ZONING REGULATIONS

TOWN OF CROMWELL

REVISED AUGUST 18, 2015
EFFECTIVE AUGUST 25, 2015

HOW TO USE THESE REGULATIONS

PHILOSOPHY

These Zoning Regulations are intended to guide land use activities in Cromwell in ways that will:

- protect the public health, safety, and welfare,
- maintain and enhance community character, and
- improve the economic value of property and general welfare of residents.

It is recognized that the appearance of property has a direct bearing on the economic value of that property and also the economic value of adjacent and surrounding properties. The appearance of a single property also has a cumulative effect which can enhance or diminish the beauty of the entire Town, and consequently the values of property elsewhere within the Town.

ORGANIZATION

This set of Regulations has been organized around four main thematic elements. Understanding this organization will help the user quickly locate the regulatory provisions they seek.

THEME	SECTIONS	DESCRIPTION
Basics	Introduction and Definitions	Background information and how the regulations will be used and interpreted
Zones and Uses	Residential Zones Business Zones Special Zones	Information about the various zoning districts and the standards that apply within them
Standards	Basic Standards Special Permits Special Requirements	Requirements for landscaping, signage, parking, non-conforming uses and other activities
Administrative	Procedures Administration Zoning Board of Appeals	How applications will be processed and the regulations will be administered

These Regulations are intended to be a dynamic document, not a static document. It is anticipated that these Regulations will be regularly reviewed and updated, as necessary, to anticipate and reflect the ever changing needs of the community and to guide land use activities in Cromwell in ways that will continue to maintain and enhance community character and protect the public health, safety, and welfare.

REGULATION AMENDMENTS		
Adoption Date:	**Effective Date:**	**Description of Amendment:**
April 19, 2005	April 26, 2005	Change to 13 regarding posting of sign for Special Permit application
May 3, 2005	May 31, 2005	Change to 10 revising the Conservation Subdivision Special Permit approval process
June 7, 2005	June 24, 2005	Change to 18 regarding amount of parking at Retail and restaurant uses (approved on 6/72005, Filed with Town Clerk on 6/24/05)
July 5, 2005	July 13, 2005	Change to 16 regarding erosion and sediment control.
August 2, 2005	August 9, 2005	Change to 15 regarding filling and excavating; new 11.12 for car wash.
January 17, 2006	January 23, 2006	Change to 4 (Moratorium on Zone Changes) And 10 (Moratorium on Conservation Subdivisions)
February 7, 2006	February 15, 2006	Change to 4.2.84A (Wholesale Nurseries in PO Zone).
June 6, 2006	July 1, 2006	Change to 4.3.b. (Sign Posting); and 21.1 (ZBA Sign posting).
August 1, 2006	August 11, 2006	Change to 3.1.27 (Golf Driving Range).
September 19, 2006	September 27, 2006	Change to 13.3 (Off-Site Improvements).
October 17, 2006	November 3, 2006	Change to 15.1 (Filling and Excavation)
December 5, 2006	December 20, 2006	Change to 4.2.63 (Golfing Facilities).
April 5, 2007	April 18, 2007	Change to 5.8 (Active Adult Housing District).
September 18, 2007	October 1, 2007	Change to 13.3b.5 (Prior Approval by IWA).
September 18, 2007	October 1, 2007	Change to 20.1 (Zoning Enforcement).
June 17, 2008	July 1, 2008	Change to 12 (Special Flood Hazard Area).
April 7, 2009	April 14, 2009	Change to 5 (Flood Plain District).
April 21, 2009	April 24, 2009	Change to 19 (Sign Regulations).
October 20, 2009	November 2, 2009	Change to 11.1 (Landscaping Regulations)
November 15, 2011	November 18, 2011	Changes to Zoning Regulations
November 19, 2013	November 26, 2013	Changes to 3.5.C.3 Delete Crematories
August 4, 2015	August 11, 2015	Changes to 3.1 Downtown Cromwell District
August 18, 2015	August 25, 2015	Changes to 4.0 add 4.7 Planned Residential Development

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1. INTRODUCTION AND DEFINITIONS

1.1 AUTHORITY

These Regulations are adopted under the authority of Chapter 124 of the General Statutes of the State of Connecticut, as amended.

1.2 PURPOSES

1.2.A These Regulations are adopted for the purposes of:

1. guiding the future growth and development of Cromwell in accordance with the Plan of Conservation and Development;
2. lessening congestion in the streets;
3. securing safety from fire, panic, flood and other dangers;
4. promoting health and the general welfare;
5. providing for adequate light and air;
6. preventing the overcrowding of land and avoiding the undue concentration of population; and
7. facilitating the adequate provision for transportation, water, sewerage, schools, parks and other public requirements.

1.2.B These Regulations are adopted to:

1. give consideration to the character of each area and its peculiar suitability for particular uses;
2. conserve the value of buildings and encourage the most appropriate use of land throughout Cromwell;
3. protect historic factors and resources;
4. protect existing and potential public surface and ground drinking water supplies;
5. provide for the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of Cromwell and the planning region;
6. provide for housing choice and economic diversity in housing, including housing which will meet identified housing needs; and
7. protect environmental resources.

1.3 INTERPRETATION OF REGULATIONS

1.3.A Prohibited If Not Permitted.

1. Any principal use of land, buildings or structures not expressly permitted by these Regulations in a particular zoning district is prohibited in that district.

2. For a principal use permitted by these Regulations, accessory uses which are clearly and customarily incidental and are actually subordinate to the permitted principal use may be permitted by the Zoning Enforcement Officer.
3. Any activity not expressly permitted by these Regulations in a particular zoning district is prohibited in that district.
4. In the event of uncertainty as to whether a use or activity is permitted, the Zoning Enforcement Officer shall have the authority to interpret these Regulations.
5. Mining is prohibited in Cromwell.

1.3.B Minimum Standards.

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare, unless the context clearly indicates that such provision is intended to be a maximum limitation.

1.3.C Multiple Standards.

1. In the event that there are found to be conflicting requirements within these Regulations, the most restrictive provision shall be applied
2. The provisions of these Regulations may be superseded by other local, State, or Federal laws or regulations
3. These Regulations do not release a person from having to comply with a more restrictive law, ordinance, easement, covenant, rule, regulation, or permit.

1.4 ZONING DISTRICTS.

1.4.A Districts and Boundaries.

1. To accomplish the purposes of these Regulations, the Town of Cromwell shall be and is divided into different classes of districts or zones as enumerated in these Regulations.
2. The location and boundaries of zoning districts shall be as shown on the "Official Zoning Map," of the Town of Cromwell, as may be amended, which is on file in the Planning and Zoning Department.
3. The official Zoning Map, as may be amended, is hereby declared to be a part of these Zoning Regulations.

1.4.B Boundary Interpretation.

If not clearly delineated on the Zoning Map, zone district boundaries shall be construed in the following sequence:

1. following the center line of a street, railroad, right-of-way, or easement;
2. following lot lines, such being lines of record at the time of adoption of these Regulations or relevant amendments hereto;
3. where zone boundaries are set back from street lines, they shall be considered as running parallel thereto, at distances shown or measured; and
4. following the lines of a particular physical feature including brooks, streams, or

floodplains; and

5. in cases of uncertainly regarding a zone boundary on the Zoning Map, the location of the zone boundary shall be determined by the Zoning Enforcement Officer.

1.5 CONFORMITY REQUIRED.

No building or structure shall be erected or structurally altered, moved or maintained, nor shall any building, structure, or land be used except in conformity with these regulations and the permitted uses herein prescribed for the zone in which such building, structure or land is located. All uses which are not permitted shall be considered as prohibited.

1.6 DEFINITIONS

1.6.A Use of Terms.

Definitions to be Applied. In the interpretation and enforcement of these Regulations, the words and phrases set forth in these Regulations shall be construed as defined in this Section, unless otherwise clearly qualified by their context.

1.6.B Specific Terms.

In the interpretation and enforcement of these Regulations, certain words contained herein shall be interpreted as follows:

1. The word "shall" is mandatory and not discretionary.
2. The word "may" is permissive.
3. When not inconsistent with the context:
   (1) Words in the present tense include the future and vice-versa.
   (2) Words in the singular include the plural and vice-versa.
   (3) Words in the masculine include the feminine and neuter and vice-versa.
4. The words "occupied" or "used" include the words "designed, arranged or intended to be occupied or used."
5. The words "zone," "zoning district," and "district" have the same meaning.
6. The word "person" also includes a partnership, association, trust, corporation or other legal entity.
7. "Filed" shall mean "submitted" and vice-versa.
8. The "Town" is the Town of Cromwell, Connecticut.
9. The "Commission" is the Planning and Zoning Commission.

1.6.C Terms Not Defined.

In the interpretation and enforcement of these Regulations, words not defined in this Section shall be interpreted by the ZEO consulting one or more of the following:

1. A comprehensive general dictionary
2. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban

Policy Research (Piscataway, NJ), as amended.

1.7 DEFINED TERMS.

For the purpose of these regulations, the following words are defined below:

CONCEPT OF "ACCESSORY" AND "PRINCIPAL"
Accessory. Subordinate, and customarily and clearly incidental to a principal building, structure, or use on the same lot.
Accessory Apartment. See HOUSING RELATED TERMS
Accessory Building. See Building, Accessory @ BUILDING RELATED TERMS
Accessory Dwelling Unit. See Dwelling Unit, Accessory @ HOUSING RELATED TERMS
Accessory Use. See Use, Accessory @ USE RELATED TERMS
Principal. The primary or predominant building, structure, use, or activity on a lot or parcel
Principal Building. See Building, Principal @ BUILDING RELATED TERMS
Principal Use. See Use, Principal @ USE RELATED TERMS

Accessory. See CONCEPT OF "ACCESSORY" AND "PRINCIPAL"

Accessory Apartment. See HOUSING RELATED TERMS

Accessory Building. See Building, Accessory @ BUILDING RELATED TERMS

Accessory Dwelling Unit. See Dwelling Unit, Accessory @ HOUSING RELATED TERMS

Active Adult Housing. See HOUSING RELATED TERMS

Adult Day Care. See DAY CARE RELATED TERMS

Alcoholic Beverages, Sale of. See SALES RELATED TERMS

Alter, to Make an Alteration. As applied to a building or structure, means a change or rearrangement in the structural parts thereof, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in appearance, character, or construction; also means an enlargement, whether by increasing in height, coverage, volume or floor area. As applied to a use, means a change or enlargement in the character, area occupied by, intensity, or scope of the use, including, but not limited to, the extension of hours of operation, the addition of other activities, equipment, functions, or processes, or the extension into additional land or building area.

Alteration, Substantial. The expansion of an existing building in a Business or Special Zone by 10% or more, or the expansion of a multi-family building in any zone by 10% or more, or any change to the vehicle circulation of an existing parking lot in any zone.

Average Finished Grade. see GRADE, AVERAGE FINISHED @ HEIGHT RELATED TERMS

ANIMAL RELATED TERMS
Commercial Kennel. Premises maintained and operated as a business for the grooming, boarding, daycare or training of domestic animals, or uses determined by the Commission to be similar in nature and licensed by the State of Connecticut.
Large Domestic Animal Pets. Large domestic animal pet shall include, but not be limited to, horse, cow, calf, goat, sheep, and llama, for non-commercial uses. (See Section 2.8 – LARGE DOMESTIC ANIMAL PETS.).
Livestock. Farm animals and animals used for profit or other productive purposes. Does not include pets.
Pets. Any animal customarily kept by humans for companionship, including but not limited to dogs, cats, birds, rabbits, hamsters, mice, turtles, and the like.

AUTOMOBILE-ORIENTED BUSINESS RELATED TERMS
Car Wash. Washing and polishing of automobiles. May include automobile detailing services.
Drive-In Windows. An opening in the wall of a building or structure designed and intended to be used to provide sales to and/or service to patrons who remain in their vehicles.
Motor Vehicle Refuel/Recharge Stations. Any building or premises so used for the sale of gasoline as to require a license from the Commissioner of Motor Vehicles as provided in the Connecticut General Statutes Section 14-321, as amended. It shall also include any building or premises used for polishing, greasing, washing, repairing or servicing of motor vehicles and the renting/leasing of vehicles and equipment trailers.
Motor Vehicle Service. Any building or premises so used for the repair of motor vehicles as to require a license from the Commissioner of Motor Vehicles as provided in the Connecticut General Statutes Section 14-52, as amended. Includes auto body repair.

Basement. See BUILDING RELATED TERMS

Bed and Breakfast Inn. See LODGING RELATED TERMS

Billboard. See SIGN RELATED TERMS

Building, Accessory. See BUILDING RELATED TERMS

Building. See BUILDING RELATED TERMS

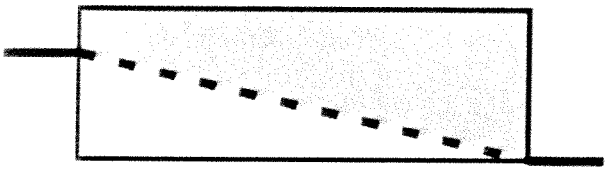
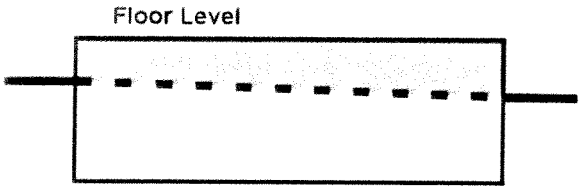
Building Coverage. See BUILDING RELATED TERMS

Building, Detached. See BUILDING RELATED TERMS

Building, Principal. See BUILDING RELATED TERMS

BUILDING-RELATED TERMS
Basement. The portion of the building that is partly underground which has more than half of its structural headroom above the average finished grade of the ground adjoining the building.
Building, Accessory. A building which is subordinate and customarily incidental to the principal building and/or use permitted on the same lot. The term "accessory building" when used in connection with a farm shall include all structures customarily used for farm purposes. Except for farms, no accessory building shall be larger than the principal building.
Building. A building is an independent structure having a roof supported by columns or walls resting on its own foundation and includes shed, garage, stable, greenhouse or other accessory building. Covered porches and decks, whether open or enclosed, shall be considered as part of the building.
Building Coverage. The percentage of the lot that is covered by the horizontal roof area of all buildings and structures on the lot.
Building, Detached. A building separated on all sides from adjacent buildings by open spaces from the ground up.
Building, Principal. That single building or structure, or interrelated group of buildings or structures, in which is conducted the principal use of the lot on which the building or structure is situated.
Cellar. The portion of the building that is partly underground which has more than half of its structural headroom below the average finished grade of the ground adjoining the building.
Floor Area. That area which has a minimum head room of seven (7) feet when measured vertically upward from a finished floor; but in the area next below the roof such space shall be counted only if it is connected with the floor below by a permanent inside stairway. Basement rooms; garages or any other form of attached structure; cellars; rooms for heating equipment; and open or enclosed porches shall not be included.
Gross Leasable Area. Gross Leasable Area is the total area which is leasable exclusive of areas common to multiple tenants.
Structure. Anything constructed or erected which requires location on the ground, or anything attached to something having a location on the ground. Includes a gas or liquid storage tank, or other man-made facilities or infrastructures.
Structural Alterations. Any change in or addition to the structural or supporting members of a building such as bearing, walls, columns, beams or girders.
Temporary Structure. A structure which by type and materials of its construction is erected for an expected or intended use of not more than two years from the date of the permit and is so stated in the permit. Such structure shall include tents, portable band stands, bleachers not erected in conjunction with athletic fields, reviewing stands, or other structures of similar nature.

BUILDING ILLUSTRATIONS

Basement	Cellar
	
50% or more of height above average grade	Less than 50% of height above average grade

Business Office. An office of recognized professions such as doctors, dentists, lawyers, architects, engineers, musicians, artists, designers, teachers and others who through training are qualified to perform services of a professional nature.

Car Wash. See AUTOMOBILE ORIENTED BUSINESS RELATED TERMS

Cellar. See BUILDING RELATED TERMS

Club. A use providing educational, meeting, or social facilities for civic or social clubs, fraternal / sororal organization, and similar organizations and associations, primarily for use by members and guests. Recreational facilities, unless otherwise specifically cited in this section, may be provided for members and guests as an accessory use. A club does not include a building in which members reside.

Commercial Kennel. See ANIMAL RELATED TERMS

Conference Center. A facility used for academic, business or professional meetings, which may also offer accommodations for sleeping, dining and recreation.

CONSERVATION DEVELOPMENT RELATED TERMS
Primary Conservation Area or Feature. Wetlands, watercourses, floodplains, and steep slopes of 33 percent or greater.
Secondary Conservation Area or Feature. Culturally and environmentally sensitive areas and features including wildlife habitats, land that protects critical or threatened natural communities and species as identified by the Department of Environmental Protection, mature or productive forestland, contiguous open space or connective green belts, active or inactive farmland and meadows, areas that have recreation value, scenic views, ledge outcrops, significant individual trees, and other cultural features such as historic and archeological sites.
Conservation Subdivision. A pattern of development that permits a reduction in lot area and bulk requirements with the remaining land devoted to open space.
Conventional Subdivision. A pattern of subdivision development that permits the division of land in the standard form provided by the Town for the District in which it is located.
Potential Development Area. An area or areas within the site that contains no Primary Conservation Area or Feature, and may contain a limited amount of Secondary Conservation Area or Feature.

Conservation Subdivision. See CONSERVATION DEVELOPMENT RELATED TERMS

Contractor Yard. Any space, whether inside or outside a building, used for the storage or keeping of equipment, machinery, or vehicles, or parts thereof, which are in use by a contractor.

Conventional Subdivision. See CONSERVATION DEVELOPMENT RELATED TERMS

Coop. See FARM RELATED TERMS

Cultivation of Land. See FARM RELATED TERMS

DAY CARE RELATED TERMS
Adult Day Care. A program of supplementary care provided to one (1) or more persons on a regularly recurring, but part-time basis, in a place other than the recipient's own dwelling.
Day Care Center. As defined in CGS 19a-77, as may be amended: (A facility ... which offers or provides a program of supplementary care to more than 12 related or unrelated children outside their own homes on a regular basis.)
Family Day Care Home. As defined in CGS 19a-77, as may be amended: (A facility ... which consists of a private family home caring for not more than six (6) children, including the provider's own children not in school full time ...)
Group Day Care Home. As defined in CGS 19a-77, as may be amended: (A facility... which offers or provides a program of supplementary care to not less than seven (7) nor more than 12 related or unrelated children on a regular basis.)

Drive-In Windows. See AUTOMOBILE ORIENTED BUSINESS RELATED TERMS

Dwelling. See HOUSING RELATED TERMS

Dwelling, Converted. See HOUSING RELATED TERMS

Dwelling, Multiple-Family. See HOUSING RELATED TERM

Dwelling, Single-Family. See HOUSING RELATED TERMS

Dwelling, Two-Family. See HOUSING RELATED TERMS

Earth Material. See EARTH EXCAVATION RELATED TERMS

Enlarge, Enlargement. Any addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. "To enlarge" is to make an enlargement.

Extend, to Make an Extension. An increase or amplification, as distinguished from establishment or inception. "Extension" shall be deemed to include the expansion in the seasons or periods of use of a non-conforming seasonal use, or of a seasonal dwelling on a non-conforming lot; and any increase in the normal days or hours of operation, or any increase in the scope of services offered, of any non-conforming, non-residential use of land, buildings, or structures.

EARTH EXCAVATION AND FILL DEPOSITION RELATED TERMS
Earth Material. Topsoil, sand, loam, gravel, peat, stone or any other earth product.
Excavation. Fill or removal in accordance with Section 6.1 of these Regulations.
Fill. Earthen material brought to a site from a non-contiguous location so as to create a higher finished elevation anywhere on the site.
Foundation Volume. • For subdivision approval, the volume of the cellar or foundation of all buildings shown on the site development plan plus four (4) cubic yards per linear foot of new road (if applicable). • For site plan approval of any residential or non-residential building, the volume of the cellar or foundation of all buildings on the site development plan. • For plot plan approval, the volume of the cellar or foundation of all buildings shown on the plot plan.
Removal. Earthen material taken off a site to a non-contiguous location so as to create a lower finished elevation anywhere on the site.

FARM RELATED TERMS
Coop. A small cage or other building used for housing chickens and other birds.
Cultivation of Land. To improve and prepare (land), as by plowing or fertilizing, for raising crops; till. (Definition will probably not be included in the Zoning Regulations.)
Farm. An area of five (5) or more acres devoted to farm uses, for gain or the expectation of gain, in the raising of agricultural products, livestock, poultry, or dairy products. It includes necessary structures within the prescribed limits and the storage of materials and equipment used. It excludes the raising of fur bearing

animals, riding academies, livery or boarding stables, and dog kennels.
Farm Building. A building on a farm used for farming purposes.
Farm Stand. An use accessory to a bona fide farm operation which offers for sale to the general public such goods as fruits, vegetables, plants, flowers, eggs, honey, maple syrup, dairy products, and seasonal items including Christmas trees, cemetery baskets, etc. The sale of jams, jellies and baked or prepared foods may also be permitted.
Greenhouse. An enclosed structure used for the cultivation or protection of plants.
Poultry. Domesticated fowl collectively, especially those valued for their meat and eggs, as chickens, turkeys, ducks, geese and guinea fowl.

Family. See HOUSING RELATED TERMS

Farm. See FARM RELATED TERMS

Farm Building. See FARM RELATED TERMS

Farm Stand. See FARM RELATED TERMS

Fast-food Restaurant. See RESTAURANT RELATED TERMS

Fill. See EARTH EXCAVATION RELATED TERMS

Flood. See FLOOD RELATED TERMS, Section 4.2.F.

Floor Area. See BUILDING RELATED TERMS

Foundation Volume. See EARTH EXCAVATION RELATED TERMS

Freestanding Sign. See "Sign, Freestanding" @ SIGN RELATED TERMS

Frontage. See LOT RELATED TERMS

Golf Course. See RECREATION RELATED TERMS

Golf Driving Range. See RECREATION RELATED TERMS

Golf, Miniature. See RECREATION RELATED TERMS

Government Services. Any activity or use, carried out by a local public agency or its duly authorized agents, such as police stations, refuse disposal areas, schools, pollution control plants, highway garages, town halls, town office buildings, fire departments, non-commercial ambulance and other emergency services, and other similar uses as determined by the Planning and Zoning Commission or the Zoning Enforcement Officer.

Greenhouse. See FARM RELATED TERMS

Gross Leasable Area. See BUILDING RELATED TERMS

Height, Building. See HEIGHT RELATED TERMS

Height of Luminaire. See LIGHTING RELATED TERMS

Height, Sign. See Sign Height @ SIGN RELATED TERMS

HEIGHT RELATED TERMS

Grade, Average Finished. A reference plane established by the average of the ground level adjoining the building or structure along all of the exterior walls, from the exterior wall to a point 10 feet from the building or structure.

Height, Building. The vertical distance from the average finished grade for a building or other structure, or for a building wing or distinct portion of a building or other structure, to the highest of the following elevations on the building or other structure:

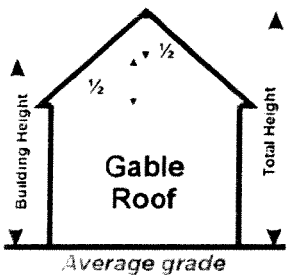
- the elevation of the highest point of the highest dome, flat, shed, or mansard roof, including the top of any parapet;
- for roofs which are gable, hip, or A-frame roofs, the mean elevation of the roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave,
- for roofs which are gambrel roofs, the mean elevation of the roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave or the elevation of the highest pitchbreak, whichever is greater, and for roofs which are salt box roofs, the mean elevation of the side of the salt box roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave.

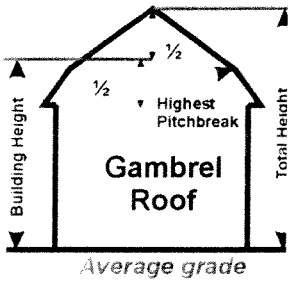
Height of Luminaire. See LIGHTING RELATED TERMS

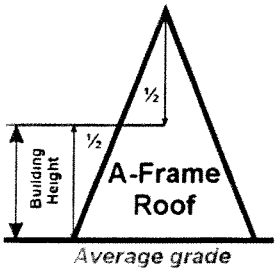
Height, Sign. See Sign Height @ SIGN RELATED TERMS

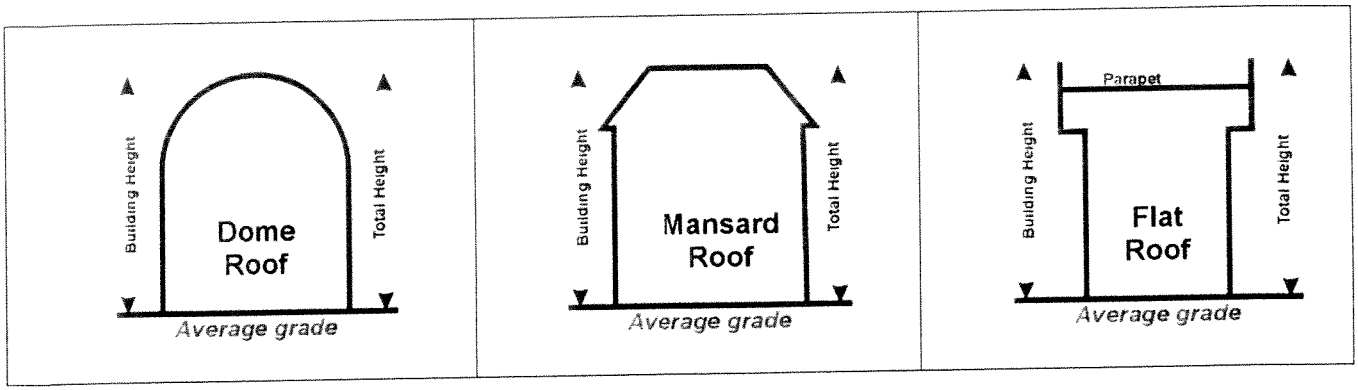
Story. That part of a building between the surface of a floor (whether or not counted for purposes of computing floor area) and the ceiling immediately above it.

HEIGHT ILLUSTRATIONS









HOME-BASED BUSINESS RELATED TERMS

Home-Based Business. The accessory use of a portion of a dwelling or accessory building for business purposes by the resident occupants when clearly incidental and secondary to the residential use of the dwelling (such as a home office or a home occupation). A Home-Based Business may be either Major or Minor. See below.

This definition includes, but is not limited to, the office, studio or workshop of an architect, artist, computer or Internet-based business, dentist, dressmaker, economist, engineer, insurance agent, lawyer, musician, photographer, physician, psychologist, real estate broker, serviceman or a dwelling used for preserving or cooking for compensation. Such uses as restaurants, tearooms, funeral homes, barbershops, beauty parlors, dancing schools, public garages, and animal hospitals are not considered incidental and accessory to a residential use and shall not be deemed a home- based business.

Home Office/Studio. The accessory use of a dwelling for occasional business use (as part of employment typically occurring elsewhere) or a home-based business involving no non-residents employees and no regular visitors to the business. See Section 2.9.A

Minor Home-Based Business. The use of a dwelling for a home-based business, which may include one (1) non-resident employee, involving no more than five (5) patron, client, or associate visits per week. See Section 2.9.B

Major Home-Based Business. The use of a dwelling for a home-based business involving two (2) or more non-resident employees or six (6) or more patron, client, or associate visits per week. See Section 2.9.C.

HOUSING RELATED TERMS

Accessory Apartment. A dwelling unit accessory to and contained within a single-family dwelling that provides complete housekeeping facilities. It shall not have an independent electricity, fuel, water, sewer or other utility bill.

Active Adult Housing. An Active Adult Housing (AA) Zone is one in which the housing development fully complies 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 and compliance with all rules and restrictions promulgated by the Town of Cromwell and set forth in this zoning regulation.
Dwelling. A building designed or used as living quarters for one or more families.
Dwelling, Converted. See Section 5.9 of these Regulations.
Dwelling, Multiple-Family. A building used or designed as a dwelling for three (3) or more families living independently of each other.
Dwelling, Single-Family. A building designed for and occupied as a dwelling for not more than one family.
Dwelling, Two-Family. A building designed for and occupied as a home or residence for two (2) families.
Family. Any number of individuals regularly living together as a single housekeeping unit with complete individual bathroom, and doing their cooking on the premises; as distinguished from a group occupying a boarding or rooming house or hotel.

Home Office/Studio. See HOME BASED BUSINESS RELATED TERMS

Hospital. Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, clinic, and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

Hotel. See LODGING RELATED TERMS

Institution. An organization, establishment, foundation, or society, which is devoted to and uses its land and buildings for the promotion of elderly care, health, and education objectives.

Junkyard. See WASTE MANAGEMENT RELATED TERMS

Landscaped Area. Landscaped Area shall mean an open area, a water body, a landscaped area, or naturally vegetated area maintained in natural ground cover, lawn, trees, shrubs, or other plantings.

Large Domestic Animal Pet. See ANIMAL RELATED TERMS

LIGHTING RELATED TERMS
Light, Direct. Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.
Light Fixture, Full Cut-off Type. A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the bottom surface of the luminaire.
Light, Fully Shielded. Fully shielded luminaire light fixtures which can control the glare in any direction.
Light Glare. Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see.

Light, Indirect. Direct light that has been reflected or has scattered off of surfaces other than those associated with the light fixture.
Light Isodiagram. A graphical representation of illuminance used to show the level and/or evenness of a lighting design and to show how light fixtures will perform on a given site.
Light Pollution. Stray or reflected light that is emitted into the atmosphere above the 90-degree horizontal plane from the luminaire and which can or does cause unwanted sky glow or which can or is seen from an abutting property.
Light Trespass. Direct light from an artificial light source on one property that is intruding into an area where it is not wanted or authorized, or does not belong.
Lighting, Outdoor. The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.
Lumen. A unit of luminous flux, determined from the initial lumen output ratings of a lamp, where one foot-candle is one (1) lumen per square foot.
Luminaire. A complete lighting system, including a light source component (lamp or lamps that produce the actual light) and a fixture.
Luminaire, Height of. The vertical distance from the ground directly below the centerline of the luminaire to the bottom surface of the luminaire.
Uplighting. Any light source that distributes illumination above a 90-degree horizontal plane.

Light, Direct. See LIGHTING RELATED TERMS

Light Fixture, Full Cut-off Type. See LIGHTING RELATED TERMS

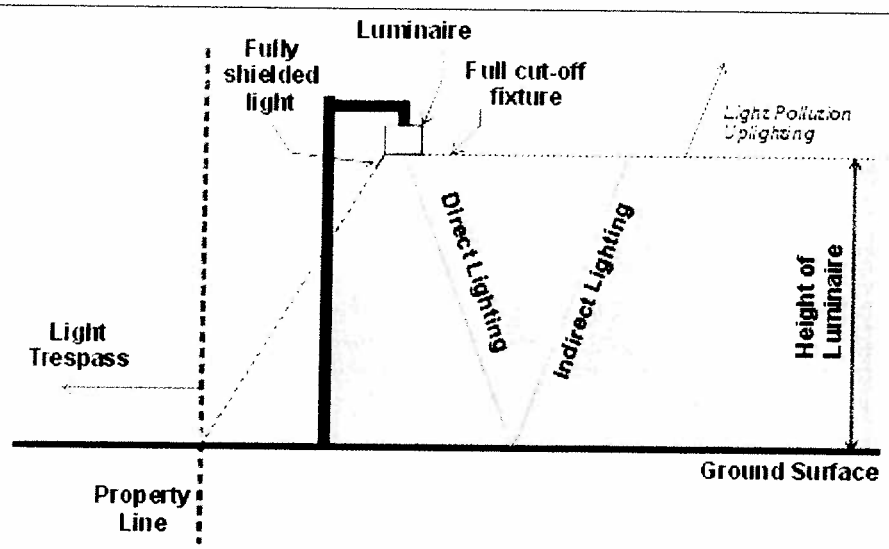
Light, Fully Shielded. See LIGHTING RELATED TERMS

Light Glare. See LIGHTING RELATED TERMS

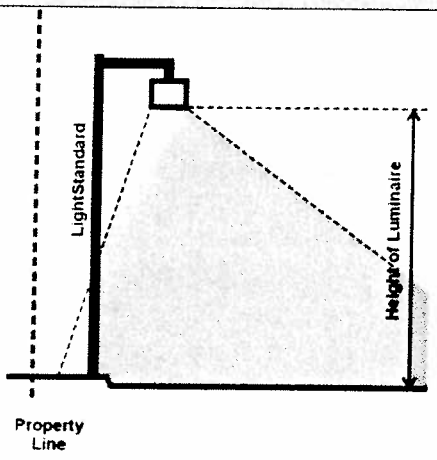
Light, Indirect. See LIGHTING RELATED TERMS

Light Isodiagram. See LIGHTING RELATED TERMS

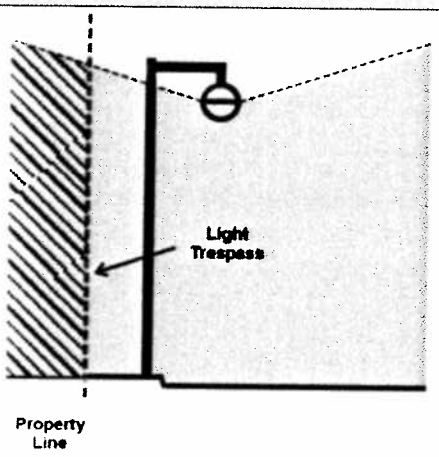
LIGHTING ILLUSTRATIONS



Luminaire – Shielded



Luminaire – Not Shielded



Light Manufacturing. Manufacturing, fabricating, processing, converting, altering, assembling and testing, engineering and marketing development of products. Incidental accessory uses: individual offices, sales rooms and storage for wholesale distribution of items manufactured or assembled on the premises.

Light Pollution. See LIGHTING RELATED TERMS

Light Trespass. See LIGHTING RELATED TERMS

Lighting, Outdoor. See LIGHTING RELATED TERMS

Livestock. See ANIMAL RELATED TERMS

Lot. See LOT RELATED TERMS

Lot Area. See LOT RELATED TERMS

Lot Frontage. See LOT RELATED TERMS

Lot, Building. See LOT RELATED TERMS

Lot, Corner. See LOT RELATED TERMS

Lot, Depth of. See LOT RELATED TERMS

Lot, Line. See LOT RELATED TERMS

Lot, Rear. See LOT RELATED TERMS

Lot, Through. See LOT RELATED TERMS

Lot, Width of. See LOT RELATED TERMS

Lumen. See LIGHTING RELATED TERMS

Luminaire. See LIGHTING RELATED TERMS

Luminaire, Height of. See LIGHTING RELATED TERMS

LODGING RELATED TERMS
Bed and Breakfast Inn. An owner-occupied dwelling unit that contains no more than four (4) guest rooms where lodging, with or without meals, is provided for compensation.
Hotel. A building designed as the more or less temporary abiding place for more than 50 persons, or providing 25 or more sleeping rooms in which lodging is provided for compensation with or without meals.

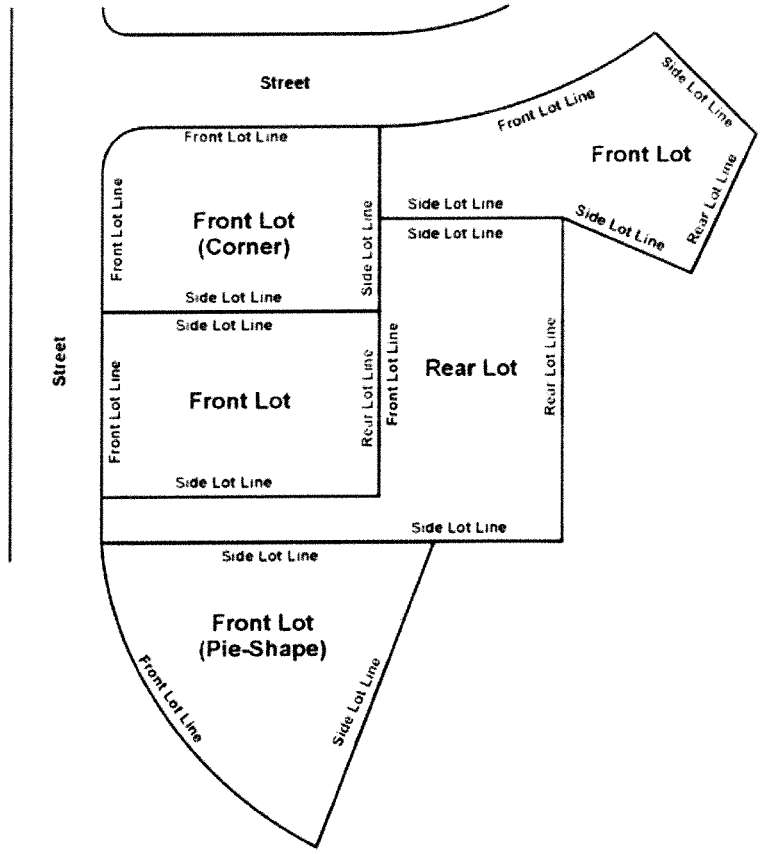
LOT RELATED TERMS
Lot. A single parcel or tract of land under separate ownership.
Lot Area. The total horizontal area included within lot lines, measured in square feet.
Lot Frontage (or *Frontage*). The extent of land along a front lot line.
Lot, Building. A parcel of land used or occupied, or to be used or occupied by a principal use, building or group of buildings and accessory buildings and including such open spaces as are required by these regulations.
Lot, Corner. A lot situated at the intersection of two (2) or more streets having an interior angle of not more than 135 degrees.
Lot, Depth of. The mean distance from the street line to the opposite rear lot line measured in the general direction of the side lines of the lot.
Lot, Line. The lot line bounding a lot.
Lot, Rear. A lot which does not have the minimum amount of street frontage required by these Regulations.

This definition shall not include non-conforming lots with less than the required amount of frontage.

Lot, Through. A lot having both front and rear yards abutting on a street.

Lot, Width of. The distance between the side lines of a lot measured either along the front lot line or along the building setback line, whichever is greater.

LOT ILLUSTRATIONS



Major Home Occupation. See HOME BASED BUSINESS RELATED TERMS

Medical or dental office, clinic, or laboratory. Use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the State of Connecticut. Emergency treatment is not the principal type of care.

Minor Home Occupation. See HOME BASED BUSINESS RELATED TERMS

Motor Vehicle Refuel/Recharge Stations. See AUTOMOBILE ORIENTED BUSINESS RELATED TERMS

Museum. An establishment for preserving and exhibiting artistic, historical, scientific, natural or man-made objects of interest. Such activity may also include accessory uses such as retail sales, the holding of meetings, and social events.

NONCONFORMING RELATED TERMS
Nonconforming. The situation where a use, activity, building, structure, or lot does not conform to the requirements of these Regulations.
Nonconforming Building. See *Nonconforming Structure.*
Nonconforming, Legal. The situation where a nonconforming use, activity, building, structure, or lot existed or was lawful prior to the time: • these Regulations became effective, or • an amendment hereto which created the nonconformity became effective.
Nonconforming Lot. A parcel of land which fails to meet the area, shape, or frontage or any other applicable requirement of these regulations pertaining to lots.
Nonconforming Building or Structure. A building or structure that does not conform to these Regulations with respect to size, area, height, setback or other requirement for the zone in which it is situated.
Nonconforming Use. A use of land or of a building that does not conform to these Regulations for the zone in which it is situated.

Open Space. Land or water areas which include but are not limited to: areas left in their existing natural state; agricultural land for which development rights have been assigned or otherwise alienated in perpetuity; areas and facilities for non-commercial, non-profit passive and active recreation, areas for wildlife habitat, groundwater recharge and scenic preservation

Open Space, Useable. Land within the development which is not covered by buildings, roads, driveways, parking areas, or service areas, or which is not set aside as private yards, private patios, or private gardens for individual residents. Such land shall be configured throughout the site so as to provide for passive and active recreational opportunities, as well as for conservation purposes. Land within 20 feet of a dwelling unit shall not qualify as "useable open space".

Outdoor Recreation. See RECREATION RELATED TERMS

Parking Space. An off-street space available for the parking of one (1) motor vehicle.

Pet. *See ANIMAL RELATED TERMS*

Portable Sign. *See "sign, Portable" @ SIGN RELATED TERMS*

Potential Development Area. *See CONSERVATION DEVELOPMENT RELATED TERMS*

Poultry. *See FARM RELATED TERMS*

Primary Conservation Area or Feature. *See CONSERVATION DEVELOPMENT RELATED TERMS*

Principal. See CONCEPT OF "ACCESSORY" AND "PRINCIPAL"

Principal Building. See Building, Principal @ BUILDING RELATED TERMS

Principal Use. See Use, Principal @USE RELATED TERMS

Private Street. See STREET RELATED TERMS

Projecting Sign. See Sign, Projecting @ SIGN RELATED TERMS

Principal. See CONCEPT OF "ACCESSORY" AND "PRINCIPAL"

Public. Unless otherwise specifically indicated, public shall mean anything owned, operated, provided and/or maintained by a local, state, or federal government. Also includes places available for use by the public for no fee, such as open space land.

Public Street. See STREET RELATED TERMS

Public Utility. Any public or private entity engaged in providing ancillary cooling water services for electric generation facilities or distributing electricity, electronic communications, or water to the general public, including associated substations, pumping stations, water storage, waste water treatment and water treatment facilities. Said term shall not include junkyard or solid waste facility.

RECREATION RELATED TERMS
Golf Course. An area of not less than 40 acres devoted to the playing of golf and related activities, with participation either being limited to members or open to the general public. It includes necessary structures and/or the storage of equipment and materials used.
Golf Driving Range. An area of not less than two (2) acres nor more than 25 acres where practicing of golfing technique may take place. It includes accessory structures for the storage of equipment and materials used.
Golf, Miniature. An area of not more than two (2) acres devoted to golf putting, typically directing the golf ball through or around obstacles. It includes accessory structures for the storage of equipment and materials used.
Outdoor Recreation. Building and/or other facility designed and equipped for the conduct of sports and other customary leisure activities.
Vehicle, Recreational. Any of the following vehicles: sail boat, motor boat, boat trailer, camper trailer, or mobile home.

Removal. See EXCAVATION RELATED TERMS

RESTAURANT RELATED TERMS
Fast-food Restaurant. A restaurant where the principal business is the sale of foods or beverages to the customer in a ready-to-consume state, typically served in paper, plastic or other disposable containers, for consumption within the restaurant building, elsewhere on the premises or for carryout/delivery for consumption off the premises, and designed for rapid service and high customer turnover.
Restaurant. A commercial enterprise containing a kitchen and seats whose primary function is the preparation and selling of food and/or beverages to the patron in a ready-to-consume state on the premises.
Restaurant, Sit-Down. A restaurant where the principal business is the sale of food or beverages to the customer in a ready-to-consume state, typically with washable plates, glasses, and utensils, with accessory

take-out service, and where the customers are seated at tables, usually with some type of table service, and food is made-to-order and the dining experience is more leisurely than for a Fast-Food Restaurant.

SALES RELATED TERMS
Alcoholic Beverages, Sales of. Buildings, or uses, where any spirituous or intoxicating liquors, and all mixed liquor, any part of which is spirituous or intoxicating, such as wine, ale, port, beer or "hard liquor" is sold.
Retail Sales. The sale of goods or commodities in small quantities directly to consumers.
Wholesale Sales. The sale of goods in large quantities to retailers, and not primarily to the general public.

Recycling Center. See WASTEWATER MANAGEMENT RELATED TERMS

Restaurant. See RESTAURANT RELATED TERMS

Retail Sales. See SALES RELATED TERMS

Road. See STREET RELTED TERMS

Self-Service Storage Facility. Any real property designed and used for the renting or leasing of individual self-contained units of storage space to occupants who are to have access to such units for storing and removing personal property only, and not for residential purposes.

Setback. See YARD RELATED TERMS

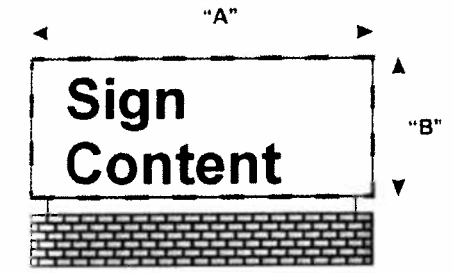
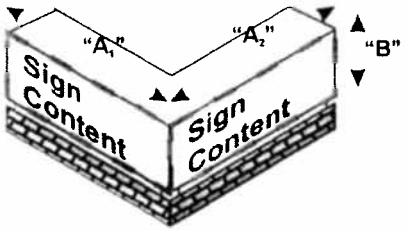
Sign. See SIGN RELATED TERMS

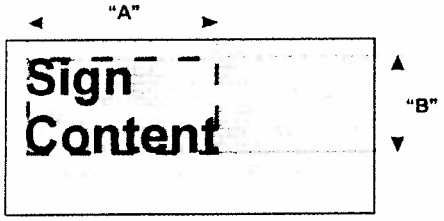
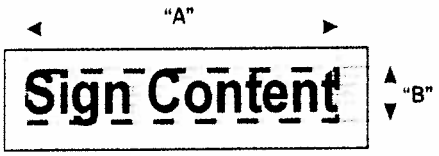
Sign Area. See SIGN RELATED TERMS

Sign, Replacement. See SIGN RELATED TERMS

SIGN RELATED TERMS
Billboard. An outdoor sign advertising products or services which are not made, produced, assembled, stored or sold from the premises upon which the sign is displayed, or any sign more than 200 square feet in sign area.
Sign. Any device for visual communication advertising objects made or sold, or services rendered on the premises, which is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization; or any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol.
Sign Area. The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. Where there is no defined sign background or panel (such as individual detached

letters or symbols which are mounted, placed or painted on a building or wall) the smallest rectangular area enclosing all such letters or symbols.
Sign, Awning. A type of projecting sign that is painted or printed on, or attached to, the surface of an awning.
Sign, Freestanding. A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building.
Sign, Hanging. A business sign erected, projecting perpendicularly to the building wall surface to which it is attached, no part of which is more than six (6) feet from the wall surface of the building on which it is erected.
Sign Height. The vertical distance measured from the lowest adjacent grade to the highest point on the sign or sign structure.
Sign, Incidental. A sign that has a purpose secondary to the use of the lot on which it is located, such as "handicap parking," "no parking," "entrance," "loading only," "telephone," and other similar directives.
Sign, Moving. Any sign, or any portion of any Sign, which is not fixed or stationary, or which is capable of any movement whatsoever; excluding barber poles and clocks.
Sign, Monument. A sign that is supported by a structure or apparent structure in direct contact with the ground that supports or appears to support the message portion of the sign.
Sign, Neighborhood identification. A sign which identifies or otherwise describes the name of the development or neighborhood upon which it is situated.
Sign, Portable. Any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service or entertainment, when the vehicle is so parked as to attract the attention of the motoring or pedestrian traffic.
Sign, Projecting. A sign which is attached and perpendicular to a building.
Sign, Replacement. A sign that takes the place of what previously existed and is equivalent in size and design.
Sign, Property Identification. A sign which identifies or otherwise describes the name, ownership or location on the lot or parcel of land upon which it is situated
Sign, Temporary. A sign which is intended to advertise community or civic events, construction projects, real estate for sale or lease, or any other special event of a temporary nature.
Sign, Wall. A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building.
Sign, Window. A sign affixed to a surface of a window or erected within two (2) feet thereof for the purpose of advertising the sale of goods or services sold or provided from the premises.

SIGN ILLUSTRATIONS	
Sign with Background Panel	**Sign with Multiple Faces**
 Sign Area = "A" x "B"	 Sign Area = ("A1" x "B") + ("A2" x "B")

SIGN ILLUSTRATIONS	
Sign with No Background or Panel (letters on building wall)	**Sign with No Background or Panel (letters on stone wall)**
 Sign Area = "A" x "B"	 Sign Area = "A" x "B"

Solid Waste. See WASTEWATER MANAGEMENT RELATED TERMS

Solid Waste Facility. See WASTEWATER MANAGEMENT RELATED TERMS

Story. See HEIGHT RELATED TERMS

STREET RELATED TERMS
Public Street. A road accepted and maintained by the Town of Cromwell, or a proposed street shown on a subdivision plan approved by the Commission in accordance with the applicable provisions of the Cromwell Subdivision Regulations.
Private Street. A road, street, or other vehicular passageway used for general circulation within a Conservation Subdivision and maintained or to be maintained by a party other than the Town of Cromwell.

Street or Road. A public or private thoroughfare which affords the principal access to abutting property.
Street line. The dividing line between a street or road right-of-way and the contiguous property.

Structure. See BUILDING RELATED TERMS

Structural Alterations. See BUILDING RELATED TERMS

Temporary Sign. See "Sign, Temporary" @ SIGN RELATED TERMS

Temporary Structure. See BUILDING RELATED TERMS

Trailer, Utility. A trailer used to carry personal items such as recreational equipment, lawn debris and lawn care material.

Uplighting. See LIGHTING RELATED TERMS

USE RELATED TERMS
Use. The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.
Use, Accessory. A use which is customarily and clearly incidental and subordinate to the principal use of a lot or a building and located on the same lot therewith.
Use, Business. Activity carried out for monetary gain, or an activity that is of type that is typically carried on for monetary gain, regardless of actual profit or loss.
Use, Mixed. A building, or lot that contains both residential and non-residential uses.
Use, Nonconforming. See *Nonconforming Use @ Nonconforming Related Terms.*
Use, Permitted. The term "permitted use" or its equivalent includes all uses authorized by these Regulations by Use Permit, Site Plan Approval, or Special Permit, except non-conforming uses.
Use, Principal. The primary purpose or function for which a premises is used, designed, or intended to be used.

Use. See USE RELATED TERMS

Use, Business. See USE RELATED TERMS

Use, Mixed. See USE RELATED TERMS

Use, Nonconforming. See USE RELATED TERMS

Use, Permitted. See USE RELATED TERMS

Use, Principal. See USE RELATED TERMS

Vehicle, Commercial. A motor vehicle which possesses one or more of the following characteristics:

- designed and built to perform a function other than carrying eight (8) or fewer passengers;
- a lettered sign, product logo or related design painted or affixed to the vehicle;

- permanent modifications to facilitate the carrying of goods or equipment for a commercial purpose;
- used for commercial purposes for more than four (4) hours in any one (1) day on a regular basis.

Vehicle, Recreational. See RECREATION RELATED TERMS

Wall Sign. See "Sign, Wall" @ See SIGN RELATED TERMS

WASTE MANAGEMENT RELATED TERMS
Junkyard. Any land or building used in whole or in part for the collection, storage, and/or sale of wastes, paper, rags, a clutter of metal, scrap metal, glass or similar accumulations of appliances, articles or material; or any place in or on which old material, glass, paper, cordage, or other waste or discarded or second hand material which has not been a part, or is not intended to be part, of any motor vehicle, is stored or deposited. It includes also any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles, or which has stored or deposited two (2) or more motor vehicles which are no longer intended or in condition for legal use on public highways; or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle.
Recycling Center. A building or structure within which discarded storage batteries, white metals, automobile tires, paper, motor oil and vegetation is temporarily stored for further shipment.
Solid Waste. Unwanted or discarded materials, including solid, liquid, semisolid or contained gaseous material, or hazardous or regulated waste.
Solid Waste Facility. Any solid waste disposal area, volume reduction plant, "trash-to-energy" plant or other facility the purpose of which is the disposal, processing or permanent storage of solid waste including loading and transportation facilities or equipment used in connection with the processing of solid wastes, but excluding transfer stations and recycling centers.
Transfer Station. Any storage or collection facility which is operated as a relay point for municipal solid waste, or recyclable products which ultimately are to be transferred another facility.

Watercourse. Those areas designated and defined as watercourses by the Cromwell Inland Wetlands and Watercourses Agency, pursuant to its Regulations, as the same may be amended from time to time.

Wetlands. Those areas designated and defined as inland wetlands by the Cromwell Inland Wetlands and Watercourses Agency, pursuant to its Regulations, as the same may be amended from time to time.

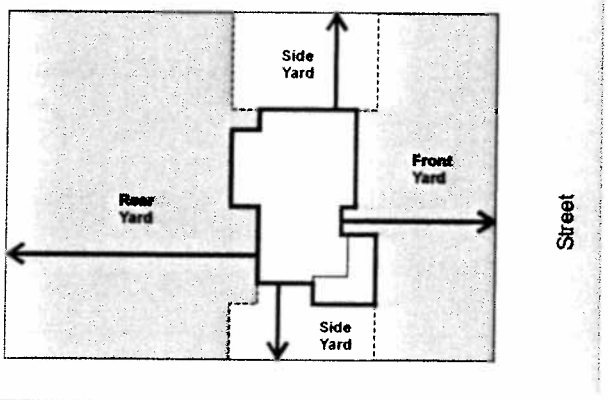
Wholesale Sales. See SALES RELATED TERMS

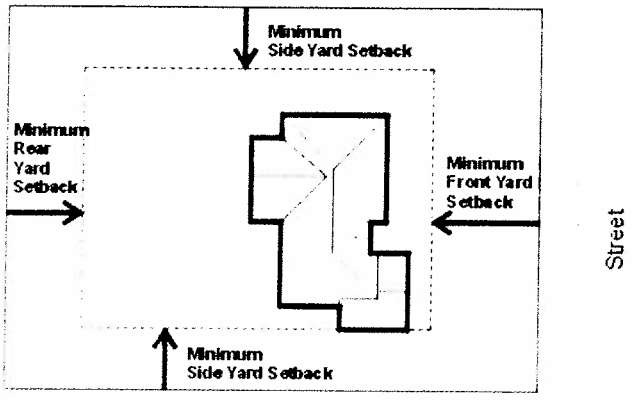
Window Sign. See "Sign, Window" @See SIGN RELATED TERMS

Yard. See YARD RELATED TERMS

YARD RELATED TERMS
Setback. The minimum required yard or distance from any street line or lot line, or edge of an accessway (in the case of a parcel encumbered by an accessway) to a building, structure or use.
Yard (or Setback). An open, unoccupied space open to the sky on the same lot with a building or structure.
Yard, Aggregate Side. The total side yard that is required when variable yard depths are allowed.
Yard, Front. An area extending across the full width of the lot between the front wall of the principal building and the front lot line. The depth of the front yard line shall be measured horizontally by the shortest distance between the front line of the building and the street line.
Yard, Rear. An area extending across the full width of the lot between the most rear principal building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of the principal building toward the nearest part of the rear lot line.
Yard, Side. An area between a principal building and the side lot line extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

YARD ILLUSTRATIONS





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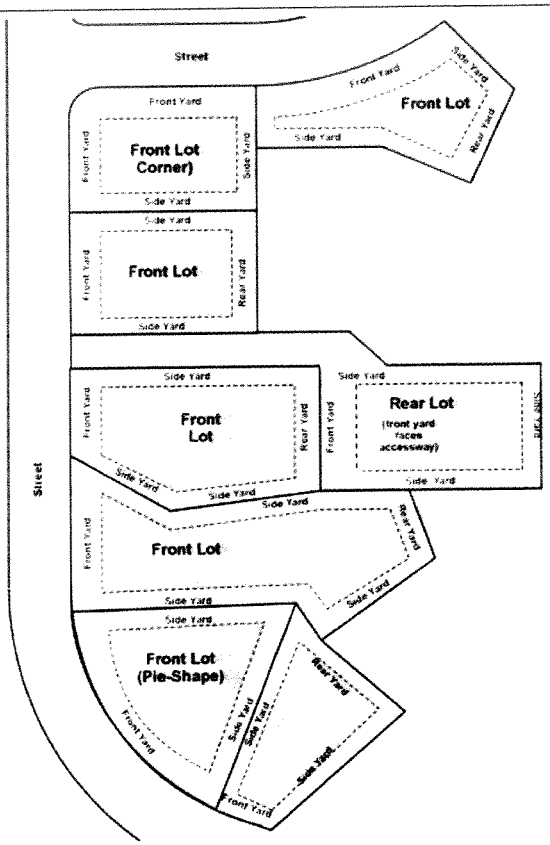


Zone. See Section 1.6.B or "Zoning District."

Zoning District. An area described by the Cromwell Zoning Regulations in which a uniform set of regulations relating to use of the land and structures on the land, in order to protect the public health, safety and welfare.

Zoning Enforcement Officer. As provided in CGS 8-12 as may be amended, the person or persons designated by the Commission to interpret and enforce the Regulations, or `his/her designee(s.)

Zoning Violation. The failure of a lot, building, structure or use to be compliant with the Cromwell Zoning Regulations.

2. RESIDENTIAL ZONES

2.1 PERMIT TYPES

Activities permitted in these regulations may require permits from the Planning and Zoning Commission or their administrative agent, the Zoning Enforcement Officer/Zoning Official. The following table identifies the permit types, issuing agency and the procedural requirements for these permits. Uses listed on the following pages are color coded to correspond with the permit type.

	ISSUING AGENCY	PROCEDURAL INFORMATION
NO PERMIT REQUIRED	N/A	N/A
USE PERMIT	Zoning Enforcement Officer or Planning and Zoning Commission	Section 8.2
SITE PLAN APPROVAL	Planning and Zoning Commission	Section 8.6
SPECIAL PERMIT	Planning and Zoning Commission	Section 8.7

2.2 SINGLE FAMILY RESIDENTIAL USE DISTRICTS

2.2.A Purpose.

1. R-15. Purpose: To cover the central core of Cromwell where availability of public utilities, proximity to schools, and existing patterns of development make this density appropriate.
2. R-25. Purpose: To cover those areas of Cromwell where development has occurred, and should continue to occur, at less intense densities, and where water and sewer may or may not be available.
3. R-40. Purpose: To cover those areas of Cromwell which are largely undeveloped or predominantly rural in character and which are least likely to have access to water and sewer lines.

2.2.B Bulk Requirements.

	Minimum		Minimum Yards				Maximum	
Zone	Lot Area	Frontage	Front	Side	Aggregate Side	Rear	Building Coverage	Building Height
R-15	15,000 SF	100 LF	35 LF	15 LF	35 LF	25 LF	15 LF	35 LF
R-25	25,000 SF	130 LF	40 LF	20 LF	50 LF	50 LF	15 LF	35 LF
R-40	40,000 SF	160 LF	40 LF	25 LF	60 LF	50 LF	15 LF	35 LF

2.2.C Principal Uses.

1. No Permit is Required

USE
• Open Space
• Single-family dwelling
• Farm
• Cultivation of land
• Public utility substations, pursuant to the Connecticut Siting Council.

2. Requires Use Permit Approval[Section 8.2]

HOUSING USES	ADDITIONAL CRITERIA (SEE SECTION)
• Two-family dwelling	

FARMING RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
• Large Domestic Pet	2.8
• Farm stand	
• Private greenhouse	
• Farm buildings. All farm buildings and residential accessory buildings housing livestock or poultry shall be located at least 100 feet from any street or lot line	

3. Requires Site Plan Approval (new construction) [Section 8.5] / Change of Use Permit (existing building / structure) [Section 8.3]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Cemetery	

•Parks/playgrounds	

4. Requires Special Permit Approval [Section 8.7]

HOUSING USES	ADDITIONAL CRITERIA (SEE SECTION)
•Assisted living facility, congregate housing, continuing care retirement community, or a nursing facility	
•Conservation subdivision	6.7
•Dwelling, converted (3 or more units)	5.9
•Rear lot	

FARMING RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
•Commercial Kennel	
•Riding academy and stables	

OTHER USES	ADDITIONAL CRITERIA (SEE SECTION)
•Colleges and schools/dormitories	
•Group Day Care Home, Day care center	6.9
•Hospital	
•Municipal facilities and services	
•Places of worship/churches	
•Public utility service yard	
•Radio mast, amateur	
•Outdoor recreation facility	
•Temporary amusements	

2.2.D Accessory Uses.

1. No Permit is Required

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Cultivation of Land	
• Family Day Care Home	
• Fences which are less than six (6) feet tall provided visibility is not blocked	2.7.B and 5.8
• Playscapes	
• Parking or storage of any number of motor vehicles, registered or unregistered, if parked or stored in a completely enclosed garage or building. Any number of registered vehicles may be parked outside except as otherwise prohibited by these regulations. One unregistered vehicle in good condition (fully inflated tires; all doors, hood and trunk; no broken or missing windows)	
• Parking for one (1) commercial vehicle not exceeding 11,000 pounds gross vehicle weight and a cargo area not exceeding 200 cubic feet	2.10
• Parking for a maximum of two (2) recreational vehicles	2.10
• Parking for a private utility trailer	

2. Requires Use Permit Approval [Section 8.2]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Parking areas for Principal Uses (less than 20 parking spaces)	5.2
• Farm Stand	
• Large Domestic Animal Pets	2.8
• Accessory building in the front yard at a municipal facility	
• Minor Home-Based Business	2.9
• Accessory Apartment	
• Home Office / Studio	
• Coops housing poultry	
• Greenhouse	

• Pools and other recreational structures, such as tennis courts	
• Private garages, sheds, gazebos, or similar structures up to 1,000 square feet in total on any single lot	2.7
• Signs pertaining to a permitted principal use on a lot	

3. Requires Site Plan Approval [Section 8.6]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Parking areas for Principal Uses (20 or more parking spaces)	5.2

4. Requires Special Permit Approval [Section 8.7]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Major Home-Based Business	
• Bed and Breakfast Inn	6.10
• Private garages larger than 1,000 square feet, up to 1,600 square feet total on any single lot	2.7.A4
• Parking for a second commercial vehicle not exceeding 15,000 pounds gross vehicle weight and a cargo area not exceeding 200 cubic feet (total of two (2) on a residential property)	2.10
• Parking for one (1) commercial vehicle exceeding 15,000 pounds gross vehicle weight and/or a cargo area of 200 cubic feet	2.10
• Parking for a commercial trailer	2.10

2.3 [RESERVED FOR FUTURE USE]

2.4 [RESERVED FOR FUTURE USE]

2.5 [RESERVED FOR FUTURE USE]

2.6 [RESERVED FOR FUTURE USE]

2.7 ACCESSORY STRUCTURES

2.7.A Accessory Buildings in Residential Use Districts.

1. No accessory building in a residential district shall be located in any front yard (except for accessory buildings which may be permitted in the front yard at a municipal facility). No accessory building shall be located in any side yard nearer to the side lot line than the minimum width required for a side yard for the principal building, or in a rear yard unless at least five (5) feet from any lot line. No accessory building, except a building used in connection with a farm, shall exceed 18 feet in height.
2. On corner lots in addition to the above requirements, no accessory building in a rear yard shall be nearer a street line than the least depth of any front yard required along such street.
3. A building attached to the principal building by a covered passageway, or by having a wall or a part of a wall in common with it, shall be considered an integral part of the principal structure and not an accessory building.
4. The total combined private garage facilities in connection with a single-family dwelling may not exceed 1,000 square feet in area except as follows. By Special Permit, total combined garage facilities on a conforming lot may exceed 1,000 square feet but shall not exceed 1,600 square feet. An application for a Special Permit shall include a site plan showing existing and proposed screening (buildings, trees, and shrubbery) which in the Commission's judgment will adequately screen the proposed garage facilities.
5. Coops housing poultry shall not be located closer than ten (10) feet from a side or rear property line and no closer to any adjacent dwellings than the building on the property. Coops shall have a maximum of 10 hens and roosters shall not be permitted.

2.7.B Fences.

In residential districts, fences not exceeding six (6) feet in height are permitted along rear and side lot lines only and may not extend into the front yard. Within the front yard, fences may not exceed four (4) feet in height except on corner lots where requirements of Section 5.8 must be met.

2.8 LARGE DOMESTIC ANIMAL PETS

2.8.A Permit Required.

The keeping of a Large Domestic Animal Pet shall be permitted as an accessory use upon the issuance of a Use Permit.

2.8.B Requirements.

1. Minimum Lot Area. The Large Domestic Animal Pet must be owned by the resident occupant and there shall be a minimum area of three (3) acres devoted to the first Large Domestic Animal Pet and one-half (½) acre for each additional Large Domestic Animal Pet. Watercourses shall not be included in the calculation of area.
2. Setbacks. The grazing area of Large Domestic Animal Pets shall be restricted to no closer than ten (10) feet from the lot line and prohibited entirely from the Front Yard.
3. Manure piles and buildings housing Large Domestic Animal Pets shall be a minimum of 100 feet from adjacent lot lines.

2.9 HOME-BASED BUSINESSES

2.9.A Home Office/Studio.

Use of residence for personal business purposes. Nothing in these regulations shall restrict the use of a residence by the occupant for business purposes where:

1. No business is conducted on the premises except by computer, mail, telephone or future communication technology.
2. No persons other than members of the family are employed.
3. No external evidence of the business is visible.
4. No business signs are erected.
5. No pedestrian or automobile traffic other than that is normally generated by a residence.

2.9.B Minor Home-Based Business.

A minor home-based business where such business is located within the same dwelling used by such person as his or her primary residence provided that:

1. the area devoted to such accessory use (including storage of any supplies or materials) shall not exceed 25 percent of the total square footage of the dwelling (exclusive of garage, attic and basement, or cellar);
2. not more than one (1) nonresident person shall be employed on the premises;
3. the accessory use shall:
   - **(1)** be conducted entirely within the principal dwelling by the resident occupant,
   - **(2)** clearly be incidental and secondary to the use of the dwelling for living purposes,
   - **(3)** not change the exterior residential appearance or character of the building or be noticeable from the exterior of the building,
   - **(4)** not materially change the traffic characteristics of the neighborhood,
   - **(5)** not have any outside storage or display of merchandise, equipment, or machinery relative to the use,
   - **(6)** not include the keeping of stock in trade nor the sale or rental of any goods not produced within the premises,
   - **(7)** not involve the display of signs or products in, on, or about the premises except for a sign as permitted by these Regulations, and
   - **(8)** not involve retail sales at the premises.
4. parking areas for residents, employees or the general public shall not be located in an inappropriate location and any parking areas shall be screened, if necessary.

2.9.C Major Home-Based Business.

A major home-based business where such business use does not comply with the requirements of Subsection 2.9.B, but where the Commission feels the use is appropriate in a Residential Zone, subject to Section 8.6.

2.10 PARKING OF SPECIAL VEHICLES AND EQUIPMENT IN RESIDENTIAL DISTRICTS

1. **Commercial Vehicles.**

(1) One commercial vehicle not exceeding 15,000 pounds gross vehicle weight and a cargo area not exceeding 200 cubic feet may be parked or garaged on a lot.

(2) By Special Permit, a second commercial vehicle not exceeding the weight and cargo requirements listed above may be parked or garaged on a lot. When reviewing a request for such a Special Permit the Commission shall consider such factors as proposed screening; proximity to adjacent lots and buildings; the size, intended use, and hours of operation of the vehicle in question; other vehicles on the property; character of the neighborhood.

(3) By Special Permit, one (1) commercial vehicle exceeding the requirements referred to in subsection (1) above may be parked or garaged on a lot. When reviewing a request for such a Special Permit the Commission shall consider such factors as proposed screening; proximity to adjacent lots and buildings; the size, intended use, and hours of operation of the vehicle in question; other vehicles on the property; character of the neighborhood.

2. **Recreational Vehicles.** Not more than two (2) recreational vehicles may be parked or garaged on a lot, subject to the following requirements:

(1) Said vehicle(s) shall not exceed 35 feet in length;

(2) Said vehicle(s) may be parked in the driveway but shall not be parked elsewhere in the front yard as defined in the Zoning Regulations;

(3) Said vehicle(s) may be parked in the rear or side yard, but no closer than five (5) feet from any rear or side lot line and must be adequately screened by plantings, buildings or fencing;

(4) Said vehicle(s) may not be occupied while parked or garaged.

3. **Private Utility Trailers.**

(1) Trailers of any length may be kept within a garage or accessory building.

(2) Trailers not more than 24 feet in length may be kept outside of a garage or other accessory building subject to the following requirements:

a) trailer(s) may be parked in the driveway but shall not be parked elsewhere in the front yard as defined in the Zoning Regulations;

b) trailer(s) may be parked in the rear or side yard, but no closer than five (5) feet from any rear or side property boundary and must be adequately screened by plantings, buildings or fencing.

4. **Commercial Trailers.** By Special Permit, one (1) or more commercial trailers not exceeding 16 feet in length may be kept within a garage or accessory building or sufficiently screened. When reviewing a request for such a Special Permit the Commission shall consider such factors as:

(1) Proximity to adjacent lots and buildings;

(2) The size, intended use, and hours of operation of the trailer(s) in question;

(3) Other trailers and vehicles on the property;

(4) Character of the neighborhood

3. BUSINESS ZONES

3.1 DOWNTOWN CROMWELL DISTRICT (DC)

3.1.A Purpose.

1. Provide general guidelines as well as specific criteria for the appropriate development of an area of town whose pattern of development was established many years ago, before zoning was adopted in town.
2. Where appropriate, encourage high density, pedestrian-oriented commercial development of a type consistent with the historic character of the area. Encourage the use of architectural and site design elements that are compatible with existing structures in the center of the Downtown Cromwell District, and which promote pedestrian-oriented businesses (such as placing the building as close to the street as possible; using attractive doorways and display windows; putting parking spaces behind the building, etc.).
3. Where appropriate, encourage high density, pedestrian-oriented multi-family development of a type compatible with the historic character of the area. Encourage the use of architectural and site design elements that are compatible with existing structures in the center of the Downtown Cromwell District (such as placing the building relatively close to the street; putting parking spaces behind the building, etc.).
4. Where appropriate, permit high density, single-family residential development of a type consistent with the character of the existing neighborhood in the R-15District to the east of the District;
5. Encourage the use of architectural and site design elements that are consistent with the existing pattern of single-family development in the area (such as placing the house relatively close to the street; narrow side yards, etc.) and are typical of house design during the early part of the 20th century (open porches across the front of the house; detached garages behind the house, etc.);
6. Facilitate the maintenance and upgrading of the neighborhood;
7. Encourage the appropriate development of vacant and underutilized lots; and
8. Lessen the adverse effects of existing inappropriate and incompatible uses.

3.1.B Bulk Requirements.

	Minimum		Minimum Yards				Maximum	
Zone	Lot Area	Frontage	Front	Side	Aggregate Side	Rear	Building Coverage	Building Height
DC	5,000 square feet	70 feet	10 feet	10 feet	25 feet	20 feet	100 percent	40 feet

1. Height to be determined

3.1.C Principal Uses.

1. No Permit is Required

USE
• Open Space
• Public utility substations, pursuant to the Connecticut Siting Council.
• Single-family dwelling
• Farm
• Cultivation of land
• Public utility substations

2. Requires Use Permit Approval [Section 8.2]

HOUSING USES	ADDITIONAL CRITERIA (SEE SECTION)
• Two-family house	
• Minor home based business	

FARM RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
• Large domestic pet	
• Farm stand	
• Private greenhouse	
• Farm buildings (all farm buildings housing livestock shall be located at least 100 feet from any street or lot line)	

3. Requires Site Plan Approval (new construction) [Section 8.5] / Change of Use Permit (existing building / structure) [Section 8.3]

SERVICE RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
• Animal hospital or veterinarian office	
• Cemetery	
• Day-care center, including an adult day-care center	
• Dry cleaning establishment	
• Funeral home	
• Personal service establishment (hair, nails, tailoring, tanning)	
• Pet store, pet grooming and pet training	
• Self-service automatic laundry establishment. Such establishment shall be permitted to provide on-site washing as an accessory service	
• Service establishment (repair, rental and/or service) of any item which is allowed to be sold in the zone except automobiles, trucks and trailers	

OFFICE RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
• ATM, walk-up	
• Bank or savings and loan (State or Federally association chartered)	
• General or business office	
• Medical or dental office or clinic	

FOOD/HOSPITALITY RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
• Outdoor service accessory to a sit-down restaurant, including the placement of seating and tables out of doors and food service	
• Restaurant, Sit-down (excludes fast-food restaurant and drive-in window).	

• Restaurant, fast food – without drive-in window	
• Bakery	

RECREATION/AMUSEMENT USES	ADDITIONAL CRITERIA (SEE SECTION)
• Athletic club	
• Interior recreational uses including but not limited to a theater, billiard parlor, bowling alley	
• Playground or recreation areas operated by a governmental unit	

INSTITUTIONAL USES	ADDITIONAL CRITERIA (SEE SECTION)
• Club, lodge or fraternal organization (private and operated for the benefit of the members and not for gain)	
• Museum	

OTHER USES	ADDITIONAL CRITERIA (SEE SECTION)
• Nurseries and sale of produce and plants (Commission shall approve areas for outside display)	
• Retail store	
• Public utilities	

4. Requires Special Permit Approval [Section 8.7]

RETAIL/WHOLESALE SALES USES	ADDITIONAL CRITERIA (SEE SECTION)
• Retail store for the sales of alcoholic beverages	
• Outside storage or display of merchandise	

HOUSING USES	ADDITIONAL CRITERIA (SEE SECTION)
• Assisted living facility, congregate housing, continuing care retirement community, or a nursing facility	
• Caretakers quarters	
• Multi-family dwelling units	6.8
• Rear lot	6.6

FOOD / HOSPITALITY RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
• Bed and breakfast inn	
• Hospital	
• Hotel, which may include an accessory sit-down restaurant (but not a fast-food restaurant or any drive-in facilities), banquet hall and/or conference center	
• Restaurant, Sit down with the accessory Sale of Alcoholic Beverages for on-site consumption	

INSTITUTIONAL USES	ADDITIONAL CRITERIA (SEE SECTION)
• Government Services	
• Public services, including ambulance service, fire station, library, police station, post office and terminal for public vehicles (including repair or storage)	
• Place of Worship/Church	

OTHER USES	ADDITIONAL CRITERIA (SEE SECTION)

•Contractor's Yard	
•Outdoor recreational uses, including but not limited to baseball batting facility, miniature golf and putting course, tennis facilities, ice skating facilities and golf driving range	
•Railroad facilities	
•School for training in occupational skills. Enrollment may be open to the public or limited; may include dormitories for students and instructors as an accessory use.	
•Public utility	

3.1.D Accessory Uses.

1. No Permit is Required

USE	ADDITIONAL CRITERIA (SEE SECTION)
•Home Office/Studio	2.9

2. Requires Use Permit Approval [Section 8.2]

USE	ADDITIONAL CRITERIA (SEE SECTION)
•Accessory Apartment	
•Farm stands	
•Fences which are less than six (6) feet tall provided visibility is not blocked, per Section 5.8	5.8
•Accessory buildings housing livestock or poultry	
•Pools and other recreational structures such as tennis courts	
•Private garages, sheds or gazebos, or other structures up to 1,000 square feet in total on any single lot	
•Signs pertaining to a permitted principal use on lot	

3. Requires Site Plan Approval [Section 8.6]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Parking areas for Principal Uses (less than 20 parking spaces)	5.2

4. Requires Special Permit Approval [Section 8.7]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Live entertainment	
• Parking areas for Principal Uses (20 or more parking spaces)	5.2

3.1.E Architectural Review.

Because of the Downtown Cromwell District's proximity to the "Upper Houses National Register Historic District" and the "Main Street National Register Historic District," and because the purpose of these regulations is to encourage appropriate, pedestrian-oriented development consistent or compatible with the area, the appearance of any new or modified structure shall be a factor in the Commissions' decision. Therefore:

1. Any application for Site Plan Approval involving commercial or multi-family construction must include architectural renderings of the structure. The Commission may call upon other agencies, organizations, or qualified individuals to aid it in evaluating a project.
2. Any application submitted to the Town Planner for the construction of or substantial changes to a single-family house must include architectural renderings of the house. The Town Planner will forward those renderings to the Commission for its review before granting Zoning Approval. The Commission may call upon other agencies, organizations, or qualified individuals to aid it in evaluating a project.
3. Any application submitted to the Town Planner for the rehabilitation or alteration of an existing commercial structure must include architectural renderings of the proposed rehabilitation or alteration. The Town Planner will forward those renderings to the Commission for its review before granting Zoning Approval. The Commission may call upon other agencies, organizations, or qualified individuals to aid it in evaluating these renderings.

3.1.F Pre-Application Review.

Applicants are encouraged to meet with the Commission prior to application on an informal basis to discuss design issues.

3.1.G Housing Options.

Where multi-family dwelling units are proposed for new construction within the Downtown Cromwell District, they shall be subject to the following requirements and regulations:

	TIER 1	TIER 2
Maximum units per acre	8	12
Required commercial gross floor area in development	10%	25%
Minimum percent of residential units located above the first floor	30%	50%

3.1.H Sidewalks.

1. Sidewalks shall be required at all new construction or significant modifications. Except as provided for below, sidewalks shall conform to the Town of Cromwell's specifications and shall be located according to the Town's direction.
2. The Commission may, at its discretion, require the use of ornamental paving materials instead of conventional concrete sidewalks.

3.2 LOCAL BUSINESS DISTRICT (LB)

3.2.A Purpose.

The purpose of the LB zone is to provide a neighborhood shopping zone where retail business or service establishments supply commodities or perform services to the daily needs of the residential neighborhoods.

3.2.B Bulk Requirements.

	Minimum		Minimum Yards				Maximum	
Zone	**Lot Area**	**Frontage**	**Front**	**Side**	**Aggregate Side**	**Rear**	**Building Coverage**	**Building Height**
LB	15,000 square feet	100 feet	10 feet	10 feet	20 feet	10 feet	75 percent	35 feet

3.2.C Principal Uses.

1. No Permit is Required

USE
• Public Open Space
• Public utility substations, pursuant to the Connecticut Siting Council.

• Farms

2. Requires Use Permit Approval [Section 8.2]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• None	

3. Requires Site Plan Approval (new construction) [Section 8.5] / Change of Use Permit (existing building / structure) [Section 8.3]

SERVICE RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
• Animal hospital or veterinarian office	
• Cemetery	
• Day-care center, including an adult day-care center	
• Dry cleaning establishment	
• Funeral home	
• Personal service establishment (hair, nails, tailoring, tanning)	
• Pet store, pet grooming and pet training	
• Self-service automatic laundry establishment. Such establishment shall be permitted to provide on-site washing as an accessory service	
• Service establishment (repair, rental and/or service) of any item which is allowed to be sold in the zone except automobiles, trucks and trailers	
OFFICE RELATED USES	**ADDITIONAL CRITERIA (SEE SECTION)**
• ATM, drive-up	
• ATM, walk-up	

•Bank or savings and loan (State or Federally association chartered)	
•General or business office	
•Medical or dental office or clinic	

FOOD/HOSPITALITY RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
•Outdoor service accessory to a sit-down restaurant, including the placement of seating and tables out of doors and food service	
•Restaurant, Sit-down (excludes fast-food restaurant and drive-in window).	
•Restaurant, fast food – without drive-in window	
•Bakery	

RECREATION/AMUSEMENT USES	ADDITIONAL CRITERIA (SEE SECTION)
•Athletic club	
•Interior recreational uses including but not limited to a theater, billiard parlor, bowling alley	
•Playground or recreation areas operated by a governmental unit	

AUTOMOTIVE RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
•Car wash and/or auto detailing establishment	
•Motor re-fuel/re-charge filling station	
•Parking and/or commercial storage of vehicles	
•Rental of trailers accessory to motor vehicle service	

INSTITUTIONAL USES	ADDITIONAL CRITERIA (SEE SECTION)
•Club, lodge or fraternal organization (private and operated for the benefit of the members and not for gain)	
•Museum	

OTHER USES	ADDITIONAL CRITERIA (SEE SECTION)
•Nurseries and sale of produce and plants (Commission shall approve areas for outside display)	
•Retail store	
•Utilities, including gas regulation stations, telephone exchanges, pumping stations, aboveground water storage tank, water reservoirs and satellite and cable television facilities	

4. Requires Special Permit Approval [Section 8.7]

RETAIL/WHOLESALE SALES USES	ADDITIONAL CRITERIA (SEE SECTION)
•Retail store for the sales of alcoholic beverages	
•Outside storage or display of merchandise	
•Sale at retail of any commodity manufactured, processed, fabricated or warehoused on the premises provided the total floor area devoted to retail sales does not exceed 20 percent of the gross floor area of the building	
•Sale at retail of equipment, supplies and materials designed especially for use in agriculture, mining, industry, business, transportation, building and other construction, with the exception of commercial explosives	

HOUSING USES	ADDITIONAL CRITERIA

	(SEE SECTION)
• Assisted living facility, congregate housing, continuing care retirement community, or a nursing facility	
• Caretakers quarters	
• Multi-family dwelling units	6.8

FOOD/HOSPITALITY USES	ADDITIONAL CRITERIA (SEE SECTION)
• Bed and breakfast inn	
• Drive-in window service of any kind	6.5
• Hospital	
• Hotel, which may include a sit-down restaurant (but not a fast-food restaurant or any drive-in facilities), banquet hall and/or conference center	
• Live entertainment	
• Pet day-care facility or pet boarding facility	
• Restaurant, Sit down with the accessory Sale of Alcoholic Beverages	
• Restaurant, fast food – with drive-in window	

AUTOMOTIVE RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
• Motor vehicle sales	
• Motor vehicle service (limited repair license or general repair license)	6.4

INSTITUTIONAL USES	ADDITIONAL CRITERIA (SEE SECTION)
• Government Services	

• Public services	
• Place of Worship/Church	

OTHER USES	ADDITIONAL CRITERIA (SEE SECTION)
• Drive-in window service of any kind	6.5
• Outdoor recreational uses, including but not limited to baseball batting facility, miniature golf and putting course, tennis facilities, ice skating facilities and golf driving range	
• Exterior recreational uses, including but not limited to baseball batting facility, miniature golf and putting course, tennis facilities, ice skating facilities and golf driving range	
• Railroad facilities	
• School for training in occupational skills. Enrollment may be open to the public or limited; may include dormitories for students and instructors as an accessory use.	
• Self-storage facility	
• Public utility, pursuant to Siting Council.	

3.2.D Accessory Uses.

1. No Permit is Required

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Home Office/Studio	2.9

2. Requires Use Permit Approval [Section 8.2]

USE	ADDITIONAL CRITERIA (SEE SECTION)

• Accessory Apartment	
• Farm stands	

3. Requires Site Plan Approval [Section 8.6]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Outdoor storage of material	
• Parking areas for Principal Uses (less than 20 parking spaces)	5.2

4. Requires Special Permit Approval [Section 8.7]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Parking areas for Principal Uses (20 or more parking spaces)	5.2

3.3 HIGHWAY BUSINESS (HB)

3.3.A Purpose.

The Highway Business District encourages high quality business development along key transportation routes in Cromwell.

3.3.B Bulk Requirements.

Zone	Minimum		Minimum Yards				Maximum	
	Lot Area	Frontage	Front	Side	Aggregate Side	Rear	Building Coverage	Building Height
HB	60,000 square feet	200 feet	25 feet	25 feet	50 feet	25 feet	65 percent	40 feet

3.3.C Principal Uses.

1. No Permit is Required

USE
• Farms
• Public open space
• Public utilities, pursuant to the Connecticut Siting Council.

2. Requires Use Permit Approval [Section 8.2]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• None	

3. Requires Site Plan Approval (new construction) [Section 8.5] / Change of Use Permit (existing building / structure) [Section 8.3]

SERVICE RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
• Animal hospital or veterinarian office	
• Day-care center, including an adult day-care center	
• Dry cleaning establishment	
• Funeral home	
• Personal service establishment (hair, nails, tailoring, tanning)	
• Pet store, pet grooming and pet training	
• Self-service automatic laundry establishment. Such establishment shall be permitted to provide on-site washing as an accessory service	
• Service establishment (repair, rental and/or service) of any item which is allowed to be sold in the zone except automobiles, trucks and trailers	

OFFICE RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
• ATM, drive-up	
• ATM, walk-up	
• Bank or savings and loan (State or Federally association chartered)	
• General or business office	
• Medical or dental office, clinic or laboratory	

FOOD/HOSPITALITY RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
• Restaurant, Sit-down	
• Restaurant, fast food – without drive-in window	
• Bakery	

RECREATION/AMUSEMENT USES	ADDITIONAL CRITERIA (SEE SECTION)
• Athletic club	
• Interior recreational uses including but not limited to a theater, billiard parlor, bowling alley	
• Playground or recreation areas operated by a governmental unit	

AUTOMOTIVE RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
• Car wash and/or auto detailing establishment	
• Motor vehicle refuel/recharge stations	
• Motor vehicle sales	
• Motor vehicle service (limited repair license or general	

repair license)	
• Motor vehicle rental agency	
• Parking and/or commercial storage of vehicles	
• Rental of trailers accessory to motor vehicle service	

INSTITUTIONAL USES	ADDITIONAL CRITERIA (SEE SECTION)
• Club, lodge or fraternal organization (private and operated for the benefit of the members and not for gain)	
• Museum	

OTHER USES	ADDITIONAL CRITERIA (SEE SECTION)
• Nurseries and sale of produce and plants (Commission shall approve areas for outside display)	
• Retail store	
• Public utilities	

4. Requires Special Permit Approval [Section 8.7]

RETAIL/WHOLESALE SALES USES	ADDITIONAL CRITERIA (SEE SECTION)
• Retail store for the sales of alcoholic beverages	
• Outside storage or display of merchandise	
• Sale at retail of any commodity manufactured, processed, fabricated or warehoused on the premises provided the total floor area devoted to retail sales does not exceed 20 percent of the gross floor area of the building	
• Sale at retail of equipment, supplies and materials designed especially for use in agriculture, mining, industry, business, transportation, building and other construction, with the exception of	

commercial explosives	
• Retail store exceeding 50,000 square feet	

HOUSING USES	ADDITIONAL CRITERIA (SEE SECTION)
• Multi-family dwelling units	6.8

FOOD/HOSPITALITY RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
• Bed and breakfast inn	6.10
• Drive-in window service of any kind	6.5
• Hospital	
• Hotel, which may include a sit-down restaurant (but not a fast-food restaurant or any drive-in facilities), banquet hall and/or conference center	
• Live entertainment	
• Outdoor service accessory to a sit-down restaurant, including the placement of seating and tables out of doors and food served thereat.	
• Pet day-care facility or pet boarding facility	
• Restaurant with the accessory sales of alcoholic beverages	

INSTITUTIONAL USES	ADDITIONAL CRITERIA (SEE SECTION)
• Government Services	
• Public services, including ambulance service, fire station, library, police station, post office and terminal for public vehicles (including repair or storage)	

• Place of Worship/Church	

OTHER USES	ADDITIONAL CRITERIA (SEE SECTION)
• Drive-in window service of any kind	
• Outdoor recreational uses, including but not limited to baseball batting facility, miniature golf and putting course, tennis facilities, ice skating facilities and golf driving range	
• Railroad facilities	
• School for training in occupational skills. Enrollment may be open to the public or limited; may include dormitories for students and instructors as an accessory use.	
• Self-storage facility	
• Public utility	

3.3.D Accessory Uses.

1. No Permit is Required

USE
• Home Office/Studio

2. Requires Use Permit Approval [Section 8.2]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Accessory Apartment	
• Farm stands	

3. Requires Site Plan Approval [Section 8.6]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Outdoor storage of material	
• Parking areas for Principal Uses (less than 20 parking spaces)	5.2

4. Requires Special Permit Approval [Section 8.7]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Parking areas for Principal Uses (20 or more parking spaces)	5.2

3.4 BUSINESS INDUSTRIAL PARK DISTRICT (BP)

3.4.A Purpose.

The purpose of this zone is to provide areas primarily for planned general office and business park developments and related services which will be compatible with, and serve as a transition to, nearby residential areas and will promote a quiet, clean environment.

Development in this zone should emphasize a high level of architectural and landscape excellence. The intent is to create an attractive business environment.

3.4.B Bulk Requirements.

	Minimum		Minimum Yards				Maximum	
Zone	Lot Area	Frontage	Front	Side	Aggregate Side	Rear	Building Coverage	Building Height
BP	60,000 square feet	200 feet	35 feet	25 feet	50 feet	25 feet	50 percent	60 feet

3.4.C Principal Uses.

1. No Permit is Required

USE
• Farms

• Public space and passive recreation
• Public utilities, pursuant to the Connecticut Siting Council.

2. Requires Use Permit Approval [Section 8.2]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• None	

3. Requires Site Plan Approval (new construction) [Section 8.5] / Change of Use Permit (existing building / structure) [Section 8.3]

SERVICE RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
• Animal hospital or veterinarian office	
• Day-care center, including an adult day-care center	
• Funeral home	

OFFICE RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
• ATM, drive-up	
• ATM, walk-up	
• Bank or savings and loan (State or Federally association chartered)	
• General or business office	
• Medical or dental office, clinic or laboratory	

RECREATION/AMUSEMENT USES	ADDITIONAL CRITERIA (SEE SECTION)

•Athletic club	
•Playground or recreation areas operated by a governmental unit	

INSTITUTIONAL USES	ADDITIONAL CRITERIA (SEE SECTION)
•Club, lodge or fraternal organization (private and operated for the benefit of the members and not for gain)	
•Museum	

4. Requires Special Permit Approval [Section 8.7]

INSTITUTIONAL USES	ADDITIONAL CRITERIA (SEE SECTION)
•Government Services	
•Public services, including ambulance service, fire station, library, police station, post office and terminal for public vehicles (including repair or storage)	

OTHER USES	ADDITIONAL CRITERIA (SEE SECTION)
•Audio and/or video production facilities	
•Assembling, manufacturing and processing facilities	
•Outdoor recreational uses, including but not limited to baseball batting facility, miniature golf and putting course, tennis facilities, ice skating facilities and golf driving range	
•Hotel	
•Hospital	
•School for training in occupational skills. Enrollment may be open to the public or limited; may include dormitories for students and instructors as an	

accessory use.	
• Public Utilities	
• Utility substation	
• Warehousing and wholesale distribution of goods	

3.4.D Accessory Uses.

1. No Permit is Required

USE
• Home Office/Studio

2. Requires Use Permit Approval [Section 8.2]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• None	

3. Requires Site Plan Approval [Section 8.6]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Outdoor storage of material	
• Parking areas for Principal Uses (less than 20 parking spaces)	5.2

4. Requires Special Permit Approval [Section 8.7]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Caretakers quarters	
• Parking areas for Principal Uses (20 or more parking spaces)	5.2

• Retail sales of products manufactured on the premises	
• Retail sales accessory to a wholesale business	

3.4.E Prohibited Uses.

Residential uses, as that term is used in Connecticut General Statutes Section 8-30g(g), and that term has been construed by the Connecticut Courts.

3.5 INDUSTRIAL DISTRICT (I)

3.5.A Purpose.

The purpose of this zone is to provide areas primarily industrial development and related services. Residential development is not envisioned in this area.

3.5.B Bulk Requirements.

Zone	Minimum		Minimum Yards				Maximum	
	Lot Area	Frontage	Front	Side	Aggregate Side	Rear	Building Coverage	Building Height
I	21,780 square feet	125 feet	30 feet	10 feet	25 feet	50 feet	75 percent	70 feet

3.5.C Principal Uses.

1. No Permit is Required

USE
• Farms
• Public open space
• Public utilities

2. Requires Use Permit Approval [Section 8.2]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• None	

3. Requires Site Plan Approval (new construction) [Section 8.5] / Change of Use Permit

(existing building / structure) [Section 8.3]

SERVICE RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
• Animal hospital or veterinarian office	
• Day-care center, including an adult day-care center	
• Funeral home	

OFFICE RELATED USES	ADDITIONAL CRITERIA (SEE SECTION)
• ATM, drive-up	
• ATM, walk-up	
• Bank or savings and loan (State or Federally association chartered)	
• General or business office	
• Medical or dental office, clinic or laboratory	

INSTITUTIONAL USES	ADDITIONAL CRITERIA (SEE SECTION)
• Club, lodge or fraternal organization (private and operated for the benefit of the members and not for gain)	
• Museum	

RECREATION/AMUSEMENT USES	ADDITIONAL CRITERIA (SEE SECTION)
• Athletic club	
• Playground or recreation areas operated by a governmental unit	

OTHER USES	ADDITIONAL CRITERIA (SEE SECTION)
• Assembling, manufacturing and processing facilities	
• Audio and/or video production facilities	
• Data storage facilities	
• Restaurant, no drive-in windows	
• Public utilities	
• Warehousing	

4. Requires Special Permit Approval [Section 8.7]

INSTITUTIONAL USES	ADDITIONAL CRITERIA (SEE SECTION)
• Government Services	
• Public services, including ambulance service, fire station, library, police station, post office and terminal for public vehicles (including repair or storage)	

OTHER USES	ADDITIONAL CRITERIA (SEE SECTION)
• Nurseries and sale of produce and plants (Commission approval shall be required for areas for outside display)	
• Contractor yard for vehicles, equipment, materials and/or supplies	
• Freight, truck and bus terminals	
• Motor vehicle service (limited repair license or general repair license)	6.4
• Research laboratory	
• School for training in occupational skills. Enrollment may be open to the public or limited; may include dormitories for students and instructors as an	

accessory use.	
• Outdoor recreational uses, including but not limited to baseball batting facility, miniature golf and putting course, tennis facilities, ice skating facilities and golf driving range	
• Wholesale distribution of goods manufactured on the premises (not retail)	

3.5.D Accessory Uses.

1. No Permit is Required

USE
• None

2. Requires Use Permit Approval [Section 8.2]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Farm stands	

3. Requires Site Plan Approval [Section 8.6]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Parking areas for Principal Uses (less than 20 parking spaces)	5.2
• Outdoor storage of material	

4. Requires Special Permit Approval [Section 8.7]

USE	ADDITIONAL CRITERIA (SEE SECTION)
• Parking areas for Principal Uses (20 or more parking spaces)	5.2

3.5.E Prohibited Uses.

Residential uses, as that term is used in Connecticut General Statutes Section 8-30g(g), and that term has been construed by the Connecticut Courts.

4. SPECIAL ZONES

4.1 TYPES OF SPECIAL DISTRICTS

There are three types of zoning districts:

Base – traditional zoning classification

Overlay – an area where certain additional requirements are superimposed upon a base zoning district.

Floating – an unmapped zoning district that is established on the zoning map only when a master plan of a proposed development is approved.

In this section the Special Zones can be characterized as follows:

BASE	OVERLAY	FLOATING
Riparian Protection	Special Flood Hazard Area	Active Adult Housing
		Institutional Development
		Mixed Use
		Planned Residential District

4.2 SPECIAL FLOOD HAZARD AREA OVERLAY DISTRICT (SFHAOD)

4.2.A Statutory Authorization.

The Legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7- 148 and in Title 8, Chapter 124, Section 8- 2of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Planning and Zoning Commission of the Town of Cromwell, Connecticut, hereby established a Special Flood Hazard Area Overlay District.

4.2.B Finding of Fact.

1. The flood hazard areas of the Town of Cromwell are subject to periodic flood inundation which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in the floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard

areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damage. Uncontrolled development and use of the floodplains can adversely affect the community.

3. The Town of Cromwell has voluntarily participated in the National Flood Insurance Program (NFIP) since prior to 1990. The NFIP is founded on a mutual agreement between the Federal government and each participating community. Local, State and Federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. The community's role is of paramount importance. Property owners are able to receive Federally-subsidized flood insurance only if the community enacts and enforces the minimum floodplain regulations required for participation in the NFIP.

4.2.C Purpose.

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

1. To protect human life and health, and prevent damage to property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions and other economic disruptions;
5. To minimize damage to public facilities, infrastructure and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges, located in the floodplain;
6. To help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize flood damage and flood blight areas;
7. To insure that potential buyers are notified that property is in a flood hazard area;
8. To prevent increase in flood heights that could increase flood damage and result in conflicts between property owners;
9. To ensure that those who occupy the flood hazard areas assume responsibility for their actions; and
10. To discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

4.2.D Objectives.

In order to accomplish its purposes, this regulation includes objectives, methods and provisions that:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to flood or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;

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

5. Prevent or regulate the construction of barriers or obstructions which will unnaturally divert flood waters or which may increase flood hazards to other lands.

4.2.E Areas To Which This Regulation Applies.

This regulation shall apply to all Special Flood Hazard Areas (SFHA) within the Town of Cromwell.

4.2.F Definitions.

Area of Shallow Flooding. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

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

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 for flood hazard areas.

The estimate shall include, but not be limited to:

1. 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;

2. built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead;

3. contractor's profit; and

4. grand total.

Items to be excluded include the 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.

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

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

community.

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

Federal Emergency Management Agency (FEMA). The Federal agency that administers the National Flood Insurance Program (NFIP).

Finished Living Space. Finished living space can include, but is not limited to, a space that is heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. A fully enclosed area below the base flood elevation (BFE) cannot have finished living space and needs to be designed for exposure to flood forces. These spaces can only to be used for parking, building access or limited storage.

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

Flood Boundary and Floodway Map (FBFM). The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated the limits of the regulatory floodway and 100-year floodplain.

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. FIRM published after January 1990 may also show the limits of the regulatory floodway.

Flood Insurance Study (FIS). The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

Floodplain 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.

Floodplain 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 resumed to be in violation until such time as that documentation is provided.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purposes of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway".

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

Highest Adjacent Grade (HAG). The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure. Any structure that is:

1. 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;
2. 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;
3. 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:
4. By an approved State program as determined by the Secretary of the Interior, or
5. Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Section 4.1 of these regulations.

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

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.

Market Value. Market value of the structure shall be determined by either:

1. an independent appraisal by a professional appraiser;
2. the property's tax assessment, minus land value;
3. the replacement cost minus depreciation of the structure; or
4. the structure's Actual Cash Value.

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.

New Construction. Structures for which the "start of construction" commenced on or after August 1, 1977 (the effective date of the floodplain management regulations), and includes any subsequent improvements to such structures.

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 1, 1977.

Recreational Vehicle – A vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towed by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area (SFHA). The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH, on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

Start of Construction. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; not 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.

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

Substantial Improvement. Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure as determined at the beginning of such ten (10) year period. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic" structure, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Water Surface Elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

4.2.G Basis For Establishing The Special Flood Hazard Areas (SFHA).

1. The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for the Town of Cromwell, dated August 28, 2008, and accompanying Flood Insurance Rate Maps (FIRM) and/or Flood Boundary and Floodway Maps (FBFM), dated August 28, 2008, and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.

2. The SFHA includes any area shown on the FIRM as Zones A, A1-30, AE, AO, and AH, including areas designated as a floodway on a FIRM or FBFM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Also included are areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the SFHA identified by FEMA, and where the land surface elevation is lower than the base flood elevation (BFE) as shown in the FIS, and the area is not protected from flooding by a natural or man-made feature. The FIRM, FBFM and FIS are on file in the office of the Town Engineer at the Cromwell Town Hall.

4.2.H Structures Already In Compliance.

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

4.2.I 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.

4.2.J Interpretation.

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

1. considered as minimum requirements;
2. liberally construed in favor of the governing body, and;

deemed neither to limit nor repeal any other powers granted under State statutes.

4.2.K Warning and Disclaimer of Liability.

The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Cromwell 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 Town of Cromwell, its officers and

employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Cromwell.

4.2.L Severability.

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

4.2.M Designation Of The Local Administrator.

The Public Works Director is hereby appointed to administer, implement and enforce the provisions of this regulation.

4.2.N Certification.

Where required under this regulation, a Connecticut registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation. Such certification must be provided to the Public Works Director.

4.2.O Establishment Of The Special Flood Hazard Area Special Permit.

A Special Flood Hazard Area Special Permit shall be required in conformance with the provisions of this regulation prior to the commencement of any development activities in the floodplain. Special permits issued under this regulation shall expire if actual construction of a permitted structure does not commence within one hundred and eighty (180) days of the permit approval date.

4.2.P Permit Application Procedures.

1. A Special Flood Hazard Area (SFHA) Special Permit is hereby established for all construction and other development to be undertaken in Special Flood Hazard Areas in this community.
2. Prior to any development activities, application for a Special Flood Hazard Area (SFHA) Special Permit shall be made to the Public Works Director on forms provided and may include, but not be limited to, plans in duplicate drawn to scale showing, at a minimum, the lot lines and location of the parcel; the nature, location, dimensions, and elevations of the area in question; limit and extent of the 100-year floodplain and/or floodway boundary and base flood elevation(s); existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.
3. Specifically, the following information is required to be submitted to the Public Works Director (or his designee):

   (1) Application Stage. The applicant shall provide at least the following information, where applicable. Additional information may be required on the permit application form.

   a) Base flood elevation (BFE) for the site in question as determined in the FEMA Flood Insurance Study (FIS) or Flood Insurance Rate Map (FIRM). The FIS flood profiles provide more accurate BFE data than the FIRM. The extent of the 100- year floodplain and floodway must be depicted with a boundary line on any site plans and shown in relation to existing and proposed structures or development;

b) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all new construction, substantial improvements or repairs to structures that have sustained substantial damage;

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

d) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other materials required by the Federal Emergency Management Agency (FEMA) in order to officially amend or revise the Flood Insurance Rate Map. The applicant must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained;

e) A statement and supporting documentation (all costs of project, market value of structure, etc.) verifying that the proposed alterations to an existing structure meets or does not meet the criteria of the substantial improvement and/or substantial damage definition. If a development meets the definition of substantial improvement and/or substantial damage, the structure must be brought into compliance with all floodplain regulations as if it was new construction;

f) Where applicable the following certifications by a Connecticut registered engineer or architect are required, and must be provided to the Public Works Director. The design and methods of construction must be certified to be in accordance with accepted standards of practice and with the provisions of Section 4.2.T.

g) Non-residential flood-proofing must meet the provisions of Section 4.2.T3;

h) Fully enclosed areas below the base flood elevation (BFE) must meet the minimum design criteria in Section 4.2.T4;

i) No (0.00) increase in floodway water surface elevations are allowed. Any development in a floodway must meet the provisions of Section 4.2.V;

(2) Construction Stage.

a) Upon completion of the applicable portion of construction, the applicant shall provide verification to the Public Works Director (or his designee) of the following as is applicable:

b) Lowest floor elevation shall be verified for:

c) A structure in Zones A, AE, A1-30, AO or AH is the top of the lowest floor (including basement);

d) A non-residential structure which has been dry flood-proofed is the elevation to which the flood-proofing is effective (Note: For insurance purposes, a dry flood-proofed, non-residential structure is rated based

on the elevation of its lowest floor unless it is floodproofed to one foot above the BFE.);

e) Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

4.2.Q Duties and Responsibilities of the Local Administrator.

Duties of the Public Works Director shall include, but not be limited to:

1. Review all permit applications for completeness, particularly with the requirements of Section 4.2.P3(1).
2. Review all permit applications to determine whether the proposed development and building sites will be reasonably safe from flooding.
3. Review all development permits to assure that the permit requirements of this regulation have been satisfied.
4. Review all permit applications to assure that all necessary Federal or State permits have been received. Require that copies of such permits be provided and maintained on file with the permit application. Such permits include, but are not limited to, Stream Channel Encroachment Line (SCEL) Permit, Coastal Area Management (CAM) Permit, Water Diversion Permit, Dam Safety Permit, and Army Corps of Engineers 401 and 404 Permits.
5. Notify the regional planning agency and affected municipality at least 35 days prior to a public hearing if any change of regulation or use of a flood zone will affect an area within 500 feet of another municipality.
6. Notify the adjacent communities and the Department of Environmental Protection (DEEP), Inland Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
8. Obtain, record and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction, substantial improvements or repair to a structure that has sustained substantial damage.
9. Obtain, record and maintain the elevation (in relation to mean sea level) to which the new construction, substantial improvement or repair to a structure that has sustain substantial damage has been flood-proofed.
10. When flood-proofing is utilized for a particular structure, the Public Works Director (or his designee) shall obtain certification from a registered professional engineer or architect, in accordance with Section 4.2.T3.
11. Where interpretation is needed as to the exact location of boundaries of the area of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Public Works Director (or his designee) shall make necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this regulation.

12. Require the applicant to provide base flood elevation data for all proposed development, including manufactured home parks and subdivisions.

13. When base flood elevation data or floodway data have not been provided in accordance with Section 4.2.G and Section 4.2.P, the Public Works Director (or his designee) shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions of Section 4.2.R.

14. All records pertaining to the provisions of this regulation shall be obtained and maintained in the office of the Public Works Director (or his designee).

15. Upon completion of the permitted development and prior to issuance of a Certificate of Occupancy (CO), necessary as-built surveys (prepared by a Connecticut Licensed Professional as per Connecticut State Statutes) and engineering and architectural certifications shall be provided to the Public Works Director (or his designee) demonstrating compliance with the approved plans and standards set forth in Section 4.2.P.

4.2.R General Standards.

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

1. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage.

2. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed with materials and utility equipment resistant to flood damage.

3. New construction, substantial improvements, and repairs to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

4. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water.

5. Electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure shall be elevated to or above the base flood elevation (BFE) to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes.

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

7. 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.

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

9. 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.

10. In any portion of a watercourse that is altered or relocated, the flood carrying capacity must be maintained. Notify adjacent communities and the Connecticut Department of Environmental Protection (DEEP), Inland Water Resources Division prior to any alteration or relocation of a watercourse.

11. 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.

12. 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 the requirements of the more restrictive zone.)

13. 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.

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

4.2.S Standards for Watercourses without Established Base Flood Elevations (Un-numbered A Zone), Adopted Floodways and/or Flood Mapping.

1. The **Public Works Director** shall require base flood elevation (BFE) data be provided with any application for new construction, substantial improvement, repair to structures which have sustained substantial damage or other development in Zone A without a FEMA-published BFE (un-numbered A Zone). The Public Works Director (or his designee) shall obtain, review and reasonably utilize any BFE and floodway data available from a Federal, State or other source, including data developed for subdivision proposals, as criteria for

requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in un-numbered A Zones on the community's Flood Insurance Rate Map (FIRM) meet the standards in Section 4.2.P and Section 4.2.T. If no BFE can be determined, the lowest floor, including basement, must be elevated to two (2) feet above the highest adjacent grade next to the structure.

2. When BFEs have been determined within Zones A1-30 and AE on the community's FIRM but a regulatory floodway has not been designated, the Public Works Director must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.

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

4. The Public Works Director shall obtain, review and reasonably utilize any BFE and floodway data available from a Federal, State or other source, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in any area of potential, demonstrable or historical flooding within the community meet the standards in Section 4.2.P and Section 4.2.T.

Under the provisions of 44 Code of Federal Regulations (CFR) Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one (1.0) foot, provided that the community first completes all of the provisions required by Section 65.12.

4.2.T Specific Standards.

1. Construction Standards in Special Flood Hazard Areas (SFHA), Zones A, A1-30, AE.

2. Residential Construction. All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are residential structures shall have the bottom of the lowest floor, including basement, elevated to or above the base flood elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated to or above the BFE.

3. Non-Residential Construction.

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

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

   (2) In lieu of being elevated, non-residential structures may be dry flood-proofed to one (1) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are

watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Connecticut registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this section. Such certification shall be provided to the Public Works Director (or his designee) on the FEMA Floodproofing Certificate, Form 81-65.

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

4. Fully Enclosed Areas Below The Base Flood Elevation of Elevated Buildings.

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

a) Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding. These hydraulic openings must be located on at least two (2) different walls. Only the area (square footage) that lies below the BFE can be used in the calculation of net area of vents required. If the structure has more than one (1) enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;

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

c) The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. Other coverings may be designed and certified by an engineer or approved by the Public Works Director;

d) The area cannot be used as finished living space. Use of the enclosed area

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

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

f) Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washers, dryers, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE. Utilities or service equipment located in this enclosed area, even if elevated above the BFE in the space, will subject the structure to increased flood insurance

g) A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections 4.2.T4(a)-(f). A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. The human intervention necessary to open garage doors when flooding occurs is not an acceptable means of meeting the openings requirements. In addition to the automatic entry of floodwaters, the areas of the garage below BFE must be constructed with flood resistant materials. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 4.2.T3.

5. Manufactured (Mobile) Homes and Recreational Vehicles (RVs).

(1) In all Special Flood Hazard Areas (SFHA), any manufactured (mobile) homes to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at or above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per Section 4.2.T1. This includes SFHAs outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.

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

(3) All manufactured (mobile) homes within a SFHA 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.

(4) Recreational vehicles placed on sites within a SFHA shall either:

a) be on the site for fewer than 180 consecutive days, and

b) be fully licensed and ready for highway use, OR

c) meet all the general standard of Section 4.2.R and the elevation and anchoring requirement of Section 4.2.T5(1), 4.2.T5(2), and 4.2.T5(3).

(5) 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.

4.2.U Floodways.

Located within Special Flood Hazard Areas (SFHA) are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM) or Flood Boundary and Floodway Maps (FBFM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, and repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a Connecticut licensed professional engineer is provided demonstrating 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. A permit may be given which allows encroachments resulting in increases in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirements of CFR. 44, Chapter 1, Subsection 65.12.

4.2.V Standards for Development in Areas of Shallow Flooding (Zones AO and AH).

Located within the Special Flood Hazard Areas (SFHA) are areas designated as shallow flooding areas (AO and AH Zones). These areas have flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In AO and AH zones, the following provisions apply:

1. For residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.

2. For non-residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall:

(1) Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or

(2) Together with attendant utility and sanitary facilities be completely flood- proofed to or above the depth number, in feet, specified on the FIRM above the highest adjacent grade, or if no depth number is specified at least two (2) feet above the

highest adjacent grade, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Designs for complying with this requirement must be certified by either a Connecticut licensed professional engineer or architect.

(3) On-site drainage for all proposed structures in AO and AH Zones located on slopes shall provide adequate drainage paths to guide flood waters around and away from such structures.

4.2.W Permitted Uses in all Special Flood Hazard Areas.

The following uses are permitted in Special Flood Hazard Areas:

1. Farming (including grazing, crop, tree and truck farming, and other agricultural uses);
2. Recreation (including bathing places, boat ramps, docks, picnic areas, play fields, golf, tennis and parking areas);
3. Public utility wire and pipe lines for transmission and distribution purposes; Temporary storage of materials and equipment; and Flood protective uses.

4.2.X Permitted Structures and Buildings in Special Flood Hazard Areas.

The following structures and buildings are permitted in Special Flood Hazard Areas, (except in the floodway), in accordance with Section 4.2.P above.

1. Buildings and structures accessory to agricultural uses for of goods and equipment and the shelter of animals and fowl, but not including dwellings or buildings for human occupancy.
2. Public Utility buildings and structures.
3. Parks and recreation areas and attendant facilities: including boat ramps, docks, parking areas, picnic areas, tables, shelters and fire places, golf courses, driving ranges, tennis courts and bathing, but not including permanent buildings or structures such as club houses or dwellings or buildings for human occupancy.
4. Dikes or other structures designed to divert or obstruct the flow of flood waters.

4.2.Y Special Permit Uses, Structures and Buildings in Special Flood Hazard Areas.

1. There are Special Flood Hazard Areas within the Town of Cromwell which lie outside the boundary of the Riparian Protection District. The use of land and erection of structures and buildings for residential and other non-residential purposes may be permitted in Special Flood Hazard Areas outside the Riparian Protection District subject to the granting of a special permit as provided in Section 4.2.P. If the proposal is subject to the provisions of the Subdivision Regulations of the Town of Cromwell, a special permit is not required.
2. Uses that are permitted in a Zoning Use District may also be allowed in the Special Flood Hazard Area which is located within the particular Zoning Use District.

4.2.Z Design Standards for Subdivision Proposals.

If a proposed subdivision, including the placement of a manufactured home park or subdivision, is located in a Special Flood Hazard Area (SFHA) the following requirements shall apply:

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

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

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

4. In all special flood hazard areas where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a Connecticut licensed professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions. The Public Works Director shall require the applicant to provide BFE data for all subdivision proposals, including manufactured home parks and subdivisions, as per Section 4.2.Q12.

4.2.AA Floodplain Variance Procedures.

1. The Zoning Board of Appeals, as established by the Town of Cromwell, shall hear and decide appeals and requests for Floodplain Variances from the requirements of this regulation.

2. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Public Works Director (or his designee) in the enforcement or administration of this regulation.

3. Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which abuts or is within a radius of 100 feet of the land in question may appeal within 15 days after such decision to the State Superior Court of Middlesex County, as provided in Section 8-8 of the General Statutes of Connecticut.

4. The Public Works Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.

4.2.BB Specific Situation Floodplain Variances.

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

2. Functionally Dependent Use or Facility - Floodplain Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meet all of the requirements of Section 4.2DD.

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

4.2.CC Considerations For Granting Floodplain Variances.

1. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation and the items listed below as 4.2.CC2– 4.2.CC12. Upon consideration of these factors and

the purposes of this regulation, the Zoning Board of Appeals] may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.

2. The danger that materials may be swept onto other lands to the injury of others;
3. The danger to life and property due to flooding or erosion damage;
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
5. The importance of the services provided by the proposed facility to the community;
6. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
7. The availability of alternative locations not subject to flooding or erosion damage for the proposed use;
8. The compatibility of the proposed use with existing and anticipated development;
9. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
10. The safety access to the property in times of flood for ordinary and emergency vehicles;
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
12. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

4.2.DD Conditions for Floodplain Variances.

1. Floodplain Variances shall only be used upon a determination that the Floodplain Variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the Floodplain Variances is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Floodplain Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulation would create an exceptional hardship to the applicant or the surrounding property owners. Those characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a Floodplain Variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors.
2. Floodplain Variances shall only be used upon:
   (1) a showing of good and sufficient cause,
   (2) a determination that failure to grant the Floodplain Variance would result in exceptional hardship, and;
   (3) a determination that the granting of a Floodplain Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations.

(4) Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall quality to meet subsection ((2)) above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-created circumstances are not sufficient cause for the granting of a Floodplain Variance.

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

4. Any applicant to whom a Floodplain Variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE) and the elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.

4.2.EE Floodplain Enforcement.

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

2. If the Public Works Director (or his designee) finds that any person is undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which in violation of these regulations, the Public Works Director (or his designee):

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

   (2) Notify the Building Official and Zoning Enforcement Officer and request that any permit(s) in force be revoked or suspended and that a stop work order be issued.

   (3) May suspend or revoke a Special Flood Hazard Area Special Permit if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application including application plans. Prior to revoking any permit, the Public Works Director (or his designee) shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action.

   (4) Failure to comply with any written order issued under this section shall be considered a violation of these regulations and is subject to the penalties described in Section 4.2.FF.

   (5) In the event violations or obstructions are not promptly removed from the Special

Flood Hazard Area (SFHA), the Public Works Director (or his designee) may cause such removal and remediation work to be performed utilizing Performance Guarantee money held in escrow pursuant to Section 9.3 of this regulation, or may direct the Town Engineer to cause such work to be done and to place a lien against the property.

(6) Any person subjected to enforcement action pursuant to this regulation, may appeal any requirement, decision, or determination of the Public Works Director (or his designee) to the Zoning Board of Appeals, in accordance with Section 10.3 of this regulation. Such person shall provide such information as necessary including appropriate certifications from a registered professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the Public Works Director (or his designee) was in error or unwarranted.

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

4.2.FF Penalties For Violation in the Special Flood Hazard Area Overlay District.

Any violation of the provisions of this regulation or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grant of variances or Special Permits, shall constitute a misdemeanor. Any person who violates this regulation or fails to comply with any of its requirements shall, upon conviction thereof, be fined a penalty of $250.00 per day or imprisoned for not more than ten (10) days for each day of violation, or both, and in addition shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Town of Cromwell from taking such lawful action as is necessary to prevent or remedy any violation.

4.3 RIPARIAN PROTECTION DISTRICT (RPD)

4.3.A Purpose.

The purpose of the Riparian Protection District is to restrict development of property located in areas adjacent to the Connecticut River and the Mattabasset River that are prone to flooding, to minimizing public and private losses due to flood conditions.

4.3.B Description.

1. The Riparian Protection District is a base zone that shall encompass all land east of the Connecticut River Stream Channel Encroachment Line as well as certain other lands in close proximity to the Connecticut River, shown on the Town of Cromwell Zoning Map.

4.3.C Principal Uses by Use Permit.

The following uses are permitted subject to the issuance of a Use Permit in accordance with Section 8.2 of the Zoning Regulations:

1. Open space.
2. Farming

3. Public utilities

4. Flood protective uses;

4.3.D Principal Uses by Special Permit

The following uses are permitted subject to the issuance of a Special Permit in accordance with Section 6 of the Zoning Regulations:

1. Storage of materials and equipment;
2. Recreational or cultural events of a limited duration.
3. Outdoor Recreation (including bathing places, boat ramps, docks, picnic areas, play fields, golf, tennis and parking areas);

4.3.E Permitted Structures and Buildings.

The following structures and buildings are permitted, except for the floodplain exclusions in Section 4.2, subject to the issuance of a building permit:

1. Buildings and structures accessory to agricultural uses for of goods and equipment and the shelter of animals and fowl, but not including dwellings or buildings for human occupancy.
2. Public Utility buildings and structures.
3. Parks and recreation areas and attendant facilities: including boat ramps, docks, parking areas, picnic areas, tables, shelters and fire places, golf courses, driving ranges, tennis courts and bathing, but not including permanent buildings or structures such as club houses or dwellings or buildings for human occupancy.
4. Dikes or other structures designed to divert or obstruct the flow of flood waters.

4.4 ACTIVE ADULT HOUSING DISTRICT (AA)

4.4.A Purpose.

The purpose of this section is to provide for a planned residential community for adults 55 years of age or older as a floating zone. The community shall be compatible with the character of any adjacent residential neighborhoods and the town as a whole.

4.4.B Bulk Requirements.

	Minimum		Minimum Yards				Maximum	
Zone	Lot Area	Frontage	Front	Side	Aggregate Side	Rear	Building Coverage	Building Height
AA	10 Acres	N/A	N/A	N/A	N/A	N/A	35 percent	35 feet

4.4.C Principal Uses.

The following uses shall be permitted as-of-right in the Active Adult District, subject to the issuance of a Use Permit:

1. Single-family detached dwelling units.
2. Multi-family attached dwelling structures provided no structure contains more than four

(4) units.

3. Recreation facilities, community centers, parks, gardens or other accessory uses customary and incidental to any permitted use.

4.4.D Accessory Uses.

The following uses shall be permitted as-of-right in the Active Adult District, subject to the issuance of proper permits:

1. Home Based Business subject to the provisions of Section 2.2.D and Section 2.9.

4.4.E Permitted Residential Dwelling Unit Densities.

The maximum number of dwelling units shall be two (2) per gross acre.

4.4.F Establishment of District

1. The Commission may establish the AA by approving a Master Plan in accordance with Section 8.9, which while not intended to be a substitute for detailed documentation associated with a site plan, provides sufficient information to determine whether the proposal is in conformance with Section 4.4.A and the Plan of Conservation and Development (POCD). Such adoption shall constitute a zoning map amendment in accordance with Section 8.9 of these Regulations.
2. District Eligibility. The following characteristics are required for a site to be eligible for a zone change to AA District:
   (1) Public water and public sewers shall be provided.
   (2) Minimum District Size: ten (10) acres.
3. Appropriateness: In determining the appropriateness of a proposed AA Zone, the Commission shall consider the following factors:
   (1) The need within the Town for an additional AA Zone.
   (2) Accessibility to major roads and proximity to community services.
   (3) Physical characteristics of the lot.
   (4) The existing municipal infrastructure's capability to support the proposed development.
   (5) The Commission may consider any other factors that it deems applicable to a change of zone request.

4.4.G Master Plan.

1. The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to Section 8.9 and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the dimensional characteristics of the AA and its uses.
2. Changes to the Master Plan.
   (1) Any modifications to dimensional elements in the Master Plan shall follow the Special Permit Application Procedures in Section 8.7.
   (2) Any modifications to the use elements in the Master Plan shall follow the Zoning

Map Amendment Procedures in Section 8.9.

4.4.H Site Plan.

1. As part of, or after Master Plan approval for districts established after May 1, 2011, a Site Plan Application must be submitted for approval in accordance with Section 8.6.
2. The Commission shall schedule a public hearing for the Site Plan Application.

4.4.I Design Requirements.

1. Building Location and Design.
   - **(1)** The minimum distance between structures shall be 20 feet.
   - **(2)** The minimum distance from a structure to a sidewalk or road shall be 20 feet.
   - **(3)** Structures containing more than two (2) dwelling units shall be varied substantially in plane along the building's length.
   - **(4)** Each dwelling unit shall contain an attic or basement for storage.
   - **(5)** There shall be sufficient noise attenuation between dwelling units.
2. Landscaping.
   - **(1)** There shall have a minimum of 35 percent Usable Open Space.
   - **(2)** The Commission may require fences or landscaped screens between the proposed use and existing uses of such extent and design as they feel appropriate to properly buffer proposed and existing uses.
   - **(3)** Where an application is located in lands previously or naturally landscaped, such as an estate, every effort should be made to preserve the original landscaping.
3. Parking.
   - **(1)** Garage space or off-street parking space for not fewer than two (2) vehicles shall be provided for each one (1) dwelling unit. At least one (1) of the required parking spaces shall be provided within an attached garage that shall be directly accessible from within the unit. A minimum of 25 percent of the units shall accommodate a two (2) car attached garage.
   - **(2)** Off-street guest parking shall be provided in the amount of one (1) space per four (4) units. Specifications for the layout of parking spaces shall be in accordance with the Off-Street Parking Requirements.
4. Circulation and Vehicular Access.
   - **(1)** Through roads which shall be public, and interior accessways may be public or private.
   - **(2)** No interior accessway shall be less than 20 feet in width. The Commission may, where in its judgment traffic circumstances merit, require primary streets to be designed and constructed in accordance with the Town of Cromwell road specifications with a minimum road width of 26 feet.
   - **(3)** Curbs and sidewalks may be required if the Commission deems them necessary.
5. Recreational Amenities.

(1) A walking trail system and/or sidewalks shall be provided within the community. Recreational facilities, open spaces, and facilities for active and/or passive recreation shall be provided to serve the community.

6. Accessibility. All facilities shall be designed for the safety of and to facilitate use by elderly and handicapped persons.

7. Street Lighting. There shall be sufficient street lighting and all fixtures shall be designed to be in harmony with the character of the development and provide adequate illumination. Such fixtures shall be designed to not provide direct illumination onto adjacent residential properties.

4.4.J Occupancy Restrictions.

Occupancy shall be restricted as follows:

1. 100 percent of the occupied units shall be occupied by at least one (1) person who is 55 years of age or older.
2. A spouse; companion; or relative 18 years old or older; of an occupant who qualifies pursuant to Section 4.4.J1 above.
3. A person who qualifies pursuant to 4.4.J2 above who survives his or her spouse, companion or relative or whose spouse, companion or relative has entered into a long- term care facility.
4. Remaining parties pursuant to Section 4.4.J3 above who remarry or co-habitant must meet all occupancy requirements.
5. Employees of the dwelling unit occupant who qualifies pursuant to Section 4.4.J1, 4.4.J2 or 4.4.J3 who perform substantial duties related to the care of the owner or occupant who qualifies pursuantto Section 4.4.J1,4.4.J2 or 4.4.J3.

4.4.K Verification.

On the anniversary date of the issuance of the first Certificate of Occupancy, the community association or property manager shall verify compliance of the development with State and Federal requirements as set forth in the provisions of the Housing for Older Persons Act of 1995 to the Zoning Enforcement Officer and provide assurance that the community is in compliance with the all requirements of this section and applicable law.

4.5 INSTITUTIONAL DEVELOPMENT DISTRICT (ID)

4.5.A Purpose.

This is a floating zone intended to provide performance criteria that will provide for the appropriate development of property to be used for institutional complexes whose principal function is the housing and care of the elderly or the education of persons of any age. The intent of this section is to permit a degree of flexibility within the institutional site for uses which will satisfy the needs of the elderly population while providing proper on-site development which will blend with the existing community.

4.5.B Bulk Requirements.

	Minimum		Minimum Yards				Maximum	
Zone	Lot Area	Frontage	Front	Side	Aggregate Side	Rear	Building Coverage	Building Height

ID	30 Acres	N/A	N/A	N/A	N/A	N/A	20 percent	35 feet

OTHER: Parcels utilized for non-institutional purposes shall meet the area, yard, and bulk requirements of the R-15 District.

4.5.C Principal Uses.

Permitted uses in the district shall be limited to:

1. Uses necessary for the care of the aged and elderly, including their health and education.
2. Assisted living facilities and continuing care retirement communities, to include units for independent living, for personal care, for skilled nursing, and for rehabilitative services.
3. Colleges and universities.

4.5.D Accessory Uses.

None Identified.

4.5.E Establishment of District.

1. The Commission shall establish the ID by approving a Master Plan in accordance with Section 8.9, which while not intended to be a substitute for detailed documentation associated with a site plan, provides sufficient information to determine whether the proposal is in conformance with Section 4.5.A and the Plan of Conservation and Development (POCD). Such adoption shall constitute a zoning map amendment in accordance with Section 8.9 of these Regulations.
2. District Eligibility. The following characteristics are required for a site to be eligible for the ID designation:
   (1) Public water and public sewers shall be provided.
   (2) Minimum District Size: 30 acres.

4.5.F Master Plan.

1. The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to Section 8.9 and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the dimensional characteristics of the ID and its uses.
2. Changes to the Master Plan.
   (1) Any modifications to dimensional elements in the Master Plan shall follow the Special Permit Application Procedures in Section 8.7.
   (2) Any modifications to the use elements in the Master Plan shall follow the Zoning Map Amendment Procedures in Section 8.9.
3. Application for a Special Permit shall be accompanied by an impact analysis report. This report shall document the potential impacts of the proposed development on residential neighborhoods, public utilities, municipal services, land development patterns, the economy, fiscal resources of the Town, and socioeconomic characteristics of the population.

4.5.G Site Plan.

1. As part of, or after Master Plan approval for districts established after May 1, 2011 a Site Plan Application must be submitted for approval in accordance with Section 8.6.
2. The Commission shall schedule a public hearing for the Site Plan Application.

4.6 MIXED-USE DISTRICT (MU)

4.6.A Purpose.

The purpose of the Mixed-Use District is to facilitate the integration of diverse but compatible uses into a single development, with the goal of creating a community that offers "live, work, and play" opportunities within convenient walking distance of each other.

4.6.B Bulk Requirements.

Zone	Minimum		Minimum Yards				Maximum	
	Lot Area	Frontage	Front	Side	Aggregate Side	Rear	Building Coverage	Building Height
MU	15,000 square feet	100 feet	10 feet	10 feet	20 feet	10 feet	85 percent	N/A

OTHER: Height to be determined by the Commission

4.6.C Principal Uses.

FOOD/HOSPITALITY RELATED USES
• Bed and breakfast inn
• Hospital
• Hotel, which may include a sit-down restaurant (but not a fast-food restaurant or any drive-in facilities), banquet hall and/or conference center
• Live entertainment
• Pet day-care facility or pet boarding facility
• Restaurant with the accessory Sales of Alcoholic Beverages
• Restaurant, Sit-down (excludes fast-food restaurant and drive-in window)
• Restaurant, fast food – without drive-in window

HOUSING USES

• Assisted living facility, congregate housing, continuing care retirement community, or a nursing facility
• Multi-family dwelling units

INSTITUTIONAL USES
• Club, lodge or fraternal organization (private and operated for the benefit of the members and not for gain)
• Government services
• Museum
• Public Services
• Place of Worship/Church

INSTITUTIONAL USES
• General or business office
• Medical or dental office, clinic or laboratory
• Bank or savings and loan association (State or Federally chartered)
• ATM, walk-up

RECREATION/AMUSEMENT USES
• Interior recreational uses including but not limited to a theater, billiard parlor, bowling alley
• Athletic club

RETAIL/WHOLESALE SALES USES
• Nurseries and sale of produce and plants (Commission shall approve areas for outside display)
• Retail store
• Retail store for the sales of alcoholic beverages

• Outside storage or display of merchandise

SERVICE RELATED USES
• Animal hospital or veterinarian office
• Dry cleaning establishment
• Personal service establishment (hair, nails, tailoring, tanning)
• Pet store, pet grooming and pet training
• Self-service automatic laundry establishment. Such establishment shall be permitted to provide on-site washing as a service
• Service establishment (repair, rental and/or service) of any item, except automobiles, trucks and trailers, which is allowed to be sold in the zone

OTHER USES
• Outdoor recreational uses, including but not limited to baseball batting facility, miniature golf and putting course, tennis facilities, ice skating facilities and golf driving range
• Farms
• Other uses deemed appropriate by the Commission, provided said use is listed on the Master Plan and approved by the Commission
• Public utilities pursuant to the Connecticut Siting Council
• Railroad facilities
• School for training in occupational skills. Enrollment may be open to the public or limited; may include dormitories for students and instructors

4.6.D Accessory Uses.

USE
• Outdoor service accessory to a sit-down restaurant, including the placement of seating and tables out of doors and food served there
• Sale at retail of any commodity manufactured, processed, fabricated or warehoused on the premises provided the total floor area devoted to retail sales does not exceed 20 percent of the gross floor area

of the building

4.6.E Establishment of District

1. The Commission shall establish the MU by approving a Master Plan in accordance with Section 8.9, which while not intended to be a substitute for detailed documentation associated with a site plan, provides sufficient information to determine whether the proposal is in conformance with Section 4.5.A and the Plan of Conservation and Development (POCD). Such adoption shall constitute a zoning map amendment in accordance with Section 8.9 of these Regulations.
2. District Eligibility. The following characteristics are required for a site to be eligible for the MU designation:
   (1) Public water and public sewers shall be provided.
   (2) Minimum District Size: 10 acres.

4.6.F Master Plan.

1. The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to Section 8.9 and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the dimensional characteristics of the MU and its uses.
2. Changes to the Master Plan.
   (1) Any modifications to dimensional elements in the Master Plan shall follow the Special Permit Application Procedures in Section 8.7.
   (2) Any modifications to the use elements in the Master Plan shall follow the Zoning Map Amendment Procedures in Section 8.9.
3. Application for a Special Permit shall be accompanied by an impact analysis report. This report shall document the potential impacts of the proposed development on residential neighborhoods, public utilities, municipal services, land development patterns, the economy, fiscal resources of the Town, and socioeconomic characteristics of the population.

4.6.G Site Plan.

1. As part of, or after Master Plan approval for districts established after May 1, 2011 a Site Plan Application must be submitted for approval in accordance with Section 8.6.
2. The Commission shall schedule a public hearing for the Site Plan Application.

4.6.H Change of Use.

1. Any subsequent change of use shall require a Use Permit.

4.7 PLANNED RESIDENTIAL DISTRICT (PRD)

4.7.A Purpose.

The Planned Residential District (PRD) is a floating zone for residential uses. Its purpose is to provide for the development of residentially-zoned property in Cromwell in a manner consistent with the general vicinity, allowing single family, duplex, or multi- family residential units in areas where that type of housing already exists. The PRD will allow for a variety of housing types historically found in Cromwell but not currently allowed under present regulations.

4.7.B General Bulk Requirements.

	MINIMUM			MAXIMUM
ZONE	LOT AREA	FRONTAGE	MINIMUM BUFFER FROM ADJACENT PROPERTY	BUILDING COVERAGE
PRD	5 acres*	50 feet**	20 feet	See Section 4.7.D

* Lot must be 5 acres in size and zoned for residential use as of October 1,.2015.

**Frontage shall be 50 feet or the width of a private roadway providing access to the site.

4.7.C Establishment of District.

1. The Commission shall establish the PRD consistent with the requirements in Section 8.9 by approving a Master Plan which will provide sufficient information to determine whether the proposal conforms with the Plan of Conservation and Development (POCD) and satisfies the requirements for a Master Plan, as set out in Section 8.9. Such approval shall constitute a zoning map amendment in accordance with Section 8.9 of these Regulations. The goal of the PRD is to allow for flexibility in housing choices in a manner consistent with and in harmony with the general vicinity of the lot to be developed.
2. District eligibility. The following characteristics are required for a site to be eligible for PRO designation:
   - **(1)** public water and public sewers shall be provided
   - **(2)** Minimum District Size: 5 acres
   - **(3)** The property must be zoned for residential use as of September 1,2015

4.7.D Principal Uses and Specific Requirements.

HOUSING USES
• Single family homes
• Duplex (2-family) homes
• Multi-family dwellings

RECREATION USES
•Community centers
•Swimming pools (indoor and outdoor)
•Community fitness centers
•Playgrounds
•Parks
OTHER USES
•Parking garages or structures

USE	MAX BUILDING DENSITY	MIN LOT AREA	MIN FRONT YARD	MIN REAR YARD	MIN SIDE YARD	AGGREGATE SIDE YARD	BUILDING COVERAGE	BUILDING HEIGHT
Single Family House	5 houses per buildable area	7,000 sf	20 feet	25 feet	10 feet	25 feet	25%	2 stories
Duplex House	6 houses per buildable area	7,200 sf	20 feet	25 feet	10 feet	25 feet	35%	3 stories
Multi-Family	20 units per buildable area	N/A	25 feet	25 feet	15 feet	30 feet	50%	4 stories

Requirements for All Development in this Zone

1. The net buildable area shall be based on the following calculation:

a). total square footage of the lot:_____

b). minus the area of any special flood hazard area that is not in wetlands:_____

c). minus the wetlands area on the lot:_____

d). minus 50% of any area of slopes in excess of 33%:_____

e). equals the buildable area:_____

2. Parking requirements for single, duplex and multi-family dwelling units shall conform to the requirements of Section 5.2. Additional parking spaces may be required by the Commission for guest parking. Handicapped parking shall conform to the requirements of Section 5.2.E. Provisions for bicycle parking shall conform to the requirement s of Section 5.2.F.
3. Roads, utility systems, drainage, and sidewalks shall be constructed to town specifications unless alternate specifications are approved by the Commission.
4. Stormwater control plans shall conform to the requirements in Section 5.4.
5. Performance guarantee requirements must be posted as required in Section 9.3.
6. As-builts must be submitted before a Certificate of Zoning Compliance is issued.

Requirements for Multi-Family Development

The following additional requirements shall apply to multi-family development in this Zone:

1. Design Considerations
   - Minimum dwelling units per building – 3
   - Maximum dwelling units per building —*N/A*
   - Minimum buffer from adjacent residential zoned property as in Section 6.8.E
   - Minimum landscaped area – 1,000 square feet per dwelling unit. Landscaping shall conform to the standards in Section 5.1 of the Regulations unless the Commission approves variations from those standards in order to better meet the goals of this District.
2. Ownership and Maintenance (if applicable) — If the development includes common or shared driveways, the requirements in Section 6.8.D.3 regarding ownership and maintenance shall apply.

4.7.E Special Permit and Site Plan.

1. After the Master Plan is approved, an application for a Special Permit and Site Plan must be submitted, consistent with the requirements of Sections 8.6 and 8.7. The Special Permit and Site Plan will contain the details of the development and will be accompanied by an impact analysis report that will document the potential impacts of the proposed development on residential neighborhoods, public utilities, municipal services, land development patterns, the economy and fiscal resources of the Town, and socioeconomic characteristics of the population.
2. The Commission shall schedule a public hearing on the Special Permit. The Special

Permit and Site Plan Applications may be heard together.

3. Special Permit Decision Considerations. Before the Commission approves a Special Permit Application for this use, it shall determine that the application complies with the relevant requirements in Section 8.7 of the Regulations, as well as:

   (1) is appropriate in scale and density to the general vicinity of the property that is the subject of the application;

   (2) contains residential units and landscaping appropriate for the general vicinity; and

   (3) does not contain any uses which would not be compatible to those uses already present in the general vicinity.

In granting a Special Permit, the Commission may:

stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety or welfare; property values; the environment; safe traffic circulation; sound planning and zoning principles; improved land use, site planning and land development; or better overall neighborhood compatibility, and impose additional requirements, conditions or safeguards as a prerequisite to the issuance of the Use Permit by the Zoning Enforcement Officer, if it shall be found necessary in order that the spirit of these Regulations may be observed, public safety and welfare secured or substantial justice done.

4. Any condition or safeguard attached to the granting of a Special Permit;

   (1) shall be binding upon the property as long as the Special Permit use is still in operation, and

   (2) shall continue to be in effect regardless of any change in ownership of the property.

5. The Commission shall not approve any Special Permit for any property on which there exists a zoning violation, unless such Special Permit application will remedy such violation.

6. Site Plan Decision Considerations.

Before the Commission approves a Site Plan application for this use, it shall determine that the application complies with the relevant requirements in Section 8.6 of the Regulations.

5. BASIC STANDARDS

5.1 LANDSCAPING

5.1.A Purpose.

The purpose of these landscaping regulations is to enhance property values, to help minimize soil erosion, and to improve the quality of environment and aesthetic appearance of Cromwell.

5.1.B Applicability.

These landscaping standards shall apply to any development in Cromwell which requires Site Plan Approval or Special Permit Approval.

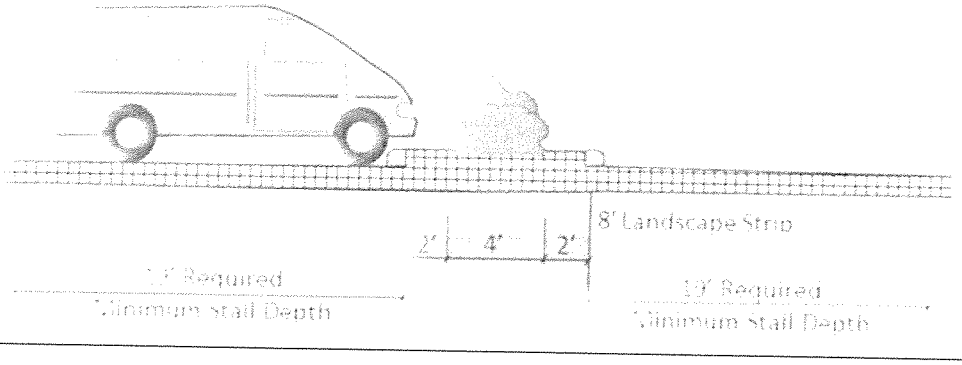
5.1.C General Requirements.

1. Landscape architect required. Unless waived by the Commission due to the minimal impact of a proposed activity, a landscape architect licensed in Connecticut shall prepare the plans illustrating compliance with the requirements of this Section.

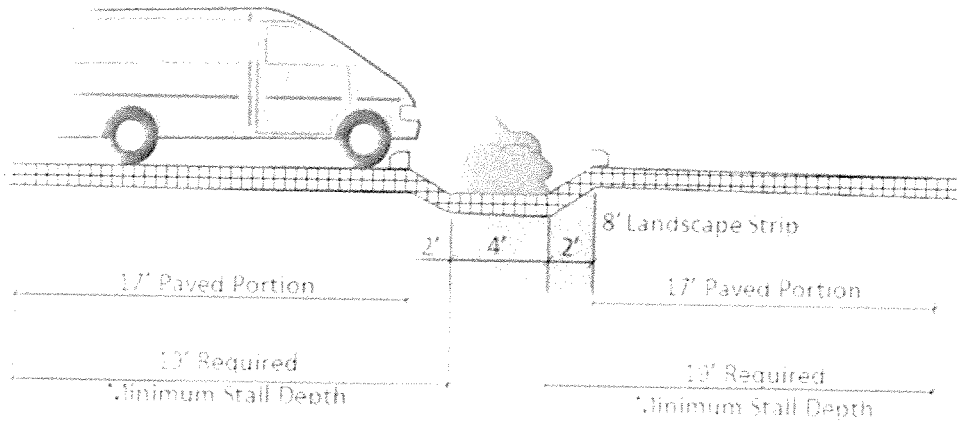
5.1.D Specific Requirements.

1. Parking area landscaped area requirements.
   - **(1)** Parking areas shall be planted with trees a minimum of four (4) inches in caliper measured six (6) inches above ground level, so that there is at least one tree per ten (10) parking spaces within the parking lot.
   - **(2)** Such trees must be staked with two (2) three (3)-inch diameter stakes and protected by curbing against damage by vehicles.
   - **(3)** A minimum planting area, equivalent to 150 square feet per tree shall be provided.
   - **(4)** Required parking areas shall have a landscaped island at each end of each row of vehicle spaces and an intermediate island for every 15 vehicle spaces. The Commission may require more landscaped area based on the size of the parking lot.
   - **(5)** Such planting islands shall be not less than nine (9) feet wide in the direction parallel to the row and not less than 18 feet long in the direction perpendicular to the row.
   - **(6)** Each such island shall have a suitable curb of stone or poured-in-place concrete, and shall be planted with grass or ground cover, or have pedestrian pavers where approved by the Commission, unless it is part of a drainage system.

TYPICAL PARKING LOT ISLAND DIAGRAM



ALTERNATIVE PARKING LOT ISLAND DIAGRAM



2. Landscaped buffer requirement.

   (1) Nonresidential buildings and uses, including vehicular areas, shall provide a landscape buffer along the lot line abutting land used for residential purposes or located in a residential district.

   (2) Unless modified by the Commission, multi-family dwelling uses, including vehicular areas, shall provide a landscape buffer along each lot line.

   (3) The depth of the landscape buffer and the density of plant materials shall be determined by the Commission based on the nature of surrounding uses and using the following diagrams as a guide.

   (4) Where circumstances warrant, the Commission may reduce the buffer width and/or planting requirements due to existing vegetation or other factors or may increase the planting requirements.

(5) Minimum buffers.

MINIMUM BUFFER	ZONE		
	DC	LB; HB; BP; I; ID; MU	AA
Adjacent to a residential use	20'	25'	35'
Adjacent to a residential district	20'	50'	35'
From lot line to a parking space	N/A	25'	25'

3. Front yard landscaping requirements.

   (1) In Business Zones a landscaped strip at least ten (10) feet wide shall be provided adjacent to the street, excluding driveway curb cuts.

   (2) For Special Permit uses in Residential Zones a landscaped strip at least 20 feet wide shall be provided adjacent to the street.

   (3) In Business Zones, one (1) canopy tree shall be planted in the front yard for each 50 feet of frontage or fraction thereof.

4. Side yard landscaping requirements.

   (1) In Business Zones a landscaped strip at least five (5) feet wide shall be provided adjacent to each side lot line.

   (2) Special Permit Uses in Residential Zones shall provide a landscaped strip at least ten (10) feet wide adjacent to each side lot line.

   (3) Where side yards are required by this regulation, one (1) understory or evergreen tree shall be planted for each 40 feet or fraction thereof and one (1) shrub shall be planted for each 20 feet or fraction thereof.

5. Planting bed requirements.

   (1) Where lots are to be developed in Business Zones, planting beds shall be provided adjacent to any building(s) on the lot.

   (2) The length of such planting beds shall be at least equal to 25 percent of the circumference of the building(s) on the lot.

   (3) Special Permit Uses in Residential Zones shall have planting beds the length of which shall be at least 40 percent of the circumference of any building(s) on the lot to be developed.

6. Buffer planting requirements.

   (1) Against the lot lines, trees and shrubs shall be planted to give a screen at least 15 feet deep using approved, hardy, indigenous plant materials of which at least 30

percent shall be evergreens. The balance of the depth of the buffer strip shall be planted and maintained as lawn of acceptable permanent grasses.

(2) Acceptable existing natural growth shall be preserved where practicable and supplemented with new planting according to the foregoing regulations in order to give the required screening. Where the Commission finds that existing natural growth has been cleared in apparent preparation for development, it may require the planting of the largest trees and shrubs commercially available to replace them.

(3) Permanent structures such as fences, walls, etc. may be approved in lieu of plantings or supplementing existing growth and/or planted trees and shrubs where in the opinion of the Commission the intent of these regulations will be served. Existing and proposed grading may also be considered in granting any variation from these regulations.

(4) Where there is a conflict between the rear and/or side yards and the buffer requirements, the more stringent yard requirements shall apply.

7. Stormwater structure landscaping requirements.

(1) Stormwater management systems shall be visually compatible with the surrounding landscape and should have sufficient vegetation to screen adjacent properties.

(2) Basin landscaping shall provide for stormwater quality remediation.

5.1.E Minimum Landscaping Material Standards.

1. Where canopy trees are required, they shall be native deciduous shade trees at least two and one-half (2½) inches in caliper at planting with a mature height of at least 35 feet.

(1) Trees that will attain a height at maturity greater than 50 feet will be planted no closer than 30 feet on center.

(2) In the business districts, the following restrictions shall apply:

a) No species shall reach a height of 30 feet at maturity.

b) Tree variety is required. Only ten (10) percent of a family and only five (5) percent of a species may be planted on any site.

2. Where understory trees are used, they shall be native deciduous shade or fruit trees at least one and one-half (1½) inches in caliper at planting with a mature height of at least 12 feet.

3. Where evergreens are used, they shall be native coniferous species at least six (6) feet in height at planting.

4. Where shrubs are required, they shall be native shrubs at least 18 inches in height at planting.

5. The following plants will not be allowed within, or adjacent to a municipal right-of-way:

(1) Weeping willow

(2) Norway Maple

(3) Silver Maple

(4) Red Maple

(5) White Pine

(6) Red Pine

(7) Bradford Pear

(8) Pin Oak

(9) Ginko – female

6. The Tree Warden shall be consulted regarding tree species that are located in or adjacent to any Town right-of-way.

5.1.F Existing Vegetation.

1. Existing plant materials may be used to meet all or part of the landscape regulations. Significant trees, as defined in these Regulations, shall be preserved to the extent feasible and any significant tree which is proposed for removal shall be clearly designated on the site plan. Unless clearly designated for removal, significant trees shall be considered to be designated for preservation. Where the Commission finds that existing natural growth has been cleared in apparent preparation for development, it may require the planting of the largest trees and shrubs commercially available to replace them.
2. Unless otherwise authorized by the Commission, any significant tree designated for preservation shall:

   (1) have no construction operations carried on within the drip-line of the significant tree;

   (2) have no material stored within the drip-line of the significant tree;

   (3) if at risk of damage from construction, be protected by a four-foot high fence offset at least ten (10) feet from the tree's trunk(s) except that, if the Commission so designates, the fence shall be installed at the drip-line of the tree;

   (4) shall have tree protection installed in advance when any construction activity will occur within 40 feet of the affected tree(s); and

   (5) remain in place and be maintained in good repair during the construction period.
3. Damage to any significant tree shall be repaired by a Connecticut licensed arborist.
4. Any significant tree marked for preservation which is removed or damaged beyond satisfactory repair shall be replaced with sufficient trees of the same or similar species as approved by the Commission or its agent so that the combined caliper measurements of the replacement trees shall equal or exceed the caliper measurement of the significant tree which was removed or damaged.

5.1.G Landscaping Plan Requirements.

Landscaping plans shall show, at the same scale as the site development plan, the location of all proposed planting and existing planting to be retained. A planting list is required.

5.1.H Variations to Landscaping Requirements.

1. These requirements are intended as a minimum guide for the landscaping to be developed.
2. The Commission may require additional landscaping or more mature plantings when unusual conditions require more extensive screening.

3. The Commission may also waive certain specific requirements when warranted by excellence in building design or proposed landscaping.

4. Existing vegetation may be used to meet all or part of the landscaping requirements.

5.1.I Completion of Landscaping.

1. For new construction, all landscaping shown on the approved plan shall be completed before a Certificate of Zoning Compliance can be issued, unless a Performance Guarantee in a form and amount satisfactory to the Commission assuring completion within a specific time period (not to exceed one year) shall be filed with the Commission.

2. All trees will be staked for one (1) year. Stakes shall be removed at the completion of one year.

3. All trees shall have a minimum of three (3) inches and a maximum of four (4) inches of mulch placed around the base of the planting area and shall not touch the bark.

4. Such Performance Guarantee shall be used to install or replace required landscaping if the work is not completed within the specified time period, and, by filing an application under these Regulations, the property owner grants the Commission and its agents access to the property for that purpose

5.2 OFF-STREET PARKING AND LOADING

5.2.A Purpose.

This Section is intended to provide adequate parking and loading facilities to serve all existing and proposed uses. It is the goal of the Cromwell Planning and Zoning Commission to minimize the impact of stormwater from impervious surfaces that result from off street parking and loading.

5.2.B General Requirements.

1. On any lot which is hereafter developed for residential, business, industrial, hotel or institutional use there shall be provided adequate space suitably located on the lot for parking, loading and unloading of goods and materials.

2. Where different uses occur on a single parcel of land, the parking and loading spaces to be provided with respect to such parcel shall be the aggregate of the requirements for each such use.

3. Except as may be provided in Section 5.2.H, all required parking spaces shall be maintained for the exclusive use of residents, patrons, employees or tenants of the building(s) on the site and shall not be used to meet the parking requirements of any other use.

4. Any parking rights acquired from another parcel shall be recorded in the land records in the deed of each parcel involved in such agreement, and such agreement shall be subject to the review and approval of the Town Attorney

5. All parking spaces provided pursuant to this section shall be on the same lot with the building except that the Commission may permit the parking space to be on any lot within 500 feet radius of the building, if it determines that it is impractical to provide parking on the same lot with the building in accordance with Section 5.2.M.

6. Parking areas shall be paved with a dustless surface and shall have bumper and wheel

guards where needed and shall be adequately graded and drained.

7. Auditoriums, theaters, bowling alleys, night clubs and other similar uses and activities, carrying on the major portion of their business during the evening hours, may provide 50 percent of the required parking space, as specified above, through use of parking space provided for uses and buildings carrying on the major portion of their business during daytime hours.

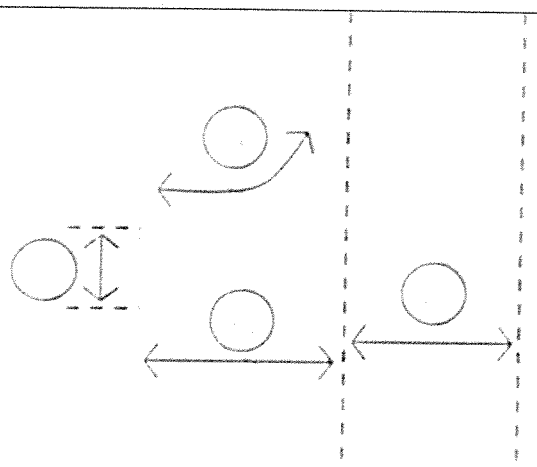
8. Any illumination of the parking area shall be so arranged that the light is reflected away from adjoining premises light glare, light trespass, and light pollution is prevented.

9. For parking lots of 50 or more spaces intended for long-term employee parking, up to 20 percent of the parking spaces may be designated for compact cars. Such spaces shall be located in a contiguous manner and marked by above grade signs.

5.2.C Area Required.

Parking Area Criteria. Except as provided below, off-street parking spaces and aisles shall be installed and maintained as follows:

PARKING AREA CRITERIA DIAGRAM



PARKING AREA CRITERIA TABLE	A – PARKING ANGLE			
	30°	45°	60°	90°
B - CURB LENGTH	16'-6"	12'-9"	10'-5"	9'-0"
C - STALL DEPTH	18'-0"	19'-10"	20'-0"	18'-0"
D - VEHICULAR AISLE WIDTH – TWO- WAY CIRCULATION	24'-0"	24'-0"	24'-0"	24'-0"
D - VEHICULAR AISLE WIDTH – ONE- WAY CIRCULATION	12'-0"	13'-0"	18'-0"	24'-0"

Additional Parking Table Information:

- Loading Space Size. Each off-street loading space shall be at least ten (10) feet by 30 feet, with a height clearance of at least 14 feet.
- A parking space specifically designed as being for compact cars shall not be less than eight (8) feet wide by 17 feet long. Spaces to be set aside for compact cars shall be identified on the site plan and they shall be physically separated from the normal size parking spaces and identified by above grade signs.
- Specifications for Parking Facilities:
  - Except for private residences, every parking facility shall be graded, hard-surfaced, drained, and permanently marked to delineate both the individual parking spaces and the uses served thereby.
  - Every parking facility shall be maintained by the owner of the premises.
  - Where required parking areas abut upon public streets or sidewalks, permanent barriers or bumpers shall be provided.
  - Completion of the off-street motor vehicle parking facilities and off-street loading spaces required by this Section shall be a condition precedent to the issuance of the Certificate of Zoning Compliance, per Section 8.4 of these Regulations.

5.2.D Number of Spaces Required.

1. The minimum amount of parking and loading facilities required for any property shall be determined by applying the standards of this Section to the actual and proposed uses and when the requirements result in a fractional number, the minimum requirement shall be rounded up to the next whole number.
2. In all districts, paved, permanently maintained off-street parking spaces shall be provided as follows:

USE/ACTIVITY SERVED	PARKING SPACES REQUIRED		LOADING SPACES
	MINIMUM	MAXIMUM	
RESIDENTIAL USES			
Multi-family dwelling units	1.5 spaces for each unit or per district requirement (if any)		
Single-family dwelling unit	2 spaces.		
Single-family dwelling unit with a home-based business	2 spaces for the dwelling unit plus adequate parking for employees, clients, and visitors screened by		

	landscaping from abutting residential districts		
Accessory Apartment	1 additional space for each bedroom		
RETAIL, BUSINESS, BANK OR OFFICE USES			
Banks	8 spaces per 1,000 square feet of building area		
Professional and commercial offices	5 spaces for each 1,000 square feet of building area		At least 1 loading space per building
Retail outlets, shopping centers, and similar uses up to 10,000 square feet	4 spaces for each 1,000 square feet of building area	5 spaces for each 1,000 square feet of building area	At least 1 loading space per building
Retail outlets, shopping centers, and similar uses between 10,001 and 50,000 square feet	3 spaces for each 1,000 square feet of building area	4 spaces for each 1,000 square feet of building area	At least 1 loading space per building
Retail outlets, shopping centers, and similar uses over 50,000 square feet	2.5 spaces for each 1,000 square feet of building area	3 spaces for each 1,000 square feet of building area	At least 2 loading spaces per building
MEDICAL RELATED USES			
Hospitals	1 space for every 3 beds		At least 1 loading space per building
Medical clinics and offices	6 spaces per 1,000 square feet of building area		
Nursing homes	1 space for every 3 beds		At least 1 loading space per building
RESTAURANTS			
Fast-food Restaurants (even when in conjunction with retail stores, shopping centers, etc.)	1 space for each 50 square feet of building area		At least 1 loading space per building
Restaurants	1 space for each 4 seats		At least 1 loading space per building

Restaurants in the Downtown District	1 space for each 5 seats		At least 1 loading space per building
OTHER USES			
Auditoriums, stadiums, theaters, churches or other places of assemblage with a maximum capacity of 500 or less	1 space for each 5 seats based on maximum seating capacity		As determined by the Commission based on the requirements applicable to comparable uses
Auditoriums, stadiums, theaters, churches or other places of assemblage with a maximum capacity of 501 or more	1 space for each 8 seats based on maximum seating capacity		
Clubs	1 space per 3 persons of the total capacity established by the Fire Marshal		
Industrial and all other commercial uses	1 space for every 4 employees on any 1 shift		As determined by the Commission based on the requirements applicable to comparable uses
Hotel, Beds & Breakfast, and other Lodging	1 space for each room, but not less than 2 spaces		
Self-storage	1 space for every 50 storage units or fraction thereof		
Sorority or fraternity house or dormitory	1 space for each 5 guests or persons residing on the premises, but no less than 2 parking spaces in any case		
Uses not listed or not clearly defined	As required by the commission based on the requirements for comparable uses		

5.2.E Handicapped Parking.

1. Parking spaces for handicapped persons shall be required in accordance with CGS 14-253a and the Connecticut Building Code (Sec. 29- 252, as amended), with regard to location, size, marking, signage, and required number of handicapped accessible spaces based on use and size of parking lot. Parking spaces for the handicapped shall be as close as possible to a building entrance or walkway leading directly to a building entrance and shall be adjacent to curb cuts or other unobstructed methods permitting sidewalk access to a handicapped person. For all uses in business districts, and parking lots in excess of eight (8) parking spaces in residential districts, the minimum number of parking spaces for the handicapped shall be provided in accordance with the Building Code.
2. Van Parking. Where handicapped accessibility is required, a minimum of one (1) van parking space shall be provided, and additional van spaces shall be provided at a rate of one (1) van space for every eight (8) handicapped accessible parking spaces required. The van parking space shall be of such size as to accommodate a van designed for wheelchair elevation and transport.
3. Signage. Handicapped accessible spaces shall be designated by above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking Permit Required" and "Violators will be fined". Such sign shall also bear the international symbol of access. Accessible spaces for vans shall also bear the words "Van-Accessible."
4. Pavement Marking. Spaces reserved for handicapped parking shall be marked using yellow or blue traffic pavement marking paint to indicate individual spaces.

5.2.F Bicycle Parking.

1. Bicycle parking facilities shall be provided as part of new multi-family developments of four (4) dwelling units or more, new retail, office and institutional developments, and all transit transfer stations and park and ride lots.
2. Bicycle racks shall be located at each main building entrance, and placed in an area that is highly visible.
3. Bicycle parking requirements shall apply to all new construction, changes of use, or substantial improvement
4. Bicycle parking spaces shall:
   - **(1)** Provide a convenient place to lock a bicycle, and shall be at least six (6) feet long, two (2) feet wide, and shall provide at least seven (7) feet of vertical clearance, unless a bicycle locker is provided;
   - **(2)** Be capable of locking the bicycle and supporting the bicycle in an upright position;
   - **(3)** Be securely anchored to a supporting surface; and
   - **(4)** Bicycle parking shall not interfere with pedestrian circulation, and shall be separated from automobile parking.
5. For any use where bicycle parking is required, if the vehicular parking is covered or partly covered the bicycle parking will be covered at the same ratio.

5.2.G Shared Parking Facilities.

1. Shared Joint uses of off-street parking facilities is permitted provided that the area of such facilities shall be not less than the sum of the requirements of the various uses computed in accordance with the number of spaces required in Section 5.2.D, except where a reduction has been approved per Section 5.2.H below.

2. Parking lot layout shall take into consideration pedestrian circulation. Pedestrian crosswalks shall:

   (1) be provided where necessary and appropriate,

   (2) be distinguished by textured or special paving, and

   (3) be integrated into the overall site development plans of the properties involved in the shared parking arrangement.

5.2.H Reduction of Parking Facilities.

1. Permanent Shared-Use Reduction. The Commission may, by Site Plan Approval, allow a reduction of the provision of up to 25 percent of the parking spaces required for the uses on one (1) or more sites due to shared use of parking facilities when:

   (1) the parking facilities provided on the site(s) are interconnected for both vehicles and pedestrians with adjacent parking facilities to create a functional parking arrangement,

   (2) appropriate access and parking easements are executed between the adjacent properties and in accordance with Section 5.2.B4, and

   (3) the Commission is satisfied that the parking needs of the joint users on the sites occur at different hours of the day or that adequate parking will be available for the current and potential future uses. Any change in use that would require greater parking under these Regulations shall require review and approval by the Commission, which may require the construction of additional parking.

2. Permanent Site Use Reduction. The Commission may, by Site Plan Approval, allow a reduction of up to 25 percent of the required parking spaces on an individual site that is not interconnected with one or more adjacent parking facilities when the Commission is satisfied that the parking needs of the uses on the site occur at different hours of the day, or adequate parking will be available for the current and potential future uses.

3. Temporary Installation Deferral. The Commission may, by Site Plan Approval, defer the immediate installation of up to 25 percent of the required parking spaces where:

   (1) sufficient evidence has been presented, in the judgment of the Commission, to show that the reduced parking facilities will adequately serve the proposed use,

   (2) the applicant shall show upon the Site Development Plan the complete layout for the full parking requirements, and

   (3) the applicant accepts, in writing, a requirement that the owner will file the Site Development Plan in the Office of the Town Clerk, stipulating that the owner, or the successor and assigns of the owner, will install as many of the deferred parking spaces as the Commission deems necessary within six (6) months of the Commission's request, when, in the opinion of the Commission, such Installation is needed.

5.2.I Landscaping Required.

In addition to the requirements for parking, the Planning and Zoning Commission may require a reasonable amount of landscaping and planting for the uses covered in this Section and Section 5.1.

5.2.J Parking Lot Construction.

Parking layout construction shall be in accordance with the following parking specifications:

1. Parking Surface. The parking surface shall be treated with bituminous pavement products.
2. Alternative Parking Surface. The Commission may allow an alternate surface if the use is a low traffic generator and the Commission is satisfied with the maintenance provisions where appropriate, use of porous pavement, specially designed brick or block should be promoted to increase on-site water retention for plant material and groundwater recharge and to reduce problems related to runoff.

5.2.K Access Drives.

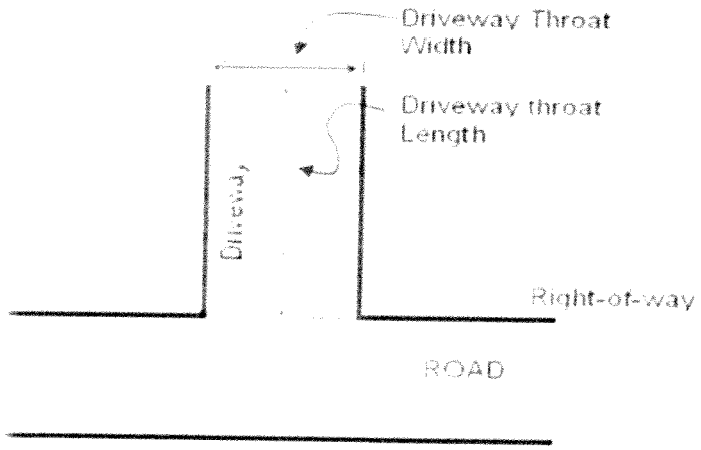
1. No exit from or entrance to an off-street motor vehicle parking facility or off-street loading space shall be so laid out as to constitute or create a traffic hazard or nuisance.
2. Driveways to the street in any Business or Special Zone shall be a minimum of 12 feet wide for one (1) way traffic, shall not exceed 24 feet in width, and shall not exceed two (2) driveways.
3. Lots containing less than 150 feet of street frontage in any Business Zone shall be limited to one (1) driveway to the street, except where the nature of the business requires drive- in service, i.e. drive-in banks and motor vehicle refuel/recharge stations.
4. Driveway access in any Business or Special Zone shall be permitted to a street or parking facility on an adjacent lot and connections to adjacent parking lots shall, at the Commission's discretion, be made wherever practical.
5. Driveways adjacent to lots in any Business and Special Zone shall be a minimum of 12 feet wide for one (1) way traffic, shall not exceed 24 feet in width, and shall not exceed two (2) driveways. This requirement may be modified if additional width is required by the Connecticut Department of Transportation or the State Traffic Commission.
6. Lots in any Business and Special Zone with a side lot line of less than 200 feet in length shall be limited to one (1) driveway connecting with an adjoining lot for each side.
7. The Commission may waive this requirement when the Commission determines that a suitable alternative will enhance public safety.

5.2.L Driveway Throat.

A driveway throat shall be provided in accordance with:

DEVELOPMENT TYPE	MINIMUM	
	WIDTH	LENGTH
Residential, less than eight (8) parking spaces	15 feet	20 feet
One (1) way travel, non-residential and residential, greater than or equal to eight (8) parking spaces	15 feet	20 feet
Two (2) way travel, non-residential and residential, greater than or equal to eight (8) parking spaces	24 feet	20 feet
Business with no signalized driveways	24 feet	20 feet
Business with signalized access	24 feet	50 feet
Business with greater than 200,000 gross leasable space	30 feet	200 feet

DRIVEWAY THROAT



5.2.M Location of Parking Spaces.

The off-street motor vehicle parking facilities and off-street loading spaces required by this Section in any Business or Special Zone shall be located on the same land as the use or building served thereby except that:

1. The Commission may permit two (2) or more abutting properties to be served by a common facility situated on one (1) or more of said properties. Documentation of perpetual easements allowing shared parking must be submitted to the Commission, reviewed and approved by the Town Attorney, and filed on the land records of the Town of Cromwell.

2. The Commission may permit parking facilities to be on land within 500 feet of a building or use if it determines that it is impractical to provide parking facilities on the same land where the building or use is located. Documentation of perpetual easements allowing shared parking must be submitted to the Commission, reviewed and approved by the Town Attorney, and filed on the land records of the Town of Cromwell.

3. In the Downtown Cromwell (DC) District, parking shall not be located within any required yard setbacks or between the building and the front street line.

4. In all other Business or Special Zones, off-street parking facilities shall be located in back of the front yard lines.

5. Parking lots in any Business or Special Zone shall be located at least five (5) feet from a building, except as may be required for loading facilities.

6. Where the required parking spaces in any Business or Special Zone are provided by garage or other covered space, the location of such garage or other covered space shall be in conformity with the Zoning Regulations relating to a principal building.

7. Underground parking shall be permitted as a substitute for surface parking to allow the area normally occupied by surface parking to remain undisturbed or to provide open space, landscaping and similar amenities. Such parking:

   (1) may permit a larger above-ground structure or intensification in use of the site to an above-ground floor area exceeding the applicable floor ratio by up to 15 percent,

   (2) shall have its access screened from abutting properties, and street-level views of underground parking access shall be minimized, and

   (3) shall be designed such that any first-floor level above such parking shall not exceed the curb level of any adjacent street by more than two (2) feet.

8. Parking Garages. Parking garages are authorized. There are no special provisions for parking garages.

5.2.N Farm Exemption.

The provisions of this Section do not apply to vehicles, trailers, or construction equipment used on a farm as defined in the Zoning Regulations.

5.2.O Policing of Parking Spaces.

Nothing contained in this Section shall be construed to prohibit the owner or owners of the land on which such off-street parking facilities are located from policing the same and from forbidding the parking of motor vehicles thereon when the owner or user of such motor vehicle is not making use of the facilities, uses or buildings for which such parking area is provided.

5.3 SIGNS

5.3.A Purpose.

The purposes of these sign regulations are to encourage the effective use of signs as a means of communication in the Town; to maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property.

5.3.B General.

1. All signs erected in the Town of Cromwell shall comply with the requirements set forth in addition to all other applicable regulations.
2. Sign Prohibitions and Limitations - Signs which are not expressly permitted by these Regulations are prohibited.
   (1) No sign shall use any word, phrase, symbol, shape, form, or character in such manner as to interfere with moving traffic, including signs which incorporate typical street-type and/or traffic control-type signage designs and colors.
   (2) No illuminated flashing signs shall be permitted. Electronic time/temperature signs and motor vehicle fuel price signs are permitted with a Special Permit.
   (3) No portable "A frame" signs shall be permitted except for special events.
   (4) Off-premise directional and informational signs shall be permitted only for governmental uses.
   (5) No inflatable signs shall be permitted.
   (6) No sign shall be placed so as to obstruct or interfere with traffic visibility.
   (7) Advertising in bus shelters shall not be considered a sign for the purposes of this section.
   (8) No moving signs are permitted.

5.3.C Sign Illumination.

1. The light source in any lighted sign shall be shielded in such a manner as to prevent light glare, light trespass, or light pollution.
2. Colored lights shall not be used where they create any conflict with highway control traffic signals. Red, green or amber neon signs shall not be installed or used within 100 feet of any traffic signal.
3. Direct external lighted signs shall be illuminated only to the degree necessary to ensure the sign is readable.
4. The intensity of the lighting source shall be determined by the Commission, as appropriate, based on the placement, style and materials of the sign itself.
5. Under appropriate conditions the hours of illumination may be limited to minimize adverse effects on surrounding land uses or properties.

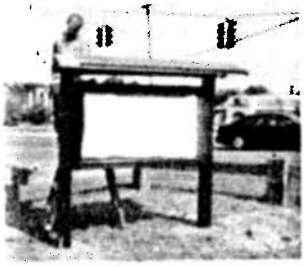
5.3.D Sign Placement and Location.

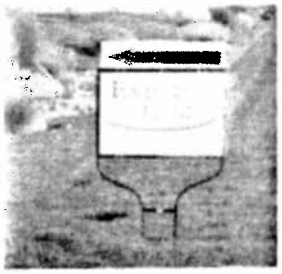
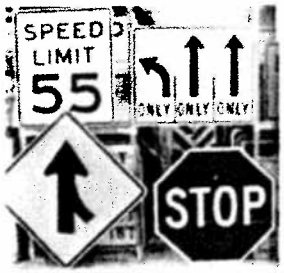
1. All signs except identification and directional signs for municipal facilities and municipal signs for central directional indexing in industrial areas shall be erected inside lot lines of the premises to which they pertain and shall not be located within or allowed to intrude into any public street, road or highway right-of-way. No off-premises signs shall be permitted.
2. No sign shall be located on any corner lot or near any driveway that would violate the visibility at intersections requirements in Section 5.8.
3. The area restrictions in this Section shall be interpreted as maximum area per sign face and

are not meant to prohibit the use of more than one (1) face.

5.3.E Signs Permitted in all Zoning Districts.

The following signs are permitted as an accessory use in all districts, a permit is not required:

SIGN TYPE	EXAMPLES	DESCRIPTION
PROPERTY IDENTIFICATION		A non-illuminated name sign or announcement sign for a lawful activity located on the premises. • all signs shall be located behind the front lot line and shall not contain more than four (4) square foot in total sign area per face giving the name of the land or building on which displayed, the name of the owner or lessees thereof, or information of historical interest.; • shall not contain more than one (1) piece. • no more than one (1) sign shall be permitted at one time.
HOME IMPROVEMENT		A non-illuminated name sign or announcement sign for home improvement activity conducted on the premises may be installed for the duration of the activity. Home Improvement Signs shall not exceed two (2) square feet in area.
BULLETIN BOARD		Non-illuminated bulletin boards on the premises of churches and similar uses not over 16 square feet in sign area. • One (1) bulletin board or sign on Town or school property not exceeding 48 square feet in total area. • One (1) bulletin board or sign on church or institutional property not exceeding 48 square feet is permitted by Special Permit.
CONSTRUCTION		A non-illuminated sign not to exceed 12 square feet in sign area when displayed on a building or property in process of construction or improvements.
FARM		A non-illuminated name of a farm and proprietors

		thereof may be attached or painted on the wall of an accessory building if the building is located at least 50 feet from the public highway, and if the total area of the sign is limited to two (2) square feet for every running foot of wall on which it is displayed.
PUBLIC PURPOSE		Incidental non-illuminated signs, generally informational, that have a purpose secondary to the use of the property on which it is located, such as "no parking," "entrance," "loading" and other similar directives, subject to the approval of the Commission, on any lot provided no such sign shall be larger than two (2) square feet in sign area nor exceed a height of six (6) feet. The Town of Cromwell shall be exempt from the provisions of this section as to signs which identify public buildings, community activities, signs for business promotion, installed by a town agency, or are directional in nature.
REAL ESTATE		• House for Sale. One (1) non-illuminated freestanding real estate sign announcing the availability of a use of parcel provided such sign may not exceed eight (8) square feet and an overall height of six (6) feet. • Real Estate Development. One (1) nonilluminated freestanding real estate development provided such sign may not exceed 32 square feet and is removed within six (6) months of installation.
TRAFFIC CONTROL		Traffic control signs and devices as permitted by the Local Traffic Authority.

POLITICAL		Political campaign signs or signs concerning a matter of public interest or controversy including any poster, writing, notice, insignia, and any other device, to announce the candidacy of any person or persons seeking public office or offices or to state a position or opinion on a matter of public interest or controversy may be erected in any zone. Such signs shall be displayed only in areas in which their display is not prohibited by State or local law or regulation. No permit is required.
TEMPORARY NON-PROFIT EVENT		Temporary off premises signs for events may be erected listing the name of the organization, the time and place of the meeting or event and any other pertinent information, provided there are not more than a total of seven (7) in number, with a minimum separating distance of 4,000 linear feet between each sign, and shall be located on a State Highway, and each sign shall not exceed 32 square feet in area and shall not be erected more than 60 days prior to the meeting or event and shall be removed within seven (7) days of the meeting or event. No permit shall be required.
PRIVATE PROPERTY		No trespassing signs or signs indicating the private nature of a driveway or premises, provided that the size of any such sign shall not exceed two (2) square feet in total area.

5.3.F Signs Allowed in Residential Districts (Section 3)

SIGN TYPE	BUILDING-MOUNTED	FREE-STANDING
Wall Sign	X	N/A
Awning	X	N/A
Projecting	X	N/A
Hanging	X	N/A
Directory	X	X
Incidental	P	P
Home Office/Studio	X	X
Home-Based Business (Major or Minor)	NP	NP
Property Identification	NP	NP
Single Establishment	N/A	X
Community Shopping Center	N/A	X
Monument	N/A	X
Menu Board	N/A	X
Neighborhood Identification	X	P

X=Not permitted or authorized

NP=No permit is required

P=Permitted – see specific sign standards

N/A=Not Applicable

5.3.G Signs Allowed in Business Districts (Section 4)

The following signs are permitted in any business district:

SIGN TYPE	BUILDING-MOUNTED	FREE-STANDING
Wall Sign	P	P
Awning	P	P

Projecting	P	P
Hanging	P	P
Directory	P	P
Incidental	P	P
Home-Based Business	P	P
Property Identification	NP	P
Single Establishment	P	P
Community Shopping Center	P	P
Monument	P	P
Menu Board	P	P
Neighborhood Identification	NP	P

X=Not permitted or authorized

NP=No permit is required

P=Permitted – see specific sign standards

N/A=Not Applicable

1. Temporary Signs. For commercial purposes. Only one (1) temporary "grand opening" sign or other special event. A Use Permit is required, and shall be issued by the Zoning Enforcement Officer for the purpose of a grand opening. The Temporary Sign is authorized to be installed up to 14 days before the event, and must be removed within one (1) day after the event.

5.3.H Sign Standards.

WALL SIGN BUILDING-MOUNTED		
EXAMPLES		

GUIDELINES	Wall signs include most types of signage that are attached to the face of a building wall. These include channel letters made out of wood, metal or plastic. • Wall signs may be painted on a wall, or on a board that is attached to a wall. • Wall signs should be oriented to achieve balanced composition and harmony with other architectural elements of a building façade. • Wall signs should be placed on a flat building surface and should not be placed over or otherwise obscure architectural building features. • Signs affixed and parallel to the façade of a building pertaining to a permitted use or business, providing no sign on any building shall extend above the top of the main exterior wall.	
STANDARDS	**PERMIT TYPE**	• Replacement – Zoning Signoff • New in the Business Zones – Site Plan Approval • New in the Residence Zones – Not Authorized in any Residence Zone
	LOCATION RESTRICTIONS	• All wall mounted signs shall be affixed parallel to the wall to which they are attached and shall not project more than 12 inches therefrom.
	MAXIMUM NUMBER	• Limited by building size
	MAXIMUM AREA	• Signs on a given wall surface shall not exceed three (3) square feet of sign area for every linear foot of the same wall of that section of the building.
	MAXIMUM AREA PER SIGN	• No one (1) sign shall exceed 200 square feet.
	MAXIMUM HEIGHT	• Building wall signs shall not project above the parapet or roof line.
	ILLUMINATION	• N/A

INCIDENTAL BUILDING-MOUNTED		
EXAMPLES		
GUIDELINES	Incidental signs including credit-card symbol signs and similar messages that are typically posted at the entrance of a business.	
STANDARDS	**PERMIT TYPE**	• Replacement – Zoning Signoff • New in the Business Zones – Site Plan Approval • New in the Residence Zones – Not Authorized in any Residence Zone
	LOCATION RESTRICTIONS	• All wall mounted signs shall be affixed parallel to the wall to which they are attached and shall not project more than 12 inches therefrom.
	MAXIMUM NUMBER	• N/A
	MAXIMUM AREA	• Signs displayed from the inside of the window shall not exceed 15 percent of the window area of each window.
	MAXIMUM HEIGHT	• Building wall signs shall not project above the parapet or roof line.
	ILLUMINATION	• N/A

AWNING BUILDING-MOUNTED

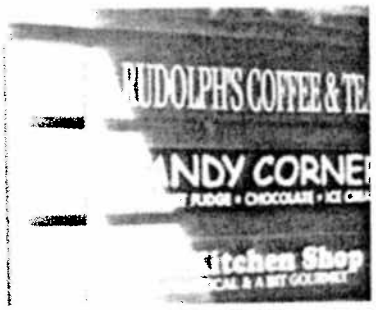
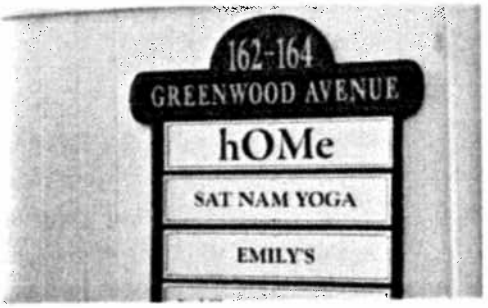
EXAMPLES		
GUIDELINES	Awning signs include most types of signage that are attached to an awning mounted on a building. • Signs on awnings should be minimized and are only appropriate if there are no good alternatives for wall signs, projecting signs or hanging signs.	
STANDARDS	**PERMIT TYPE**	• Replacement – Zoning Signoff • New in the Business Zones – Site Plan Approval • New in the Residence Zones – Not Authorized in any Residence Zone
	LOCATION RESTRICTIONS	• Signs may be located on awnings subject to size criteria. Awnings must maintain a minimum clearance of 8 feet above any public right-of-way or private sidewalk area.
	MAXIMUM NUMBER	• One (1) awning sign per tenant space.
	MAXIMUM AREA PER SIGN	• Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller.
	MAXIMUM HEIGHT	• 20 feet • 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.
	ILLUMINATION	• N/A

PROJECTING BUILDING-MOUNTED

EXAMPLES		
GUIDELINES	Projecting signs are attached to a building face and project out perpendicular to the building wall. • Projecting signs are very effective when oriented to pedestrians on the sidewalk level. • Appropriate materials include wood and metal with carved or applied lettering, or any other material that is architecturally compatible with the building that the sign is attached to. • Multiple projecting signs should not be installed within 10 feet from projecting signs on the same building or on adjacent buildings or properties to ensure proper visibility	
STANDARDS	**PERMIT TYPE**	• Replacement – Zoning Signoff • New in the Business Zones – Site Plan Approval • New in the Residence Zones – Not Authorized in any Residence Zone
	LOCATION RESTRICTIONS	• Projecting signs must be attached to building façades that have a public entrance • A minimum clearance of eight (8) feet above the public right-of way or private sidewalk area must be maintained. • May not project more than four (4) feet from the building that it is mounted on. • No sign shall be located within or hung over the right-of-way of any street, except as authorized by the Town Council.
	MAXIMUM NUMBER	• One (1) projecting sign is allowed per tenant space.
	MAXIMUM AREA PER SIGN	• 6 square feet in the DC. • 12 square feet in other business zones.
	MAXIMUM HEIGHT	• 20 feet • 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.
	ILLUMINATION	• N/A
HANGING BUILDING-MOUNTED		

EXAMPLES		
GUIDELINES	Hanging signs, or suspended signs, are used to help define entries and identify business names to pedestrians. • Typically hanging signs small and can hang over a building entry if the appropriate clearance is provided. • Hanging signs can be particularly useful for storefronts that have multiple tenants.	
STANDARDS	**PERMIT TYPE**	• Replacement – Zoning Signoff • New in the Business Zones – Site Plan Approval • New in the Residence Zones – Not Authorized in any Residence Zone
	LOCATION RESTRICTIONS	• Hanging or suspended signs must be attached to building façades that have a public entrance and must maintain a minimum clearance of 8 feet above any public right-of-way or private sidewalk area.
	MAXIMUM NUMBER	• One (1) hanging or suspended sign is allowed per tenant space.
	MAXIMUM AREA PER SIGN	• 8 square feet.
	MAXIMUM HEIGHT	• N/A
	ILLUMINATION	• N/A

DIRECTORY BUILDING-MOUNTED

EXAMPLES			
GUIDELINES	Directory signs are used for multi-tenant buildings to provide a directory of tenant locations within the building. They may also serve as the address sign for the property. • Directory signs are small scale and are oriented to pedestrians.		
STANDARDS	**PERMIT TYPE**	• Replacement – Zoning Signoff • New in the Business Zones – Site Plan Approval • New in the Residence Zones – Not Authorized in any Residence Zone	
	LOCATION RESTRICTIONS	• On a wall by the building entrance.	
	MAXIMUM NUMBER	• One (1) directory sign may be permitted per building entrance.	
	MAXIMUM AREA PER SIGN	• 12 square feet (individual letters may not exceed 6 inches in height).	
	MAXIMUM HEIGHT	• 5 feet.	
	ILLUMINATION	• N/A	

Internal Directional Signs. Internal directional signs shall be permitted provided they meet the following criteria:

1. are not be legible from a public right-of-way.
2. are not internally illuminated.
3. do not exceed 18 square feet in sign area. The Commission may allow an internal use sign to exceed 18 square feet through the Special Permit Application Process in Section 8.7.
4. a multi-tenant signage program for internal use signs is required when internal use signs exceed 18 square feet on a multi-tenant site.

WINDOW BUILDING-MOUNTED

EXAMPLES		
GUIDELINES	A window sign is a sign that is painted on or attached to a window and located within 12-inches of the face of a window. • Window signs do not include business hours of operation or open/closed signs. • Window displays, including merchandise displays, graphics and text, that are located more than 12 inches from the face of a window are not considered signs. • Window signs should be scaled to the pedestrian and oriented to window shoppers on the sidewalk, as opposed to vehicles passing by. • Window signs should be limited to small graphics and text that serve to frame a window or to provide information. • A window sign should not obscure the view into a store or place of business.	
STANDARDS	**PERMIT TYPE**	• Replacement – Zoning Signoff • New in the Business Zones – Site Plan Approval • New in the Residence Zones – Not Authorized in any Residence Zone
	LOCATION RESTRICTIONS	• There is no specific location requirement.
	MAXIMUM NUMBER	• There is no limit to the number of window signs allowed.
	MAXIMUM AREA PER SIGN	• There is no limit on the maximum area of a window sign
	MAXIMUM HEIGHT	• 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.
	ILLUMINATION	• N/A

HOME-BASED BUSINESS WALL-MOUNTED

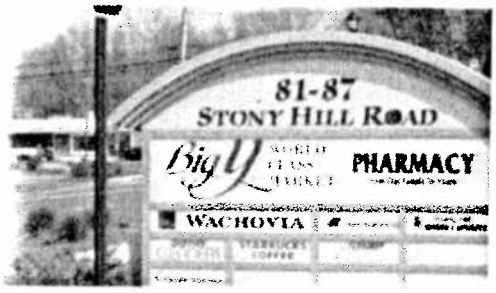
EXAMPLES		
GUIDELINES	The purpose of home-based business signs is to identify the name of a home-based business and/or the occupation of a person conducting a home-based business. • The colors and materials used for the sign must be compatible with the associated building design. • Lettering should be carved, routed or applied as opposed to painted on a flat board.	
STANDARDS	**PERMIT TYPE**	• Replacement – Zoning Signoff • New in the Business Zones – Zoning Permit • New in the Residence Zones – Zoning Permit
	LOCATION RESTRICTIONS	• Must be attached to a building.
	MAXIMUM NUMBER	• There is no limit to the number of window signs allowed.
	MAXIMUM AREA PER SIGN	• There is no limit on the maximum area of a window sign
	MAXIMUM HEIGHT	• 8 feet. • 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.
	ILLUMINATION	• No illumination is allowed

SINGLE ESTABLISHMENT FREE-STANDING – CLASS 1

EXAMPLES		
GUIDELINES	Free-standing single-establishment signs are primarily intended to communicate with people in automobiles. The sign structure is typically supported by two poles, but other types of supports may be used.	
STANDARDS	**PERMIT TYPE**	• Replacement – Zoning Signoff • New in the Business Zones – Site Plan Approval • Additional Free Standing Sign when Frontage Exceeds 500 feet– Special Permit • New in the Residence Zones – Not Authorized in any Residence Zone
	LOCATION RESTRICTIONS	• May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way. • on any lot in other than DC, one (1) sign may extend to within 10 feet of any street line provided that the sign does not exceed an area of 40 square feet and more than eight (8) feet in any dimension. • No sign shall be located within or hung over the right-of-way of any street, except as authorized by the Town Council.
	MAXIMUM NUMBER	• One (1) sign is permitted per lot, per street frontage. • One (1) additional free-standing sign may be permitted by Special Permit if the subject property's frontage is in excess of 500 feet. • No more than two (2) Class 1 free-standing signs on any single lot.
	MAXIMUM AREA PER SIGN	• 40 square feet per side and 80 square feet if two (2) sided. • Where the parcel of land on which the hotel is situated is located 200 feet or less from an interstate highway line, then one additional sign shall be permitted, which sign shall not exceed 40 feet in height and shall not exceed 175 square feet in area.
	MAXIMUM HEIGHT	• 21 feet
	ILLUMINATION	• N/A
	OTHER	• A permanent freestanding sign shall be appropriately landscaped at its base. Said landscaping shall be approved by the Commission as appropriate per the nature of the application.

<table>
<tr><th colspan="4">COMMUNITY SHOPPING CENTER FREE-STANDING – CLASS 1</th></tr>
<tr><td>EXAMPLES</td><td colspan="3">
</td></tr>
<tr><td>GUIDELINES</td><td colspan="3">Shopping center identification signs are free-standing signs that identify two or more establishments within a commercial development and should be compatible with the design theme of the development.
• They may identify multiple tenants, but larger shopping centers with more than five (5) tenants should avoid listing individual tenants, other than the project anchors, to avoid sign clutter.
• The sign structure should contain elements of the design theme of the buildings in the center.</td></tr>
<tr><td rowspan="4">STANDARDS</td><td>PERMIT TYPE</td><td colspan="2">• Replacement – Zoning Signoff
• New in the Business Zones – Site Plan Approval
• New in the Residence Zones – Not Authorized in any Residence Zone</td></tr>
<tr><td>LOCATION RESTRICTIONS</td><td colspan="2">• May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way.
• A freestanding sign shall not be closer than ten (10) feet to a street right-of-way line.</td></tr>
<tr><td>MAXIMUM NUMBER</td><td colspan="2">• One (1) community shopping center sign is permitted per lot, per street frontage.
• No more than two (2) Class 1 free-standing signs on any single lot.</td></tr>
<tr><td>MAXIMUM AREA PER SIGN</td><td colspan="2">SIZE OF BUILDING</td></tr>
<tr><td>UP TO 25,000 SF</td><td>25,000 – 75,000 SF</td><td>MORE THAN 75,000 SF</td></tr>
<tr><td>32 square feet
64 square feet if two (2) sided</td><td>50 square feet
100 square feet if two (2) sided</td><td>100 square feet
200 square feet if two (2) sided</td></tr>
</table>

	MAXIMUM HEIGHT	• 21 feet
	ILLUMINATION	• N/A
	OTHER	• A permanent freestanding sign shall be appropriately landscaped at its base. Said landscaping shall be approved by the Commission as appropriate per the nature of the application.

MONUMENT FREE-STANDING – CLASS 1		
EXAMPLES		
GUIDELINES	Monument signs are typically used where building setbacks, orientation or design make it difficult to provide other types of signage, such as wall signs, that are plainly visible to people that are trying to identify a use. • Monument signs have a solid base that the sign face is installed upon. • These signs should be designed so that the style of the sign and its base are consistent with the architecture of the buildings on the site. • They are typically oriented perpendicular to the adjacent street and sidewalk and have a maximum of two parallel sign faces. • Monument signs provide opportunities for landscaping to enhance their appearance.	
STANDARDS	**PERMIT TYPE**	• Replacement – Zoning Signoff • New in the Business Zones – Site Plan Approval • New in the Residence Zones – Not Authorized in any Residence Zone
	LOCATION RESTRICTIONS	• May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way. • A freestanding sign shall not be closer than ten (10) feet to a street right-of-way line.
	MAXIMUM NUMBER	• One (1) sign is permitted per lot, per street frontage. • No more than two (2) Class 1 free-standing signs on any single lot.

	MAXIMUM AREA PER SIGN	• 24 square feet
	MAXIMUM HEIGHT	• 6 feet
	ILLUMINATION	• N/A
	OTHER	• A permanent freestanding sign shall be appropriately landscaped at its base. Said landscaping shall be approved by the Commission as appropriate per the nature of the application.

DIRECTORY FREE-STANDING – CLASS 1

EXAMPLES

GUIDELINES

Directory signs are used for multi-tenant buildings to provide a directory of tenant locations within the building. They may also serve as the address sign for the property.

• Directory signs are small scale and are oriented to pedestrians.

• Note: the directory sign is in addition to the freestanding signs

STANDARDS

PERMIT TYPE	• Replacement – Zoning Signoff • New in the Business Zones – Site Plan Approval • New in the Residence Zones – Not Authorized in any Residence Zone		
LOCATION RESTRICTIONS	• May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way. • A freestanding sign shall not be closer than ten (10) feet to a street right-of-way line.		
MAXIMUM NUMBER	• One (1) detached directory sign may be permitted per lot. • No more than two (2) Class 1 free-standing signs on any single lot.		
MAXIMUM AREA	**TYPE OF SIGN**		
	SHOPPING CENTER NAME	**MAJOR TENANTS (DETERMINED BY LANDLORD)**	**NON-MAJOR TENANTS**
	50 square feet	15 square feet	6 square feet

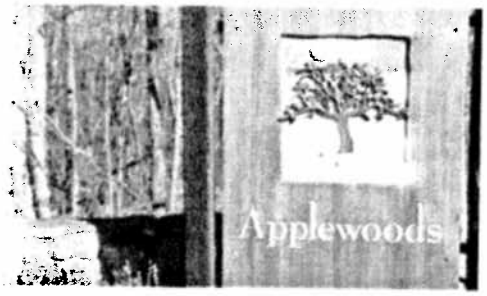
	MAXIMUM AREA PER SIGN	• Total sign area cannot exceed 200 square feet
	MAXIMUM HEIGHT	• 10 feet
	ILLUMINATION	• N/A
	OTHER	• A permanent freestanding sign shall be appropriately landscaped at its base. Said landscaping shall be approved by the Commission as appropriate per the nature of the application.

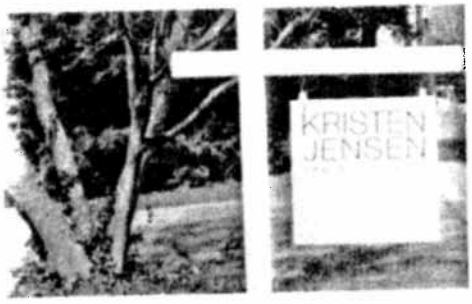
MENU BOARD FREE-STANDING – CLASS 2		
EXAMPLES		
GUIDELINES	Menu board signs are used drive-in businesses to provide a directory of items sold at that establishment. • Menu board signs are small scale and are oriented to motorists in stationary vehicles within close proximity to the sign.	
STANDARDS	**PERMIT TYPE**	• Replacement – Zoning Signoff • New in the Business Zones – Site Plan Approval • New in the Residence Zones – Not Authorized in any Residence Zone
	LOCATION RESTRICTIONS	• May not be located in required setback. • Must not impact the line of sight of people in cars to pedestrians or other vehicles in drives, driveways or street rights-of-way.
	MAXIMUM NUMBER	• One (1) primary and one (1) secondary per drive-in order station
	MAXIMUM AREA PER SIGN	• Primary – 36 square feet • Secondary – 15 square feet

	MAXIMUM HEIGHT	• 6 feet
	ILLUMINATION	• Permitted.

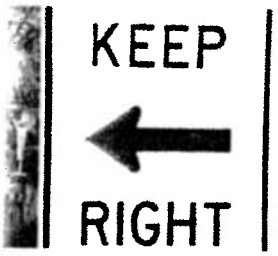
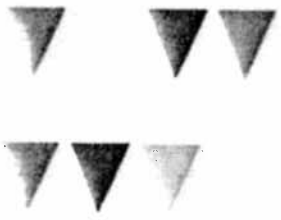
INCIDENTAL FREE-STANDING – CLASS 2		
EXAMPLES		
GUIDELINES	• Incidental signs, on private property, directing and guiding traffic, identifying a parking or loading area. • Do not include a commercial message • Are not to be legible from a public right-of-way.	
STANDARDS	**PERMIT TYPE**	• Replacement – Zoning Signoff • New in the Business Zones – Site Plan Approval • A multi-tenant signage program for internal use signs is required when internal use signs exceed 18 square feet on a multi-tenant site. • Incidental sign larger than 18 square feet – Special Permit • New in the Residence Zones – Not Authorized in any Residence Zone
	LOCATION RESTRICTIONS	• Limited to locations where the sign will not be legible from a public right-of-way.
	MAXIMUM NUMBER	• No Limit
	MAXIMUM AREA PER SIGN	• 18 square feet in sign area. The Commission may allow an internal use sign to exceed 18 square feet through the Special Permit Application Process in Section 8.7 S

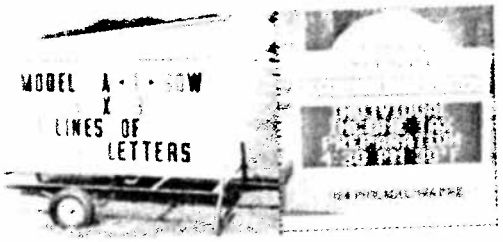
	MAXIMUM HEIGHT	• 8 feet
	ILLUMINATION	• Internal illumination is allowed.

NEIGHBORHOOD IDENTIFICATION FREE-STANDING – CLASS 2		
EXAMPLES		
GUIDELINES	The purpose of residential development signs is to identify the name of a development, provided the development is not an in-fill project within an established neighborhood. • They are usually monument signs or wall signs placed on a wall feature in a landscaped open space area at the entry of the development.	
STANDARDS	**PERMIT TYPE**	• Replacement – Zoning Signoff • New in the Business Zones – Site Plan Approval • New in the Residence Zones – Site Plan Approval
	LOCATION RESTRICTIONS	• At each major street frontage of a residential development within a landscaped area that is maintained by a homeowner's association. • Sign locations must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way.
	MAXIMUM NUMBER	• One (1) sign is at each major street frontage of a residential development.
	MAXIMUM AREA PER SIGN	• 32 square feet.
	MAXIMUM HEIGHT	• 6 feet
	ILLUMINATION	• Permitted.

HOME-BASED BUSINESS FREE-STANDING – CLASS 2		
EXAMPLES		
GUIDELINES	The purpose of home-based business signs is to identify the name of a home-based business and/or the occupation of a person conducting a home-based business. • They are typically supported by a single post, may be two-sided and they are usually oriented perpendicular to the sidewalk instead of parallel. • The colors and materials used for the sign must be compatible with the associated building design. • Lettering should be carved, routed or applied as opposed to painted on a flat board.	
STANDARDS	**PERMIT TYPE**	• Replacement – Zoning Signoff • New in the Business Zones – Zoning Signoff • New in the Residence Zones – Zoning Signoff
	LOCATION RESTRICTIONS	• May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way.
	MAXIMUM NUMBER	• One (1) sign may be permitted per premises.
	MAXIMUM AREA PER SIGN	• 2 square feet per side.
	MAXIMUM HEIGHT	• 8 feet
	ILLUMINATION	• No illumination is allowed.

5.3.I Prohibited Signs.

SIGN TYPE	EXAMPLES	DESCRIPTION
PORTABLE		Sandwich/;A-frame signs and mobile readerboard signs
UNAUTHORIZED TRAFFIC CONTROL		Signs that may be confused with traffic control signs or signals because of their color or size, location, movement, content, coloring, or manner of illumination;
INFLATABLES		Posters, strings of lights, blinking lights, balloons, search lights, and other displays of a carnival nature, except for signs of an architectural nature, or for a limited duration, such as seasonal decorations or grand opening displays
BANNERS		
PENNANT FLAGS		Other than the flags of a nation, state, or town, no larger than eight (8) square feet nor mounted higher than 20 feet.

VARIABLE MESSAGE		Commercial variable message Signs Electronic commercial variable message center signs, where the message changes more frequently than every three (3) minutes.
ROOF MOUNTED SIGNS		
OFF-PREMISES		Signs which advertise a business not located on the premises for which the sign is located.
		NOTE: Signs installed as part of a government-run wayfinding signage program are exempt from these requirements.

5.3.J Multi-Tenant Signage Program.

1. Multiple tenant commercial and industrial buildings shall submit a signage program to the Planning and Zoning Commission for approval before permits for new signs are issued at the property.
2. Program Scope. Such signage program shall address size, materials, placement, illumination, and other information as may be required for the Commission to evaluate all attached and detached signs which may be installed on a given site.
3. Approved Multi-Tenant Program. Such approved signage program shall guide the owner, tenants, Commission, and Zoning Enforcement Officer in the application for and issuance of any permits required by these Regulations.
4. Existing Sites. A Multi-Tenant Sign Program is required when a new Site Plan Approval or

Special Permit is sought for any existing lot or development.

5.4 STORMWATER RUNOFF CONTROL

5.4.A Stormwater Runoff Control Plans.

1. Site plans shall be accompanied by plans, prepared by a registered Professional Engineer licensed in the State of Connecticut, providing measures for detention and controlled release of stormwater runoff when, at least one (1) of the following is met:
   - **(1)** Proposed Commercial or Industrial Developments;
   - **(2)** Proposed residential developments of (3) acres or more (excluding single-family, duplex or triplex residential construction, as part of a previously approved building lot);
   - **(3)** The proposed impervious area is 50 percent or greater.
   - **(4)** Any other developments may be required to provide such measures if deemed necessary to protect the public health, safety and welfare, by the Commission
2. When required, measures for the detention and controlled release of stormwater runoff shall meet the following standards:
   - **(1)** Infiltration. Maximum infiltration to the ground water is encouraged. Design of the stormwater management system shall consider reducing runoff by use of such techniques as minimizing impervious areas and maximizing travel times by using grass or rock-lined channels in lieu of storm sewers, and the use of rain gardens for roof surface drainage.
   - **(2)** Release rate shall not exceed the rate of runoff for the same site in its undeveloped state for all intensities and durations of rainfall. This may be accomplished through the use of, but not limited to, the following design elements:
     - **a)** detention basins,
     - **b)** retention ponds,
     - **c)** roof or parking lot storage or
     - **d)** other acceptable means.
3. Required volume for stormwater detention shall be calculated on the basis of runoff from a 2-year, 10-year, 25-year, 50-year and 100-year frequency rainfall, as published by the National Weather Service, the Connecticut Stormwater Management Manual, or other recognized agency. The detention volume required shall be that necessary to handle the runoff of a 25-year frequency rain- fall, for any and all durations, from the proposed development less that volume discharged during the same duration at the approved release rate as specified above.
4. In all cases, runoff shall be computed in accordance with Technical Release #55, Engineering Division, Soil Conservation Service, USDA, January, 1975, as amended. The Commission may allow alternate peak runoff modeling techniques.
5. All required basins, which are proposed to be maintained by the Town, are to be designed and built in accordance with the policy of the Cromwell Town Council and at the direction of the Town Engineer.

5.4.B Shared Stormwater Management Facilities.

When the Commission determines that engineering, aesthetics, and economic factors make combined retention or other drainage facilities more practical, the Commission may permit several developers to construct joint facilities, provided that a perpetual maintenance agreement is reviewed and approved by the Town Attorney and filed on the land records for each property involved. The Commission will require bonding and may require the creation of a maintenance fund for combined retention areas.

5.4.C Maintenance.

1. All on-site facilities shall be properly maintained by the owner of such, so that they do not become nuisances. The owner shall submit a yearly record to the Commission of all maintenance activities in compliance with the maintenance plan.
2. All stormwater control structures located on private property, whether dedicated to the Town or not, shall be accessible at all times for Town inspection. Where runoff control structures are to be accepted by the Town for maintenance, access easements shall be provided, and subject to the review and approval of the Town Attorney.
3. All projects shall have a Stormwater Management/Best Management Practice (BMP) Maintenance Agreement with the Town of Cromwell, subject to the review and approval of the Town Attorney. This agreement shall be recorded in the Land Records of the Town of Cromwell.

5.4.D Other Permit Requirements.

Permits for Stormwater Management Systems may also be required from the Town of Cromwell Inland Wetlands and Watercourses Agency where such systems may have an impact on inland-wetlands and watercourses, and from the Connecticut Department of Energy and Environmental Protection, where a dam is to be constructed or water diverted, see Connecticut General Statues Section 22a-365 et seq. and Section 22R-409.

5.5 EROSION AND SEDIMENT CONTROL

5.5.A Purpose.

This Section is intended to provide standards for earth-disturbing activities in order to minimize accelerated erosion and sedimentation and to avoid unnecessary damage to land features, bodies of water and public works, both on-site and offsite.

5.5.B Overall Requirements.

1. Any earth-disturbing activity, including grading and grubbing, shall consider the potential problem of accelerated erosion and sedimentation and shall address such potential problem in accordance with the standards outlined in a publication prepared and distributed by the Connecticut Department of Environmental Protection (DEEP) entitled "Guidelines for Soil Erosion and Sediment Control (2002)," as may be amended from time to time, available for inspection at the Planning and Zoning Department.
2. Any development activity which will result in a cumulative disturbed area of more than one-half (½) acre, or in other cases as determined by Planning and Zoning Department according to topographical conditions of the property, shall prepare and submit a soil erosion and sediment control plan.

5.5.C Plan Requirements.

1. When required, a soil erosion and sediment control plan shall consist of a map, a narrative, and such other materials as may be necessary to fully describe the techniques which will be utilized to minimize soil erosion and sedimentation resulting from development and earth-disturbing activities.
2. Such soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sediment and reduce the danger from storm water runoff on the proposed site based on the best available technology and the guidelines specified in the "Guidelines for Soil Erosion and Sediment Control (2002)," as amended.
3. Alternative design criteria, principles, methods and practices, such as Low Impact Design, may be used with the approval of the Commission or its designated agent.

5.5.D Plan Review and Approval.

1. Any soil erosion and sediment control plan submitted pursuant to this Section may be reviewed by a technical expert retained by the Commission at the expense of the applicant.
2. The Commission or its designated agent may refer the plan to any other local, State or Federal agency for their findings and recommendations.
3. Nothing in this Section shall be construed as extending the time limits for actions on any application under Chapter 124 or 126 of the Connecticut General Statutes.
4. Prior to the issuance of a Zoning Signoff, the applicant shall post a performance guarantee in accordance with Section 9.3.C.1 At a minimum the performance guarantee shall cover the costs of installation and maintenance of all erosion and sediment control elements. The performance guarantee shall be paid in cash.

5.5.E Implementation.

1. It shall be the responsibility of the developer to:
   (1) Implement the approved plan or any revision thereto,
   (2) Install the erosion and sediment control measures and facilities as scheduled and as shown on the approved plan, prior to the commencement of any site development activity except as may be required to implement the plan; and
   (3) Maintain the plan measures and facilities in effective condition to ensure compliance with the approved plan.
2. The Zoning Enforcement Officer may require the permittee to:
   (1) verify through progress reports and "as-built" surveys that soil erosion and sediment control measures and facilities have been performed or installed according to the approved plan and are being operated and properly maintained, or
   (2) retain an inspector who is a Certified Professional in Erosion and Sediment Control (CPESC) or other qualified professional to inspect the development activity and to file periodic reports.
3. The Zoning Enforcement Officer is hereby authorized to withhold the issuance of Zoning Signoffs or the issuance of zoning certificates of compliance unless, in its judgment, accelerated erosion and sedimentation control measures have been complied with.

4. Inspections shall be made by the Zoning Enforcement Officer during development to ensure compliance with the approved plan and that control measures and facilities are properly performed or installed and maintained.

5.6 OUTDOOR LIGHTING

5.6.A Purpose.

These Regulations are intended to provide standards with regard to exterior lighting in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to raise public awareness of energy conservation, to discourage the installation of lighting fixtures that emit objectionable illumination, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare.

5.6.B Applicability.

The standards herein shall apply to all exterior lighting where Site Plan Application or Special Permit Is required, except for single-family dwellings. The Town Planner may refer any Site Plan to the Commission for a determination of acceptable lighting fixtures.

5.6.C Standards.

1. All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:
   (1) prevent direct glare or light trespass,
   (2) employ soft, transitional light levels which are consistent from area to area,
   (3) minimize contrast between light sources, lit areas and dark surroundings, and
   (4) be confined within the target area.
2. For commercial uses, for multi-family developments, for institutional uses or other non-residential uses in residential districts:
   (1) no externally-mounted, direct light source directed towards the lot line shall be visible at the lot line at ground level or above, and
   (2) lighting fixtures for all vehicular areas and pedestrian areas shall be full cut-off type fixtures or IESNA cut-off fixtures as approved by the Commission, or shall be fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
3. Lighting fixtures for building security or aesthetics and any display purposes shall, unless otherwise approved by the Commission or these regulations, be:
   (1) top downward (not upward or sideways), and
   (2) full cut off, or IESNA cut-off fixtures as approved by the Commission, or fully shielded/recessed. Any application for use of IESNA fixtures shall include "cut-sheets" with specifications and details of the proposed fixture and pole.
4. Where outdoor playing fields or other special outdoor activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that:
   (1) their beams fall within the primary playing area and immediate surroundings, and
   (2) no light trespass is directed off the site.

5. Lighting designed to highlight flagpoles shall be targeted directly at the flag.

6. All non-essential lighting (such as display, aesthetic, parking and sign lighting) shall be configured for "photocell on - time clock off" operation.

7. Where necessary, lighting for site security may be configured for motion or infrared sensor operation.

8. The height of luminaires, except streetlights in public right-of-ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of:

   (1) 14 feet from the ground to the highest point of the fixture or pole in the DC.

   (2) 14 feet in height from the ground to the highest point of the fixture or pole in any other district unless specifically authorized by the Commission by granting of a Special Permit and in no instance shall any pole or fixture exceed 24 feet in height from the ground to the highest point of the fixture or pole.

9. Any application for use of fixtures in excess of 14 feet in height shall:

   (1) include plans and details prepared by a professional lighting designer or electrical engineer,

   (2) show that the proposed number, height, and placement of fixtures will provide sufficient illumination for both pedestrian and vehicular use with sensitivity to the surrounding area and the proximity of residential and other uses that may be affected,

   (3) demonstrate that the proposed plan will result in fewer light poles and fixtures, less visual impact on surrounding properties, reduced electrical consumption, reduced overall glare, and lower light intensity, and

   (4) show that the scale of the proposed fixtures and poles is appropriate in relation to the elevation of the site and surrounding properties and the buildings and natural features on the site.

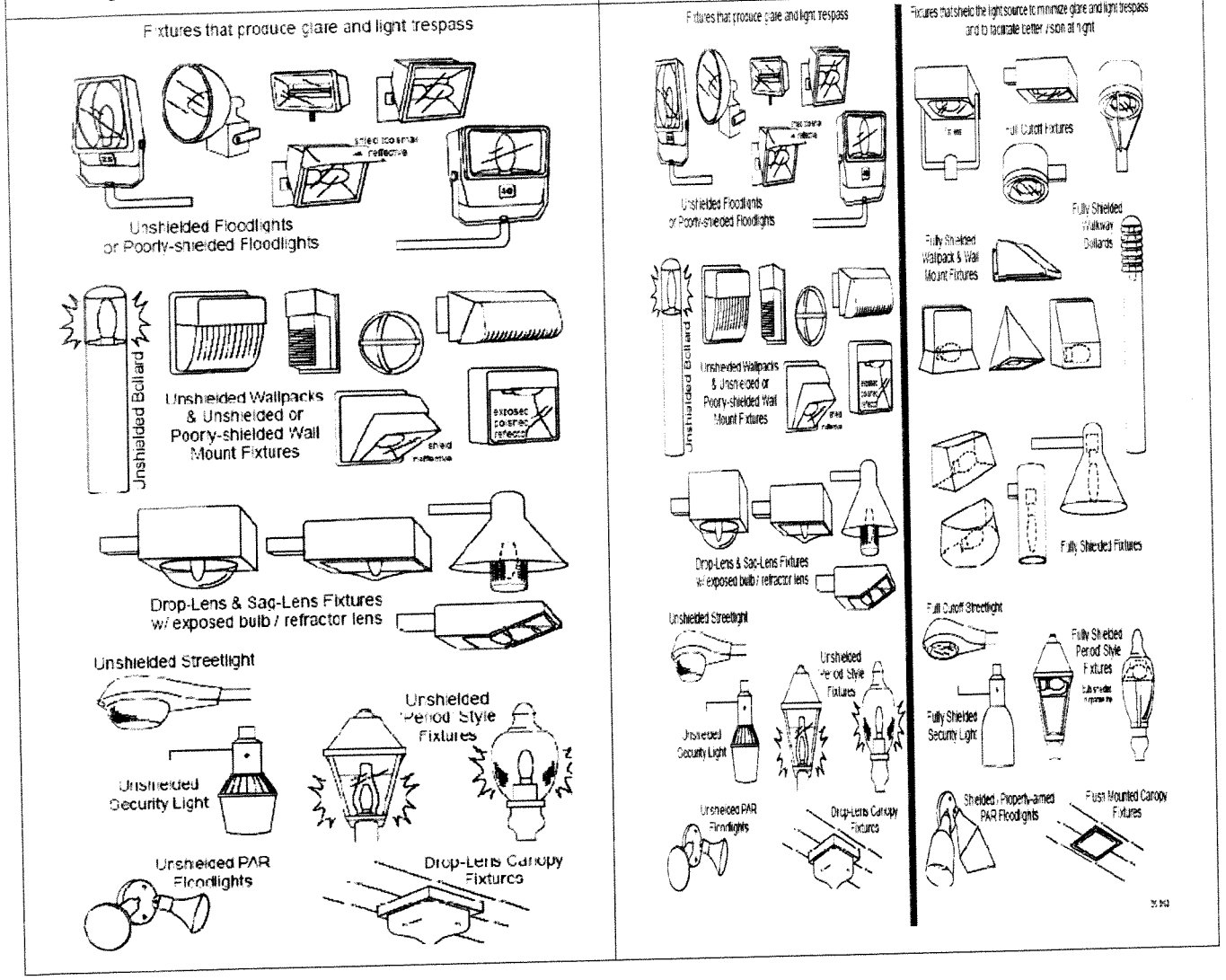
10. The "maintained horizontal illuminance recommendations" set by the Illuminating Engineering Society of North America (IESNA) shall be observed unless modified by the Commission.

11. High pressure sodium light sources are prohibited.

12. In any case, the Commission shall determine whether the type and style of proposed lighting fixtures and illumination meets the standards, purpose and intent of these regulations.

LIGHT FIXTURES

Fixtures Which Might Produce Glare or Light Trespass	Fixtures Which Might Not Produce Glare or Light Trespass



5.6.D Exemptions and Modifications.

The following types of lighting are exempt from these Regulations:

1. Traditional seasonal lighting;
2. Temporary lighting associated with a fair, carnival or similar function authorized by the Town of Cromwell;
3. Temporary light used by the Police Department, Fire Department or Emergency Services.
4. The Commission may, by Special Permit, allow lighting that does not comply with the specific standards listed in this Section provided the Commission determines that such proposed lighting is consistent with the intent and purpose of these Regulations.

5.7 CORNER LOTS

The following regulations pertain to lots with frontage on more than one (1) street:

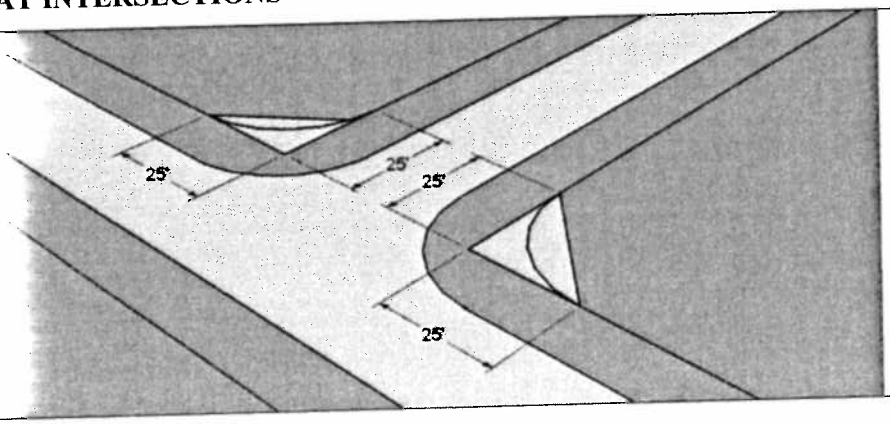
1. A corner lot shall maintain front yard setback requirements for the street on which the main building faces.
2. A side yard setback of a minimum of 65 percent of the setback line for the side street shall be maintained.
3. All accessory buildings shall maintain front yard setback requirements for each street frontage.
4. See Visibility at Intersection and Driveway Obstructions (Section 5.8).

5.8 VISIBILITY AT INTERSECTIONS AND DRIVEWAY OBSTRUCTIONS

5.8.A Intersections.

1. On a corner lot in any district, no planting, snow, structure, fence, walls or obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines, each of which points is 25 feet distant from the point of intersection.
2. Any obstruction to vision which in the opinion of the Cromwell Traffic Authority is a traffic hazard shall be removed as a violation of these regulations.

VISIBILITY AT INTERSECTIONS



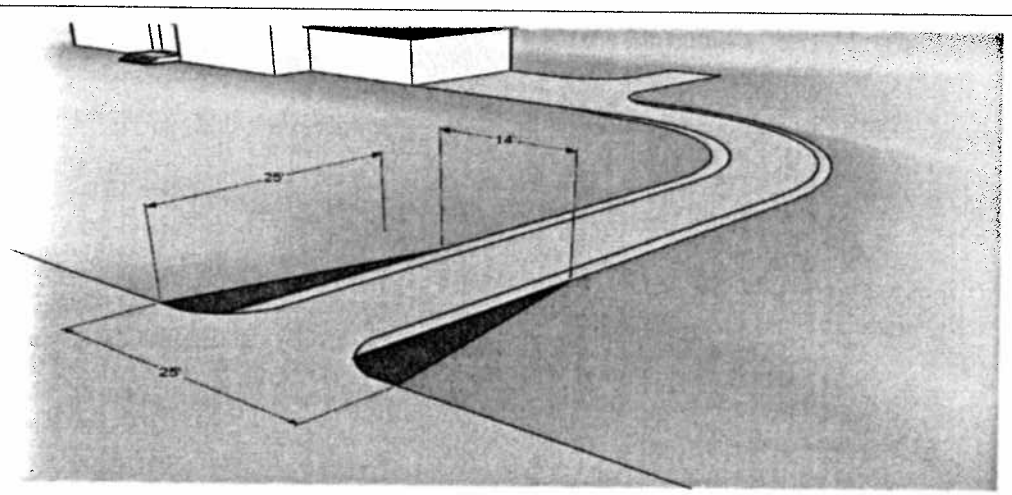
5.8.B Driveways.

In order to provide adequate room for emergency vehicles to turn into driveways and access all buildings and parcels within the Town of Cromwell, all new driveways (including alleys, private roads, and other accessways) shall provide the following minimum clearances for emergency vehicles, regardless of the paved width of the driveways:

1. No building, fence, wall, lamp post, telephone pole, mailbox, or other structure, nor any trees, boulders, or other obstructions shall be erected, placed or installed alongside any driveway so as to reduce the access to less than 14 feet wide at any point.

2. No building, fence, trees, boulders, or other obstructions shall be erected, placed or installed within the triangular areas on either side of the driveway at its intersection with the travel portion of the road, formed by connecting the outer points of a line measured 25 feet on the road (centered on the driveway), and a parallel line 14 feet wide (centered on the driveway) at a distance of 25 feet from the travel portion of the road.
3. Where there are automatic gates at driveways, an emergency means of opening the gates shall be provided to the Fire Department, Police Department, and other emergency service agencies.
4. If all buildings on the parcel are within 50 feet from the traveled portion of the road and can be easily accessed from the road, the Commission may exempt the parcel from the requirements of this Section by Site Plan Approval/Special Permit.
5. Road identification signs installed by the Town of Cromwell are exempt from this requirement.

DRIVEWAY OBSTRUCTIONS



5.9 CONVERSION OF EXISTING ONE-FAMILY DWELLINGS

Existing single-family dwellings may be converted to two-family use, subject to issuance of Site Plan Approval by the Commission provided that:

1. Such dwelling shall have been erected more than 20 years before proposed conversion.
2. Such dwelling shall have a lot area which is not less than the minimum lot area required for the district in which it is located.
3. Any addition to the dwelling shall comply with all other requirements of the use district in which such dwelling is located.
4. Each dwelling unit shall provide two (2) means of egress.
5. No new exterior stairways shall be located on a side of the building fronting any street.
6. The residential character of the building after conversion must be maintained.

7. Off street parking or garage space shall be provided for a minimum of one (1) vehicle per dwelling unit.
8. If the structure is not serviced by public water and sewer, a certification of approval from the health office, attesting to the adequacy of the well and/or septic system to support the proposed use shall be required.
9. Buildings may be converted to more than two (2) family dwellings subject to issuance of a Special Permit and Site Plan Approval by the Commission.

5.10 VENDING PERMITS

5.10.A Intent.

The intent of the regulation is to control the use of land by licensed peddlers and solicitors in the Town of Cromwell.

5.10.B Permit.

The selling of merchandise from moveable sources whether moving or stationary including but not limited to cars, trucks, wagons, or tables, or peddling or soliciting involving land use shall be permitted only upon issuance of a Use Permit by the Planning and Zoning Commission. All permits shall expire one (1) year after the date of issuance.

5.10.C Application.

The application shall be on a form provided by the Commission. The application form must be complete and include the written signature of the property owner granting permission for the applicant to use his property. The applicant must comply with all other local, State and Federal requirements.

5.10.D Restrictions.

No Use Permit shall be issued under this regulation for a location that:

1. Is in other than a Business District.
2. Is within a 1,000 feet radius (as measured from the center of the proposed vending use) of a permanent business use (or other vending business use) location conducting what is determined by the Planning and Zoning Commission to be a similar business.
3. In the opinion of the Commission would have an adverse impact on the health, safety, and welfare of the public or have a detrimental effect on the Town of Cromwell.

5.10.E Null and Void.

This permit will be null and void upon written notification to the Commission from the owner revoking permission for the vendor to use the property.

5.11 EXEMPTIONS

The following uses and activities are exempt from this regulation and require no prior Commission approval:

1. Cake, Bake and Tag Sales, and Auctions conducted by charitable organizations or community groups shall be exempt from this regulation.
2. The selling of food and non-alcoholic beverages and the parking of vehicles on private

residential property within one-half (1/2) mile of the Tournament Players Club during the operation of the Greater Hartford Open golf tournament.

(1) The activity must be operated by the property owner or tenant. Persons who sell food are responsible for obtaining all local, State and Federal permits.

(2) Owners who permit or engage in any commercial activity should review their property owner's insurance policy for liability considerations.

(3) Hawkers and Peddlers subject to regulation by ordinance in accordance with Chapter 408 (Sections 21-36, et. Seq.) of the General Statutes.

6. SPECIAL PERMITS

6.1 FILLING AND REMOVAL OF EARTH MATERIAL

6.1.A Purpose.

The purpose of these regulations is to regulate the conditions and operations of excavating, grading, filling and removal of earth, sand, stone, gravel, soil, minerals, loam, clay, peat moss and any other earth products. This section further is intended to conserve and preserve water storage areas, assure that erosion and sedimentation is minimized, that water pollution is prevented, that hazards inherent to open excavation areas and steep slopes of loose earth are prevented, that nuisances such as excess traffic, noise, odor, dust are minimized, that visual blight is controlled, and that the productive usage of land is maintained.

6.1.B Permits Required.

FILLING	AMOUNT OF FILL ADDED	PERMIT REQUIRED
MINOR FILLING	• Up to 100 cubic yards of fill per year.	Use Permit in accordance with Section 8.1.
INCIDENTAL FILLING	• More than 100 and less than 500 cubic yards of fill per year.	In accordance with an approved Building Permit, Use Permit, Subdivision approval, Site Plan Approval, or Special Permit.
SUBSTANTIAL FILLING	• 500 or more cubic yards of fill; • Greater than three (3) times the "Foundation Volume".	Special Permit in accordance with Section 8.7 and the requirements of this section.

REMOVAL	AMOUNT OF MATERIAL REMOVED	PERMIT REQUIRED
INCIDENTIAL REMOVAL	• Three (3) times the "Foundation Volume" or less.	In accordance with an approved Building Permit, Use Permit, Subdivision approval, Site Plan Approval, or Special Permit.
SUBSTANTIAL REMOVAL	• Greater than three (3) times the "Foundation Volume".	Special Permit in accordance with Section 8.7 and the requirements of this section.

6.1.C Stripping of Topsoil.

1. Except for agricultural purposes or in connection with the development of an approved subdivision or an approved site development plan, no firm, person or corporation shall

strip, excavate or otherwise remove more than 300 cubic yards of topsoil without a Special Permit from the Planning and Zoning Commission.

2. The Commission shall not grant such Special Permit if it finds that the proposed removal will cause erosion or tend to depreciate the value of the subject property or of the property in the neighborhood, be unsafe or be otherwise detrimental to the neighborhood or alter its essential characteristics.

3. The Commission may require setbacks, fencing, drainage and erosion control adequate to protect the health, safety and welfare of the public.

4. In all cases, material used for filling shall be limited to suitable earth material as approved by the Planning and Zoning Commission. Use of trash, garbage, or other junk material is expressly prohibited.

6.1.D Excavation.

1. Substantial removal is permitted subject to a Special Permit issued in accordance with this Section and Section 8.7 of the Cromwell Zoning Regulations, when the removal is part of an overall site development plan for a principal use allowed in the zone.

2. No Special Permit approved pursuant to this Section shall be issued by the Commission for a period exceeding two (2) years, but upon application, the permit may be renewed by the Commission for additional two (2) year periods.

3. No excavation shall take place within 50 feet of any lot line or of a street line if finished grade would be below the established grade of the street.

4. When excavation operations are completed, the excavated area shall be graded so that slopes in disturbed areas shall be no steeper than 1:3 (vertical-horizontal) except for an exposed rock surface. A layer of topsoil shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of two (2) inches in accordance with the approved final grading plan. The area shall then be seeded with suitable grass mixture containing at least 50 percent permanent grasses and maintained until the area is stabilized and approved by the Commission.

5. Removal of earth material in phases may be required by the Commission at its discretion. If phases are required by the Commission, grading plans for each phase shall be submitted.

6. To encourage the completion of sections of the operation and to prevent erosion, and in order to promote the rapid return of the land to its natural state, the Commission may reduce the Performance Guarantee requirements as portions of the work are completed in accordance with the foregoing provisions.

If the activity is abandoned for 12 months, or if no substantial activity takes place within 12 months after granting of the Special Permit, the Special Permit may, upon notice to the permit holder and property owner and the opportunity to be heard, be revoked.

6.1.E Incidental and Substantial Removal.

1. Incidental Removal Activities. The use of screeners and rock crushers in connection with such activities is prohibited in residentially zoned districts.

2. Substantial Removal Activities. The use of rock crushers in connection with such activities is prohibited in residentially zoned districts.

6.1.F Additional Site Development Plan Requirements.

The following elements are required in addition to the Site Development Plan Submission Requirements listed in the Appendix and the following additional requirements:

1. Existing and final proposed contours at two (2) foot intervals. Grading plans showing existing and proposed contours in the area to be excavated, with appropriate erosion and sediment control measures. Such plans shall include the area to be excavated as well as the surrounding area within 50 feet of the excavation.
2. A Stormwater Runoff Control Plan prepared in accordance with Section 5.4, if applicable.
3. An erosion and sedimentation control plan prepared in accordance with Section 5.5, to include a plan for stabilization and final seeding of the affected area once filling is completed, if appropriate.
4. An estimate of the amount of material to be filled, excavated or removed.
5. Proposed truck access to the site. An estimate of the number and types of trucks and machinery to be used on the site.
6. The proposed location and type of any portable or fixed machinery.
7. A re-use plan indicated how the finished grades would be suitable for the proposed ultimate use of the property.

6.1.G Performance Guarantee.

The Commission shall require the posting of a Performance Guarantee to ensure compliance with the approved plan, implementation of the erosion and sedimentation control plan, and completion of final seeding. By filing an application under this section 6.1, the owner shall be deemed to have consented to access by the Commission or its agents for purposes of implementing the erosion and sedimentation control plan.

6.1.H Additional Evaluation Criteria for Authorizing Excavation.

The Commission may grant the Special Permit only when it is satisfied that the following conditions will be complied with in the undertaking of such excavation:

1. All activities shall be conducted in accordance with the plan submitted with the application.
2. All operations, including screening, sifting, washing, crushing, blasting, or other forms of processing shall be conducted upon the premises between the hours of 7:00 a.m. and 6:00 p.m. seasonal time only, Sundays and holidays excepted, except by special permission of the Commission.
3. No fixed machinery shall be erected or maintained within 100 feet of any lot or street line.
4. No buildings except a field office or temporary shelter for machinery shall be erected on the premises except as may be permitted in the Zoning Regulations subject to approval by the Commission.
5. At 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.
6. During the period of excavation and removal, barricades or fences shall be erected as are deemed necessary by the Commission for the protection of pedestrians and vehicles. At no time shall an overhang be permitted on any face and at no time shall slopes in excess of 1:3 (vertical-horizontal) be present on any soil face except the face where active excavation is being carried on. The Commission may authorize the use of retaining walls to exceed these slope requirements.

7. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation shall be treated to minimize dust.

8. That proper measures will be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the stock piling of excavated materials upon the site.

9. Such other appropriate safeguards as the Commission deems necessary.

10. In considering an application the Commission shall consider the effect upon the premises and upon the surrounding premises; upon property values, health and any effect upon the future use of the premises involved. The Commission shall also consider the guidelines for Special Permit approval enumerated in Section 8.7 including traffic related to the construction phase.

11. The application shall contain full information regarding the above conditions plus such other information as the Commission may require.

12. Failure to comply with the plans and conditions as approved and any deviation therefrom shall be a violation and the Commission may, upon notice to the permit holder and property owner and an opportunity to be heard, revoke the Special Permit.

6.2 SELF-SERVICE STORAGE FACILITIES

6.2.A Purpose.

The intent of this regulation is to provide for the establishment of self-service storage facilities within certain zoning districts in the Town of Cromwell while minimizing the adverse visual and operational effects through careful design, siting and screening.

6.2.B Special Permit Required.

Self-service storage facilities may be permitted upon issuance of a Special Permit as provided for under Section 8.7 and this Section.

6.2.C General Requirements.

1. The use of the premises is restricted solely to the storage of goods or possessions by persons, but specifically excluding any hazardous or flammable chemicals.

2. The use of the premises is restricted to interior use of the buildings.

3. The site shall have direct access to a State highway or Town road.

4. No two (2) similar uses shall be located within 1,500 feet from each other as measured from the lot line to lot line.

5. The owner shall maintain suitable security measures to protect the integrity of the site and reasonably assure that the use of the premises is being conducted within the limits of all applicable local, State and Federal laws.

6. The owner shall at all times maintain reasonable insurance against damage, injury and liability to protect the premises and surrounding properties from casualty or loss. The owner shall annually file a certificate of insurance with the Commission, on or before the anniversary date of Special Permit approval.

7. A dwelling for a resident caretaker and his or her family is permissible as an accessory use.

6.2.D Special Bulk Requirements.

All proposals to develop a self-service storage facility shall be subject to the height, yard and bulk requirements contained in the Zoning District except as indicated below:

1. Maximum Building Height: 20 feet.
2. Maximum Building Coverage:
   (1) Industrial District - 50 percent.
   (2) Other Business Districts - 40 percent; however, the maximum may be increased to 50 percent by the Commission if warranted by excellence in building design or proposed or existing landscaping.

6.2.E Site Development Plan Requirements.

Additional Site Development Plan Requirements. The following elements are required in addition to the Site Development Plan Submission Requirements listed in the Appendix and the following additional requirements. The Commission may waive these requirements when warranted by excellence in building design or proposed or existing landscaping:

1. Fencing and screening.
   (1) A barrier must be provided around the perimeter of the development.
   (2) If the barrier is to be provided by a fence, said fence shall be a minimum of six (6) feet in height and shall be constructed of opaque materials that will prevent the passage of light and debris. Examples include brick, stone, architectural tile, masonry units, wood or similar materials, but expressly prohibiting woven wire.
2. Buildings shall be so situated and/or screened that overhead access doors are not visible from the street.
3. No exterior wall of any storage structure or security fencing shall be visible from any public road nor from any adjacent lot at a distance of more than 200 feet from the lot line. Such compliance may be achieved through the use of earthen and/or vegetative buffers.
4. Exterior wall surfaces shall be finished in neutral or soft pastel colors to minimize negative visual impacts on the environment.
5. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least 26 feet wide when units open onto one (1) side of the lane only and at least 30 feet wide when units open onto both sides of the lane. Required parking spaces may not be rented as, or used for, vehicular storage.

6.2.F Prohibited Uses.

Examples of prohibited activities include but are not limited to the following:

1. Auctions (other than those conducted by the operator in accordance with Connecticut General Statutes Sec. 42-164) commercial wholesale or retail sales or miscellaneous or garage sales;
2. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment;

3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment;
4. The establishment of a transfer and storage business;
5. Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations.

6.3 CAR WASH FACILITIES

6.3.A Purpose.

The intent of this regulation is to provide for the establishment of car wash facilities within certain zoning districts in the Town of Cromwell while minimizing the adverse environmental and aesthetic effects through careful design, siting and screening.

6.3.B Special Permit Required.

Car wash facilities may be permitted upon issuance of a Special Permit as provided for under Section 8.7 and this Section.

6.3.C Site Development Plan Requirements.

Additional Site Development Plan Requirements. The following elements are required in addition to the Site Development Plan Submission Requirements listed in the Appendix and the following additional requirements:

1. Buildings shall be situated and/or screened to minimize the visual impact.
2. Vehicle washing shall be performed in areas designed to collect and hold the wash and rinse water or effluent generated. Wash water effluent shall be collected and discharged to the sanitary sewer system or recycled on the premises.
3. Nearby municipal storm drain locations shall be shown, and the site designed to prevent discharges into the storm drain system.
4. There shall be stacking space for four (4) cars for each stall, plus two (2) drying spaces for each stall.
5. Parking shall be provided as deemed appropriate by the Planning and Zoning Commission.

6.4 PUBLIC GARAGES, MOTOR VEHICLE SERVICE AND MOTOR VEHICLE REFUEL/RECHARGE STATIONS

6.4.A Purpose.

The intent of this regulation is to provide for the establishment of Public Garages, Motor Vehicle Service and Motor Vehicle Refuel/Recharge Stations within certain zoning districts in the Town of Cromwell while minimizing the adverse environmental and aesthetic effects of through careful design, siting and screening.

6.4.B Location Approval Required.

Location Approval from the Zoning Board of Appeals is required in accordance with Section 10.

6.4.C Special Permit Required.

Public Garages, Motor Vehicle Service and Motor Vehicle Refuel/Recharge Stations shall be permitted upon issuance of a Special Permit as provided for under Section 8.7 and this Section. The Special Permit may only

be granted if the Location Approval has been granted by the Zoning Board of Appeals in accordance with Section 10.

6.4.D General Requirements.

1. The use of a Motor Vehicle Refuel/Recharge Stations shall be restricted to the retail sale of motor fuels, lubricants and other motor vehicle supplies and parts, the accessory parking and storage of motor vehicles as hereinafter limited, and minor repairs and service activities, not including body and fender work.
2. Motor vehicles may be parked and other mechanical equipment may be stored outside if arranged in an orderly manner at all times. There shall be no outdoor storage in any residential district of discarded vehicles, equipment or dismantled motor vehicles. Where such storage of equipment or motor vehicles is authorized as part of the operation of a garage or motor vehicle refuel/recharge stations in connection with the repair of vehicles or equipment it shall be arranged in a side or rear yard and be suitably screened from a street and nearby properties.
3. Sales of new or used automotive vehicles, storage of new or used automotive vehicles, are permitted as an accessory use provided:
   (1) The outdoor storage is arranged in an orderly manner;
   (2) No lighting is employed which would result in glare of adjoining residences or adjoining residential districts;
   (3) All side or rear yards are screened when abutting adjoining residences or adjoining residential districts; and
   (4) There is no display at any time of partially dismantled or wrecked vehicles.
4. No gasoline filling appliance shall hereafter be located within 35 feet of a street line or within 25 feet of an adjacent lot line in a business district, or within 50 feet of an adjacent lot line in a residence district, unless the gasoline filling appliances are located in the side or rear yard.
5. No public garage, motor vehicle service, or motor vehicle refuel/recharge station shall be located within 2,600 feet of a property currently uses as a public garage, motor vehicle service or motor vehicle refuel/recharge station.

6.4.E Site Design and Circulation.

The Commission may require additional information, including, but not limited to:

1. A traffic study,
2. A site egress/access management plan, and
3. A pedestrian circulation plan.

6.5 DRIVE-IN WINDOWS

6.5.A Purpose.

The intent of this regulation is to provide for the establishment of Drive-In Windows within certain zoning districts in the Town of Cromwell while minimizing the adverse environmental, traffic and aesthetic effects through careful design, siting and screening.

6.5.B Special Permit Required.

Drive-in windows may be authorized as a Special Permit provided the use is allowed in the district, and the following standards are met.

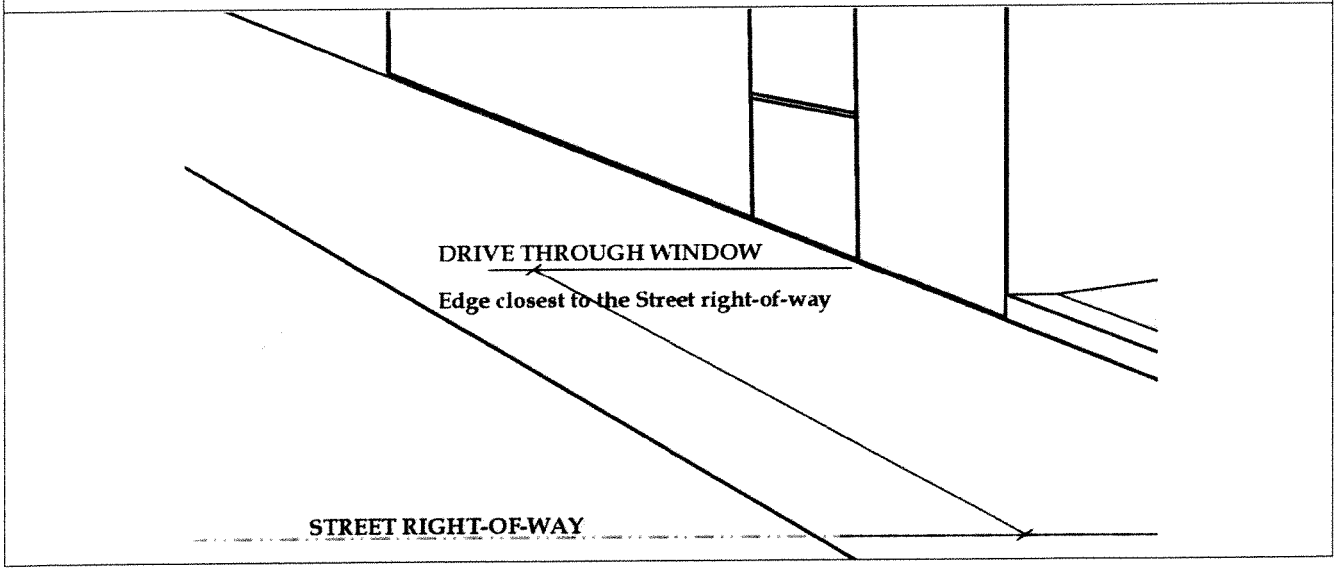
6.5.C Vehicle Queuing.

1. Queuing lanes (stacking lanes) are separated from other circulation lanes and are so identified by pavement striping.
2. All queuing lanes shall minimize conflict with pedestrian traffic through the use of pavement markings and signing, and may include internal walkways and speed bumps in queuing lanes.
3. The distance from the pick-up window to the exit onto the street shall be a minimum of 60 feet.

6.5.D Site Access.

1. An exit or entrance for such lanes shall be as far away as possible from a street intersection.
2. Each entrance lane shall provide a minimum queuing of ten (10) 10 feet x 18 feet stations.

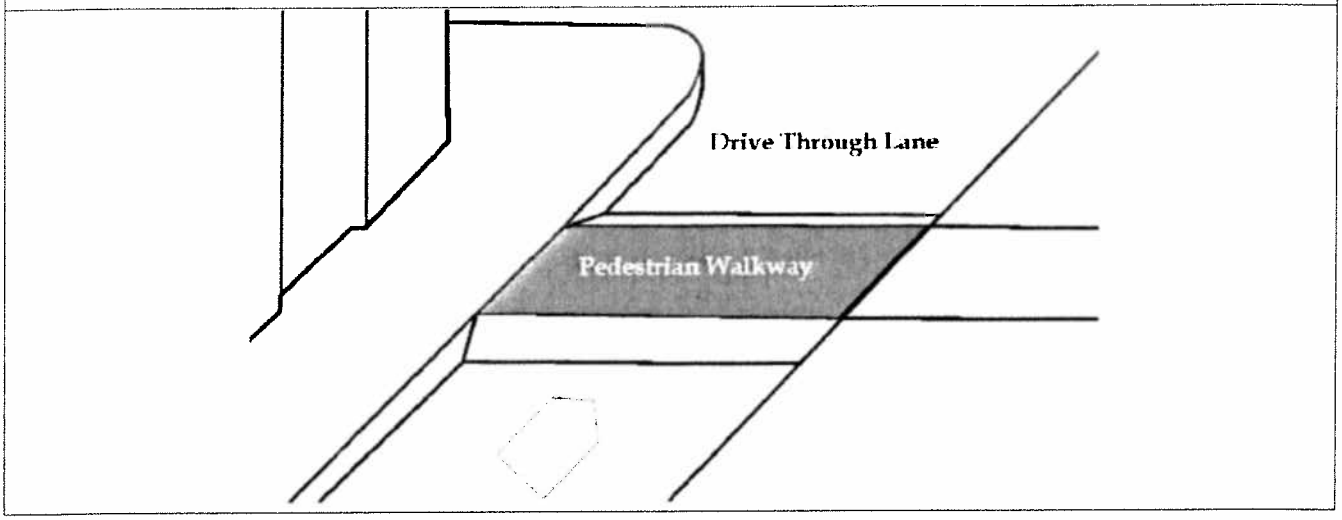
DISTANCE FROM PICK-UP WINDOW DIAGRAM



6.5.E Pedestrian Access Across Drive Through Lane.

Distinguish walkways from driving surfaces by using varied paving treatments and by raising walkways to curb level

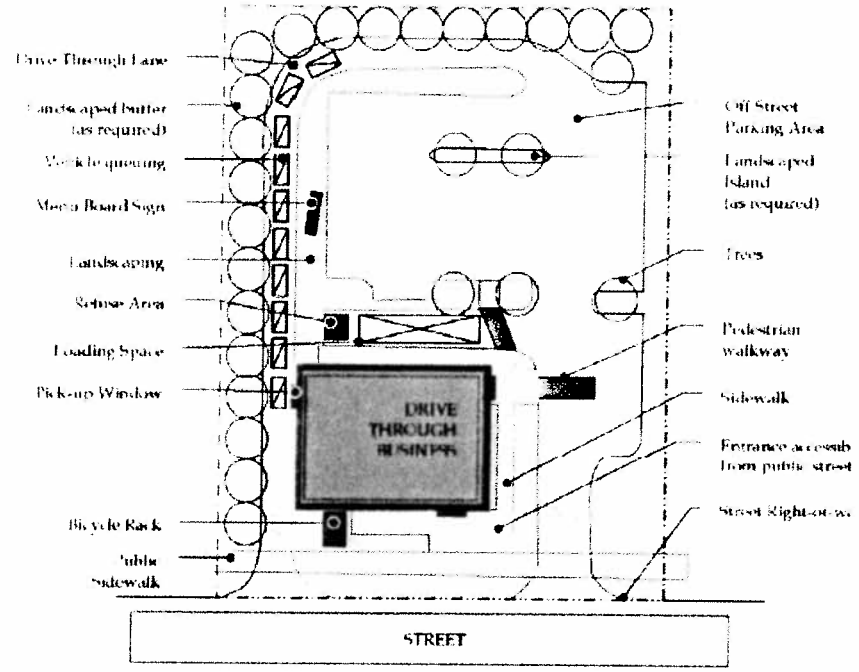
PEDESTRIAN ACCESS DIAGRAM



6.5.F Screening.

1. Drive-in windows or lanes shall be located at least 50 feet from any residential property.
2. A solid wood fence, synthetic wood-like fence, or masonry wall at least six (6) feet in height shall be installed.
   (1) The fence, or wall, shall be augmented with suitable landscaping on both sides to soften the visual impact of the fence, or wall.
   (2) The Commission may allow screening to be located on an adjacent property(ies), provided documentation regarding owner consent can be supplied to the Commission.

DRIVE THROUGH DESIGN CONCEPT DIAGRAM



6.6 REAR LOTS

6.6.A Purpose.

The purpose of this regulation is to enable the subdivision of existing lots of relatively large size which, due to their limited frontage, could not otherwise be subdivided. The intent is to minimize the length of new road construction and preserve open space or some other existing natural or cultural resource of the Town.

6.6.B Special Permit Required.

Rear Lots may be authorized as a Special Permit provided the use is allowed in the district, and the following standards are met.

6.6.C General Requirements.

1. No lot shall be divided into more than two (2) rear lots.
2. Each rear lot shall have double the minimum front yard setback required for that zone, measured from the lot line which intersects the accessway and is perpendicular to the accessway.
3. Each rear lot shall have at least double the minimum lot size required for that zone.
4. Each rear lot shall contain a "buildable square" of not less than the minimum lot size for that zone. "Buildable square" is an area of roughly equal length and width which contains no wetlands or watercourses as defined in the Connecticut General Statutes Section 22a-38, as amended, and no slopes greater than 33 percent.

5. No portion of the lot between the street and the lot line which intersects the accessway shall be counted toward the minimum lot size.

6. Each rear lot in a Residential District shall have an accessway which has a continuous width of at least 20 feet, which is owned in fee simple by the owner of the rear lot, and which has frontage on a street.

7. Each rear lot in an Industrial District shall have an accessway which has a continuous width of at least 30 feet, which is owned in fee simple by the owner of the rear lot, and which has frontage on a street

8. Each rear lot shall comply with all other lot and building requirements for the zone in which it is located;

9. No two (2) rear lots shall have frontage on the same street any closer to each other than the minimum lot width for that zone, except that two contiguous rear lots may be approved sharing a common driveway, and the application for such rear lots shall include an Agreement specifying that the owners of said driveway will share responsibility for its maintenance;

10. The Planning and Zoning Commission may require that slope rights on an adjacent frontage lot be provided to accommodate driveway construction, and that a proposed rear lot share a common driveway with an adjacent frontage lot where appropriate.

11. The owner of the proposed rear lot shall obtain a Special Permit before submitting an application for subdivision approval of a proposed rear lot.

6.6.D Special Consideration.

The public benefit of rear lots is their potential to result in a subdivision with shorter roads and preserved natural or cultural resources. Therefore, the applicant shall show how each proposed rear lot in a subdivision of three (3) or more lots will enable one (1) or more of the following benefits:

1. Allow for the preservation of some existing natural or cultural resource of the Town;

2. Reduce the length of a new road, new sanitary sewer service, or other municipal infrastructure;

3. Provide some other benefit to the community.

6.6.E Special Administrative Provision.

4. When a rear lot is part of a subdivision proposed in accordance with the Cromwell Subdivision Regulations, the applicant may submit a joint application for a rear lot with the subdivision application.

5. The Cromwell Planning and Zoning Commission should vote on the special permit application separate from the subdivision application.

6.7 CONSERVATION SUBDIVISIONS

6.7.A Purpose.

The goals of these regulations are any of the following:

1. To preserve environmentally sensitive or culturally significant land in a manner that will benefit present and future generations of Cromwell residents.

2. To provide land for recreational use, either active or passive, which is compatible with open space preservation and which, in the opinion of the Commission, will directly or indirectly promote the general welfare of the residents of the Town of Cromwell.

3. To promote development of land in a way which is sensitive to the natural and cultural environment, preserving important wetlands systems, farmland of local significance, and/or areas containing significant natural features such as unusual terrain, vegetation, wildlife, scenic vistas.

6.7.B Applicability.

1. This regulation shall apply to any parcel or adjacent parcels under the same ownership that comprises 15 or more contiguous acres in a Residential District.

2. Parcels comprising less than 15 acres in a Residential District may, at the owner's request and subject to a Special Permit from the Commission, be developed as a Conservation Subdivision.

6.7.C Requirements.

1. Open space to be preserved shall comprise not less than 50 percent of the total parcel area.

2. The proportion of upland to wetlands and watercourses in the preserved open space shall be roughly the same as the proportion of upland to wetlands and watercourses in the total parcel.

3. Open space to be preserved shall be subject to the approval of the Commission.

4. It is the intention of the Commission to provide open space parcels of significant size.

5. In general, the open space preserved under these regulations shall remain in private ownership for the exclusive use of the residents of that development. However, the Commission may require up to 20 percent of the proposed open space (i.e. 10 percent of the total parcel) be deeded to the Town for active or passive recreation use.

6. Where property to be developed as a Conservation Subdivision abuts other residentially zoned property, the Conservation Subdivision shall be landscaped in such a manner as to provide a screen or other suitable transition to lessen the visual impact of the Conservation Subdivision, if any. The minimum width of any required landscape buffer area shall be not less than 25 feet. The Commission shall review the proposed landscape buffer as part of its Special Permit review. The landscape buffer requirement is intended to apply only at Potential Development Areas of a Conservation Subdivision, and not to any area to be preserved as open space.

6.7.D Method of Preservation.

1. The method chosen to preserve open space from future development shall be proposed by the applicant during the special permit approval process and shall be approved or rejected by the Commission at its discretion.

2. If a proposed method of open space preservation is rejected by the Commission, the Commission may then determine an alternate method of preservation.

3. The applicant shall indicate his preference, at the time of the special permit application, as to how the open space is to be maintained and preserved from development and shall submit a form of legal instrument designed to ensure such preservation. Methods of open space preservation acceptable to the Commission include the following:

(1) Held in common by a homeowners association incorporated as a not-for-profit corporation in the State of Connecticut, subject, however, to legally binding arrangements that include the recording of restrictive deed covenants, the conveying of conservation easements, or the transferring of development rights to the Town or Land Trust or other non-profit organization dedicated to the conservation of open space, that will preclude any and all future development;

(2) Held in single, partner, or corporate ownership by the applicant subject, however, to the transfer of development rights to the Town of Cromwell;

(3) Deeded in fee simple to a land trust or other non-profit organization dedicated to the conservation of open space;

(4) Deeded in fee simple to the Town.

4. Whatever preservation method is chosen and approved, the legal instruments of such method shall be reviewed for legal sufficiency by the Town Attorney prior to final subdivision approval. Such instruments shall be designed to:

(1) Ensure the continued use of open space area for its intended purposes;

(2) Provide for the maintenance of the open space area;

(3) Provide adequate insurance coverage;

(4) Provide that the Town of Cromwell's agents or employees may enter upon the open space area to remove or correct any object or condition which may be deemed a nuisance, a violation of these regulations or which presents an emergency; and

(5) Provide that the Town of Cromwell may take legal action to enforce the terms and provisions of the legal document creating the open space, if such open space is to be held in common by a homeowners association.

5. Any subsequent change in the use of the open space area shall require approval of the Commission pursuant to a Special Permit application.

6.7.E Application Requirements and Procedures

The approval process is as follows:

1. The applicant shall submit an application for a Conservation Subdivision Special Permit in accordance with Sections 6.7 and 8.6;

2. If the above special permit is approved, the applicant may then submit a subdivision application in accordance with the applicable sections of the Cromwell Subdivision Regulations.

6.7.F Conservation Subdivision Special Permit.

1. Required Submissions: Before any parcel of land subject to this regulation may be developed or subdivided as a Conservation Subdivision, the applicant shall receive a Conservation Subdivision Special Permit. The application shall include the following items:

(1) A "Yield Plan" as described below. It is the intent of these Regulations that the maximum number of lots in a Conservation Subdivision be approximately the same number as could be created in a Conventional Subdivision development of that site. To determine this number, the applicant shall prepare a conventional

subdivision plan (the "Yield Plan") in accordance with Section 2.2.B, the Road Specifications of the Town of Cromwell, and prudent and feasible engineering practices. No rear lots, shared driveways, or cul-de-sacs exceeding the maximum allowable length may be shown. The Yield Plan may show a reasonable amount of regulated wetland activity.

(2) A description of how the land to be subdivided fits into the context of the surrounding neighborhood. This description shall be presented in narrative and graphic format.

(3) A detailed description of the proposed open space, its proposed function, and the proposed method of preservation. This shall include the following:

a) Description of the physical characteristics of the proposed open space;

b) Description of the function or functions that the proposed open space will perform (such as scenic view, active farmland, wildlife habitat, or passive recreation);

c) Explanation of how the proposed open space's physical characteristics and proximity to the Potential Development Area make it conducive for the above function or functions;

d) Description of other adjacent or nearby open spaces and an explanation of how the proposed open space relates to them.

(4) A series of layout plans prepared by a licensed landscape architect, representing an analytical process to identify the areas appropriate for conservation and the areas appropriate for development. These plans shall consist of the following:

a) Plan #1: All Primary Conservation Areas or Features.

b) Plan #2: All Secondary Conservation Areas or Features.

c) Plan #3: All Potential Developable Areas.

d) Plan #4: Approximate house sites within Potential Developable Areas only. There shall be no more house sites than there are lots in the verified Yield Plan.

e) Plan #5: A logical alignment for local streets to serve the house sites which is in harmony with the natural topography of the parcel to minimize cuts and fills. Preference shall be given to streets that have house sites primarily on one side only, with open space on the opposite side.

f) Plan #6: Property boundaries delineating the proposed open space and the proposed individual lots for each house, prepared in accordance with the height, yard and bulk requirements indicated below:

6.7.G Height, Yard, and Bulk Requirements.

All Conservation Subdivisions and building lots therein shall comply with the following minimum requirements:

	R-15	R-25	R-40
MINIMUM LOT AREA	7,500 sf	7,500 sf	7,500 sf
MINIMUM FRONTAGE (FRONT LOT)	75 ft	75 ft	75 ft
MINIMUM FRONTAGE (REAR LOT)	15 ft	15 ft	15 ft
MINIMUM FRONT YARD (PUBLIC STREET)	20 ft	20 ft	20 ft
MINIMUM FRONT YARD (PRIVATE STREET OR REAR LOT)	15 ft	15 ft	15 ft
MINIMUM SIDE AND REAR YARD	7.5 ft	7.5 ft	7.5 ft
MAXIMUM BUILDING COVERAGE	33%	33%	33%
MAXIMUM BUILDING HEIGHT[1]	35 ft	35 ft	35 ft
MINIMUM DISTANCE BETWEEN BUILDINGS[2]	15 ft	15 ft	15 ft
MINIMUM LANDSCAPED BUFFER	25 ft	25 ft	25 ft
MINIMUM FLOOR AREA	Per Section 2.2.B		

1. Chimneys, water tanks, church steeples, silos and similar features shall be erected only to such height as is necessary to accomplish the purpose which they serve. Such features shall be reviewed as part of the Special Permit.
2. The distance between buildings shall be measured on a straight line between the two nearest points of adjacent buildings.

6.7.H Referral to Other Boards and Commissions.

The Applicant shall submit a complete set of the layout plans to the Conservation Commission and to the Recreation Commission for their review and comment, no later than the date of receipt. Comments from the Conservation Commission and the Recreation Commission will be accepted by the Commission up until the close of the public hearing.

6.7.I Decision Considerations.

In making its decision to issue a Conservation Subdivision Special Permit, the Commission shall consider:

1. The validity of the Yield Plan;
2. The purposes enumerated in Section 6.7.A;
3. The Guidelines for Special Permit Approval in Section 8.6;
4. The nature, function, and method of preservation of the proposed open space;
5. The access from major streets and highways to the proposed development;
6. The likely impact on the location and capacity of sanitary sewers, water lines, storm and

surface drainage systems, and other utilities;

7. The likely impact on environmental systems such as groundwater, wetlands, watercourses, and vegetative and wildlife communities; and

8. The presence of land characteristics that the Commission determines to be worthy of preservation including, but not limited to, areas of steep topography, significant wetland areas, areas with scenic vistas, farm lands of local significance, and the presence of or potential provision of passive or active recreational facilities compatible with open space preservation.

9. Conventional Subdivision Special Permit.

6.7.J Required Submissions.

If an applicant feels that the site possesses such characteristics that development as a Conventional Subdivision would better promote one or more of the goals listed in this section, the applicant may apply for a special permit to develop the property as a Conventional Subdivision. The special permit application shall include the following:

1. A written statement explaining how developing the site as a Conventional Subdivision would better further the purposes of Section 6.7.A than developing it as a Conservation Subdivision.

2. The Yield Plan;

3. The layout plans;

4. A subdivision plat plan prepared in accordance with Article 404 of the Cromwell Subdivision Regulations showing either:

   (1) Lots that are at least twice the minimum lot size for that zone and none of the parcel preserved as open space, or

   (2) Lots that are at least the minimum lot size for that zone and at least 20 percent of the parcel preserved as open space.

6.7.K Pre-Application Review.

1. Applicants are encouraged to submit their proposal and application documentation for a preliminary review and comment by the Planning and Zoning Commission and the public at a "Pre-Application" hearing.

2. Nothing that is said or presented at the hearing by any party shall be considered evidence and shall not be binding on the Commission in any subsequent application presented to the Commission.

3. Applicants are encouraged to submit all application documentation to the Conservation Commission and Recreation Commission for their review and comment prior to application.

4. Applicants are encouraged to submit the "Yield Plan" to the town staff for their review and comment prior to application.

6.8 MULTI-FAMILY DWELLING UNITS

6.8.A Purpose.

To provide for medium-high density attached and detached dwellings, townhouses and multi-family units.

6.8.B Special Permit Required.

Multi-family Dwelling Units may be authorized as a Special Permit provided the use is allowed in the district, and the following standards are met.

6.8.C Design Considerations.

	DC	OTHER DISTRICTS
MINIMUM DWELLING UNITS PER BUILDING	3	4
MAXIMUM DWELLING UNITS PER BUILDING	N/A	20
MINIMUM BUFFER FROM ADJACENT RESIDENTIAL ZONED PROPERTY	20 ft	35 ft
MINIMUM LANDSCAPED AREA	1,000 square feet per dwelling unit	2,000 square feet per dwelling unit

6.8.D Vehicular Accessways.

1. Driveways serving up to three (3) dwelling units.
   - **(1)** A minimum driveway width of 15 feet with a two and one-half (2½) inch bituminous concrete layer over eight (8) inches of processed gravel shall be provided.
   - **(2)** Slopes shall not exceed 12 percent grade at any point. Construction plans and profiles prepared by a Connecticut-licensed professional engineer are to be provided by the applicant.
   - **(3)** The Commission may allow an alternate surface if the Commission is satisfied with maintenance provisions. Alternate surface means crushed stone, gravel, or other materials deemed appropriate to the use.
2. Drives serving four (4) or more units.
   - **(1)** A minimum driveway width of twenty (20) feet with a two and one-half (2½) inch bituminous concrete layer over eight (8) inches of processed gravel shall be provided.
   - **(2)** Slopes shall not exceed ten (10) percent grade at any point. Construction plans and profiles prepared by a Connecticut-licensed professional engineer are to be provided by the applicant.
3. Ownership and Maintenance (if applicable).
   - **(1)** Common/shared driveways shall be owned and maintained by a homeowner's association of the dwelling units within the development.
   - **(2)** Maintenance shall be permanently guaranteed by such association which shall

provide for mandatory assessments for maintenance expenses to each lot.

(3) Each individual deed, and the deed, trust or articles of incorporation, shall include provisions designed to effect these provisions.

(4) Documents creating such association shall be submitted to the Planning and Zoning Commission for approval, and shall thereafter be recorded on the Land Records.

(5) Town services will not be provided for common/shared drives.

6.8.E Buffers.

To insure the protection of existing residences contiguous to a tract of land for which approval of a multi-family residence is sought, the Commission may require that the multi-family residence buildings and structures be separated from existing contiguous parcels by a distance equal to the rear yard requirement for the district in which the tract is located, or by the introduction of buffer plantings.

6.9 DAY CARES

6.9.A Special Permit Required.

1. Any person providing day care in his/her own home as a Family Day Care Home for six (6) or fewer children shall not be required to obtain a permit from the Commission.
2. A Special Permit shall be required for any property at which day care is provided for seven (7) or more children or any number of adults, i.e. A Group Day Care Home or Day Care Center.

6.9.B General Requirements.

1. Parking. For those properties which are required to obtain a permit to operate a day care, off street parking spaces shall be provided at a ratio of one (1) space for every employee on duty, and one (1) space for every four (4) clients, based upon client capacity for the facility. The Commission may reduce the parking requirement for good cause shown.
2. A vehicle turnaround space shall be provided on the site where the Day Care is located to eliminate the need for vehicles to have to back out into a public right of way.
3. In addition, the Commission may require plans that identify:
   (1) on-site or off-site bus drop-off (on-site is preferred),
   (2) site lighting, and
   (3) pedestrian circulation and safety.

6.10 BED AND BREAKFAST INN

6.10.A General.

The Commission may allow a Bed and Breakfast Inn accessory to a principal single-family dwelling in the R-80, R-40, R-30 and R-20 districts subject to the following requirements in this section.

6.10.B Special Permit Required.

Bed and Breakfast Inns may be authorized as a Special Permit provided the use is allowed in the district, and

the following standards are met.

6.10.C Eligibility.

The lot must meet the minimum lot area requirement and be of sufficient size and shape to accommodate required off-street parking. The business shall be conducted by the resident owner/occupant of the dwelling and no more than one (1) non-resident employee.

6.10.D Requirements.

1. One (1) off-street parking space shall be provided for each guest bedroom in addition to the spaces required for the dwelling itself.
2. Only one (1) sign, not exceeding eight (8) square feet, is permitted which shall be approved by the Commission as part of the application. Said sign shall be freestanding and non-illuminated.
3. Where on-site water and sewage disposal systems are proposed, the Health District shall certify that the systems are adequate to serve the proposed use.
4. Such facilities shall not provide for cooking within the rooms, but may include meals served by the owner to the guests.
5. No meals shall be served to non-guests.
6. Rooms shall be provided with access and egress from within the principal residence only.
7. Additions to a bed and breakfast inn for the purpose of providing additional guest rooms or bed and breakfast facilities may be permitted where the addition shall be constructed in a manner that is in keeping with the size and scale of the dwelling, maintains the residential appearance of the structure and lot and blends with the existing neighborhood. In no case shall an addition be permitted which would allow for more than four (4) guest rooms to be provided.

7. SPECIAL REQUIREMENTS

7.1 NON-CONFORMING LOTS, USES, BUILDINGS, AND / OR STRUCTURES.

7.1.A Non-Conforming Uses and Structures.

1. Any building or use lawfully existing, or for which a lawful permit was issued under the provision of the Zoning Regulations in effect prior to the effective date of these regulations, may be continued subject to compliance with the following conditions:
2. Any use of land or buildings which does not conform to the requirements specified by these regulations shall not be changed to another non-conforming use without a Special Permit from the Board of Appeals, and then only to one equally, or more nearly in conformity.
3. non-conforming use or structure shall be:
   (1) Extended or enlarged.
   (2) Moved to another location where such use continues to be non-conforming.
4. No non-conforming use which is changed to a conforming use shall revert to a non-conforming use.

7.1.B Nonconforming Lots.

A parcel of land that 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 if it meets one or more of the following descriptions:

1. The lot was created by subdivision, is shown on a subdivision map approved by the Commission and filed in the office of the Cromwell Town Clerk, and was approved for building purposes by the Commission in connection with such subdivision approval (i.e., it met all necessary subdivision and zoning criteria for building purposes that were applicable when the subdivision was approved);
2. The lot is a parcel of land that was created by the first division occurring after September 27, 1954 (the date of first enactment of Subdivision Regulations in Cromwell) of a larger parcel of land and that conforms to the current area, shape, frontage and other geometric requirements of these Regulations for the establishment of a principal use;
3. The lot is a parcel of land that, since June 4, 1948 (the date of first enactment of zoning regulations in Cromwell) has been owned separately from any adjoining parcel or parcels as evidenced by deed or deeds recorded in the land records of the Town of Cromwell.

7.2 TEMPORARY PERMITS

1. Temporary permits may be issued by the Planning and Zoning Commission, under conditions which will safeguard the character of the neighborhood, for a circus, carnival, fair or similar type of entertainment for a period of not more than ten (10) days.

7.3 INTERVENING LOTS

Where existing buildings deviate from the minimum front yard requirements, setback for a new building on an intervening lot may be the average of the setbacks for the buildings on the adjoining lots.

7.4 REDUCTION OF LOT AREAS AND YARDS

No existing lot area shall be so reduced that the total area or the dimensions of any of the yards or open spaces shall be smaller than herein prescribed, except as provided for under Section 6.7

7.5 ALCOHOLIC BEVERAGES

7.5.A Permitted Zones and Distance Requirements.

1. The sale of alcoholic beverages to be consumed on the premises or off the premises is permitted in Business Districts only, with the exception of outdoor recreational facilities located in non-residential zones which by Special Permit may serve beer, wine and liquor in conjunction with a contained sit-down food service operation.

7.5.B Location Requirements and Limitations.

No building or premises shall be used, and no building shall be erected or structurally altered which is arranged, intended, designed, or used for the sale of alcoholic beverages where:

1. A retail outlet for consumption of alcoholic beverages off the premises is located within 1,500 feet (measured as indicated below) of another outlet selling alcoholic beverages to be consumed off the premises.
2. A cafe, tavern or similar outlet for consumption of alcoholic beverages on the premises is located within 1,500 feet (measured as indicated below) of another cafe, tavern or similar outlet for consumption of alcoholic beverages on the premises.
3. For consumption of alcoholic beverages on the premises of a hotel or bowling establishment the distance prohibition is 500 feet (measured as indicated below). In order to qualify for this designation a hotel must meet the definition requirements of these regulations and hold a hotel permit under Connecticut General Statutes Section 30-21, as amended. In order to qualify for this designation a bowling establishment must:
   - **(1)** meet the definition requirement in Connecticut General Statutes Section 30-37c, as amended,
   - **(2)** have direct interior access to the alcohol sales area, and
   - **(3)** contain and maintain a minimum of 24 operating lanes at all times.
   - **(4)** No restaurant or cafe may violate Section 30-6-B-28 of the General Regulations of the Connecticut Department of Consumer Protection.
4. For restaurants, there shall be no distance restrictions. A restaurant must meet the definition of a restaurant under these Regulations and the Connecticut General Statutes Section 30-22, as amended, and maintain valid restaurant permit from the Connecticut Department of Consumer Protection.
5. The parcel containing such use is within 500 feet of any part of any lot used for the purpose of a public school, a church/place of worship, a charitable institution (whether supported by

public or private funds) a hospital or library (measured as indicated below).

7.5.C Measurement Standards.

All measurements referred to above shall be made on a straight line from the nearest lot line of the lot containing the existing use to the nearest lot line of the lot containing the proposed use will be conducted and shall be certified by a Land Surveyor licensed by the State of Connecticut.

7.5.D Nonconformities.

The provisions of this section shall not be deemed to be retroactive except that where premises file an application for a Change of Use Permit under these regulations, the Commission may apply them to such new application.

8. PROCEDURES

8.1 APPLICATION TYPES

1. The following application types have been established for these regulations:

Application Type	Review Agency		
	Staff	Planning and Zoning Commission	Zoning Board of Appeals
Use Permit	X		
Certificate of Zoning Compliance	X		
Change of Use	X		
Site Plan Application	X		
Special Permit Application		X	
Regulation Amendment		X	
Zoning Map Amendment		X	
Appeal			X
Variance/Floodplain Variance			X
Location Approval			X

8.2 ZONING SIGNOFF (STAFF)

8.2.A Applicability.

No building, sign or other structure shall be constructed, reconstructed, altered, extended or enlarged in whole or in part for any purpose until a Zoning Signoff has been issued by the Zoning Enforcement Officer:

1. showing conformance with these Regulations, or
2. conforming to a variance granted by the Zoning Board of Appeals.

8.2.B Application Required.

1. The Zoning Signoff shall be part of the Building Permit Application Process, managed by the Cromwell Building Official.
2. No separate application fee is required.

8.3 USE PERMIT PROCEDURES (STAFF)

8.3.A Applicability.

No building or land shall be occupied or used for any purpose until a Use Permit has been issued by the Zoning Enforcement Officer (or at his discretion by the Commission):

1. showing conformance with these Regulations,
2. conforming to a site plan approved by the Planning and Zoning Commission (if applicable), or
3. conforming to a variance granted by the Zoning Board of Appeals.

8.3.B Application Required.

An application for a Use Permit shall be made to the Zoning Enforcement Officer on a form provided for that purpose before:

1. the erection or alteration of any building, or structure is commenced in any district; or
2. the commencement of any other activity which requires a Use Permit or other permit as required by these Regulations.

8.3.C Application Requirements.

Such application for a Use Permit shall be accompanied by:

1. a completed Use Permit application form;
2. the appropriate fee;
3. a Class A-2 boundary survey prepared, stamped with an embossed seal, and signed by a Connecticut-licensed land surveyor showing the information required in the Appendix of these Regulations;
4. a Soil Erosion and Sediment Control Plan in accordance with Section 5.5 of these Regulations for new all construction, and for any application where determined necessary by the Zoning Enforcement Officer;
5. items required for compliance with other permits (e.g. performance guarantee);
6. other drawings and documentation requested by the Zoning Enforcement Officer; and
7. written comments from the Town Engineer, the Zoning Enforcement Officer, the Cromwell Fire District, the Chief of Police, and the Water Pollution Control Authority or Town Sanitarian as applicable.
8. The Zoning Enforcement Officer may reduce the application requirements provided there is sufficient documentation to determine compliance with the Regulations.

8.3.D Proceedings.

1. If the proposed activity or use is found from the Application to be in compliance with these Regulations, the Commission or the Zoning Enforcement Officer shall issue a Use Permit setting forth the date on which the permit was issued.
2. The recipient of a Use Permit may provide notice of approval of such Use Permit in accordance with Section 8.3.E.
3. If all of the requirements are met, the Use Permit shall be issued within 65 days, and the applicant may consent to an additional 65 days; otherwise the permit shall be denied for stated reasons.
4. An application for a Use Permit may be withdrawn, in writing, by the applicant at any time prior to final action.

8.3.E Notice Provisions.

In accordance with CGS 8-3(f), the applicant may publish notice of the Use Permit in order to establish the appeal period under CGS 8-7. Such notice shall:

1. Be published in a newspaper having substantial circulation in Cromwell.

2. Contain a description of the building, use or structure and its location. If the property does not have a street address assigned, the applicant shall provide additional information to inform residents about the location of the property for which the Use Permit applies.
3. Contain the identity of the applicant.
4. Contain a statement that an aggrieved person may appeal to the Zoning Board of Appeals within ten (10) days in accordance with the provisions of CGS 8-7 and the Cromwell Zoning Regulations Section 10.3.

8.3.F Foundation Survey Required.

1. Upon completion of the foundation of any new building or structure or addition thereto, no further work shall be done on such building or structure until a Class A-2 boundary survey prepared by a Connecticut-licensed land surveyor has been filed with the Zoning Enforcement Officer (ZEO) showing the foundation location of the new building, structure, or addition.
2. The ZEO may waive the requirement for a foundation location survey when a building, structure, or addition related to a single-family dwelling is less than 500 square feet in area or when other conditions allow a clear determination of compliance.

8.3.G Use Permit Expiration.

1. Any Use Permit issued under the provisions of these Regulations shall become invalid if the authorized work is not commenced within six (6) months after issuance of the Use Permit, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.

A permit may be renewed for one (1) year upon filing a written request to do so and paying the applicable application fee.

8.4 CHANGE OF USE PERMIT (STAFF)

1. A Change of Use Permit Application shall be submitted when a land or building use is proposed to be altered to a use that has different requirements in these Regulations for setbacks, parking, building coverage, or other requirements.
2. A Change of Use Permit Application shall meet the same standards and be treated as a Use Permit Application, unless the Regulations indicate that it should be treated as a Zoning Map Amendment, Site Plan Approval, Special Permit Application, or similar application, or the proposed use would require site modifications (such as the installation of additional off street parking spaces) to comply with these regulations.

8.5 CERTIFICATE OF ZONING COMPLIANCE PROCEDURES (STAFF)

8.5.A Applicability.

1. No structure, land or premises shall be occupied or used or converted to a new use until a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer
2. The Zoning Enforcement Officer shall determine that any use, building, structure or alteration for which a Use Permit has been issued conforms in all respects to the zoning regulations and any conditions imposed by the Commission or the Board of Appeals, and to

any permit or other approval issued hereunder, including any plans or documentation submitted in support of such applications.

8.5.B Procedures.

1. Upon completion of any building, structure or addition for which Site Plan Approval has been issued, the applicant shall submit the following information to the Zoning Enforcement Officer before a Certificate of Compliance may be issued:
   (1) a Class A-2 boundary survey prepared, stamped with an embossed seal, and signed by a Connecticut-licensed land surveyor showing the information required the Zoning Enforcement Officer; and
   (2) a certification by a Connecticut-licensed land surveyor as to the location of the completed building, structure or addition, the lot coverage, and building height, where applicable.
2. As an alternative to full project completion, the applicant may post a Performance Guarantee for the remaining work.
   (1) The applicant shall submit a breakdown of estimated remaining costs for the project.
   (2) The Performance Guarantee amount shall be established by the Town Planner after reviewing the estimated breakdown of project costs. The Town Planner may consult other professionals to determine the accuracy of the applicant's estimate.
   (3) Performance Guarantees shall be in accordance with Section 9.3. The Performance Guarantee amount shall include costs incurred for administration should the Performance Guarantee need to be called upon.
3. The Zoning Enforcement Officer shall determine if the project conforms to the zoning regulations, the plans and other document approved in connection with any permit application, and any conditions imposed by the Commission or the Board of Appeals.
4. In the event that any certificate of zoning compliance is issued based on incorrect information or the specific conditions of approval are not adhered to strictly, such certificate may, upon notice and the opportunity to be heard, be revoked by the Zoning Enforcement Officer.
5. A Certificate of Zoning Compliance shall remain in effect as long as the specified uses and conditional requirements are properly maintained but shall terminate whenever such conditions and uses are no longer maintained.

8.5.C Notice Provisions.

In accordance with CGS 8-3(f), the applicant may publish notice of the Use Permit in order to establish the appeal period under CGS 8-7. Such notice shall:

1. Be published in a newspaper having substantial circulation in Cromwell.
2. Contain a description of the building, use or structure and its location. If the property does not have a street address assigned, the applicant shall provide additional information to inform residents about the location of the property for which the Use Permit applies.
3. Contain the identity of the applicant.
4. Contain a statement that an aggrieved person may appeal within ten (10) days to the Zoning

Board of Appeals in accordance with the provisions of CGS 8-7 and the Cromwell Zoning Regulations Section 10.3.

8.6 SITE PLAN APPLICATION PROCEDURES (COMMISSION)

8.6.A Objectives.

In reviewing any site plan under this section, the Commission shall be concerned with the following objectives:

1. To promote the public health, safety, comfort, convenience, prosperity, amenity and other aspects of the general welfare.
2. To ensure that the layout of the proposed use shall be in harmony with the surrounding area, and shall contribute to its desirable and orderly development.
3. To ensure that traffic generated by the proposed use will not adversely affect the surrounding area, and will not disrupt the orderly movement of vehicles and pedestrians in the area.
4. To protect and preserve the supply of potable drinking water by protecting and preserving subsurface aquifers.

8.6.B Application Requirements.

1. A Site Plan Application shall be submitted:
   (1) for any new activity designated in the Regulations as requiring Site Plan Approval,
   (2) in a Residential Zone, for any construction, development, expansion, or substantial alteration of a multi-family use or non-residential use, or
   (3) in a Business or Special Zone, for any substantial alteration of an existing site, unless the underlying approval was a Special Permit, in which case any substantial alteration will also require a new Special Permit application.
2. A complete Site Plan Application shall be accompanied by 15 full-size (24" x 36") and 12 reduced-size (11" x 17" or 12" x 18") copies of detailed Site Development Plans, signed and sealed by an appropriate professional, for review by the Commission and its designees that comply with the requirements in the Appendix of these Regulations.
3. A completed "developers performance bond spreadsheet" shall be submitted with the application.
4. Fully dimensioned drawings of all sides of the proposed building shall be submitted with the application.
5. The Commission may in accordance with the requirements of these Regulations and the Appendix of these Regulations, require the submission of additional information as deemed necessary to make a reasonable review of the application.
6. If a Site Plan Application involves an activity regulated pursuant to CGS 22a-36 to 22a-45 inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission not later than the day such application is filed with the Commission.

8.6.C Proceedings.

1. The date of receipt for the Site Plan Application shall be determined in accordance with Section 8.10.

2. An incomplete Site Plan Application may be denied in accordance with Section 8.10.C.

3. For new construction or other activity considered to be significant in the sole judgment of the Commission, the Commission:

   (1) may hold a public hearing on the application, and

   (2) if such hearing is to be held, shall:

      a) require that the applicant give notice to property owners in accordance with the requirements of Section 8.10.G of these Regulations, and

      b) post a sign in accordance with the requirements of Section 8.10.H of these Regulations.

4. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.10.I

5. Notification to water companies may be required in accordance with the requirements of Section 8.10.J.

6. Notification to a regional planning agency may be required in accordance with the requirements of Section 8.10.K.

7. Whenever a Site Plan Application is required in conjunction with another application requiring a public hearing (such as a Special Permit Application or a Zoning Map Amendment):

   (1) the time period for acting on the Site Plan Application shall coincide with the time period for acting on the related application, and

   (2) a decision on the application shall be rendered within 65 days after the close of the public hearing on such other application except that the applicant may consent to one (1) or more extensions of such period provided the total period of any such extension or extensions shall not exceed 65 days.

8. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within 65 days after the date of receipt of such Site Plan Application except that the applicant may consent to one (1) or more extensions of such period provided the total period of any such extension or extensions shall not exceed 65 days.

9. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands and Watercourses Commission, the time period for a decision shall be extended to 35 days after the decision of such agency.

10. The applicant may, at any time prior to action by the Commission, withdraw such application.

8.6.D Decision Considerations.

1. On a Site Plan Application involving an activity regulated pursuant to CGS 22a-36 to 22a-45 inclusive, the Commission shall:

(1) wait to render its decision until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision, and

(2) give due consideration to any report of the Inland Wetlands and Watercourses Commission when making its decision.

2. On a Site Plan Application involving notice to adjoining municipalities under Section 8.10.I or notice to water companies under Section 8.10.J, the Commission shall give due consideration to any report or testimony received.

3. Before the Commission approves a Site Plan Application, it shall determine that the application is in conformance with the applicable provisions of these Regulations.

4. Before the Commission approves a Site Plan Application, it shall consider the following In such review the Commission shall take into consideration such factors as the following:

(1) the adequacy of access, for fire and police protection and otherwise.

(2) the adequacy of provisions for drainage of surface waters and storm water management and for waste disposal.

(3) the location and the layout of accessory off-street parking and off-street loading spaces, the width and grading of all entrances and exits to such spaces, the locations of such exits and entrances, and degree of visibility and the direction of major traffic flow, together with:

(4) the distance from street intersections,

(5) the likelihood of left-hand turns and other turning movements, and

(6) the likelihood of drawing vehicular traffic to and through local residential streets.

(7) the arrangements for safe and convenient pedestrian circulation, on the site and its approaches.

(8) the impact of the proposed layout upon the surrounding area, and particularly upon any nearby residences, including, but not limited to:

a) the location and height of buildings and the extent of their shadows,

b) the location, intensity and direction of any outdoor lighting and the proposed times for its use,

c) the location of any overhead power lines,

d) the likelihood for any other nuisances, and

e) whether appropriate and adequate screening is provided.

(9) The size, location and type of any signs, and their appropriateness in the area involved.

(10) The nature and arrangement of any outdoor display lighting and loudspeakers or noise-making devices.

(11) the availability of adequate sewerage, water supply, drainage, and fire and police protection.

(12) the proposed location and configuration of any outdoor storage areas including trash receptacles and proposed screening.

(13) The proposed landscaping and its appropriateness in the area involved.

Preservation of substantial trees and other important natural features is to be encouraged to the maximum extent possible.

(14) The arrangement of buildings, structures and landscaped areas on the site.

5. If, in the judgment of the Commission, screening is necessary to protect nearby residential areas from detriment, the Commission may require landscaping, fencing, or other appropriate screens within any required front, side or rear yard.

6. All site plans shall conform to appropriate sections of the Building Code of the State of Connecticut which specify requirements for exterior access to all structures in order to accommodate the physically handicapped.

7. During the review process, the Commission shall consider the design of the proposed use, buildings or development; the relationship between buildings; the overall physical appearance of the proposed use and its compatibility with the surrounding area. Consideration shall also be given by the Commission concerning the following:

   (1) the design, architecture, and aesthetics of any proposed development relative to excessive uniformity, dissimilarity, inappropriateness, or poor quality of the exterior appearance of the development which may adversely affect the desirability for subsequent development in the area, and by so doing, may impair the benefits of present or future occupancy of existing property;

   (2) the stability and value of both improved and unimproved real property in the surrounding area, which may produce degeneration of property with attendant deterioration of conditions in the area affecting the health, safety and general welfare of the community and which may diminish a proper ratio between the taxable values of real property in the area and the cost of municipal services provided therefore.

8.6.E Commission Decision.

1. In any submission under this section, the Commission may approve or disapprove the proposed plan, or may approve it subject to appropriate conditions and safeguards designed to further the general purposes of this regulation and the specific purposes indicated above. Any Certificate of Zoning Compliance shall then be made explicitly subject to the continued conformity with those conditions and safeguards, and with conformance to the plans and other documents submitted to and approved by the Commission.

2. In approving a Site Plan Application, the Commission may impose conditions deemed necessary to protect the public health, safety, welfare, convenience, and property values.

3. The Commission shall require that a Performance Guarantee be posted in accordance with Section 9.3.

4. The Commission shall not approve any Site Plan for any property on which there exists a zoning violation, unless such Site Plan application will remedy such violation.

5. The Commission shall act upon any such proposal within 65 days from the time of its referral, and if the Commission does not act within such period, the proposal shall be deemed approved.

   (1) However, if the owner (or developer) consents, the Commission's action may be postponed for one (1) or more periods not to exceed 65 days each.

   (2) The applicant or his representative shall appear before the Commission to present

his proposal.

(3) If the Commission believes that any such proposal raises questions of major public interest, the Commission may hold a public hearing on such proposal upon due notice as required for a Special Permit. NOTE: The public hearing must be held, closed, and a decision made within the Site Plan Application review timeframe.

8.6.F Action Documentation.

1. The Town Planner, on behalf of the Commission, shall send, by certified mail, a copy of any decision to the applicant within 15 days after such decision is rendered.
2. The Town Planner, on behalf of the Commission, shall publish notice of the approval or denial of site plans in a newspaper having a substantial circulation in Cromwell within 15 days after such decision is rendered.
3. In any case in which such notice is not published within the 15 day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.

8.6.G Post Approval Actions (Pre-Construction).

1. Following approval of a Site Plan Application, the applicant shall submit four (4) sets of Final Plans (24" x 36") to the Planning and Zoning Department bearing:
   (1) a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity, and
   (2) containing a signature block where the Chairman, or Vice-Chairman, of the Commission can indicate the approval of the Commission.
2. The Town Planner shall verify that the final plans are in accordance with the Commission's approval.
3. The Applicant shall post a Performance Guarantee in accordance with Section 9.3 and secure a Use Permit prior to commencing construction or use. Failure to post a bond prior to commencing construction shall be a violation of these regulations.

8.6.H Construction.

A Use Permit application, in accordance with Section 8.2, must be approved by the Zoning Enforcement Officer (ZEO) prior to the commencement of any construction or any use, or site preparation associated with an approved site plan application.

8.6.I Site Plan Modifications.

Proposed modifications to approved site plans that are not substantial alterations shall be submitted to the Town Planner for review. Such proposed modifications may be:

1. approved by the Town Planner, or
2. submitted to the Commission for additional review if they propose major changes (e.g. additional building floor area or alteration of significant landscaping).

8.6.J Expiration and Completion.

1. All work in connection with a site plan shall be completed within five (5) years after the

date of approval of the plan and failure to complete all work within such five (5) year period shall result in automatic expiration of the approval of such site plan, upon notice to the permit holder and property owner and the opportunity to be heard, unless the Commission shall have granted an extension of the time to complete work in connection with such site plan.

2. The Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten (10) years from the date of approval of such site plan.

3. The Commission may condition the approval of such extension on a determination of the adequacy of any Performance Guarantee or other surety.

8.7 SPECIAL PERMIT APPLICATION PROCEDURES (COMMISSION)

8.7.A Applicability.

1. A Special Permit application shall be submitted for any activity designated in the Regulations as requiring Special Permit approval.

8.7.B Application Requirements.

1. A Special Permit Application shall be submitted for any activity designated in the Regulations as requiring a Special Permit.

2. Each application for a Special Permit shall be accompanied by a Site Plan containing the information per Section 8.6.B of these Regulations unless the Commission finds that there are no physical changes proposed to the site or any building or structure and the submission of a Site Plan Application is not necessary for the Commission to evaluate the proposal.

3. A complete Special Permit Application shall be accompanied by 12 copies of the following information:

   (1) a detailed statement describing the existing and proposed use or uses,

   (2) a detailed statement describing how the Special Permit criteria in Section 8.7E are addressed, and

   (3) evidence of any approvals from any local, regional, State or Federal agency or department having jurisdiction over any aspect of the application (provided Planning and Zoning Commission approval is not a prerequisite of that approval process).

4. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

5. If a Special Permit Application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission not later than the day such application is filed with the Commission.

6. Where the Commission determines that, because of the particular size, location or nature of a proposal, the public interest would be best served by a three-dimensional (3D) physical representation or a computer simulation of the project, the Commission may require that the applicant provide a digital model of the proposal or a physical model of the proposal at such appropriate scale as the Commission may approve. The Commission may also require

that the model include 3D representation of all or portions of the abutting properties where this would significantly aid the Commission and the public to visualize and understand the proposal.

8.7.C Proceedings.

1. The date of receipt of the Special Permit Application shall be determined in accordance with Section 8.10.B.
2. An incomplete Special Permit Application may be denied in accordance with Section 8.10.C.
3. The Commission shall hold a public hearing on the Special Permit Application and:
   (1) Publish a legal notice in accordance with the requirements of Section 8.10.F of these Regulations,
   (2) Inform the applicant of the deadline to provide notice to property owners in accordance with the requirements of Section 8.10.G of these Regulations,
   (3) Confirm that the applicant has mailed notice to property owners in accordance with these Regulations.
4. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.10.I.
5. Notification to water companies may be required in accordance with the requirements of Section 8.10.J.
6. Notification to a regional planning agency may be required in accordance with the requirements of Section 8.10.K.
7. The Commission shall require that the applicant:
   (1) post a sign in accordance with the requirements of Section 8.10H of these Regulations, and
   (2) give notice to nearby property owners in accordance with the requirements of Section 8.10.G of these Regulations.
8. The Commission shall process the Special Permit Application within the period of time permitted under CGS 8-7d:
   (1) the public hearing shall commence within 65 days after receipt of the application,
   (2) the public hearing shall be completed within 35 days after such hearing commences,
   (3) all decisions shall be rendered within 65 days after completion of such hearing, and
   (4) the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than 65 days.
9. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the 35th day after a decision by the Inland Wetlands and Watercourses Commission, the time period for a decision shall be extended to 35 days after the decision of such agency.

10. The applicant may, at any time prior to action by the Commission, withdraw such application.

11. The applicant shall bear the burden of demonstrating that any applicable Special Permit Criteria in these Regulations are addressed.

8.7.D Decision Considerations.

1. On a Special Permit Application involving an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the Commission shall:

   (1) wait to render its decision until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision, and

   (2) give due consideration to any report of the Inland Wetlands and Watercourses Commission when making its decision.

2. On a Special Permit Application involving notice to adjoining municipalities under Section 8.10.I notice to water companies under Section 8.10.J, or notice to a regional planning agency under Section 8.10.K the Commission shall give due consideration to any report or testimony received.

3. Before the Commission approves a Special Permit Application, it shall determine that the application:

   (1) is in conformance with the applicable provisions of these Regulations,

   (2) has, in the sole discretion of the Commission, satisfied any applicable Special Permit criteria in these Regulations, and

   (3) is in harmony with the purposes and intent of these Regulations.

4. Before granting a Special Permit, the Commission shall determine that any accompanying Site Plan application is in conformance with the applicable provisions of these Regulations.

5. In granting a Special Permit, the Commission may:

   (1) stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety or welfare; property values; the environment; sound planning and zoning principles; improved land use, site planning and land development; or better overall neighborhood compatibility, and

   (2) impose additional requirements, conditions or safeguards as a prerequisite to the issuance of the Use Permit by the Zoning Enforcement Officer, if it shall be found necessary in order that the spirit of these Regulations may be observed, public safety and welfare secured or substantial justice done.

6. Any condition or safeguard attached to the granting of a Special Permit:

   (1) shall be binding upon the property as long as the Special Permit use is still in operation, and

   (2) shall continue to be in effect regardless of any change in ownership of the property.

7. The Commission shall not approve any Special Permit for any property on which there exists a zoning violation, unless such Special Permit application will remedy such violation.

8.7.E Special Permit Criteria.

In considering any application for a Special Permit, the Commission shall evaluate the merit of the application with respect to the following factors:

1. **Compatibility with the Plan of Conservation and Development.**

That the proposed use is consistent with the current Cromwell Plan of Conservation and Development.

2. **Suitable Location for Use.**

The location and size of the site, the nature and intensity of the operations involved in or conducted in connection with the use, and the location of the site with respect to streets giving access to it are such that the use shall be in harmony with the appropriate and orderly development in the district in which it is located and shall promote the welfare of the Town.

3. **Appropriate Improvements.**

(1) The design elements of the proposed development will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and will enhance the existing and probable future character of the neighborhood in which the use is located.

(2) The location, nature and height of buildings, walls, and fences, planned activities and the nature and extent of landscaping on the site will be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

(3) The proposed use or activity shall have no adverse effect upon the neighboring area resulting from the use of signs, exposed artificial lights, colored lights of any nature, flashing lights, loudspeakers or other noisemaking devices.

(4) In cases where it is proposed to convert a structure designed and built originally for other uses, the structure is adaptable to the proposed use from the point of view of public health and safety.

4. **Suitable Transportation Conditions.**

(1) The design, location and specific details of the proposed use or activity shall not adversely affect safety in the streets nor unreasonably increase traffic congestion in the area nor interfere with the pattern of pedestrian, bicycle, or vehicular circulation in such a manner as to create or augment unsafe traffic conditions.

(2) Parking area or areas will be of adequate size for the particular use, shall be suitably screened from adjoining residential uses, and entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.

(3) Streets and other rights-of-way shall be of such size, condition and capacity (in terms of capacity, width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the particular proposed use.

5. **Adequate Public Utilities and Services.**

(1) The provisions for water supply, sewage disposal, and storm water drainage conform to accepted engineering practices, comply with all standards of the appropriate regulatory authority, and shall not unduly burden the capacity of such facilities.

(2) The proposed use or activity shall provide easy accessibility for fire apparatus and

police protection and is laid out and equipped to further the provision of emergency services.

6. **Environmental Protection and Conservation.**

Appropriate consideration shall be given to the protection, preservation, and/or enhancement of natural, scenic, historic, and unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features which enhance the character and environment of the area.

7. **Long-term Viability.**

Adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).

8.7.F Commission Decision.

1. Following the public hearing, the Commission may approve, disapprove or approve with modifications the proposed special permit use, provided such modifications do not increase the scope of the Special Permit. Because of the variety and peculiarities of each special permit use, the Commission may impose conditions and restrictions to any such use which in its judgment is required to protect adjacent uses and the neighborhood in general.
2. In approving a Special Permit Application, the Commission may impose conditions deemed necessary to protect the public health, safety, welfare, convenience, and property values.
3. The Commission shall not approve any Special Permit for any property on which there exists a zoning violation, unless such Special Permit application will remedy such violation.

8.7.G Action Documentation.

1. The decision to grant a Special Permit shall:
   (1) state the name of the owner of record,
   (2) contain a description of the premises to which it relates,
   (3) identify the Section and/or Section of the Regulations under which the Special Permit was granted or denied, and
   (4) specify the nature of the Special Permit.
2. The Town Planner, on behalf of the Commission, shall send, by certified mail, a copy of any decision to the applicant within 15 days after such decision is rendered.
3. The Town Planner, on behalf of the Commission, shall publish notice of the approval or denial of the Special Permit Application in a newspaper having a substantial circulation in Cromwell within 15 days after such decision is rendered.
4. In any case in which such notice is not published within the 15 day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.

8.7.H Post Approval Actions.

1. Following approval of a Special Permit Application, the applicant shall submit the following final plan to the Town Planner:

(1) bearing the raised seal and signature of the appropriate professionals who prepared the drawing(s),

(2) bearing a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity,

(3) a completed "developers performance bond spreadsheet," and

(4) containing a signature block where the Chairman, or Vice-Chairman, of the Commission can indicate the approval of the Commission.

2. The applicant shall also submit application documents in an electronic format in accordance with the Town Planner's requirements.

3. A Special Permit shall only authorize the particular use or uses specified in the Commission's approval.

4. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations and the Commission shall have the authority, upon notice and an opportunity to be heard, to revoke the permit at any time the operation is found to be in noncompliance with the original permit.

5. A Special Permit may be amended or modified in like manner as provided above for the granting of a Special Permit except that amendments which shall be found to be of a minor nature or which do not materially alter the Special Permit, as determined by the Commission, may be authorized with Commission approval only, without another public hearing.

8.7.I Expiration and Completion.

1. A Special Permit will expire for the following reasons:

   (1) if it is not recorded on the land records within one (1) year of the date of the expiration of the appeal period. .

   (2) All work in connection with a site plan shall be completed within five (5) years after the date of approval of the plan and failure to complete all work within such five (5) year period shall result in automatic expiration of the approval of such site plan unless the Commission shall have granted an extension of the time to complete work in connection with such site plan.

2. The Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten (10) years from the date of approval of such site plan.

3. The Commission may condition the approval of such extension on a determination of the adequacy of any Performance Guarantee or other surety.

8.8 REGULATION AMENDMENT APPLICATION PROCEDURES (COMMISSION)

8.8.A Application Requirements.

1. A Regulation Amendment Application shall be submitted for any proposal to amend, change, or repeal any Section of these Regulations.

2. Any such application shall be accompanied by 12 copies of the precise wording of the existing and proposed text and any other supporting information.

3. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

4. A Regulation Amendment Application shall only be submitted by:

   (1) an owner of real property in Cromwell, or

   (2) by the Commission on its own initiative.

5. The Commission shall not be required to hear any petition or petitions relating to the same changes, or substantially the same changes, more than once in a period of 12 months unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

8.8.B Proceedings.

1. The date of receipt for the Regulation Amendment Application shall be determined in accordance with Section 8.10.B.

2. An incomplete Regulation Amendment Application may be denied in accordance with Section 8.10.C.

3. The Commission shall hold a public hearing on the Regulation Amendment Application and:

   (1) shall publish a legal notice in accordance with the requirements of Section 8.10.F. of these Regulations.

   (2) may publish the full text of such proposed regulation in full in such notice.

   (3) file the proposed text in the Office of the Town Clerk.

4. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.10.I.

5. Notification to water companies may be required in accordance with the requirements of Section 8.10.J.

6. A copy of the proposed regulation shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.

7. The Commission shall process the Regulation Amendment Application within the period of time permitted under CGS 8-7d:

   (1) the public hearing shall commence within 65 days after receipt of the application.

   (2) the public hearing shall be completed within 35 days after such hearing commences.

   (3) all decisions shall be rendered within 65 days after completion of such hearing.

   (4) the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than 65 days.

   (5) these provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.

8. The applicant may, at any time prior to action by the Commission, withdraw such application.

8.8.C Decision Considerations.

1. The Commission shall act upon the changes requested in such Regulation Amendment Application.
2. Any report from an adjacent municipality or a regional planning agency shall be made a part of the record of such hearing.
3. On a Regulation Amendment Application involving notice to adjoining municipalities, water companies, or a regional planning agency, the Commission shall give due consideration to any report or testimony received.
4. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS 8-23.
5. Before approving any Regulation Amendment Application, the Commission shall determine that the proposed regulation change will aid in:
   (1) protecting the public health, safety, welfare, or property values, and
   (2) attaining the purposes of these Regulations.
6. Such Regulation(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of 20 percent or more of the area of the lots affected by such proposed change or of the lots within 500 feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds (2/3) of all the members of the Commission.

8.8.D Action Documentation.

1. In making its decision, the Commission shall state upon the record its findings on consistency of the proposed establishment, change or repeal of such Regulations with the Plan of Conservation and Development, as amended.
2. As part of approving a Regulation Amendment Application, the Commission shall establish an effective date for the Regulation change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Cromwell before such effective date.
3. The Town Planner, on behalf of the Commission, shall send, by certified mail, a copy of any decision on a Regulation Amendment Application to the applicant within 15 days after such decision is rendered.
4. The Town Planner, on behalf of the Commission, shall publish notice of the approval or denial of the Regulation Amendment Application in a newspaper having a substantial circulation in Cromwell within 15 days after such decision is rendered.
5. In any case in which such notice is not published within the 15 day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

8.8.E Effective Date.

Unless otherwise expressly provided for by the Commission, such Zoning Regulation Amendment shall

become effective on the day following the publication of such change in a newspaper having a substantial circulation in Cromwell provided that, prior to the effective date a copy of the Zoning Regulation Amendment approved by the Commission shall be filed in the office of the Town Clerk.

8.8.F Post Approval Actions.

Before the Effective Date, the Commission shall file a copy of the adopted amendment in the Office of the Town Clerk.

8.9 ZONING MAP AMENDMENT APPLICATION PROCEDURES (COMMISSION)

8.9.A Application Requirements.

1. A Zoning Map Amendment shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.
2. A Zoning Map Amendment shall be:
   (1) signed by the affected property owner(s);
   (2) commenced by the Commission on its own initiative; or
   (3) by the Commission in response to a petition, duly signed and acknowledged, requesting change or modification of the official Zoning Map.
3. The following special zoning districts require the submission of a Master Plan at the time of application for a Zoning Map Amendment:
   (1) ACTIVE ADULT HOUSING DISTRICT (AA)
   (2) INSTITUTIONAL DEVELOPMENT DISTRICT (ID)
   (3) MIXED-USE DISTRICT (MU)
   (4) PLANNED RESIDENTIAL DISTRICT (PRD)
4. Applicants involved in a Master Plan process may elect to submit documentation that satisfies both the Master Plan and Site Plan requirements at the time of submission for the Zoning Map Amendment application.
5. The Commission shall not be required to hear a Zoning Map Amendment that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

8.9.B Proceedings.

1. The Zoning Map Amendment shall be submitted in accordance with Section 8.10.A.
2. The date of receipt of the Zoning Map Amendment shall be determined in accordance with Section 8.10.J.
3. The Commission shall hold a public hearing on the Zoning Map Amendment.
4. The Town Planner, on behalf of the Commission, shall publish a legal notice in accordance with the requirements of Section 8.10.F of these Regulations.

5. The Town Planner, on behalf of the Commission, shall inform the applicant of the deadline to provide notice to property owners in accordance with the requirements of Section 8.10.G of these Regulations,

6. The Town Planner, on behalf of the Commission, shall confirm that the applicant has mailed notice to property owners in accordance with these Regulations.

7. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.10.I.

8. Notification to water companies may be required in accordance with the requirements of Section 8.10.J.

9. Notification to a regional planning agency may be required in accordance with the requirements of Section 8.10.K.

10. The Commission shall require that all applicants:

    (1) post a sign in accordance with the requirements of Section 8.10H of these Regulations, and

    (2) give notice to nearby property owners in accordance with the requirements of Section 8.10.G of these Regulations.

11. A copy of the proposed Zoning Map Amendment shall be filed by the Town Planner in the Office of the Town Clerk for public inspection at least ten (10) days before the public hearing.

12. The applicant may withdraw such Zoning Map Amendment at any time prior to action by the Commission.

8.9.C Timeframe for Action.

The Commission shall process the Zoning Map Amendment within the period of time permitted under CGS 8-7d, except that these timeframe provisions shall not apply to any action initiated by the Commission regarding establishment, amendment, or change of any zone:

1. the public hearing shall commence within 65 days after receipt of the application,
2. the public hearing shall be completed within 35 days after such hearing commences,
3. all decisions shall be rendered within 65 days after completion of such hearing, and
4. the applicant may consent to one (1) or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than 65 days.

8.9.D Decision Considerations.

1. On a Zoning Map Amendment, the Commission shall incorporate into the record, and give due consideration to, any report or testimony received from:

    (1) an adjoining municipality under Section 8.10.I,

    (2) a regional planning agency under Section 8.10.K, and

    (3) the Cromwell Fire District (public water company) and the Commissioner of Public Health under Section 8.10.J.

2. Whenever it grants or denies a Zoning Map Amendment, the Commission shall state upon its record:

(1) the reason(s) for its decision, and

(2) the findings on consistency of the proposed Zoning Map Amendment with the Plan of Conservation and Development, as amended.

8.9.E Commission Decision

1. In any submission under this section, the Commission may approve or disapprove the proposed map amendment as presented, or may modify it, provided such modification is a reduction in area and does not include properties, parcels or portions thereof that have not been included in any require notice.
2. Any report from an adjacent municipality or a regional planning agency shall be made a part of the record of such hearing.
3. On a Regulation Amendment Application involving notice to adjoining municipalities, water companies, or a regional planning agency, the Commission shall give due consideration to any report or testimony received.
4. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS 8-23.
5. Before approving any Map Amendment Application, the Commission shall determine that the proposed regulation change will aid in protecting the public health, safety, welfare, or property values.

8.9.F Protest Petition.

Such Zoning Map Amendment shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed with the Commission at or before a hearing, signed by all of the owners of record of 20 percent or more of the area of the lots affected by such proposed change or of the lots within 500 feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

8.9.G Action Documentation.

1. The Town Planner, on behalf of the Commission shall send, by certified mail, a copy of any decision on a Zoning Map Amendment to the applicant within 15 days after such decision is rendered.
2. The Town Planner, on behalf of the Commission shall publish notice of the approval or denial of the Zoning Map Amendment in a newspaper having a substantial circulation in Cromwell within 15 days after such decision is rendered and any such notice of approval shall identify the effective date established by the Commission.
3. In any case in which such notice is not published within the 15 day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

8.9.H Effective Date

Unless otherwise expressly provided for by the Commission, such Zoning Map Amendment shall become effective on the day following the publication of such change in a newspaper having a substantial circulation in Cromwell provided that, prior to the effective date a copy of the Zoning Map Amendment approved by the Commission shall be filed in the office of the Town Clerk

8.9.I Post Approval Actions.

1. Zoning Map Amendment without a Master Plan. Before the Effective Date, the Town Planner, on behalf of the Commission shall file a copy of the adopted amendment in the Office of the Town Clerk.

2. Zoning Map Amendment With Master Plan. Following approval of a Master Plan, the applicant shall submit the following final plan to the Town Planner:

   (1) bearing the raised seal and signature of the appropriate professionals who prepared the drawing(s),

   (2) bearing a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity, and

   (3) containing a signature block where the Chairman, or Vice-Chairman, of the Commission can indicate the approval of the Commission.

3. The Town Planner shall verify that the final plans are in accordance with the Commission's approval.

4. Following signature by the Chairman or Vice-Chairman, the applicant shall file said plans in the office of the Town Clerk before any Use Permits are issued for the activities shown on the approved plan. A Master Plan granted by the Commission shall only become effective upon the filing of a copy, certified by the Commission, in the land records of the Town

5. The applicant shall also submit application documents in an electronic format in accordance with the Town Planner's requirements.

6. A Master Plan shall only authorize the particular use or uses specified in the Commission's approval.

7. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations and the Commission shall have the authority to revoke the permit at any time the operation is found to be in noncompliance with the original permit.

8. The Applicant shall post a Performance Guarantee in Accordance with Section 9.3 when required by the Commission.

8.9.J Adoption of a Master Plan.

1. When a Master Plan is required, the Commission shall act upon the application in accordance with the procedures for a Zoning Map Amendment. The Master Plan, when adopted, shall become the zoning map and regulations for the properties identified during the application process.

2. The Master Plan shall be established as the district criteria for the subject parcel(s). The specific bulk requirements, total building coverage and square footage, along with proposed uses shall be depicted in a Table that is incorporated into the Master Plan documents.

3. A Master Plan shall be accompanied by schematic drawings and documentation necessary for the Commission to evaluate the proposal. The Master Plan should also include a Table that identifies the following elements:

   (1) proposed uses and amount of land use area (square feet or acres),

   (2) proposed total amount of impervious surface in a land use area (square feet or

acres),

(3) proposed total amount of building development for a land use area (square feet or acres), and

(4) proposed maximum permitted building height and locations where height requirements will be applied.

4. The applicant may submit more detailed information about these elements.

5. A Master Plan shall be accompanied by 12 copies of the following information:

(1) a detailed statement describing the existing and proposed use or uses, and

(2) the Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

6. Following approval of a Master Plan, the applicant shall prepare and submit two (2) fixed-line mylar copies of the approved plan(s) shall be submitted to the Planning and Zoning Department, with the following:

(1) Mylar documents shall comply with CGS 7-31, bearing the raised seal and signature of the appropriate professionals which prepared the drawing(s),

(2) bearing a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity, and

(3) containing a signature block where the Chairman or Vice-Chairman, of the Commission can indicate the approval of the Commission.

7. The Zoning Map shall be modified to reflect such change and shall contain a notation giving reference to the Master Plan.

8. Following signature by the Chairman or Vice-Chairman, the applicant shall file said plans in the office of the Town Clerk before any Use Permits are issued for the activities shown on the approved plan. A Master Plan approved by the Commission shall only become effective upon the filing of a copy, certified by the Commission, in the land records of the Town

9. A Master Plan shall only authorize the particular use or uses specified in the Commission's approval.

10. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations and, in addition to any other remedies available at law, the Commission shall have the authority, upon notice and an opportunity to be heard, to revoke the permit at any time the operation is found to be in noncompliance with the original permit.

11. A Master Plan is not a Site Plan Approval and construction is not authorized under the Master Plan. A Site Plan can be granted simultaneous to the authorization of a Master Plan, provided the Site Plan Application requirements have been followed. Bonding is required for a joint Master Plan/ Site Plan process.

8.10 PROCEDURAL REQUIREMENTS FOR APPLICATION PROCESSING

8.10.A Application Submission Requirements.

1. Applications to the Commission or Zoning Board of Appeals (Board) shall be submitted to the Planning and Zoning Department.
2. Applications shall be submitted on forms obtained from the Planning and Zoning Department for the type of application being submitted.
3. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town shall be exempt from any application fee.
4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
5. Applications shall be signed by the applicant and, if different, the owner of the property affected.

8.10.B Date of Receipt.

For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Commission or the Board shall be:

1. the day of the next regularly scheduled meeting of the Commission or the Board immediately following the day of submission of the application to the Planning and Zoning Department, or
2. 35 days after submission, whichever is sooner.

8.10.C Incomplete Applications.

1. Each application shall be reviewed by the Town Planner to determine whether the application is complete.
2. An application requiring approval from the Commission or Board shall not be considered actually complete until all of the information as required by these Regulations, the Commission, or the Board has been received by the Commission or the Board at a regularly scheduled meeting.
3. An incomplete application or an application submitted without the requisite fee are grounds for denial.
4. Complete Application Checklist. A checklist will be developed for each application that is required to have a "Complete Application" when the application is submitted.

8.10.D Sequence of Hearings.

Where a proposed development or activity requires multiple applications, the Commission or the Board may conduct any public hearings simultaneously or in the order they deem appropriate.

8.10.E Consultations.

1. On any application, the Commission or Zoning Board of Appeals may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.
2. On any application, the Commission or Zoning Board of Appeals may retain an architect, landscape architect, professional land use planner, attorney, or other consultant to review, comment, and guide its deliberations on any application, and require that the applicant:
   (1) deposit funds with the Commission for the costs of any consulting review fees, or
   (2) reimburse the Commission for the cost of such consulting review. Failure to

reimburse such costs shall be a violation of these Regulations and shall be grounds for the revocation of the approval upon notice and an opportunity to be heard.

8.10.F Notice by Newspaper.

1. When a public hearing is required by these Regulations or scheduled by the Commission or Board, the Town Planner shall publish notice of the hearing in a newspaper having a substantial circulation in Cromwell.
2. Such notice shall be published at least twice at intervals of not less than two (2) days, the first not more than 15 days, nor less than ten (10) days, and the last not less than two (2) days before the date of the hearing.

8.10.G Notification of Abutting Property Owners.

1. For all applications to the Commission or Zoning Board of Appeals which will require the Commission or Zoning Board of Appeals to hold a public hearing, except amendments to these regulations, the applicant shall mail notice to the following persons as required by this section:
   (1) The owner of all property which is the subject of the application.
   (2) Owners of Abutting Properties – Notification to all persons owning property, any portion of which is within 100 feet of the land that is the subject of the hearing.
2. Said notice shall consist of written notification of the public hearing, by mail, at least fourteen (14) days prior to the public hearing. A Certificate of Mailing from the US Post Office of said written notice shall be conclusive evidence of compliance with the provisions of the section.
3. Property owners, for the purpose of this section, shall be as they appear on the property tax map or on the last-completed grand list as of the date such notice is mailed.
4. Failure by the applicant to mail such notice to any person or persons shall not in any way invalidate the public hearing.

8.10.H Public Hearing Sign Posting Requirements.

1. For any site which is the subject of a public hearing before the Commission or the Zoning Board of Appeals, the applicant shall display a sign or signs on the subject property indicating that a zoning application is pending.
   (1) The sign or signs shall be not less than 16 square feet in size and shall contain the name of the applicant, the application file number, and the date, time, and location of the public hearing in letters that are not less than four (4) inches high.
   (2) One (1) sign shall be posted on every side of the property that has frontage on a Town road, and shall be placed not more than five (5) feet from the edge of the property.
   (3) The sign shall be two-sided and its face shall be perpendicular to the street.
   (4) The sign shall be in place continuously for 14 days prior to the public hearing and shall remain in place throughout the public hearing.
   (5) If the public hearing is continued, the date of the public hearing shall be revised to

state the date of the continued public hearing.

(6) Said sign shall be removed by the applicant not later than three (3) days after the final action.

2. At the public hearing the applicant must present an affidavit certifying that the sign or signs have been in place for the required period prior to the public hearing.

3. Once duly posted, the removal of a public hearing sign by someone other than the applicant or its agent(s) shall not in any way invalidate the public hearing.

8.10.I Notification of Abutting Municipalities.

1. In accordance with CGS 8-7d(f), the Town Planner on behalf of the Commission or Board shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:

   (1) any portion of the property affected by a decision is within 500 feet of the boundary of the adjoining municipality,

   (2) a significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site,

   (3) a significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality, or

   (4) water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.

2. Such notice shall be made certified mail, return receipt requested and shall be mailed within seven (7) days of the day of the submission to the Planning and Zoning Department of the application, petition, request or plan.

3. No hearing shall be conducted on any application, petition, request or plan unless the adjoining municipality has received the notice required under this Section.

4. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

8.10.J Notification of Water Companies.

1. In accordance with CGS 8-3i an applicant shall provide written notice to the Cromwell Fire District (water company) and the Commissioner of Public Health when an application, petition, request or plan is filed with the Commission or Board concerning any project on any site that is within:

   (1) an aquifer protection area, provided such area has been delineated in accordance with CGS 22a-354c, or

   (2) the watershed of the Cromwell Fire District (water company), provided the Cromwell Fire District(water company) or said Commissioner has filed a map with the Commission or the Board and on the Cromwell land records showing the boundaries of the watershed.

2. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven (7) days after the date of the day of the submission to the Planning and Zoning Department.

3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Planning and Zoning Department or the application shall be considered incomplete:

   (1) a copy of the complete package of information, and

   (2) proof of mailing.

4. Such Cromwell Fire District (water company) and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

8.10.K Notification of Regional Planning Agency.

The Town Planner, on behalf of the Commission shall give written notice to the regional planning agency when any portion of the land affected by a regulation change affecting the use of a district is located within 500 feet of the boundary of another municipality and:

1. such notice shall be made by certified mail, return receipt requested.
2. such notice shall be made not later than 30 days before the public hearing.
3. the regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.

8.10.L Beneficiaries of a Trust.

Any person who makes an application to the Commission or Board pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner (s) of such real property or the beneficiary(ies) of the trust.

8.10.M Holders of Conservation or Preservation Restriction.

In accordance with Conn. Gen. Stats. §47-42d, no person shall file an application with the Commission or the Board of Appeals for an activity which is restricted under the terms of a conservation or preservation restriction without providing proof that the applicant has providing the party holding such restrictions, including any State agency, with written notice of the application, by certified mail, return receipt requested, not less than sixty (60) days prior to the filing of the such application. In lieu of such notice, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction. If the applicant has provided written notice pursuant to this section 8.9.M, the holder of the restriction may provide proof to the Commission or the Board of Appeals that granting of the permit application will violate the terms of the restrictions and the Commission or Board of Appeals shall not grant the permit. Nothing in this section shall be construed to prohibit the filing of an application or to require such written notice when the activity that is the subject of the permit application will occur on a portion of the property that is not restricted under the terms of such conservation or preservation restriction.

9. ADMINISTRATION

9.1 GENERAL ADMINISTRATION

9.1.A Severability.

If a court of competent jurisdiction shall declare any provision or part of these regulations to be invalid, unconstitutional, or beyond the powers granted to the Commission by law, such action shall not affect the validity of any other provision or part hereof.

9.1.B When Effective.

These Regulations and any amendments hereto, shall be effective from and after the effective date established by the Commission.

9.1.C Appointment.

The Commission shall appoint a Zoning Enforcement Officer and may appoint one (1) or more Assistant Zoning Enforcement Officer(s) who shall act as its agent(s) for administration and enforcement of these Regulations in accordance with Sections 9.1 and 9.1.

9.1.D Duties and Responsibilities of the Town Planner.

The Commission hereby delegates the following administrative duties and responsibilities to the Town Planner:

1. To maintain a proper record of all applications, approvals, site plans, legal documents (such as deeds and easements), correspondence, notices, application fees levied and collected and such other data and files as are required by these Regulations.
2. To report regularly to the Commission.
3. To serve as the formal recipient for all legal documents submitted by applicants. As the formal recipient the Town Planner shall:
   - **(1)** review such documents for compliance with Commission decisions; and
   - **(2)** forward all such documents to the Town Attorney for review and filing.
4. To serve as the formal recipient for all performance guarantees (bonds) established by the Commission. As the formal recipient the Town Planner shall:
   - **(1)** make recommendations of any and all Performance Guarantees, pursuant to input from all appropriate agencies or departments,
   - **(2)** maintain a list of all active Performance Guarantees and monitor them to prevent expiration while a project is on-going,
   - **(3)** forward all documents to the Finance Department or Town Treasurer for proper financial management, and
   - **(4)** notify all appropriate departments of the receipt of the Performance Guarantee.
5. Any and all duties referred to in these Regulations.
6. Any other duties or responsibilities which the Commission chooses to delegate provided administrative approval is granted by the direct supervisor.

9.1.E Duties and Responsibilities of the Zoning Enforcement Officer.

The Commission hereby delegates the following duties and responsibilities to the Zoning Enforcement Officer or agent:

1. To issue or withhold use permits, as herein provided.
2. To issue or withhold certificates of zoning compliance, as herein provided.
3. To maintain a proper record of all certificates of zoning compliance, plans, complaints, violations, orders, corrections, correspondence, notices, fees levied and collected and such other data and files as are required by these Regulations.
4. To report regularly to the Commission and carry out its directives in all matters pertaining to these Regulations.

9.2 ENFORCEMENT

9.2.A Authority.

These regulations shall be enforced by the Zoning Enforcement Officer(s) who are hereby authorized to cause any building, place, premises or use to be inspected, and to order in writing the remedying of any condition found to exist in violation of these regulations.

9.2.B Inspections Authorized.

The Zoning Enforcement Officer(s) shall have authority to cause an inspection to be made of any premises and the building and structures thereon and the use of any land and any kind of work upon any building or structure being erected or altered, whether or not such work is being done under authority of a Use Permit. Filing of a permit application under these Regulations shall constitute authority from the owner for inspections by the Zoning Enforcement Officer or other municipal inspectors or agents for the purpose of determining, and enforcing, compliance with these Regulations and the terms of any permit or other approval approved hereunder.

9.2.C Enforcement Authorized.

The Planning and Zoning Commission, the Zoning Enforcement Officer, or any official having jurisdiction, in addition to other remedies, may institute an action or proceeding to prevent the unlawful erection, alteration, extension, reconstruction, maintenance or use of any building, structure, or lot or to correct or abate any unlawful act or to prevent the illegal occupation of buildings, structures, or land or to prevent any illegal act in or about such premises.

9.2.D Penalties.

9.2.E Notice of Violation.

1. If the Zoning Enforcement Officer (ZEO) shall find a violation of these Regulations, he or she may serve upon the owner, lessee, tenant, architect, engineer, builder, contractor, manager, or any agent, a violation notice and an order to discontinue such work and violation and to correct or abate the condition complained of within ten (10) days from service of such notice and order, or earlier in the case of earth removal, grading, erosion or sediment control, or other matters requiring more immediate attention.
2. The ZEO shall have the authority to order the removal of any sign erected on, attached to,

maintained on or displayed on any property in any district where no permit has been issued in accordance with these Regulations or where such sign is in violation of any provision of these Regulations.

3. The ZEO shall have the authority to remove signs where no sign permit has been issued and where the sign is located within a public street right-of-way or is located on Town property.

9.2.F Further Action.

1. Any person violating any of the provisions of these Regulations shall be subject to the fines, injunctive procedures, and any other penalties prescribed by Chapter 124 of the Connecticut General Statutes, as amended, including, when warranted, a separate violation for each day that a violation exists.
2. Where it is alleged that there is an error in any enforcement order, requirement or decision made by the ZEO, an aggrieved party may file an Appeal with the Zoning Board of Appeals (ZBA) in accordance with Section 10.3.

9.3 PERFORMANCE GUARANTEE REQUIREMENTS

9.3.A General.

1. The Commission will require the applicant to post a Performance Guarantee to cover any or all site improvements described in Section 9.3.C.2.
2. Such Performance Guarantee shall be executed on a form approved by the Commission and shall include the requirement that both cash and/or other collateral be provided.
3. Such Performance Guarantee shall set a time limit following its issuance for all the improvements stated therein to be completed.
4. In addition to proposed site improvements, said Performance Guarantee may also cover any required site cleanups of debris, abandoned vehicles or any other material which would cause a deterioration of conditions in the area.
5. The amount of the Performance Guarantee shall be established by the Commission.
   (1) The applicant shall itemize the costs associated with the elements that are required to be bonded.
   (2) The Town Planner will request that the Town Engineer review the applicant's cost estimates and compare these numbers to known construction costs at the time the performance guarantee is posted.
   (3) The Town Planner shall provide a recommendation to the Commission regarding the establishment or modification of a Performance Guarantee.

9.3.B Performance Guarantee Format.

Where a Performance Guarantee is required by any Section of these Regulations, it shall be in one of the following forms and the Town Planner shall require evidence of compliance with the following standards before accepting any Performance Guarantee:

1. Cash deposited with the Town.
2. Certified check to the order of the Town when the amount of the check is fully insured by

the FDIC.

3. Bank deposit assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC.

4. Irrevocable evergreen letter of credit naming the Town as sole beneficiary.

   (1) Such evergreen letter of credit shall be issued by, and drafts thereunder presentable at, a branch of a bank in Connecticut provided that:

      a) such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, "NAIC") as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes;

      b) the long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service.

      c) the terms and conditions of such letter of credit shall be acceptable in form and substance to the Town and substantially in the form of the model letter of credit in the Appendix, or

      d) if and when such letter of credit shall, through the passage of time, have less than thirty (30) days remaining until its expiration or lapse date, and such date shall not have been extended, the First Selectman may draw under said letter of credit the full amount thereof and the proceeds may be retained by the Town as the Performance Guarantee.

   (2) A Letter of Credit shall be issued by a bank licensed to conduct such business in the State of Connecticut and of appropriate financial soundness and stability. The Letter must meet Evergreen Bond Standards. The period to expiration of a Letter of Credit shall be not less than one (1) year, with a provision for automatic renewal at increments of not less than one (1) year. The Town of Cromwell must be informed of the intention not to renew or the bond shall automatically be renewed.

9.3.C Activities to be Covered by Performance Guarantees

Performance guarantees shall be required by the Commission or the Zoning Enforcement Officer for the following:

1. Site Clearing and Restoration. A Performance Guarantee shall be provided to restore a site to a stable environment to prevent soil erosion and stormwater management issues. Elements to be covered include, but are not limited to:

   (1) Erosion and sediment control features, including silt fencing, and site re-vegetation. Site re-vegetation funds shall include an estimate to restore top soil to the site.

   (2) Stormwater management elements related to managing stormwater impacts from site clearing activities.

   (3) Site Clearing and Restoration elements shall be covered with a Cash Bond.

2. Site Improvements. A Performance Guarantee shall be provided to cover the replacement

and installation costs associated with any site improvement.

(1) Site improvements include, but are not limited to, any roads (public or private), curbing, stormwater management system, sidewalk, and any structure or facility located within the Road or Street Right of Way, that may be impacted as a result of construction.

(2) Site improvement elements may be covered by any of the Performance Guarantee Formats listed in Section 9.3.B above.

9.3.D Performance Guarantee Initiation and Term.

1. Should the Performance Guarantee not be posted within 180 days of the Commission's approval, the site plan approval shall, upon notice and an opportunity to be heard, become null and void. The Commission may grant, for good cause, an extension of the established time limit if, in its opinion, unusual circumstances prohibit the posting of the Performance Guarantee within the required timeframe. The Performance Guarantee shall be posted prior to any site work.
2. A Performance Guarantee shall remain in force until all of the terms and conditions of the subject Permit have been successfully met, or six (6) months beyond the date the Town Planner becomes aware that the subject Permit ceases to be in effect, whichever is earlier. The suspension of a Permit does not in any way affect the term of any associated Security.

9.3.E Project Performance

Any such Performance Guarantee may be called by the First Selectman at the request of the Commission when, it is deemed by the Commission that:

1. The permittee is, to any extent, not complying with the provisions of the Permit and/or these Regulations,
2. Such non-compliance has caused, is causing, and/or has the reasonable potential to cause conditions that are counter to the purposes of these Regulations,
3. In making such determination, the Commission may consider, to varying degrees deemed thereby to be appropriate to the situation, and amongst other factors, in no particular order:
   (1) the compliance-related history of the permittee with respect to the subject Permit, and, for critical situations, a broader scope may be considered,
   (2) the scope and magnitude of realized and potential adverse impacts,
   (3) time-critical factors, and,
   (4) the status of the project.
4. For purposes of this Section, not adequately progressing on completing work or conducting activities associated with the Permit in a timely manner with respect to various applicable requirements is considered non-compliance with the permit.
5. The term "non-compliance" is to be interpreted as generally or specifically as is most in keeping with the purposes of these Regulations.
6. The permittee shall be given a minimum of ten (10) calendar-days notice of the intent of the First Selectman to call a Letter of Credit Performance Guarantee prior to the First Selectman actually notifying the issuing bank of such. Cash Performance Guarantee is subject to call at the sole discretion of the Zoning Enforcement Officer. Notice that the

permittee is in default with respect to the commitments covered by the Performance Guarantee and that the First Selectman or Zoning Enforcement Officer is calling for the forfeiture of the Performance Guarantee shall be sent by certified mail.

7. The Town Planner and/or any other Town official and/or administrator acting on behalf of the same, may use the proceeds from the forfeiture of a Performance Guarantee in any manner deemed thereby to be in keeping with the purposes of these Regulations with respect to the subject default and any potential or realized adverse effects associated therewith, allowing for the consideration of the amount of funds available, as well as to cover any expenses incurred in association with the process of obtaining the forfeiture of the Performance Guarantee . Proceeds may be applied to events, actions, improvements, and work that are located off-site as well as on-site, are of a temporary as well as a permanent nature, that occur or occurred at any time subsequent to the Town Planner becoming aware of the subject default, and that were incurred by the Town of Cromwell acting on the Town Planner's and/or Town Engineer's behalf, including staff and equipment time.

8. Nothing herein shall be construed to in any way limit or restrict the Town of Cromwell, acting through the Town Planner, from pursuing any legal remedy afforded it to recover damages for expenses incurred by it in any way associated with the default of a permittee with respect to the permittee's obligations and commitments associated with a Permit.

9. Any cost of collecting a Performance Guarantee, including without limitation, attorney, bank and other collection fees and expenditures, shall be the responsibility of the applicant and may be deducted from the Performance Guarantee ..

9.3.F Performance Guarantee Reduction.

At the request of the developer, the Commission may reduce the required Performance Guarantee commensurate with the items completed and found acceptable to the Town Planner. Said Performance Guarantee may be reduced to not less than 15 percent of the original Performance Guarantee until all improvements are completed and a Certificate of Zoning Compliance is granted.

9.3.G Performance Guarantee Release.

Any required Performance Guarantee shall not be released by the Commission, or agent until:

1. The release has been requested, in writing, by the applicant,
2. The Town Planner has submitted a letter stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied, and
3. The applicant's engineer or surveyor has certified to the Commission, or agent, through submission of a set of detailed "As Built" plans or sufficient documentation, that all improvements and other work are in accordance with submitted site plans.

9.4 IMPACT STATEMENT

When required by these regulations, the impact statement is intended to be a structured narrative prepared by the applicant that addresses the specific items requested below.

9.4.A Special Permits.

Each application for a Special Permit shall include an Impact Statement that contains the following

information:

1. General description of conditions including, but not limited to, environmental features, traffic, zoning, character of the area and existing facilities.
2. The proposed activity and results of proposed action in reference to environment, traffic, zoning, character of the area and existing facilities.
3. Alternatives and possible mitigating measures.
4. The commitment of irretrievable resources.
5. The location and amount of blasting anticipated as part of the project.
6. Existing and proposed utilities and public facilities including sewers or sanitary disposal, surface drainage, water supply, fire protection, and other issues of consequence. The Commission may require implementation of the information into the findings of fact or onto the Site Plan.
7. Existing and proposed hours of operation for each use on the site.

9.4.B Zoning Map Amendments.

1. Each statement will compare the proposed project developed to the maximum extent permitted by the proposed amendment, to the maximum development of the same land as permitted by the existing zoning regulations and other land capacity limitations, such as sanitary sewerage, wetlands, steep slopes, etc.
2. Municipal Fiscal Impact. A professional real estate economic analyst with experience in fiscal analyses, will prepare and submit a statement covering the following factors:
   (1) the property and other municipal tax and fee revenue that may be generated,
   (2) the municipal expenses and burdens that may be generated.
   (3) if there are residential components, the anticipated number of school-aged children and the impact on existing and planned schools, and
   (4) The impact of ancillary services to be generated in existing business centers by the population of and visitors to the project, and the demand for ancillary development to be generated.
3. Public Safety and Traffic. A licensed professional engineer specializing in traffic and highway topics will prepare and submit a statement covering the following factors:
   (1) the feasibility and safety considerations for the automobile and pedestrian traffic to be generated and the capacity of intersections, proposed parking, and
   (2) access to highways and public streets to carry the traffic without undue congestion.
4. Public Works. A licensed professional engineer specializing in site engineering, drainage, and the design of municipal roads, highways, infrastructure and improvements will prepare and submit a statement covering the following factors:
   (1) the design and impact of the storm and other drainage systems at the project,
   (2) the design and shading of proposed lighting,
   (3) the design and layout of parking and its feasibility and safety for use by the public., and

(4) the capacity of the wastewater, water and other utility systems proposed to be built and used by the project.

5. Cultural, Aesthetic or Heritage. A licensed architect or landscape architect experienced in the design and development of historic structures and the evaluation of structures and places for submission to the National or State Registries of Historic Sites and Buildings will prepare and submit a statement covering the following factors:

   (1) the design and placement of buildings and landscaping,

   (2) the maintenance of public amenities and the impact on heritage and character of the Town of Cromwell,

   (3) the compatibility with public views and character of the surrounding neighborhood,

   (4) the reinforcement of existing street and building massing patterns and open space patterns, in the vicinity of the development,

   (5) protection of and compatibility with locally significant or historic sites, vistas or features, and

   (6) archeologically -significant resources.

6. Natural Resources. A licensed or certified professional specializing in environmental topics will prepare and submit a statement covering the following factors:

   (1) views and view sheds,

   (2) wetlands, aquifers, and watercourses critical to natural resources,

   (3) trees, endangered or critical plant species or forms and woodland habitats,

   (4) endangered or critical animals and natural habitats,

   (5) land forms, slopes and soils,

   (6) current agricultural production capability, and

   (7) air quality.

7. Waiver Provision. If requested, the Commission may waive any of the Impact Statement Requirements provided a written waiver request has been submitted at the time the application is filed with the Commission.

9.5 AMENDMENTS, VALIDITY, EFFECTIVE DATE

1. AMENDMENTS - These regulations may from time to time be amended, changed, or repealed as provided by Chapter 124 of the General Statutes, 1958 revision, as amended.

2. VALIDITY - Should any section of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these regulations as a whole, nor of any part not declared to be invalid.

3. EFFECTIVE DATE - The effective date of these regulations shall be May 1, 2011.

10. ZONING BOARD OF APPEALS

10.1 POWERS AND DUTIES

The Board of Appeals shall have the following powers and duties all of which shall be exercised, subject to appropriate conditions and safeguards, in harmony with the purpose and intent of these regulations and in accordance with the public interest and the most appropriate development of the neighborhood:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of the Zoning Regulations.
2. To hear and decide all matters including Special Permits upon which it is required to pass by the specific terms of the Zoning Regulations.
3. To determine and vary the application of the Zoning Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land, where, owing to conditions specially affecting such parcel not affecting generally the district in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured. Establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conforming uses in the zoning district or uses in an adjoining district.
4. To hear and decide requests any application for a change of non-conforming use. The current use must be legal non-conforming in that it must have lawfully existed prior to the zoning change that made it non-conforming and at the time of application (this requirement does not apply to subsequent ZBA-approved changes for the same property). The new non-conforming use must be no more non-conforming than the current non- conforming use.
5. To consider applications for, and determine the suitability of, location of any establishment which intends to deal in or repair motor vehicles under the provisions of the Connecticut General Statutes Section 14-54, as amended.
6. To consider applications for, and determine the suitability of, location of any establishment which intends to sell gasoline or any other product under the provisions of the Connecticut General Statutes Section 14-319, as amended.

10.2 PROCEDURE

1. The Board of Appeals shall hold a public hearing on all applications and appeals, except applications under Section 10.5.D. The Board shall publish a notice in a newspaper of general circulation as required by the General Statutes.
2. Notification of abutting property owners shall be provided in accordance with Section 8.10.G.
3. On any parcel proposed for a variance, DMV location approval, special permit, appeal or other action by the Board, the applicant shall post a sign or signs as required in Section 8.10.H.

4. All applications and appeals shall be accompanied by a fee to cover the cost of advertising and processing.

5. Every application for variance from the Use District Requirements shall, on receipt thereof by the Town Planner, be transmitted to the Planning and Zoning Commission and to the Board of Appeals.

6. The Board shall adopt such procedures as may be necessary to carry out the provisions of this section.

10.3 AN APPEAL OF ORDER OR DECISION. (ZONING BOARD OF APPEALS)

10.3.A Authority.

In accordance with CGS 8-7, an appeal may be taken to the Board by any person aggrieved, where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer.

10.3.B Application Requirements.

1. Any such appeal shall be taken by filing an application with the Zoning Board of Appeals and a notice of appeal specifying the grounds thereof.

2. An appeal shall be taken within ten (10) days of the issuance of the order by the Zoning Enforcement Officer.

3. The Zoning Enforcement Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

10.3.C Effect of Appeal.

1. An appeal of an order, requirement or decision made by the Zoning Enforcement Officer which prohibits further construction or expansion of a use in violation of the Zoning Regulations shall not be cause for such construction or expansion to continue except to such extent that the Board may allow.

2. An appeal from any other order, requirement or decision made by the Zoning Enforcement Officer shall stop all enforcement and proceedings with regard to such order, requirement or decision unless the Commission or the Zoning Enforcement Officer certifies to the Board after the appeal has been filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.

3. If the Commission or the Zoning Enforcement Officer certifies to the Board that a stay would cause imminent peril to life or property, enforcement and proceedings shall only be stayed by a Restraining Order granted by a court of record, on notice to the Commission or the Zoning Enforcement Officer and on due cause shown.

10.3.D Proceedings.

1. The date of receipt of the Appeal of Order shall be determined in accordance with Section 8.10.B.

2. The Board shall hold a public hearing on the Appeal of Order and:

   (1) publish a legal notice in accordance with the requirements of Section 8.10.F of these Regulations, and

(2) require that the applicant give notice to property owners in accordance with the requirements of Section 8.10.G of these Regulations.

3. At such hearing, any party may appear in person or may be represented by agent or by attorney.
4. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.10.I.
5. Notification to water companies may be required in accordance with the requirements of Section 8.10.J.
6. An incomplete Appeal of Order may be denied in accordance with Section 8.10.C.
7. The Board shall process the Appeal of Order within the period of time permitted under CGS 8-7d.
   (1) The public hearing shall commence within 65 days after receipt of the appeal.
   (2) The public hearing shall be completed within 35 days after such hearing commences.
   (3) All decisions shall be rendered within 65 days after completion of such hearing.
   (4) The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than 65 days.
   (5) The applicant may, at any time prior to action by the Board, withdraw such application.

10.3.E Decision Considerations.

1. The Board shall have all the powers of the officer from whom the appeal has been taken but only in accordance with the provisions of this Section.
2. The application of a regulation affirming a statute shall not be subject to an appeal of order.
3. The Board shall make such order, requirement, or decision as in its opinion should be made concerning the premises.
4. The Board may reverse or affirm wholly or partly or may modify any order, requirement or decision appealed from.
5. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, or decision of the official charged with the enforcement of the Regulations.

10.3.F Action Documentation.

1. Whenever it grants or denies an Appeal of Order, the Board shall state the reason(s) for its decision upon the record.
2. Notice of the decision of the Board shall be sent by certified mail to any person who appeals to the Board within 15 days after such decision has been rendered.
3. Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in Cromwell within 15 days after such decision has been rendered.
4. In any case in which such notice is not published within such 15 day period, the person

who took such appeal may provide for the publication of such notice within ten (10) days thereafter.

10.4 VARIANCE PROCEDURES (ZONING BOARD OF APPEALS)

10.4.A Authority.

In accordance with CGS 8-6, the Board shall have the power and duty to determine and vary the application of the Regulations 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.

10.4.B Application Requirements.

1. A Variance Application shall be accompanied by ten (10) copies of sufficiently detailed plans showing actual site conditions for review by the Board and its designees.
2. The Board shall require the filing of an up-to-date survey prepared by a Connecticut-licensed land surveyor when the variance is dimensional in nature or such survey is integral to the understanding of the application.
3. The Board may fix a reasonable fee to be paid by the applicant and may include therein the cost of any newspaper advertisement necessary in connection with such appeal.
4. The Board shall not be required to hear any application for the same variance or substantially the same variance for a period of six (6) months after a decision by the Board or by a court on an earlier such application.

10.4.C Proceedings.

1. The date of receipt for the Variance Application shall be determined in accordance with Section 8.10.B.
2. The Board shall hold a public hearing on the Variance Application and:
   (1) Publish a legal notice in accordance with the requirements of Section 8.10.F. of these Regulations,
   (2) Inform the applicant of the deadline to provide notice to property owners in accordance with the requirements of Section 8.10.G of these Regulations,
   (3) Confirm that the applicant has mailed notice to property owners in accordance with these Regulations.
3. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.10.I.
4. Notification to water companies may be required in accordance with the requirements of Section 8.10.J.
5. Notification to a regional planning agency may be required in accordance with the requirements of Section 8.10.K.
6. The Board shall require that the applicant:
   (1) post a sign in accordance with the requirements of Section 8.10.H of these

Regulations, and

(2) give notice to nearby property owners in accordance with the requirements of Section 8.10.G of these Regulations.

7. At such hearing, any party may appear in person or may be represented by agent or by attorney.

8. An incomplete Variance Application may be denied in accordance with Section 8.10.C.

9. The Board shall process the Variance Application within the period of time permitted under CGS 8-7d:

10. The public hearing shall commence within 65 days after receipt of the application.

11. The public hearing shall be completed within 35 days after such hearing commences.

12. All decisions shall be rendered within 65 days after completion of such hearing.

13. The applicant may consent to one (1) or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than 65 days.

14. The applicant may, at any time prior to action by the Board, withdraw such application.

10.4.D Decision Considerations.

1. Whenever a Variance Application is joined with an Appeal of Order Application, the Board shall first decide the issues presented by such Appeal of Order.

2. The application of a regulation affirming a statute shall not be subject to variance.

3. The Board shall find that a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship:

   (1) solely with respect to the parcel of land that is the subject of the application,

   (2) owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated

4. The Board shall only grant the minimum variance necessary to alleviate the exceptional difficulty or unusual hardship:

   (1) in harmony with the general purpose and intent of the Regulations.

   (2) with due consideration for conserving the public health, safety, convenience, welfare and property values, and

   (3) so that substantial justice shall be done and the public safety and welfare secured.

5. The concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.

10.4.E Additional Considerations for Use Variances.

1. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.

2. No use variance for a business use or an industrial use shall be granted in a Residential Zone.

3. No use variance shall be granted for an industrial use in any Business or Special Zone.

4. A use variance shall only be granted where, without the use variance, the private property would be rendered valueless.

5. For any Use Variance application, the Zoning Board of Appeals shall refer the application to the Planning and Zoning Commission. The Zoning Board shall provide the Planning and Zoning Commission with 35 days to review and comment on the application.

10.4.F Action Documentation.

1. Whenever it grants or denies a Variance Application, the Board shall state upon its records:
   (1) the Regulation which is varied in its application, and
   (2) a general description of the exceptional difficulty or unusual hardship on which its decision is based.
2. Notice of the decision of the Board shall be sent by certified mail to any person who appeals to the Board within 15 days after such decision has been rendered.
3. Such notice shall:
   (1) state the name of the owner of record,
   (2) contain a description of the premises to which it relates,
   (3) state the nature of the hardship claimed, and
   (4) specify the nature of such variance including the Regulation which is varied in its application.
4. Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in Cromwell within 15 days after such decision has been rendered.
5. In any case in which such notice is not published within such 15 day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

10.4.G Following Approval.

1. A variance granted by the Board shall only become effective upon the filing of a copy, certified by the Board, in the land records of the Town in accordance with the provisions of CGS 8-3d.
2. A variance shall only authorize the particular activity specified in the Board's approval.

10.5 MOTOR VEHICLE LOCATION APPROVAL (BOARD)

10.5.A Application Requirements Dealing and Repairing Motor Vehicles.

In accordance with CGS 14-54, an application for a Certificate of Location Approval shall be submitted to the Board by any person who desires to obtain a license for dealing in or repairing motor vehicles in Cromwell except that this requirement shall not apply to:

1. a transfer of ownership to a spouse, child, brother, sister or parent of a licensee;
2. a transfer of ownership to or from a corporation in which a spouse, child, brother, sister, or parent of a licensee has a controlling interest; or
3. a change in ownership involving the withdrawal of one (1) or more partners from a partnership.

10.5.B Application Requirements Sale of Gasoline.

In accordance with CGS 14-321, an application for a Certificate of Location Approval shall be submitted to the Board by any person who desires to obtain a license for the sale of gasoline or any other product, under the provisions of CGS 14-319, including the alteration or changing of adjoining physical properties for such purposes, except that this requirement shall not apply:

1. in the case of a renewal of a license by the holder of the license;
2. to the transfer of the last issued license from one person to another provided no more than one (1) year has elapsed since the expiration of such license; or
3. in the case of the addition or discontinuance of pumps.

10.5.C Proceedings.

In reviewing a Certificate of Location Approval application, the Board acts as an agent of the State of Connecticut, not in a zoning capacity, and the notice provisions and other provisions of CGS Chapter 124 not apply. As an agent of the State of Connecticut, the Board serves solely to determine whether a Certificate of Location Approval should be issued based upon such considerations as:

1. whether the use is permitted in the zoning district;
2. the suitability of the location in view of traffic, intersecting streets, width of highway, effect on public travel, and other conditions;
3. the relationship of the proposed use or operation with respect to schools, churches, theaters, playhouses or other places of public gathering;
4. whether the proposed use of the location would imperil the safety and welfare of the public;
5. whether the proposed use of the location would have a detrimental effect on the value of nearby properties or development thereof; or
6. whether there has been a material change in conditions which might reverse a decision of granting or denying a previous application.

10.5.D Public Hearing May Be Held.

The Board may hold a public hearing on the Certificate of Location Approval application and, if such hearing is to be held:

1. shall publish a legal notice in accordance with the requirements of Section 8.10.F of these Regulations, and
2. may require that the applicant give notice to nearby property owners in accordance with the requirements of Section 8.10.G of these Regulations.
3. Shall require the applicant to post a sign in accordance with Section 8.10.H of these regulations.

10.5.E Withdrawal of Application.

The applicant may withdraw such Certificate of Location Approval Application at any time prior to action by the Board.