from the common areas of the premises for the purpose of viewing adult oriented motion pictures.

**(3)** It is further defined as any premise where an entertainer provides adult entertainment to a member, member of the public or any patron in attendance when such adult oriented entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

**(4)** This also includes, without limitation, any adult entertainment studio or any premise that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

#### **(b) ACCESSORY ADULT USE**

**(1)** An "Accessory Adult Use" is defined as any establishment having less than forty (40%) percent of its stock in trade in the following adult items:

**(a.)** books, magazines, pamphlets or periodicals for sale, rent or barter,

**(b.)** videos, movies, films or cassettes for sale, rent or barter,

**(c.)** all other types of adult oriented materials or any types of devices used for sexual stimulation or display for sale, rent or barter.

**(2)** It is also defined as any establishment utilized for the viewing the motion picture devices or other types of coin operated means which is characterized by or distinguished by its emphasis on matters or subjects depicting or relating to "specified sexual activity" or "specific anatomical areas".

**(c) ADULT BOOKSTORE, ADULT NOVELTY OR ADULT VIDEO STORE**  
An "Adult Bookstore, Adult Novelty or Adult Video Store" Is defined as an establishment, which exceeds any of the following thresholds and/or criteria:

**(a)** contains more than forty (40%) percent of its stock in trade in magazines, pamphlets, books, periodicals, video cassettes or films which are distinguished by or characterized by an emphasis on matters and/or subjects depicting, describing or relating to specified sexual activities, or specified anatomical areas,.

**(b)** utilizes more than forty (40%) percent of its interior, gross floor area as calculated by square footage to sell or display any of the

material or subject matter as described in part a. Hallways, foyers, restrooms, loading docks, storage rooms and other areas not normally utilized to display or sell products are not to be calculated in the gross floor area.

**(c)** presents adult materials or entertainment, including movies or films, videocassettes or live entertainment for the purpose of observation or viewing a person or persons or patrons therein which is characterized by or distinguished by its emphasis on matters and/or subjects depicting or relating to specified sexual activities, or specified anatomical areas'.

**(d)** ADULT ENTERTAINMENT "Adult Entertainment" is defined as any means or method utilized to perform any exhibition or display of any type of adult oriented motion pictures, live performance or dance of any type. Entertainment which has a substantial or significant portion of such entertainment any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas", modeling, removal of any articles of clothing or appearing unclothed, pantomime or any other manner of personal services offered to customers, patrons or members.

**(e)** MOTION PICTURE THEATER An "Adult Motion Picture Theater" is defined as an enclosed building or structure with a capacity of fifty or more persons regularly used for presenting material distinguished by or characterized by an emphasis on matters or subjects depicting, describing or relating to "specified sexual activities" or 'specified anatomical areas', for observation by persons or patrons therein.

**(f)** ADULT MINI-MOTION PICTURE THEATER An "Adult Mini-Motion Picture Theater" is defined as an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished by or characterized by an emphasis on matters or subjects depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for viewing or observation by a person, patron, persons or patrons therein.

**(g)** ADULT CABARET An "Adult Cabaret" is defined as a nightclub, bar, restaurant, or similar commercial establishment with regularly features:

**(1)** persons who appear in a state of nudity or semi-nude; or

**(2)** live performances which are characterized the exposure of specified anatomical areas or by 'specified sexual activities' ; or films, motion pictures, videocassettes, slides or other photographic reproductions, which are characterized

by the depiction or description of 'specified sexual activities'; or specified anatomical areas'.

**(h) ADULT MOTEL** An adult motel is defined as a hotel, motel or similar commercial establishment which

**(1)** offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motions pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction description of specified sexual activities or 'specified anatomical areas'. and has a sign visible from the public rights of way which advertises the availability of this adult type of photographic reproductions; or

**(2)** offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

**(3)** Allows a tenant or occupant of sleeping room to subrent the room for a period of time that is less than ten (10) hours.

**(i) ADULT ARCADE, ADULT VIDEO ARCADE** An adult arcade or adult video arcade is defined as any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion pictures machines, projectors, video or laser disc players, or other image-producing devised are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities, or "specified anatomical areas."

**(j) EMPLOYEE** An "Employee" is defined as any and all persons, including independent contractors, who work in or at or render services directly related to the operation of an adult oriented establishment.

**(k) ENTERTAINER** An "Entertainer" is defined as any person who provides entertainment within an adult oriented establishment, whether or not entertainment is provided as an employee or independent contractor and whether or rot a fee is charged or accepted for entertainment.

**(l) MINOR** "Minor" is defined as a person under --the age of eighteen (18) years.

**(m) OPERATOR** An "Operator" is defined as any person, partnership or corporation operating, conducting or maintaining an adult oriented establishment.

**(n) PRINCIPAL** Activity accounting for forty (40%) percent or more of a business's stock in trade, square footage of display space, floor space or movie display time per month.

**(o) SEXUAL ACTIVITIES** The definition "Sexual Activities" is not intended to include or apply to the following:

**(1)** bona fide medical publications, films or educational publications,

**(2)** bona fide art or photography publications that devote at least forty (40%) percent of the lineage of each issue to articles and advertisements dealing with art or photography,

**(3)** periodicals which reports or describes current events and which, from time to time, publish photographs of nude or semi-nude persons in connection with the dissemination of the news,

**(4)** publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depict nude or semi-nude persons when describing certain cultures In which nudity or semi-nudity is indigenous to the population.

**(p) SPECIFIED SEXUAL ACTIVITIES** "Specified Sexual Activities" is defined, but not limited to, the following:

**(1)** human genitals in any state of sexual arousal or stimulation,

**(2)** sex acts, actual or simulated,

**(3)** fondling or other erotic touching of genitals, buttocks, anus, female breast or pubic region acts of masturbation, intercourse or sodomy.

**(q) SPECIFIED ANATOMICAL AREAS** The term "Specified Anatomical Areas" is defined as less than completely and opaquely clothing covered:

**(1)** human genitals and the pubic region,

**(2)** buttocks,

**(3)** no portion of the breasts directly or laterally below the top of the areola,

**(4)** male genitals in a discernable turgid state.



### **57.3 Exemptions**

The provisions and conditions of Section 57 shall not apply to nor prohibit the following uses and activities:

- (a)** Treatment by a Connecticut licensed chiropractor, osteopath, masseur or masseuse, licensed practical nurse or a registered professional nurse,
- (b)** electrolysis treatment by a licensed operator of electrolysis equipment,
- (c)** hospitals, nursing homes, medical clinics or medical offices,
- (d)** barbershops, beauty salons or parlors which offer massage to the scalp, face, neck or shoulders only,
- (e)** athletic facilities of an educational institution including alumni club, philanthropic or charitable institutions,
- (f)** health establishments including commercial and noncommercial clubs, which are equipped and arranged so as to provide instruction, personal service or other activities which can improve or affect a persons physical condition by massage or exercise,
- (g)** physical exercise programs can include aerobics, the martial arts or the use of exercise equipment.

### **57.4 Location Requirements and Standards**

All "Adult Oriented Establishments" shall be located in an Industrial I-2 Zone and subject to the approval of the commission in accordance with the following standards and criteria as set forth in this Section.

- (a)** Adult oriented establishments shall not be located in within four hundred (400) feet of any residential zone.
- (b)** Adult oriented establishments shall not be located within fifteen hundred (1500) feet from the property line of any of the following uses:
  - (1)** any public, private or parochial school or any other educational facility which provides services to individuals under the age of eighteen (18) years,
  - (2)** any State licensed day-care center or provider libraries, public parks, playgrounds, funeral parlors, dance schools, karate schools or any other place usually associated with public gatherings,
  - (3)** any municipal, State or Federal building,

(4) any church, convent, monastery, synagogue or other similar place of worship.

(c) Adult oriented establishments shall be separated by a linear distance of at least fifteen hundred (1500) feet from another such establishment.

(d) For the purpose of compliance with the above requirement, all linear distances or other dimensions shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building containing or proposing to contain an adult oriented establishment to the nearest boundary of the uses as specified above.

(e) In accordance with the provisions of Section 8-6 of the General Statutes, as amended from time to time, these regulations shall not be varied by the Zoning Board of Appeals to accommodate the location of an adult oriented establishment.

### **57.5 Signs and Exterior Displays**

(a) No adult use shall be conducted in any manner on the premises that permits or allows the observation or viewing of any type of material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any property not registered as an adult oriented establishment

(b) This requirement shall also apply to any display, decoration, attached or detached sign, shop, window or other opening.

### **57.6 Lighting and Visibility**

(a) All adult oriented establishments shall be well lighted at all times and be physically arranged in such a manner so that the entire interior portion where adult entertainment is provided shall be clearly visible from the common areas of the premises.

(b) Visibility shall not be blocked, obscured or concealed at any time by doors, curtains, partitions, drapes or any other type of obstruction whatsoever.

(c) It shall be unlawful to construct, build, install or otherwise fashion any enclosed booths, cubicles, rooms or stalls within adult oriented establishments for whatever purpose, but especially for the purpose of providing for the private or secluded viewing or observation of adult oriented videos or motion pictures or other types of adult oriented entertainment.

(d) Adult oriented establishments shall be equipped with overhead lighting fixtures of sufficient intensity in order to illuminate every place to which persons or patrons are permitted access at an illumination of not less than one (1.0) foot candle as measured at the floor level

(e) It shall be the responsibility of the operator, its agent(s) or employees to ensure that the illumination is maintained at all times when any patron is present on the premises.

### **57.7 Employees and operators**

(a) Every act or act of omission by an employee which constitutes a violation of the provisions of these Regulations shall be deemed as an act of omission of the operator, if such act or omission occurred either with the authorization, prior knowledge or approval of the operator or as a result of operator's negligent failure to supervise the conduct of the employee.

(b) The operator shall be responsible for such act or omission in the same manner as if the operator caused the omission or committed the act.

(c) The operator shall be responsible for the conduct of all employees while on the license premises and any act or omission of any employee constituting a violation of the provisions of these Regulations shall be deemed as an act of omission of the operator for purposes of determining whether the operator shall be subject to the penalties allowed by law for the violation of these Regulations.

### **57.8 Inspection of Premises**

(a) All adult oriented establishments shall be available for on site inspections at all reasonable times by enforcement and permitting personnel.

(b) inspections shall be conducted by enforcement and permitting personnel pursuant to the provisions of the General Statutes, as amended.

### **57.9 Registration**

(a) All adult oriented establishments shall be registered with the Zoning Enforcement Officer.

(b) It shall be a violation of the Naugatuck Zoning Regulations for the owner or person or persons in control of any property to establish or operate or to permit any other individual to establish or operate a regulated adult oriented business establishment without having received a Certificate of Zoning Compliance.

(c) Any lawful and pre-existing adult oriented establishment in operation prior to the "effective date of these Regulations shall be registered with the Zoning Enforcement officer within thirty (30) days of the effective date.

(d) It shall be the responsibility of the owner or agent of the owner having management or control of a building or premise which contains an adult

oriented establishment to furnish and maintain on a current basis the following information:

- (1) Street address of the building or premise,
- (2) the owners name of the premises along with the names of the beneficial owners if the property is owned by a trust
- (3) the address of the owner or the beneficial owners,
- (4) the trade name of the adult oriented establishment,
- (5) the names and addresses of the owner, beneficial owners or the major stockholders of the adult oriented establishments.
- (6) and the date of initiation of the adult oriented establishment,
- (7) or if the building or premise is leased, a copy of the lease or rental agreement shall be furnished.

#### **57.10 Severability**

Should any court or other jurisdiction declare any provision, section or clause of this Regulation to be unconstitutional, such decision shall only affect that provision, section or clause so declared unconstitutional, and shall not affect any other section, clause or provision of this Regulation.

#### **APPLICATION TO OPERATE ADULT-ORIENTED ESTABLISHMENT**

Notice to Applicant: You are hereby directed review Section 57 of the town of Naugatuck Zoning Regulations. Portions of these Regulations may be amended from time to time.

##### **(1) Operator / Applicant**

**(a) Name:**

**(b) Residence Address:**

Street (Do not use P.O. Box)

City/Town State

ZIP

**(c) Telephone Numbers:**

During Business Hours:

Home:

After Business Hours:

Work:

**(d)** Date of Birth:

**(e)** Social Security Number:

**(f)** Have you ever been convicted of a crime Connecticut or elsewhere?

If yes, state the crime(s) convicted of, date (s) of conviction, sentences) and whether you are currently on probation or on parole.

**(g)** Have you ever applied for and/or received any other permits such as liquor sales, restaurant, building or zoning which required approvals from the local community, state or federal government?

If yes, please state the type of permit for which you applied, whether or not the permit: was approved, the expiration date of such permit (if applicable) and the permitting body that issued the permit.

**(2)** Other Operators:

For each individual who is a proprietor, shareholder, general or limited partner who holds at least twenty-five (25%) percent or more of shares or partnership interest of any business which is proposing to operate, conduct, own or maintain the "adult oriented establishment" being applied for, set forth on a separate and attached sheet for each person, the same information that is required in Part **(1)** **(a)** through Part **(f)**.

**(3)** Date Application:

**(4)** Materials and Documentation to Accompany Application:

The following documentation must accompany the application. This application must be presented at a Regular Meeting of the Commission. The Naugatuck Planning and Zoning Commission will not receive the application unless and until all of the required information and documentation is presented with the application.

Any application for an adult oriented establishment must be submitted to the Land-Use office no later than seven (7) days prior to the next scheduled meeting of the Commission.

**(a)** Floor plan of interior layout design

**(b)** Proposed hours of operation

**(c)** Brief description of the type of adult business proposed for the site.

**(d)** Total number of and title of employees including any anticipated part-time employees, staff, managers, bouncers, dancers, etc.

**(e)** Plot Plan of the exterior of the business. This plan shall illustrating the number of available parking spaces including handicapped, the location of any fire lanes, exterior lighting and location and wording of any proposed signs.

**(5)** Certification by applicant and ail other operators is required. Each operator must sign the application:

**(a)** I/We have reviewed the Zoning Regulations pursuant to Section 57 and agree to comply with all the conditions, requirements, provisions and standards thereof.

**(b)** Operator(s) Name(s) Dates of Signature (s)

**(6)** Application Fee. \$150.00

**(7)** Naugatuck Land - Use Office:

**(a)** Date Submitted:

**(b)** Signature:

Land - Use Officer

## **SECTION 58- AGE RESTRICTED RESIDENTIAL DEVELOPMENT**

### **58.1 PURPOSE AND INTENT**

Age Restricted Residential Development. The purpose of this section is:

To provide for the construction of alternative housing types to meet the needs of those aged 55 and older while recognizing that such housing has less impact than other higher density housing;

To enable the development of adult residential communities to expand housing opportunities for the elderly while allowing for the provision and preservation of open spaces, protection of wetlands, and the preservation of natural resources and property values;

Protection of the environmental character of the area and its particular suitability for the specific use and in particular, the preservation of the rural character of zones R-45 and R-65;

Employ residential uses and recreational uses which are related to and directly support the residential uses in order to maximize open space, recreational opportunities and the preservation of the environment;

Enable the Commission to select areas best suited for development and open space through modifications or conditions it may attach to its approval and based on consideration of, but not limited to, the following;

- a. The retention and protection of designated wetlands, rivers, streams, ponds, swamps, flood plains, or other designated water bodies;
- b. The protection of significant woodlands and natural buffers;
- c. The protection of hillsides, and of terrains deemed susceptible to erodibility or (the creation of) turbidity of siltation;
- d. The protection and enhancement of any other significant environmental and ecological asset;
- e. The protection, preservation and enhancement of the rural character of the R-45 and R-65 zones, as well as the protection and enhancement of any other significant environmental and ecological asset.

**58.1.1 Definition.** An age restricted residential development shall be designed to meet the needs and requirements of an active adult community, where at least one adult occupant of each dwelling unit is 55 years of age or older, and there is no permanent resident under the age of 18 years. Visitors under the age of 18 years may stay for a maximum individual period of four weeks. An age restricted residential development shall fully comply with the provisions of the United States

Fair Housing Act, as amended, and Connecticut State Statutes Section 46a-64b, as amended as it pertains to "Housing for older persons." This includes compliance with any and all rules promulgated by the United States Department of Housing and Urban Development which govern the implementation of such act.

**58.2** Qualifying Standards. No tract of land shall be considered for an Age Restricted Residential Development unless it meets the following minimum qualifying standards:

- a) The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than one acre.
- b) The tract shall be located in a B-1, B-3, B-4, T-45, R-65, R-30, R-15, R-8, RA-1, RADD, NHRDD, or those parcels located in an I-2 zone where the Plan of Development recommends removal of the zone or where the I-2 zone abuts residential property.
- c) The tract shall have a minimum street frontage of 50 feet in all zones.

**58.2.1** In developments of fifty (50) or more units, at least 10% of the number of dwelling units permitted under this section shall be dedicated as affordable housing units in accordance with Section 8-30g of the Connecticut General Statutes. "Affordable housing" as defined in the Statutes means housing for which persons and families pay thirty percent or less of their annual income, where such income is less than or equal to the area median income for the municipality in which such housing is located, as determined by the United States Department of Housing and Urban Development.

1. All affordable housing units shall be evenly distributed throughout the development;
2. If an affordable housing development is undertaken in phases, then any affordable housing units shall be built in an amount that is equal to at least 10% of the total number of dwellings within each development phase.

**58.2.2** Units may be constructed with one, two or three bedrooms; one bedroom units must have a minimum of 800 sq. ft.; two bedroom units must have a minimum of 1,000 sq. ft.; three bedroom units must have a minimum of 1,200 sq. ft. and three bedroom units shall not exceed 10% of the total units in number.

**58.2.3** The maximum number of persons in each unit will be: two in a one bedroom unit, three in a two bedroom unit and four in a three bedroom unit. An additional parking space shall be provided for each



three dwelling units.

**58.2.4** One unit per development may be occupied by a full-time resident custodian.

**58.2.5** A minimum of 1 ½ parking spaces per unit must be provided in all zones for one and two bedroom units, three bedroom units shall have two parking spaces per unit, and in the R-45 and R-65 zones which shall have 2 parking spaces per unit. All parking spaces shall be located not more than 150" from the unit.

**58.2.6** Connecting concrete sidewalks, 4' wide, with handicap ramp access, shall be provided along one side of the street, and constructed according to Borough standards.

**58.3** Procedure. An application for an Age Restricted Residential Development use for a tract of land that meets the standards set forth in Subsection 58.2 must be approved as a Special Permit pursuant to Section 33 of these regulations. Nothing herein precludes an applicant from applying for approval to remove material from the site or to bring material onto the site in the same application provided that the removal activities comply with the following requirements.

- a) That all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties;
- b) That no sharp declivities, pits, depressions or soil erosion problems will be created, and that no slopes or banks will exceed one foot of vertical rise in two feet or horizontal distance nor exceed whatever lesser slope is necessary to maintain stability under the particular soil conditions;
- c) That where any excavation; while in progress, shall have a depth of 10 feet or more and create a slope of more than one to two, there shall be a substantial fence, at least six feet in height, which may have suitable gates. Such fence shall be located 50 feet or more from the edge of the excavation. All operations shall be screened. If located near residential areas or highways, such screening shall meet the approval of the Commission.
- d) That the proposed excavation will not impair the future use of the property in accordance with the Zoning Regulations, and that the slopes and banks will not impair good development and safe use of the property after the excavation.
- e) That the proposed excavation will not depress land values or adversely affect surrounding property in the neighborhood.
- f) That there will be no excavation or removal within 50 feet of a property

or street line except if sand excavation or removal is part of the approved site grading plan.

- g) That there will be no excavation to a depth of less than six feet above any ledge, rock or the natural water table.
- h) That when excavation and removal operations or either of them are completed, the excavated area shall not be steeper than a slope of one foot or vertical rise to three feet of horizontal distance. A layer of arable topsoil, of a quality approved by the Borough Engineer, shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of six inches in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Commission.
- i) That any screening, sifting, crushing or other forms of processing shall comply with Section 42.
- j) That the portion of access road within the area of operation shall be provided with a dustless surface which shall be maintained in good condition at all times.
- k) That the proposed truck access will not create safety or traffic hazards.
- l) That the applicant shall pay an inspection fee of \$50.00 for one (1) acre or less of area to be excavated plus \$25.00 for each additional acre or fraction thereof to be excavated; and
- m) That the applicant shall post a performance bond with the Treasurer of the Borough of Naugatuck in form and amount approved by the Commission, to guarantee faithful performance of work in accordance with plans as approved and conditions of approval, which bond shall cover a period of time not less than two (2) months beyond the period during which the SPECIAL PERMIT is effective.

An application for approval of an Age Restricted Residential Development use shall be filed with the Zoning Commission and shall meet the requirements of the Naugatuck Zoning Regulations except as modified by Section 58 of these regulations.

**58.4** Design Standards. The following standards shall apply to the design and development of an Age Restricted Residential Development:

**58.4.1** The maximum number of dwelling units in an I-2, B-1, B-3, B-4 or RA-1 shall not be more than eight (8) per 40,000 square feet.

**58.4.2** The maximum number of dwelling units in an R-8 zone shall be six (6) per 40,000 square feet. The maximum numbers of dwelling units in an R-15 zone shall be four (4) per 40,000 square feet. The

maximum number of dwelling units in an R-30 zone shall be three (3) units per 40,000 square feet. The maximum number of dwelling units in an R-45 zone shall be two (2) units per 40,000 square feet. The maximum number of dwelling units in an R-65 zone shall be 1.5 units per 40,000 square feet.

**58.4.3** Each dwelling unit shall contain at least one (1) bedroom, a kitchen, and a lavatory facility on the first floor ground level with a maximum floor height of 24" above ground.

**58.4.4** No dwelling shall extend within less than 25 feet of any street line or 20 feet of any other property line, except in an R-45 zone no dwelling shall extend within less than 30 feet and in an R-65 zone no dwelling shall extend within less than 40 feet of any other property; provided however, at the request of the applicant made in writing at the time of the filing of the application, the Zoning Commission may waive the setback requirements when there is an existing structure on the tract of land which the Commission determines merits saving. Where the proposed Age Restricted Residential Development abuts a residential neighborhood, the Zoning Commission may require additional landscaping buffers, fencing or an increase in the setback requirements when along the boundaries of the residential neighborhood.

**58.4.5** No dwelling shall extend within less than 35 feet of any other building, except in the R-45 and R-65 zone where the setback between buildings shall be 50'. In the case of adjacent garages, this distance may be reduce to 25 feet, except in R-45 and R-65 zones where it shall be 35'.

**58.4.6** Each of the dwelling units in all phases shall be provided with its own separate entrance directly from the outside.

**58.4.7** Each dwelling unit shall be served by an approved private street designed so as to discourage through traffic and provide safe access. Such street shall not extend within less than 25 feet of any dwelling. An adequate system of sidewalks on one side of the street shall be provided.

**58.4.8** All Age Restricted Residential Developments shall be served by public sewer and public water supply.

**58.4.9** No building shall exceed a length of 150 feet, except in the R-45 and R-65 zones where the maximum building length shall be 120', and no exterior wall of any dwelling shall exceed 50 feet in length, in an unbroken plane without an offset of at least two feet.

a.) All buildings are to be of single consistent architectural style for harmony and appearance as determined by the Zoning

Commission.

**58.4.10** All land not utilized for dwellings and private usable outdoor space shall be considered common land. Such land shall be in such condition, size and shape as to be readily usable for circulation, parking, recreation for the member of the corporation and/or conservation and shall be permanently reserved by one of the following means:

- a) Deeded to the Town, with appropriate restrictions concerning the future use of the land.
- b) Deeded to the Naugatuck Land Trust or a similar organization with approval of the Zoning Commission and Board of Mayor and Burgesses.
- c) The Commission may, upon the request of the applicant, permit the ownership and maintenance of the open space to be transferred to the Property Owner's Association. Such transfer shall be in accordance with standards established by the Commission to include, but not be limited to the following:
  - i. Creation of the association or corporation prior to the sale of any unit
  - ii. Mandatory membership in the association by all original unit owners and any subsequent owner; non-amendable bylaws or other restrictions which require the association to maintain the land reserved for open space, park, playground or recreational purposes, with power to assess all members for all necessary costs.
  - iii. Provisions/restrictions which will be perpetual and binding on all future property owners, and will not be affected by any change in land use.
  - iv. The association or corporation shall have the power to assess and collect from each unit owner a specified share of, and, where necessary, provide reserves for the costs associated with maintenance, repair, upkeep and insurance of the open space.
  - v. Any deed of conveyance shall contain language providing the association with the right to obtain reimbursement for all costs it reasonably incurs, including attorney's fees, in any action to enforce its rights against any unit owner, in which the association is the prevailing party.

- vi. Association documents shall provide that if maintenance or preservation of the dedication no longer complies with the provisions of the document, the Borough may take all necessary action to assure compliance and assess against the association all costs incurred by the Borough for such purposes.

**58.4.11** The maximum allowable lot coverage as a percent of the minimum buildable area in the R-45 and R-65 zones shall not exceed 20%. The maximum allowable lot coverage as a percent of the minimum buildable area in the R-30, R-15, R-8 and RA-1 zones shall not exceed 25%. The maximum allowable lot coverage as a percent of the minimum buildable area in the I-2, B-3 and B-4 zones shall not exceed 40%. The maximum allowable lot coverage as a percent of the minimum buildable area in the B-1 zone shall not exceed 75%.

**58.4.12** The site plans shall incorporate residential style lighting and adequate landscaping, the details of which shall be subject to review and approval by the Zoning Commission.

**58.4.13** All approved Age Restricted Residential Developments shall be required to establish and maintain a community association and such association shall certify annually to the Zoning Enforcement Officer that the Age Restricted Residential Development is in compliance with the age restricted requirements of this section. Such certification shall comply with the requirements of the United States Department of Housing and Urban Development. The burden of complying with the Fair Housing Act, as amended, and regulations promulgated there under shall be on the Age Restricted Planned Development owner or the association of homeowners of such development.

Nothing herein shall restrict the sale or rental of any dwelling unit provided that the requirements of this regulation are met.

**58.5** Roadway Design Standards. All roads in an Age Restricted Residential Development shall be constructed in accordance with the private street standards, as set forth in Section 5 of the Naugatuck Subdivision Regulations, except as modified herein:

- A. Pavement width = 24 feet minimum
- B. Minimum Grade = 1.0%
- C. Maximum Grade = 10.0%
- D. Transition of 25 feet minimum at 2% maximum measured from the existing edge of pavement.
- E. Minimum four-foot shoulder at a slope no greater than four percent.
- F. Vertical curves to be designed for safe stopping sight distance at a design speed of no less than 15 MPH.

In addition to the above, the roadway design shall include the provisions for adequate storm drainage systems and zero increase in the peak rates of runoff from the development. The roadway shall be designed to as to discourage through traffic.

**58.6** For developments containing fifty (50) units or more, a separate community building, including kitchen area and other necessary facilities as deemed by the Commission, conveniently located, but not connected to any living unit, must be constructed with floor space of 25 square feet per unit to a minimum of 1200 square feet. The community building shall be completed when at least 50% of the units are occupied by renters or by sale.

**58.7** Not less than 1000 square feet of permanent usable open space per dwelling unit shall be provided for outdoor activities in all zones, except in R-45 and R-65 zones, which shall have 2000 sq ft, which may include the common building and common recreational areas. Not less than 100 square feet of private outdoor space immediately adjacent to each dwelling shall be provided except in R-45 and R-65 zones where 200 sq ft of private outdoor space shall be provided.

Required paved vehicular areas, wetlands, flood plains, slopes in excess of 25% and private outdoor space shall not be considered permanent usable open spaces.

**58.8** Prior to a final approval, a preliminary plan may be submitted with a Plot Plan showing buildings, road, parking and location layout. This preliminary plan may be approved, disapproved or modified, as seen fit by the Commission. This preliminary approval does not guarantee final approval

**58.9** No other use, except the approved use, shall be allowed on the parcel of land approved for a Planned Residential Development Designed Exclusively for Occupance by Elderly Persons. Said approval use shall be developed in compliance with the Commission approval and this use restriction shall be inserted in the deed to all the tenants.

**58.10** Separate unit ownership is permitted. The developer may also provide units for rent, or may have a combination of rental and private ownership units.

**58.11** A minimum of 5% of the units will be constructed to accommodate the handicapped.

**58.12** Washer and dryer hookups must be provided in each unit.

**58.13** Smoke and fire alarms must be installed in each unit connected to the public safety department having jurisdiction thereof.

**58.14** Provisions for individual central air conditioning units must be provided.

Window installations are prohibited.

**58.15** "Call for Aid" as specified under National Safety Regulations must be installed in each unit.

**58.16** The maximum height of each building shall be forty-five (45) feet.

**58.17** The applicant shall provide Homeowner or Condominium Association Documents as set forth in Section 33.10.1(e)(3) of the Zoning Regulations.

**58.18** The Commission shall make a determination as to the impact upon streets, roads, sewers, water, public safety and other municipal facilities, both on site and off site. In making this determination, the Commission may require relevant studies and information needed to determine the impact. Upon review, the commission shall determine all on site and off site improvements required to provide facilities in accordance with standards of the Borough of Naugatuck, which shall be the responsibility of the developer. To provide for the installation of the off site improvements, the Commission may require that: (1) the developer install the improvements at their expense; (2) the developer make a payment to the Borough of Naugatuck for the cost of installation of the improvements, based upon an estimation of costs reviewed by the Borough Engineer and adjusted for anticipated inflationary costs; or (3) a combination of the above, as determined by the Commission. In their determination of the improvements required, the Commission may require a phasing of the improvements based upon the number of building permits issued within the proposed development.

**58.19** Any development approved pursuant to said Section 58 on or before December 14, 2005 shall not be required to maintain the age requirements as set forth in Section 58.1.1 above; nor shall adherence to the standards set forth in Section 58.2.2 (number of bedrooms and square footage) and Section 58.2.3 (maximum number of persons in each unit) be required.

In those said Developments referenced in this Section 58.19, the requirements of Section 58.4.13 requiring annual certification of compliance with age restriction, shall not be applicable.

Except as set forth in this Section 58.19, all other standards set forth in Section 58 shall remain in full force and effect.

## **Section 58A – Senior Residential Community**

### **58A.1 Purpose and Intent**

The purpose of this section is to allow for a Senior Residential Community which will provide residential opportunities and congregate care services to enable seniors to maintain a maximum level of independence. This flexible concept of living is intended to meet the changing needs of the Borough's aging population. Senior Residential Community can refer to an Assisted Living Facility, with or without memory care units and/or Independent Living Dwellings as defined in Section 58A.1.1 of these regulations. The development of such uses is licensed by the State of Connecticut and are allowed by Special Permit, as set forth in these regulations.

Services offered to residents include assistance with activities of daily living as defined by the State of Connecticut Department of Public Health. Further, the development of such facilities also allows, by Special Permit, certain commercial accessory uses, within an assisted living facility, to ensure the health, safety and welfare of its residents.

### **58A.1.1 Definitions.**

#### **ASSISTED LIVING FACILITY**

An Assisted Living Facility as contemplated by Section 19-13-D105 of the Regulations of Connecticut State Agencies and the facility shall be managed by an Assisted Living Service Agency as defined in Section 19a-490(l) of the Connecticut General Statutes under a license issued by the Connecticut Department of Public Health under Section 19a-491 of the Connecticut General Statutes, as such statutes and regulations may be amended from time to time. Such facility will be limited to those persons 62 years of age or older; OR persons younger than 62 years of age with a physical or mental impairment which substantially limits one or more major life activities. This may include food services, recreation services, personal care and necessary assistance with activities of daily living and may serve as a transition between independent living and skilled nursing care.

#### **INDEPENDENT LIVING DWELLING**

Independent Living Dwellings including single-family attached and multiple family dwellings, shall contain a deed restriction in accordance with Section 58A.10.A and shall be for use by occupants aged 62 and older, or persons younger than 62 years of age with a physical or mental impairment, which substantially limits one or more major life activities.



## **58A.2 Conforming Sites**

To qualify for consideration as an Assisted Living Facility and/or an Independent Living Dwelling, the property:

- A. Be located in a B-2, New Haven Road Design District North, New Haven Road District South or Rubber Avenue Design District Zones.
- B. Be served by public water and sewer.

## **58A.3 Permitted Uses**

The following uses are Permitted Uses in an Assisted Living Facility and/or an Independent Living Dwelling:

- A. Off-street parking.
- B. Signs as provided per Section 27.
- C. Accessory uses customary with and incidental to any aforesaid permitted uses.

## **58A.4 Prohibited uses.**

- A. All other uses.

## **58A.5 Lot Area, Shape and Frontage.**

- A. Minimum lot area: one (1) acre.
- B. Minimum dimension of a square: 150 feet.
- C. Minimum frontage: 100 feet.

## **58A.6 Height.**

- A. Maximum height: 65 feet, not including architecturally consistent enclosures for roof mounted mechanical systems.
- B. Maximum number of stories: 5

## **58A.7 Minimum Setbacks.**

- A. From street line: 10 feet.
- B. From rear property line: 20 feet.
- C. From side property line: 10 feet.
- D. From residence district boundary line: 20 feet.
- E. Projections into setback area: per Section 24.4.2.

## **58A.8 Building Bulk and Coverage.**

- A. Maximum floor ratio: 125%.
- B. Maximum ground coverage: 35%.
- C. Maximum lot coverage as percent of net buildable area: 40%.

### **58A.9 Parking, Loading and Landscaping.**

- A. Parking ratio for Memory Care Units: 0.3 spaces per bedroom.
- B. Parking ratio for an Assisted Living Facility: 0.45 spaces per bedroom.
- C. Parking ratio for an Independent Living Dwelling: 1.25 spaces per dwelling unit.
- D. Loading: one space for the maximum size vehicle servicing the facility, minimum space size 12 feet by 35 feet.
- E. Parking, loading and refuse area setback to a property line 5 feet minimum.
- F. Refuse areas must be fully screened by suitable fencing.
- G. Size of standard parking stalls: minimum standard at 9 feet by 18 feet.
- H. Size of compact parking stalls: compact minimum standard at 8 feet by 16 feet for up to 30% of parking spaces.
- I. Landscaping: All areas between property lines, building, parking, loading and refuse areas shall be suitably landscaped; for example: suitable hedges, fencing, shrubs, deciduous and flowering trees, evergreen plantings, ground covers or combination thereof that will provide adequate screening to adjoining properties and streetscape interest along public ROW's and public sidewalks.

### **58A.10 Deed Restrictions –Independent Living Dwelling.**

- A. Age restrictions shall be placed upon the land records for any Independent Living Dwelling. The restrictions shall run with the land and be submitted to the Commission as part of the application and shall be approved by the Commission. A copy of the recorded restrictions shall be submitted to the Zoning Enforcement Officer and recorded prior to the issuance of a certificate of zoning compliance.
- B. If the Senior Independent Living Dwelling Development is proposed as a part of a common interest community, which units are capable of being separately conveyed, the age restriction shall be provided for in the declaration of the common interest community.

### **58A.11 Special Permit.**

Approval of any application for a Special Permit shall be submitted to the Zoning Commission in conformance with the provisions of Section 33. A Site Plan must be submitted in accordance with Section 32, approved by the Commission and conditions of approval satisfied prior to a Zoning Permit being issued by the Zoning Enforcement Office.

## **Section 59 - SPECIAL DEVELOPMENT DISTRICT #1 ZONE**

### **59.1 PURPOSE OF ZONE**

The purpose of a Special Development District #1 (SDD #1) Zone is the creation of a combined working, service, shopping, retail, restaurant/dining, entertainment, recreation, residential, hotel, medical, technology, industry, educational, energy creation, office and other compatible uses in a coordinated environment that

- Reduces the traffic generation in contrast to that which occurs when the uses are separated,
- Seeks to maximize mass transit and intermodal opportunities,
- Enhances the quality and proximity of facilities to employees and residents and
- Retains the character of an area and its suitability for particular uses.

The future economic welfare of the Borough depends upon the revitalization of the downtown district by the implementation of a public private partnership process. It has been determined that uniform and consistent economic growth shall be accomplished by the implementation of the approved SDD #1 Zone with a Development Plan (called the Plan hereafter).

The SDD #1 Zone is established in order to set forth a process and standards for the siting of a cohesive mixed-use development that has unique positive effects on the character of the Borough of Naugatuck downtown and which has not been previously identified on the official zoning map for the Borough. It requires individual approval through the Borough zoning approval process as a zone change.

### **59.2 REQUIREMENTS FOR AREA TO QUALIFY AS AN SDD #1 ZONE**

An SDD #1 zone must contain at least 2 acres in land area. The majority of an SDD #1 zone shall be located within the area designated as the Central Business District (CBD) on Naugatuck's official zoning map and/or Downtown on the future land use map within the Naugatuck Plan of Conservation and Development dated June 30, 2013 as amended. An SDD #1 zone shall have a significant mixed-use component and such mixed-use components shall include a balance of development consisting of market rate housing and retail (inclusive of merchandise marts) and may include a balance of the following types of uses: entertainment, recreation, technology, medical services, institutional, hotel, research and development, transportation, service, energy creation, educational or office components, financial institutions and other compatible uses. Within an SDD #1 zone or any phase thereof, the square footage of residential use shall not exceed 75% of the total square footage of proposed development.

Any proposed phase that includes housing shall include retail and/or a balance of other uses. Nothing prevents the SDD #1 zone Applicant from establishing a phase that does not include housing or other individual uses. The creation of this zone is beneficial to the Borough because it will reduce traffic, pollution and congestion which would arise from uncoordinated and piecemeal development and will provide an enhanced living and work environment for the residents of the Borough of Naugatuck. The SDD #1 zone will allow for a creative approach to the use of land and related physical environment, a pedestrian-friendly circulation network, and a safe, efficient and desirable use of open space, aiding in the preservation of the historical assets of the downtown area.

### **59.3 PERMITTED USES**

The following land uses are permitted within an SDD #1 zone, whether in separate structures or in mixed-use structures.

- Residential units either for sale or rent
- Buildings, uses and facilities of the Borough of Naugatuck
- Buildings, uses and facilities of the State of Connecticut and the Federal Government
- Railroad rights-of-way, passenger stations and services
- Retail Uses
- Restaurants, including the sit down and take-out varieties (excluding drive-throughs)
- Entertainment venues, including but not limited to nightclubs, bars and billiard or pool halls
- Banks and other financial institutions (excluding drive-throughs)
- Hotels, Motels and Bed and Breakfasts
- Conference and Convention spaces
- Offices
- Medical Centers, medical offices and physical therapy clinics
- Merchandise marts
- Personal service uses
- Art galleries or studios, museums, cinemas, theaters and assembly halls
- Public and private parking garages
- Public and private parking lots
- Alternative energy production or generation facilities
- Research facilities

- Pharmacies (excluding drive-throughs)
- Printer establishments and binderies
- Public or private schools
- State licensed or registered daycare
- Recreation businesses and facilities such as health clubs, physical fitness centers, gyms and indoor and outdoor sports facilities
- Private clubs for civic and religious organizations without residential units
- Tech/Flex uses
- Public Amenities including open space, landscaping, walking trails, planters, roof gardens and other similar features which soften the hardscape

Uses not permitted in an SDD #1 zone include:

- a. Commercial kennels livery and boarding stables and riding schools.
- b. Freight trucking businesses and terminals, bus maintenance terminals.
- c. Barns and agricultural storage buildings.
- d. Junk vehicles and vehicles unregistered for more than six months.
- e. Adult Oriented Establishments as defined in Section 57
- f. Pawn Shops
- g. Tattoo Parlors
- h. Auto-oriented businesses including automobile dealerships, gas stations, and automobile repair shops.

Any other use not specifically included in the permitted uses above shall not be permitted.

**59.4 REQUIREMENTS TO APPLY FOR ESTABLISHMENT OF AN SDD #1 ZONE**

The SDD #1 zone Applicant shall demonstrate development rights to the land area contained in the SDD #1 zone.

**59.5 Area, Location and Bulk Standards FOR NEW STRUCTURES:**

Lot Area (Overall for SDD#1 zone)	2 acres at a minimum
Minimum Lot Area	5,000 square feet

Minimum Lot Area for Each Dwelling Unit	None
Minimum Street Frontage for Each Lot	40 feet*
Maximum Number of Stories	N/A
Maximum Height of Building/Structure	120 feet <sup>1</sup>
Maximum Free Standing Single Use Building	12,000 square feet <sup>2</sup>
Maximum impervious lot coverage (including parking)	90%
Minimum Setbacks	
From Street Line or Lines	None
From Rear Property Line	None
From Side or Other Property Lines	None
From Residence District Boundary Line	25 feet
Maximum Lot Coverage as Percent of Net Buildable Area	90%
Minimum Natural Coverage as Percent of Lot	10%
<sup>1</sup> All Structures shall be referred to the police and fire departments for review and recommendations for compliance with applicable public safety regulations. <sup>2</sup> Free standing single use retail or wholesale structures greater than 12,000 square feet with adjacent on-grade (surface) parking on at least three (3) sides shall be prohibited. *Exclusive of parking facilities.	

### 59.6 Open Space Requirements

The land covered by buildings and impervious surface shall be permitted the site shall include amenities such as walking trails, bike paths, fitness trails, landscape planters, pedestrian walkways, gazebos, pavilions and other public gathering or recreation areas and other similar items that may be common in an urban setting. The Plan shall include provision for environmentally sensitive green design. Green design features may include green roofs on buildings (natural plantings), use of paving materials which permit natural absorption, plantings and landscaping where appropriate and feasible, shade trees, and alternative energy sources.

### 59.7 Interior Streets and Sidewalks

No interior public street shall be less than 24 feet in width. The Commission may, where a private street will be dedicated for

public use, require primary streets to be designed and constructed in conformance with the Borough of Naugatuck road specifications. Curbs and sidewalks shall be required if the Commission deems them necessary. When required, sidewalks shall be concrete or better. Curbs shall be granite or better.

#### **59.8 Subdivision within an SDD #1 Zone**

An SDD #1 zone may be subdivided into lots in accordance with the requirements of the Borough of Naugatuck subdivision regulations. Nothing shall be deemed to exempt existing landowners, who are not the SDD #1 zone Applicant, from the regular subdivision processes and regulations.

#### **59.9 Public Improvements**

Public improvements, such as traffic improvements, drainage improvements, water and sewer improvements, utility installation and similar improvements may be phased in as distinct phases of an approved SDD #1 zone Plan. Each site plan submitted pursuant to an approved SDD #1 zone Plan shall state specifically what, if any, portion of the public improvements are to be constructed in connection with such site plan and shall contain such information necessary to confirm that the improvements to be constructed will be adequate to support the development set forth in the site plan. Such best practices shall include conformance with the 2004 Connecticut Stormwater Quality Manual (with Low Impact Development (LID) Appendix) or such edition of the manual which may be in effect at the time of design and construction.

#### **59.10 Sale of Alcoholic Liquor**

The restrictions, requirements and limitations set forth in Section 44 of the Regulations shall not apply to the sale of liquor within an SDD #1 zone.

#### **59.11 Design Standards**

To help unify and improve the district's visual character and usability, site features and pedestrian amenities such as landscaping, lighting, planters, benches, paving, waste receptacles and other site elements shall be incorporated into the district in a manner that is consistent and compatible with the existing streetscape found on Church Street. An SDD #1 zone shall respect the integrity of the historic buildings in the downtown area. The Plan submitted as part of an SDD #1 zone application shall describe the impact, if any, of any structure defined as a contributing historic structure in the downtown area. Descriptions and photographs of downtown historic structures can be found in the National Register of Historic Places.

The Commission, acting as the Advisory Architectural and Landscaping Review Board shall review the Plan and associated Site Plans as to the general architectural design of all buildings and other structures including exterior views, massing and relationships so that they are of such character as to harmonize with the Downtown and to preserve and improve the appearance and beauty of the Downtown. Architectural plans for all proposed buildings and structures as well as the location of signs, including exterior signs, including exterior, materials and perspective drawings contained in a site plan shall bear the seal of an architect or professional engineer licensed to practice in the State of Connecticut as part of site plan review in accordance with Section 32 of these Regulations.

## **59.12 PRE-APPLICATION MEETING**

Prior to submission of an application to establish an SDD #1 zone, the SDD #1 zone Applicant shall meet with Borough staff and the Commission to review the proposed Plan for the entire project and subsequent site plans for each submitted phase submitted for the SDD #1 zone. This pre-application review shall include a preliminary discussion of the land use areas, height and bulk of buildings, traffic impacts, site development impacts and design criteria. The pre-application meeting shall be held no less than 60 days prior to submission of a full application. Following the pre-application review, the Commission may retain technical professionals in accordance with 59.17 to provide a review of the proposed Plan and subsequent site plans and studies required as part of the SDD #1 zone application.

## **59.13 APPLICATION CONTENTS**

All applications to establish an SDD #1 zone shall be submitted by the SDD #1 zone Applicant on forms designated by the Commission and must be accompanied by the following information. An application will not be considered complete and the public hearing scheduled until this information has been submitted.

### **59.13.1. BOUNDARY SURVEY**

A boundary survey of the land included within the proposed SDD #1 zone conforming to a Class A-2 Survey and sealed by a land surveyor registered by the State of Connecticut shall be submitted in support of the site plan applications.

### **59.13.2. MASTER PLAN STATEMENT**

The Project Narrative shall describe the proposed development for the entire SDD #1 zone as well as phases, in a clear and concise manner. The Project Narrative shall demonstrate that it meets the



purpose of the zone as described in 59.1 and the qualifying standards as described in 59.14.3. Further, the Project Narrative shall describe the types and sizes of buildings in square feet of building area, number of dwelling units, number of parking spaces and types of open space. The Project Narrative shall be submitted in narrative form containing appropriate mapping, graphics and statistical information to provide the Commission with a level of detail upon which to base approval or disapproval with or without modifications. The narrative shall describe the proposed development for the entire SDD #1 zone and/or phases. All mapping and diagrams included in the Plan shall be at a scale appropriate for the Commission and the public to review. There shall also be a description of how the Proposed Project achieves the purposes of the SDD #1 zone. Such purposes include the achievement of green design to reduce negative impacts on environmental, resource consumption and occupant health concerns; maximization of mass transit and intermodal opportunities; revitalization of the downtown; and assist in the preservation of the historical assets of the downtown.

The Commission reserves the right to deny approval of subsequent phases beyond those approved if the Commission is not satisfied with the progress on completion of approved phases

### **59.13.3 Supporting Studies and Guidelines to Be Submitted**

a. A comprehensive parking study ("Master Parking Study") for the SDD #1 zone. The following information should be included in the Master Parking Study:

- (1) Overall analysis of parking demand for the SDD #1 zone, including shared use analysis if applicable
- (2) Types and approximate locations and number of parking spaces to be provided
- (3) Comparison of parking demand and parking to be provided

b. A comprehensive traffic study for the SDD #1 zone.

The following information should be included:

- (1) Existing and projected background traffic counts on major streets located in and adjacent to the SDD #1 zone
- (2) Analysis of anticipated traffic to be generated by the land uses proposed for the SDD #1 zone, including projected levels of service and queuing at key intersections
- (3) Description of traffic improvements, including pedestrian and public transit improvements, to mitigate traffic impacts

(4) Anticipated phasing of traffic improvements

**c.** A comprehensive stormwater drainage study

The following information shall be included:

(1) Analysis of existing and proposed peak rates of stormwater discharge from the SDD #1 zone

(2) Description of stormwater drainage improvements to be constructed, including phasing

(3) Preliminary description of stormwater quality measures to be incorporated

(4) Demonstration that the proposed project achieves no net increase in stormwater flows from the site over existing conditions

**d.** Design guidelines for the SDD #1 zone, including information on the following:

(1) General statement of intent and project vision

(2) Schematic cross sections of building mass and height along streets

(3) Nature and color of building materials for facades and roofs

(4) Design format for general identity signs and directional signs

(5) Standards for lighting fixtures

(6) Landscape features for public spaces such as street frontages and parks, including planting details, buffers, landscapes and accessory fixtures such as benches and trash receptacles

## **59.14 SDD #1 ZONE APPLICATION REVIEW AND APPROVAL**

**59.14.1** An SDD #1 zone application, inclusive of the Project Narrative and supporting studies, shall be referred by the Commission for a report to the following Borough departments and commissions:

Naugatuck Planning Commission

Naugatuck Water Pollution Control Board

Naugatuck Police Commission

Water Company

Borough Engineer

Naugatuck Inland Wetlands Commission

Naugatuck Fire Marshall

Naugatuck Fire Commission

Naugatuck Economic Development Corporation

Naugatuck Board of Mayor and Burgesses

In accordance with the statutory and regulatory requirements for a zone change, a negative referral from the Planning Commission shall require a minimum four-fifths affirmative vote by all members of the Commission. Reports from other departments and commissions shall be reviewed by the Commission prior to approval, disapproval or modification of an SDD #1 zone application.

### **59.14.2 Commission Procedures**

The Commission will act upon the application in accordance with the procedures and within the time frame established for zone change applications in the Connecticut General Statutes and may approve, disapprove or approve with modifications the application. Once approved, an SDD #1 zone shall be the established zone for the area included in the application. The Zoning Map of the Borough of Naugatuck shall be modified to reflect such change and shall contain a notation giving reference to a file in which information regarding an SDD #1 zone can be located, and the Plan, as approved by the Commission, shall be filed in the Office of the Borough Clerk.

### **59.14.3 Qualifying Standards For Approval**

The Zoning Commission upon receipt of the application for an SDD #1 zone shall review the application to ensure that the following criteria are established:

- (1) An SDD #1 zone will advance the purpose of revitalizing the Naugatuck Central Business district (CBD).
- (2) That an SDD #1 zone will be designed to be compatible with the balance of the CBD and not detract from the character and value of adjoining property.
- (3) That the SDD #1 zone will provide for development which is considered Transit Oriented Development (TOD) by providing safe and convenient pedestrian connections to the train station.
- (4) That the development shall consist of an appropriate mix of uses so as to be consistent with the purpose set forth above and the square footage of residential use shall not exceed 75% of the square footage of an SDD #1 zone or any phase thereof.
- (5) That an SDD #1 zone incorporates green design principles to reduce negative impacts on environmental, resource consumption and occupant health concerns.

#### Filing of Approved Master Plan and Zoning Map Amendment

Following approval of an SDD #1 zone, the approved Plan shall be filed in the office of the clerk of the Borough of Naugatuck. The approved map amendment shall be identified on the Zoning Map with an SDD #1 zone designation.

### **59.15 SITE PLAN APPROVAL**

#### **59.15.1 Site Plan Procedures**

Prior to implementing an approved SDD #1 Plan and any phase thereof, an SDD #1 zone Applicant or entity designated by the SDD #1 Applicant must obtain a Special Permit with associated plan approval. The SDD #1 zone Applicant or the entity designated by the Applicant to implement a component of the Plan must submit its site plan application(s) in phases or for specific portions of the development constituting less than the whole of the development. When a site plan is submitted for a sub-area or phase identified in an SDD #1 zone Plan, the uses contained in the site plan for a portion of the sub-area or phase need not contain the mix and quantity of uses specified for the total phase. Any application for site plan submitted shall comply with an approved SDD #1 zone Plan and the standards established in an approved SDD #1 zone. Such application shall also comply with Section 32 of these Regulations regarding drainage, bonding, landscaping, etc. The information to be submitted with such site plan application(s) shall be as provided in Section 32 of these Regulations. This submission shall include specific design details including proposed materials in accordance with the guidelines established in 59.13.3.d. The

modification of any approved site plan must comply with Section 32 of these Regulations. The Commission may waive the submission of items required in Section 32 not applicable to this regulation.

#### **56.15.2 Duration of Site Plan Approval**

Notwithstanding anything to the contrary contained herein or within the Regulations, any site plan approved in accordance with the procedures set forth herein shall be valid as set forth in Section 8-3c of the Connecticut General Statutes, as amended.

### **59.16 MODIFICATION OF AN APPROVED SDD #1 ZONE**

#### **59.16.1 Modification To Plan**

Any increase in the amount of building development measured by square feet of building area by more than fifteen percent (15%) from what was approved in the original Plan, or increases the maximum permitted building height in a land use area (not to exceed 120 feet), may be deemed a modification by the Commission and shall be acted upon in accordance with the procedures and within the time frame established for special permit applications as set forth in Section 33 of the Regulations. No change in the amount of building development measured by square feet of building area can increase the amount of residential use over the 75% limit contained in 59.2. The increases in the amount of building development shall not modify nor change the standards contained in 59.5. The Commission, in accordance with the Connecticut General Statutes, may approve, modify or deny the proposed modification to SDD #1 zone Plan and shall have the right to impose on such modification reasonable conditions and restrictions which, in its reasonable judgment, are required to protect adjacent uses and the neighborhood in general. WHEN A MODIFICATION TO THE PLAN RESULTS IN A MODIFICATION TO AN APPROVED SITE PLAN, THE SITE PLAN MODIFICATION MUST COMPLY WITH SECTION 32 OF THESE REGULATION AS DESCRIBED IN 59.15.1.

#### **59.16.2 Modification To SDD Boundary**

Any modification to an approved SDD #1 zone that adds land not otherwise included in an SDD #1 zone to the Plan shall be deemed a zone change application for the new land to be added to an SDD #1 zone and may only be submitted by an SDD #1 zone Applicant and all of the requirements of this regulation shall apply.

### **59.17 REQUIRED FEES**

In accordance with the Commission's fee schedule in effect at the time of filing, the fee for a zone change shall be paid by an SDD #1 zone Applicant. In addition, due to the scope of an SDD #1 zone application, the Commission may, at its discretion following the Pre-

Application meeting, retain technical professionals to provide a technical review of the Plan and phases and site plans. The Commission shall designate a Borough staff member to hire and supervise such technical professionals in consultation with the Commission. The cost of these services shall be paid by an SDD #1 zone Applicant or based on the specifics of the needed services an agreement may be made whereby the costs for such services are shared between the applicant and the Borough.

#### **59.19 WAIVER**

The Zoning Commission by a minimum four fifths vote of all members of the Commission may waive the submission of all or part of the information required by any part of this section of the Zoning Regulations if it finds that the information is not necessary in order to decide on the application for a Special Development District #1 Zone.

#### **59.20 DEFINITIONS**

In addition to definitions contained in Section 4, the following definitions shall apply to an SDD #1 Zone.

- alternative energy - energy primarily derived from sources which are naturally creation replenished or otherwise reduce dependence on fossil fuels
- artisan - a skilled worker who practices or participates in creative activity of some trade or handicraft related to the field of art
- green design - design practice that seeks to reduce the negative impacts on environmental, resource consumption and occupant health concerns
- industry - a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing
- intermodal - the use of more than one form of transport for a journey
- LID - Low impact development; techniques to minimize the impact of stormwater flows from a development
- market rate housing- housing for which the rent or sales price is one

which is equal to what a consumer will pay in a competitive and open market

- massing - the expression of volume as form
- merchandise mart - a building containing wholesale showrooms as well as design and consulting services and supporting administrative space. Showrooms may be open to wholesalers and the public.
- personal services - establishments primarily engaged in providing individual services generally related to personal need such as, but not limited to, beauty and barber shops, shoe repair shops, tailor shops
- streetscape - the combined visual image from all of the physical elements found on a street including the property up to the building front
- tech/flex - a mixed-use office/warehouse, sale and display space designed to accommodate users with flexible space needs that can include any combination of general business, office, artisan and technological development, as well as manufacturing, assembly and testing uses, including warehouse distribution centers
- transit-oriented development - the location, design and mix of uses in an area which emphasizes pedestrian-oriented environments and encourages the use of public transportation; also referred to as TOD

**LEGAL DESCRIPTION FOR PROPOSED SDD#1 ZONE** (Located on the former GDC property and being comprised of all of Parcel A and a portion of Parcel B)

The proposed SDD#1 Zone is bounded and described as follows:

Beginning at a point in the easterly streetline of Elm Street, said point being the southwesterly corner of Parcel A.

Thence proceeding northerly along the easterly streetline of Elm Street a distance of 597 feet more or less, to a point; said point being the intersection of the easterly streetline of Elm Street with the easterly streetline of Old Firehouse Road and the southerly streetline of Rubber Avenue; said point also marking the property line between Parcels A & B .

Thence proceeding northerly along the easterly streetline of Old Firehouse Road a distance of 452 feet more or less, to a point; said point still being in the easterly streetline of Old firehouse Road and marking the proposed division line of Parcel B for property to be transferred to Parcel A. Thence proceeding easterly through Parcel B along the proposed division line a distance of 268 feet more or less, to a point in the easterly property line of Parcel B.

Thence proceeding southwesterly along land now or formerly of the State of Connecticut Metro- North Railroad a distance of 430 feet more or less, to a point marking the property line between Parcels A & B.

Thence proceeding southwesterly along land now or formerly of the State of Connecticut Metro- North Railroad a distance of 52 feet more or less, to a point;

Thence proceeding southerly along land now or formerly of the State of Connecticut Metro-North Railroad a distance of 492 feet more or less, to a point being the southeast corner of Parcel A. Thence proceeding westerly along land now or formerly of the State of Connecticut a distance of 277 feet more or less, to a point being the point and place of beginning. Said Proposed SDD#1 Zone containing 6.4 acres more or less and being more particularly depicted on a map entitled: Proposed Zone Change Map, Zone I-1 to SDD#1, Compilation Plan of Former GDC Property, Prepared for ART 6, LLC, #6 Rubber Avenue, Naugatuck, CT, Scale 1"=40 feet, Dated January 9, 2015 and revised to 3-9-15 prepared by the Engineering Department, Borough of Naugatuck.