

A photograph of a forest with trees and autumn foliage, serving as a background for the title. The trees are mostly thin and light-colored, with some larger, darker trunks. The ground is covered in fallen leaves and some green undergrowth. The overall tone is warm and natural.

# **Preston Zoning Regulations**



**Many Thanks to the Preston Planning and Zoning Commission Members for their tireless work preparing this comprehensive update to the Preston Zoning Regulations:**

**Art Moran, Jr., Chairman, Richard Chalifoux, V. Chairman, Anne Sabrowski, Secretary, Nate Koniecko, Denise Beale, Charles Raymond, Doreen Rankin, Mike Sinko, Robert Berube and Daniel Sperduto (resigned January 2019)**

## Approval Dates, Modifications and Amendments

### Approved with the following modifications:

1. All grammatical errors be corrected as recommended by the Codification Company “General Code” .
2. Lettering and numbering be corrected as recommended by the Codification Company “General Code”.
3. Insert a table of content.
4. Insert date of approval of the regulations in appropriate locations throughout. Approval date February 26, 2019 Effective date March 18, 2019.
5. Add the following for clarification purposes to Section 16.7.2: Agricultural uses are not necessarily considered an accessory use and may be permitted as a principal use.

Approved on February 26, 2019

Effective date March 18, 2019

### Amendments:

1. **Zoning Text Amendment #2019-02**, Town of Preston, Planning and Zoning Commission applicant/owner for property located at 389 Route 2; An amendment to Section 16.6 of the Zoning Regulations regarding accessory apartments to permit the conversion of an existing accessory structure to an accessory apartment provided the accessory structure is present on the property as of the effective date of these regulations and revising the method of calculating the size of an accessory apartment whether attached to existing residence or within an accessory apartment. **APPROVED June 25, 2019 with effective date July 15, 2019**
2. **Zoning Text Amendment Application #2019-03**, Town of Preston; An amendment to Section 23, “Zoning Board of Appeals”, regarding variances granted from Special Flood Hazard areas and notification requirements. **APPROVED July 23, 2019 with effective date August 15, 2019.**
3. Zoning Text Amendment Application #2019-04, Matthew H. Mueller, Mueller Greene, Applicant; Application for a Zoning Text Amendment regarding Section 15 of the Zoning Regulations – Dimensional Requirements for historic accessory buildings. **APPROVED November 26, 2019 with an effective date to be December 20, 2019.**
4. **Zoning Text Amendment #2020-01**, Town of Preston, Section 5.2.14 regarding Accessory Farm Businesses adding a provision to allow the use of a vendor in association with a retail farm building. **APPROVED October 27, 2020 with an effective date of November 27, 2020.**
5. **Zoning Text Amendment #2020-02**, Town of Preston, Section 18.19 to allow the sale of alcoholic liquor manufactured in the State of Connecticut provided a craft café permit is obtained from the State of Connecticut in accordance with their requirements (includes relettering). **APPROVED OCTOBER 27, 2020 with an effective date of November 17, 2020.**
6. **Zoning Text Amendment #2021-01**, Gerald Grabarek, applicant, Section 2, Definitions, modifying the definition of a farm. **APPROVED May 11, 2021 with an effective date of June 1, 2021.**
7. **Zoning Text Amendment #2021-01a**, Gerald Grabarek, applicant, relettering 10.3.7 to

allow for residential use in a Resort Commercial district with certain provision.

**APPROVED May 11, 2021 with an effective date of June 1, 2021.**

8. **Zoning Text Amendment #2021-02**, Town of Preston, adding Section 26, Temporary and Limited Moratorium on Cannabis Establishments. **APPROVED August 31, 2021 with an effective date of September 20, 2021.**
9. **Zoning Text Amendment #2021-03** Section 16 of the Zoning Regulations regarding rear lot development, Section 16h) requiring the front yard setback be provided where the lot width is met, and ~~Section~~ j) no driveway shall be located close than 75' to a road intersection. AND Section 3.14 of the Zoning Regulations regarding driveways and sight distance. **APPROVED September 28, 2021 with an effective date of November 1, 2021.**
10. **Zoning Text Amendment #2021-04a** An Amendment to Section 2 of the Zoning Regulations Definitions, adding the definition of short-term rental. **APPROVED** on October 26,2021 with an effective date of November 15, 2021.
11. **Zoning Text Amendment #2021-04b** An Amendment To Section 5.1 Of The Zoning Regulations Residential Districts Adding Section 5.1.14 Short-Term Rentals In Residential Districts. **APPROVED** on October 26,2021 with an effective date of November 15, 2021.
12. **A Zoning Text Amendment #2021-04c** An Amendment To Section 16 of the Zoning Regulations Supplementary Regulations Adding 16.19 Short-Term Rental Requirements. **APPROVED** on October 26,2021 with an effective date of November 15, 2021.
13. **Zoning Text Amendment #2022-01**, An amendment to Section 26 Temporary and Limited Moratorium on Cannabis Establishments; Extension for six months to September 20, 2022. **APPROVED** on February 23, 2022 with an effective date of March 21, 2022.
14. **Zoning Text Amendment #2022-01**, An Amendment to **Section 2** of the Zoning Regulations adding additional definitions as follows: Adult-use Marijuana Dispensary Facility, Hybrid-use Dispensary Facility, Medical Marijuana Dispensary Facilities, Adult-use Marijuana Production Facility, Hybrid-use Marijuana Production Facility, and Medical Marijuana Production Facility; **Section 18** Special Exception criteria; adding **Section 18.25** outlining Special Exception requirements for Adult-use Marijuana Dispensary and Adult-use Marijuana Production Facility; **Section 9.2** Special Exceptions in planned Industrial District; adding **Section 9.2.17** Allowing Adult-use Marijuana Production Facility; **Section 10.4** Special Exceptions in Resort Commercial Districts; adding **Section 10.4.16** Allowing Adult-use Marijuana Dispensary Facility; **Section 11.7.1** Thames River Development Overlay District; adding **Section 11.7.1.24** Allowing Adult-use Marijuana Dispensary Facility. **APPROVED** on September 27, 2022 with an effective date of October 14, 2022.



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## SECTION 1 - TITLE, AUTHORITY, PURPOSE

- 1.1 **Title.** These Regulations shall be known as the “Zoning Regulations for the Town of Preston, Connecticut,” and are herein referred to as “these Regulations.”
- 1.2 **Authority.** These Regulations are prepared and adopted pursuant to the provisions of Chapter 124 of the General Statutes, 1958 Revision, as amended.
- 1.3 **Effective date.** These Regulations were first adopted on April 4, 1964 and were effective on April 13, 1964. Amendments and revisions are listed in the beginning of the document. The most recent comprehensive revision to these regulations was adopted on February 26, 2019 and have an effective date of March 18, 2019.
- 1.4 **Purposes.** The purposes of these Regulations are to: encourage the most appropriate use of land throughout the community; promote health and the general welfare, secure safety from fire, panic, flood, and other dangers; provide adequate light and air; prevent the overcrowding of land and the undue concentration of the population; lessen congestion in the streets through implementing “complete street” concepts as defined by the Connecticut Department of Transportation, ensure that each use is consistent with the character of the neighborhood; facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; conserve the value of land and buildings; protect existing and potential public surface and ground drinking water supplies; provide that the proper provision be made for control of erosion and sedimentation; encourage the preservation of historically and architecturally important features; encourage the use of solar and other forms of renewable energy.

## SECTION 2 – DEFINITIONS

- 2.1 For the purposes of these Regulations, certain terms or words shall be defined as follows: words in the present tense include the future and words in the singular number include the plural and vice versa. The term “person” includes a partnership or corporation, and the word “used” means designed, intended or modified for use. Words not specifically defined shall have commonly accepted definitions.

**Accessory Use or Building.** A use or a building customarily incidental and subordinate to the principle use or building and located on the same lot as such principal use or building, or on a contiguous lot under the same ownership.

**Accessory Apartment:** A set of rooms in a single-family dwelling with separate housekeeping facilities permitted in accordance with Section 16.6 of these Regulations, including separate bathroom and kitchen and subordinate to the principal dwelling.

**Accessory Farm Businesses (AFB):** An accessory farm business, as identified in Section 5.2.14, is a farm business located within the boundaries of a farm property that has a minimum of twenty-five (25) acres of which a minimum of five (5) acres shall be for the growing of produce or crops or pasture for farm animals. AFBs shall be operated as part of a farm based on the filing of an IRS Schedule F 1040 approved by the Assessor.

**Affordable Housing District (AHD):** A proposed housing development in which, for at least forty (40) years after the initial occupancy of units within the proposed development (a) not less than fifteen percent (15%) of the dwelling units will be conveyed by deeds containing covenants or restrictions, or leased pursuant to leases containing leasehold covenants which will require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in Connecticut General Statute Section 8-30g, for person or families whose income is less than or equal to eighty percent (80%) of the area median income or the statewide median income, whichever is less; and (b) not less than fifteen percent (15%) of the dwelling units shall be conveyed or rented in the same manner to persons or families whose income is less than or equal to sixty percent (60%) of the area median income for Preston or the statewide median income, whichever is less.

**Affordable Housing Unit.** A housing unit within an Affordable Housing Development for which persons and families pay thirty percent (30%) or less of their annual income for principal, interest, taxes and insurance, or rent, whichever is applicable, where such income is less than or equal to eighty percent (80%) or sixty percent (60%), as applicable, of the lesser of the area median income for Preston or the statewide median income, as determined by the United States Department of Housing and Urban Development.

**Assisted Living Facility.** A managed residential development with limited care and is designed for senior citizens who need some assistance with daily activities but do not require care in a nursing home or building that is restricted, to the extent allowed by State and Federal law, to persons who are fifty-five (55) or more years of age or disabled, and, provides: residents with supervision of self-administered medication, a transition between independent living and skilled nursing care, three (3) meals per day, personal care services, transportation, and housekeeping services. Assisted Living Facilities do not typically provide skilled-medical services. Staff members typically oversee and monitor residents and are available twenty-four (24) hours a day to meet residents' unscheduled needs. They develop individualized service plans tailored to the needs of each resident. A nurse is on call twenty-four (24) hours a day. Furthermore, it is a housing facility or community that fully complies with the provisions of the United States Fair Housing Act 42 Sec. 3601, et. seq. CGS 46a-64b, as they pertain to Housing for Older Persons.

**Bed and Breakfast Inn.** An accessory use of an owner-occupied residential building, having eight (8) or less guest rooms, without their own separate kitchen facilities, in which overnight accommodations and breakfast only are provided to guests for a daily fee. Such Bed and Breakfast includes peer-to-peer online marketplace.

**Board or ZBA.** The Zoning Board of Appeals of the Town of Preston, Connecticut.

**Building.** Any structure having a roof and intended for the shelter, housing or enclosure of person, animals, poultry or materials. Any other structure, including an accessory structure to a permitted use, and including generators, fuel tanks such as propane or oil tanks exceeding 100 gallons, and fences and walls which are more than eight feet (8') high, shall be considered as buildings. Building and structure are used interchangeably.

**Building Height.** The vertical distance from the finished grade at any point under consideration to the highest point of flat or mansard roofs including the top and ridge for gable, hip, or gambrel



roofs. A flat roof is one whose pitch has a rise of less than three inches (3”) in one foot (1’) of run.

**Building Line.** The inner line of any required yard or required setback and the corresponding parallel property line. Except as specifically provided by these regulations, no portion of any building or structure may be extended to occupy any portion of the lot area between the building line and the parallel property line.

**Camper Unit.** A tent or a vehicle designed, used or intended for use temporarily for camping, recreation, travel and vacationing, and is or can be mounted on wheels and may be self-propelled, but shall not include a mobile home and shall not exceed four hundred (400) square feet.

**Congregate Housing.** As defined in CGS Section 8-119e.

**Class A Housing.** Housing in which thirty percent (30%) of the units are affordable; with fifteen percent (15%) of the units restricted to persons or families whose income is less than or equal to eighty percent (80%) of the area median income or statewide income, whichever is less, and fifteen percent (15%) whose personal or family income is less than or equal to sixty percent (60%) of the area median income or the statewide income, whichever is less.

**Class B Housing.** Housing in which when forty percent (40%) of the units are affordable; with twenty-five percent (25%) of the units restricted to families whose income is less than or equal to eighty percent (80%) of the area median income or statewide income, whichever is less, and fifteen percent (15%) whose personal or family income is less than or equal to sixty percent (60%) of the area median income or the statewide income, whichever is less.

**Clean Fill.** “Clean fill” means (1) natural soil (2) rock, brick, ceramics, concrete, and asphalt paving fragments which are virtually inert and pose neither a pollution threat to ground or surface waters nor a fire hazard and (3) polluted soil as defined in subdivision (45) of subsection (a) of Section 22a-133k-1 of the Regulations of Connecticut State Agencies which soil has been treated to reduce the concentration of pollutants to levels which do not exceed the applicable pollutant mobility criteria and direct exposure criteria established in Sections 22a-133k-1 through 22a-133k-3 of the Regulations of Connecticut State Agencies and which soil is reused in accordance with R.C.S.A. subdivision (3) of subsection (h) of Section 22a133k-2 of such CGS.

**CGS.** Connecticut General Statutes.

**Commercial Recreational Facility.** Such facility is operated on a commercial basis and maybe indoors or outdoors, open to the public for a fee, for purposes of public recreation, such as skating rink, skateboard park, bicycle course, bowling alley, indoor recreational facility (soccer, baseball, tennis, basketball), swimming pool, golf course and other similar uses as determined to be acceptable to the Commission pursuant to Section 18.13 of these Regulations.

**Commercial Vehicle.** Any motor vehicle designed or used to carry freight, passengers for a fee or merchandise or used in conjunction with a business.

**Commission.** The Planning and Zoning Commission of the Town of Preston, Connecticut.

**Complete Street.** A street program that provides safe access for all users by providing a comprehensive, integrated, connected multi-modal network of transportation options.

**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 recipients own dwelling.

**Day Care Center.** Is as defined in CGS Section 19a-77.

**Family Day Care Home.** Is as defined in CGS Section 19a-77.

**Group Day Care Home.** Is as defined in CGS Section 19-77.

**Day Visitor.** Any individual or group of individuals who, for a fee, use any of the facilities, programs or events of a recreation campground, but who do not stay overnight at the facility. Day visitors may be, but do not have to be, guests of an overnight camper at the facility, and shall be registered through the use of a visitor pass, wristband, ticket, vehicle pass, or other methods of control. The total number of day visitors shall not exceed six (6) day visitors, at any given time per each developed campsite, but in no event shall the total number of day visitors exceed three thousand (3,000) or as permitted by the Director of Health, Town Sanitarian, or Fire Marshal, whichever is less.

**Department of Energy & Environmental Protection or DEEP.** The Department of Energy and Environmental Protection means and refers to the State of Connecticut Department of Energy & Environmental Protection.

**Deposit of Fill.** The deposit of material, including earth materials, clean fill which total more than one hundred (100) cubic yards of material in a single calendar year, except in connection with (a) a bonafide construction project for which a zoning permit has been issued; (b) a subdivision approved by the Commission, and (c) a bonafide landscaping or farming activity on the same property provided no more than two thousand (2,000) cubic yards of material are so deposited within a single calendar year.

**Developable Acres** is defined as raw land excluding a) designated wetland and watercourses as defined in the CGS; b) areas subject to utility easements; c) areas over five thousand (5,000) square feet that have slopes in excess of twenty-five percent (25%) (Predevelopment).

**Driveway.** An access way for vehicles providing a connection from a public street (defined herein) to either individual single-family residences or to a parking area serving multifamily residences; commercial businesses; recreational, institutional, office, or industrial land uses.

**Dwelling, Multi-family.** A building designed for and occupied as a residence by three (3) or more families living in separate dwelling units, and includes Elderly Active Adult Housing, Assisted Living, Life Care, Condominiums, and Town Houses. The definition of multifamily does not include accessory apartments pursuant to Section 16.6 of these Regulations.

**Dwelling, Single-family.** A building that may include an accessory apartment pursuant to Section 16.6 of these Regulations, other than a mobile home, designed for and occupied exclusively as a residence for only one (1) family, except for accessory apartments, and having no party wall in common with an adjacent building.

**Dwelling Unit or Residence.** A structure other than a mobile home, intended for human habitation erected on a solid foundation, using permanent weatherproof exterior materials, connected to a safe water supply with adequate sanitary sewage disposal facilities, equipped with at least one (1) furnace or other customary form of heating apparatus, and constructed with ceilings and walls finished on the inside according to State Building Code Specifications, forming a separate, independent, housekeeping unit and containing independent cooking and sleeping facilities. Such dwelling or residence may have more than one (1) kitchen, provided the additional kitchen is open to the residence and is not separated by a doorway having the ability to be locked.

**Elderly Active Adult Housing.** A managed residential development where the occupancy of which is limited, as permitted by state and federal fair housing laws, to those aged fifty-five (55) and over.

**Elderly Housing.** “Housing for the Elderly” shall mean housing restricted for those persons sixty-two (62) years of age and older. In a multiple occupancy dwelling at least one of the occupants must be sixty-two 62 years of age or older.

**Excavation.** The excavation, grading, or removal of earth material, including, but not limited to, topsoil, sand, gravel, clay or stone, which involves more than one hundred (100) cubic yards of material in a single calendar year, except in connection with: (a) a bonafide construction project for which a zoning permit has been issued; (b) a subdivision approved by the Commission; or (c) farming conducted on the same property or adjacent property, provided no such material is sold to another and no more than four hundred (400) cubic yards of material is removed in any one (1) calendar year.

**Family.** Any number of individuals related by blood, marriage, or legal adoption, or not more than four (4) persons not so related, living and cooking together as a single not for profit housekeeping unit.

**Farm.** A farm shall equal at least five (5) contiguous acres of land or more under one (1) ownership under cultivation or used for livestock and poultry and may contain buildings which are mainly used for and incidental to farming, and may include a single-family home for the farm owner or farm caretaker and/or accessory apartments for farm workers within any accessory structure. The number of accessory apartments shall not exceed two (2) units in addition to the Single-family home. Each accessory apartment shall not exceed fifty (50) percent of the size of the accessory building in which it is located or a maximum of seven hundred fifty (750) square feet per unit. A Zoning Permit for any accessory apartment shall be submitted to the ZEO for approval. An IRS Schedule F 1040 form shall be filed annually and approved by the Assessor in order to be considered a farm.

**Farm, Commercial Livestock.** The keeping of livestock for breeding, boarding, and/or instruction for commercial purposes, and in accordance with Section 5.1.4 of these Regulations.

**Farm, Commercial Poultry.** A farm for the keeping of poultry over two hundred fifty (250) birds in accordance with [Sections 5.2.13 and 18.21](#) of these Regulations.

**Farm-to-table Cuisine.** The serving of local food at restaurants and school cafeterias, preferably through direct acquisition from the producer which might be a winery, cider mill, brewery, fishery, or other type of food producer which is not strictly a "farm."

**Farm Winery, Cider Mill and other similar farm fruit facility.** Any place or premises, located on a farm with land area that equals five (5) acres or more provided a minimum of two (2) acres of the parcel shall be used for the growing of grapes, or other fruit, for which wine or other fruit drink is manufactured and sold in accordance with [Section 18.18](#) of these Regulations. Such wineries are permitted in R-120, R-80, R-60, R-40, C-1, PI, RC, TRD, the Preston City Village District, and Poquetanuck Village District.

**Farm Vineyard, Winery, Cider Mill and other similar farm fruit facility - Large Acreage.** Any place or premise located on a farm with land area that equals at least twenty-five (25) acres or more provided there is a minimum of five (5) acres of planted vineyard or orchard or more for which wine or other fruit drinks are manufactured and sold in accordance with [Section 18.19](#) of these Regulations. Such winery with vineyard and cider mills with orchards are permitted in R-120, R-80, R-60, R-S, R-40, C-1, PI, RC, TRD, the Preston City Village District, and Poquetanuck Village District by special exception pursuant to [Section 18.19](#) of these Regulations.

**Farming.** The act of cultivation of land for the growing of vegetables, grains, grasses, trees, herbs, fruit, or other horticultural products; the raising of livestock, farm animals, poultry and birds, the producing of milk, and other similar pursuits except gardens, livestock or fowl grown mainly for home use and in accordance with [Section 5.1.5](#) and 5.1.6 of these Regulations shall not be classified as farming.

**Floating Zone.** A zone that is to be used for a designated purpose and that is approved as to particular characteristics (as size and type of buildings) but whose location is to be determined in the future. Floating zones can be used to plan for future land uses that are anticipated or desired in the community, but are not confirmed, such as affordable housing, shopping centers, and urban development projects, as noted in the Thames River Overlay Development District.

**Floor Area.** The total area contained within the interior of apartments and the exterior dimensions of single-family homes, excluding garages, breezeways, or other appurtenant structures.

**Gasoline/Fuel and Filling Station.** A facility that sells fuel and engine lubricants for motor vehicles. Such facilities may contain other uses such as a convenience store, restaurant or café.

**Gross Leasable Area.** The total floor area designated for tenant occupancy and their exclusive use, expressed in square feet, measured from the center lines of joint partitions and the inside face of exterior outside .

**Harmonious Creative Design.** A design that is the arrangement of elements such as colors, shapes, and symmetry that creates a pleasing image that works together.

**Historic Country Inn.** An Inn pursuant to Section 18.22 of these Regulations that has ten (10) or less guestrooms. Inns may serve breakfast, lunch and dinner and provide spa services to registered guests only. Registered guests may stay no longer than three (3) weeks in a three-month period. All inns shall be within a historic structure as listed on the Preston Historic Inventory.

**Home Office.** The use of part of a dwelling, not to exceed twenty-five percent (25%) of the floor area of the structure, for occasional business use such as billing, computer work, and involving no employees or customers. No permit is required from the Commission or ZEO for such home offices.

**Home Occupation.** Low impact, low volume business within a portion of a residence or out-building pursuant to Section 16.8 of these Regulations.

**Impervious Surfaces.** Surfaces that do not permit the penetration or passage of water, such as, but not limited to, roof tops, driveways, parking areas, tennis courts, sport courts, basketball courts, patios and other impenetrable materials such as asphalt, concrete, brick, pavers, stone, etc.

**Improved Town or State Road.** Roads that are paved or have an impervious surface that protects the road from eroding and are maintained by the Town of Preston or the State of Connecticut.

**Junk Yard.** Any property or portion thereof used for the outside storage, keeping or abandonment of worked out, cast-off, scrap, or discarded articles of materials ready for destruction, collected, recycled, stored for salvage or conversion to some use.

**Life Care Facility.** A congregate housing facility that is planned, designed and operated to provide a full range of accommodations and services for elderly or disabled residents, including independent living, and assisted living.

**Living Space.** Habitable finished floor areas of a residence that excludes garages, porches or non-finished floor areas.

**Livestock.** All cattle or animals of the bovine species; all horses, mules, burros and animals of the equine species; all goats or animals of the caprine species; all swine or animals of the porcine species; llama, alpaca and animals of the camelidae species, and all sheep or animals of the ovine species.

**Lot.** A contiguous plot or parcel of land, other than entirely submerged land, identified by one (1) or more deeds, occupied or capable of being occupied by one (1) principal building or use and the accessory buildings or uses customarily incidental to it.

**Lot Coverage.** The percentage which the aggregate building area of all buildings on the lot bears to the area of the lot.

**Lot Depth.** The mean distance from the street line of the lot to its rear line measured in the median direction of the side lines of the lot.

**Lot Frontage.** The distance between lot sidelines measured contiguously along the street line.

**Lot Line.** The property lines bounding a lot as defined herein.

**Lot Line, Front.** In the case of a lot abutting upon only one (1) street, the line separating the lot from the street. In the case of a lot fronting on more than one (1) street, the owner shall, for the purpose of this regulation, have the privilege of electing any street lot line as the front lot line.

**Lot Line, Rear.** The lot line which is generally opposite the front lot line; if the rear lot line is less than ten feet (10') in length, or if the lot comes to a point at the rear, the lot line shall be deemed to be a line parallel to the front line not less than ten feet (10') long, lying wholly within the lot and farthest from the front lot line.

**Lot Line, Side.** Any lot line, which is not a front lot line or a rear lot line, as defined herein.

**Lot, Rear (Flag Lot).** A lot created in accordance with Section 16.5 of these Regulations of which the buildable area is located generally to the rear of other lots having frontage on the same street as said lot and having access to the street via a strip of land that is included as part of the lot (owner of land by title).

**Lot, Minimum Width of.** The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines, which line of measurement shall touch, but not in front of, the building line. In the case of a corner lot, the minimum width shall be similarly measured and, for the purpose of this measurement only, the front lot line and the lot lines adjacent thereto shall be considered as side lot lines.

## **Marijuana Dispensary and Production Facilities**

### **Marijuana Dispensing Facility**

- a. Adult-Use Marijuana Dispensary Facility.** A place of business where marijuana may be dispensed or sold at retail to qualifying adult-use consumers, and for which the CT Department of Consumer Protection has issued a dispensary facility license to an applicant under C.G.S. Sections 21a-408 through 21a-408q, inclusive.
- b. Hybrid-Use Marijuana Dispensary Facility.** A place of business where medical marijuana may be dispensed or sold at retail to qualifying medical patients, primary caregivers, and to qualifying adult-use consumers, and for which the CT Department of Consumer Protection has issued a dispensary facility license to an applicant under C.G.S. Section 21a-408 through 21a-408q, inclusive.
- c. Medical Marijuana Dispensary Facility.** A place of business where marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers, and for which the CT Department of Consumer Protection has issued a dispensary facility license to an applicant under C.G.S. Sections 21a-408 through 21a-408q, inclusive, and in accordance with Section 21a-408-14 of the Regulations of Connecticut State Agencies.



### **Marijuana Production Facilities**

- a. Adult-Use Marijuana Production Facility.** A secure, indoor facility where the production of adult-use marijuana occurs, and that is operated by a person to whom the CT Department of Consumer Protection has issued a producer license under C.G.S. Sections 21a-408 through 21a-408q, inclusive, and in accordance with Section 21a-408-20 of the Regulations of Connecticut State Agencies.
- b. Hybrid-Use Marijuana Production Facility.** A secure, indoor facility where the production of medical and adult-use marijuana occurs, and that is operated by a person to whom the CT Department of Consumer Protection has issued a producer license under C.G.S. Sections 21a-408 through 21a-408q, inclusive, and in accordance with Section 21a-408-20 of the Regulations of Connecticut State Agencies.
- c. Medical Marijuana Production Facility.** A secure, indoor facility where the production of medical marijuana occurs, and that is operated by a person to whom the CT Department of Consumer Protection has issued a producer license under C.G.S. Sections 21a-408 through 21a-408q, inclusive, and in accordance with Section 21a-408-20 of the Regulations of Connecticut State Agencies.

**Medi-pods.** Temporary health care structures for persons fifty-five (55) and over or special needs adults as defined and permitted in the CGS.

**Microbrewery.** An establishment, distinct from restaurants and brew pubs, that manufactures beer with approval from the State of Connecticut Liquor Control Commission and may include such activities as both wholesale and retail sales of sealed products brewed on site, tasting rooms, tours, events and educational classes.

**Mobile Home.** A building mass-produced in a factory as an individual unit or a module for combination with other elements, designed for long-term residential use when connected to required utilities, and designed and constructed on a chassis for transportation to a site for use. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axels, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a camper unit. Other factory-manufactured buildings, such as modular homes, not meeting the above criteria shall not be construed to be mobile homes.

**Non-Conforming Building or Structure.** A building or structure which does not conform to all the provisions and design criteria that may be noted in a specific district regulation and/or does not comply with the dimensional requirements Section 15 of these Regulations for one or more of the following reasons: it does not meet minimum floor area, it exceeds the building height, it exceeds the allowable square footage for lot coverage or extends over the building setback lines.

**Non-Conforming, Legal.** The situation where a nonconforming use, activity, building, structure, or lot existed or was lawful at or prior to the time these Regulations became effective or an amendment hereto which created the nonconformity became effective.

**Non-Conforming Lot.** A lot that does not meet the dimensional requirements for the lot area and frontage.

**Non-Conforming Use.** A use of land, building, or premises, which is not permitted pursuant to the permitted uses or special permitted uses, noted in the specific zoning district where such land, building, or premises is situated.

**Non-Exhaustive List of Uses.** Uses that are not necessarily listed in Section 16.8.1 the home occupation section of these Regulations. Uses that may not be identified in the regulations, but would be permitted after careful consideration by the Commission and based on the use having no impact on the residential character of the neighborhood.

**Nursing/Convalescent Home.** A facility licensed by the State of Connecticut to provide a full range of direct medical, nursing, and other health services on a twenty-four (24) hour basis to residents.

A **peer-to-peer** or **P2P marketplace.** A market place that has an online platform that connects people in need of a product temporarily with people who have that product, but are not using it.

**Personal Service Activity.** A personal-service activity is any business enterprise with the primary purpose of providing personal services activities encompass a wide range of professions, including law, medicine, engineering, design, finance, accounting and even performing arts.

**Plan of Conservation and Development.** The Plan of Conservation and Development is a blueprint for how the Town wants to develop over the next ten (10) years and is a guide to local decision making in areas such as natural resources preservation, economic development, housing, land use and public services.

**POCD.** Plan of Conservation and Development.

**Principal Building.** A building containing the principal use of a property. In the case of a farm, the residence, if any, shall be the principal building.

**Public Utility Building.** A building owned or used by a public or private agency whose primary function is providing the public with potable water, sewage disposal, or electricity. This definition is not intended to include a facility for the disposal or processing of solid waste, regardless of any related purposes of such activity.

**PZC.** Planning and Zoning for the Town of Preston.

**Recreation Campground.** Recreational Campgrounds is area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of tents or recreational camping vehicles are intended to be occupied by recreational vehicles or tents for seasonal lodging. Campgrounds shall conform to the applicable requirements of the Connecticut Public Health Code, Section 19a-2a-29, the Connecticut Fire Safety Code, and the Building Code; however, it is not the intent of these Regulations to duplicate (or enforce) the above noted codes, but to supplement them. All definitions noted herein take precedence over the noted codes. If there is an inconsistency between any of the codes and the Zoning Regulations, the more restrictive code or regulation shall apply.

**Restaurant.** Any business establishment whose principal business is the sale of food cooked on the premises and/or beverages typically served by waiters/waitresses on the premises to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customers consumes these foods while seated at tables or counters located within or outside the building.

**Restaurant - Fast Food.** Any establishment whose principal business is the sale of prepared or rapidly prepared foods, confections, or beverages to the customer in a ready-to-consume state, and whose method of operation is such that customers normally order the product at a central location separate from the tables or counters used for consumption. Cafeteria service establishments in which a customer serves oneself while passing along a food-service line are also considered fast food restaurants.

**Retail Box Department Store.** A big-**box store** (also supercenter, superstore, or megastore) is a physically large **retail** establishment, usually part of a chain of **stores** and by extension, to the company that operates the **store**.

**Retail Store - Specialty.** An independently owned retail store in which one differentiates itself from department type stores (and other large generalists) through specialization in product category and/or services. Specialty retail stores focus on specific categories. Typically, product knowledge is a value-added component of products sold, and these stores serve a smaller personalized service market. Examples include general store, antiques, boutiques, etc.

**Right-of-Way.** A right-of-way is an easement granted to a person or persons (grantee) for passing and re-passing over land of another (grantor) to and from the land of the grantee.

**Saw Mill - Portable.** A motorized machine tool run by a gasoline motor, diesel motor, electric motor or chainsaw that is capable of being carried or moved about, and used by individuals, trades people or professionals in producing limited volumes of boards cut from logs for personal use or profit.

**Separate Ownership.** A parcel of land is owned separately, under a different name and separate deed.

**Short-Term Rental (STR).** Any single-family dwelling or accessory apartment approved pursuant to Section 16.10 of these Regulations that is rented on a short-term basis for a time not to exceed three (3) weeks in any three-month period to the same party of guests.

**Smart Growth.** Is economic, social and environmental planning that concentrates growth in compact walkable centers to avoid sprawl. It advocates compact, transit-oriented, walkable, bicycle-friendly land use, including neighborhood schools, complete streets, and mixed-use development with a range of housing choices.

**Special Events.** A public gathering of more than five hundred (500) people assembled at one (1) time at any single location for a particular event. The term "Special Event" shall not be interpreted to include the normal day-to-day operation of existing commercial enterprises. A license shall be obtained from the Board of Selectmen in accordance with the town ordinances.

**Specialized Agricultural Building.** The use of a building for intensive farming and farming-related activities that involve:

- a) Processing or packaging of farm products or by-products.
- b) Shelter for more than one hundred fifty (150) cattle or ten thousand (10,000) fowl; or,
- c) Workplace for more than twenty-five (25) non-family employees.

**Street (street and road are used interchangeably).**

- a) Any improved right-of-way dedicated for public use, accepted for public use by Town Meeting, and maintained by the Town of Preston for automobile travel; or,
- b) Any proposed street shown on the subdivision plan under consideration, or on one previously approved by the Commission; or,
- c) State of Connecticut Routes 2, 2A, 12, 117, 164, 165 and 605 (Old Shetucket Turnpike).

**Vendor Permit.** A permit issued to an individual, association, or corporation to solicit, peddle, vend or sell merchandise, goods, wares from any street or from house to house in the Town of Preston for which a permit is issued by the Board of Selectmen in accordance with the Town Ordinances.

**Video Game Arcade.** Three (3) or more video game machines in the same place, location or premises.

**Video Game Machine.** A coin-operated machine or device which, whether mechanical, electrical or electronic, shall be ready for play by the insertion of a coin, and may be operated by the public for use as a game, entertainment or amusement, the object of which is to achieve either a high or low score, which by comparison to the score of other players whether playing concurrently or not, demonstrates relative skill or competence, or indicates in any other way competitive advantage of one (1) player or team over another, regardless of skill or competence. It shall include devices such as pinball machines or any device, which utilizes a video tube or reproduces symbolic figures and lines intended to be a representative of real games or activities.

**Yard.** An unoccupied open space on the same lot with a building or use which lies between said building or use and the nearest lot line. In measuring a yard, as hereafter provided, it shall be deemed to mean the space between the lot line and a line parallel to and at the required distance from said lot line. Such measurement shall be taken at right angle from the lot line.

**Yard, Front.** A yard extending across the full width and/or length of the lot and lying along the front lot line.

**Yard, Rear.** A yard extending across the full width of the lot and lying along the rear lot line.

**Yard, Side.** A yard along the side line of a lot and extending from the front yard to the rear yard, or, in the absence of either such yards, to the front or rear lot line, as the case may be.

**ZEO.** Zoning Enforcement Officer for the Town of Preston.

### **SECTION 3 - GENERAL REQUIREMENTS AND PROCEDURES**

**3.1 Enforcement.** These Regulations shall be enforced by the Zoning Enforcement Officer, who is empowered to inspect any building or land and order in writing for any violation of these Regulations to be corrected or terminated.

**3.2 Classification of Use.** Use of land or buildings is herein classified as Permitted Uses or Special Exception Uses.

**3.3 Permitted Use.** Use of land or building that is allowed by right in a zoning district after the issuance of a permit by the Planning and Zoning Commission or Zoning Enforcement Officer, as applicable.

**3.4 Special Exception Use.** Use of land or building that is permitted only after meeting the special provisions of Section 18 of these Regulations and any other provisions noted in the regulations under the particular use.

**3.5 Unspecified Use.** Use of land or building not listed as a permitted use or as a special exception use in the various districts is prohibited. However, the Planning and Zoning Commission may determine that an unspecified use is similar to a specified permitted/special permitted use, and, thereby, is also a permitted/special permitted use. When the status of a use has been so determined, such determination shall, thereafter, have general applicability to all uses of the same type.

**3.6 Principal Use.** Only one (1) principal use or building is permitted in all residential districts on one (1) lot, except as otherwise prescribed by these Regulations.

**3.7 Prohibited Uses.** No uses shall be permitted which by reason of noise, vibration, smoke fumes or odors are offensive and detrimental to nearby property or users thereof. The following specific uses are prohibited:

- a. Manufacture or storage of explosives, including the manufacturing of binary exploding targets. Fertilizer manufacture.
- b. Fat rendering in the manufacture of tallow, grease and oil.
- c. Refining and recovery of products from fish, animal, refuse, or offal.
- d. Commercial gas manufacture and storage by other than a public utility. Nothing shall prevent the storage for use on the premises of liquefied petroleum gas when installed and used in accordance with applicable State laws.
- e. Junk yards, salvage yards.
- f. The disposal or processing of hazardous waste, as defined in Section 22a-115 (1) of the CGS.
- g. Ash landfills and sanitary landfills, other than any officially designated Town of Preston landfill.
- h. Pawn Shops
- i. Abattoir, meat packing, distillation of bones, offal, or rendering or dumping of dead animals.
- j. Blast furnaces or smelting of copper, iron, lead, tin, zinc.
- k. Coal or petroleum distillation or derivation of by-products. Manufacture of cement, lime, gypsum or plaster of paris, or chlorine, or carbolic, hydrochloric, nitric, picric, or sulfuric acid.

**3.8 Multiple Uses in Commercial/Industrial Districts.** More than one (1) permitted non-residential building or use may be permitted on the same lot in any commercial or industrial district, including the

Preston City Village District and the Poquetanuck Village District, provided all such buildings or uses are planned as a unit, with integrated parking, access, building design and landscaping, and provided all other requirements for the zone are in compliance.

**3.9 Building Permit.** No building permit shall be issued by the Building Inspector for a building, use, or structure without the issuance of a Zoning Permit from the Zoning Enforcement Officer that such a building, use, or structure is in conformity with these Regulations and/or any plan subject to the property approved by the Planning and Zoning Commission and/or Zoning Board of Appeals.

**3.10 Zoning Permit.** No building shall be erected, demolished, moved, structurally enlarged or changed to another use, nor shall any use be established or changed in any area of the Town of Preston without the issuance of a Zoning Permit from the ZEO.

**3.10.1 Application for Zoning Permit.** Application for a zoning permit shall be made on a form provided for that purpose and obtainable in the Planning and Zoning Office. A zoning permit after review by the Planning and Zoning Commission and/or the Zoning Enforcement Officer, shall be approved or modified and approved certifying that such permit complies with these Regulations and/or any applicable approved site plan, special exception or variance or may be denied.

**3.10.2 Plot/Site Plan.** A plot or site plan shall be submitted as part of a Zoning Permit. The Planning and Zoning Commission or ZEO may require said plan to be prepared by a Connecticut licensed Land Surveyor and to an accuracy level acceptable to the Commission or the ZEO, as applicable. There shall be three (3) levels of Zoning Permits, as follows:

- a. **Residential/Minor Zoning Permit/Renewal Permit.** This permit is issued by the ZEO for the following following uses:
  1. Single family resident home
  2. Additions to residences and minor accessory uses not requiring approval by the Commission.
  3. Residential accessory structures
  4. Temporary permit for a fixed time for mobile home for a field office pursuant to Section 16.11(d).
  5. Uses and any other permits not requiring Planning and Zoning Commission approval such as renewal permits or commercial/industrial uses exempt from site plan approval in accordance to Section 19.10 including a change in use; however such applications exempt from Site Plan Application pursuant to Section 19.10 shall require approval by the Town Planner prior to approval and issuance of a zoning permit by the ZEO.
- b. **Special Issue Zoning Permit.** This permit is for properties located in residential areas, but have special issues for which the Planning and Zoning Commission desires to have oversight, but does not require a site plan or special exception application. These permits are to be reviewed and approved by the Planning and Zoning Commission prior to the issuance of a Zoning Permit by the Zoning Enforcement Officer. These special residential uses are as follows:
  1. Home Occupation pursuant to Section 5.1.2 and Section 16.8.
  2. Public utility building or structure pursuant to Section 5.1.10.
  3. Accessory apartment pursuant to Sections 5.1.13 and 16.6.
  4. Retail sales for commercial nursery pursuant to Section 5.1.12.



- c. **Commercial Zoning Permit.** This permit is issued by the Zoning Enforcement Office after the Planning and Zoning Commission approves a Site Plan or Special Exception.
- d. **Commercial Renewal Permit.** This permit requires review by the Commission to ensure compliance with an approved special exception.

### **3.11 Application Process for Site Plan and/or Special Exception**

**a. Application for Site Plan.** A Site Plan Application shall be submitted in accordance with Section 19 of these Regulations three weeks prior to the regularly scheduled Planning and Zoning Commission meeting. The Commission shall approve, modify and approve such application after finding that all proposed uses and activities conform to the stated purposes of these Regulations, or the Commission shall deny the application if found to be in non-compliance with these Regulations.

**b. Application for Special Exception.** A Special Exception Application shall be submitted in accordance with Section 18 of these Regulations and other applicable sections at least (3) three weeks prior to the regularly scheduled Commission meeting. The Commission shall approve, modify and approve or approve with condition(s) the application after finding that all aspects of the proposed uses conform to the stated purposes of these Regulations or shall deny such application if found to be in non-compliance with these Regulations.

**3.12 Certificate of Zoning Compliance.** It shall be unlawful for any newly erected structure or addition for which a Zoning Permit has been issued to be occupied or used, or for any existing building or lot or part thereof to be converted or changed from one type of use or occupancy to another involving human occupancy or for a Certificate of Occupancy to be issued by the Building Inspector until a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer.

**3.13 Previously Approved Applications.** Nothing in these Regulations shall require any change in plans, construction, or designated use of any building on which actual construction was begun under a permit issued prior to the effective date of these Regulations.

### **3.14 First Split, Property Line Adjustment, Lot Access and Driveways.**

**3.14.1 First Split.** When a new lot is formed by the division of an existing lot, not requiring subdivision approval by the Commission, it is recommended that the Zoning Enforcement Officer review and approve the division of said lot to ensure compliance with the Zoning Regulations. A zoning permit shall not be issued for any lot thus created as a first split unless the size, yards, and uses comply with these Regulations and provided the lot is approved by the Town Sanitarian for compliance with the public health code.

**3.14.2 Property Line Adjustment.** A change in the location of an existing property line approved by the Zoning Enforcement Officer in a manner that does not create any of the following:

- a. An additional building lot;
- b. A condition that violates any of the dimensional requirements outlined in Section 15 of these Regulations;
- c. An increase in any existing nonconformities of the dimensional requirements outlined in Section 15 of these Regulations;

- d. A reduction or change of land dedicated as approved open space and approved as part of a subdivision.
- e. An unbuildable lot based on the State of Connecticut Public Health Code.

Two (2) copies of the property survey prepared by a Land Surveyor shall be submitted with a request for the adjustment. The survey shall be referred to the Town Sanitarian for review and approval to ensure compliance with the Public Health Code. After receiving approval from the Sanitarian and the Zoning Enforcement Officer, a mylar copy of the survey shall be submitted for signature by the Zoning Enforcement Officer. The survey shall be subsequently filed in the Town Clerk's Office.

### **3.14.3 Lot Access and Driveways.**

- a) Every lot developed for residential purposes shall have a driveway access from an improved and accepted town street or state numbered highway.
- b) No drive shall have drainage that is directed to the town street unless approved by the Town Engineer and/or Public Works Manager/Director.
- c) The applicant/owner shall pay for any costs for review by the Town Engineer of the driveway installation.
- d) Any section of a new driveway having slopes greater than eight percent (8%) grade must be paved or surfaced with an acceptable alternative that will prevent erosion.
- e) A shared driveway shall not be permitted unless within a multifamily or commercially planned development.
- f) Every driveway shall have adequate sight distance as determined to be acceptable by the Public Works Manager/Director. The cost for sight improvements shall be at the owner's expense whether or not the driveway improvements are located on the owner's property or in the town road right of way.

**3.15 Zoning Map.** The map bound into the rear of this document and entitled "Zoning Map, Preston Connecticut," is hereby declared to be a part of these Regulations. The Zoning Map shows the boundaries and zoning designations for each district of the Town of Preston. Use and dimensional requirements for each of the districts shown on the map are found in these Regulations.

- a. All district boundaries shown on said Zoning Map are intended to follow the centerlines of streets or lines drawn parallel to and at specified distances from street centerlines, unless otherwise specifically shown thereon.
- b. Where any uncertainty exists as to the correct location of any zoning district boundary shown on the zoning map, it shall be the duty of the Commission to establish the correct location thereof according to the intent of these Regulations.

**3.16 Amendments.** Changes in these Regulations or the Zoning Map may be made only by majority vote of all of the regular sitting members of the Commission, after public hearing, except that if a protest against a proposed change is filed at or before the required hearing, signed by the property owners of twenty percent (20%) or more of the area of the lots included in such proposed change or of the lots within five hundred feet (500') 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 regular members or sitting members of the Commission.

- a. All petitions requesting a change in regulations or zoning district boundaries shall be submitted to the Commission on a form provided by the Commission and shall describe in detail the nature of the change, the reasons for it, and suggested new wording, where appropriate. Where a change in a zoning district boundary is proposed, a map shall be submitted having sufficient detail and scale to clearly show existing and proposed boundaries relating to the change. The Commission may require the boundaries of the Zone Change be prepared by a Licensed Surveyor at an acceptable scale and accuracy level to the Commission.
- b. Hearings and decisions on proposed amendments to the text or map shall be in accordance with the provisions of Section 8-7d of the General Statutes.
- c. Changes in regulations or boundaries shall become effective at a time fixed by the Commission, provided a copy of the change is filed with the Town Clerk and a notice of the Commission's decision shall have been published in a local newspaper before the effective date.
- d. Not less than ten (10) days prior to any hearing concerning a petitioned change of any zoning district boundary, a copy of the legal notice relating to the hearing shall be mailed to owners of record at the last address known to the tax collector of lands adjoining and directly across the street from the area of the proposed zone change. Responsibility for mailing notices shall be the applicants, and mail receipts shall be presented to the Commission prior to or at the hearing.

**3.17 Fees.** The application fees for the various land use applications shall be as follows:

<b>Application</b>	<b>Fee</b>
Zoning Permit	\$20
Site Plan	
a) Buildings 5,000 square feet or less	\$250
b) Buildings over 5,000 square feet	\$500
Special Exception	\$150
Coastal Site Plan	\$50
Regulation/Map Change	\$300
Variance	\$300

**3.17.1 Fees for Town of Preston Applications:** All application fees as noted in the chart above are waived for Town of Preston. Engineering or consultant fees and public hearing fees as applicable and noted below in Section 3.17.2 will not be waived.

**3.17.2 Additional fees:**

- a) A State Fee shall be collected in accordance with Section 22a-27j of the CGS.
- b) An application shall include an engineering fee or any other consultant fee as requested by the Planning and Zoning Commission or the Zoning Board of Appeals. The applicant shall pay all such fees. The Engineering/Consulting fee shall be one hundred fifty percent (150%) of a cost estimate provided by the engineer/consultant. Any fee remaining after the completion of the project will be returned to the applicant at their request.
- c) For each application that requires legal notices for a public hearing, the fee to cover the cost of said legal notices shall be paid by the applicant based on a process established by the Zoning Board of Appeals and/or Planning and Zoning Commission for their respective applications.

SECTION 4 - ZONING DISTRICTS

**4.1 Purpose.** In order to provide a variety of living and development opportunities in the Town of Preston, the following zoning districts are established.

- 4.1.1 R-120 Residential** - This district is intended to maintain a very low intensity of use. The R-120 zone locations include areas that have shallow depth to bedrock soils, ledge outcrops, steep slopes and other significant sensitive natural resources.
- 4.1.2 R-80 Residential** - This district is intended to maintain a very low intensity of uses and is intended for watershed areas or areas having the potential to provide reservoir or public water supply wells.
- 4.1.3 R-60 Residential** - This district consists primarily of scattered residences, agricultural-related, and undeveloped woodlands. Soils in these areas frequently pose problems for the proper operation of subsurface sewage disposal systems, suggesting a need for low intensity use.
- 4.1.4 Special Resource Protection Overlay (SRPO)/Amos Lake Watershed Area and Poquetanuck Cove Area** - This overlay district provides protection for the Amos Lake Watershed Area and Poquetanuck Cove Area. The uses and requirements are intended to limit

intensive activities, which might produce surface runoff and groundwater contamination that could harm the lake or cove.

- 4.1.5 R-40 Residential** - This district is intended to be used primarily for single-family detached dwellings in conventional subdivisions; however, does allow for multi-family uses by special exception. The district is aimed at encouraging, stabilizing and protecting family life in residential neighborhoods and serving these areas with adjacent non-residential services and facilities.
- 4.1.6 Commercial (C-1)** - This district provides opportunities for a variety of retail and personal service activities to serve the residents of both Preston and the surrounding area. Selection of these areas and the standards relating to them are intended to make them as compatible as possible with nearby residential uses.
- 4.1.7 Planned Industrial (PI)** - Activities in this district are intended to provide opportunities for uses that will broaden the Town's non-residential tax base without resulting in undesirable impacts on the physical and social environment.
- 4.1.8 Resort Commercial (RC)** - The purpose of this district is to promote tourism-oriented commercial development along portions of State Route 2 or in the future may include other state highways. Such development should incorporate engineering and planning techniques, which promote traffic safety.
- 4.1.9 Thames River District (TRD)** - The purpose of this district is to promote the commercial use and re-use of property at Preston Riverwalk and the surrounding area utilizing the area's unique locational characteristics and site amenities.
- 4.1.10 Preston City Village District (PCVD)** - This district contains Preston City which is a National Register Historic District. It is an exceptionally well preserved entity containing a high concentration of historic contributing buildings and sites dating from the late seventeenth to the twentieth centuries. This is a mixed-use development district that encourages the enhancement of its historic character.
- 4.1.11 Poquetanuck Village District (PVD)** - This district contains Poquetanuck Village, which is a National Register Historic District, is an exceptionally well-preserved historic area containing a high concentration of historically contributing buildings and sites dating from the late seventeenth to the twentieth century. This is a mixed-use development district that encourages the enhancement of its historic character.

## **SECTION 5 - R-120 RESIDENTIAL DISTRICT**

5.1 Permitted Uses. The following uses are permitted By Right:

5.1.1 Single-family dwelling.

5.1.2 Home occupation in accordance with Section 16.8 of these Regulations.

5.1.3 Farm including seasonal and other accessory farm businesses, such as, corn mazes, farm rides, and similar, not listed in Section 5.2.14 of these Regulations.

5.1.4 Commercial Livestock Farm (CLF). No livestock may be raised or bred commercially except on a CLF and provided:

- a) The premises shall not be less than ten (10) acres and having one (1) acre of pasture land per livestock.

- b) Buildings housing animals and areas of concentrated storage of animal waste shall be not less than two hundred feet (200') from any lot line and not less than one hundred feet (100') from any designated wetland or watercourse.

5.1.5 The keeping of livestock or poultry for pleasure and not for commercial purposes on parcels not less than three (3) acres, shall be permitted provided:

- a) There are no more than twenty-five (25) poultry.
- b) For each livestock, one acre of pasture land shall be provided.
- c) The livestock must be owned by the resident or leasee of the property.
- d) An adequate building, secure from the weather, shall be provided to house the livestock.
- e) Concentration of animal waste shall be stored on any premises at the point farthest from existing houses under separate ownership and shall not exceed approximately two (2) cubic yards in bulk.
- f) Although these properties are not considered a "farm" the sale of eggs from a farm stand is permitted.

5.1.6 Up to six (6) chickens may be kept for domestic use on any lot provided:

- a) The chickens are located within an enclosed area such as a pen that shall be no closer than twenty feet (20') to any property line.
- b) There shall be a maintained coop to house the chickens.
- c) No roosters may be kept on said property.
- d) If there are any complaints regarding noise or odor resulting from the keeping of the chickens on the property, the complaint shall be resolved to the satisfaction of the Zoning Enforcement Officer.

5.1.7 The slaughtering of livestock and poultry raised on a farm and as an accessory use to such farm is permitted, but the slaughtering of livestock or poultry not raised on the property is only permitted by home occupation pursuant to Section 16.8 of these regulations. All animal remains must be disposed of to the satisfaction of the Health Officer.

5.1.8 Roadside stand is permitted when accessory to the premises on which they stand for the sale of farm produce provided seventy-five percent (75%) of the produce must be produced on the site, or by the owner thereof. Such stand shall not be more than two hundred (200) square feet, with not more than two (2) signs aggregating twelve (12) square feet in area, advertising such produce. Such stand and signs shall not be less than ten feet (10') from any street line and not less than fifty feet (50') from any street intersection.

5.1.9 Buildings used for storage of farm vehicles on a farm (as defined in Section 2) may have any number of registered motor vehicles and equipment when such vehicles and equipment are owned by the resident thereof and are used in connection with the operation of that farm.

5.1.10 Public utility buildings or structures, without a service yard or outside storage of supplies or equipment, providing the structure is in general harmony with the surrounding area, as determined by the Commission.

5.1.11 Accessory buildings and uses.



5.1.12 Commercial Plant Nursery: An operation conducted for retail or wholesale sales of plants grown by a plant nursery. A nursery may include a structure for the retail sale for items other than nursery stock, but not power equipment such as lawn mowers and farm implements. Any such structure used for the retail sale of accessory items, shall not exceed five thousand (5,000) square feet and shall require a site plan to be submitted to the Commission in accordance with Section 19 of these Regulations.

5.1.13 Accessory apartments or conversion of a residence to include an accessory apartment may be permitted in accordance with Section 16.6 after approval by the Commission.

5.1.14 Short-Term Rental provided a Zoning Permit Application is submitted to the Planning and Zoning Commission pursuant to section 16.19 of these Regulations.

5.2 Special Exceptions. The following uses are permitted provided they meet the conditions of Section 18 of these Regulations:

5.2.1 Antique shops in accordance with Section 18.8 of these regulations as an accessory to a residential use and provided said use does not exceed five thousand 5,000 square feet in area.

5.2.2 Excavations and deposits of fill in accordance with Section 18.9 of these Regulations.

5.2.3 Saw mill or other temporary woodcutting operation in accordance with Section 18.10 of these Regulations.

5.2.4 Recreation Campgrounds in accordance with Section 18.11 of these Regulations.

5.2.5 Commercial Recreation Facility in accordance with Section 18.13 of these Regulations.

5.2.6 Specialized Agricultural Buildings in accordance with Section 18.15 of these Regulations.

5.2.7 Philanthropic, governmental, educational, recreational or religious use by a duly incorporated non-profit body or governmental unit, excluding convalescent homes and sanitarium; a building used as a bonafide club, lodge, or fraternal organization not operated for profit, provided that objectionable noise cannot be detected off the premises. No temporary or permanent residence shall be established in connection with any of these uses.

5.2.8 Bed and Breakfast Inn in accordance with Section 18.17 of these Regulations.

5.2.9 Farm Vineyard, Winery, Cider Mill and other similar farm fruit facility - Large Acreage in accordance with Section 18.19 of these Regulations.

5.2.10 Farm Winery in accordance with Section 18.18 of these Regulations.

5.2.12 Veterinary hospitals in accordance with Section 18.20 of these Regulations.

5.2.13 Commercial Poultry Farm pursuant to Section 18.21 of these Regulations

5.2.14 Accessory Farm Businesses (AFB) as noted here within, provided such farm property has a minimum of twenty-five (25) acres of which a minimum of five (5) acres shall be for the growing of produce or crops or pasture for farm animals. AFBs shall be operated as part of a farm based on the filing of an IRS Schedule F 1040 approved by the Assessor. All ASBs shall have adequate off-street parking designed with an acceptable pervious surface. AFBs shall have adequate screening to any adjacent residential property.

- a) **Farm Catering and Banquet Facility.** Farm-to-table cuisine made from local ingredients that may be served on or off site and include:
  1. **Closed Farm Banquet Events.** These events are not open to the general public, such as weddings, private parties, and similar provided:
    - i. Alcoholic beverages may be served provided a valid liquor license is obtained in accordance with the CGS.
    - ii. There shall be no more than three (3) such events per week. At the discretion of the Commission, the number of events may be reduced based on a determination of the facility's compatibility with the capacity of the road, density of the neighborhood and other quality of life concerns.
  2. **Special Public Farm Promotional Events.** These events are opened to the general public, as follows:
    - i. Six (6) events are permitted throughout a calendar year.
    - ii. Farm to table meals, finger foods and/or pastries may be served for such events. A farm to table meal is defined as a diversified selection of food of which some of the produce or meat must be grown or raised on the farm.
  3. **Event Permits.** At least fourteen days prior to such event, a Zoning Permit application shall be submitted to the Zoning Enforcement Officer, who shall send copy to the First Selectman. The applicant shall provide the type of event(s), date and number of estimated guests. The Zoning Enforcement Officer may deny the request to conduct the event if the application is not filed timely or lacks the information required herein.
  4. **Closed Farm Banquet Events and Special Public Farm Promotional Events.** Such events shall not occur on the same day.
- b) **Retail Farm Building for the sale of farm products and other accessory farm products** provided that fifty percent (50%) of the products are produced on the premises or are farm produce such as vegetables, fruit or dairy products. The building shall not exceed five thousand (5,000) square feet. The availability of food from outside vendors is permitted provided a vendor permit is obtained from the Zoning Enforcement Officer. There shall be no fee for such vendor permits.
- c) **Farm to Table Public Restaurants** may be permitted by the Commission provided:
  - i. There are no more than forty (40) seats.
  - ii. There shall be a farm connection by either providing some of the produce or meat grown or raised on the farm and provides the theme for the restaurant.

- iii. Alcoholic beverages may be sold on the premises provided a valid liquor license is obtained in accordance with the CGS.
- d) **Sale or Repair of Farm Equipment** for commercial purposes provided the repair and/or retail area is located within a farm building and the retail area may not exceed five thousand (5,000) square feet.
- e) **Historic Country Inn**, as defined in Section 18.22, and provided the Inn involves the use of an historic structure (and any addition thereto) as identified in the Historic Inventory prepared by the Preston Historical Society.
- f) Tack Shop provided the building does not exceed 5,000 square feet.

5.2.14.1 **Accessory Farm Business Renewal Permit.** A renewal permit is to be submitted March 1<sup>st</sup> of each year and is obtained from the Zoning Enforcement Officer. Said renewal permit is comprised of three (3) components, as follows:

- a) Review for compliance with the original special exception issued by the Commission.
- b) Notification of IRS Schedule F 1040 approval by the Assessor.
- c) Verification that a minimum of five (5) acres are being used for the growing of produce, crops or pasture for and with farm animals and/or livestock.

If such renewal permit is not submitted or if the Zoning Enforcement Officer finds that the terms of the special exception are not being met and/or the property is not verified as a farm based on the IRS Schedule F 1040, the ZEO shall not renew the permit due to non-compliance.

5.2.15 Solar Farms in accordance with Section 18.24 of these Regulations.

## **SECTION 6 - R-80 AND R-60 RESIDENTIAL DISTRICTS**

6.1 Permitted Uses. The following uses are permitted By Right:

6.1.1 All the uses permitted in Section 5.1 of these Regulations.

6.2 Special Exceptions. The following uses are permitted provided they meet the conditions of Section 18 of these Regulations.

6.2.1 All uses permitted in Section 5.2 of these Regulations.

## **SECTION 7 - R-40 RESIDENTIAL DISTRICT**

7.1 Permitted Uses. The following uses are permitted By Right:

7.1.1 All uses permitted under Section 5.1 of these Regulations.

7.2 Special Exceptions. The following uses are permitted in R-40 Districts provided they meet the conditions of Section 18 of these Regulations:

7.2.1 All uses permitted in Section 5.2 of these Regulations

7.2.2 Elderly housing in accordance with Section 18.12 of these Regulations.

7.2.3 Convalescent homes, Assisted Living Facilities, and Continuing Care retirement communities that provide accommodations for independent living, assisted living, and nursing home care and offering residents a continuum of care in accordance with Section 18.5 of these Regulations.

7.2.4 Nursery school or day care facility serving more than six (6) children.

7.2.5 Multifamily residential uses pursuant to Section 18.14 of these Regulations.

## **SECTION 8 - C-1 COMMERCIAL DISTRICT**

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used for one (1) or more of the uses or use categories listed below of special exception uses.

8.1 Permitted Uses. The following uses are permitted By Right:

8.1.1 Retail businesses, such as grocery stores, drug stores, apparel stores, variety stores, antique shops, sporting goods stores.

8.1.2 Restaurants, microbreweries, eating and drinking establishments.

8.1.3 Business services, such as banks, real estate and insurance offices.

8.1.4 Professional offices of engineers, architects, accountants, attorneys, dentists and the like.

8.1.5 Adult and child Day Care Centers of seven (7) or more individuals.

8.1.6 Personal services, such as barbershops, beauty salons, dry cleaners and wellness centers.

8.1.7 Repair services such as radio, television, appliance and plumbing shops, upholstery shops

8.1.8 Shoe repair shops.

8.1.9 Indoor display and storage of material for use or installation off the premises, including, but not limited to, home and business improvement supplies and fixtures.

8.1.10 Funeral parlors and mortuary establishments.

8.1.11 Theaters, bowling alleys, assembly halls, and buildings for public recreation.

8.1.12 Hotels and motels.

8.1.13 Town hall, library, museum and similar municipal or cultural facility of a non-commercial nature.

8.1.14 Accessory buildings and uses as determined to be appropriate and acceptable to the Commission, i.e. storage area for a retail use, laundry for a hotel.

8.1.15 Single-family dwellings that existed prior to the adoption of these Regulations on March 18, 2019 are allowed to be modified as if located within a residential district and are afforded all the uses and requirements Sections 5.1 and 5.2 of these Regulations.

8.1.16 Farms as defined in Section 2 of these Regulations and Accessory Farm Businesses pursuant to Section 5.2.14 of these Regulations.

**8.2 Special Exceptions in C-1 Districts.** The following uses are permitted in accordance with Section 18 of these Regulations:

8.2.1 Automobile sales provided the conditions of Section 18.6 are met.

8.2.2 Gasoline/Fuel and Filling Station in accordance with Section 18.6 of these Regulations.

8.2.3 Package/liquor stores.

8.2.4 Video game arcades.

8.2.5 Liquid propane gas storage for retail sale.

8.2.6 Drive-thru window as an accessory use to a permitted principal use where it can be demonstrated that such an activity will not adversely impact surrounding areas with noise or fumes from idling vehicles uses or cause a traffic hazard. Drive-thru window installation is not exempt from the submission of a site plan application pursuant to Section 19.10.

8.2.7 Marijuana dispensary facility pursuant to Section 18.25.

## SECTION 9, 10, 11,12, and 13 - SPECIALIZED DISTRICTS

The purpose of these districts is to foster a climate favorable for economic development and diversification. These areas have special conditions that warrant special attention. Each of the areas have been identified in the POCD as “Areas of Special Interest”.

### SECTION 9 - PI - PLANNED INDUSTRIAL DISTRICT

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses or use categories in the list below – Permitted Uses Section 9.1 or by Special Exception - Section 9.2. In order to enhance the quality of the land use within the district, the design and standards outlined in Sections 10.5 and traffic in Section 10.6 shall be met.

9.1 **Permitted Uses.** The following uses are permitted By Right:

- 9.1.1 Hotels and motels.
- 9.1.2 Indoor recreation and cultural facilities, such as bowling alley, tennis court, swimming pool, game room, skating rink, art gallery, museum, movie theater, but not including night clubs.
- 9.1.3 Retail businesses, such as grocery stores, drug stores, apparel stores, variety stores, antique shops, and sporting goods stores.
- 9.1.4 Professional offices of engineers, architects, accountants, attorneys, dentists and the like.
- 9.1.5 Business services, such as banks, real estate and insurance offices.
- 9.1.6 Repair services, such as radio, television, appliance, small equipment, upholstery, provided there is no outdoor storage of equipment or materials.
- 9.1.7 Shoe repair shops, tailor or similar.
- 9.1.8 Restaurant for dine-in patrons, microbreweries, cafes. Take out service of food may be allowed as an accessory use as determined by the Commission, provided the suitability of the site with regard to traffic safety. Drive-thru windows as an accessory use are only permitted as a special exception pursuant to Section 18 of these Regulations.
- 9.1.9 Accessory buildings and uses as determined to be appropriate and acceptable to the ZEO or the Commission, as applicable.
- 9.1.10 Outdoor Commercial recreation facilities and outdoor amusements, such as golf courses, tennis and racquet courts, swimming pools, country clubs, miniature golf, and equestrian facility. The uses may include a clubhouse that serves food.
- 9.1.11 Research laboratories.
- 9.1.12 Printing and publishing establishments.

- 9.1.13 Automotive supply and parts stores.
- 9.1.14 Drive-in theater, bowling alleys, indoor commercial recreation establishments.
- 9.1.15 Funeral parlors and mortuary establishments.
- 9.1.16 Veterinary hospitals.
- 9.1.17 Farms and Accessory Farm Businesses as defined in Section 2 and as provided in Section 5.2.15 of these Regulations.
- 9.1.18 Specialized agriculture building in accordance with Section 18.15 of these Regulations.
- 9.1.19 Single-family dwellings that existed prior to the adoption of these Regulations on March 18, 2019 are allowed to be modified as if located within a residential district and are afforded all the uses and requirements Sections 5.1 and 5.2 of these Regulations.
- 9.1.20 Public utility buildings.
- 9.1.21 Indoor display and storage of materials for use or installation off the premises, including, but not limited to, home and business improvement supplies, furniture and fixtures.
- 9.1.22 Recreation equipment sales, including the sale of camper units.
- 9.1.23 Post Office and other governmental uses and services.
- 9.1.24 Bed and Breakfast Inn, in accordance with:
- a) The minimum finished floor area of the building shall be at least one thousand five hundred (1,500) square feet.
  - b) The building must be of adequate size to accommodate all proposed guest bedroom, guest dining area and guest bathrooms.
  - c) Off-street parking spaces shall include at least two (2) for the residents of the property and one (1) for each guest room.
  - d) The Commission may require fencing, earth berms, evergreen vegetation, or other buffers to reduce visual conflicts with neighboring uses. No outside storage of any maintenance equipment or supplies shall be permitted.
  - e) Registered guests may stay no longer than three (3) weeks in a three-month period.
  - f) Exterior alterations should be made to preserve a valuable historic property.
  - g) Special Functions or Events; Special Functions may be held at a Bed and Breakfast Inn subject to local laws by permit.

9.2 **Special Exceptions.** The following uses are permitted provided they meet the conditions of Section 18 of these Regulations:

- 9.2.1 Gasoline/Fuel Service and Filling Stations provided that aboveground and underground gas tanks are a minimum of three hundred feet (300') to any property used for residential use, church, or school pursuant to Section 18.6.
- 9.2.2 Automobile sales provided the conditions of Section 18.6 are met.
- 9.2.3 Package Liquor Stores in accordance with Section 18.7 of these Regulations.
- 9.2.4 Excavations and deposits of fill in accordance with Section 18.9 of these regulations.
- 9.2.5 Saw mill or other temporary woodcutting operation in accordance with Section 18.10 of these Regulations.
- 9.2.6 Video game arcades in accordance with Section 18.16 of these Regulations.
- 9.2.7 Specialized agriculture building in accordance with Section 18.15 of these Regulations.
- 9.2.8 Construction Company Storage Yard. Building materials sale and/or contractor's storage yards. Such storage yard may be used for the storage and collection of construction material. Although no building or parking may be proposed, a Site Plan Application shall also be submitted in accordance with Section 19 and is not exempt pursuant to Section 19.10 of these Regulations.
- 9.2.9 Warehouses, storage facilities, and storage of vehicles for wholesale distribution excluding processing or storage of oil, gas, or coal for distribution.
- 9.2.10 Retail lumber and building material yards, and contractor's equipment storage, provided that all material is kept in a building or within a solid enclosure not less than six feet (6') high, such enclosure shall be behind the front building setback line. A Site Plan application shall be submitted to the Commission pursuant to Section 19 showing all storage areas and screening and is not exempt pursuant to Section 19.10 of these Regulations.
- 9.2.11 Automotive, farm, marine, equipment, service, and repair establishments, provided major repairs are conducted within a building or otherwise screened from view. There shall be no more than twenty (20) vehicles stored on site, such vehicles shall be screened from view from abutting properties and streets or stored to the rear of the building. The Commission may at their discretion, allow the storage of more than twenty (20) vehicles if there is no impact onto an adjacent property and the vehicles cannot be viewed from the public street.
- 9.2.12 Automotive sales provided that aboveground and underground gas tanks are a minimum of three hundred feet (300') to any property used for residential use, church, or school.
- 9.2.13 Trucking terminals and warehousing.



- 9.2.14 The manufacture, processing and packaging of foods, beverages, candy, cosmetics, pharmaceuticals and drugs.
- 9.2.15 The manufacture and processing articles made from the following material: cellophane, canvas, cloth, cork, felt, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, shell, stone, textiles, tobacco and wood.
- 9.2.16 The finishing and assembling of articles made from metals but excluding processes employing the use of drop hammers.
- 9.2.17 Marijuana Production facility pursuant to Section 18.25.

## **SECTION 10 RESORT COMMERCIAL DISTRICT**

**10.1 Purpose.** The purpose of this district is to promote tourism-oriented commercial development which may also contain activities that will serve a wide range of needs for area residents. It is intended that such development be located and designed to enhance the qualities of both the site on which they are proposed and the Town.

**10.2 Procedures.** Any application for development within this district shall be accompanied by a Site Plan as stipulated by Section 19 of these Regulations. Activities permitted as a Special Exception shall also be subject to the requirements of Section 18 of these Regulations. In addition, applicants shall submit drawings showing buildings and structures, and materials to be used in enough detail to show compliance with these regulations.

**10.3 Permitted Use In Resort Commercial District.** The following uses are permitted By Right in this district:

- 10.3.1 Hotels and motels;
- 10.3.2 Indoor recreation and cultural facilities, such as bowling alley, tennis court, swimming pool, billiard room, skating rink, art gallery, museum, movie theater, but not including night club.
- 10.3.3 Outdoor Commercial recreation facilities and outdoor amusements, such as golf courses, tennis and racquet courts, swimming pools, country clubs, miniature golf, and equestrian facility. The uses may include a clubhouse that serves food.
- 10.3.4 Restaurant for dine-in patrons, microbreweries, cafes. Take out service of food may be allowed as an accessory use only after approval by the Commission attesting to the secondary nature of the activity and the suitability of the site with regard to traffic safety. Drive-thru Windows as an accessory use are only permitted as a special exception in accordance with Section 18 of these Regulations.
- 10.3.5 Business services such as banks, real estate, and insurance offices.

10.3.6 Professional offices of doctors, engineers, architects, accountants, attorneys, dentists and the like.

10.3.7 Post Office.

10.3.7 Single family dwellings as follows:

- a) Single family dwellings that existed prior to the adoption of these regulations on March 18, 2019 are allowed to be modified as if located within a residential district and are afforded all the uses and requirements Sections 5.1 and 5.2 of these Regulations.
- b) Single family dwelling provided the lot on which the dwelling is on a town road and a minimum of 400 feet from the centerline of Route 2. The R-60 dimensional requirements noted in Section 15 shall apply.

10.3.8 Accessory uses and buildings.

10.3.9 Grocery stores, drug stores, or apparel stores.

10.3.10 Bed and Breakfast Inn provided the following conditions are met:

- a) The minimum finished floor area of the building shall be at least one thousand five hundred (1,500) square feet.
- b) The building must be of adequate size to accommodate all proposed guest bedroom, guest dining area and guest bathrooms.
- c) Off-street parking spaces shall include at least two (2) for the residents of the property and one (1) for each guest room.
- d) The Commission may require fencing, earth berms, evergreen vegetation, or other buffers to reduce visual conflicts with neighboring uses. No outside storage of any maintenance equipment or supplies shall be permitted.
- e) Registered guests may stay no longer than three (3) weeks in a three-month period.
- f) Exterior alterations should be made to preserve a valuable historic property.
- g) Special Functions or Events may be held at a Bed and Breakfast Inn subject to local regulations by permit.

10.4 **Special Exceptions in Resort Commercial District.** The following uses are permitted, provided they meet the procedures and conditions of Section 18 of these regulations:

10.4.1 Convention Centers, Stadiums, or Sports Arenas provided that access is from a state highway.

The Commission may approve a building height in excess of fifty feet (50') provided:

- a) Prior approval is granted by the Town Fire Marshal.
- b) The Commission finds that the feature would enhance the function of the project.
- c) Such features will not be aesthetically detrimental to adjacent use;
- d) The applicant shall prove that there will negligible impact on emergency services, or if impacted will be mitigated to the Commission's satisfaction.

- 10.4.2 Rental of automobiles, motorcycles, and the like. Automotive service and repair. Gasoline/Fuel Service and filling stations, in accordance with Section 18.6 of these Regulations.
- 10.4.3 Transportation facilities, including public or private mass transit, bus or taxi service, and the like.
- 10.4.4 Package liquor store, with the additional conditions outlined in Section 18.7 of these Regulations.
- 10.4.5 Video game and electronic game arcades, with the additional conditions outlined in Section 18.16 of these Regulations.
- 10.4.6 Nursery school or day care center serving more than six (6) children.
- 10.4.7 Public utility buildings, substations, storage yards and vehicle parking areas, provided the storage yards are screened from public view by solid fencing or equivalent screening.
- 10.4.8 Specialty stores with retail items distinctive and characteristic of tourism, e.g. sporting goods, antiques, arts, crafts, or other types of memorabilia, not to include Pawn Shops. In addition, typical retail box department stores are not permitted.
- 10.4.10 Drive-thru windows as an accessory use to a permitted principal use where it can be demonstrated that such an activity will not adversely impact surrounding uses or cause a traffic hazard.
- 10.4.11 Vacation Resort, which is a compound of buildings and facilities, providing lodging, and entertainment, to people on vacation, and may include a Recreational Campground in accordance with Section 18.11. A vacation resort attempts to provide for all or most of a vacationer's wants while remaining on the premises, such as food, drink, lodging, sports, entertainment, and shopping. Such vacation resort units may be owned as a condominium, timeshare, or fractional ownership. No unit shall be occupied by the same party for more than ninety (90) days within a twelve (12) month period.
- 10.4.12 The Commission may permit multi-story parking structures to serve a permitted use or special permitted use provided the structure does not exceed, by more than twenty percent (20%), the parking required in accordance with Section 20. Any request for a greater number of parking spaces shall be supported by an analysis prepared by a Traffic Engineer and subject to approval by the Commission. Parking structures shall be no higher than the principal building(s). The parking structure shall be located to the rear or underneath any principal building(s), unless approved by the Commission using a configuration and/or creative design technique that accomplishes the design goals and objectives intended for the Resort Commercial District
- 10.4.13 The Commission may permit buildings or structures greater than fifty feet (50') in height provided a view-shed analysis is prepared by the applicant to determine that there is not adverse impact on residential neighborhoods. The Fire Marshal shall approve any building greater than fifty feet (50') in height.

10.4.14 Rental of small boats and fishing gear and any ancillary docks and buildings supporting such rental of small boats and fishing gear.

10.4.15 **Farm Vineyard, Winery, Cider Mill and other similar farm fruit facility - Large Acreage** in accordance with Section 18.19 of these Regulations.

10.4.16 Marijuana dispensary facility pursuant to Section 18.25; and in accordance to the following:

- a) All Connecticut state regulations and laws on the dispensing and production of marijuana shall be adhered to and form the basis for local regulation of marijuana sales and production.
- b) The number of Marijuana Dispensing Facilities in Town of Preston shall be limited to one each respectively.
- c) Prior to issuance of a Zoning Permit, the applicant must provide to the Zoning Enforcement Officer a copy of the Marijuana Dispensing Facility license issued to the applicant under the authority of the State of Connecticut Commissioner of the Department of Consumer Protection.
- d) No Marijuana Dispensing Facility shall be located within 1,000 feet of any municipal building, public park, public recreation area, licensed adult or child day care center, dependency treatment center, or place of worship (each a “Protected Use”), nursery/prekindergarten, kindergarten, elementary or secondary school, college, or university, whether supported by public or private funds (each a “School Use”), which are in existence as of the date of application for a special exception. A Marijuana Dispensary Facility shall not become non-conforming by the later establishment of a School Use within 1,000 feet and may be enlarged, renovated, and rebuilt, in accordance with all other applicable laws and regulations.
- e) All business transactions and deliveries shall be conducted in strict accordance with State law.
- f) All advertising for Marijuana Dispensary Facilities shall comply with the regulations specified in Section 33 of RERACA.
- g) Vehicular access onto the site shall be provided solely from numbered state highway.
- h) Distance requirements are measured as a straight line from the main pedestrian entrance of the proposed Marijuana Production Facility to the nearest main pedestrian entrance of said use so referenced in d) above.
- i) All other provisions of these Regulations shall be met.

10.5 **Design Standards.** All buildings and uses in the Resort Commercial District shall be subject to the design standards set forth in this Section. These design standards should include the following:

10.5.1 Multiple Buildings. A lot may be occupied by more than one permitted principal building(s), provided that the entire lot is under the same ownership and all dimensional requirements set forth in Section 15 shall be satisfied. Separating distance between individual buildings shall be adequate to complement the natural and man-made features of the site and surrounding area. Separating distance between buildings may be used for vehicle or pedestrian access or be landscaped. Such separating distance shall be a design component reviewed by the Commission for vehicular and pedestrian safety, compatibility with site features, as well as complement adjacent buildings. At no time shall any separating distance conflict with any federal, state or local code requirement.

- 10.5.2 Important existing site features, such as stonewalls, large trees and other features shall be preserved and incorporated into the new design to the maximum extent possible and consistent with the proposed use.
- 10.5.3 The materials, textures, and colors used on the exterior walls and roofs of new and renovated buildings shall be associated with traditional New England architecture. Preferred building material shall be brick, stone and wood, including narrow wood siding, clapboards or wood shingles. Metal, dryvit, unfinished concrete block, vinyl and asphalt siding are discouraged. Tarpaper, sheet metal, or plastic roofing materials are also discouraged.
- 10.5.4 Architectural details, characteristic of the particular architectural style and period, should be incorporated in the design for any new construction and should relate harmoniously to adjacent buildings to the best extent possible. It is not intended that architectural details of old buildings be duplicated, but they should be regarded as suggestive of the extent, nature and scale of the details that would be appropriate on new buildings or alterations.
- 10.5.5 The design, proportion and placement of signs should complement the building's composition and architectural details. The design shall consist of materials and be limited to colors that are appropriate to the design and materials and shall use lettering styles, sizes and composition which relate to architectural styles within the district.
- 10.5.6 Parking areas shall be attractively landscaped, with planting strips between all parking bays and separating driveways from parking bays. Parking areas shall have lights that do not exceed twenty feet (20') in height and which are designed to project light downward.
- 10.5.7 Off-street parking shall be located in the rear of buildings when possible.
- 10.5.8 No building or parking area shall be permitted within any required setback area.
- 10.5.9 A landscaped buffer strip with a minimum width of twenty feet (20'), planted with evergreens (or may use other appropriate screening techniques) shall be provided between RC developments and all abutting residentially zoned properties. The buffer shall adequately screen the residential property from the commercial development This buffer strip shall be in addition to the required setbacks of the RC District.
- 10.5.10 Where the proximity, nature, and intensity of abutting residential uses are such that the minimum buffer width would not provide adequate protection from noise, headlight glare, and visual intrusion to residential dwellings, the Commission may require an increase in the minimum buffer width.

## 10.6 **Access and Traffic.**

10.6.1 The Commission may require that all vehicular access be on Route 2 or onto a roadway which serves only properties located in the RC District.

10.6.2 In order to reduce possible traffic conflict points, the Commission shall require driveways to be located so that they will provide common access to adjacent parcel(s) when it is determined

that common use would be appropriate for traffic safety. The Commission shall also require common interior drives to serve more than one (1) parcel, where appropriate for traffic safety. Such requirements may stipulate reserved right-of-ways in lieu of actual construction depending on present use of adjacent parcels. Where shared driveways are required and constructed, a written agreement for the common use and maintenance of a shared access must be recorded in the Town Land Records.

10.6.3 The Commission may require certain minimum sight line distances depending on present or anticipated traffic conditions, posted speed limits and surveyed average vehicular speeds.

10.6.4 Wherever possible, each development shall be limited to one (1) access point per property.

10.6.5 The applicant must demonstrate that the site design makes proper provision for pedestrian access and safety. All site plans shall provide for pedestrian walkways and circulation in and around buildings.

10.6.6 Any permit may be denied by the Commission if, after review and evaluation, no reasonable modification can be required which will insure that the proposed use will not create or further aggravate vehicular and/or pedestrian traffic safety problems.

## 11 Thames River District ("TRD")

- 11.1 Purpose:** The purpose of this district is to promote an energy efficient, pedestrian friendly, planned mixed-use development that includes a variety of commercial uses and will in its design consider the zones' unique locational features such as the campus setting, historic assets, and proximity to State Highways, rail line, the Thames River, natural resources, public utilities, and area attractions.
- 11.2 Procedures:** A site plan application in accordance with Section 11.7.4 and Section 19 shall be submitted for all permitted uses enumerated in Section 11.3 of these Regulations. Applications for zone changes and master plan approval pursuant to the Special Thames River Overlay Development District ("TRODD") shall be submitted in accordance with the provisions of Section 11.7.2 of these Regulations. All applications proposing development within the TRD for property that is not the subject of a Property Disposition and Development Agreement between the Town of Preston and the applicant ("PDDA) and that is within the redevelopment area shall be submitted to and reviewed by the Preston Redevelopment Agency (PRA). The Commission shall not act on any application for development within the redevelopment area that is required to be submitted to the PRA without receiving recommendations and an advisory report from the PRA; provided, however, that in the event the PRA does not submit review comments within thirty-five (35) days of submittal of such application to the PRA, the Commission may act on such application absent of review comments from the PRA. All such reports and recommendations shall be considered by the Commission, but shall be advisory only.
- 11.3 Permitted Uses:** The following uses are permitted in the TRD As of Right, but subject to receiving site plan approval from the Commission in accordance with the standards contained in these Regulations:
- 11.3.1 Professional Offices; Personal Service Activity.
  - 11.3.2 Daycare Center, including adult daycare and nursery schools; Family Daycare Home; Group Daycare Home.
  - 11.3.3 Financial Offices, such as banks, insurance offices and financial planning offices.
  - 11.3.4 Health and Fitness Centers: which are facilities that provide for such activities as swimming, tennis, racquetball and/or aerobics.
  - 11.3.5 Dine-in Restaurants.
  - 11.3.6 Retail businesses, such as grocery stores, drug stores, apparel stores, variety stores, antique shops, and sporting goods stores less than thirty thousand (30,000) square feet.
  - 11.3.7 Hotels and Inns.

11.3.8 Single-family dwellings that existed prior to the adoption of these regulations on March 18, 2019 are allowed to be modified and are afforded all the uses and requirements of Sections 5.1 and 5.2 of these Regulations, including dimensional requirements.

11.3.9 Accessory buildings or uses.

11.3.10 Marinas, boatyards or docks and other similar water dependent uses.

#### **11.4 Environmental Protection:**

- a. **Coastal Area:** The TRD includes property regulated under the Coastal Management Act (the “Act”). The Act establishes special requirements and procedures that ensure the impacts of proposed activities on both coastal resources and water dependent development activities are acceptable. A coastal site plan application pursuant to Section 17 – Coastal Area Management of the Regulations is required for activities located within the coastal boundary.
- b. **Stormwater:** Landscaping and stormwater drainage associated with site development shall be of a design and layout to minimize potential water quality impacts of non-point source runoff, including hydrocarbons, fertilizers and pesticide applications. Stormwater drainage shall be designed to relate harmoniously with the adjacent landscape and structures. All drainage design shall be developed in accordance with the State of Connecticut Stormwater Quality Manual, latest edition.
- c. **Conservation/Public Access Easements:** The Commission may require deeded conservation easements to the Town or any other 501(c)(3) recognized conservation entity approved by the Commission to protect coastal and natural resources and to allow public access to coastal or other natural resources and/or historic resources, where appropriate and available. The Commission shall make this determination during the coastal site plan review process and/or the site plan review process, whichever may be applicable.

**11.5 Design Standards:** These design standards are provided to **ensure harmonious creative design** that allows flexibility to achieve the overall goal of a well-planned and well-designed New England style development. All applications for development within the TRD shall be submitted with a general plan illustrating how the project coordinates, complements and fits with the overall plans for the comprehensive development of the TRD.

- a. **Multiple Buildings and Uses:** A lot may be occupied by more than one (1) permitted principal building or use. The separating distance between individual buildings shall be adequate to complement the natural and man-made features of the site and surrounding area. Separating distance between buildings may be used for pedestrian or vehicle access or be landscaped. The Commission for vehicular and pedestrian safety and compatibility with site features shall review building separation distances. At no time shall any building separation distance conflict with any federal, state or local building or fire code requirement.



- b. **Special Features:** Important existing site features, such as stonewalls, large trees, and other features shall be preserved and incorporated into the new design to the maximum extent feasible.
- c. **Building Design:** All structures and projects should be consistent with the Thames River Design Guidelines, hereinafter referred to as the Design Guidelines (which are an addendum to these Regulations).
- d. **Lot Coverage and Building Height:** Structures shall not cover more than twenty-five percent (25%) of the property. The Commission shall consider impacts on vistas and solar access when reviewing the height of structures within the District and may establish height limitations based on such impacts as vistas and solar access.
- e. **Sign Design:** The design, proportion and placement of signs shall complement the buildings' composition and architectural details. The design shall consist of materials, colors, and lettering styles and sizes that relate to the architectural styles in this District. Additional sign requirements are stipulated in Section 21 of these Regulations. Any site plan submitted to the Commission for approval of development within the TRD shall include a signage plan delineating the location of all proposed signage, the size, shape, lighting and conceptual design of all proposed signage within the property that is the subject of the site plan application.
- f. **Parking:** Off-street parking shall meet the requirements of Section 20, unless otherwise specified in Section 11.5 (m) of the Regulations. All parking areas shall be attractively landscaped with planting strips between bays and planting strips separating driveways from parking bays. No parking shall be located in front of the building served by such parking area, but may be located to the side and rear of the building.
- g. **Buffers:** A landscaped buffer strip shall be provided to adequately screen all abutting residentially zoned properties and/or cemeteries. Such buffer shall provide a physical separation that screens any vehicular head light glare, on-site lighting glare, or other visual intrusion into the adjacent residential zone or cemetery. The Commission may forward copies of the plans to the cemetery association(s) for review and comment. The Commission may also require a buffer strip to provide visual separation from other redevelopment areas within the District where the incorporation of such buffer strip adds to the overall aesthetic character of the District. Off-street parking is prohibited within these areas.
- h. **Noise:** No development or project shall produce decibel levels that exceed the State of Connecticut recommended noise levels.
- i. **Lighting:** The site plan shall show all proposed exterior lighting in enough detail for the Commission to assess the impact of the lighting on the surrounding area. In no case shall the lighting be located such that its height, direction, intensity or conditions pose a nuisance to surrounding uses. The Commission may require a lighting plan prepared by a licensed professional engineer to determine compliance with this requirement.

- j. **Dimensional Requirements:** Other than those separating distances required to comply with other code requirements (building, fire, etc.) there shall be no minimum dimensional requirements within the TRD. Side and rear building set back lines, distances from the centerline of the roads, and building height shall be subject to approval by the Commission. In exercising its discretion, the Commission shall only approve setback lines, the height of structures, and distances that are designed to create a well-planned community thereby allowing the sharing of resources, parking and utilities. In considering building height, the Commission shall consider safety, impact on vistas and on the potential use of solar energy.
- k. **Energy Efficiency and Sustainability:** In formulating each site plan for development in the TRD, consideration shall be given to create a development that minimizes the impact on ecosystems and water resources, promotes smarter use of water to reduce both potable and non-potable water consumption, promotes better building energy performance through innovative strategies, encourages the use of sustainable building materials and reduces waste, promotes improved indoor air quality and access to daylight and views, promotes walkable neighborhoods with efficient transportation options and open space, emphasizes compact, walkable, vibrant, mixed-use neighborhoods with connectivity to nearby communities, and/or reduces the environmental consequences of the construction and operation of buildings and infrastructure.
- l. **Access and Traffic:** All development within the District shall comply with the following standards, as applicable:
  - 1. In order to reduce possible point of traffic conflict, the Commission may require access drives to be located along a side property line so that with the development of the adjacent property, the access drive could be widened onto that adjacent property, to create "one" access drive to serve two (2) or more properties. The Commission may also require common interior drives to serve more than one (1) parcel, where appropriate for traffic safety and when connecting to a public road/street. The Commission may require the incorporation into any site plan of reserved rights-of-ways together with an obligation to construct in locations in which the Commission deems interparcel access to adjacent public streets reasonably necessary to enhance traffic flow and to prevent congestion and traffic conflict on existing municipal and state streets and highways. Where common access drives are approved by the Commission as a component of a site plan approval, a written agreement for the common use and maintenance of shared access facilities, subject to the approval of the Preston Town Attorney (not to be unreasonably withheld), shall be executed and recorded in the Preston Land Records prior to the issuance of zoning permit for the approved development.
  - 2. The Commission shall require minimum sight line distances depending on present and anticipated traffic conditions and current engineering design standards.
  - 3. Since it is the intent of the Regulations to create a walkable community, the applicant must demonstrate that the site design makes proper provision for pedestrian access and safety problems.

4. Any permit application may be denied by the Commission if, after review and evaluation, no reasonable modification can be made to ensure that the proposed use will not create or further aggravate vehicular and/or pedestrian traffic safety problems.
  5. The applicant is responsible for obtaining all other required access and traffic permits from the ConnDOT or Office of State Traffic Administration or other, as required by applicable regulations. The status of such permit activity shall be included with any application for development within the TRD. In the event that any such permit or authorization is granted subsequent to the date that the Commission issues its site plan approval, which permit requires material modifications to the proposed street layout, intersection design or traffic controls incorporated into the site plan approval, the applicant shall submit such amendments and modifications to the Commission for approval and the Commission shall evaluate such modifications and amendments in an application for modification of site plan approval applying the parameters set forth in these Regulations.
- m) **Off-Street and Off-Site Parking:** The amount of off-street parking for buildings and uses in the TRD shall either (i) be as stipulated in Section 20 of these Regulations for each of the permitted uses or (ii) be based upon an evaluation of the parking needs for the applicable uses delineated on the site plan or Master Plan, as applicable, prepared by a professional engineer with experience in parking and traffic circulation design, whose recommendations may be adopted by the Commission and incorporated into the Master Plan or site plan approval.

In addition, proposed development activities may provide for off-street parking to be located off-site under the conditions 1) thru 4) below:

1. The off-site parking shall be easily accessible and located within a practical distance from and appropriately located to serve the principle building as illustrated by the applicant and determined to be acceptable by the Commission. The Commission shall also determine that the location of the proposed off-site parking facility will not hamper current or future development opportunities or represent a public safety concern.
2. An agreement, providing for the use and maintenance of such parking facilities, shall be submitted with the application, and subsequent to approval, executed by the applicant and filed in the Preston Land Records.
3. A separate lot used for off-site parking for a developed parcel shall not be included in calculations when determining compliance with any dimensional requirements of the principal developed parcel, including lot coverage for the parcel on which the principal use is located. An off-site parking garage shall meet lot coverage restrictions for the parcel on which it is located. For uses requiring a significant number of parking spaces, several smaller interconnected parking areas separated by landscaped islands are encouraged rather than a single large parking lot for aesthetic and drainage purposes.

4. Alternating work shifts can be considered when calculating the parking, as deemed acceptable by the Commission.

**o) View Shed Protection:** The Commission may consider the impact of the development on the view shed of the Thames River.

**11.6 Non-Conforming Buildings/Residential Density Limitations:** Any single-family residence existing at the time of the Effective Date of Section 11 of these Regulations and located within the TRD shall be exempt from Section 22.2.3 of these Regulations which prohibits the expansion of non-conforming buildings. In addition, such existing single-family residences shall not be taken into consideration in the determination of the maximum residential density in the TRD or any TRODD.

**11.7 Thames River Overlay Development District (TRODD):** The purpose of this floating overlay district is to encourage and permit variety and flexibility in land use that will augment creative design development within the TRD. This Section 11.7 sets forth the procedures and criteria for the Commission to rezone one or more portions of the TRD to TRODD, in conjunction with the approval of a master plan for redevelopment; and eventually to approve a site plan for one or more segments of a TRODD as they are proposed for development and construction. Section 11.7 is organized into five subsections: Section 11.7.1 – Permitted Uses Within TRODD; Section 11.7.2 - Procedures For Rezoning To TRODD; Section 11.7.3 – Criteria And Standards for Rezoning to TRODD; Section 11.7.4 – Site Plan Approval Requirements for TRODD; and Section 11.7.5 - Modifications. The TRODD allows the Commission to approve a project with uses that are in addition to those permitted as of right in the TRD and to allow the use of specific development and use related criteria and requirements in lieu of the development and use criteria and requirements set forth in Section 3.14.3, Sections 11.1 through 11.6 and Sections 15, 16, (excluding Section 16.15), 18, 19, 20, 21 and elsewhere in these Regulations, which shall not apply to the TRODD. In exercising its legislative discretion in considering an application for an TRODD, the Commission shall consider the recommendations contained in the Preston Plan of Conservation and Development, Preston Riverwalk Plan of Conservation and Development and the Design Guidelines. In furtherance, once a parcel is established as a TRODD, the criteria and requirements set forth in the master plan approved by the Commission will become the zoning requirements for that specific parcel.

#### **11.7.1: Permitted Uses Within TRODD**

The following is a non-exhaustive list of uses allowed within the district. Any uses not listed must be reviewed and approved by the Commission and determined to meet the spirit of the district and the design standards and the POCD.

11.7.1.1 Uses permitted in the TRD, as set forth in Section 11.3.

11.7.1.1 Convention Center.

11.7.1.2 Nursing /Convalescent Home

- 11.7.1.3 Research Hospital and/or laboratories; medical/dental clinics and offices, including storefront medical facilities; veterinary hospitals and offices; pet daycare and hotel facilities.
- 11.7.1.4 Retail Use with no size limitation, including shopping centers, drug stores, apparel stores, variety stores and sporting good stores.
- 11.7.1.5 Gasoline/Fuel Service and Filling Stations.
- 11.7.1.6 Package liquor store facilities.
- 11.7.1.7 Restaurants, including restaurants with drive-thru service; fast food and casual restaurants; coffee shops, diners, cafes, pubs, bars, taverns, snack bars and food trucks.
- 11.7.1.8 Movie Theater and drive-in theater.
- 11.7.1.9 Colleges or private schools, which are defined as public or private institutions of higher learning offering a course of studies leading to a degree or certification in a specific profession, vocation, or technical field. Such institutions may include accessory uses and structures to support the principal instructional institution. Examples of such accessory uses are: residential facilities for staff or students; sports fields or other structures for institutional events.
- 11.7.1.10 Transportation facilities: Such facilities shall allow travelers to change from one mode of transportation to one or more other modes of transportation and also include buildings and amenities such as telephone, restrooms, and other services for such travelers including not more than one helistop. A gondola tram system providing transit from one location to another shall be considered a permitted transportation facility. Parking lots or garages with limited services such as a shelter and pay phone, which could be classified as a typical bus stop, are prohibited as principal uses.
- 11.7.1.11 Indoor Theater or a building or part of a building for dramatic, musical, or other live performances.
- 11.7.1.12 Studios for recording, production, and broadcast of music, television, radio and motion pictures, including transmitters, antennae, and ancillary equipment.
- 11.7.1.13 Indoor and outdoor family oriented recreational/cultural facilities such as a theme park, video game arcade, ski slope, waterpark, adventure course, trampoline center, go kart track, golf course or an outdoor theater; Commercial Recreation Facility.
- 11.7.1.14 Intensive agriculture and aquaculture activities such as greenhouse nurseries, tank culture, and hydroponic facilities, provided there are no adverse environmental impacts, including odor.
- 11.7.1.15 Farms, Farm Commercial Livestock, Farm Commercial Poultry; Specialized Agricultural Building, Farm Vineyard, Winery, Cider Mill and other similar farm fruit

facility - Large Acreage ; agricultural tourism facilities, including production facilities, a portion of which will be open to the public for tours and may include educational events, retail facilities and sales of products produced on the premises including food and drink products and on-premises restaurants; farmer's markets.

11.7.1.16 Museums, riverwalk, art and entertainment areas.

11.7.1.17 Water-dependent uses, such as marinas and water taxis.

11.7.1.18 Wedding and banquet facilities.

11.7.1.19 Spas, timeshare facilities and hotel condominiums.

11.7.1.20 Camping areas, including recreational vehicle parks and including accessory uses such as toilet and shower facilities, utility hook-ups, community center-type facilities; dining facilities and other related ancillary uses.

11.7.1.21 Multi-Family Dwelling, including Elderly Housing, Elderly Active Adult Housing, Assisted Living Facility, Nursing Home/Convalescent Home and Life Care Facility; provided that any residential component shall not exceed twenty percent (20%) of the gross square footage of all approved development in the TRODD. For purposes hereof, a residential component shall not include hotel, motel or interval ownership uses or Elderly Housing, Elderly Active Adult Housing, Assisted Living Facilities, Nursing Homes and Life Care Facilities. Any multi-family development that is a residential component shall be limited to multi-family rental or ownership units located within a mixed-use development that contains commercial or business uses on the first floor with residential units located only above the first floor. In no event shall any multi-family unit that is a residential component contain more than two (2) bedrooms.

11.7.1.22 The sale and consumption of alcohol in bars, nightclubs, pubs, cafes, coffee shops, diners, taverns, entertainment facilities, recreational facilities, sports venues and restaurants (all types), whether from a service bar or otherwise, The sale of alcohol in packaged form at licensed package liquor stores and of beer in grocery stores.

11.7.1.23 Microbrewery, cheese making and other specialty food product manufacturing such as gourmet sauces, home-made pasta, olive oil, soap and other personal products.

11.7.1.24 Permitting Adult-use Marijuana Dispensary

## **11.7.2 Procedures for Rezoning to TRODD**

An application for rezoning to TRODD shall follow the procedures of Chapter 124 of the CGS and Section 3.18 of these Regulations, and shall include a Master Plan as set forth in Section 11.7.2.4 c below.

1. A pre-application review shall be allowed, but is not required, to provide the applicant with the opportunity to discuss with the Commission the conceptual plan for the project without extensive details. Any pre-application shall be submitted to the Commission for consideration a minimum of two (2) weeks prior to a regularly scheduled meeting of the Commission. Upon receipt, if the property that is the subject of the pre-application is not covered by a PDDA, the pre-application shall be referred to the PRA for review and recommendation. The PRA shall provide a report to the Commission within thirty-five (35) days of receipt. The report submitted by the PRA shall address the economic benefits or detriments, as the case may be, of the proposed TRODD to the community and region, including job creation.
2. The pre-application review and the informal consideration of the conceptual plan shall not be deemed to constitute any portion of the official and formal procedure of applying for a change of zone or a Master Plan approval. In the event that an applicant utilizes the pre-application review process, neither the applicant nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the applicant and the Commission upon the future receipt of a formal application for a zone change to TRODD and Master Plan approval. Since the pre-application review is an informal, non-binding process, the applicant's submission shall be of such content and detail as will enable the Commission to provide comments on areas of concern or interest to the applicant. The level of detail of information submitted by an applicant for a pre-application review shall be at the applicant's discretion. However, the more complete information and plans submitted for discussion will result in more meaningful feedback from the Commission.
3. Formal Application: Any owner of property located within the TRD may apply to the Commission for a change of zoning district classification from the TRD to the TRODD. The applicant need not own all land within the proposed TRODD, and failure to own all land within such proposed district shall not prevent the Commission from hearing or granting any such application; provided, however, that the owner of each parcel delineated on the Master Plan for which TRODD approval is requested consents in writing to the filing of the application for the TRODD. The application shall be submitted to the Commission on a form prescribed by it and accompanied by all applicable application fees for a zone change in accordance with the Zoning Regulations of the Town of Preston. The Commission shall have the right to retain third party consultants as deemed necessary by the Commission for the review of the technical aspects of the zone change and Master Plan application, which may include, but are not limited to: engineering, legal, planning, historic, archaeological, architectural, landscape, environmental. The applicant shall be responsible for paying the reasonable costs of such third party consulting services. In connection therewith, the Commission shall obtain a not-to-exceed fee estimate for the cost of the consulting services for such third party consultant(s). The Commission shall advise the applicant of said fee in writing. If the applicant disagrees with fee estimate, the applicant may negotiate with the Commission and the third party consultant regarding the estimate or the applicant may propose an alternate consultant that is acceptable to both the applicant and the Commission. Upon conclusion of said negotiations and selection process, the applicant shall deposit with the Town the total amount of said consultant fees. The actually incurred fees of the consultant, up to the not-to-exceed amount, shall be paid to the consultant by the Town after

receipt from the consultant of itemized bills for the same, which shall be subject to the reasonable review of the applicant. The Commission shall use the consultant fees deposited with the Town solely for expenses associated with the technical review of the application and for no other purposes. Consultant fees shall be charged only by consultants who are not otherwise salaried employees of the Commission or the Town. All remaining fees after the completion of the project shall be returned to the applicant. The foregoing consulting fee process shall be in lieu of that set forth in Section 3.17.2(b).

4. The following information shall be submitted with an application for zone change to the TRODD:
  - a. A Project Narrative that includes:
    1. The specific types of proposed uses within the TRODD and the approximate square footage of each use;
    2. The methods by which site utilities will be provided;
    3. The proposed timetable for development, including a description of phases, if any;
    4. A list of all licenses, permits, and approvals that will be required for the proposed development, together with a delineation of the agency responsible for the issuance of such permits, licenses, and approvals;
    5. The open space, archaeological, coastal or recreational resources of the site, and the amount of open space to be retained, and the method of preservation thereof;
    6. The pattern/method of ownership and maintenance of any interior roadways, public facilities and other common elements;
    7. With respect to any residential component of the project, an identification of the type of residential housing proposed; i.e. age restricted, affordable, independent living, assisted living, etc., a schedule of bedrooms per dwelling unit, total number of units and the total number of affordable units if any;
    8. A statement delineating how the TRODD supports and creates a livable, pedestrian, green development which benefits the Town of Preston; and
    9. How the proposed development is consistent with the Comprehensive Plan of the Town of Preston, the Plan of Conservation and Development of the Town of Preston and the Preston Riverwalk Plan of Conservation and Development.
  - b. A property boundary survey, prepared to Class A-2 standards, suitable for filing in the Office of the Preston Town Clerk, indicating the area of the proposed zone change relative to existing property boundaries, and the names of all property owners owing



property located within the proposed TRODD and the names of all abutting property owners of record, including property owners located directly across the street from the TRODD. Abutting property owners shall be determined by the most recent records of the Assessor of the Town of Preston as of the date of filing of the zone change application for the TRODD. Said survey shall include a key map.

- c. A Master Plan that shall be drawn clearly and legibly at a scale of 1" = 100' or less unless the area of the application is such that the entire property cannot be shown on one sheet, in which case a larger scale may be used. Sheet size shall not exceed 24" by 36" and the plan shall be drawn by a professional engineer, architect, landscape architect or land surveyor registered in the State of Connecticut. The Master Plan shall contain the following:
  - i. Key Map. A key map at a scale of 1" = 1,000' showing the location of the proposed development and its relationship to existing town and state roads.
  - ii. Property Included. The boundaries of the subject parcel or parcels to be rezoned and/or developed and owners of these parcels; owners of adjacent parcels and boundaries, structures and land use on adjacent parcels (including those located across a street) located within 100' feet of the boundary of the property that is the subject of the application.
  - iii. Existing Site Features. Existing structures, roads, land uses, topography at a contour interval of two feet (2') or less, major and unique natural, scenic and historic and open space features of the parcel and their relationship to the proposed development.
  - iv. Proposed Land Uses. Project layout showing the individual development areas on the site, if applicable, and a land use chart indicating the proposed land uses for each of the development areas.
  - v. Proposed Buildings. Proposed preliminary project layout, showing the general location of the following:
    - Buildings and their use, and the location of uses not contemplated within buildings.
    - Parking areas.
  - vi. Circulation. The general location of roads, parking and pedestrian circulation including interconnections with existing town and state roads.
  - vii. Stormwater. A general stormwater quality and management plan that will present the applicant's proposal for addressing stormwater management on site and how it will incorporate low impact development techniques and processes.
  - viii. Erosion Control. A statement that all erosion and sediment control measures shall comply with the latest edition of the Connecticut Guidelines for Soil Erosion and Sediment Control.

- ix. Wetlands and Watercourse. The location of any tidal and/or inland wetlands and watercourses as defined by Chapter 440 of the CGS and the Preston Inland Wetlands and Watercourses Regulations.
  - x. Signage Plan. A general signage plan delineating the types, size limitations and design of all signage within the TRODD, including directional signage.
  - xi. Landscape Plan. A general landscape plan showing the locations of landscaped areas (and criteria for certain development areas) within the TRODD.
- d. Traffic Impact Study. A traffic impact analysis prepared by a Connecticut licensed professional engineer specializing in traffic engineering, evaluating the capacity of the existing streets and highways to accommodate the projected traffic which will be generated by the TRODD uses and traffic circulation within the TRODD.
  - e. Water Supply Study. The name of the water company or utility which will supply water to the TRODD, a projection of the number of gallons to be consumed on a daily basis by all uses in the TRODD together with a letter from the designated water company or utility committing to provide sufficient water to meet the needs of all uses within the TRODD.
  - f. Sewage Disposal Study. The proposed method for the collection and disposal of all sanitary waste, together with a letter from the utility that will provide sanitary sewer service evidencing the fact that such utility has the ability to provide sanitary sewer service for all uses within the TRODD.
  - g. Surface Water Quality. A statement indicating the quality of existing watercourses through or near the TRODD and containing an analysis of how the development of the TRODD will be consistent with the maintenance of surface water quality required by these Regulations.
  - h. Pedestrian Study. An analysis prepared by a Connecticut licensed professional engineer evaluating the movement of pedestrian traffic within the TRODD and between the TRODD and adjacent uses, which analysis shall incorporate recommendations to facilitate pedestrian use and movement both within the TRODD as well as between the TRODD and adjacent uses.
  - i. Parking Analysis. The parking analysis for the TRODD prepared by a licensed professional engineer experienced in parking needs and design, which analysis shall determine the amount of parking required for the individual uses contemplated within the TRODD. The recommendations of the parking analysis shall be incorporated into the Master Plan by the applicant's licensed professional engineer.
  - j. Constructability Review. A review of the design of the TRODD prepared by a licensed professional engineer to determine that the Master Plan, as formulated, is constructible

giving due consideration to stormwater drainage, environmental constraints, archaeological resources, soil conditions, utility layout and availability of access.

- k. Scheduling. A schedule of proposed development in terms of time and site development area for all proposed phases of the TRODD.
- l. General Design Criteria. General design criteria for the buildings and other structures to be constructed on the site including any development limits or substitute criteria for items such as (but not limited to) coverage, setbacks, buffers, landscaping, maximum height of buildings and structures and other bulk and area requirements, sign criteria, parking requirements and similar items that will apply to the specific development areas within the TRODD. Separate criteria may be established by the Commission for each development area.
- m. Economic Analysis. For projects that are not the subject of a PDDA, an economic model that indicates that the uses contemplated by the Master Plan will provide more of an economic benefit to the town than a project using the underlying District. The analysis must provide a description on how the project will be developed in accordance with "Smart Growth Principals" that protect the environment, improve public health, create jobs, expand economic opportunity, and improve overall quality of life.

### **11.7.3: Criteria and Standards for Rezoning to TRODD**

In acting on an application for change of zone and master plan approval for an TRODD, the Commission is performing a legislative function and shall be allowed the discretion granted to zoning commissions acting in a legislative capacity by Connecticut law. The Commission shall, in acting upon a zone change to TRODD and approval of a master plan submission, consider the comprehensive plan of the Town of Preston, the Plan of Conservation and Development adopted by the Commission and the Preston Riverwalk Plan of Conservation and Development.

#### **1. General Findings:**

In general, the Commission shall consider the following in any decision to approve an TRODD:

- i. The compatibility of the proposed location and uses with the recommendations of the adopted Plan of Conservation and Development, the Preston Riverwalk Plan of Conservation and Development and the Design Guidelines and consideration of view shed.
- ii. The existing and future character of the district in which the TRODD is located. Particular attention shall be paid to the character and uniqueness of the natural, historic and archaeological resources of the District and the character and use of the existing highway facilities.
- iii. Traffic circulation within the TRODD. The amount, access and location of parking and loading facilities, and the quantity and composition of traffic generated by the proposed uses and the use of alternative modes of transportation proposed to minimize traffic impacts. Development shall be located so as to provide direct primary access to a state owned and maintained arterial highway and to discourage increased traffic loads through residential neighborhoods.

- iv. The quality of the natural resources within the proposed TRODD and the affect that the proposal will have on such resources and the impact the proposal may have through the treatment and disposition of stormwater runoff.
- v. The TRODD shall be suitable for development in the manner proposed without causing hazards to persons or property on or off the site from flooding, erosion, slipping of soil, or other harmful or inconvenient effects. Conditions of soil, groundwater level, drainage and topography must be suitable to adequately accommodate the pattern and nature of the land use intended.
- vi. The availability of water to the TRODD and the adequacy of capacity in the delivery system to the wastewater treatment plant and in the wastewater treatment plant itself providing sewer service to uses within the TRODD. Sufficient water shall be available to the site to supply the needs of the proposed uses. The proposal shall not impose upon the town any obligation to effect improvements to water lines, water supplies, wastewater collection systems or a wastewater treatment plant, unless funded by the applicant.
- vii. Safeguards to protect neighboring properties and the neighborhood in general from disturbance through the use of appropriate landscaping and siting of uses and facilities.
- viii. For projects that are not the subject of a PDDA, the economic impact on the Town of Preston with particular attention to the potential property tax revenue from the TRODD.
- ix. For projects that are not the subject of a PDDA, the economic impact of the development on municipal and regional economies. Economic impact calculations shall take into consideration the value of secondary spending using recognized multipliers to calculate such benefits.

#### **11.7.4: Site Plan Approval Requirements for TRODD**

Site Plan Application: Subsequent to approval of the zone change and Master Plan, a site plan application shall be submitted for approval in accordance with Section 19 of these Zoning Regulations for all development in the approved TRODD and shall comply with the following additional requirements.

The following information shall be submitted with a site plan application for a site within an approved TRODD:

1. Property boundary survey, prepared to Class A-2 standards, suitable for filing in the Office of the Preston Town Clerk.
2. Development Plan: The development plan shall be drawn clearly and legibly at a scale of 1" = 40' or less horizontal and T-2 vertical, with contour intervals not to exceed 2'. Sheet size shall not exceed 24" by 36" and the plan shall be drawn by a professional engineer and land surveyor registered in the State of Connecticut with, if required, the additional design expertise of a landscape architect and/or architect. The development plan may comprise several plans for separate phases of the development of the TRODD and shall contain the following:

- a. Key Map. A key map at a scale of 1" = 1,000' showing the location of the proposed development and its relationship to existing town and state roads, general soil conditions and zoning districts of all properties located within one thousand feet (1,000') of the TRODD.
- b. Adjacent Land Uses. The boundaries of the subject parcel or parcels to be rezoned and/or developed, owners of these parcels and adjacent parcels, roadways, structures and land uses.
- c. Existing Site Features. Existing structures, roads, land uses, topography at a contour interval of two feet (2') or less, major and unique natural, scenic and historic and open space features of the parcel and their relationship to the proposed development.
- d. Site Layout and Zoning Chart. The proposed land uses intended in the development including a zoning chart setting forth the number of units or other applicable measurement, such as square feet, of residential, commercial and other types of development, and the amount of land to be devoted to each land use including the amount and general location of proposed open space, recreational areas and facilities, parking, walkways and other amenities.
- e. Proposed Buildings. The height, bulk, use and location of buildings, including conceptual elevations of each building.
- f. Circulation. The design, ownership, utilities and drainage of roads, parking and pedestrian circulation areas, interconnection points with existing town and state highways and public utility facilities, and provisions, if applicable, for the interconnection of said infrastructure in multi-phased TRODDs.
- g. Utilities. The layout and method for addressing water, sewer, gas, telephone, electric, cable and stormwater required to accommodate the uses and development within the TRODD.
- h. Surface Water and Groundwater Quality. A statement indicating the quality of existing watercourses through or near the application parcel and containing an analysis of how the proposed development will be consistent with the maintenance of surface water quality and groundwater quality required by these Regulations, including, the design of all stormwater quality treatment facilities incorporated into that phase of the TRODD, the maintenance plan for the maintenance of the same and verification that the water quality measures incorporated into the design will comply with the requirements of the 2004 State of Connecticut Stormwater Quality Manual, latest edition, and the low impact design addendum, both published by the State of Connecticut Department of Energy and Environmental Protection.
- i. Erosion Control. An erosion control plan delineating the erodibility of the soils and the location and design of all erosion and sediment control measures incorporated into the development plan for that phase of the TRODD to control the migration of sediment and to prevent erosion during the construction phases of the development. All erosion and sediment control measures shall comply with the latest edition of the Connecticut Guidelines for Soil Erosion and Sediment Control.
- j. Signage Plan. A general signage plan delineating the location, type, size, height and design of all signage within the proposed development, including directional signage, or establishing criteria for the same. No freestanding sign shall exceed thirty feet (30') in height.
- k. Scheduling. A detailed schedule of development in terms of time and site development area for the proposed development.

1. Landscape Plan. A landscape plan showing the use of native vegetation (where possible) and existing and proposed topography.
3. The applicant shall submit the following reports as part of the site plan application:
    - a. Traffic Impact Study. A traffic impact analysis prepared by a Connecticut licensed professional engineer specializing in traffic engineering, evaluating the capacity of the existing streets and highways to accommodate the projected traffic which will be generated by the proposed uses; which traffic impact study shall be a refinement of the study required in conjunction with the Master Plan approval and which traffic impact study shall delineate areas of potential traffic congestion and conflict anticipated to arise from the proposed uses and incorporate solutions to ameliorate those anticipated impacts on existing state and municipal highways, roads and intersections.
    - b. Pedestrian Impact Study. An impact analysis prepared by a Connecticut licensed professional engineer evaluating the movement of pedestrian traffic within the proposed development and between the proposed development and adjacent uses, which impact analysis shall incorporate recommendations to facilitate pedestrian use and movement both within the proposed development as well as between the proposed development and adjacent uses.
    - c. Parking Plan. The parking plan for the proposed development prepared by a licensed professional engineer with experience in parking needs and design, in accordance with the requirements of Section 11C.7b(3)(i) of these Regulations, which parking plan shall be in compliance with the Parking Analysis required in conjunction and approved with the Master Plan application.
    - d. Stormwater Report. A report, containing both pre-development and post development calculations analyzing the stormwater runoff impact of the proposed development as well as the water quality impacts of the proposed development and incorporating the necessary measures to mitigate any adverse impacts disclosed by said analysis.

**11.7.5: Modifications:** Upon approval of the zone change and Master Plan, and the filing of the same with the Preston Town Clerk, any material changes to the Master Plan shall be submitted to the Commission as an amendment to the Master Plan, which amendment shall require approval utilizing the same procedural formalities as were required for a Master Plan approval. Any non-material changes to the TRODD shall be submitted as an amendment to projects through the site plan approval process.

For purposes of the preceding paragraph, a material change is:

- a. Any increase in the gross square footage of all buildings in the TRODD by more than ten percent (10%).
- b. Any substantial change in the general layout and arrangement of uses and neighborhoods in the TRODD which would alter the general character of the TRD, as determined by the Commission.

## SECTION 12 –VILLAGE DISTRICTS

**12.1 Intent.** It is the intent of these Regulations to preserve the unique village areas, enhance their sense of place, and promote a thriving attractive environment for small scale businesses that are appropriate for the village areas. Development of these villages with mixed residential and limited business uses with detailed design review will add an incentive for investments in measures to protect the historic qualities of the village including its historic buildings.

The Regulations have been enacted pursuant to Section 8-2j of the CGS to allow for creative and complementary development techniques. As an addendum to these regulations, the Commission has prepared separate guidelines that will include property ratings for each village property (this prioritizes a property for its significance architecturally and physically), and general design techniques for the specific village. These guidelines are to reflect the unique character of the specific village (for example, “Preston City Village Design Guidelines” will reflect the design techniques that complement the character of Preston City Village), and shall be used to aid the intent of the regulations and the specific objective for the specific village.

For the purpose of this section, a historic building is as listed on the “National Register of Historic Places Registration Form” as a contributing building for either the Preston City Village Historic District or the Poquetanuck Village Historic District.

### **12.2 Village Districts (listed)**

a) **Preston City Village District.** Preston City, part of which is a National Register Historic District, is an exceptionally well preserved entity containing a high concentration of contributing historic buildings and sites dating from the late seventeenth to the twentieth centuries. This truly authentic New England village has a distinct character that reflects the rural atmosphere of the Town. Historically, Preston City has functioned as an agricultural, social and business center. The district is located within the watershed area for Amos Lake, a prominent and significant natural and recreational resource. In order to protect this significant resource and its watershed, development within this district is subject to Section 13 of these Regulations.

b) **Poquetanuck Village District.** Poquetanuck Village is listed on the National Register of Historic Places. Similar to Preston City, Poquetanuck Village has traditionally housed a mixture of land uses at a higher density. The village, settled in the 17th century, was the site of early settlement with coastal trading, lumber production, iron making, and shipbuilding, as the major industries. The village generally encompasses a winding portion of Route 2A that extends from the bridge over Halls Brook to the intersection with Route 117 with 2 intersecting roads, Brickyard Road and Cider Mill Road. The village is bordered by the sensitive natural and archaeological resources of Poquetanuck Cove. In order to protect the significant Cove resources and its watershed, development within this district is subject to Section 13 of these Regulations.

**12.2.1 Objective:** Preston City Village and Poquetanuck Village from their inception to the present, contain both residential and non-residential uses.

They are recognized as special places and assets of the Town as evidenced by its inclusion in the National Register of Historic Places as Historic Districts. For these reasons, Preston City Village District and Poquetanuck Village District were created.

The objective is to improve upon the village character by creating more cohesive and defined villages that reflect the small town rural atmosphere, complements the Preston City and Poquetanuck Village National Register Historic Districts, promotes social and economic vitality, and enhances sense of community and place thereby resulting in an improved quality of life for the residents and taxpayers of the Town of Preston.

Promoting development of Preston City and Poquetanuck Village with mixed uses is part of the approach to meet this objective. How property is used within the districts will depend upon the specific characteristics of the property as noted in the Property Rating Description. Business uses shall be developed when such development adds to the overall village character. It is not the intent to allow business development “as of right”, nor is it the intent to create conventional or strip commercial development. Business development is permitted when a conversion or new construction is developed in a manner that visually meets the intent and objectives of these Regulations. In addition, it is critical that new construction for single-family homes also comply with the criteria as outlined in the Regulations. The design guidelines, property rating description and the review of a Historic Architect or other experts on historic architecture are to be used as tools to aid in the visual layout and aesthetic improvements to existing and new structures and other physical improvements to the property.

**12.3 Review of applications:** The Commission shall review all proposed applications, including zoning permits with the exception of permits for:

- a) Single family home
- b) Additions to single family residences and accessory buildings provided the changes do not change the single family character of the structure.
- c) Farming, not including commercial nurseries or accessory farm businesses.

**12.3.1 Service of a Historic Architect/Expert.** The Commission may hire a historic architect or an expert on historic architecture to assist in the review of applications, for the following:

- a) All applications for permitted uses, unless the use is listed as an exception as noted above in Section 12.3 a),b), and c).
- b) Special permitted uses as noted in Section 12.3.4.
- c) The expertise of the historic architect/expert shall be made available to the applicant for the review of any permit that is exempt from these Regulations.

**12.3.2 Commission considerations:** The Commission shall consider the design guidelines, property rating and comments from the historic architect/expert in addition to the review criteria or special exception criteria in the review of each application.

**12.3.3 Permitted uses:**

- a) All uses permitted in Section 5.1 of these Regulations.

**12.3.4 Special Exception uses:**



The following list of uses permitted by special exception allows for a variety of complementary uses that strengthen village neighborhoods, aesthetically, culturally, economically and socially.

- 12.3.4.1 Specialty retail stores (see definitions - Section 2);
- 12.3.4.2 Restaurants, eating establishments, microbreweries. Fast food restaurants or drive-thrus are not allowed;
- 12.3.4.3 Business or professional office, including real estate, insurance, legal, accounting, consulting, engineer, architect, medical, veterinarian, and the like;
- 12.3.4.4 Bed and Breakfast Inn pursuant to Section 18.17;
- 12.3.4.5 Historic Country Inn pursuant to Section 18.22;
- 12.3.4.6 Ice cream shops, coffee shops with no drive-thru component;
- 12.3.4.7 Bank and financial institutions with no drive-thru component;
- 12.3.4.8 Arts and cultural facilities such as play houses, museums or similar, but excluding tattoo parlors;
- 12.3.4.9 Specialty crafts and services, such as, clock making and repair, jewelry making and repair, pottery making, tailor, or woodworking - providing chemical treatment of wood and chemical storage is prohibited;
- 12.3.4.10 Nursery and Day Care;
- 12.3.4.11 Special Exceptions permitted in Section 5.2 of these Regulations

**12.3.5 Special Exception criteria:** The design standards and property ratings shall be established for each specific village. The Commission, in their review of all special exception applications, shall consider these standards and other pertinent factors such as the type and style of exterior windows, doors, light fixtures, signs, above ground utility structures, mechanical appurtenances, type and texture of building materials, and hours of operation. All applications shall be subject to the requirements of Section 19 site plan review, the general criteria established in Section 18 for special exception applications and the following:

- a) New buildings shall be comprised of one and one-half or two stories, or externally appear to be such, however the Commission may allow a portion of the structure to be single story if it is consistent with the historic and architectural character of the area. Such architectural styles shall be consistent with that of the National Register Historic District.
- b) Renovations to historic buildings (all historic buildings are identified on a district map and property rating) should be consistent with spirit and intent of the Secretary of Interior Standards for Rehabilitating Historic Buildings, as amended.
- c) Proposed buildings or modifications to existing buildings shall be in keeping with their surroundings, the terrain and to the use, scale and architecture of the existing buildings in the vicinity that have a functional or visual relationship to a proposed building or modification.

- d) All spaces and structures shall be designed to add to the visual amenities of the area consistent with those of the village district in and around the proposed building or modification.
- e) The color, size, height, proportions of openings, roof treatments, building materials and landscaping of property and any proposed signs and lighting shall be compatible with the local architectural motif and the maintenance of views, historic buildings, monuments and landscaping.
- f) Removal or disruption of historically significant structures or architectural elements or distinguishing landscape features such as specimen trees and stone walls shall be minimized.
- g) Arrangement and orientation of any proposed building or site improvement shall be similar to that of the immediate neighborhood including the front yard setback.
- h) Layout and construction of buildings and parking lots shall reinforce existing buildings and streetscape patterns, and the placement of buildings and parking lots shall create no adverse impact on the immediate neighborhood. Parking lots shall be located so that they are not closer to the road than the front of the structure. In all situations, the parking lot shall be screened from the road using a variety of low growing shrubs as well as street trees. The plantings shall not interfere with sight line for the driveways. In areas where a parking lot abuts a property used for residential purposes or is zoned residentially, there shall be a landscape buffer strip with staggered evergreen trees and shrubs adequate to create a solid screen preventing view of such parking lot from the residential property.
- i) The lot coverage shall include all parking, whether pervious or impervious, and all other impervious surfaces. The total lot coverage shall not exceed thirty (30) percent of the lot area.
- j) Parking to serve the development shall not be located on the street. The Commission may waive the number of parking spaces required for a development in accordance with Section 20 of the Zoning Regulations, if the applicant can prove that the total number of spaces is unnecessary based on professional publications from the American Planning Association or other similar professional organizations. The applicant shall, show on the plan submitted, an area reserved for the parking that would meet the regulations. If the installation of the additional parking is required at a later date, the Commission may require the applicant to install such spaces. The Commission will determine whether the additional spaces are necessary based on violations to this section, which may include the use of on-street parking.
- k) Open space and green space of the proposed development shall reinforce open/green space patterns of the immediate neighborhood in form and siting.
- l) Locally significant features of the site, such as distinctive buildings or vistas, shall be integrated into the site design.
- m) Landscape design shall complement the neighborhood's landscape patterns and reinforce functional qualities.
- n) Exterior signs, lighting and accessory structures shall support a uniform architectural theme and present a harmonious relationship with the surrounding neighborhood. Signage shall be designed to be consistent with the design guidelines for the specific district. Lighting provided must be non-glare (so not to glare onto any residential adjacent property).
- o) The scale, proportions, massing, and detailing of the proposed building shall be in proportion to the scale, massing and detailing in the neighborhood, but in no case shall a building exceed three thousand five hundred (3,500) square feet. Conversion of existing structures in excess of three thousand five hundred (3,500) square feet may be permitted if the building existed at the site as of the date of these Regulations March 18, 2019; however, if an addition is proposed to an existing building, the cumulative square footage of the building shall not exceed three thousand five hundred (3,500) square feet. The Commission may, by two-thirds vote, permit

development of new buildings or existing buildings and their additions in excess of three thousand five hundred (3,500) square feet provided that the scale of the structure is in keeping with the neighborhood. This may be accomplished by incorporating eels or wings in the building design to minimize massing of the main portion of the structure.

- p) Ramps shall be harmonious to the design of existing structures.
- q) Minimum lot requirements: Lot size shall be sixty thousand (60,000) square feet; frontage shall be one hundred fifty feet (150’); however, the Commission may reduce this to one hundred twenty five feet (125’) in the event driveway access for a commercial development is shared with an abutting property and provided that proof of proper legal easements for use and maintenance is provided to the Commission.
- r) All applicants shall demonstrate that they have considered the use of green or pervious parking lots for parking lots that exceed five parking spaces. Such lots shall be designed using current technical standards as developed by the University of Connecticut.
- s) Protection of Natural Resources: It is a goal of the Commission to minimize off-site runoff from parking lots, roads, driveways, and sidewalks, so that water is allowed to infiltrate rather than runoff. All plans shall incorporate methods that help accomplish this goal. Examples of methods include developing landscaped islands for stormwater management and installing porous parking lots. Applicants shall implement Best Management Practices for the design of the project. Development shall be consistent with Section 13 “Special Resource Protection Overlay District: Amos Lake Watershed Area and Poquetanuck Cove Watershed Area. The developer shall:
  - 1. Show the location of the development within the watershed.
  - 2. Minimize the disturbance of natural grades and vegetation.
  - 3. Protect natural wetland and stream buffers.
  - 4. Maximize infiltration of stormwater.
  - 5. Minimize impervious surfaces.
- t) All such development shall be designed in accordance with the “Preston City Village and Poquetanuck Village Design Criteria” and property rating system.
- u) Public hours of operations for commercial establishments shall be between 7:00 a.m. and 10:00 p.m.
- v) Temporary real estate signs shall not exceed three feet (3’) by three feet (3’) in size.

#### **12.3.5 Prohibited uses within the district:**

- a) Installation of temporary garage or storage structures.

**12.3.6 Variance:** When a variance is sought from the Zoning Board of Appeals for any property located in this district, the Zoning Board of Appeals must refer the application to the Commission for review. The Commission must provide a report to the Board on this matter within thirty (30) days. If a report is not provided within that time period, it will be assumed the Commission has no concern with the matter.

## **SECTION 13– SPECIAL RESOURCE PROTECTION OVERLAY DISTRICT AMOS LAKE WATERSHED AND POQUETANUCK COVE AREA**

### **13.1 Special Resource Protection Overlay Districts**

**13.1.1 Purpose.** The purpose of this section is to facilitate the adequate provision of clean water by managing land uses that can contaminate water resources and by regulating other land uses that may have the potential to contaminate or down grade existing water resource quality.

**13.1.2 Amos Lake** is Preston's largest lake being about 105 acres. Its watershed encompasses about 920 acres. The lake is entering into a "marginal eutrophic status" (eutrophic or eutrophication refers to the natural and artificial addition of nutrients to a lake, stream, etc.).

**13.1.3 Poquetanuck Cove** is a 2-mile long cove extending northeast from the Thames River. It offers nearly pristine brackish water wetland and is the most extensive wetlands on the Thames River south of Norwich. The shoreline is dominated by an attractive mix of conifers and deciduous trees.

Conditions for non-residential development:

- a) All chemical and fuel shall be stored above ground and within an impervious diked system containing one hundred ten percent (110%) storage capacity.
- b) All accommodations of manure, fertilizer, pesticides and herbicides shall be stored under a roof and contained in a liquid-tight diked floor with no drains other than a sump pit and located so that the surface water runoff drains away from the storage area.
- c) Storm water runoff management shall promote pretreatment of runoff prior to discharge. All commercial development runoff shall be treated to remove particulate and dissolved pollutants associated with road and parking lot runoff prior to discharge. Open vegetated basins, depressions and buffer strips are the preferred method of infiltrating stormwater runoff from paved surfaces.
- d) Dumpsters and waste receptacles shall have covers or shall be located within roofed areas and shall be placed on impervious surfaces away from storm drains.
- e) Underground tanks are not permitted.
- f) Above ground tank installation requirements should include a roofed secondary containment area with a cleanout sump, or a "tank within a tank" secondary containment alternative design.

### **13.2 Permitted uses within the Special Resource Protection Overlay District Amos Lake Watershed and Poquetanuck Cove Area:**

- a) All uses noted in the underlying zoning district.

### **13.3 Special Exceptions.**

- a) All uses listed as a special exception but not including saw mills pursuant to Section 18.10.

**13.4 Emergency Response Plan.** Upon the submission of a zoning permit, site plan or special exception application, **all non-residential uses** shall be required to provide an emergency response plan that includes the following information:

- a) A list of hazardous materials. Upon request by the Commission, an annual updated list may be required.
- b) How the material will be stored, handled and disposed of.
- c) Locations and design of all septic systems and grease traps.
- d) The expected types and amount of hazardous discharge to the septic area.

- e) Emergency containment and clean up provisions to detect and control hazardous materials, leaks and spills including, but not limited to inspections, emergency containment and clean up provisions.
- f) Location(s) of all chemical or fuel storage (which must be above ground) and details for containment areas. All containment areas shall be designed with an impervious, structured diked area that will contain any leaks or spills and shall have no drains other than a sump pit, and suitably covered to prevent precipitation accumulation.
- g) Details showing all new or enlarged sites for the accommodation of manure, fertilizer, pesticides and herbicide storage which shall be stored under a roof to prevent precipitation from coming into contact with these materials, have a liquid-tight, diked floor with no drains other than a sump pit and be located so that surface water runoff drains away from the storage area.
- h) Low Impact Development (LID) drainage techniques and Best Management Practices (BMP) shall be implemented, including, but not limited to the following:
  - i. Permeable pavement choices
  - ii. Bio-retention structures/residential rain gardens
  - iii. Rainwater harvesting
  - iv. Vegetative filter strips/level spreaders
  - v. Grassed drainage swales
  - vi. Maintain or restore predeveloped vegetation by type
  - vii. Encourage sheet flow versus channelization of storm water
  - viii. Replanting with trees, underbrush, groundcovers, and flowerbeds.

**13.5 Prohibited Activities and Uses:**

- a) Waste processing systems such as floor drains, dry wells or other leaching structures intended to convey waste or spillage to the groundwater. Septic systems may only receive domestic sanitary waste and non-contaminated roof drainage.
- b) Underground storage tanks for petroleum liquids or hazardous materials as defined in Section 22a-448 of the CGS.
- c) Any facility for the primary storage (excluding small handling), loading or handling of pavement deicing materials.

**13.6 Emergency Response Plan.** The Commission may require, after the review of any emergency response plan, an applicant to submit as part of its plan, documentation of appropriate liability insurance to ensure the cleanup of any contamination created from the use. The Commission or its authorized agent may inspect any site where hazardous materials are stored to establish compliance with the provisions of these Regulations.

**13.7 Voluntary Action.** Residents are encouraged to take additional voluntary actions to protect the quality of the watershed areas by incorporating the following practices, including but not limited to:

- a) Proper maintenance and pump-out frequency of on-site wastewater disposal systems (septic systems),
- b) Consider installation of septic tank effluent filters when service is performed,
- c) Use of sand fill materials with a phosphorus attenuation capacity exceeding 0.01 kg P / cubic ft when constructing or repairing septic system leaching fields,

- d) Design leaching field geometry to maximize down-gradient soil contact volume and avoid intersecting septic groundwater plumes,
- e) Avoid the use of septic system additives,
- f) Maximize phosphorus removal from wastewater by approved innovative designs,
- g) Only use fertilizers that have low, or no phosphorus content made available at local vendors.

## **Section 14 – AFFORDABLE HOUSING DEVELOPMENT DISTRICT**

**14.1 Purpose and Intent.** There is a need to provide an alternative and creative method to diversify housing opportunities within the Town of Preston in order to encourage affordable housing opportunities within the municipality with the goal of achieving the affordable housing threshold of ten percent (10%) of the total housing units in the Town of Preston. The Planning and Zoning Commission desires to encourage affordable housing with the Town of Preston in a manner that will achieve the following objectives:

- a) to allow, on a long term basis, for the development of diverse housing types, including affordable housing to help address identified housing needs within the Town of Preston,
- b) to encourage the construction of housing that is both affordable as defined by Connecticut General Statute Section 8-30g et. Seq. and is consistent with design and construction standards present in the community;
- c) to promote housing choice, including, affordable housing for low and moderate income households;
- d) to efficiently utilize infrastructure and promote neighborhood planning by providing, where infrastructure support is available, a mix of housing types, densities, sizes and prices while also providing public and private open space and recreational areas;
- e) to guide development complying with the criteria established in this regulation in a manner consistent with the statutory purpose of protecting the public health, safety, convenience and property values; and
- f) to encourage energy-efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation. It is therefore the intent of this regulation to create, within the Town of Preston, Affordable Housing Development Districts (AHD).

The AHD will be a Floating Zone governed by a Master Plan prepared in accordance with these Regulations. The Master Plan will be subject to review and approval by the Commission as a zone change, subject to a public hearing and all other applicable terms and conditions of these Regulations. It is recognized that the Master Plan may require fluidity in order to accommodate market changes that may dictate the need for changes in the design of the affordable housing project during the course of completion of development of the project. In the event that there is any substantial and material change proposed for the Master Plan as determined by the Commission, the change will be subject to the same procedural requirements for a zone change as required by the original zone change application adopting the AHD. Once enacted, the AHD will supersede all pre-existing zoning, and any development on the zoned property will be subject to the specific AHD requirements set forth herein.

**14.2 Applicability: An Affordable Housing District (AHD)** may be permitted in any residential district within the Town of Preston, and must contain a minimum of ten (10) developable acres

(see [Section 2](#) for definition). A waiver from the minimum developable acreage requirement may be granted by the Commission if the project meets the purpose of [Section 1](#) “Purpose and Intent” as noted above, but in no case shall the total acres of the parcel be less than ten (10) acres. The applicant shall comply with all other provisions of these Regulations and the Subdivision Regulations of the Town of Preston. Applications to create affordable housing districts under [Section 14](#) of these Regulations may only be filed with the Commission during periods of time in which less than ten percent (10%) of the aggregate housing units in the Town of Preston fail to qualify as affordable housing units pursuant to the provisions of [Chapter 126a](#) of the CGS.

#### **14.2.1 Primary Uses and Structures permitted.**

- a) Single-family detached dwellings (on either common interest ownership property or subdivided lots, or as rental units).
- b) Multi-family (condominium, rental, common ownership property).
- c) Accessory uses and buildings, such as recreational/community buildings and clubhouses, swimming pools, athletic fields, walking trails, bicycle routes, tennis courts, basketball courts, utility structures, playgrounds and picnic areas, and other ancillary buildings or uses as determined as accessory by the Commission.

#### **14.2.2 Density and Dimensional Requirements.**

The density standards shall be as follows:

- a) **Multi-family:** If public water and sewer or public water and a private on-site wastewater treatment system approved by the Department of Environmental Protection (DEP) is provided:
  - i. Eight (8) units per Developable Acre may be permitted provided a Class A (see [Section 2](#) Definitions) affordable housing component is provided.
  - ii. Ten (10) units per Developable Acre may be permitted of Class B (see [Section 2](#), Definitions) affordable housing.
- b) **Multifamily Development:** If served by on-site sewer and on-site water:
  - i. Two (2) Class A multifamily units are permitted per acre if public sewer or water is not available.
- c) **Single Family served by public water and public sewer or public water and a private on site wastewater treatment system approved by the DEEP** are provided, the density standards shall be as follows:
  - i. **Lot area:** twelve thousand five hundred (12,500) square feet per lot.
  - ii. **Minimum lot frontage on a road and lot width:** one hundred twenty five feet (125’), unless otherwise approved by the Commission; however, such frontage and lot width shall not be reduced to less than one hundred feet (100’). In order to permit a reduction of road frontage to less than one hundred twenty five feet (125’), the plan shall show adequate landscaping and/or other natural features to visually separate adjacent lots. The minimum lot width within the area of the lot development shall be one hundred feet (100’) at the primary building location. The Commission may permit lot width reduction to not less than fifty percent (50%) on curves and cul-de-sacs, provided at the front yard building setback line, the lot meets the 100/125 lot width requirement and provided that adequate area is provided for snow removal.

- iii. Setback from the centerline of a town road is thirty feet (30') and fifty feet (50') from a state highway, unless otherwise approved by the Commission as part of the overall development.
- d) **Single-family development served by on-site septic and on-site well:** each lot or unit area shall contain a minimum of forty thousand (40,000) square feet.
  - i. Rear lots may be reduced to eighty thousand (80,000) square feet and shall contain a minimum rectangle of eighty thousand (80,000) square feet with a minimum dimension of two hundred fifty feet (250').
  - ii. **Minimum lot frontage on a road and lot width:** one hundred twenty five feet (125'), unless otherwise approved by the Commission; however, such frontage and lot width shall not be reduced to less than one hundred feet (100'). In order to permit a reduction of road frontage to less than one hundred twenty five feet (125') the plan shall show adequate landscaping and/or other natural features to visually separate adjacent lots. The minimum lot width within the area of the lot development shall be one hundred feet (100') at the primary building location. The Commission may permit lot width reduction to not less than fifty percent (50%) on curves and cul-de-sacs, provided at the front yard building setback line, the lot meets the 100/125 lot width requirement.
  - iii. Setback from the centerline of a town road is thirty feet (30') and fifty feet (50') from a state highway, unless otherwise approved by the Commission as part of the overall development.

### 14.2.3 Open Space and Recreation Use Area:

- a) Within any AHD subdivision not less than ten percent (10%) of the gross land area shall be set aside as open space; with the form of ownership thereof subject to the approval of the Commission. Any of the following forms of ownership shall be deemed to satisfy the requirements hereof:
  - i. Ownership by the Town of Preston
  - ii. Ownership by a Land Trust whose charter requires that the land be maintained as open space in perpetuity
  - iii. A Homeowner's Association formed under the Connecticut Common Interest Ownership Act subject to covenants requiring that it be maintained as open space/recreation area for the duration of the affordability plan.
  - iv. This set aside land shall contain no more than fifteen percent (15%) wetland area and no more than fifteen percent (15%) of the area with slopes over twenty-five percent (25%). It shall be contiguous, with not less than seventy percent (70%) of the open space land with a dimension of one hundred feet (100') or more.
- b) With any **multifamily development** a minimum of twenty percent (20%) of the land shall set aside for open space and will be required to be improved for active recreation such as a playscape, swimming pool or other active recreation facilities. Ownership of the open space/recreation area shall be subject to the approval of the Commission and shall be either in a form authorized pursuant to the provisions of [Section 14.2.3 a\)](#) hereof, or by a single entity responsible for the maintenance and repair of the same and subject to covenants requiring that it be maintained as a recreational area for the duration of the Affordability Plan. This set aside land shall contain no more than fifteen percent (15%) wetland area and



no more than fifteen percent (15%) of the area with slopes over twenty-five percent (25%). It shall be contiguous, with not less than seventy percent (70%) of the recreation land with a dimension of one hundred feet (100') or more.

**14.2.4 Traffic.** Given the fact that many of the town roads are narrow, having drainage problems or other similar issues, the applicant must demonstrate that the road infrastructure is adequate to handle all traffic that will result from the affordable housing development to ensure safe conditions for the project and the residents within the area. The road infrastructure providing access to an Affordable Housing Development shall be adequate to handle (i) anticipated background traffic two (2) years subsequent to the date of filing of the Affordable Housing Development Application and (ii) the anticipated traffic generation from the Affordable Housing Development in a safe and efficient manner. The Applicant shall be required to demonstrate the adequacy of the road infrastructure providing access to an Affordable Housing Development by submitting a traffic impact analysis prepared by a Connecticut licensed professional engineer with a concentration of practice in traffic design. The Commission may require off-site improvements to the road infrastructure in locations required in order to provide safe and efficient travel to and from, and within the highway system adjacent to, an Affordable Housing Development, such improvements to be constructed at the expense of the Affordable Housing Developments Applicant.

**14.2.5 Fire Protection.** The application shall provide measures to ensure adequate fire safety for each Affordable Housing Development. The Commission shall require a written report from the Fire Marshal regarding the adequacy of fire protection and necessary water supply.

**14.2.6 Process.** In order to foster communication and improve the overall project, the Commission is establishing a three or four step process that includes informal meetings and the submission of preliminary and final applications.

- a) **Informal meeting with the Commission.** This shall include concept information only, number of units, basic layout of the site, utility supply.
- b) **Zone Change Application / Master Plan Layout / Subdivision.** A master plan shall be provided that contains the following information:
  1. A-2 survey of the parcels to be rezoned at a scale of 1" = 100'.
  2. Properties within five hundred feet (500'), portrayed on a map at 1" = 100' scale depicting:
    - i. Parcels to be rezoned, the existing zoning of parcel to be rezoned, the existing zoning of adjacent land and properties within five hundred feet (500'). Names and addresses of owners of all parcels within the subject zone change area and within five hundred feet (500') of the zone change area.
  3. A-2 survey showing the limits and boundaries of the area for which the zone change is requested and showing all adjacent properties and owners thereof at a scale of 1" = 40' or other acceptable scale, containing the following information:
    - i. A -2 survey showing existing and proposed contours at two foot (2') intervals. Identify all land area in excess of twenty five percent (25%) slopes.

- ii. Location of all wetlands and watercourses and the regulated area (as mapped by a soil scientist) flood plains, tidal wetlands and the regulated area, easements, stone walls, right of ways.
  - iii. Soil types identified on the plans based on the New London County Soil Survey. Soil testing as necessary to determine suitability of soils for on-site septic areas.
  - iv. Easements, right of ways, tree lines, agricultural lands and any other significant resources.
  - v. A conceptual site development plan showing building and infrastructure locations, the relationship of project infrastructure to adjacent highways and utilities, parking and conceptual building elevations.
  - vi. A conceptual landscape plan shall be submitted with the plan that shows appropriately scaled street plantings, sidewalks and other pedestrian connections, buffering and grading.
  - vii. Utility Plan showing conceptual layout of public sewer or water or on-site septic and well, and electric utilities, together with a written commitment from each utility provider demonstrating capacity for and an agreement to provide utility service to the Affordable Housing Development.
  - viii. Conceptual grading and drainage plan.
  - ix. Traffic evaluation in accordance with **Section 14.2.4** of these Regulations.
4. **Subdivisions.** Show the configuration of lots that will be developed within the subdivision. Provide a conceptual lot layout for the subdivision within the property showing the house, driveway, septic, and well locations or site plan showing the multifamily units, proposed roads, sidewalks, and recreation area, or open space areas.
5. **Site Plans for Multi-family or Single-family on common ownership property/condominium.** Show the conceptual layout and number of multifamily units. Show parking, recreational areas, open space areas, and any other uses and accessory structures.
6. A preliminary “Housing Affordability Plan” in accordance with CGS 8-30g, section 8-30g-1 et seq. of the Regulations of Connecticut State agencies and the “Housing Affordability Plan Requirements” as adopted by the Commission and as the same may be amended from time to time.
- c) **Submission of Final Plan.** The following information shall be submitted with the final application and plans.
- Subdivisions/site plans for Multi-family or single-family condominiums.**
- 1. All materials as noted in [Section 5](#) of the Subdivision Regulations (Required Subdivision Content) shall be provided for subdivisions or site plan requirements prescribed in [Section 19](#) of the Zoning Regulations for site plans. Additional plan details shall also be provided as follows:
    - i. Detail grading plan. In addition to providing a typical grading plan, the project designer may look to grading techniques coordinated with the landscaped plan to provide physical separations and to achieve

- project cohesiveness, which could enhance the rural character of the area and country setting.
- ii. A comprehensive landscape plan prepared by a landscape architect licensed in the State of Connecticut. Landscaping will become an important component to such developments by creating cohesiveness, rural consistency, and improved aesthetic appearance. The Commission reserves the right to require the involvement of a landscape planner or design for the preparation of the plans. A landscape plan shall include the following:
    - a. Use indigenous plants to establish continuity with the surrounding areas and a self-sustaining environment. Avoid unusual cultivars. No invasive species, as identified by DEEP, are permitted.
    - b. Integrate mature vegetation into the design where possible.
    - c. Identify local flora, fauna and choose plant species that enhance and retain their habitat.
    - d. Use plan materials as designed features and not exclusively as buffers.
    - e. Utilize plant materials transitional edges between open spaces, public agricultural land, and adjacent forested areas.
    - f. Vary plant material heights and widths and integrate open space when buffering an adjacent site.
    - g. Balance the quantity of on-site landscaping with the scale of the development.
    - h. Landscape around proposed building areas, especially on narrow width lots to soften the harshness of regrading and proximity of homes.
    - i. Trees should be planted around public areas and along streets in sufficient numbers and spacing to create canopies at maturity for environmental quality and to soften aesthetic impact.
    - j. Choose plant materials that have year round interest (deciduous color, spring flow, fruits or branching patterns as well as their form, texture and shape).
    - k. Protect and incorporate significant quantities of existing trees as design elements, and avoid excessive tree clearing.
    - l. Landscaping shall not impact sight distance.
  - iii. Building designs – subdivisions/multi-family. The design for all single-family homes: all homes shall be designed to be similar in size and detail whether they are affordable or market rate housing. They shall be designed to fit the rural character of the town.
  - iv. Trash Removal – provide information about the number, location and screening of dumpsters or trash receptacles at community facilities and for servicing dwelling units. For individual units, the Final Plan

- and, if applicable, a Subdivision Plan shall make adequate provision for trash storage and removal.
- v. Pedestrian connectors. Sidewalks, trails shall be provided in suitable locations to create a cohesive and pedestrian friendly development.
  - vi. Lighting. Lighting shall be provided to create safe conditions for pedestrian and vehicular movement, while screening lighting from residences. Details of lighting shall be provided and shall be aesthetically pleasing as determined by the Commission.
  - vii. Street Lighting. Street lighting shall be provided along all new streets and at intersections of town roads and as required by the Commission.
  - viii. Utilities. All utilities shall be underground. The Commission may waive this requirement for a subdivision where lots are located on an existing town or state road.
  - ix. Recreation Improvements. The plan shall show any proposed bicycle paths and pedestrian paths, all active recreation improvements, and any other improvements proposed to be made to the open space area in accordance with [Section 14.2.3](#) of these Regulations.
  - x. Traffic. Traffic study prepared by a licensed engineer including, if off-site traffic improvements are proposed or required, a schematic plan with existing and proposed conditions and any off-site improvements.
  - xi. Fire Protection. All measures including water tanks and hydrants to be used for fire protection acceptable to the fire marshal.
  - xii. Health – Sewer/Water Facilities. Evidence from the town sanitarian or the State Health Department or DEEP that adequate water supply and sanitary system exists to serve the development.
  - xiii. Drainage. Drainage and grading plan acceptable to the Town Engineer.
  - xiv. Affordable Housing Plan. A “Housing Affordability Plan” in accordance with CGS 8-30g and section 8-30g-1 et seq. of the Regulations of Connecticut State agencies and the “Housing Affordability Plan Requirements” adopted by the Commission and as the same may be amended from time to time shall be provided.
  - xv. Lot Layout Plan. Lots shall be laid out to encourage the use of open space by the residents of the development as deemed appropriate, and to take advantage of passive solar energy.
  - xvi. Street Design. All design standards shall comply with the requirements for conventional Subdivisions with the exception of the following; subject to the approval of the Town Engineer:
    1. Curbing and formal closed drainage systems are to be held to a minimum except as noted herein. Curbing shall be required where a road is in a cut situation with surrounding land pitching toward the road, at a low point in the road with catch basins to collect storm water runoff, and where a closed drainage system is required. Curbing is not required where land generally has flat slopes, where the road is in a fill situation and sheet flow

away from the road is advantageous, and where no closed drainage system is required. For purposes hereof, a closed drainage system is required where drainage structures are necessitated by site conditions and good engineering practice.

2. Dead end streets shall be designed with a cul-de-sac, however, there shall be no more than six (6) lots having access from the cul-de-sac. There shall be areas reserved for snow storage at the cul-de-sac.

2. **Annual certification of continuing compliance with affordability requirements. Noncompliance.** The developer, owner or manager of an affordable housing development, developed pursuant to subparagraph (B) of subdivision (1) of subsection (a) of Section 8-30g of the CGS that includes rental units shall provide annual certification to the Commission that the development continues to be in compliance with the covenants and deed restrictions required under said section. The Commission may inspect the income statements of the tenants of the restricted units upon which the developer, owner or manger bases the certification. Such tenant statements shall be confidential and shall not be deemed public records for the purposes of the Freedom of Information Act, as defined in section 1-200 of the CGS. With respect to all other affordable units, the Affordability Plan Manager shall provide annual certifications to the Commission demonstrating continuing compliance with the requirements of 8-30g et.seq. of the CGS and the regulations of Connecticut state agencies promulgated thereunder.

**SECTION 15 - Dimensional Requirements**

Zoning District Letters under the district identify corresponding Requirements noted below.	15.1 Lot Area	15.2 Lot Frontage on Street	15.3 Front Yard setback (from front property line)	15.4 Side yard	15.5 Rear yard	15.6 Building Height	15.7 Lot Coverage
R-120	120,000 sq.ft.	250 ft	50 ft	20 ft	40 ft	30 ft	10 %
R-80	80,000 sq.ft.	200 ft	50 ft	20 ft	40 ft	30 ft	15 %
R-60	60,000 sq.ft	200 ft	50 ft	20 ft	40 ft	30 ft	15 %
R-40	40,000 sq.ft	150 ft	50 ft	20 ft	25 ft	30 ft	20 %
C-1	40,000 sq.ft.	150 ft	50 ft	12 ft	25 ft	30 ft	30 %
PI	<b>80,000 sq.ft.</b>	200 ft	75 ft	30 ft	25 ft	40 ft	25 %
RC	200,000 sq.ft.	500 ft	100 ft	30 ft	40 ft	50 ft	25 %
TRD	Requirements are listed in <u>Section 11.5</u>						
VD (PCVD and PVD)	60,000 sq.ft.	150 ft	Consistent with the existing buildings	20 ft	20 ft	30 ft	25%

Access ramps for the handicapped may be extended into any required yard setback, subject to the approval of the ZEO, upon demonstration by the applicant that there is no other reasonable alternative.

**Lot Area**

(A) Rear lots permitted in accordance with **Section 16.5** must contain a minimum of three (3) acres in area excluding access drive and the lot shall have the ability to obtain a three hundred foot (300') by four hundred foot (400') rectangle.

**Frontage on a Street and Lot Width**

(B) All lots shall have a minimum width at the front building line equal to or greater than the frontage required for the district.

(C) The frontage requirement may be reduced by fifty percent (50%) on lots fronting on the circular turn-around at the end of a dead-end (cul-de-sac).

(D) Frontage for rear lots may be reduced to a minimum of twenty-five feet (25') in accordance with Section 16.5.

(E) In the Thames River District, Commercial, Resort Commercial District, Village Districts, Planned Industrial District, the Commission may permit a fifty foot (50') wide non-exclusive right-of-way to provide access to properties when access is utilized by two or more properties and such right of way is approved by the Commission after considering its location and construction. In no case shall a fifty foot (50') wide right-of-way be closer than three hundred fifty feet (350') to another such access as measured along properties road frontage.

#### **Front Yard Setback**

(F) On a corner lot, setback requirements shall be met for both street frontages, except in Resort Commercial Districts the front setback from the street centerline may be reduced by fifty percent (50%) for the secondary street, under the following conditions:

1. The secondary street is not a state road.
2. The property across the street from the secondary street is not zoned residential,
3. Landscaping appropriate to comply with the separating of the required setback is provided in lieu of the setback distance.

(J) In any residential district where the average setback of at least two (2) developed lots within one hundred fifty feet (150') of the lot in question and within the same block is less than the minimum setbacks prescribed elsewhere in these Regulations, the required setback on such lots shall be modified so that the setback shall not be less than the average setback of the lots; or in case of a corner lot, the setback on the lot immediately adjoining lots.

(K) An addition may be made to a building that does not conform to the setback requirements of these Regulations, provided the addition extends no closer to the street than the existing building.

#### **Side Yard Setback**

(L) In RC, C-1, and PI Districts, the side yard requirements made be waived by the Commission between two (2) or more commercial or industrial establishments within the same zone where the Commission determines that a more desirable development will occur and where such waiver is agreeable to abutting property owners.

(M) No building shall be established for industrial use within seventy (70) feet of a residential district boundary.

(N) Sheds that are less than two hundred (200) square feet may be ten feet (10) to the side property line.

#### **Rear Yard Setback**

(P) No building shall be established for industrial use within seventy feet (70') of a residential district boundary.

(Q) Sheds that are less than two hundred (200) square feet may be ten feet (10') to the rear property line.

#### **Building Height**

(R) In the RC District for Convention Centers and Sports Arenas and in the TRD District, maximum building height is fifty feet (50'). However, this requirement may be waived by a two-thirds vote of the commission, provided the following conditions are met:

1. The building height is approved by the fire marshal
2. The increase in height will not detrimentally impact the adjacent properties and uses.

(S) Exceptions to Height Limits. Maximum building heights prescribed in these Regulations may be exceeded for such features as steeples, antennas, water towers, chimneys, silos and barns, provided permission is obtained from the Commission after determining that no threat to public safety will result from the structure.

#### **Miscellaneous Requirements**

(T) Thames River District dimensional requirements are outlined in Section 11.

(U) Minimum floor area in a residence:

1. Single-family dwelling shall contain a minimum of nine hundred (900) square feet for a single-story structure and one thousand two hundred (1,200) square feet for a multi-level house.
2. A dwelling without a cellar shall provide an area of two hundred (200) square feet for storage space in addition to the above minimum floor area requirements. Cellar space shall not be counted in computing floor area requirements.

(V) In the Resort Commercial District, where Resort Commercial district boundaries or the Town line intersect a parcel of land, the district boundary or town line shall be considered a parcel boundary for the purposes of compliance with these Regulations, unless the Commission determines that the adjacent zoning district is compatible with the Resort Commercial district.

(W) Exceptions to Setback Requirement. The setback of an accessory historic building, which is listed in the Preston Historic Resource Inventory, shall be ten (10) feet, provided:

1. The setback of the main building conforms to the setback requirements.
2. The accessory building does not obstruct sight distance and cause a safety concern, as determined by the Commission upon consultation with the town engineer.



## SECTION 16 - SUPPLEMENTARY REGULATIONS

16.1 **Visibility At Intersections.** On a corner lot in any district, no fence, wall, hedge or other visual obstruction more than three feet (3') high shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line adjoining said street lines at points fifty feet (50') distance from the point of intersection, measured along said street line.

16.2 **Public Utility Buildings.** Public utility buildings and uses may be located on lots that do not meet the area and width requirements of these Regulations, provided the yard requirements are met and there is no visible storage of supplies and equipment, including vehicle parking other than parking of vehicles owned by employees, as viewed from any adjacent residential district.

16.3 **Buffers.** As a condition of approval of any use other than a single-family residence, the Commission may require a landscaped strip along the property line and/or road frontage, suitably planted with trees and shrubs to provide an effective buffer, in order to minimize any adverse effects that the proposed use might have on the neighborhood. Said buffer shall not impact sight distances from the driveway along the road.

16.4 **Access Between Zoning Districts.** The Commission may restrict pedestrian or vehicular access to a permitted use located in a less restricted district through property situated in a more restricted district unless over public roads which have been accepted and are maintained by the Town or State roads.

16.5 **Rear Lot Development.** Rear lots are permitted on a lot not having the required frontage on a street to be used for a residence provided the noted conditions, below, are met. It is the intent of this subsection to permit limited use of backland that would otherwise become unusable.

- a) Any such lot shall contain at least three (3) acres and shall be of such shape that it can contain a rectangle with minimum dimensions of three hundred feet (300') by four hundred feet (400'), wherein the principal building would be located.
- b) Such a lot shall be accessible to a street by way of a driveway owned as part of the lot and consisting of a strip of land not less than twenty-five feet (25') in width throughout. The strip providing access shall not be included in the three-acre lot size requirement.
- c) The Commission shall determine that the location of the driveway will not impede future development or use of the land through which it passes and will have the least possible harmful impact on natural features.
- d) The access driveway cannot be used for access to any other property except for agricultural purposes and that the Town of Preston shall not be required to plow, maintain, assume ownership of or provide school bus service or garbage collection service along the driveway access to such lot.
- e) Where the driveway strip for any rear lot meets the street, it shall be determined not to endanger public safety by reason of poor sight distance or some other condition, but in no case shall such driveway be located closer than one hundred feet (100') from more than one (1) other existing or approved driveway on the same side of the street.
- f) Rear lots are permitted only to the rear of lots fronting on streets and not behind other rear lots that front on the same street.

- g) Accessory uses and buildings on rear lots shall conform to all dimensional requirements of these Regulations.
- h) Front setback shall be from the front property line that is parallel to the street line and shall be a minimum of fifty feet (50'). The setback is located where the lot width is equal to the required lot width of the specific district.
- i) If a driveway exceeds five hundred feet (500') in length, a driveway plan may be required to be reviewed by the Fire Marshal to ensure the driveway is adequate for emergency vehicle access.
- j) No driveway shall be located closer than seventy-five (75) feet to a road intersection unless the lot contains a legal non-conforming condition that prevents the driveway from this requirement and the location of the driveway is approved by the Public Works Manager/Director

**16.6 Accessory Apartments** (approved 6/25/2019 effect 7/15/2019)

16.6.1 Accessory Apartments. The purpose of these provisions is to permit the use of a set of rooms in an existing or new single-family dwelling to be used as a separate living unit to:

- a) Provide independent living arrangements for in-laws, or other families that allow privacy.
- b) Provide homeowners with a means of obtaining rental income.
- c) Provide housing units for moderate-income individuals.
- d) Provide housing units for small households.

16.6.2 The Commission may permit an accessory apartment in an owner-occupied single-family dwelling, provided that the following standards and criteria are met:

- a) Only one (1) accessory apartment will be created on a lot.
- b) An existing accessory structure not part of the residence, such as a second story of a garage or barn, may be used for an accessory apartment provided the accessory structure was present on the property as of the effective date of this regulation on July 15, 2019 The accessory structure shall not have the appearance of a second residence.
- c) In the event the accessory apartment is constructed as part of new construction of a single-family home, such residence shall have the appearance of a single-family dwelling, i.e., side by side front door are not permitted.
- d) Any modifications to the exterior of an existing single-family structure shall not change the single-family appearance of the residence
- e) The owner(s) of the residence in which an accessory apartment is created shall occupy at least one (1) of the dwelling units, except for bona fide temporary absences.
- f) The minimum floor area of an apartment shall be four hundred fifty (450) square feet and shall not exceed thirty percent (30%) of the total Living Space (as defined in Section 2 of these Regulations) of the primary residence. However, the Commission may allow said accessory apartment to exceed thirty percent (30%) of the primary residence floor area if the apartment is



the entire basement, attic or similar, but shall not exceed fifty percent (50%) of the total Living Space and provided the existing residence was built prior to the adoption of these regulations dated March 18, 2019 or for an accessory structure built prior to July 15, 2019. In calculating the square footage of the residence, the accessory apartment is not used in the total calculation. For example:

1. Total square footage of the primary residence living space equals 3,000 square feet.
  2. The accessory apartment may be 900 square feet.
  3. The reconfigured square footage is 2,100 square feet for the primary residence and 900 square feet for the accessory apartment.
  4. If in an accessory structure, the maximum square footage shall be 900 square feet.
- g) The apartment shall meet all applicable standards of the State of Connecticut health, building and fire codes.
- h) Off-street parking must be provided as required by these Regulations with at least two (2) spaces for the primary residence and two (2) parking spaces for the accessory apartment.
- i) Certification must be received from the Town Sanitarian that an adequate water supply is available and the sewage disposal system is adequate to meet the Public Health Code or the property is able to accommodate a new sewage disposal system to meet the Public Health Code.
- j) Any other appropriate or more stringent conditions deemed necessary by the Commission to protect public health, safety, welfare and the single family character of the neighborhood shall be met.

16.6.3. Application for an accessory apartment shall include:

- a) A notarized letter of application from the owner(s) stating that he/she will occupy one of the dwelling units except for bona fide temporary absences; in the event the residence is not owner occupied, the building shall be converted back to a single-family dwelling.
- b) A floor plan of the building at a scale acceptable to the Commission that clearly shows the building and sizes of rooms. This floor plan shall list the total floor areas of both dwelling units.
- c) A site plan of the property, to scale, showing all existing and proposed structures, off-street parking, and utility systems.
- d) A written report from the Town Sanitarian indicating that the existing and/or proposed water supply and sewage disposal systems will adequately serve the proposed use.

16.6.4 The effective period of a permit shall be one (1) year. A renewal permit shall be granted by the Zoning Enforcement Officer after inspection and upon written certification from the owner that all of the conditions met at the time of the original application remain unchanged. Renewal permits shall be submitted annually to the ZEO on August 1.

16.7 **Accessory Buildings.** The following regulations apply to accessory buildings:

16.7.1. No accessory building or private garage shall be built on any lot in a residential district unless the lot is improved with a dwelling or other principal building or use.

16.7.2 No accessory building shall be larger in ground floor area than the principal building, except in connection with an agricultural use. Agricultural uses are not necessarily considered an accessory use and maybe permitted as a principal use.

16.8 **Home Occupation.** Low-impact, low-volume activities conducted shall be permitted in residential districts by vote of the Commission, provided they meet the requirements of this section.

16.8.1 The activity must be clearly secondary to the use of the premises for the permanent residents of the dwelling, and, when conducted within the dwelling or permitted accessory building, it shall occupy no more than twenty-five percent (25%) of the living space of the dwelling. However, the Commission may permit the home occupation to exceed twenty-five percent (25%) of the living space of the residence provided such home occupation is located within the basement or an accessory structure. The purpose of this is to allow the entire basement or the entire permitted accessory building to be used, but in no case shall the home occupation exceed fifty percent (50%) of the living space (which includes the home occupation). The following is a *non-exhaustive list of uses* (see definitions) which may be conducted as home occupations within the limits established in this section.

- a) Art, handicraft, music, writing, photography or similar studios.
- b) Direct sale product distribution (Amway, Avon, Tupperware, etc.).
- c) Dressmaker, seamstress, tailor.
- d) Hair cutting and styling.
- e) Computing services.
- f) Mail-order sales.
- g) Medical, dental, veterinary offices or similar.
- h) Professional, medical, veterinary, and other similar offices.
- i) Repair services for small appliances, small engines, office machines, cameras and similar small items.
- j) Telephone sales, telemarketing and order-taking.
- k) Tutor, music teacher, and other types of instruction.
- l) Tourist Home that involves the letting of no more than two rooms to the same guests for not more than two weeks within a given three (3) month period. Each such tourist home shall be owner occupied. Upon the submission of each renewal permit, the applicant shall provide the Zoning Enforcement Officer with the number of guests, their length of stay, and certification that the same guests have not stayed for more than two (2) weeks within a three (3) month period.
- m) Limited automobile repair as defined in 14-51(a)(4) of the CGS provided no more than two (2) cars are parked at the premises during repair and a certificate of location is obtained from the Zoning Board of Appeals pursuant to the CGS Section 14-54 prior to the review of the home occupation by the Commission.

16.8.2 The activity shall not change the residential character of the property in any visible manner.

16.8.3 The activity shall not result in objectionable odors, noise, vibrations, obnoxious or unsightly conditions noticeable from off the premises, or interfere with radio television, or telephone reception.

16.8.4 The activity shall not generate traffic in excess of an average of twenty (20) business visits per day or twenty (20) clients/customers a day in order to prevent a noticeable increase in traffic in the neighborhood.

16.8.5 The activity shall not create a health or safety hazard.

16.8.6 No more than two (2) non-residents shall be employed in the home occupation.

16.8.7 There shall be no trading of merchandise and no retail sales of goods other than those manufactured on the premises by the occupation, except for the following:

- a) Repair shops are exempt from this requirement provided repair parts sold are installed in the repaired equipment by the home occupation.
- b) Incidental retail sales may be made in connection with the home occupation. For example, a beauty shop would be allowed to sell hair products.
- c) Mail order provided the home occupation has no clientele or customers

16.8.8 All activities shall be conducted inside the dwelling or within an accessory building. There shall be no outside storage or display of materials associated with the home occupation.

16.8.9 No external alterations or construction features that are inconsistent with the residential character of the property are permitted, for example a second front door.

16.8.10 Commercial vehicles are permitted in accordance with Section 16.10 of these Regulations.

16.8.11 The activity shall not generate a need for more than four (4) automobile parking spaces for employees and clients/customers in excess of those used by the residents of the dwelling. All parking spaces shall be located off-street to the rear of the building line shall have an all-weather surface. Home occupations that do not have clients/customers at the residence do not need to provide additional on-site parking spaces for clients/customers.

16.8.12 Under no circumstances shall any of the following activities be considered a home occupation: restaurant, automotive body shop, dry cleaning.

16.8.13 Home occupations occasionally become successful to the point that they have an adverse impact on the residential character of the neighborhood and/or the residential use becomes secondary to the home occupation. For this reason, permits shall be renewed annually by the Zoning Enforcement Officer. Renewal permits shall be submitted by August 1. After inspection, provided conditions have not changed substantially and the occupation is being conducted in a satisfactory manner in accordance with the approved application, the Zoning Enforcement Officer shall issue said renewal permit. In addition, the ZEO or the Commission shall have the authority to revoke, suspend or amend the home occupation permit at any time if the ZEO or Commission determines the use is not consistent with the approved application and these regulations.

16.8.14 A Home occupation permit is non-transferable.

16.9 **Farming**. Farming shall be a permitted use in any Zoning District provided that the tract contains a minimum of five (5) acres as defined in Section 2 of these Regulations.

16.10 **Residential District Requirements.** The following requirements apply to all residential districts:

- a) The parking of not more than one (1) commercial motor vehicle is permitted per dwelling unit, provided the vehicle is self-propelled, and is owned or operated by the owner or occupant of the dwelling unit.
- b) No wrecked or junked vehicle or more than one (1) unregistered vehicle, including Recreational Vehicles (RV) or boats, but excluding canoes, kayaks and rowboats, except farm equipment on an active farm, shall be stored or parked on any part of any lot in a residential zone.
- c) No machinery parts, scrap metal, rubbish or similar unsightly material, except for farm equipment on an active farm, shall be stored or parked on any part of any lot in a residential zone.
- d) Stockpiled topsoil and other earth materials shall not be kept closer than one hundred fifty feet (150') from a residence on an adjacent lot. The Commission may require that such material be graded, seeded or otherwise stabilized to prevent dust, erosion or unsightly appearance.
- e) Garage, yard and cellar sales not to exceed two (2) consecutive days shall be permitted twice in any one (1) calendar year on any one (1) piece of property. A permit must be procured for each sale from the Zoning Enforcement Officer. In the event an auction is being conducted, the ZEO shall review the availability of on-site parking. Auctions or estate auctions are not included in this section and are permitted by the First Selectman's Office pursuant to an "Ordinance Requiring Permits of Solicitors, Peddlers and Venders".
- f) Only one (1) intermodal container for shipping and storage, such as a Conex box, metal storage box, pod or trailer is permitted on a lot and shall not be stored on the lot for more than one (1) sixty (60) day period in a one (1) year period. A zoning permit from the Zoning Enforcement Officer shall be required for the use of said container, etc. The Town shall be listed in the rental contract as an additional contact to enable the Town to notify the company to remove the container in the event of non-compliance; in addition, a bond in an amount of two hundred dollars (\$200) or an amount adequate to ensure the removal of the container as noted in the rental contract shall be posted to ensure the removal on the container after the sixty (60) day period.
- g) Containers that are located on properties that have an active construction or reconstruction project are permitted and only during the term of such construction and shall be removed sixty (60) days after the end of construction. A bond in an amount of two hundred dollars (\$200) or an amount adequate to ensure the removal of the container as determined by the ZEO shall be posted to ensure the removal on the container after the sixty (60) day period.
- h) No zoning permit may be issued on a property for which a blight citation has been issued pursuant to Town of Preston Blight Ordinance until the blight citation has been abated and all associated penalties, fines, and costs have been paid, and any blight liens have been released.

16.11 **Mobile Homes, Camper Units, and Boats.** The following regulations apply to all mobile homes and to camper units not located in mobile home parks or recreation campgrounds.

- a) Mobile homes, regardless of whether or not they are occupied, shall be permitted only on locations occupied by a mobile home on April 13, 1964, and continuously thereafter. Except that where a building permit for a dwelling is granted, a zoning permit for the placing of a mobile home on the same lot for a period not exceeding one (1) year may be granted, provided

said mobile home is removed within the one (1) year period or sixty (60) days of the issuance of an Occupancy Permit for the dwelling constructed, whichever comes first, and provided the owner shall post a bond in a form satisfactory to the Zoning Enforcement Officer and made payable to the Treasurer of the Town of Preston in an amount approved by the Zoning Enforcement Officer, but not less than one thousand (\$1,000), as sufficient to guarantee the removal of said mobile home. Applications for mobile homes, either as replacements of existing units or as temporary units during the construction of a dwelling, shall be reviewed and approved by the Zoning Enforcement Officer.

- b) Application for replacement of a mobile home on locations occupied by a mobile home on April 13, 1964, and continuously thereafter, shall be accompanied by documentation of such continuous occupancy. The Zoning Enforcement Officer shall, as a condition of approval of such replacement, require that the sewage disposal system meets current standards and that the mobile home is maintained in the same location of the yard and setback requirements of these Regulations are met.
- c) No mobile home shall have attached to it at any time any cabanas, awnings, other addition unless such cabanas, awnings or other addition are a product specifically manufactured for mobile home use, or the plans for the same have been approved by the Zoning Enforcement Officer.
- d) The Commission may grant a temporary permit for a fixed time for the use of a mobile home as a field office or related use in connection with a bonafide construction operation and provided the cost for the removal of said temporary field office (mobile home) shall be included in the bond posted with the Commission.
- e) One (1) camper unit may be parked and occupied on a parcel or lot not to exceed three (3) weeks provided written permission of the Director of Health and the Zoning Enforcement Officer is obtained.
- f) Only one (1) camper unit may be parked or stored on a lot in a residential district for a period exceeding three (3) weeks, except in an authorized recreation campground. Such unit shall be parked or stored to meet the dimensional yard requirements pursuant to Section 15 of these Regulations.
- g) Only two (2) power or sailboats may be stored outdoors on a lot in a residential district.

16.12 **Animal Wastes.** No animal or poultry waste shall be stored within two hundred feet (200') from a property line, within three hundred feet (300') of a watercourse or on sloping land which may drain onto another property or into a watercourse or wetland.

16.13 **Swimming Pools and Tennis Courts.** Swimming pools are permitted as accessory uses on residential lots in all districts provided no part of the pool or associated decking, filtering equipment, bathhouse or other feature, is closer than twenty feet (20') from any side or rear property line, and shall be to the rear of the front building line, or fifty feet (50') from the front property line whichever setback dimension is less. In addition to the above, all pools shall conform to the requirements of the Public Health Code and the Building Code.

Any swimming pool installed prior to the effective date of this regulation shall in no way be considered as a violation of these Regulations. However, any swimming pool, terrace, deck, or other appurtenance to such pool, shall not be replaced or expanded in any manner other than to conform with these Regulations, as amended; ladders, linings and filter are exempt from this requirement.



16.14 **Wind Energy Conversion System (WECS).** A WECS is any mechanism designed for the purpose of converting wind into mechanical or electrical power intended for use on the premises. WECS will be approved by the Commission only if, after review of the site plan for the proposed WECS, the Commission is satisfied that it will not pose a threat to the health, safety, and general welfare of people living and working in the vicinity. The following minimum requirements shall be met by all proposed WECS:

- a) No WECS shall be permitted on a lot containing less than forty thousand (40,000) square feet.
- b) The maximum height of any support tower for a WECS shall be eighty feet (80'). Any protruding rotor blades shall not extend closer than fifteen feet (15') to the ground surface.
- c) No part of a WECS structure shall be located closer than twenty-five feet (25') to a property line.
- d) The support tower for a WECS shall be set back from all property lines a distance equal to the sum of the tower height plus the rotor blade length.
- e) The supporting structure for a WECS shall not be attached to any structure containing a dwelling unit.
- f) Each WECS shall be equipped with a braking device that will prevent the rotor blades from turning faster than a rate produced by a forty (40) mile per hour wind.
- g) A WECS shall not cause interference with telephone, radio or television reception. If such interference is detected, the property owner shall be required to take whatever measures are necessary to end the interference, including relocation or removal of the WECS.
- h) No WECS shall be approved until the application shows evidence that the plans have been reviewed and found to be satisfactory by the public utility responsible for providing conventional electric power to the property. Wiring shall be installed by a certified electrician.
- i) The maximum permitted noise level of a WECS shall be forty-five (45) decibels, as measured on the DBA scale, and as detected at any point on the property line.
- j) Climbing access to the WECS support tower shall not begin lower than twelve feet (12') above the ground.
- k) The support tower for a WECS shall be used solely for supporting the WECS and shall be removed when the tower ceases to be used for such purposes.
- l) Such WECS may be located on a lot that contains another use, such as a residence or a commercial building; however, no building shall be located within the fall zone of such WECS.

16.15 **Special Flood Hazard Area (SFHA) Requirements.** The Special Flood Hazard Area (SFHA) includes all areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated July 18, 2011, and accompanying Flood Insurance Rate Maps (FIRM), dated July 18, 2011, and other supporting data applicable to the Town of Preston, and any subsequent revisions thereto, are adopted by reference and declared to be a part of these regulations. 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. The area of special flood hazard includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a



community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

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

The following requirements are intended to reduce the threat to public safety and loss of property value resulting from periodic flooding and to ensure eligibility for continued participation by the Town of Preston in the National Flood Insurance Program. In cases where conflicts occur between the requirements of the underlying zoning district and these SFHA requirements, the more restrictive provision shall prevail. The following regulations apply within the SFHA.

- 16.15.1 All applications for zoning permits or special exceptions for new development shall include base flood elevation data for that portion of the development located within the SFHA on the Town's FIRM. The Commission shall utilize flood elevation data on the FIRM, or, where this is not available, the Commission shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources as criteria for requiring that new construction, substantial improvements, or other development in the SFHA, meet the standards of these Regulations. Where base flood elevations are available, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one foot (1') at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development. In the event that floodway data from sources other than the FIRM are utilized, the Commission shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot (1') at any point. (12/15/91)

Within the SFHA for all applications of areas designated A or AE shall address the following, as applicable:

- a) **Equal Conveyance.** With 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.

- b) **Compensatory Storage.** The water holding capacity of the floodplain, except those areas that are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless 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.
- c) **Above-ground Storage Tanks.** Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
- d) **Portion of Structure in Flood Zone.** If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
- e) **Structures in Two Flood Zones.** If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.
- f) **No Structures Entirely or Partially Over Water.** New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.
- g) **Fencing.** Solid board fencing is prohibited within flood hazard areas due to the damage that can be done in times of flooding.

16.15.2 Within the SFHA, (i) all new construction and substantial improvements of residential structures shall have the lowest floor elevated to or above the base flood elevation (BFE) and (ii) all new construction and substantial improvement of non-residential structures shall have the lowest floor elevated or above the base flood elevation or in lieu of being elevated, non-residential structures may be dry flood-proofed to or above the BFE, provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect

of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction and shall certify that the design methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Electrical, plumbing, machinery, or other utility equipment that service the structure must be elevated to or above the BFE. Such certification shall be provided to the Building Official.

16.15.3 New construction or substantial improvements of elevated building that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- a) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
- b) The bottom of all openings shall be no higher than one foot (1') above grade;
- c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
- d) Electrical, plumbing, and other utility connections are prohibited below base flood level; and,
- e) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

16.15.4 Prior to the issuing of a zoning permit for new development within the SFHA, the Commission shall review and determine whether proposed buildings will be reasonably safe from flooding, review plans for such development to determine that it will be consistent with the needs to minimize flood damage within the flood prone area, and shall advise the applicant that all necessary federal and state permits must be received, and that: (i) new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, shall be constructed with materials resistant to flood damage, and shall be constructed by methods and practices that minimize flood damage; (ii) on-site waste disposal systems are located to avoid impairment to them or contamination from them during flooding; and (iii) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; (iv) 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; and (v) on-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

16.15.5 Any manufactured home (including a recreational vehicle or mobile home placed on a site for 180 consecutive days or longer) to be placed or substantially improved on a site in the SFHA shall be elevated so that the lowest floor is above base flood elevation. This includes a manufactured home located outside a manufactured home park or subdivision, in a new

manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. It shall be placed on a permanent foundation which itself is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top frame ties to ground anchors. It shall be installed using methods and practices which minimize flood damage, providing adequate access and drainage, piling foundations (when used) no more than ten (10) feet apart, and reinforced of any piers more than six (6) feet above ground level. Recreational vehicles placed on sites within a SFHA shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet all the standards of Section 16.15.3, including the elevation and anchoring requirements of this section. 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.

- 16.15.6 Within the floodway as shown on the Flood Insurance Rate Map, all encroachments, including fill, new construction, substantial improvements to existing structures, and other development, are prohibited unless certification with supporting technical data, by a Connecticut registered professional engineer is provided by the applicant demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineer practice that such encroachment shall not result in any (0.00 feet) increase in flood levels during a 100-year flood. No manufactured home shall be placed within the area of the floodway. Fences in the floodway must be aligned with the flow and be an open design.
- 16.15.7 Applicants for development within the SFHA on the Town's FIRM shall submit with their applications, assurances that the flood-carrying capacity is maintained within any altered or relocated portion of any watercourse.
- 16.15.8 The Commission shall notify, in riverine situations, adjacent communities and the CT DEEP Inland Water Resources Division, prior to approving any alteration or relocation of a watercourse, and shall submit copies of such notice to the Federal Emergency Management Agency.
- 16.15.9 The Zoning Enforcement Officer shall (i) record the elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, or the elevation to which such structures have been flood-proofed, in accordance with Section 16.15.3 above; (ii) advise the applicant that additional federal or state permits may be required; and (iii) require and file copies of such additional permits as they are obtained.
- 16.15.10 For the purposes of this subsection of these Regulations relating to SFHA requirements, the following definitions shall apply:
- a. Base flood means a flood having a one percent (1%) chance of being equaled or exceeded in any given year.
  - b. Substantial improvement means any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during a one (1) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market

value of the structure. The market value of the structure should be either the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the damage occurring. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications that are solely necessary to assure safe living conditions.

- c. Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as a dwelling unit or not part of the main structure. For a substantial improvement, the actual 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 dimension of the building.
- d. Lowest floor means the top surface of 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.
- e. Manufactured home means a structure transportable in one or more section, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, camping vehicles, park trailers, and similar transportable structures placed on a site in the SFHA for one hundred eighty (180) consecutive days or longer and is intended to be improved property.
- f. Manufactured Home Park or subdivision means a parcel, or contiguous parcels, of land divided into two (2) or more manufactured home lots for rent or sale.
- g. Mean sea level means the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations on the FIRM are referenced.
- h. Development means 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.

- i. Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1'). (12/15/91)
- j. Base flood elevation (BFE) means 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.
- k. Basement means any area of the building having its floor subgrade (below ground level) on all sides.
- l. Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 4, 1985, the effective date of the floodplain management regulations adopted by the community.
- m. Expansion to an existing manufactured home park or subdivision means 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).
- n. Federal Emergency Management Agency (FEMA) means the federal agency that administers the National Flood Insurance Program (NFIP).
- o. Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation/runoff of surface waters from any source.
- p. Flood Insurance Rate Map (FIRM) means 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.
- q. Flood Insurance Study (FIS) means the official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.
- r. Functionally dependent use or facility means 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 shipbuilding and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.
- s. Historic structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory

of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) by an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

- t. New Construction means structures for which the “start of construction” commenced on or after March 4, 1984, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.
- u. New manufactured home park or subdivision means 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 March 1985, the effective date of the floodplain management regulation adopted by the community.
- v. Recreational vehicle means a vehicle which is (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarter for recreational, camping, travel, or seasonal use.
- w. Special flood hazard area (SFHA) means the land in the floodplain within a community subject to a one percent (1%) 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 flood Insurance Study (FIS) for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A and AE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.
- x. Structure means a walled and roofed building that is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.
- y. Substantial damage means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
- z. Variance means 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.
- aa. Violation means 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 that documentation is provided.
- bb. Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

- cc. Cost, means, as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment), sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters, labor, built-in appliances, demolition and site preparation, repairs made to damaged parts of the building worked on at the same time, contractor's overhead, contractor's profit, and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.
- dd. Finished living space, means, as related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.
- ee. Market value means, as related to substantial improvement and substantial damage, the value of the structure as determined by the appraised value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

16.16 **Alcoholic Beverages.** Alcoholic beverages of all types may be sold in packaged form at licensed package liquor stores which are permitted only by special exception pursuant to Section 18.7 in certain commercial districts provided they have the appropriate liquor license. Beer may be sold in grocery/convenience stores provided they have the appropriate liquor license. Alcoholic beverages of all types may be sold in restaurants for consumption on the premises, provided they are dispensed only from a service bar and have the appropriate liquor license.

16.17 **Wireless Telecommunication Facilities.**

16.17.1 **A. Purpose.** To provide for the location of wireless communication towers, antennas and facilities while protecting neighborhoods and minimizing the adverse visual and operational effects through careful design, siting and screening. This section of the Zoning Regulations is consistent with the Telecommunications Act of 1996 in that it does not discriminate among providers of functionally equivalent services, prohibit or have the effect of prohibiting the provision of personal wireless services, or regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with FCC regulations concerning such emissions. Specifically, in addition:

- a. To encourage use of nonresidential buildings and structures, such as water storage tanks.
- b. To encourage joint use of new or existing towers and facilities.
- c. To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of towers.



- d. To accommodate the need for wireless communication towers and antennas while regulating their location and number.
- e. To protect historic and residential areas from potential adverse impacts of wireless communication facilities.
- f. To encourage suitable design measures to minimize adverse visual effects of wireless communication facilities.
- g. To reduce the number of towers and/or antennas needed in the future.

**16.17.2 Connecticut Siting Council:** It is recognized that certain wireless communication facilities, as defined herein, may fall under the jurisdiction of the Connecticut Siting Council for permitting purposes. In such cases, when an applicant for a permit with the Connecticut Siting Council seeks to consult with the Town pursuant to CGS Section 16-50I (e) for its recommendations to the Siting Council, the Commission shall review the materials submitted by the applicant and hold such hearings as it deems necessary to provide the Connecticut Siting Council with its recommendations. Any recommendations made to the Connecticut Siting Council will be based upon a review of the application utilizing the criteria set forth in the Preston Zoning Regulations. Any such recommendation to the Connecticut Siting Council will be made in writing and set forth the reasons for the recommendations with specific reference to the applicable portions of the Preston Zoning Regulations. Such recommendations shall be issued to the applicant and to the Connecticut Siting Council within sixty (60) days of the applicant's initial consultation with the Town.

**16.17.3 Definitions:**

**Antenna** – A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip, panel and dish antennas.

**Co-location** – Locating wireless communication facilities of more than one (1) provider on a single site.

**Tower** – A structure intended to support equipment used to receive or transmit electromagnetic waves. Examples of towers include self-supporting lattice, guyed, and monopole.

**Wireless telecommunication facility** – The equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

**Wireless telecommunication services** – Services associated with the transmission and/or reception of wireless telecommunications. These services may include, but are not limited to cellular, personal communication services, specialized mobilized radio, and paging.

**16.17.4 Siting Preferences:** The general order of preference for alternative facility locations shall range from one (1) as the most preferred, to five (5) the least preferred:

1. On existing structures such as non-residential buildings/facades, water towers/tanks, utility poles, steeples, clock or bell towers, monuments, billboards, chimneys, bridges, grain elevators and silos.
2. On existing or approved towers.
3. On new towers located on property occupied by one or more existing towers.

4. On new towers located in commercial or industrial zones.
5. On new towers located in residential zones.

16.17.5 **Permitted Uses.** The following tower uses shall be deemed permitted uses in Commercial, Planned Industrial, Resort Commercial and Thames River District zoning districts for alternative facility locations 1, 2, 3 & 4 below and subject to Site Plan Approval in [Section 19](#) of these Regulations, unless under the jurisdiction of the Connecticut Siting Council and not requiring approval by the Commission. [Section 16.17.7](#) – Requires a Special Exception in accordance with [Section 18](#) unless under the jurisdiction of the Connecticut Siting Council.

1. Wireless telecommunication facilities where the antenna is mounted on the rooftop or façade of a nonresidential building, provided the following standards are met:
  - a. No change is made to the height of the building.
  - b. Panel antennas shall not exceed sixty inches (60”) in height by twenty-four inches (24”) in width; whip antennas shall not exceed forty-eight inches (48”) in height; and dish antennas shall not exceed thirty-six inches (36”) in diameter.
  - c. Equipment cabinets and sheds shall meet the requirements of these Regulations.
  - d. Facilities shall be of a material or color which matches the exterior of the building, and shall blend into the existing architecture to the extent possible.
  - e. Façade mounted antennas shall not protrude above the building structure and shall not project more than three feet (3’) beyond the wall or façade.
  - f. Roof mounted antennas shall not exceed the highest point of the rooftop by more than ten feet (10’). Roof mounted antennas shall be set back from the roof edge a minimum of ten feet (10’) or ten percent (10%) of the roof width, whichever is greater.
  - g. Roof mounted antennas shall not occupy more than twenty-five percent (25%) of the roof area in residential zones, and fifty percent (50%) in all other zones.
  - h. All attempts must be made to co-locate the antenna on existing towers, buildings or structures.
  - i. All attempts must be made to mitigate adverse visual impacts on adjacent residential areas within one thousand feet (1,000’) of the commercial or industrial zoned site.
2. Wireless telecommunication facilities where the antenna is mounted on existing towers, water towers/tanks, utility poles, steeples, clock or bell towers, monuments, billboards, chimneys, bridges, grain elevators, and silos, provided the following standards are met:
  - a. No change is made to the height of the structure.
  - b. Panel antennas shall not exceed sixty inches (60”) in height by twenty-four inches (24”) in width; whip antennas shall not exceed forty-eight inches (48”) in height; and dish antennas shall not exceed thirty-six inches (36”) in diameter.

- c. Equipment cabinets and sheds shall meet the requirements of these Regulations.
  - d. Facilities shall be of a material or color which matches the exterior of the structure and shall blend into the existing architecture of the structure to the extent possible.
3. Wireless telecommunication facilities where a tower is located on property occupied by one (1) or more towers erected prior to the effective date of this Section, provided the following standards are met:
    - a. The height of the tower to be erected shall not exceed the height of the tallest tower on the property.
    - b. All attempts are made to co-locate the antenna on existing towers.
    - c. Equipment cabinets and sheds shall meet the requirements of these Regulations.
  4. This section shall not govern any tower, or the installation of any antenna, which is less than sixty feet (60') in height, that is a federally licensed amateur radio station operator or is used exclusively for receiving only antennas (including parabolic dishes) for the private use by residents or local businesses for radio to television reception, and 2-way mobile communications.

**16.17.6 Site Plan Requirements:** All applications to develop a wireless telecommunications facility as a permitted use or special exception shall meet the site plan requirements listed in [Section 19](#) of these Regulations. In addition, the following information shall be submitted for each application where applicable. The Commission may require independent engineering/technical review of submitted materials at the applicant's expense.

- a. A map indicating the service area of the proposed wireless telecommunications site. The map shall indicate the extent of the provider's existing and planned coverage within the Town of Preston and a map indicating the search radius for the proposed wireless telecommunications site, including the location of tall structures within one-quarter (1/4) mile of the proposed site.
- b. A report from a licensed telecommunication systems engineer indicating why the proposed site location is necessary to satisfy its function in the applicant's proposed wireless telecommunications system.
- c. Plan showing where and how the proposed antenna will be affixed to a particular building or structure.
- d. Details of all proposed antenna and mounting equipment including size and color.
- e. Elevations of all proposed shielding and details of material including color.
- f. An elevation of all proposed equipment buildings, boxes or cabinets. Details of all proposed fencing including color.
- g. Tower base elevation and height of tower.
- h. A design drawing, including cross section and elevation, of all proposed towers. A description of the tower's capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas.

The design shall indicate how the tower will collapse without encroaching upon any adjoining property if failure occurs.

- i. A report from a licensed telecommunication systems engineer indicating that the proposed wireless telecommunication facility will comply with FCC radio frequency emission standards and that the installation will not interfere with public safety communications.
- j. All proposed landscaping, if appropriate, with a list of plant materials.
- k. Proposed access to the site.
- l. All utilities servicing the proposed tower or antenna, and any ancillary buildings, must be located underground.

16.17.7 Special Exception: On new towers for wireless telecommunications proposed to be located in residential zones, the requirements of [Section 18](#) of these Regulations, plus the following requirements of this Section must be submitted to the Commission:

- a. All of the plans and information required for a permitted use wireless telecommunications facility site plan required in [Section 18](#) of these Regulations.
- b. A view shed analysis showing all areas from which the tower would be visible, and if requested by the Commission, a simulation of the proposed site in order to help the Commission determine the visual impacts associated with the proposal.
- c. Documentation prepared by a licensed telecommunications systems engineer that no existing or planned tower or other structure can accommodate the applicant's antenna. For tall structures located within one-quarter (¼) mile radius of the proposed site, documentation that the owners of these locations have been contacted and have denied permission to install the antenna on these structures for other than economic reasons.
- d. Proximity of the tower to residential structures.
- e. Nature of uses on adjacent and nearby properties within one thousand feet (1,000').
- f. Surrounding topography within one thousand feet (1,000') at contour intervals not exceeding ten feet (10').
- g. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

16.17.8 Special Exception General Standards: The wireless telecommunications facility standards enumerated below shall be followed:

- a. The tower and/or antenna shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunications facility. Documentation of the minimum height needed, prepared by a licensed telecommunication systems engineer, shall accompany an application. The Commission may require the submission of propagation modeling results to facilitate its review of tower height.
- b. A tower must comply with the setback requirements of the zone in which it is located, or be setback from all property lines a distance equal to the height of the tower, whichever is greater.

- c. A telecommunications facility may be considered as either a principal or accessory use. The minimum lot area for the construction of a new tower shall be that of the zone in which it is located. More than one (1) tower on a lot may be permitted if all setbacks, design, and landscape requirements are met for each tower. A telecommunications facility may be located on leased land as long as there is adequate ingress and egress to the site for service vehicles, and such access is documented in a deed easement presented to the Commission.
- d. Towers not requiring FAA paintings or markings shall be painted a non-contrasting blue, gray, or other neutral color.
- e. No lights or illumination shall be permitted unless required by the FAA.
- f. No signs or advertising shall be permitted on any tower or antenna, except no trespassing, warning, and ownership signs are permitted at ground level.
- g. The proposed support structure shall be required to accommodate a minimum of three (3) users unless it is determined to be technically unfeasible based on information submitted by the applicant and verified by the Commission. These users shall include other wireless communication companies, and local police, fire, and ambulance companies.
- h. A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institute, as amended.
- i. The Commission may require the use of [Section 16-50a](#) of the Connecticut General Statutes to promote tower sharing.

16.17.9 Special Exception Review Standards: In addition to other appropriate review standards found in [Section 18](#) of these Regulations, the Commission, in reviewing the applications for wireless telecommunication facilities, shall consider:

- a. Detailed analysis of alternative sites, structures, access, and antennas as provided by the applicant. Particular attention will be placed upon the siting preferences found in [Section 16.17.4](#) of these Regulations.
- b. Detailed propagation and antenna separation analysis relative to tower height.
- c. Tower sharing or co-location to facilitate the telecommunication needs of municipalities and other entities in order to reduce the need to construct additional towers. The Commission reserves the right to require the applicant to utilize the provisions of [Section 16.50a](#) of the CGS to achieve tower sharing.
- d. Assessment of tower structure type.

- e. Assessment of design characteristics/architectural treatments that mitigate, reduce or eliminate visual impacts on adjacent areas.
- f. If located on a property listed on the National Register of Historic Places, preservation of the historic and/or architectural character of the landscape or any structure.
- g. Consideration of future use or re-use of the site, with provisions for facility removal and site restoration.

16.17.8 Ancillary Buildings: All ancillary buildings associated with wireless telecommunication facilities shall comply with the following:

- a. Each building shall not contain more than one hundred fifty (150) square feet of gross floor area or be more than eight feet (8') in height.
- b. Each building shall comply with the setback requirements for accessory buildings for the zoning district in which it is located.
- c. If located on the roof of a building, it shall be designed to blend with the color and design of the building to the extent possible.
- d. All ground level buildings, boxes, or cabinets shall be surrounded by a chain link or comparable fence and be landscaped as acceptable to the Commission.

16.17.9 Abandonment: A wireless telecommunication facility not in use for twelve (12) consecutive months shall be removed by the facility owner at their expense. This removal shall occur within ninety (90) days of the end of such 12-month period. The Commission may require a bond or other surety satisfactory to the Town of Preston, to guarantee removal, which shall be reviewed and renewed every two (2) years. If there are two (2) or more users of a single tower, this provision shall not become effective until all users cease utilizing the tower.

**16.18 Handicap Access.** Access ramps for the handicapped may be extended into any required yard setback, subject to the approval of the ZEO, upon demonstration by the applicant that there is no other reasonable alternative.

**Section 16.19 Short-Term Rentals (STR).** STR as defined in Section 2 of these Regulations, are permitted only upon approval by the Planning and Zoning Commission, and compliance with the following:

- a. The maximum length of stay shall be three (3) weeks in any three-month period by the same party of guests. There shall be one (1) parking space for every two (2) bedrooms. There shall be no on-street parking. There shall be not more than six (6) bedrooms.
- b. There shall be on-site areas for trash/recycling that are adequately screened from the neighboring property. There shall be a minimum of weekly trash

- removal. All such areas shall be well maintained.
- c. The septic system shall meet the Public Health Code as determined by the Uncas Health District.
  - d. If the property is not owner occupied, there shall be a 24-hour contact person responsible for the maintenance of the property. Said contact information shall be provided to the ZEO.
  - e. The structure shall be inspected by the Building Inspector and Fire Marshal and shall meet all current Building Codes and Fire Codes, as applicable, as determined by the Building Inspector and Fire Marshal.
  - f. There shall be no outdoor events. All other outdoor gatherings shall be orderly and considerate of all neighboring properties.
  - g. Noise levels shall meet the State of Connecticut "Control of Noise" Regulations.
  - h. All driveways ingress/egress shall have adequate sight distance. For existing driveways, the Commission will require that obstacles such as trees, vegetation, stonewalls, or similar, be trimmed and/or removed.
  - i. A guest register shall be maintained providing the names and addresses, dates, and length of stay of all short-term renters.

**Section 16.19.2 Procedure and Requirements.** Zoning Permit Application and Fee of two hundred dollars (\$200) shall be submitted with all necessary documentation as noted herein to the PZC at least three (3) weeks prior to the regularly scheduled PZC meeting.

- a. Six (6) copies of the floor plan showing the layout of the building including dimensions and use of all rooms. All bedrooms and common areas that provide pullout sleeping arrangements and shall note the number of guests the space can accommodate. All emergency exits shall be identified.
- b. Six (6) copies of a plot plan showing location of the residence septic system (detail of the septic system may be required by the Uncas Health District and given the potential increased use, the septic system may be required to be upgraded), well, driveway, sidewalks, trash/recycling locations and parking and other ancillary uses or structures.
- c. Well water test results approved by the Uncas Health Department (unless on public water).
- d. Not less than ten (10) calendar days prior to the meeting on which the application will be considered, the applicant shall send certified mail notification to abutters for the pending application. The notice shall be sent to the owners of record at the last addresses known to the tax collector of properties abutting and directly across the street from the subject property. The applicant shall provide the Commission with evidence of the mailing of such notices. Note – the ten (10) days does not include the day of the mailing or the day of the meeting.
- e. All legal notice fees will be reimbursed to the Town.

- f. A notarized letter signed by the owner/applicant of the property shall be provided with the application stating the following (form letter will be provided by the Commission):
  - i. As the owner and applicant (I or we) agree to limiting stay at the property to three (3) weeks in a three-month period by the same party of guests.
  - ii. The property will be kept in a neat and orderly manner, including trash/recycling areas.
  - iii. A contact manager will be provided to the ZEO that will have the ability of addressing any non-compliance issues. In the event the contact manager changes, a new contact will be provided within 24 hours.
  - iv. Any non-compliance issues will be immediately addressed in compliance with Section 16.19.6 of these Regulations.
  - v. There will be no outdoor events. All activities shall be orderly and considerate of all neighboring properties.
  - vi. Noise levels shall meet the State of Connecticut “Control of Noise” Regulations.
  - vii. There will be no on-street parking.
  - viii. An annual renewal permit will be submitted in accordance with Section 16.19.2 of these Regulations.
  - ix. The ZEO or an agent thereof (such as the Resident State Trooper or Town Planner) has the right to inspect the property at any time. A 24-hour notice will be provided unless for complaint of a neighborhood disturbance.

**16.19.3 Rental agreement.**

The following shall be noted in the short-term rental agreement:

- a) The property will be kept in a neat and orderly manner, including trash/recycling areas.
- b) There will be no outdoor events. All activities shall be orderly and considerate of neighboring properties.
- c) Noise levels shall not exceed the State of Connecticut “Control of Noise” Regulations.
- d) There will be no on-street parking.

**Section 16.19.4 Annual Renewal Permits.** There shall be an annual renewal permit submitted to and approved by the ZEO on a form prescribed by the ZEO and containing information outlining the continued compliance with the application approved by the Planning and Zoning Commission.

- a) There shall be a renewal permit fee in the amount of one hundred dollars (\$100.00).
- b) The renewal permit application is required to be submitted on August 1 and is to ensure the continued compliance with the permit approved by the PZC.
- c) A copy of the guest register for review and consideration by the ZEO and in accordance with Section 16.19.1 (h) verifying that the same party has not exceeded



the permitted stay.

- d) The ZEO shall verify with the Assessor that the applicant has filed the annual commercial property income and expense report with the Preston Assessor.

#### **16.19.5 Inspections and Guest Register**

- a) The ZEO, or a representative thereof, shall have the right to inspect the property at any time for any approved permit to ensure compliance with the permit. However, the ZEO or representative thereof, shall provide a 24-hour notice for any such inspection, unless a complaint has been made of a disturbance impacting the neighborhood. In the event there is a complaint after the regular business hours of the ZEO, the Resident State Trooper will be notified, who will have the right to inspect the property.
- b) The ZEO shall be provided the guest register at any time during the year upon request to ensure compliance with Section 16.19.1 (h).

**Section 16.19.6 Non-compliance.** At any point, if there is non-compliance with the approved permit, the ZEO may pause/temporarily revoke the permit and the rental of the property. In order to resume the use of the property for short term rental, a renewal permit shall be submitted within five (5) business days to the ZEO outlining how the violations will be rectified. If the ZEO is not satisfied with how the violation will be rectified, the ZEO may refer the application to the Planning and Zoning Commission. The STR shall not resume until the ZEO or Commission approves the renewal permit and the applicant is in full compliance with the original permit or any approved modification thereto. The applicant will be required to pay a fee of one hundred dollars (\$100.00) for the renewal permit, all legal notice fees, town attorney fees and any other consultant fees. The short-term rental shall not resume until all required fees are paid in full to the town. After three (3) violations, the PZC may revoke the permit for a period of up to three (3) years.

**Section 16.19.7 Applications are Non-Transferrable.** The permit is not transferable and any new owner shall submit a new zoning permit to the Planning and Zoning Commission to use the property for short term rental.

## SECTION 17 - COASTAL AREA MANAGEMENT

**17.1 Purpose.** The purpose of this section is to establish requirements and procedures that apply to the coastal area, as defined below, so that the impacts of proposed activities on both coastal resources and future water-dependent development activities are acceptable. The requirements of this section are authorized by Chapter 444 of the CGS.

**17.2 Definition of Coastal Area.** The coastal area is that area contained by the coastal boundary which shall be a continuous line delineated on the landward side by the interior contour elevation of the one hundred-year (100) frequency coastal flood zone, as defined and determined by the Federal Emergency Management Agency, or a one thousand foot (1,000') linear setback measured from the inland boundary of tidal wetlands mapped under the provisions of Section 22a-20 of the CGS, whichever is farthest inland. The water side of the coastal area shall be the Town boundary. A map showing the Coastal Area and Coastal Resources in Preston is enclosed and is a part of these Regulations.

**17.3 Coastal Site Plan.** Except where exempted under the provisions of Section 17.4 of these Regulations, in addition to meeting the other requirements of these Regulations, all applicants for zoning permits, special exceptions, or variances relating to uses proposed for location fully or partially within the coastal area shall submit a coastal site plan which shall accomplish the following:

- a. Show the location and spatial relationship of coastal resources on and contiguous to the site; Coastal resources shall be identified by a professional qualified to map the resource, as required by the Commission.
- b. Describe the entire project with appropriate plans, indicating project location, design, timing and methods of construction.
- c. An assessment of the capability of the resources to accommodate the proposed use.
- d. An assessment of the suitability of the project for the proposed site.
- e. An evaluation of the potential beneficial and adverse impacts of the project and a description of proposed methods to mitigate adverse effects on coastal resources.
- f. Any person submitting a coastal site plan shall demonstrate that the adverse impacts of the proposed activity are acceptable and shall demonstrate that such activity is consistent with the goals and policies in Section 22a-92 of the CGS.
- g. A site plan prepared to meet the special requirements of this section may also include information necessary to meet other site plan requirements of these Regulations.

**17.4 Exemptions and non-exemption improvements within one hundred feet (100' of a tidal wetland or coastal water).** The following are exempt from the coastal site plan review requirements

as they relate to Permitted Uses, Special Exceptions and Variances unless the property is located within one hundred feet (100') of tidal wetlands or coastal waters.

- a. Minor additions to or modification of existing buildings or detached accessory buildings, such as garages and utility sheds.
- b. Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including, but not limited to, walks, terraces, driveways, swimming pools, tennis courts, docks, and detached accessory buildings.
- c. Construction of new or modification of existing on-premises structures, including fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources or restrict access along coastal waters.
- d. Construction of an individual single-family residential structure.
- e. Activities conducted for the specific purpose of preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources.

17.4.1 All zoning permit uses not exempt because improvements are within one hundred feet (100') of tidal wetlands or coastal waters) shall be subject to coastal site plan approval by the Commission; however, if a variance is required such approval shall be obtained by the ZBA.

**17.5 Other Exemptions not subject to Commission or ZBA approval whether or not the work is within one hundred feet (100') of a tidal wetland or coastal waters.**

- a. Interior modifications to buildings.
- b. Minor changes in use of a building, structure, or property.
- c. Gardening, grazing, and the harvesting of crops.

**17.6 Permitted Uses.** All uses listed as being permitted By Right in a particular zoning district are permitted in the coastal area as well, provided they meet the additional requirements of this section.

**17.7 Special Exceptions.** All Special Exception uses listed in the particular zoning district are permitted in the coastal area of that district as well, provided they meet the additional Special Exception requirements of this section and Section 18.

**17.8 Additional Coastal Area Special Exception Uses.** In addition to other uses allowed by Special Exception in parts of zoning districts located within the coastal area, the following uses are permitted by Special Exception throughout the coastal area, regardless of the zoning district classification;

- a. Boat liveries providing rental of small sail boats (eighteen feet (18') or less in length), rowboats and canoes. No motor boat or motor boat rentals, sales, or services are allowed in Residential Districts.
- b. Boat launching facilities.

- c. Fishing bait and tackle shops.
- d. Water-dependent uses acceptable to the Commission that do not impact the character of an adjacent residential district.

**17.9 Coastal Site Plan Review.** In addition to any other applicable site plan review criteria prescribed by these Regulations, a coastal site plan required under this section shall be reviewed and may be modified, conditioned or denied in accordance with the procedures and criteria listed in this section of these Regulations.

- a. The Commission may, at its discretion, hold a public hearing on any coastal site plan submitted for review.
- b. In determining the acceptability of potential adverse impacts of the proposed activity described in the coastal site plan on both the coastal resources and the future water-dependent opportunities, the Commission shall: (a) consider the characteristics of the site, including the location and condition of any coastal resources defined in Section 22a-93 of the CGS. (b) consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities; and (c) follow all applicable goals and policies stated in Section 22a-92 of the CGS and identify any conflicts between the proposed activity and any goal or policy.
- c. When approving, modifying, conditioning or denying a coastal site plan on the basis of the criteria herein prescribed, the Commission shall state in writing the findings and reasons for its action and shall send a copy of any decision by certified mail to the person who submitted such plan within fifteen (15) days after such decision is rendered.
- d. In approving any activity proposed in a coastal site plan, the Commission shall make a written finding that the proposed activity with any conditions or required modification (a) is consistent with all applicable goals and policies in Section 22a-92 of the General Statutes; and (b) incorporate as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities.

**17.10 Time Limitations.** Whenever the approval of the coastal site plan is the only requirement to be met or remaining to be met under these Regulations for a proposed building use or structure, a decision on an application shall be rendered within sixty-five (65) days after receipt of such plan. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed two (2) sixty-five (65) day periods, or may withdraw such a plan. The review of any coastal site plan shall not be deemed complete and valid unless the Commission has rendered a final decision thereon. If the Commission fails to render a decision within the time period prescribed above in this paragraph, the coastal site plan shall be deemed rejected.

**17.11 Bond.** As a condition to a coastal site plan approval, the Commission may require a bond or other surety or financial security arrangement to secure compliance with any modifications, conditions, or other terms stated in its approval of the plan.

**17.12 Violations.** Any activity within the defined coastal area not exempt from coastal site plan review pursuant to Section 17.4 and 17.5 above, which occurs without having received a lawful approval from the Commission under all of the applicable procedures and criteria prescribed by these Regulations or which violates the terms and conditions of such approval, shall be deemed a public nuisance and appropriate legal remedies will be taken by the Commission for abatement of such nuisance.

## **SECTION 18 - SPECIAL EXCEPTIONS**

**18.1 Application Procedures.** Applications for Special Exceptions may be obtained from the Planning and Zoning Office. Completed applications, together with a site plan prepared in accordance with Section 19 of these Regulations, and the required fee, shall be submitted to the Planning and Zoning Office at least fifteen (15) business days prior to a regularly scheduled meeting of the Commission.

**18.2 Hearing and Decision.** The Commission shall hold a hearing on the application within sixty-five (65) days after receipt of the application and such hearing shall be completed within thirty-five (35) days. The Commission shall take action on the application within sixty-five (65) days after the close of the hearing, except that extensions of time may be granted by the applicant consistent with the provisions of Section 8-7d of the CGS.

- a. Not less than ten (10) calendar days prior to the hearing, copies of the published legal notice of the hearing shall be mailed by the applicant to the owners of record at the last addresses known to the tax collector of properties abutting and directly across the street from the subject property. The applicant shall provide the Commission with evidence of mailing of such notices at the public hearing. Note – the ten (10) days does not include the day of the mailing or the day of the meeting.
- b. A Special Exception shall not be effective until a notice, signed by the Chairman, Vice Chairman or Secretary, is recorded on the Land Records. Such notice shall: state the name of the applicant and owner of the property, provide an address and description of the premises to which it relates, and specify the nature of the Special Exception and the section of these Regulations under which it is authorized. The Town Clerk shall index the same in the grantor's index under the name of the then record owner. The record owner shall pay for such recording.

**18.3 Authorization of and Evaluation Procedure for Special Exceptions.** In evaluating any application for a Special Exception, the Commission shall consider the General Evaluation Criteria in Section 18.4 of these Regulations, and other applicable criteria noted herein.

### **18.4 Criteria for Evaluating a Special Exception:**

The Commission, in approving a special exception after applying these Regulations in harmony with their general intent, may stipulate such restrictions or conditions to protect or promote the rights of individuals, property values and the environment in the area as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development or better overall neighborhood compatibility. Such restrictions may include, without limitation, the

components of the site plan and layout, distribution of and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening, signs, lighting, building design, architectural treatment and massing, and the proper relationship between the taxable values of real property in the area.

The Commission shall consider and evaluate each application for a special exception using, at a minimum, the following criteria:

a) Site Design

- i. Overall design, architectural treatment and aesthetic character shall be in harmony with the surrounding area. Consideration shall be given to the following: the design of the proposed use(s), building(s) or development, the relationship between the buildings and the land, the relationships between buildings or structures, the overall physical appearance of the property, building or development and its subsequent compatibility with surrounding development and the neighborhood.

b) Appropriateness of Location or Use:

- i. The use shall preserve the integrity and character of the neighborhood, adjacent uses and current zoning district. Consideration shall be given to the size, location, use and height of buildings, nature and extent of landscaping, location of driveways, parking and loading areas. The intensity of the proposed use and project development shall be compatible with the adopted POCD. The use and project shall be compatible with adjacent established uses and the neighborhood. The project and its use(s) shall not degrade or decrease the value of the surrounding properties. Surrounding properties shall continue to have an ability to consistently develop with the prevailing zoning district and applicable regulations.
- ii. Adjacent and feeder street(s) shall have the ability to handle peak traffic loads and shall not cause traffic hazards. The use and the extent, nature and arrangement of parking facilities, entrances and exits shall not create or further aggravate vehicular and pedestrian traffic safety problems.
- iii. The obstruction of light or air shall be reviewed as relates to impact on scenic views and solar access. The use(s) shall not create excessive and unreasonable noise that is different from what currently exists within the neighborhood. Consideration shall be given to light levels, smoke, odor, gas, dust or vibration in noxious or offensive quantities, and the distance between offensive processes and adjacent properties. The proposed use will not adversely affect environmental quality.
- iv. Consideration shall be given to protecting unusual topography, walls, habitat areas, and trees, or other unique vegetation on the site. A landscaping plan shall be provided showing mature trees, shrubs, and noninvasive species.

**18.5 Convalescent Home, Assisted Living Community.**

- a) The main access to the facility shall be from a numbered state highway.
- b) A minimum of five (5) acres shall be provided.
- c) Parking provided shall be one (1) space for each unit and one (1) space for each employee at the largest shift.

- d) The parcel shall be served with public water and public sewer or an acceptable system approved by the State of Connecticut Health Department or the DEEP.

**18.6 Gasoline/Fuel, Service, Repair and Stations, Automobile Sales.**

- a. No lot or building used for any of these purposes in a PI, C-1 or RC District shall be approved for such use if it is within one thousand feet (1,000'), as measured along the street from the lot corner to lot corner, of another lot used for such purposes.
- b. No part of a lot used for any of these purposes shall be located within one thousand feet (1,000'), as measured along the street from lot corner to lot corner of a lot used for a church, playground or public park.
- c. All service and repair activities shall be conducted within buildings and no abandoned, junked or wrecked vehicles shall be parked or stored outside of a building unless within a storage area approved by the Commission and in a neat and orderly pattern and behind the front building setback line.
- d. No parking or outside display of merchandise shall exceed the combined equivalent of one (1) parking space for each one hundred (100) square feet of building area and the display area shall be entirely behind the front building's setback line. All such parking or outside display shall be approved by the Commission.
- e. Any property containing a newly constructed filling station and tanks serving the filling station shall have its aboveground or underground tanks located a minimum of three hundred feet (300') from the property line of an existing property used for residential use, church, or school.

**18.7 Package Liquor Stores.** The following provisions apply to establishments selling or dispensing alcoholic beverages, except the sale of beer in grocery stores, which is permitted.

- a. No property containing a building used for a package liquor store shall be located closer than one thousand feet (1,000') to any property used for a church, school, or library.
- b. No package/liquor store shall be located closer than one thousand feet (1,000') to another property housing a package/liquor store.

**18.8 Antique Shops.** No outside storage is permitted.

- a. Sufficient off-street parking area shall be provided to ensure that no vehicle is parked within ten feet (10') of the travel way of a street or highway.
- b. One (1) sign, not exceeding eight (8) square feet in area, is permitted, provided it is no closer than twenty feet (20') to the travel way of a street or highway and meets the other requirements for signs in Residential Districts in Section 20 of these Regulations.
- c. The Antique Shop shall not exceed a maximum of five thousand (5,000) square feet in area including storage space.

**18.9 Excavations and Deposits of Fill.** Such use will be permitted only after a determination that the detrimental effects of the activity are minimized and provided the future usefulness of the premises is assured when the activities are completed. Permits for excavation and/or fill shall be issued for a period not to exceed two (2) years. However, approval of such permits may be extended for such additional periods of time as the Commission deems appropriate in order to complete the operation described in the original permit provided: the existing operation is being conducted in compliance with all the terms and conditions of the original permit and all applicable provisions of these Regulations; and further provided that no such extension so granted shall be for a period of more than two (2) years with all terms and conditions of the original permit remaining in full force and effect.

- a. Such operations may only be conducted Monday through Saturday between the hours of 7:00 a.m. and 7:00 p.m. No operations shall be conducted on Sundays.
- b. During excavation or filling no temporary slope shall exceed of one foot (1') vertical rise in one and one half feet (1½') of horizontal distance unless in ledge. Finished slope shall not exceed one foot (1') vertical rise in two feet (2') horizontal distance, unless in ledge.
- c. No removal shall take place and no fill material may be placed within twenty feet (20') of a property line unless the finish grade will be the same as the grade of the adjoining property along the property line.
- d. At the conclusion of the operation or of any substantial portion thereof, the whole area, where excavation has taken place, or where fill has been placed, shall be covered with not less than four inches (4") of topsoil and seeded with a suitable cover-crop.
- e. Before a permit for an excavation and/or fill is issued or re-issued, the applicant shall post an acceptable bond in a format approved by the Commission sufficient to guarantee conformity with the provisions of the permit issued hereunder.
- f. Where any excavation shall have a depth of ten feet (10') or more and creates a slope of more than one foot (1') vertical rise in two feet (2') horizontal distance, unless in ledge, there shall be a substantial fence at least six feet (6') in height with suitable gates and such fence shall be located fifteen feet (15') or more from the edge of the excavation.
- g. Provisions shall be made to prevent dust from blowing onto neighboring properties.
- h. Locations for access roads, stock piling and equipment storage shall be selected so as to minimize adverse effects on surrounding properties.
- i. No equipment used for the processing of excavated material, such as a crusher or screening and grading plant, shall be located closer than one thousand feet (1,000') to any property line.

**18.10 Permanent or temporary Commercial Saw Mill or Wood Processing Operations.** Such uses may be permitted with the following conditions:



- a. Such operations may be conducted only Monday through Saturday between the hours of 7:00 a.m. and 7:00 p.m. No operations shall be conducted on Sundays.
- b. No operation shall occur within three hundred feet (300') of any adjacent property.
- c. A Renewal Permit shall be submitted to the ZEO annually on or before March 1 for such operation at which time an inspection of the property will be conducted for a determination that the permit complies with the conditions of the special exception and these regulations.

**18.11 Recreation Campgrounds** as defined in Section 2 of these Regulations are intended to be occupied by recreational vehicles or tents for seasonal lodging. Campgrounds shall conform to the applicable requirements of the Connecticut Public Health Code, Section 19a-2a-29, the Connecticut Fire Safety Code, and the Building Code; however, it is not the intent of these Regulations to duplicate (or enforce) the above noted codes, but to supplement them. All definitions noted herein take precedent over the noted codes. If there is an inconsistency between any of the codes and the Zoning Regulations, the more restrictive code or regulation shall apply. All campgrounds shall conform to the following requirements:

**18.11.1 Minimum Campground Size.** The campground shall contain at least ten (10) acres.

**18.11.2 Campground Design.** Each individual campsite shall be served by an interior vehicular road system. A one hundred foot (100') long, twenty-four foot (24') wide primary access road shall serve each newly established campground and shall connect directly to a numbered state highway or an approved town road. There shall be no on-street parking on any street entering the site or serving the campsites. A staging area(s) shall be provided that will accommodate a minimum of ten (10) campers at the entrance of the campground.

- a. An internal vehicular road system is required to serve the needs of the campground including individual campsites and other ancillary campground uses. The internal vehicular roads shall meet the design standards as noted below:

Road width	20'	Two way
Road width	12'	One way
Compacted Gravel Subbase	6"	12" over ledge
Compacted Gravel Base	4"	
Surface	Non-erosive such as millings, bituminous, dust free stone	

- b. A plan prepared by a Connecticut licensed Professional Engineer, and as applicable, Licensed Land Surveyor, shall be provided for the design of the road that shows the details for the road construction, utilities, and all necessary drainage. All dead-end roads shall have a cul-de-sac adequate to allow for turn-around of camper trailers.

- c. Where there are over one hundred fifty (150) individually numbered designated campsites, there shall, in addition to the main entrance, be an emergency road not less than twenty feet (20') wide to a paved town or state street. No campsites shall be closer than one hundred feet (100') to any public town or state street or highway.
- d. There shall be safe pedestrian access connecting campground activity areas, such as, restrooms, swimming areas, picnic areas, and recreation areas to areas containing the campsites.

**18.11.3 Buffers.** Where a campground abuts any property under a separate ownership other than the campground, an area used as a state forest or a lake, or other forested land of the campground owner, a treed buffer strip shall be provided at least fifty feet (50') wide. Where a landscaped buffer strip is required, such a strip shall consist of an inter-planting of evergreen and deciduous trees and shrubs a minimum of six feet (6') in height and shrubs suitable, in the judgment of the Commission, to provide in a reasonable time a visual barrier to the adjacent property.

Notwithstanding the above, no campsite shall be situated closer than seventy-five feet (75') to a property line of a parcel under separate ownership.

**18.11.4 Density.** No more than five (5) campsites/units shall be provided for each gross acre of overall campground. The gross acreage shall include buffer areas, recreational facilities, campsites, community areas and emergency overflow areas supporting facilities and land that is readily accessible and considered an integral part of the complex (campground).

**18.11.5 Individual Site Dimensions and Requirements for Campsites.** Except for group camping areas, individual campsites for camper units shall be a minimum of twenty-five feet (25') by sixty feet (60') and one thousand five hundred (1,500) square feet. Each campsite shall contain only one camper unit and shall have a clearly marked number designation on its site for safety and reference purposes. In addition, a minimum distance of three feet (3') shall be provided from the camper unit and/or any deck or addition to the side, front and rear line of the individually numbered campsite line. This requirement will be for those campsites that are created after May 1, 2016, the adoption date of the amendment to the Regulations.

**18.11.6 Group Camping.** In addition to the individual number designated campsites, there may be specific designated areas for group camping. These are areas that allow camping in a general area (location) and not on individual numbered campsites, but there shall be no greater density for total of camper sites/units than permitted under Section 18.11.4. For example, if the campground contains thirty (30) acres and is permitted to have one hundred fifty (150) campsites/units; there may be one hundred (100) individual numbered designated campsites and fifty (50) camper units for group camping or one hundred twenty (120) campsites and thirty (30) camper units for group camping.

**18.11.7 Other Provisions of these Regulations.**

- a. A campsite that is not served by a community sewer and water system approved by the health department must be located within three hundred feet (300') of a public restroom

served by a health department approved sanitary sewage disposal system and no campsite shall be permitted within fifty feet (50') of any septic system.

- b. A trapped dumping station shall be provided for the use of independent-type camper units.
- c. Outdoor electrical outlets shall be weatherproof.
- d. No permanent power line shall be permitted to lie on the ground or be suspended less than fifteen feet (15') above the ground. No power line shall be laid on a road surface and no unit shall be required to extend service lines more than thirty-five feet (35') to a power line.
- e. Liquefied petroleum gas for cooking or heating purposes shall not be used at individual trailer spaces unless the containers are properly installed in accordance with the Connecticut Building Code and/or Connecticut Fire Safety Code and any other required permit. Portable liquefied petroleum gas cylinders shall be securely locked in place, adequately protected from the weather and installed in accordance with the Connecticut Building Code and Fire Safety Code.
- f. Portable fire extinguishers shall be required for each Recreational Vehicle camper unit.
- g. Campsites shall be occupied by one camper unit unless located in a group camping area. Such campsites may also contain additions and decks to camper units that have no below ground foundation, involve no grading (except minor grading for camper stabilization) or site improvements, and when removed, results in no physical alteration of the site.

**18.11.8 Off Season Use.** No campsite shall be occupied between November first and the next following March 31 for more than thirty (30) days (overnight stays) with the provision that the owner or operator of the campground retains a log of campers that have stayed on-site throughout this five-month period. The owner of the campground shall provide a letter certifying to the Zoning Enforcement Officer that no person had stayed at the campground over thirty (30) days during the winter period. Such letter must be submitted with the annual renewal permit. The log must be available to the Zoning Enforcement Officer for review at any time. Campers must at all times retain a permanent residence outside of the campground.

**18.11.9 Storage.** Unoccupied camper units and boats may be stored in recreation campgrounds. By September 10<sup>th</sup> of each year, the campground owner shall provide the Assessor of the Town of Preston a list containing identification information for all long-term camper units (long-term is a period of three (3) months or more) or other personal property that is present on the property.

**18.11.10 Campground Register.** The owner/operator of any campground shall be responsible for the maintenance of an accurate register at such campground. Such register shall include the name of the family head or the responsible group member, his or her permanent address, date of arrival and departure, and motor vehicle license plate, if applicable. The registration shall indicate the site or unit assigned and the classification of the vehicle.

Such register shall be available at the campground for access to the Zoning Enforcement Officer and other town officials to assist in the enforcement of these Regulations.

**18.11.11 Caretakers.** In any campground having at least ten (10) individual and approved campsites, there may be located on the same premises one (1) permanent single-family dwelling or one (1) mobile home not less than twelve feet (12') wide with axle removed and securely anchored against wind movement satisfactory to the Building Official or one RV, provided such dwelling or mobile home RV is occupied by the campground owner, operator, guard or caretaker of the campground and is not rented. Such dwellings may be provided at increments of one hundred fifty (150) approved campsites. Location of such dwelling shall be noted in the annual renewal permit. The location of all permanent dwellings and mobile homes shall be as permitted by the special exception approved by the Commission.

**18.11.12 Accessory Uses.** Permitted as an accessory use to a recreational campground and for camper use only, but not permitted as a principal use, there may be: a grocery store with grocery and camper provisions and gifts, snack bar, swimming pool, golf course of any kind, tennis courts, recreation pavilion, horseback riding, and any other appropriate activities, even though some of the activities by their nature are performed off premises, but all activities must originate on premises.

**18.11.13 Music Festivals.** Also permitted as an accessory use to a recreational campground are music festivals, not to exceed six (6) per year, defined as a series of musical concerts featuring a musical theme with multiple performers of at least two (2) consecutive days but not to exceed six (6) consecutive days, provided however, that said musical performances shall not be on any contiguous land but only on the land for which the special exception has been issued and provided further that all outdoor amplified musical festival performances stop at the following times:

Friday and Saturday night .....	11:15 p.m.
Sunday, if Monday is a holiday.....	11:15 p.m.
Sunday.....	9:00 p.m.
Monday – Thursday.....	10:15 p.m.

- a. All music festivals shall comply with the State of Connecticut DEEP noise standards.

The operator of the campground shall retain, through the Town of Preston, the Resident State Trooper for the evening sessions of the festivals on Friday and Saturday nights; starting at 6:00 p.m. The trooper(s) will be trained as a sound expert qualified to apply the DEEP standards. The campground operator shall pay the cost of having the Resident State Trooper at the festival for the above-specified sessions. During the music festival performance times when the Town of Preston Resident State Trooper is not retained, campground operator must retain the services of the Connecticut State Police or other acceptable professionals (approved by the first selectman) trained to use sound equipment.

The operator of the campground shall allow any DEEP compliance sound testing to be conducted at the property lines.

If it is demonstrated through proper testing (appropriate equipment and use thereof) that noise levels violate DEEP standards, sound levels shall be reduced to meet compliance and the owner shall pay for a DEEP approved sound tester to be on the premises for the next scheduled music festival. For the purposes of this regulation, it is considered a violation if the State Trooper DEEP approved sound engineer conducting the sound testing requests a reduction in the noise level and the campground does not comply. If the State Trooper requests that the noise level be lowered and the owner complies, it shall not be considered a violation of these Regulations. All requests for reducing noise levels shall be based on DEEP noise standards. The Town of Preston and the property owner must agree upon a list of three (3) DEEP approved testing services; the Town of Preston shall select one (1) of the three (3) to perform said sound testing; the owner shall pay the entire bill for said services; the times of testing shall be determined by the Town and may occur at any time during the festival and particular testing times need not be disclosed to the owner; the total number of hours contracted for shall not exceed six (6) per evening event. These contracted services are in addition to the required State Trooper. If at the next scheduled music festival the contracted sound testing agency determines that a violation has occurred pursuant to the DEEP noise standards, the Commission / ZEO may impose a fine in accordance with “**An Ordinance Establishing Citation Procedures And Fines for Zoning Violations**”.

- b. The volume of sound from music and public address system shall be so controlled as to prevent objectionable noise off the premises as defined by the CGS.
- c. The storage, collection and disposal of refuse shall be so managed as to avoid a health hazard or an odor nuisance. Garbage shall be collected daily from all areas of the campground.
- d. Insect and rodent control measures to safeguard public health as recommended by the health officer shall be applied in the campground.

#### **18.11.14 Renewal Permit.**

Every campground owner shall have an “operator” authorized by the owner of the campground to act on the owner’s behalf. The operator shall be the contact person for the Zoning Enforcement Officer and other town officials. The operator/owner shall submit a renewal permit to the ZEO annually on March 1. The renewal permit application shall include:

- a. Contact information of the operator:
  - i. Operator’s name
  - ii. Operator’s address
  - iii. Operator’s phone number
  - iv. Emergency contact in the event the operator is not available
- b. Two (2) copies of a base map at a scale of 1”=100’ to the Zoning Enforcement Officer. A base map shall show the location and dimension of each campsite and their designated campsite number, long term camper units on camp sites – a long term camper unit is a camper that remains at a campsite for three months or more, group camping areas, staging areas, recreation areas, buildings, including decks, awnings and sheds, parking areas, park/open space areas, refuse areas, restrooms, picnic areas, snack bar areas, winter storage areas, septic areas, wells, and all other uses.
- c. A letter listing any and all changes to the campground from the previous year renewal permit (including campsite configuration for individual campsites and any physical

- improvements, such as, new campers, decks or additions). The ZEO may require the submission of an updated revised map showing said changes.
- d. A letter prepared by the campground operator certifying that no one stayed (overnight stay) at the campground for more than thirty (30) days between November 1 and March 31 as noted in Section 18.11.8. The log shall be available upon request by the Zoning Enforcement Officer of the usage of the campground during that time period.
  - e. Copy of the annual registration with the Health Director pursuant to Section 19a-2a-29 of the Public Health Code.
  - f. List of year-round resident caretakers, guards, campground owners or operators that live on site and location of the on-site residence pursuant to Section 18.11.11.
  - g. Any change of use not noted in the special exception shall require approval by the Commission, unless exempt pursuant to Section 19.10 of these Regulations. The Zoning Enforcement Officer may order any activity discontinued providing it is believed that such activity is not permitted within the intent of the approved special exception or these Regulations. Such activity shall be discontinued on the day specified by the Zoning Enforcement Officer in writing to the operator of the campground. A copy of said order shall be forwarded to the Commission.

**18.11.14.1 Renewal Permit Process.** The ZEO shall forward a copy of the renewal permit application and map to the Fire Marshal, Building Inspector, Sanitarian, Director of Health and Town Planner for review and comments prior to the issuance of the renewal permit. If there are any mandated changes by the health, building code, or fire safety code, such changes shall be made to the campground as directed by the Director of Health, Building Inspector, or Fire Marshal.

Such permit shall be issued after a visual inspection of the premises by the ZEO and a determination that the renewal permit is in compliance with the approved special exception, zoning regulations and provided the following:

- a. Campsites are visibly numbered with weatherproof reflective numbers that are a minimum of three inches (3”) in height and two inches (2”) wide per number. Such number shall be located in the front of the campsite with a location deemed acceptable to the Zoning Enforcement Officer and the Fire Marshal.
- b. All permit requirements have been met and the Campground continues to be in compliance with the approved Special Exception and the operation is conducted in accordance with the provisions of these Regulations.
- c. There are no outstanding issues as noted by the Building Inspector, Fire Marshal, Town Sanitarian, Director of Health, and Town Planner.

The renewal fee for the permit shall be a minimum of one hundred dollars (\$100.00), plus one (1) dollar for each additional campsite over one hundred (100) units, including group campsites.

If the Zoning Enforcement Officer finds that the Campground Owner is not in compliance with their permit or any of these regulations, the Zoning Enforcement Officer may withhold issuance of the renewal permit until such time the Campground complies with said permit and/or regulations.

**18.11.15 Camper Unit.** A Camper Unit is a tent or a Recreational Vehicle (RV) that does not exceed four hundred (400) square feet and shall be designed, used or intended for use temporarily for camping, recreation, travel and vacationing, and is or can be mounted on wheels and may be self-propelled, and designed as an RV in the NFPA 1192 (current edition) and manufactured in accordance with ANSI 119.5, but shall not include a mobile or manufactured home. Such camper unit may include additions, such as decks or sunrooms that are specifically designed and manufactured for use with recreational vehicles and camper trailers and engineered to withstand hurricane force winds in accordance with the building code requirements. Such additions, other than decks, shall be constructed with collapsible sidewalls and shall not have an in-ground foundation or involve grading or site improvements, except as noted in Section 18.11.7g, and when removed shall not result in physical alteration of the site. Set up provisions shall be provided for RV and shall include typical quick disconnect fittings for utilities (water-hose connection, sewer-RV type sewer hose connection, electrical – cord and plug), and anchors standards per American National Standards Institute (ANSI). The unit and additions/decks/sunrooms must be set up on site such that the unit can be readily removed.

**18.11.16 Campsite.** A campsite is an area of a campground that is designated by the operator as capable of accommodating one independent or dependent camping unit and meets the requirements, including campsite (lot) delineation of Section 18.11.5 of these Regulations. In the event the campsites are owned and are part of a co-op as defined by Section 47-202(12) of the CGS, each campsite shall be divided using A-2 survey standards by a surveyor licensed in the State of Connecticut. In addition, pins and/or monuments shall be provided delineating the campsites at all corners.

**18.11.17 Group Camping.** Group camping are areas used by more than one camper unit.

**18.11.18 Permit for RV Additions.** All additions (decks/sunrooms/awnings as previously defined and limited) to Recreational Vehicles camper units shall obtain a zoning permit for installation from the Zoning Enforcement Officer; in addition, a building permit, from the Town of Preston Building Inspector, shall be required in accordance with the Building Code. Permits for any addition shall require approval from the Campground Owner or Operator prior to the issuance of a permit for an addition (as evidence by signing the application or providing written letter of approval). The Campground Owner, in addition to the applicant, will be responsible for any non-compliance with these Regulations regarding the installation of the camper units and additions.

**18.12 Elderly Housing.** All such housing shall meet the following requirements:

- a. The property shall include at least five (5) acres.
- b. The maximum number of units shall be determined by the Town Sanitarian or State Department of Health and the Town Engineer after examination of conditions for sewage disposal.

**18.13 Commercial Recreation Facilities.** Commercial recreation facilities are permitted under the following conditions:

**18.13.1** The lot shall contain not less than ten (10 acres).

**18.13.2** No structure except a single dwelling and no recreational activity except a golf course, shall be less than one hundred feet (100') from the nearest public highway nor less than two hundred feet (20') from the nearest property under separate ownership.

**18.13.3** Off-street parking shall be provided for the cars of all patrons, employees, and persons using the facilities, together with the necessary access driveways to public roads. Surfacing shall be of a type appropriate for the proposed land uses, and shall be treated to inhibit dust. No parking area shall be located less than fifty feet (50') from a public highway, or from any other property under separate ownership.

**18.13.4** Temporary or permanent sanitary facilities shall be provided in adequate numbers to serve the maximum number of expected patrons.

**18.13.5** The volume of sound from music and public address system shall be so controlled as to prevent objectionable noise off the premises as defined by the CGS.

**18.13.6** Outdoor activities shall terminate at 10:00 p.m. and all other activities shall terminate at 11:15 p.m.

**18.13.7** Banquets, meetings, stage presentations and dancing shall be held inside a structure, but this shall not prevent presentation outside a structure of athletic exhibitions or contests requiring outdoor facilities.

**18.13.8** Commercial recreation areas shall include the following uses and any approved combination thereof:

- a. Outdoor or indoor athletic activities, such as facilities for group skating, skiing, sledding, swimming, squash and tennis.
- b. A golf course of not less than nine (9) holes as a principal recreational use, and a par three (3) golf course or putting greens and driving range as an accessory to a major recreational facility, but expressly prohibiting miniature golf putting greens and driving ranges as a principal use.
- c. Riding academy as a principal use, and the keeping and boarding of horses for riding, instruction and exhibition as accessory to a major recreational facility.
- d. Outdoor picnic facilities for groups, including barbecue pits and outdoor fireplaces as an accessory use to a major recreation facility.
- e. Social and recreational facilities for group dining and dancing, including banquets, meetings, receptions, assemblies and entertainment, provided such activities are accessory to and a part of an indoor-outdoor recreational enterprise and are carried on inside a structure.
- f. Activities similar to those listed above, that are commonly provided by such organizations as day camps, swimming and tennis clubs and other similar recreational enterprises.
- g. The project shall meet the CT DEEP noise standards. The Commission or the ZEO may require all public address systems or amplification system to comply with Section 18.11.13.



**18.14 Multi-Family Dwellings (New Construction) Excepting Land Zoned in the Thames River District.** Such uses shall meet the following conditions:

**18.14.1** The number of units shall not exceed two (2) units per acre without public sewer or water. The Commission may allow up to eight (8) units per acre if the project is served by both public sewer and water or systems approved by the Connecticut State Health Department.

**18.14.2** No building shall contain more than eight (8) dwelling units, which may be constructed as townhouses or garden apartments.

**18.14.3** No building used for such purposes shall be located closer than fifty feet (50') from any other residential structure.

**18.14.4** No outside storage area will be provided unless it is completely screened from view from any adjoining property or road. Refuse and recycling containers shall be screened from view and provided in sufficient numbers to accommodate refuse and recycling from all residents in a sanitary and odorless manner. All accumulated refuse shall be removed from the premises at least once each week.

**18.14.5** All driveways and parking areas shall be paved with appropriate drainage designed in accordance with the Connecticut Stormwater Quality Manual by a professional engineer licensed in the State of Connecticut. Alternate surfaces may be approved provided they are not a maintenance concern as determined by the Commission. Adequate sight distance shall be provided.

**18.14.6** The Commission may deny an application for multi-family dwelling if the proposed location is an area substantially developed by single-family detached dwellings.

**18.14.7** The locations, landscaping and design of buildings, parking areas, driveways, lighting and other features shall be such that possible adverse impact on nearby properties is minimized.

**18.14.8** Each apartment shall contain the following living floor area:

Efficiency Apartment (no separate bedroom)	600 sq. ft.
One Bedroom Apartment	750 sq. ft.
Two Bedroom Apartment	900 sq. ft.

**18.14.9** In computing the required minimum floor area, only that area inside the perimeter walls of the dwelling unit devoted to the exclusive use of the apartment tenant for living purposes shall be considered.

**18.15 Specialized Agricultural Buildings.** The Commission shall determine the following:

- a. The building will be designed or adequately screened to present an appearance that is consistent with the area.

- b. Roads and intersections providing access to the building will be adequate to provide safe and uncongested movement of traffic.
- c. All plans for the storage and disposal of wastes shall be consistent with regulations of the Connecticut Department of Public Health and Department of Energy and Environmental Protection.
- d. No such specialized agricultural building or waste storage or treatment area shall be located closer than five hundred feet (500') from property used for residential purposes, public building, place of worship, place of regular or periodic public assembly, or commercial eating and drinking establishment, and is set back a minimum of 200 feet (200') from any property line. A reduction in the setback to not less than 100 feet (100') may be permitted where the Board finds that the adjoining property is a State open space or land physically unsuitable for building purposes.

**18.16 Video Game Arcades.** Video game arcades shall be permitted only if they meet the following conditions:

- a. Adequate space shall be provided for each machine so as to allow its use without overcrowding. A minimum width of two feet (2') shall be provided per machine where the machine is designed for use by one (1) player, and three and one-half feet (3-1/2') where the machine is designed for use by two (2) players. The depth of the space in front of the machine shall be at least five feet (5'), and there shall be a minimum aisle width beyond this five feet (5') of an additional three feet (3').
- b. An arcade shall not be located closer than five hundred feet (500') from the property of a church, school, or public building.
- c. The Commission may require a planted buffer strip where it finds that the arcade may have a detrimental impact on adjacent property used for residential purposes.
- d. The Commission may permit an arcade as an accessory use to an existing use, such as a bar, campground, or other commercial or private recreation development, provided that safeguards are taken to assure the use will be compatible with the neighborhood.
- e. Off-street parking shall be adequate to assure that no patron or employee vehicles park on the street.
- f. No drinking of alcoholic beverages shall be permitted on the premises.
- g. The arcade shall be located in a separate room, separated from other uses on the premises and from pedestrian circulation to and from such other uses. The room shall be arranged so that there is an employee or video surveillance within the room, or such that management attendants outside the room can easily see and supervise the interior of the room.

**18.17 Bed And Breakfast Inn.** The Commission may permit a Bed and Breakfast Inn in any owner-occupied residence located provided the following conditions are met:

- a. Lot size; The applicant for a Bed and Breakfast Inn shall demonstrate that the property proposed for the Bed and Breakfast is of adequate size to accommodate the building, parking, landscaping, well, and septic system to the satisfaction of the Commission and Town Sanitarian.
- b. The minimum finished floor area of the building shall be at least fifteen hundred (1500) square feet.
- c. The building must be of adequate size to accommodate all proposed guest bedroom, guest-dining area and guest bathrooms, without reducing the required minimum livable floor area for the principal residential use, as specified in Section 15 U of these regulations.
- d. No more than eight (8) guest rooms are provided.
- e. All guest accommodations shall be within the principal building.
- f. Off-street parking spaces shall include at least two (2) spaces for the residents of the property and one (1) space for each guest room. Parking shall be located inside the required building setback lines.
- g. Written certification shall be obtained from the Town Sanitarian so that plans for the water supply and sewage disposal systems are adequate to support the intended use. All building plans for a proposed Bed and Breakfast Inn must comply with current ADA requirements for parking, accessibility, interior room design for all bedrooms, bathrooms, doorways and hallways, and must be approved by the Preston Fire Marshall and Preston Building Inspector, prior to the issuance of a Building Permit, Zoning Permit, or both.
- h. The Commission may require fencing, earth berms, evergreen vegetation, or other buffers to reduce visual conflicts with neighboring uses. No outside storage of any maintenance equipment or supplies shall be permitted.
- i. Registered guests may stay no longer than three (3) weeks in a three-month period.
- j. Alterations to existing buildings: exterior alterations may be made to existing buildings in order to preserve a valuable historic property, promote adaptive reuse of buildings, or comply with local or state health and safety code requirements. However, in all cases, such alterations must be compatible with the residential character of the area.
- k. Special Functions or Events: Special functions may be held at a Bed and Breakfast Inn subject to conditions of the permit and provided that on-site parking is adequate to address the needs of the event. A zoning permit from the Zoning Enforcement Officer shall be obtained to ensure compliance with the terms of the Special Exception approved by the Commission for any event for which more than twenty five (25) guests are present at the event.
- l. The operation of a Bed and Breakfast Inn shall require an annual renewal permit issued by the Zoning Enforcement Officer to ensure compliance with the special exception and these Regulations. The renewal permit shall be submitted by August 1.

**18.18 Farm Winery and Cidermill and other Farm Fruit Facilities.** Farm Wineries and Cidermills, etc., as defined in Section 2 of these Regulations are permitted provided the following conditions can be met:

- a. Such wineries shall have a minimum of five (5) acres of which a minimum of two (2) acres shall be for the growing of grapes or other fruit produce.
- b. Such wineries and cidermill and other farm fruit facilities shall be permitted to hold a maximum of six (6) public winemaking promotions each calendar year that complements the harvesting and making of the wine.

- c. In addition, an additional six (6) private or closed events, such as weddings or showers may be held within a year.
- d. Each event shall have no more than seventy-five (75) guests in attendance; however, the Commission may permit more than seventy-five (75) guests at their discretion based on property size, impact on the neighborhood, effective buffering, condition of road accessing the site, topography, and natural resources, and provided any building used for such events is approved by the Building Inspector and the Fire Marshal prior to the use of the building for events.
- e. Fourteen (14) days prior to conducting an event, a zoning permit shall be submitted to the Zoning Enforcement Office with a copy to the First Selectman. The applicant shall be responsible to contact the Town Sanitarian, Health Inspector and Fire Marshal prior to the event for all applicable permits. The applicant shall provide the date of the event(s) and number of estimated guests.
- f. A winery and cidemill and other farm fruit facilities building for the sale of wine or cider products (and other accessory wine products) and for winemaking instruction is permitted. Said structure shall not exceed two thousand five hundred (2,500) square feet and provided its architecture shall be acceptable to the Commission and in harmony with the surrounding neighborhood. Restaurants are not permitted as part of the winery, but the hors d'oeuvres and pastries may be sold as an accessory wine product. Full service menus may be available for private or closed events.
- g. Such winery or and cidemill and other farm fruit facilities buildings shall not be open to the public later than 8:00 p.m. on weekdays and Sundays and 10:00 p.m. Friday and Saturday, and will not open earlier than 10:00 a.m.
- h. Adequate parking must be installed surfaced with dust free stone or other adequate surfaces. An adequate screened buffer with a solid screen of evergreen being a minimum of six feet (6') in height and fifty feet (50') from property line. This provision can be waived by the Commission by a three-quarter vote of the regular members.
- i. An acceptable waste management plan must be submitted as part of each winery cider mill application.
- j. Traffic shall not impact residential character and no parking shall be permitted on street or State Highways.
- k. All events shall comply with the State of Connecticut DEEP noise standards.
- l. If the violation is not immediately resolved, the Zoning Enforcement Officer may withhold the permit for any subsequent events until such matter is resolved.
- m. **Renewal Permit.** A renewal permit shall be submitted to the Zoning Enforcement Officer annually by March 1 to ensure compliance with the conditions of the original special exception and these Zoning Regulations.

**18.19 Farm Vineyard, Winery, Cider Mill and other similar farm fruit facility - Large Acreage.**

**18.19.1 Conditions.** Farm Vineyard, Winery, Cider Mill and other similar farm fruit facility - Large Acreage as defined in Section 2 of these regulations are permitted provided the following conditions can be met:

- a. Such wineries and cidemill and other farm fruit facilities shall have a minimum of twenty-five (25) acres of which a minimum of five (5) acres shall be for the growing of grapes or other fruit produce.

- b. Such wineries and cider mill and other farm fruit facilities may offer tasting of samples of such wine or cider (or other similar fruit beverages, to visitors and prospective retail customers for consumption on the premises of the winery/vineyard or cider mill/orchard permittee.
- c. Such wineries and cider mills and other farm fruit facilities may offer for sale to be consumed on the premises, alcoholic liquor manufactured in the State of Connecticut, provided a “craft café” permit is obtained in accordance with the Connecticut General Statutes. According to the CGS, such alcoholic liquor shall be no more than twenty (20) percent of the gross the annual sales of all alcoholic liquor sold for on premise consumption. Given this is a state requirement, the twenty (20) percent gross sales of alcoholic liquor will be enforced by the state and not by the town. Food shall be kept available for sale and consumption by customers on the premises as required by the craft café permit. The availability of food from outside vendors shall be acceptable, provided a vendor permit is obtained from the Zoning Enforcement Officer. There shall be no fee for such vendor permits.
- d. Special Public Promotions may be conducted and opened to the general public that celebrate the harvesting and making of wine, cider or other fruit beverages, as follows:
  - 1. Six (6) such events are permitted throughout a calendar year.
  - 2. The serving of hors d’oeuvres and/or pastries are permitted as an accessory wine product. Full meals may be served.
  - 3. At least fourteen (14) days prior to an event, a zoning permit application shall be submitted to the Zoning Enforcement Officer, a copy of which shall be submitted to the First Selectman. The applicant shall provide the date of the event(s) and number of estimated guests. The applicant shall be responsible to contact the Town Sanitarian, Health Inspector and Fire Marshal prior to the event for all applicable permits.
- e. Closed Events may be planned that are not open to the general public. They are weddings, private parties, and similar.
  - i. Full meals and/or serving of hors d’oeuvres and/or pastries are permitted for these events; however, only those alcoholic beverages produced on premises shall be served, unless during a catered event for which the caterer has a valid liquor license in accordance with the CGS.
  - ii. There shall be no more than three (3) such events per week. The Commission may desire to reduce the number of events in order to eliminate impacts on the neighborhood.
  - iii. Closed Events and Special Public promotions shall not occur on the same day.
  - iv. At least fourteen (14) days prior to an event, a zoning permit application shall be submitted to the Zoning Enforcement Officer, a copy of which shall be submitted to the First Selectman. The applicant shall provide the date of the event(s) and number of estimated guests. The applicant shall be responsible to contact the Town Sanitarian, Health Inspector and Fire Marshal prior to the event for all applicable permits.
- f. Retail Winery or and cidermill and other farm fruit facilities buildings that may include:
  - i. Sale of wine products and other accessory wine, cider or fruit products provided that seventy five percent (75%) of the products are produced on the premises.
  - ii. Wine, Cider or other fruit beverage tasting room or area.
  - iii. Public Restaurants may be permitted by the Commission provided:
    - a) They are located on a state highway and have vehicular access from the state highway.

- b) Commission determines that there will be no adverse impacts on the adjacent neighborhood as a result of the restaurant.
- c) Only alcoholic beverages produced on the premises shall be served.

**18.19.2 Additional Criteria.** The Commission shall consider the following for all uses and events:

- a. Traffic: Traffic resulting from such facility shall have a negligible impact on town roads. The Commission may require a traffic study prepared by a traffic engineer to help determine impact on the town roads. The Commission shall consider the current traffic volumes, the percentage increase that will result from the project, and the quality of the roads that will serve the facility. The Commission may hire an independent traffic engineer to review any traffic study provided by the applicant.
- b. Noise: All events shall comply with the State of Connecticut DEEP noise standards. The Commission, as part of the application, or the Zoning Enforcement Officer, at any time, may require the installation of a noise monitoring system that shuts down or attenuates the amplified sound when decibel levels exceed State standards. The Commission may require monitoring of any event in accordance with the provisions outlines in [Section 18.11.13](#) for campground music festivals.
- c. Outdoor Events: Outdoor events and activities shall be a minimum of two hundred feet (200') from any property line or such other distance as deemed necessary by the Commission as circumstances require. There shall be an appropriate buffer strip that screens any such activity from the adjacent property(s).
- d. Attendees: The Commission may specify a maximum number of attendees permitted for any use noted above, depending upon site conditions and impacts on town infrastructure and impacts on neighboring properties.
- e. Parking: All parking lots shall be surfaced using a method approved by the Commission.
- f. Architectural Considerations: All building design shall be complementary to the rural and agricultural character of Preston as determined and approved by the Commission.

**18.19.3 Consultants.** To ensure that the facility is harmonious with the neighborhood and in order to assist the Commission in determining impacts, the Commission may engage the services of an independent professional consultant with expertise in the discipline in question, including, but not limited to traffic, architectural design, and landscape design, sound. The applicant shall pay for the fee for such services.

**18.19.4 Uses and Events.** The following conditions must be met for all uses and events:

- a. One single family residential structure may be permitted on site.
- b. Only alcoholic beverages produced on the premises are permitted to be served, unless at a catered event for which the caterer has a valid liquor license in accordance with the CGS.
- c. The hours for operation for all uses and/or events shall be as follows:
 

Friday and Saturday night .....	11:15 p.m.
Sunday, if Monday is a holiday.....	11:15 p.m.
Sunday.....	9:00 p.m.
Monday – Thursday.....	10:15 p.m.

**18.19.5 Traffic or Noise Control.** The Zoning Enforcement Officer or the First Selectman may, after the issuance of a zoning permit by the Zoning Enforcement Office in accordance with

[Section 18.19](#) above, at any time require the owner and/or operator to hire a traffic control person to control traffic or a sound expert to monitor the noise levels in accordance with the same provisions of the campground music festivals outlined in [Section 18.11.13](#) of these Regulations at the expense of the owner of the winery/cider mill.

**18.19.6 Renewal Permit.** A renewal permit shall be submitted to the Zoning Enforcement Officer annually by March 1 to ensure compliance with the conditions of the original special exception and these Zoning Regulations.

**18.20 Veterinarian hospitals (in residential districts)** including accessory uses of, laboratories, offices, retail sales may be only fifteen percent (15%) of the hospital floor area, parking and loading areas as per [Section 20](#) of these Regulations, and other accessory, to the principal use, buildings and uses.

In order to assure the facility will be functional and be an aesthetic asset to the community, the Commission shall consider the following:

- a. Natural buffers between incompatible nearby land uses.
- b. Traffic and pedestrian safety, both on and adjacent to the site.
- c. Alignment with existing and proposed streets in the vicinity.
- d. Landscaping of building areas, parking lots and open spaces.
- e. Design and location of buildings and signs compatible with the character of the surrounding area.

**18.21 Commercial Poultry Farm (CPF).**

- a. CPFs that houses over two hundred fifty (250) birds shall have a minimum of five (5) acres.
- b. CPFs containing over ten thousand (10,000) birds shall have a minimum of ten (10) acres and for each additional one thousand (1,000) birds an additional acre of land shall be provided.
- c. There shall be a minimum of (two) 2 square feet of building area per bird.
- d. The Commission may require landscaped buffer strips to screen the use from adjacent residential uses and the street right-of-way.
- e. Odor shall not (consistently) extend beyond the property line. Details outlining odor control shall be provided.
- f. Buildings over forty thousand (40,000) square feet shall be a minimum of two hundred feet (200') from a property line.
- g. Provide waste management plan prepared by a registered professional engineer and/or other recognized professional acceptable to the Commission in the fields of poultry and waste management. Identify any processing of poultry products to be undertaken, waste management systems employed including any off-site operations, and anticipated schedules of disposal.
- h. The facility will not cause pollution of air or water or generate other environmental or health hazards prohibited under federal, state or local laws; and that all pertinent federal, state and local regulations have been met.

- i. Location of waste material storage and disposal facilities shall be a minimum of five hundred feet (500') from property under separate ownership, and two hundred feet (200') from a designated wetland/watercourse area.

**18.22 Historic Country Inn:** The conversion of a historic home listed on the Preston Historic Building listed in the Preston Historic Resource Inventory located within the Village Districts and as an Accessory Farm Business pursuant to Section 5.2.14 of these Regulations and provided:

- a. No more than ten (10) guestrooms shall be provided.
- b. One (1) parking space per room plus one (1) space per employee at the largest shift. Parking lots should be designed with landscaping, screened and located to the side or rear of the structure. In order to retain the historic character of the area, the Commission encourages alternatives to paving with bituminous concrete.
- c. Parking lots shall be located so that they are no closer to the road than the front of the structure. In all situations, the parking lot shall be screened from the road using a variety of low growing shrubs as well as street trees. The plantings shall not interfere with sight line for the driveways. In areas where a parking lot abuts a property used for residential purposes or is zoned residentially, there shall be a landscape buffer strip with staggered evergreen trees and shrubs adequate to create a solid screen preventing view of such parking lot from the residential property.
- d. Such Inns may serve breakfast, lunch and dinner and provide spa services to registered guests only.
- e. Registered guests may stay no longer than three (3) weeks in a three-month period.
- f. All exterior building renovations and site work should be consistent with the Secretary of Interior Standards for Rehabilitating Historic Buildings, as amended. At times there is a need to balance the financial expense of improvements with the reasonableness of historic rehabilitation. The Commission may allow for flexibility in design renovations to meet the spirit of the Secretary of Interiors Standards for Historic Rehabilitation as determined by the Commission.
- g. Signage design shall be designed to complement the historic nature of the project.

**18.23 Construction Company Storage Yard.**

- a. All such storage yards shall have adequate screening from public view and/or neighboring properties.
- b. Only clean fill or materials are permitted.
- c. Tanks or other construction debris shall be cleaned of all hazardous materials prior to being stored on the site.
- d. Location of all storage areas shall be identified on the site plan.
- e. Adequate vehicular access shall be provided to the site and if the site is located on a town road, annual inspection of the road condition shall be conducted to ensure that heavy vehicles and or equipment do not deteriorate the condition of the road. A bond in the amount of ten thousand dollars (\$10,000) shall be posted to address any road deterioration created by the use.
- f. A renewal permit is required to the ZEO annually on May 1<sup>st</sup> to ensure compliance with the terms of the special exception and these Regulations.

**18.24 Solar Farm.**



A site plan is required in accordance with Section 19, and the provisions of Section 18.23 a-h of these Regulations shall be addressed, unless otherwise exempt from these Regulations based on the CGS with oversight by the Connecticut Siting Council.

- a.** If the applicant is not the owner of the land, an executed copy of property lease between the owner of the land and the solar farm owner/applicant shall be provided to the Commission and shall be filed in the Preston land records.
- b.** The parcel shall be a minimum of five (5) acres.
- c.** All panels shall be a minimum distance to the property line equal to the building setback line.
- d.** There shall be adequate buffer and screening to adjacent properties. The Commission may require additional distance of the panels to the property line, and may require fencing, evergreens, and other techniques to ensure adequate screening of the project to the adjacent residentially used and or zoned properties.
- e.** The permit is transferable only after approved by the Commission and based on meeting the following: a copy of the new lease is provided to the Commission signed by the new solar farm owner, all bonding requirements are in place on behalf of the new solar farm owner, including the decommissioning bond and performance bond, as applicable.
- f.** The lot coverage including the panels and any buildings shall not exceed eighty (80) percent of the property.
- g.** A maintenance plan shall be provided outlining how the the project area will be maintained throughout the life of the project.
- h.** A decommissioning plan shall include:
  - 1. Remove all equipment, conduits, structures, fencing, and foundations.
  - 2. Remove all graveled areas and access roads and restore the land to a condition reasonably similar to its condition before solar farm development.
  - 4. Loam or replacement of any topsoil and seed all cleared areas.
  - 5. Phasing plan for decommissioning the solar farm.
  - 6. A separate bond shall be provided that will cover the cost of the decommission plan. Such bond shall be updated annually using an inflation rate of two and one half percent (2.5%).
  - 7. A notarized agreement from the owner of the land accepting responsibility and obligation to perform the decommissioning in the event of failure or default by the applicant and/or leasee. This notarized agreement shall be placed on the land records.

At the time of decommissioning, the applicant/leasee may amend the decommissioning plan with the approval of the Planning and Zoning Commission and the landowner.

- h. A decommission plan shall be implemented as a result of the following:
  - 1. The system does not produce power.
  - 2. The system is damaged and will not be repaired or replaced.
  - 3. A land lease ends.

### **Section 18.25 Marijuana Production and/or Dispensary Facilities.**

The dispensing or sale at retail of Medical and/or Adult-Use Marijuana or the Production of Medical or Adult Use Marijuana, as defined in Section 2 of these Regulations shall be considered a special exception use subject to all provisions of these Regulations governing special exception uses and in accordance with the Specific Use Regulations specified therein and the following additional requirements:

- a) All Connecticut state regulations and laws on the dispensing and/or production of marijuana shall be adhered to and form the basis for local regulation of marijuana sales and production.
- b) Prior to issuance of a Zoning Permit, the applicant must provide to the Zoning Enforcement Officer a copy of the Marijuana Production Facility or Marijuana Production license issued to the applicant under the authority of the State of Connecticut Commissioner of the Department of Consumer Protection.
- c) No Marijuana Production or Dispensing Facility shall be located within 1,000 feet of any municipal building, public park, public recreation area, licensed adult or child day care center, dependency treatment center, or place of worship (each a “Protected Use”), nursery/prekindergarten, kindergarten, elementary or secondary school, college, or university, whether supported by public or private funds (each a “School Use”), which are in existence as of the date of application for a special exception. A Marijuana Production or Dispensary Facility shall not become non-conforming by the later establishment of a School Use within 1,000 feet and may be enlarged, renovated, and rebuilt, in accordance with all other applicable laws and regulations.
- d) All business transactions and deliveries shall be conducted in strict accordance with State law.
- e) All advertising for Marijuana Dispensary Facilities shall comply with the regulations specified in Section 33 of RERACA.
- f) Vehicular access onto the site shall be provided solely from numbered state highway.
- g) Distance requirements are measured as a straight line from the main pedestrian entrance of the proposed Marijuana Production Facility to the nearest main pedestrian entrance of said use so referenced in d) above.
- h) The building area housing of any such dispensary facility shall be a minimum of 1,000 square feet and a maximum of 5,000 square feet.
- i) The building area housing ant such production facility shall be a maximum of 15,000 square feet.
- j) All other provisions of these Regulations shall be met.

## **SECTION 19 - SITE PLAN REQUIREMENTS**

**19.1 Contents.** Eight (8) copies of a site plan shall be provided, prepared by the Land Surveyor and Professional Engineer, as applicable, licensed in the State of Connecticut at a scale of 1” = 40’ or at a scale acceptable to the Commission. The plans shall show adequate detail for all work being completed, and shall be on 36” x 24” sheets for distribution to the town staff. Said plans shall be required for all buildings and uses other than single-family detached dwellings, agricultural buildings (except for Specialized Agricultural Buildings as defined in Section 2 of these Regulations), additions, or minor accessory buildings on residential lots.

### **19.1.1 Drainage.**

Where drainage features, regrading, or other major site improvements are proposed, the site plan shall be prepared and sealed by a professional engineer licensed in the State of Connecticut. Drainage plans depicting both existing and proposed conditions shall be provided at a scale of 1” = 40’ with at least 2-foot contours and spot elevations, as necessary. The plan shall provide features necessary to evaluate hydraulic runoff conditions including, but not limited to, roadways, buildings, driveways, property lines, vegetated areas, limits of trees, water bodies, watercourses, detention and retention basins, and drainage structures, roof drains. Comprehensive Stormwater

Management Strategy for the site shall be prepared in accordance with the Connecticut Stormwater Quality Manual, as amended. Additional information may be required as directed by the town engineer.

The Commission shall encourage Low-Impact Development Techniques including the following:

- a) Use of pervious surfaces in areas that are appropriate.
- b) Direct roof drains away from impervious surfaces
- c) Use rain gardens
- d) Parking lots with depressed landscaped islands to accept stormwater
- e) Allow runoff from parking areas to infiltrate through curb cut areas

### **19.1.2 Wetlands/Watercourses.**

All plans shall have a certification from a soil scientist noted on the plan that states the following: “The site has been reviewed to determine whether or not wetlands or watercourses are located within the property boundaries and/or within one hundred feet of the development. I (soil scientist name) verify/certify, to the best of my abilities, that there **are or are not** wetlands or watercourses within the site. In addition, I have reviewed all available information including the most recent town GIS air photos and other available data and am of the opinion that there **are or are not** wetlands or watercourses on any adjacent site within one hundred feet of the site” Signature of the soil scientist.

If the site contains wetlands or watercourses, the plan shall show all flag locations outlining the wetlands/watercourses. Work/improvements within wetlands or watercourses or within one hundred feet (100’) of wetland or watercourse will require submission of an application to the Inland Wetlands Watercourses Commission prior to or on the same day of submission to the Planning and Zoning Commission in accordance with Section 8-3 (g) (1) of the CGS.

### **19.1.3 Plan Content and Ingredients.** Such plans shall show the following:

- a. Scale, north arrow, date of drawing or its revision, and name of person preparing the site plan.
- b. Address of property and name of owner of record.
- c. Property boundaries, dimensions and area, location of natural resources, large trees, stone walls, ledge outcroppings, etc. Survey information including distances, angles and bearings. The survey shall conform with A-2 Requirements of the “Standards for Surveys and Maps on the State of Connecticut” unless otherwise acceptable to the Commission.
- d. Locations and dimensions of any right-of-way, and purpose of said right-of-way.
- e. Locations of any wetlands and watercourses boundaries and the name of the soil scientist mapping the wetlands and/or watercourses.
- f. Location and dimensions, as applicable, of all existing and proposed buildings and uses, including, but not limited to, sidewalks, curbing, driveways, parking and loading areas, and

abutting streets; poles, hydrants and other utility appurtenances; areas to be used for exterior storage and the type of screening to be provided.

- g. Location and details for fire lanes and access around buildings for fire access, as necessary.
- h. Dimensions of all yards, as required by these Regulations. Chart indicating “required” and “provided” information.
- i. Traffic control, including signs, directional arrows.
- j. All proposed driveways and driveways within one hundred feet (100’). Adequate sight distance for any driveway will be provided and noted on the plan.
- k. Lighting plan illustrating that lighting is adequate to address the needs of the patrons and employees. If the site is located adjacent to a residentially used property, lighting shall be shielded from said residential property.
- l. Proposed phasing for the project.
- m. Walkways serving pedestrians, including widths of walkways and materials to be used.
- n. Key map showing streets and zoning districts within one thousand (1,000) feet.
- o. Outside refuse and recycling collection and appropriate fencing and screening.
- p. Parking locations including stall sizes and backup space. Such parking space shall be one hundred eighty (180) square feet – either 10’x18’ or 9’x20’. Back up space shall be a minimum of twenty-four feet (24’) or as deemed appropriate by the PZC.
- q. Loading area(s).
- r. Curb cuts with radii.
- s. Buffer strips and areas specifying landscaping sizes.
- t. Locations and descriptions of water supply and sewage disposal facilities.
- u. Contour lines at intervals sufficiently clear to show natural drainage. If grading is proposed, the existing and proposed contours will be shown. Datum shall be noted.
- v. Existing and proposed drainage structures or systems on the property and those off the property that may be affected by the proposed building or use. Draining shall be developed in accordance with the “The Connecticut Stormwater Manual, as amended and low impact development techniques.
- w. Proposed landscaping, including the type, size and location of proposed plantings.

- x. Location, type and size of any proposed signs installed in compliance with Section 21 “Signs”.
- y. Front, side and rear elevations of all proposed buildings.
- z. Architectural renderings or other information sufficiently detailed so the Commission may determine the exterior appearance of the proposed buildings. All such buildings shall be of a quality that meets the aesthetic character of the town.
- aa. When the building, structure or use is located in the Coastal Area, the additional information prescribed in Section 17.3 of these Regulations shall also be required.
- bb. Revision table indicating revision dates.
- cc. Existing landmarks such as, rock outcrops, stonewalls and any dominant vegetation. Check CT DEEP Natural Diversity Data Base and if there is an area of concern, contact the CT DEEP. Provide a copy of the response letter.
- dd. Materials and size of retaining walls and show all fencing being used for safety purposes as part of the retaining walls.
- ee. Additional information that is deemed necessary by the Commission.

**19.1.4 Erosion and Sediment (E&S Control Plan).** Whenever plans for the proposed development show that it will result in the disturbance of more than one-half acre of land, the applicant will submit with the site plan an erosion and sediment control plan that presents, in a mapped and narrative form, the measure to be taken to control erosion and sedimentation during and after construction. The E&S plan shall be based on “Connecticut Guidelines for Soil Erosion and Sediment Control”. Single-family residences that are not part of a subdivision are exempt from the E&S plan requirements.

19.1.4.1 The E&S Control Plan shall include the following:

- a. A description of the project and a schedule of the major activities to be constructed on the land.
- b. Locations of areas to be stripped of vegetation, and locations of all wetlands and watercourses.
- c. Location of areas to be regraded and contour data indicating existing and proposed grades.
- d. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving installation of drainage features and the like.
- e. Seeding, sodding, or revegetation plans and specifications for all unprotected or unvegetated areas.
- f. Location, design and timing of structure control measures, such as diversions, waterways, grade stabilization structures, debris basins, and the like. The narrative shall indicate design criteria used in the design of control measures.
- g. A description of procedures to be followed to maintain sediment control measures.
- h. The plan map shall show the words: “Erosion and Sediment Control Plan Certified by vote of the Preston Planning and Zoning Commission on (date),” and a space for the signature of the Chairman or Secretary of the Commission.

19.1.4.2 After review of the E&S Control Plan by the Commission or its designee, the Commission shall vote to certify that the plan is in compliance with these Regulations. (A vote of the Commission to approve a site plan shall imply certification of the E&S plan as well.)

19.1.4.3 The Commission, through its members, agents, and consultants, shall periodically inspect construction projects for which site plans have been approved to verify that E&S controls are consistent with the certified plan.

19.2 **Site Plan Changes.** Modifications to an approved site plan shall be reviewed by the Town Planner and may require approval by the Commission. All modifications shall be submitted as part of the as-built plan at the completion of the project. Any modifications made without the Commission approval are made at the developer's risk.

19.3 **Waiver of Requirements.** The Commission may waive one or more of the site plan ingredient requirements if the applicant can show, to the satisfaction of the Commission, that the information is not needed to reach a decision on the application. Such waiver shall require an affirmative vote of the Commission. The provisions of this subsection shall not apply to buildings, structures, or uses located in the coastal area.

19.4 **Preliminary Plan.** A preliminary plan is not required but may be submitted at the applicant's discretion for the purposes of informal discussion and clarification of the details of the site plan. A preliminary plan should contain all data required for a site plan, expressed in general terms, and clearly indicating the scope of the proposals. A preliminary plan has no official status and will receive neither approval nor disapproval by the Commission.

19.5 **Design Standards.** In an endeavor to ensure that structures and the uses of land are arranged in a manner that enhances the health, safety, and general welfare of the citizens of the Town of Preston, the Commission, as appropriate, shall inspect and approve all site plans, special issue zoning permits or special exceptions. The Commission shall seek to determine that the proposed buildings or uses shall be of such character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values in the neighborhood, to preserve and protect natural resources and the appearance and beauty of the community and to avoid causing or further aggravating traffic hazards or congestion.

- a. Parking areas shall have a permanent all-weather surface, properly curbed, and shall have an acceptable subsurface drainage system.
- b. Entrance and exit driveways shall be paved and curbed to control runoff, and no such driveway shall be closer than forty feet (40') to another driveway or to a distance determined by the Commission to be acceptable. All driveway widths shall be appropriate for the use as determined by the Commission. Driveways shall be no closer than fifty feet (50') from an intersection.
- c. Parking areas shall be separated from adjacent streets by a landscaped divider strip at least ten feet (10') in width.

- d. Applicants are encouraged to integrate parking and driveway facilities with such facilities on adjoining properties wherever possible.
- e. Where a landscaped buffer strip is required, such strip shall consist of an interplanting of evergreen and deciduous trees and shrubs suitable, in the judgment of the Commission, to provide in a reasonable time a visual barrier between different land uses. Such buffer may be located on property under other ownership, provided such land is dedicated to use as a landscaped buffer, and so recorded in the Town Clerk's office, provided further than maintenance of such buffer shall be the sole responsibility of the owner required to provide such a buffer. Where appropriate, in the judgment of the Commission, suitable walls, fencing, or other buffer may be used as part of the landscaped buffer requirements.
- f. A planting plan, with plant list and sizes, shall be a part of the site plan. Proper maintenance of a landscaped buffer shall be a condition of compliance to these Regulations.
- g. Existing topography shall be disturbed to a minimum. Trees, wherever possible, shall be preserved.
- h. Storm and roof drainage shall be properly addressed so not to create on or off-site drainage concerns as determined by the town engineer.
- i. Public improvements shall conform to the applicable section of the Subdivision Regulations of the Town of Preston.
- j. Applicants should consider solar access in the layout of features on the site plan. Building locations and positioning should be such that buildings, topographic features, or trees on the same or adjoining lots do not shade south-facing walls. Buildings should not be located where they will deny solar access to the buildable area of any adjoining lot.

19.6 **Bond.** As a condition of site plan approval, a bond to cover the costs of site improvements, including driveways, parking areas, curbs, drainage features, erosion control measures, sidewalks, buffers, fencing, recreation facilities and any other site improvements other than buildings, as may be prescribed by the Commission, shall be required. The bond shall be posted in the amount approved by the town engineer of fifty percent (50%) of the total cost of the site work. The commission shall have the right to call the bond for erosion and sediment control or public safety hazards such as the installation of safety fencing. The bond shall be posted in a format acceptable to the Commission.

19.7 **Time Limit for Action.** The Commission shall take action on a site plan within sixty-five (65) days after receipt of such plan, 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 two (2) sixty-five (65) day periods, or may withdraw such plan.

19.8 **Endorsement of Approval and Completion of Work.** Approval of a site plan shall be endorsed by the Chairman, Vice Chairman, or Secretary of the Commission on a Mylar copy of the plan. Each plan shall contain the words “Approved by the Preston Planning and Zoning Commission” as appropriate. Each plan shall also include the words “Date of Completion of Work,” and a space for such date. All work in connection with a site plan shall be completed in accordance with Section 8-3(m) of the CGS or the approval, or the approval shall automatically expire. The Commission will have the right to use any posted bond to complete the required work. Work, for the purpose of this subsection, means all physical improvements required by the approved plan.

In the case of any site plan for a project consisting of four hundred (400) or more dwelling units, all work in connection with such site plan shall be completed within ten (10) years after the approval of the plan. In cases of any commercial, industrial or retail project that have an area equal to or greater than four hundred thousand (400,000) square feet, the Commission shall set the date for completion, but shall not be less than five (5) years and more than ten (10) years from the date of approval.

The commission may grant one (1) or more time extensions of time periods to complete the work, provided that such extensions do not cumulatively exceed ten (10) years.

“Work” for purposes of this section means all physical improvements required by the approved plan.

19.9 **Filing the Site Plan.** The Mylar plans shall be filed in the Planning and Zoning Office within ninety (90) days. The Commission may grant extensions to this period, but not to exceed ninety (90) days per extension request. After such time the plans are endorsed the Mylar copy of the site plan shall be filed by the applicant with the Town Clerk and a print shall be provided to the Commission for its files.

19.10 **Exceptions from site plan application review:** The above noted requirements for approval of a site plan by the Commission shall not apply to the following:

<b>APPROVED BY THE PLANNING AND ZONING COMMISSION</b>
Site Plan # _____
Description _____
Project Location _____
Owner _____
Applicant _____
Approved by the Commission on this date _____
Signed Chairman/Secretary
Expiration Date _____
The above noted approval box shall appear on each page of the site plan.



- a. Minor enlargement of an existing structure or the construction of any accessory building that is subordinate and customarily incidental to a principal building use, provided:
  - i. No site work is completed or required except for incidental grading around the enlargement or accessory structure.
  - ii. Any enlargement or construction of any accessory building shall conform to all of the requirements of the zoning district in which the property is located.
  - iii. Such enlargement or construction of any accessory building shall not cumulatively exceed fifteen percent (15%) of the square footage of the building(s) or fifteen hundred (1500) square feet, whichever is less. The cumulative square footage shall be calculated from the time of the adoption of this amendment to the regulations (SEPTEMBER 20, 2000) or from the date of a site plan approved by the Commission after September 20, 2000.
- b. Site work involving the creation of five (5) parking spaces or less and/or the installation of landscaping that involves less than one-half acre of land, provided no additional drainage is required or necessary, and that the installation of buffer strips are (is) not required.
- c. Conversion of a use that does not require any site improvements except as noted in section b) above.
- d. Public utility electrical boxes, telephone boxes, or traffic control boxes.

The Town Planner shall approve the exception from the site plan requirement. All approved exceptions shall be reported to the Commission on a monthly basis at its Regular Commission meeting. In the event there is any question or concern by the Town Planner regarding the exception, the matter shall be referred to the Commission for a determination.

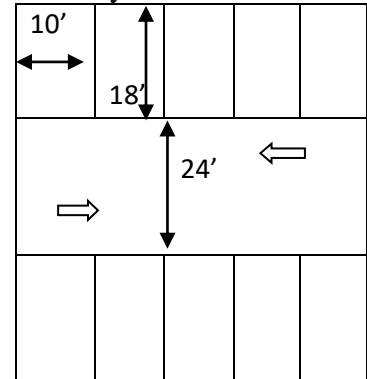
## **SECTION 20 - PARKING REQUIREMENTS**

**20.1 General Requirements.** Parking facilities shall be provided, off street or highway right-of-way, on all premises, sufficient to accommodate the motor vehicles of all occupants, employees, customers, and other persons normally visiting the premises at any one time, but in no case shall be less than the requirements of Section 20.2 below unless otherwise noted in Section 20.2.1 of these Regulations. The purpose of this Section is to lessen congestion in the streets and to assure that off-street parking and loading spaces are properly designed and located to accommodate the safe flow of traffic on public and private property.

- a. Required parking lots and driveways shall have an adequate all-weather surface, capable of allowing free and safe movement of all vehicles customarily using the facility.

b. Each parking space shall have one hundred eighty (180) square feet. Spaces may be either 10' x 18' or 9' x 18'; ten percent (10%) of the number of required parking spaces may be for compact cars and may be 9' x 18'. Handicap spaces shall be provided in accordance with the Building Code.

c. Each maneuvering lane shall provide adequate ingress and egress by means of access lane or lanes, each access lane shall have a width of twenty-four (24) feet for two-way traffic movement and twelve (12) feet for one way traffic movement. Other widths may be acceptable depending upon the angle of the parking space and in accordance with acceptable professional parking design standards.



d. Landscaping within a parking lot may be required by the Commission.

20.2 **Spaces Required.** Parking spaces shall be provided as follows:

- a. **For residential use**, two (2) spaces per dwelling unit, except that the requirements shall be one (1) space per elderly housing unit. In the event a multi-family residential use is proposed, the Commission may require additional parking to accommodate visitor parking at a ratio the Commission deems necessary.
- b. **For roadside produce stands**, three (3) spaces in addition to those required for any other use of the property.
- c. **For a theater, assembly hall, church, or auditorium having fixed seats**, one (1) space for each three (3) seats.
- d. **For other places of public assembly and public recreation**, one (1) space for each three (3) legal occupants.
- e. **For a hotel, or boarding, rooming or tourist house**, one (1) parking space for every guest room, plus one (1) space for each employee on the largest shift.
- f. **For a hospital or convalescent home**, one (1) parking space for each two (2) beds, plus one (1) parking space for each employee on the largest shift.
- g. **For business offices and financial institutions**, one (1) space for each one hundred (100) square feet of building floor area, above the basement, excluding storage areas and stairs.
- h. **For a club, dance hall**, one (1) space for every employee and one (1) additional space for every two (2) patron accommodations.
- i. **For any other business**, one (1) space for each two hundred (200) square feet of floor area, and one (1) space for every four hundred (400) square feet of floor area or fraction thereof above the first floor, or as deemed acceptable to the Commission to ensure all parking is provided on-site.

- j. **For industries, warehouses, research laboratories and the like**, one (1) space for every two (2) employees on the largest shift.
- k. **For Restaurant or Café**, one (1) parking space for every three (3) seats plus one (1) space for each employee on the largest shift.
- l. An applicant may provide the Commission with a parking study prepared by a professional traffic planner or engineer that certifies the parking required for any use proposed. The Commission may accept the recommendations of the parking report for the required number of parking spaces.

20.3 **Loading.** Provision shall be made for the loading and unloading of all trucks off the street or highway and without encroachment on required parking areas. The adequacy of space and suitability of location shall be determined among other things by expected volume, building use, and relation to streets and across driveways.

- a. At least one (1) loading space ten feet (10') wide by fifty feet (50') long with fourteen feet (14') height of clearance shall be required for a non-residential building with a gross floor area of ten thousand (10,000) square feet or more.
- b. Loading area shall be to the rear of the building line.

## **SECTION 21 – SIGNS**

21.1 **Permits and Tenure.** All signs larger than thirty-two (32) square feet, except those shown on a site plan of a use approved by the Commission, shall require approval by the Zoning Enforcement Officer and shall meet all requirements of the Building Code and these Regulations. Applications for permits shall be made on forms supplied by the Zoning Enforcement Officer. Failure to maintain signs shall be considered a violation of these Regulations. Upon discontinuance of a use, it shall be the responsibility of the property owner to eliminate signs pertaining to the use within thirty (30) days after such discontinuance.

21.2 **Measurement of Sign Area.** The area of a sign shall be considered that of the smallest trapezium or triangle which encompasses all framing, lettering, design, or symbols together with any background different from the balance of the wall on which it may be located, if such background is designed as an integral part of and obviously related to the sign. The minimum support needed to affix a sign to the ground or to a building shall not be considered part of a sign as defined in these Regulations.

21.3 **General Requirements.** The following regulations apply to signs in all districts:

- a. No sign or its illuminator shall, because of its size, shape or method of illumination, be permitted to confuse or obstruct the view or effectiveness of any traffic sign or signal or in any way result in a hazard to the safe and efficient flow of vehicular traffic.

- b. No sign shall advertise a product, service or activity other than that which is produced, provided or conducted on the premises. Only one temporary advertising sign shall be permitted that does not exceed six (6) square feet and shall not remain on the premises for more than ten (10) days.
- c. No sign shall be equipped with flashing lights or movable parts, except that time-temperature signs are permitted provided they meet the other requirements of these Regulations.
- d. The light source of an illuminated sign shall be shaded so as not to be viewed from off the premises on residentially zoned or used properties.
- e. No part of any sign shall project more than twenty-five feet (25') above the ground surface.
- f. Directory signs for civic, fraternal, religious, service or similar groups are permitted not exceeding two (2) square feet in area, providing no more than two (2) such signs are erected in the Town and a permit is obtained from the Zoning Enforcement Officer.
- g. Temporary signs larger than or in addition to those permitted by these Regulations may be permitted for one (1) month, provided they meet the other requirements of these Regulations and a permit is obtained from the Zoning Enforcement Officer. An extension of time may be permitted on request for one additional month.
- h. Off-site temporary advertising signs, including directional advertising signs are permitted provided they do not exceed six (6) square feet or are not displayed in one location within the town. However, there may be two (2) directional advertising signs. Such signs shall not remain in its location for more than thirty (30) days.
- i. Nothing in these Regulations shall prohibit the State of Connecticut or the Town of Preston from erecting signs intended for the health, safety and welfare of the public.
- j. Temporary political signs may be erected within thirty (30) days of an election provided a zoning permit is obtained from the ZEO. A list of sign locations shall be filed with zoning permit. All signs shall be removed within ten (10) days after such election.

21.4 **Residential District Signs.** The following signs are permitted in residential districts:

- a. One (1) sign is permitted on each residential lot, not over two (2) square feet in area, showing the house number and name of the occupant. If a home occupation is conducted on the premises, the same sign may show the occupation of the resident or the service provided, provided the sign is not enlarged to more than four (4) square feet.
- b. No more than two (2) temporary signs of a contractor, builder, painter, or other artisan or signs offering the premises for sale or lease, provided they shall not exceed four (4) square feet in size and be set back at least ten feet (10') from any property line.

21.5 **Non-Residential District Signs.** Signs permitted in non-residential districts:

- a. No sign shall be closer than ten feet (10') from any road right-of way or property line.
- b. No sign located within fifty feet (50') of a road right-of-way shall be larger than thirty-two (32) square feet, although it may be double-faced.
- c. No freestanding sign shall exceed one hundred (100) square feet in size.
- d. A sign on a wall or canopy or attached to a building may exceed one hundred (100) square feet, provided the building is at least fifty feet (50') from any road right-of-way, but in no case shall any sign exceed two hundred (200) square feet.
- e. Each non-residential use or activity shall have no more than one (1) permanent sign, except that two (2) signs are permitted where the total combined area of the signs does not exceed the limits described in Sections 21.5.b, 21.5.c and 21.5.d above.
- f. In any commercial or business complex or building containing two (2) or more activities, each individual use may have a sign, not exceeding twelve (12) square feet each, attached to or projecting from the building, provided that such signs do not project more than ten feet (10') from the building and shall be at least eight feet (8') above ground level. In addition, a commercial or business complex may have a directory sign no more than eight feet (8') wide, consisting of one (1) sign of no more than two feet (2') high identifying the complex and individual signs no more than one foot (1') high identifying the individual activities.

## SECTION 22 – NON-CONFORMING LOTS, BUILDINGS AND USES

**22.1 Purpose.** Within the districts established by these Regulations, there are lots, buildings and uses that do not conform to the building/structure, use and dimensional requirements of these Regulations and which are declared incompatible with the permitted uses in said districts. While such non-conformities are permitted to continue, it is the purpose of this section that such buildings and uses shall eventually be discontinued.

### 22.1.1 Definitions:

- a. **Non-conforming Building or Structure.** A non-conforming building or structure is a building that does not comply with design criteria that may be noted in specific district regulations and/or does not comply with the dimensional requirements of Section 15 for one (1) or more of the following reasons: it does not meet the minimum floor area, it exceeds the building height, it exceeds the allowable square footage as permitted under lot coverage, or it extends over the building setback lines.
- b. **Non-conforming lot.** A non-conforming lot is a lot that does not meet the dimensional requirements for lot area and frontage.
- c. **Non-conforming use.** A non-conforming use is a use of land or structure that is incompatible with the permitted uses or special permitted uses noted for the specific zone in which the land or building is located.

**22.2 Non-Conforming Uses of Buildings and Land.** Any non-conforming uses, non-conforming lots, or non-conforming buildings lawfully existing at the time of the adoption of these Regulations or any amendments thereto, may be continued, subject to the provisions provided herein.

- a. No such non-conforming use, lot, or building shall be lost solely as a result of non-use for any period of time without the intent of the property owner to abandon such non-conformity.
- b. Any building containing a non-conforming use, any non-conforming building, or any building located on a non-conforming lot, where more than fifty percent (50%) of the square footage of the building space is destroyed by fire or natural disaster may be rebuilt or repaired after receiving approval of a zoning permit by the Zoning Enforcement Officer. The building must be rebuilt using exact dimensions, including cubical content, and in the exact location of the destroyed building. Such reconstruction shall begin within two (2) years of the date the building was destroyed, unless, due to unforeseen circumstances, an extension of this time period is granted by the Commission.
- c. Nothing in these Regulations shall prevent required strengthening of the integrity of such structures, such as replacing roofs, windows, deteriorated beams and columns, siding or similar. Any such non-conformity that is intentionally destroyed by the owner or someone acting on his/her behalf shall not be permitted to rebuild or reuse.
- d. The Zoning Enforcement Officer may allow the expansion of a non-conforming building as a conforming use if said building expansion meets the building setback dimensional requirements listed in Section 15 of these Regulations and provided the Public Health Code and Building Code are met for the redevelopment of the lot.

### 22.2.1 Non-conforming Uses.

- a. No non-conforming use may be changed except to a conforming use, or with the approval of the Zoning Board of Appeals, to another non-conforming use of a less objectionable character.
- b. No non-conforming use shall, if once changed into a conforming use, be changed back to a non-conforming use.
- c. No non-conforming use, and no building containing a non-conforming use, shall be extended or expanded.
- d. Structural alterations, such as remodeling, (excluding the provisions as noted above regarding building strengthening), which do not materially alter the characteristics or exterior appearance of a building containing a non-conforming use, may be made providing the total costs of such alterations do not exceed fifty percent (50%) of the assessed valuation of such, unless the use thereof be changed to a conforming use or location, or otherwise noted in Sections 9.1.19, 10.3.7, and 11.3.8 of these Regulations.
- e. Any non-conforming use that has been abandoned for one (1) year or more, shall not be resumed.

#### 22.2.2 Non-conforming Lots.

- a. Non-conforming contiguous lots shall be deemed to have merged if:
  - i. They are owned by the same person at the time of adoption of these Regulations or at the time the regulations were changed to make them non-conforming;
  - ii. And, one or more lots are undeveloped;
  - iii. And, one or more lots do not conform to the dimensional requirements of these Regulations;
  - iv. And, if taken together, the combined lot would meet or more nearly meet the requirements of the Zoning Regulations.
- b. Nothing in these Regulations shall prevent the construction of a permitted building or the establishment of a permitted use on a lot which at the time of the adoption of these Regulations was owned separately from an adjoining lot as evidenced by a deed recorded in the land records of the Town of Preston; however, such building or use shall comply with all applicable building setback lines noted in Section 15 of these Regulations and health code, and sanitation requirements.
- c. In the event a building is removed, it may be replaced provided the building meets the building set back lines noted in Section 15 of these Regulations and health code, and sanitation requirements.

#### 22.2.3 Non-conforming Buildings. The following provisions apply to non-conforming buildings:

- a) Where a part of a non-conforming building extends into a required yard, any addition shall meet the required setback lines or be at the same non-conforming distance in the same yard as the non-conformity.

Nothing in this section requires any changes in the plans, construction, or designated use of a building for which a building permit in accordance with existing regulations has been issued prior to the adoption of these Regulations.

## SECTION 23 - ZONING BOARD OF APPEALS

23.1 **Power and Duties.** The Zoning Board of Appeals shall have the powers and duties prescribed in Section 8-6 of the CGS. (approved 7/23/2019 effective date 8/15/2019)

- a. Any person may apply to the Zoning Board of Appeals for a variance of these Regulations 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.
- b. No variance shall be granted that would result in the establishment of a commercial or industrial use in a residential district, except as may be permitted by these Regulations.
- c. No variance shall be effective until it is filed by the applicant with the Town Clerk in the land records, as prescribed in Section 8-3d of the General Statutes.
- d. Any person claiming to be aggrieved by any order, requirement or decision made by the Zoning Enforcement Officer may appeal to the Zoning Board of Appeals.
- e. Any applicant to whom a variance is granted from the requirements outlined in Section 16.15 of these Zoning Regulations (Special Flood Hazard Area Requirements) shall be given written notice by the Zoning Board of Appeals that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation. .

23.2 **Procedures.** All appeals and applications for variances made to the Zoning Board of Appeals shall be in writing on forms obtainable from the Zoning Enforcement Officer.

- a. The Board shall hold a public hearing on all applications and appeals as prescribed by the General Statutes.
- b. Not less than ten (10) days prior to the hearing, copies of the published legal notice of the hearing shall be mailed by the applicant to the owners of record at the last addresses known to the tax collector of properties abutting and directly across the street from the subject property. The applicant shall provide the Board with evidence of mailing of such notices at the public hearing.
- c. All applications and appeals shall be accompanied by a fee as noted in Section 3.17 of these Regulations
- d. An appeal must be filed with the Board within thirty (30) days after the date of the action being appealed.



## SECTION 24 - PENALTIES

**24.1 Procedure when regulations are violated.** If any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been used, in violation of any provision of these regulations made under authority conferred hereby, any official having jurisdiction, in addition to other remedies, may institute an action or proceeding to prevent such unlawful erection, construction, alteration, conversion, maintenance or use or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. Such regulations shall be enforced by the Zoning Enforcement Officer, Commission or Zoning Board of Appeals, who shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of the regulations made under authority of the provisions of this chapter or, when the violation involves grading of land, the removal of earth or soil erosion and sediment control, to issue, in writing, a cease and desist order to be effective immediately. The owner or agent of any building or premises where a violation of any provision of such regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists, shall be fined not less than ten (10) dollars or more than one hundred dollars (100) for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined/convicted in accordance with Section 8-12 of the CGS. Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within ten (10) days after such service, or having been served with a cease and desist order with respect to a violation involving grading of land, removal of earth or soil erosion and sediment control, fails to comply with such order immediately, or continues to violate any provision of the regulations made under authority of these regulations specified in such order shall be subject to a civil penalty in accordance with Section 8-12 of the CGS

## SECTION 25 - VALIDITY AND EFFECTIVE DATE

25.1 **Validity.** If any section or provision of these Regulations shall be adjudged invalid or held unconstitutional, the same shall not invalidate these Regulations as a whole or any part thereof other than the section so adjudged.

25.2 **Effective Date.** These Regulations were first adopted on April 9, 1964, and became effective on April 13, 1964, and were subsequently revised and amended. These amended Regulations shall take effect on March 18, 2018.

## SECTION 26 - TEMPORARY AND LIMITED MORATORIUM ON CANNABIS ESTABLISHMENTS

1. **Statement of Purpose.** This section has been adopted to provide the Commission with the time necessary to consider adoption of potential changes to the Zoning Regulations pursuant to Section 8-2 of the Connecticut General Statutes.

The Connecticut General Assembly has passed, and the Governor has signed S.B. 1201, An Act Concerning *Responsible and Equitable Regulation of Adult-Use Cannabis (the “Act”)*, portions of which are effective on July 1, 2021. Said Act contains provisions allowing municipalities to prohibit or place certain restrictions on cannabis establishments with the exception of existing dispensary facilities and producers for medical marijuana as defined in Chapter 420f, C.G.S., *Palliative Use of Marijuana* – legislation passed in 2012 authorizing the use of medical marijuana. This temporary and limited term moratorium has been adopted to provide the Town with the time necessary to develop regulations for cannabis establishments that meet statutory responsibilities and promote the public’s general health, safety and welfare.

## **2. Definitions.**

- a. *Cannabis.* Marijuana as defined in Section 21a-240, C.G.S.
- b. *Cannabis Establishment.* Producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and or delivery service.
- c. *Cultivator.* A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.
- d. *Delivery Service.* A person that is licensed to deliver cannabis from (A) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in Section 21a-408, C.G.S., or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to Chapter 368v, C.G.S. that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.
- e. *Dispensary Facility.* Means a place of business where cannabis may be dispensed, sold or distributed in accordance with Chapter 420f, C.G.S. and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under Chapter 420f, C.G.S. and any regulations adopted thereunder.
- f. *Food and Beverage Manufacturer.* A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.
- g. *Hybrid Retailer.* A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.
- h. *Micro-cultivator.* A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner.
- i. *Person.* An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal

entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

- j. Product Manufacturer.* A person, excluding a producer, that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type and who may sell or transfer cannabis and cannabis products to laboratories, research programs and cannabis establishments.
- k. Product Packager.* A person that is licensed to package and label cannabis and cannabis products.
- l. Retailer.* A person, excluding a dispensary facility that is licensed to purchase cannabis and cannabis products from producers, cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis and cannabis products to consumers and research programs.
- m. Transporter.* Means a person licensed to transport cannabis between cannabis establishments, laboratories and research programs.

- 3. Applicability.** During this temporary and limited-term moratorium, cannabis establishments shall be prohibited in the Town of Preston and any and all applications submitted for the approval of any cannabis establishment shall be denied by the Planning and Zoning Commission or Zoning Enforcement Officer, as may be appropriate.
- 4. Effective Date/Term.** This temporary and limited moratorium shall become effective on September 20, 2021 and shall remain in effect until March 20, 2022.
- 5. Expired September 27, 2022.**