



# TOWN OF MONROE

## ZONING REGULATIONS

Adopted September 19, 2013

Effective October 1, 2013

Amended Effective Through November 26, 2022

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## **ARTICLE 1 INTRODUCTION AND GENERAL PROVISIONS**

### **§1.1 Short Title**

These “Regulations” shall be known and cited as the Zoning Regulations of the Town of Monroe, effective October 1, 2013, as may be amended from time to time.

### **§1.2 Authorization**

These Regulations have been adopted by the Planning and Zoning Commission (“Commission”) of the Town of Monroe in accordance with the provisions of the Charter of the Town of Monroe, as amended, and Title 8, Chapters 124 and 126 of the 1958 Revisions of the Connecticut General Statutes, as amended (formerly Chapter 29 of the 1930 Revision of the Connecticut General Statutes).

### **§1.3 Purpose**

The purpose of these Regulations is to direct development in the Town of Monroe consistent with the Plan of Conservation and Development; to provide for the best use of land in the Town; to conserve and stabilize the value of property; to promote the health, safety and general welfare of its people and the general public; to protect the social and economic stability of all areas of the Town; to regulate the location, use, height and bulk of buildings and structures; to regulate the location and use of yards and open spaces; to provide adequate open spaces for light and air; to secure safety from fire, flood and other dangers; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks and other public requirements; to protect agricultural resources; to provide for housing choice and economic diversity in housing; and to provide for the preservation of desirable open space, historic related resources, water resources, ridgelines, and other environmentally important lands.

### **§1.4 Validity and Severability**

If any section, paragraph or provision of these Regulations is declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Regulations as a whole or any part, other than that so declared.

### **§1.5 Compliance Required**

No land, building or other structure shall hereafter be used and no building or other structure shall be constructed, reconstructed, altered, relocated, demolished, extended, or enlarged, except in conformity with these Regulations. All principal uses shall be conducted inside a building unless otherwise specified in these Regulations.

## **§1.6 Relationship to Other Laws; Interpretation**

Whenever restrictions or standards imposed by provisions of these Regulations are in conflict with restrictions or standards imposed by provisions of any other governing law, rule, or regulation, then, to the extent permitted by State and Federal law, the more restrictive provisions shall govern. When one section, provision or requirement of these Regulations imposes restrictions or standards greater than those of another section, provision or requirement the more restrictive section, provision or requirement shall govern.

## **§1.7 Prior Regulations Repealed**

These Regulations, and any amendment or change hereto, shall be in full force and effect from the date established by the Commission, and stated above in §1.1, in accordance with the General Statutes of the State of Connecticut. The Zoning Regulations of the Town of Monroe previously adopted by the Commission and all amendments relating thereto are repealed coincident with the effective date set forth in §1.1 of these Regulations. Such repealing shall not affect the status of any personnel and shall not affect or impair any act done, offense committed or right accruing, accrued or acquired or any liability, penalty, or forfeiture of punishment incurred prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.

## **§1.8 Zoning Districts**

### **§1.8.1 Districts Enumerated**

For the purpose of these Regulations, the Town of Monroe is divided into the following districts:

<b>Residential Districts</b>	<b>Nonresidential Districts</b>	<b>Special Districts</b>
RF-1 Residential and Farming	B-1 Business District 1	LOR Limited Office Retail District
RF-2 Residential and Farming	B-2 Business District 2	MDD Main Street Design District Overlay
RF-3 Residential and Farming	LOR Limited Office Retail District	SDD Special Development District
MRF Multifamily Residence District	I-1 Industrial District 1	
ARR Age Restricted Resident District	I-2 Industrial District 2	
HOD Housing Opportunity District	I-3 Industrial District 3	
RR Recreation Residence District		

### **§1.8.2 Zoning Map**

The boundaries of all designated zoning districts and any amendments thereto are established by the Commission, as shown on a map entitled "Town of Monroe Zoning Map" and shall bear the date of the enactment of these Regulations and of the most recent amendment to the district boundaries. The Official Zoning Map, updated to the date of the most recent amendment, shall be on file in the office of the Town Clerk and in the office of the Planning and Zoning Department. The Zoning Map shall be at a scale of one (1) inch equals eight (800) feet, and shall be certified by the Chairperson of the Commission as "The Official Zoning Map of Monroe, Connecticut Prepared from Official Records of the Planning and Zoning Commission."

### **§1.8.3 Zoning District Boundaries and Interpretation**

Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Map, or where physical features existing on the ground are inconsistent with those shown on the Official Zoning Map, or where the precise location of any district boundary is uncertain, the Commission shall determine the boundary location aided by the standards set forth below. Where written documentation of a zoning district boundary change is available and said change is inconsistent with the zone boundary shown on the Official Zoning Map, the documented written approval location of the zone boundary shall govern.

- A.** Boundaries indicated as following a street, road or highway shall be construed as following the center line of such street, road or highway unless specifically dimensioned or otherwise designated.
- B.** Boundaries indicated as following platted lot lines shall be construed as following such lot lines.
- C.** Boundaries indicated as running parallel to any of the above mentioned lines, at dimensioned, scaled or depicted distances, shall be construed as parallel. Distances not specifically indicated on the Official Zoning Map or described in these Regulations shall be determined by the scale of the map.
- D.** Boundaries indicated as following the center line of a river, stream or other watercourse shall be construed as following that line. Boundaries indicated as following a shore line shall be construed as following such shore line.

## **§1.9 General Regulations**

### **§1.9.1 Nonconforming Uses, Structures and Lots**

#### **A. Continuance of Nonconforming Structures or Uses**

Any building, structure or use existing at the time of promulgation of these Regulations may be continued even though such building, structure or use does not conform to the provisions of these Regulations.

**B. Abandonment of Nonconforming Structures and Uses**

- (1) Removal (not involving normal and reasonable maintenance and repair) of a nonconforming building, structure or portion thereof dimensionally nonconforming shall constitute a discontinuation and abandonment of same.
- (2) A nonconforming use shall not be deemed abandoned solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use. If the owner of said premises desires to resume a presumptively abandoned nonconforming use, an application to the Zoning Enforcement Officer to determine whether or not said nonconforming use was abandoned may be presented. The burden of proof shall be upon the applicant to show that the use was not in fact abandoned.
- (3) Notwithstanding Subsections (1) and (2) above, removal of a building, structure or other developed or operational feature shall constitute a discontinuation and abandonment of a nonconforming use or portion thereof.
- (4) Notwithstanding Subsections (1) and (2) above, the discontinuance of a nonconforming use and replacement thereof by a conforming use, for any period of time, no matter how short, shall constitute abandonment of the nonconforming use. Such replacement by a conforming use shall occur when the portion of the lot, building or structure formerly devoted to a nonconforming use is used for a conforming use.

**C. Enlargement or Extension of Nonconforming Uses or Structures**

- (1) A principal or accessory structure which is conforming in use but does not conform to the height, yard, building coverage, floor area ratio or other dimensional requirements of this chapter shall be deemed to be dimensionally nonconforming.
- (2) No permit shall be issued nor shall any changes be made in such structure that will result in the increase of any such dimensional nonconformity. Any structure or portion thereof may be altered so as to decrease a dimensional nonconformity or in a manner that will not affect an existing dimensional nonconformity, subject to compliance with any applicable approvals.
- (3) Normal maintenance and repair
  - (a) Normal maintenance and repair, including structural repairs of a building or structure with noncomplying bulk is permitted if the same does not increase the degree of or create any new noncomplying bulk in such building or structure.
  - (b) Normal maintenance and repair of a building or structure is permitted if it does not extend a nonconforming use.
- (4) No nonconforming building or structure shall hereafter be enlarged, and no nonconforming use of any land, building or other structure shall hereafter be extended to include any land,

building or other structure or portion thereof which is not already part of such nonconforming use, except:

- (a) Residential buildings and structures located in residential zones that conformed to the thirty-foot (30) setback requirement in effect on May 18, 1965. When a building or structure conforming to the aforesaid thirty-foot setback requirement is enlarged, it shall not be enlarged any further forward into the required front yard setback.
  - (b) To provide for conforming use thereof or to adapt an existing building or structure to a conforming use.
  - (c) Extension of a nonconforming use as may be permitted under Subsection (5) below.
- (5) A nonconforming use may be extended, as follows, subject to Special Exception Permit approval by the Commission:
- (a) A nonconforming use of an existing principal building or structure may be extended to occupy additional floor area within such existing principal building or structure not formerly used for such nonconforming use provided the portion of the building to be used lawfully existed prior to October 1, 2013.
  - (b) A nonconforming non-building use may be extended to use additional land where no substantial operations were previously conducted, provided such extension is on the same lot and said lot existed in its current configuration prior to October 1, 2013, and provided such does not require clearing of trees or alteration of topographic grades greater than two (2) feet in elevation.
  - (c) Permitted extension of a nonconforming use shall also be deemed to include necessitated changes in the size and layout of parking areas, access drives, changes in exterior lighting, landscaping, architectural changes, including structure entries, and grade alterations.
  - (d) The Commission may only approve the proposed extension of a nonconforming use where it determines that the following criteria are met:
    - (i) The extension of the nonconforming use will not be inconsistent with the purposes of these Regulations and would not have a detrimental impact on other uses of the property, if any, and on surrounding properties occupied by conforming uses.
    - (ii) The percentage of extension will not result in an increase in a cumulative excess of 100 percent (100%) of the existing gross floor area or total land acreage occupied by the existing nonconforming use prior to the date set forth in Subsections (a) and (b) above.

- (iii) The increase of the nonconforming aspect of a use is the minimum possible so as to achieve an overall site development or use in greater conformance with the intent and purposes of these Regulations.
- (iv) All modifications or safeguards identified by the Commission as necessary or appropriate to further the purposes of these Regulations are required of the property owner and included as conditions of approval.

**D. Use of Nonconforming Lot of Record**

A building or structure may be erected as a permitted use on any existing lot of record which does not conform to the minimum required lot area or lot shape requirements of these Regulations, provided that:

- (1) Such lot was lawfully in existence prior to October 14, 1963 and was not created by the recording of a "First Cut" or "Lot Line Revision" map or declared as "Not a Building Lot" on a map recorded in the Monroe Land Records.
- (2) All other bulk regulations and other applicable provisions of these Regulations are complied with.
- (3) The owner of such lot does not own sufficient contiguous land to make a conforming lot or more nearly conforming lot.
- (4) The use of such lot shall satisfy all applicable requirements of the Town of Monroe Health Department for potable water supply and sewage disposal facilities.
- (5) The use of such lot shall be such that there shall be no adverse effect on the public health, safety and general welfare of the neighborhood in which it is located.

**E. Change of Nonconforming Use**

Any lot on which a lawfully nonconforming use has been conducted shall not be used for any other nonconforming use. Any nonconforming use shall not be expanded above the level at which such activity existed on the date on which it became nonconforming by virtue of these Regulations or any amendments thereto, except as may be permitted in Subsection A above. If such nonconforming use of land or any portion thereof is changed to a conforming use, any future use of such land or portion thereof shall be in conformity with all use provisions of these Regulations. No nonconforming use, building or other structure once changed to conform to these Regulations shall be changed to a nonconforming use, building or structure.

**F. Restoration of Damaged Nonconforming Structure**

No nonconforming building or other structure shall be restored where damaged by fire or other casualty to an extent greater than fifty percent (50%) of its assessed value on the last completed Grand List of the Town of Monroe unless a building permit for such restoration is issued within eighteen (18) months from the date of said fire or other casualty and restoration completed within three (3) years of the time of such damage. The Commission may grant an extension upon a showing of proper cause and diligent progress in the restoration. Nothing in these Regulations

shall prevent the restoration of a nonconforming building or other structure damaged by fire or other casualty to an extent of not more than fifty percent (50%) of its assessed value on the last completed Grand List, pursuant to these Regulations and provided that the restoration of said structure does not expand any aspect of the nonconforming conditions (use or dimensional aspects), except in conformity to these Regulations.

**G. Restoration of Unsafe Nonconforming Structures**

Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of any nonconforming structure which shall have been declared unsafe by the Building Inspector, provided that the right to continue such nonconforming building or structure has not otherwise been abandoned, expired or lost, pursuant to these Regulations and provided that the strengthening or restoring of said structure does not expand any aspect of the nonconforming conditions (use or dimensional aspects), except in conformity to these Regulations.

**§1.9.2 Foundation Requirements; Commercial, Farm, Trailers and Other Vehicles**

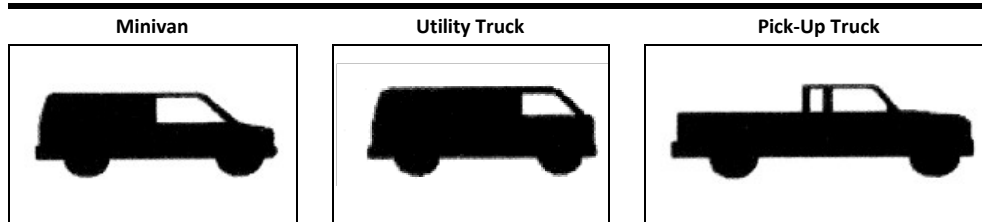
**A. Foundations**

All principal buildings shall be erected upon a permanent foundation.

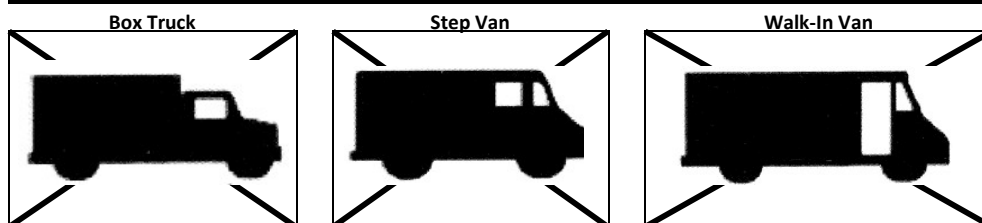
**B. Commercial Vehicles**

Not more than one (1) gross vehicle weight rated (GVWR) Class 1 through 3 commercial pickup, truck or utility van with its cab and cargo area consisting of a single continuous body may be parked outside on a developed lot in a residential district. No commercial vehicle or parts thereof shall be parked or stored on any unimproved lot in any district, except as may be permitted during authorized construction and/or pursuant to an approved Subdivision, Site Plan and/or Special Exception Permit.

**Examples of Acceptable Class 1 through 3 Commercial Vehicles in Residential Districts per above.**



**Examples of Unacceptable Class 1 through 3 Commercial Vehicles in Residential Districts per above.**





**C. Farm Vehicles**

Customary farm vehicles are permitted in any Residential and Farming District, but shall not be stored or parked within any required yard (setback).

**D. Trailers, Recreational Vehicles and Boats**

House trailers, horse trailers, recreational vehicles, boats and boat trailers may be parked or stored on a developed residential lot, provided same are not parked in front of the principal building or in any required side or rear yard setbacks, and suitable all-year screening is provided and maintained. All other parking, storage or use of such vehicles is prohibited. The use of such vehicles for dwelling purposes or for storage purposes is prohibited.

**E. Temporary Construction and/or Sales Trailers**

(1) Trailers, vehicles and other mobile or temporary structures shall not be permitted for use as dwellings, storage or for the purpose of conducting a business on any lot, except as follows and pursuant to issuance of a Zoning Permit:

- (a) Temporary living quarters related to a casualty loss of a residence which has been rendered inhabitable may be permitted for a period not to exceed two (2) years or the time of reconstruction, whichever is less. Subject to written request, an extension of up to one (1) additional year may be granted by the Commission where specific circumstances and conditions warrant such extension.
- (b) Temporary structures for construction and sales may be permitted during the period of approved site construction of residential or non-residential lot, provided same is authorized by the Commission pursuant to Site Plan or Special Exception Permit approval, and subsequent issuance of a Zoning Permit by the Zoning Enforcement Officer.
- (c) Permitted temporary structures, trailers or combined construction/sales trailers shall be subject to all minimum yard setback requirements of the lot which same is located upon.
- (d) A Zoning Permit may be issued by the Zoning Enforcement Officer for the placement and use of a combined construction and sales trailer in connection with a residential subdivision of more than five (5) lots; in such instances the trailer may be located on a lot within the subdivision and may be moved to other lots within the subdivision as construction progresses.
- (e) A Zoning Permit issued pursuant to this Section shall be issued for a period not exceeding six (6) months, except as otherwise may be permitted by the Commission

under Subsection (b) above, but may be renewed for successive periods of not more than three (3) months each, at the Zoning Enforcement Officer's discretion, if work on said construction is diligently progressing but not yet completed. An applicant shall post a bond in the sum of five-thousand dollars (\$5,000) or shall deposit onethousand dollars (\$1,000) to guarantee the removal of the temporary structure when the permit has expired. The applicant shall furnish a valid certificate of insurance to the Town evidencing minimum liability coverage of one-million dollars (\$1,000,000) combined single limit liability insurance.

- (f) All permitted temporary structures shall be removed from the lot on which it is located before a Certificate of Zoning Compliance or Certificate of Occupancy may be issued for any principal or accessory use or structure on the lot.

### **§1.9.3 Lots in More than One Zoning District**

Where a zoning district divides a lot in single ownership into two (2) or more zoning districts, the following standards shall apply:

- A. The use, density and other development standards and requirements of these Regulations not included in Subsection B below shall be that as required for the respective zoning district classified individually for each portion of the lot.
- B. The standards of any overlay zoning district shall apply uniformly over the area designated by the overlay zoning district.
- C. In determining minimum lot area, land subject to an easement for access or a private right-ofway, except underground utilities, shall not be included, nor shall land in a residential and farming district be used to satisfy a lot area in any other district, and land in a zoning district having a higher lot area requirement shall not be used to satisfy a lot area requirement in a zoning district having a lesser lot area requirement.

### **§1.9.4 Building Lots and Subdivision of a Lot**

- A. Every building and structure hereafter erected and every use hereafter established shall be located on a lot as defined herein. Accessory buildings, structures and/or uses shall only be permitted and located on the same lot as a duly authorized principal building, structure and/or use to which it is accessory, and no lot shall be created that has an accessory building, structure or use without a principal use.
- B. Building lots may only be established in accordance with the procedures and standards set forth in the Connecticut General Statutes and the Land Subdivision Regulations of the Town of Monroe. Where a lot is formed hereafter from part of a lot already occupied by a structure, such separation shall be effected in such manner as not to impair conformity with any of the requirements of these Regulations with respect to the existing building and all yards and other required spaces in connection therewith.

- C. No portion of a lot in a residential district shall be used for any surface or subsurface principal or accessory use or structure on a lot or portion thereof in a nonresidential district, except subsurface line connections to public utilities.
- D. The Town of Monroe boundary does not divide a parcel into separate distinct lots.
- E. Rear lots as defined in these Regulations shall be prohibited.

#### **§1.9.5 Driveway Access between Residential and Non-Residential Districts and Uses**

No driveway shall be permitted across or through a residential district to provide access to a lot or portion thereof located in a nonresidential district, except for access restricted to emergency access only as may be approved by the Commission.

#### **§1.9.6 Street Frontage**

- A. No zoning or building permit shall be issued for the establishment of any use or construction of any building or structure unless the lot upon which such use is to be established or such building or structure is to be built has the required minimum street frontage on a street which has been suitably improved to the satisfaction of the Commission or for which a bond sufficient to cover the full cost of such improvement has been furnished to the Town.

- B. Each lot shall be shown to be capable of providing access to a street and access for emergency vehicles between the frontage and any existing or proposed principal building and/or principal use of such lot. No portion of a lot located between the required street frontage and the rear side of the required minimum square shall have a width less than the required street frontage, except as may be approved in conjunction with a Cluster Subdivision as defined in these Regulations.

#### **§1.9.7 Corner Lots and Through Lots**

- A. The front yard setback requirement for the zoning district shall apply to all property lines located along any street, thereby providing a front yard setback equal in depth from all such property lines.
- B. The frontage from which the lot address is taken shall be used for the purposes of determining side and rear lot lines, as may be applicable.

#### **§1.9.8 Separation of Principal Buildings**

Where more than one principal building may be permitted on a lot, detached principal buildings shall be separated by a distance equal to or greater than the height of the taller of said buildings, except where otherwise permitted in these Regulations.

#### **§1.9.9 Setback Modifications and Exceptions**

- A. Modification of required front yard setback. On streets with less than the required minimum right-of-way width as set forth in the Monroe Subdivision Regulations or which are “user highways,” the required front yard setback shall be measured perpendicularly from the center line of the existing street with half the width of the required minimum street right-of-way of said street added to the required front yard setback to establish the applicable front yard setback line.
- B. The following architectural features of a building may extend into any required yard area subject to the limitations provided herein:
  - (1) Ordinary projections of window sills, belt courses, cornices, eaves and other architectural features, for a maximum extension of two (2) feet into any required yard, provided that such architectural features shall not occupy more than twenty-five percent (25%) of the area of the wall from which they project.
  - (2) Chimneys or pilasters for a maximum extension of three (3) feet into a required side or rear yard.

- (3) Bay windows, including their cornices and eaves, for a maximum extension of three (3) feet into any required yard, provided the sum of such projection on any wall does not exceed one-third (1/3) of the length of said wall.
  - (4) Unroofed steps for a maximum extension of six (6) feet into any required yard.
  - (5) No porch or balcony shall project into any required yard area. Patios and terraces not exceeding one (1) foot in height above the surrounding ground surface may extend from a building within not less than twenty (20) feet from the front lot line nor less than ten (10) feet from any side or rear lot line, provided that the associated building complies with the yard requirements of these Regulations.
- C. Typical site features including mailboxes, catch basins, manholes, utility lines may extend into required yard areas.
- D. Buried propane tanks stormwater control basins and structures (above and below ground), and septic disposal systems may be located in a required setback area, subject to the following:
- (1) All applicable landscape buffer requirements shall be provided, except the Commission may permit an encroachment into a required landscape buffer provided it can be shown that such encroachment is the minimum necessary and an alternative landscape buffer plan is provided to offset any such encroachment.
  - (2) Notwithstanding Subsection (1) above, a minimum setback of 10 feet from any property line shall be provided.
  - (3) The total area of encroachment into either a front, side or rear setback area shall not exceed an area greater than twenty-five (25%) percent of the individual setback area affected, be it the front, side or rear setback area.
  - (4) All-season visibility of above ground stormwater control structures (including outlet and overflow controls) located in a setback area shall be screened from abutting streets and lots with suitable landscaping, fencing, walls or a combination thereof.

#### **§1.9.10 Exceptions to Maximum Permitted Height**

- A. The height limitations set forth in the bulk regulations shall be applicable to principal and accessory buildings and structures. Building elements, such as but not limited to roof air conditioners, ventilators and elevator shafts that have the potential to detract from the visual, cultural or historic appearance or style of the building's architecture shall be designed to appear as if they are an integral architectural element of the structure. No structure, or other exception, shall be used as a place for habitation or for signage not otherwise authorized by these regulations.
- B. The height limitations shall not be applicable to the following:

- (1) Spires, domes, belfries, chimneys, cupolas, skylights, parapets or railings, elevators, stair bulkheads, air-conditioning units, ventilation units or similar necessary mechanical appurtenances not used for human occupancy, provided they do not cover an area larger than one-hundred (100) square feet individually and no larger than ten percent (10%) in their aggregate coverage of the roof area of the building of which they are an integral architectural or mechanical element. Such features shall be erected only to such minimum height as is necessary to accomplish the purpose for which they are intended and shall not detract from the visual appearance of the structure as determined appropriate by the Commission.
- (2) Cupolas, skylights, parapets or railings, air-conditioning units, ventilation units or similar necessary mechanical appurtenances shall not exceed a height of more than four (4) feet, and spires, domes, belfries, chimneys, elevators, stair bulkheads shall not exceed a height of more than fifteen (15) feet, above the ridge of a pitched roof or top of a flat roof on which it is located.
- (3) Flagpoles, water towers, standpipes or similar structures in no case shall exceed forty-five (45) feet in height above average finished grade at its base, subject to Commission approval and adequate screening thereof.
- (4) Telecommunication facilities approved in accordance with these Regulations.

#### **§1.9.11 Fences, Gates, Walls, Signs, and Landscaping in Required Yard Areas**

- A. Fences, gates and walls shall not exceed six (6) feet in height measured from the adjacent ground level to the top of such fence, gate, wall or combination thereof.
- B. In no case shall any fence, gate or wall be located within an abutting street right-of-way.
- C. No fence, gate, wall or landscaping shall be erected or placed on a lot so as to obstruct a clear line of sight for traffic on a street.
- D. The finished quality on the side of all fences, gates and walls shall face outward from the premises towards the adjacent street or neighboring property.
- E. Signs as may be permitted in accordance with the standards set forth in §6.3 of these Regulations, including freestanding signs, directional signs and pavement marking signs
- F. Public access walks are permitted in the required yard areas.
- G. Driveways and service road for cross access only are permitted in the required yard areas.
- H. Flagpoles are permitted in the required yard areas.

- I. Lighting is permitted in the required yard areas.
- J. Irrigation is permitted in the required yard areas
- K. Directional signs and pavement markings are permitted in the required yard areas provided they comply with Article 6.
- L. Typical site features including mailboxes, catch basins, manholes, utility lines, site driveways including connector cross access driveways with abutting properties, public access sidewalks, exterior light fixtures, and irrigation may extend into required yard areas.

#### **§1.9.12 Prohibited Uses**

Uses which are not specifically permitted under the Zoning Regulations are hereby declared to be prohibited uses. Any use not specifically listed for an individual Zoning District of the Town as set forth in Article 10, Schedule of Permitted Land Uses by Zoning District shall be deemed prohibited in that Zoning District. In addition, the following uses are specifically prohibited in all Zoning Districts of the Town of Monroe:

- Commercial Quarry
- Junkyard
- Marijuana Dispensary
- Marijuana Production Facility
- Outdoor Wood Burning Furnaces
- Tavern

#### **§1.9.13 Utilities**

In order to achieve greater safety and improved appearance all water, sewer and gas facilities and all electric, telephone and other wires and equipment for providing power and/or communication shall be installed underground in the manner prescribed by regulations of the State, Town of Monroe and/or utility company having jurisdiction. Where compliance with this provision will result in undue hardship because of the design and location of existing facilities, the Commission may waive this requirement.

#### **§1.9.14 Emergency Fire Access**

- A. All buildings, structures and property shall be provided with unobstructed access for firefighting and emergency service personnel, apparatus and equipment. Premises which are not readily accessible from public roads and which the fire department or an emergency service may be called upon to protect in case of fire shall be provided with access roads or fire lanes so that all buildings on the premises are accessible to the fire department and emergency service apparatus.

- B. The determination of adequate emergency fire access shall be made by the Commission during review for new construction or by the Zoning Enforcement Officer before the issuance of a Zoning Permit. The Commission and Zoning Enforcement Officer shall seek the recommendations of appropriate fire district officials before determining adequate emergency fire access.
- C. Designated access roads and fire lanes shall be adequately maintained and kept free and clear of obstructions at all times by the property owner.

#### **§1.9.15 Restoration of Disturbed Areas**

All areas disturbed during the course of construction or site alteration shall be restored and stabilized as soon as possible with a minimum of six (6) inches of topsoil and planted with appropriate plant species in type and quantity to achieve a stable, non-erosive and aesthetically appropriate finished condition.

#### **§1.9.16 Obstructions at Intersections**

- A. No wall, fence, earth berm, temporary or permanent signage, utility structure, vegetation or trees, or other shall be erected, maintained or installed on any lot which unreasonably or dangerously obstructs or interferes with visibility of drivers of vehicles on a curve or at any street intersection.
- B. On a corner lot, no fence, gate, wall, or landscaping (exceeding two (2) feet at mature size) shall be erected, placed or maintained so as to obstruct a clear line of sight for traffic within the pavement and a straight line between two (2) points, each seventy-five (75) feet back from the theoretical intersection of the nearest edges of pavement prolonged. "Line of Sight" is defined as observer's eye being four (4) feet above the grade of the pavement edge and the object being one (1) foot above the grade of the pavement edge. In addition, the maintained clearance shall be a height not exceeding twenty-four (24) inches above the street grade within twenty-five (25) feet of the intersecting lot lines bordering corner lots. These requirements shall be in addition to intersection sight line requirements as may be required or detailed elsewhere in these Regulations, and consistent with the current Connecticut Department of Transportation Highway Design Manual and American Association of State Highway and Transportation Officials (AASHTO) standards, or as specifically determined and recommended by the Town Engineer.





## ARTICLE 2 DEFINITIONS

### §2.1 General Rules of Construction

In the construction of these Regulations words and phrases shall be construed according to the commonly approved usage of the language as defined by the following sources in sequence:

- The Illustrated Book of Development Definitions, latest edition
- The Connecticut General Statutes, as amended
- Black's Law Dictionary, latest edition
- Webster's Dictionary, latest edition

Technical words and phrases that have acquired a particular and appropriate meaning in law shall be construed accordingly. All words used in the present tense include the future tense; the singular number includes the plural and the plural number includes the singular; the masculine gender includes the feminine. The word "shall" is mandatory and not directory. The word "used" shall be deemed also to include "designed, intended or arranged to be used." Unless otherwise specified, all distances shall be measured horizontally.

### §2.2 Terms Defined

#### §2.2.1 General Zoning Terms

Except as otherwise defined in these Regulations or as the context may otherwise require, the following words are defined for the purposes of these Regulations as follows:

**ADJOINING LOT** – A lot that shares all or part of a common lot line with another lot.

**ACCESS MANAGEMENT** – A set of policies and standards that manage the number and location of driveways/curb cuts on the road system.

**ACCESSORY APARTMENT** – *See Dwelling Unit, Accessory Apartment.*

**ACCESSORY BUILDING OR STRUCTURE** – A detached building or structure, or portion thereof, the use of which is subordinate and customarily incidental to the principal use on the same lot.

**ACCESSORY DRIVE-THROUGH** – *See Accessory Use; and §8.2.3(J) of these Regulations.*

**ACCESSORY SEASONAL FARM STORE** – *See Farm Store, Accessory Seasonal.*

**ACCESSORY USE** – A use incidental and subordinate to the principal use on the same lot.

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## Town of Monroe Zoning Regulations

**ADAPTIVE REUSE** – Rehabilitation or renovation of an existing structure for a use(s) other than the present use(s) or former use(s) if the structure is vacant.

**AFFORDABLE HOUSING (AH) DEVELOPMENT** – A housing development which constitutes an ‘affordable housing development’ as defined in Connecticut General Statutes §8-30g, as amended, where onehundred (100%) percent of the dwelling units are AH units as defined by these regulations.

**AFFORDABLE HOUSING (AH) UNIT** – An affordable rental dwelling unit within an AH Development that is subject to perpetual rental restrictions that comply with Connecticut General Statutes §8-30g, as amended.

**AFFORDABLE HOUSING (AH) DEVELOPMENT APPLICATION** – A zoning application subject to Planning and Zoning Commission review and approval of an AH development, which shall include applications for a Zone Boundary Change to change the underlying zoning classification of land to an AH District classification and an application for Site Plan Approval for a specific AH Development.

**AGE RESTRICTED DWELLING UNIT** – *See Dwelling Unit, Age Restricted.*

**AGRICULTURE** – The inside and/or outside growing of crops, raising of and caring for livestock, poultry and bees as defined in Connecticut General Statutes §1-1q and any amendments thereto, including the storing, processing and sale of agricultural and horticultural products and commodities originating from the property where said agricultural activities occur except as may otherwise be permitted by these Regulations.

**AGRICULTURAL BUILDINGS AND STRUCTURES** – Buildings or structures used in connection with agriculture, including shelter for livestock and enclosed storage for farm machinery, equipment and supplies, excluding farm stores and seasonal farm stands. (*See also Farm Store and Accessory Seasonal Farm Store.*)

**ALTERED** – Change from an existing condition by constructing, grading, regrading, clearing, grubbing, trimming, utilizing, paving, excavating, filling, removal, deposition of material or change in light or temperature.

**ANTENNA** – A device used in communications which transmits or receives telecommunications radio signals. Examples include panel, whip, dish antennas affixed to telecommunications towers and antennas affixed to mechanical equipment installed and maintained by utility companies.

**AQUIFER PROTECTION AREA** – *As defined in the Town of Monroe Inland Wetlands and Watercourses Regulations.*

**ARBORIST** – A trained individual in the art of science of planting, removing, pruning, caring for and maintaining trees and woody shrubs to improve their appearance, health and value in the landscape.

**ARCHITECTURAL REVIEW BOARD** – The Architectural Review Board of the Town of Monroe.

**ART STUDIO / GALLERY** – A place where an artist (an individual who practices one of the fine, design, graphic, musical, literary, computer or performing arts; or an individual whose profession relies on the application of the above-mentioned skills to produce creative product, i.e., craftsman, photographer, etc.) produces and/or displays their work, including the ancillary sale of such.

**AUTOMOBILE** – Self-propelled vehicles designed to carry 10 passengers or less and used for the transportation of persons and goods primarily on public streets.

**AUTOMOBILE BODY SHOP** – An automobile service shop providing collision repair services, including body and frame straightening, replacement of damaged body and frame parts, and painting.

**AUTOMOBILE SALES** – An establishment for the interior and/or exterior display, sale and/or lease of new and/or used automobiles (may include light trucks and/or vans), including incidental accessory vehicle preparation, warranty and/or repair services conducted wholly inside a building.

**AUTOMOBILE SERVICE SHOP** – An establishment primarily engaged in the repair and maintenance of automobiles, including the sale, installation and/or servicing of automobile components, equipment and parts, excluding dismantling and salvage of automobiles.

**BANK** – A Connecticut and/or Federally licensed financial institution open to the general public for the custody, loan, and/or exchange of currency, including extension of credit, transmission of funds, and similar fiduciary activities.

**BASEMENT** – The portion of a building all or partly below grade with at least one-half of its height below grade.

**BOAT, CAMPER, RV, TRAILER SALES / SERVICE** – An establishment for the interior and/or exterior display, sale and/or lease of new and/or used watercraft (motor and non-motorized boats, jet skis, canoes, kayaks or similar small watercraft), campers, RVs and/or related trailers, including incidental accessory vehicle preparation, warranty and/or repair services conducted wholly inside a building.

**BREW PUB** – An establishment for the manufacture, containerization and storage of beer producing at least five thousand (5,000) gallons but not more than five hundred thousand (500,000) gallons annually, which includes the on-site sale and consumption of said manufactured beer and may include the on-site sale and consumption of other alcoholic liquor and/or food, as well as the wholesale and/or limited retail sale of said manufactured beer for off-site consumption, all in compliance with a State of Connecticut duly issued “manufacturer permit for beer and brew pub” pursuant to Connecticut General Statutes 545 §3016(f), as amended.

**BUILDING** – A structure having a roof supported by enclosed walls on all sides, including doors and windows as appropriate.

**BUILDING, ACCESSORY** – A subordinate building on the same lot as the principal building and use.

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## Town of Monroe Zoning Regulations

**BUILDING, PRINCIPAL** – A building in which is conducted the main or primary use of the lot on which it is located.

**BUILDING PERMIT** – An administrative permit for construction issued by the Town of Monroe Chief Building Official.

**BULK** – The size of buildings or structures and their relationships to each other and to open areas and lot lines.

**BULK REGULATIONS** – Regulations pertaining to floor area, setback dimensions, building height, lot area, lot frontage, lot width, required yard areas, spacing between buildings on a single lot or development and length of buildings in a row.

**BUSINESS SERVICES** – Establishments primarily engaged in rendering supportive services to business establishments on a fee or contract basis.

**CARETAKER RESIDENCE** – *See Dwelling Unit, Caretaker Residence.*

**CAR WASH (RETAIL) – AUTOMATIC AND SELF-SERVICE FACILITIES FULLY WITHIN ENCLOSED BUILDING WITH RECYCLED WATER** – An establishment for washing motor vehicles within a building where the water used is internally recycled, including application of polish and other detailing services whether by an automated application of cleaner, brushes, rinse water and heat or wind for drying, or a drive-in bay with a washing wand for individual application.

**CEMETERY** – Property used for the interment of deceased persons below and/or above ground (mausoleum and columbarium), but not including crematories.

**CERTIFICATION** - A signed, written approval by an appropriate qualified and/or licensed professional.

**CHANGE OF USE** – Any use that differs from the previous use of a building or land.

**CLUB** –

**COUNTY CLUB (SWIM, TENNIS, GOLF)** – A recreational facility (golf course, tennis, swimming pool or similar outdoor recreation activity), including incidental accessory clubhouse, dining amenities and/or maintenance facilities.

**FRATERNAL ORGANIZATION** – An establishment used by a group of persons formally organized as a legally established nonprofit organization with a common beneficial social or cultural purpose and interest (such as Masons, Knights of Columbus, VFW and similar), having written membership requirements or bylaws for the conduct of regular meetings, rituals, and associated activities to further their common interest.

**HEALTH CLUB / SPA** – An establishment within a building that provides facilities for recreational activities such as aerobic exercises, running and jogging, exercise equipment, game courts,

swimming facilities and similar, as well as accessory support facilities such as saunas, showers, massage rooms and lockers or similar.

**CLUSTER SUBDIVISION** – A subdivision in which the lot sizes may be reduced upon approval by the Planning and Zoning Commission in exchange for the provision of permanent open space.

**COMMERCIAL QUARRY** – The process and act of removing overburden to extract minerals, sand, clay, gravel, rock, and/or other naturally occurring aggregate deposits from a parcel or tract of land for the purpose of commercially selling such; this does not include incidental land preparation excavation or filling activities as set forth in §6.4 of these Regulations.

**COMMERCIAL VEHICLE FACILITY** – An establishment where commercial licensed vehicles, typically consisting of fleet vehicles designed to carry freight, passengers for a fee, or merchandise, or which are incidental to a tradesman business, are collectively housed and stored inside and/or outside when they are not in service off-premises, including administrative, security, dispatch and minor maintenance facilities thereto within a fully enclosed building.

**COMMISSION** – The Planning and Zoning Commission of the Town of Monroe.

**COMMUNITY CENTER (non-town)** – A structure or other facility used for providing fraternal, social, religious, recreational, educational or cultural programs and activities.

**COMMUNITY-WIDE EVENT** – An indoor and/or outdoor annual, seasonal or otherwise temporary special event such as a carnival, fair, festival or other similar civic oriented organized program open to the general public, which is not part of the property's normal use or otherwise permitted, and is reasonably expected to draw in excess of 150 persons, 100 vehicles, and/or more vehicles than can be accommodated by available permanent on-site parking.

**COMMUNITY-WIDE EVENT PERMIT** – That form of Zoning Permit approval as issued by the Zoning Enforcement Officer authorizing a temporary community-wide event.

**COMMON INTEREST COMMUNITY** – Real property described in a residential condominium declaration with respect to which a person, by virtue of his ownership of a condominium unit, is obligated to pay for a share of real property taxes on, insurance premiums on, maintenance of, improvement of, or services or other expenses related to, common elements, other units or any other real property other than that condominium unit described in the residential condominium declaration. An association of property owners funded solely by voluntary payments from those owners is not a common interest community.

**CONDOMINIUM ASSOCIATION OR UNIT OWNERS' ASSOCIATION** – The condominium association or unit owners' association organized under Connecticut General Statute §47-243, as may be amended from time to time.

**CONDOMINIUM COMMON ELEMENTS** – All portions of the residential condominium other than the condominium units and any other interests in real property for the benefit of the condominium unit owners which are subject to the residential condominium declaration.

**CONDOMINIUM UNIT** – A physical portion of a residential condominium designated for separate ownership or occupancy by a condominium unit owner.

**CONDOMINIUM UNIT OWNER** – A declarant or other person who owns a dwelling unit in a residential condominium created by a residential condominium declaration.

**CONSERVATION / OPEN SPACE** – A parcel or area of land or water, essentially unimproved and legally set aside, dedicated, designated, or reserved for public or private use and/or enjoyment in its relative natural state for perpetuity through deeds or other legal means; lands protected and/or restricted from development; lands dedicated to remain unaltered or in a natural state.

**CONTRACTOR'S / BUILDING TRADES ESTABLISHMENT** – The managerial and administrative office of an electrician, plumber, painter, carpenter, general or specialized contractor, or other trades contractor (heating, ventilating, air-conditioning, refrigeration, alarm/security, roofing, and other similar trade occupations), including the orderly inside and/or outside on-site parking of company fleet vehicles (excluding Federal Highway Administration Classes 7 and above, and vehicles weighing greater than 26,000 lbs) during off-business hours (i.e., where tradesman utilize company vehicles during the conduct of off-site services, leaving their personal vehicles at the premises until returning at the end of business), as well as the related contained storage of directly associated materials, equipment and supplies as otherwise permitted. This definition does not include vehicle fueling facilities; contractor's storage yard; waste/refuse haulers or haulers of chemical, flammable or hazardous materials; a mason, landscaper or excavator type contractors.

**COUNTY SOIL AND WATER CONSERVATION DISTRICT** – The Fairfield County Soil and Water Conservation District established under Subsection (a) of Section 22a-315 of the General Statutes.

## **DAY CARE SERVICES**

**ADULT DAY CARE CENTER** – An establishment, licensed by the State of Connecticut, which offers or provides a program of supplementary care for adult persons outside their home for part of the twenty-four (24) hours in one or more days in the week.

**CHILD DAY CARE CENTER** – An establishment, licensed by the State of Connecticut, offering or providing a program of supplementary care to more than twelve related or unrelated children outside their own home on a regular basis.

**GROUP DAY CARE HOME** – An establishment, licensed by the State of Connecticut, offering or providing a program of supplementary care a) to not less than seven or more than twelve related or unrelated children on a regular basis, or b) that meets the definition of family day care home except that it operates in a facility other than a private family home.

**FAMILY DAY CARE HOME** – An establishment, licensed by the State of Connecticut, consisting of a private family home caring for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three (3) or more than twelve

(12) hours during a twenty-four (24) hour period and where care is given on a regularly recurring basis except that care may be provided in excess of twelve (12) hours but not more than seventytwo (72) consecutive hours to accommodate the need for extended care or intermittent shortterm overnight care.

**DEVELOPMENT** – Any construction or grading activities or noticeable site disturbance or change to improved or unimproved real estate.

**DIAMETER-AT-BREAST-HEIGHT (DBH)** – Measurement of the diameter of a tree trunk, measured at chest height four and one-half (4½) feet above the ground.

**DISTURBED AREA** – An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

**DWELLING UNIT** – One or more rooms designed, occupied or intended for occupancy as a separate living quarter with cooking, sleeping and sanitary facilities provided within.

**ACCESSORY APARTMENT** – A residential dwelling unit accessory to a principal single-family dwelling unit on a lot zoned RF-1, RF-2 or RF-3 only, provided that the accessory apartment use is limited in extent, clearly secondary and incidental to the use of the principal dwelling unit, and does not alter the single-family residential or exterior character of the principal dwelling or property, subject to the standards enumerated in these Regulations.

**AGE RESTRICTED DWELLING** – A deed restricted residential condominium dwelling unit where one or more of the occupants is fifty-five (55) years of age or older, as further set forth in §3.5 of these Regulations.

**ATTACHED DWELLING** – A dwelling with ground floor outside access, attached to one or more dwellings by common vertical walls without openings.

**CARETAKER RESIDENCE** – An accessory residential dwelling unit for the exclusive residential occupancy by the person (and immediate family) charged with the care, operation, maintenance and protection of the larger subject premises and related facilities.

**DETACHED DWELLING** – A dwelling that is not attached to any other dwelling by any means.

**MULTI-FAMILY DWELLING** – A building containing three (3) or more dwelling units on the same lot.

**MULTI-FAMILY, GROUP HOME <6 RESIDENTS** – A community residence, licensed by the State of Connecticut, as otherwise defined by State of Connecticut General Statutes, Chapter 124, §8-3e, as may be amended from time to time.

**MULTI-FAMILY, GROUP HOME >6 RESIDENTS** – A community residence, license by the State of Connecticut, as otherwise defined by State of Connecticut General Statutes, Chapter 124, §8-3e, as may be amended from time to time.



**RESIDENTIAL APARTMENTS ABOVE COMMERCIAL USES** – A residential dwelling unit(s) for rent contained within an upper floor of an existing or proposed commercial use building.

**SINGLE FAMILY DWELLING** – A building containing one (1) dwelling unit that is not attached to any other dwelling by any means.

**TWO-FAMILY DWELLING** – A building on a single lot containing two (2) dwelling units.

**EASEMENT** – A right, established in a deed or other legal document, of one (1) party to use land of a second party for a special purpose.

**EROSION** – The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

**EXCAVATION** – The process of altering the natural grade/elevation by cutting the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced or relocated.

**EXCLUSIVE USE AREA** – Area surrounding each dwelling unit that shall be treated as a limited common element under the Connecticut Common Interest Ownership Act, Connecticut General Statute §47-200.

**FAMILY** – A group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit.

**FARM** – A parcel or parcels of land under single ownership or leasehold where the principal or accessory use is agriculture. (*See also Agriculture*).

**FARM STORE (accessory to Farm)** – An accessory permanent structure used by a farm for the year round sale of agricultural products and commodities.

**FARM STORE, ACCESSORY SEASONAL** – An accessory structure used by a farm for the temporary, seasonal sale of agricultural products and commodities.

**FIREWOOD PROCESSING FACILITY** – A business establishment engaged in the cutting and splitting of felled trees and timber into smaller pieces, sized (less than three feet in length) to fit whole into a typical residential fireplace or interior wood burning stove, for the end purpose of commercially selling as firewood, which may include kiln drying and/or bundling.

**FLOOR AREA, GROSS (GFA)** – The sum of gross horizontal areas of the floor(s) of a building or buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings.

**FLOOR AREA, NET** – The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading and all floors below the ground floor, except when used or intended to be used for human habitation or service to the public.

**FOOT-CANDLE** – A measure of illumination or light falling on a surface that is everywhere one (1) foot from a uniform point source of light – one (1) foot-candle is equal to one (1) lumen. Foot-candle measurements are made with a photometric light meter and with a specified horizontal orientation.

**FRATERNAL ORGANIZATION** – See Club, Fraternal Organization.

**FUNERAL HOME or MORTUARY** – An establishment used for the preparation and/or viewing, including associated rituals connected therewith, of deceased persons prior to burial or cremation elsewhere, including the display and sale of burial/cremation related items (caskets, funeral urns and other related funeral supplies), all within a building.

**GASOLINE STATION** – An establishment primarily engaged in the retail sale and dispersal of automobile gasoline via outdoor dispensers and other petroleum products to the general public.

**GOLF COURSE** – An establishment with at least nine holes (designated tees, greens, fairways and hazards) designed and regularly maintained for the playing of golf outside, may include other indoor and/or outdoor recreational facilities such as swimming pools, tennis, golf practice greens and driving ranges but excluding miniature golf.

**GRADING** – Any excavating, grubbing, filling (including hydraulic fill) of earth materials or any combination thereof, including the land in its excavated or filled condition.

**GROCERY STORE** – A retail establishment (supermarket, food store, general store, food market, delicatessen or similar) where most (80% or more) of the floor area is devoted to the sale of consumer processed, prepackaged and perishable food products for home preparation and consumption, but where other typical home and personal care products may also be sold.

**HEALTH CLUB** – See Club, Health Club / Spa.

**HEIGHT** – The vertical distance of a building or structure measured from the average elevation of the finished grade surrounding a building or structure within ten (10) feet of the building or structure to the highest elevation of a flat roof or the mean elevation of a sloped roof between the eave (at bottom soffit) and ridge. The height of a structure without a roof shall be the vertical distance measured to the highest point of such structure. Measurement of building height shall not include church spires, ornamental towers, water towers, chimneys, solar panels, HVAC or other mechanical equipment, except as otherwise regulated herein.

**HISTORIC STRUCTURE** – Any structure that is: (a) listed individually on the National Register of Historic Places; (b) certified by the Secretary of the Interior as contributing to the historic significance of a registered historic district; (c) individually listed on the State of Connecticut inventory of historic places; or (d) recognized as a local historic structure by the Town of Monroe.

**HOME-BASED BUSINESS (accessory to single-family dwellings)** – A business carried out in a dwelling unit by the resident thereof and no more than two (2) nonresident persons or employees that is of higher intensity than a home occupation, but clearly secondary to the use of the dwelling unit for residential

purposes and does not alter the residential character of the dwelling or property, subject to the standards enumerated in these Regulations.

**HOME OCCUPATION (accessory to single-family dwellings)** – An occupation carried out in a dwelling unit by the resident thereof and no more than one (1) non-resident employee, provided that the use is limited in extent, clearly secondary and incidental to the use of the dwelling unit for residential purposes and does not alter the residential character of the dwelling or property, subject to the standards enumerated in these Regulations.

**HOSPITAL** – An institution, licensed by the State of Connecticut that primarily provides health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions, may include as an integral component related incidental accessory facilities such as patient related laboratories, out patient services, medical offices; excluding drug and alcohol dependency facilities.

**HOTEL** – An establishment providing for a fee, short-term (less than 30 consecutive days) transient lodging accommodations (maid service, furnishing and upkeep of furniture, bed and bath linens and supplies, telephone, television, internet and similar) to the general public where access to all guest rooms is from interior lobbies, courts or hallways, may include incidental accessory facilities and services such as restaurants, meeting rooms, sundry retail goods, and recreational facilities primarily serving the transient guests of the hotel.

**HOUSING OPPORTUNITY DEVELOPMENT** – A proposed housing development in which, for at least thirty (30) 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 which

shall require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in Connecticut General Statute §8-30g, for persons 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 ten percent (10%) of the dwelling units shall be conveyed in the same manner to persons or families whose income is less than or equal to sixty percent (60%) of the area median income or the statewide median income, whichever is less.

**HOUSING OPPORTUNITY UNIT** – Housing for which persons and families are presumed to pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent (80%) or sixty percent (60%), as applicable, of area median income for the Town of Monroe or the statewide median income, whichever is less, as determined by the U.S. Department of Housing and Urban Development.

**HOUSE PET** – An animal of such size and nature as is commonly and traditionally kept in the home, including but not restricted to dogs, cats, birds, fish and smaller animals.

**INDOOR CULTIVATION FACILITY** – The vertical and/or horizontal growing of crops by method of conventional horticulture, hydroponics or aquaponics, including the storing and processing of agricultural and horticultural products inside a building.

**INLAND WETLANDS COMMISSION** – The Town of Monroe Inland Wetlands Commission.

**INSPECTION** – The periodic review and evaluation of properties in the conduct of enforcement activities and/or to determine compliance with permits and approvals as issued pursuant to these Regulations.

**JUNK** – Any scrap, waste, reclaimable material, or debris; unregistered or inoperable vehicles, machinery or equipment, or parts thereof; tires; construction and building materials; household appliances; brush; or similar.

**JUNKYARD** – Any lot, land, parcel, building, or structure, or part thereof, used for the temporary or permanent storage, collection, processing, purchase, sale, salvage, or disposal of junk, or for the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof, any of which not being stored for immediate use on the lot. The term shall also include any junkyard, motor vehicle junk business, and motor vehicle junkyard as defined in the State of Connecticut General Statutes.

**LANDSCAPER** – A business principally engaged in landscape planning, design, installation, removal and maintenance services of offsite lawns and gardens (trees, shrubs, perennials, annuals and incidental hardscape features such as patios, stone walls and walkways).

**LAUNDROMAT, DRY CLEANERS (retail and drop-off centers)** – An establishment providing to the general public facilities for the washing, drying or dry cleaning of clothing and/or other fabrics in machines operated by the patron, or by employees of the establishment on or off-premises.

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## Town of Monroe Zoning Regulations

**LIGHT FIXTURE** – Complete lighting unit consisting of a lamp, lens, optical reflector, housing and electrical components necessary for ignition and control of the lamp, which may include a ballast, starter and/or photo control.

**LIGHT FIXTURE, DIRECTIONALLY SHIELDED** – A light fixture which emits a light distribution where some light is emitted at or above a horizontal plane located at the bottom of a fixture. Such fixtures may contain visors, louvers or other types of shields or lenses which are designed to direct light onto a targeted area and to minimize stray light.

**LIGHT FIXTURE, FIXED** – A light fixture whose means of support (pole, arm or other) is not adjustable so the direction of light cannot be moved or repositioned.

**LIGHT FIXTURE, FULL-CUT-OFF** – A light fixture which emits a light distribution where no light is emitted at or above a horizontal plane located at the bottom of a fixture.

**LOT** – A parcel of land having defined boundaries not divided by streets and considered as a unit, devoted to or intended to be devoted to a particular principal use and/or occupied by a principal structure or group of structures that are united by a common interest, use or ownership, and including customary accessory structures, uses, open areas and yards, which parcel shall have frontage on a street as defined herein and complies with all applicable area and bulk requirements set forth in these Regulations. The mere recording of a deed and/or map in the Monroe Land Records in the Monroe Town Clerk's office shall not constitute the creation of a lot or a lot for purposes of development or obtaining a zoning or building permit.

**LOT AREA** – The total area within the lot lines of a lot, excluding any street rights-of-way.

**LOT, CORNER** – A lot abutting upon two (2) or more streets at their intersection forming an interior angle of not more than one-hundred-thirty-five (135) degrees. The point of intersection of the street right-of-way lines is the “corner.”

**LOT DEPTH** – The horizontal distance measured from the median point on the front lot line to the median point on the rear lot line.

**LOT FRONTAGE** – The distance between the side lines of a lot measured along the front lot line.

**LOT, INTERIOR** – Any lot other than a corner lot.

**LOT LINE** – A property line of record bounding one lot from another lot or from a public or private street or any other public or private space.

**LOT, REAR also FLAG LOT** – A lot with less than the minimum required lot frontage and/or an accessway, typically narrow, to the rear buildable portion of a lot measuring less than the width of the required minimum lot frontage.

**LOT, THROUGH** – An interior lot having frontage on two (2) or more segments of a street or different streets.

**LOT WIDTH** – The average minimum horizontal distance between the side lot lines measured at right angles to the lot depth.

**MAINTAINED AVERAGE ILLUMINATION** – Values which the average light levels for a playing field shall always meet or exceed during the life expectancy of the system. The average light levels shall be calculated over the entire playing field using a grid method of measurement which divides the total light levels by the number of grid points.

**MANUFACTURING / INDUSTRIAL –**

**MANUFACTURING, PROCESSING AND/OR ASSEMBLY OF PRODUCTS WHERE CONDUCTED WITHIN FULLY ENCLOSED BUILDINGS** – Includes a range of assembling, fabricating, and manufacturing activities conducted within enclosed buildings, including production, processing, packaging, warehousing and distribution of: household and consumer goods, clothing and shoes, electronic equipment, medical instruments, food and beverages, pharmaceuticals, personal care health and beauty products and other similar products from previously manufactured components; manufacture of products and merchandise involving the use of chemicals and plastics; wholesaling, warehousing and distribution centers; machine shops; and printing and publishing. Excluding concrete and asphalt batch plants; slaughter plants, packing houses, animal by-products rendering, and other such animal processing activities; automobile salvage and reclamation yards and facilities; processing or production of oil, natural gas, geothermal resources or other hydrocarbons; foundries; medical, biological or hazardous waste disposal facilities; bulk chemicals; explosives; sulfuric, sulfurous, nitric or hydrochloric acids; pesticides, insecticides and herbicides.

**BUSINESS SERVICE FACILITIES PROVIDING SUPPORTING SERVICES TO INDUSTRIAL AND BUSINESS USES, INCLUDING COMPUTER AND BUSINESS MACHINE SERVICE AND REPAIR** – An establishment primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing, photofinishing, protective services, equipment rental and leasing, computer and business machine service and repair.

**MARIJUANA DISPENSARY** – A place of business where marijuana is dispensed or sold at retail for any purpose, including but not limited to recreational use and/or to qualifying patients and primary caregivers, and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit

or license to an applicant in accordance with Public Act 12-55, §21a-408, as amended, of the Regulations of Connecticut State Agencies.

**MARIJUANA PRODUCTION FACILITY** – A secure, indoor facility where the production of marijuana occurs, and that is operated by a person to whom the Connecticut Department of Consumer Protection has issued a producer license in accordance with Public Act 12-55, §21a-408, as amended, of the Regulations of Connecticut State Agencies.

**MEDICAL CLINIC: URGENT CARE FACILITY (no overnight), RADIOLOGY/DIAGNOSTICS LABORATORY** – An establishment, licensed by the State of Connecticut that provides outpatient health and medical services to the general public on a walk-in or referral by a physician or other licensed medical care provider basis.

**MEDICAL REHABILITATION FACILITY** – An establishment providing short-term, primarily in-patient care, treatment, and/or rehabilitation services for persons recovering from illness, injury, or surgery who do not require continued hospitalization; excluding drug and alcohol dependency treatment.

**MIXED USE LANDMARK PROPERTY DEVELOPMENT** – The reinvestment and renovation of a designated older structure to ensure its continued existence.

**MOBILE HOME** – A structure, transportable in one (1) or more sections that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to required utilities.

**MOBILE FOOD VENDOR** – Any vehicle or conveyance-mounted unit, cart, trailer, kiosk or other similar apparatus, used to store, prepare, display or serve food and/or non-alcohol beverages intended primarily for immediate consumption, sited on public or private property for a limited duration lasting longer than ten (10) minutes. A mobile food vendor shall be mounted on wheels or other method of moveable design, and must be readily moveable. If the operation is not immediately mobile, it shall be considered a “building” or “structure” and shall be required to comply with applicable regulations for such.

**MOBILE FOOD VENDOR LOCATION** – The specific location on public or private property upon which a duly approved and authorized mobile food vendor may temporarily operate.

**MOBILE FOOD VENDOR PERMIT** – That form of Zoning Permit approval as issued by the Zoning Enforcement Officer authorizing the time, duration, location and use of property by a duly Health Department licensed mobile food vendor.

**MUSEUM** – An establishment operated as a repository and/or exhibit for a collection of literary, historical, natural or scientific curiosities or objects of interest, or works of art, and arranged, intended and designed to be used by members of the public for viewing, with or without an admission charge, including the holding of meetings or seminars in the promotion and education of the exhibited items, as well as accessory sale of related materials.

**NIGHTCLUB** – An establishment dispensing liquor and food and in which music, dancing or entertainment is conducted.

**NONCONFORMING STRUCTURE OR BUILDING** – A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision, or amendment of the zoning regulations, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning regulations.

**NONCONFORMING USE** – A use or activity that was lawful prior to the adoption, revision, or amendment of the zoning regulations but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

**OFFICE** – A room, suite of rooms or building in which the affairs of a commercial business, profession or service provider entity are conducted.

**ACCESSORY OFFICE** – An incidental office customarily ancillary to a permitted principal use.

**GENERAL OFFICE** – An office for the transacting of executive, administrative and clerical functions in the conduct of a business (i.e., insurance, real estate, tax preparation, advertising, stockbroker or similar).

**MEDICAL AND DENTAL OFFICE** – An office for physicians, dentists or other licensed medical practitioners for the examination and treatment of persons solely on an outpatient basis.

**PROFESSIONAL OFFICE** – An office for a member or members of a recognized profession (licensed or holding an advanced degree) maintained for the conduct of that profession (i.e., architecture, landscape architecture, land use planner, engineering, accounting, law, or similar).

**ONE HUNDRED YEAR FLOOD PLAIN** – Shall include Flood Zones A1-A30, including the floodway as designated by the Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map (FIRM), Community Panel Numbers 090009-005C and 090009-001013 and the Flood Study, Town of Monroe, Connecticut, Fairfield County, as amended.

**OPEN SPACE** – Any parcel or area of land or water essentially unimproved, set aside or protected from certain development and/or disturbance; may include active and passive recreational uses.

**OUTDOOR DISPLAY** – An outdoor arrangement of objects, items, products or other materials, typically not in a fixed position, for the purpose of advertisement or sales.

**OUTDOOR and INDOOR SALES of ACCESSORY OUTDOOR AMENITIES** – A business establishment providing for the outdoor and/or indoor display and retail sale of accessory outdoor amenities such as playground equipment, sheds, pavilions, pergolas, awnings, chicken coops, deck materials, outdoor hardscaping, hot tubs, fiberglass in-ground pools, outdoor kitchen components, trampolines, basketball hoops and outdoor fire features, including the offering of incidental off premises installation services. For purposes of this definition, “display” shall mean the exhibiting, arrangement and showing of an amenity to simulate its appearance as if installed and operational, as opposed to merely placed, put down, or stored.



**OUTDOOR STORAGE** – The outdoor keeping of any goods, materials, merchandise, vehicles, boats, equipment or other items. Storage within a structure other than a building is considered outdoor storage.

**OUTDOOR WOOD-BURNING FURNACES** – A wood-fired boiler in a small, insulated shed with a smoke stack.

**PERFORMANCE STANDARDS** – A set of criteria or limits established by these Regulations related to nuisance elements that a use or process shall not exceed.

**PERSONAL SERVICE BUSINESS** – Establishments primarily engaged in providing specialized services involving nonmedical care and individual needs of a person or his or her apparel, including the incidental retail sale of related products, goods and merchandise.

**PET DAY CARE / GROOMER BUSINESS** – A business establishment providing non-medical personal care services to domesticated pets, not including boarding.

**PLACE OF WORSHIP** – A facility for an established body organized to sustain faith based and/or religious services on a regular basis, like a church, synagogue, temple, mosque or other similar facility.

**PLANNING AND ZONING ADMINISTRATOR** – The Planning and Zoning Administrator (or Town Planner) of the Town of Monroe.

**PLANNING AND ZONING COMMISSION** – *See Commission.*

**PREFABRICATED HOME** – A structure transportable in one or more sections, that is built and is designed for connection to a permanent foundation and serviced by required utilities. Also referred to as Manufactured or Modular Home.

**PROPERTY LINE** – *See Lot Line.*

**PUBLIC UTILITY FACILITY** – Any facility or structure erected by a public service company, as that term is defined by Connecticut law, unless the location of such is regulated by the Connecticut Siting Council.

**RECREATIONAL VEHICLE** – A motor vehicle built on a chassis and designed to serve as a self-contained living quarters for recreational use.

**RECREATION FACILITIES –**

**INDOOR RECREATION FACILITIES** – A commercial building or structure designed and equipped for the conduct of indoor sports and leisure time activities.

**OUTDOOR RECREATION FACILITIES** – Outdoor places, sites or fields and incidental structures designed and equipped for the pursuit of leisure time activities, usually of a formal nature, often performed with others and/or requiring equipment.

**RECREATION, PASSIVE** – Activities that involve relatively inactive or less environmentally intrusive activities including, but not limited to walking, sitting, picnicking, board and table games.

**RESEARCH AND DEVELOPMENT FACILITIES (not involving hazardous or biological materials use, storage or disposal)** – An establishment for the research, investigation, testing, experimental analysis, and/or technological advancement, storage or disposal, of new and innovative systems, equipment, products and/or devices, which does not involve hazardous or biological materials use.

**RESIDENTIAL APARTMENTS ABOVE COMMERCIAL USES** – See Dwelling Unit, Residential Apartments Above Commercial Uses.

**RESIDENTIAL CONDOMINIUM** – A common interest residential community in which portions of the real property are designated for separate ownership (individual dwelling units where each owner receives a recordable deed to the individual unit purchased, including the right to sell, mortgage, etc.) and the remainder of the real property is designated for common shared ownership solely by all of the owners of the individual dwelling units.

**RESIDENTIAL CONDOMINIUM DECLARATION** – The legal instruments which are required to be recorded on the land records of the Town of Monroe, however denominated, that create a residential condominium, including any amendments to those instruments.

**RESTAURANT and FOOD RELATED USES –**

**BAKERY, RETAIL** – A Retail Food Establishment which sells baked goods directly to the public on premises. Goods may or may not be baked on the premises. Does not include a fast food restaurant as defined herein.

**BAKERY, WHOLESALE** – An establishment which produces and sells baked goods primarily to other establishments, on premises sale directly to the public is incidental and occupies an inside area of no more than 2,000 square feet. Does not include a fast food restaurant as defined herein.

**CAFÉ** – An establishment, licensed pursuant to a Café permit from the State of Connecticut Department of Consumer Protection, Liquor Control Division, within a suitable and permanent building, kept, used, maintained, advertised, and held out to the public to be a place where all types of alcoholic and nonalcoholic beverages, and food including the offering of hot meals from an on-premises commercial kitchen, is served for sale at retail for consumption on the premises to persons seated at tables by persons employed by the establishment, and which may include provisions for music, dancing or live entertainment. May also be referred to as grill, saloon, bar, pub, public house, beer garden or similar named establishment.

**CATERER, OFF-PREMISES** – An establishment whose principal business is the preparation of food and beverages for a specific event, person or organization, typically consisting of full course meals, for consumption off-premises, where the food and beverages are picked-up or delivered, and service thereof may be provided at the off-premises location.

**CATERER, ON-PREMISES** – An establishment whose principal business is the preparation of food and beverages for a specific event, person or organization, typically consisting of full course meals, for consumption on-premises, where the food and beverages are served to patrons via buffet or table service within a dedicated banquet hall or meeting rooms.

**ICE CREAM PARLOR (Yogurt Shop / Dairy Bar)** – A Retail Food Establishment primarily engaged in the preparation and retail sale of ice cream, yogurt and other frozen dessert type products and beverages, typically served to order from a counter for consumption on- or off-premises.

**OUTDOOR DINING** – An outdoor area with tables and seating for the consumption of food and beverages in conjunction with and accessory to a principal permitted food service or restaurant use, operated and located on the same lot and functionally coordinated to the interior of the principal food service or restaurant use.

**RESTAURANT, FULL SERVICE** – An establishment engaged in the retail sale of prepared food and beverages, primarily consisting of hot meals, ordered from individual menus, served by waiters/waitresses, in a ready-to-consume state, on or in non-disposal dishes or containers, and where customers consume these foods and beverages while seated at tables or counters located within the building. Such establishments may offer take-out, delivery and catering services, which if provided, are ancillary to the overall establishment business and are not provided via drive-thru or window service. Such establishments may also offer the retail sale of all types of alcoholic beverages to be consumed on the premises, pursuant to a Restaurant permit from the State of Connecticut Department of Consumer Protection, Liquor Control Division.

**RESTAURANT, FAST FOOD** – An establishment primarily engaged in the retail sale of pre-prepared or quickly prepared meals and other food and beverage products for consumption on- or offpremises, in a ready-to-consume state, made available upon a short waiting time, generally served in disposable or prepackaged containers or wrappers with disposal utensils, where customers usually select their orders from a standardized posted menu offering a limited number of specialized and/or standardized array of items, such as but not limited to, hamburgers, chicken, fish and chips, pizza, tacos and hot dogs, prepared according to standardized methods in advance and kept hot then finished and packaged to order, where a substantial portion of sales is by standup service where the customer generally pays before eating and performs self cleanup. Such establishments typically include standardized décor, façades, site treatments, food and beverage ingredients, as well as systemic purchasing and distribution of food, containers, wrappers, and other consumable goods from a central source and are usually part of a restaurant chain or franchise operation, typically including drive-through service via an exterior window to allow customers to remain in their vehicles to order and receive food and/or beverages.

**RESTAURANT, DRIVE THROUGH or EXTERIOR WINDOW SERVICE** – An accessory means of serving restaurant establishment patrons via an exterior walk-up or drive-up service window along a side or rear building wall of the interior restaurant.

**RETAIL FOOD ESTABLISHMENT** – An establishment primarily engaged in the on-site preparation and retail sale of "carry-out" food and beverage products from a counter-type installation for consumption primarily off-premises, including but limited to:

- Coffee Houses or Shops
- Pizzerias
- Ice Cream Parlors / Yogurt Shops / Dairy Bars
- Bakeries
- Delicatessens
- Fish, Produce or Specialty Food Markets (non-supermarket or grocery store)
- Off-Premises Caterers (not associated with a restaurant or other food service use)

**TAVERN** – An establishment, licensed pursuant to a Tavern permit from the State of Connecticut Department of Consumer Protection, Liquor Control Division, within a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where beer, wine and alcohol cider is sold at retail for consumption on-premises, with or without the sale of food.

**RETAIL, GENERAL** – An establishment engaged in selling goods, wares, packaged foods and beverages, and/or merchandise directly to the ultimate consumer for immediate purchase and off-premises personal use or household consumption, and rendering services incidental to the sale of such.

**RETAIL, INSTRUCTIONAL (martial arts, dance, music, learning support, painting/pottery, or similar)** – A retail establishment offering for a fee, personal or group lessons of specified instruction in a specific field, artistic endeavor or other specialized form of expression such as dance, painting, music, learning support or similar; or supported self-application in the creation of an artistic endeavor such as candle making, glazing of pottery, canvas painting, or similar craft activities.

**RETAIL GARDEN CENTER** – A retail establishment primarily engaged in the selling of nursery and residential gardening materials, supplies, tools and similar related products, including but not limited to the inside and outside growing, cultivation and sale of garden plants, flowers, trees, shrubs and garden materials such as mulch, stone, peat moss, seed and similar.

**RIDING ACADEMIES, BOARDING STABLES** – An establishment where horses are boarded indoors and cared for, and where inside and/or outside instruction in riding, jumping, and showing is offered, and where horses may be hired for riding.

**SAFE HOMES** – A residence licensed by the State of Connecticut to provide a safe, stable environment for children between the ages of three (3) and twelve (12) who are transitioning to foster care.

**SCHOOL BUS PARKING FACILITY** – A facility for the inside and/or outside parking of school buses when not in use or between times of active service deployment, including administrative, security, dispatch and minor maintenance facilities thereto within a fully enclosed building.

**SCHOOLS, PUBLIC and PRIVATE** – An institution for the teaching of children and adults (K-12), including preschool and nursery schools, elementary and middle schools, senior high schools, and secondary, vocational and trade schools, providing full time instruction with an educational curriculum which meets the requirements of the laws of the State of Connecticut.

**ELEMENTARY or MIDDLE** – A public or private school that meets the State of Connecticut requirements for elementary or middle school education.

**PRESCHOOL/NURSERY SCHOOL** – A school that is primarily educational in nature, meeting the needs of children generally between the ages of two (2) and five (5).

**SENIOR HIGH** – A public or private school that meets the State of Connecticut requirements for high school education.

**SECONDARY, VOCATIONAL, TRADE** – A public or private school that meets the State of Connecticut requirements for secondary, vocational or a recognized tradesman education.

**TOWN OF MONROE BOARD OF EDUCATION OFFICES** – A parcel and/or facility owned or leased by the Town of Monroe for the conduct of school administrative functions, may be within a public school facility.

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

**SENIOR HOUSING** – Any age restricted development, which may be in any housing form, including detached and attached dwelling units, apartments and residences offering private and semiprivate rooms, with or without services for residents.

**SETBACK** – The minimum horizontal distance that buildings, structures and other features must be set back from the front, side and rear lot property lines, and an access easement or right-of-way, as required by these Regulations (*see also Yard, Required*).

**SIGN** – Any object, device, display or structure, or part thereof, situated outdoors, excluding vehicles, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images; but shall not include the sign, directional notice, flag, pennant or insignia of any governmental unit. Signs shall be used only for goods sold, services rendered, or establishments on the premises and shall be accessory to a use only on the premises.

**AGRICULTURAL SIGN** – A sign directly relating to agricultural products or activities on the premises.

**ANIMATED OR MOVING SIGN** – Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

**BILLBOARD SIGN** – A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**CHANGEABLE LETTERING SIGN** – A sign upon which any combination of letters and numbers may be readily changed to convey varying information about goods sold or services rendered without reconstruction of the sign.

**CONSTRUCTION SIGN** – A temporary sign erected on the premises on which construction is taking place, restricted solely to the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

**DIRECTIONAL SIGN** – Signs limited to on-premises directional or warning messages, principally for pedestrian or vehicular traffic, such as but not limited to “one-way,” “entrance,” and “exit” but shall not include any advertising or name of establishment.

**DIRECTORY SIGN** – Signs internal to the premises located within parking areas or at entry doors indicating locations of tenants on the premises.

**FLASHING OR INTERMITTENT SIGN** – Any directly or indirectly illuminated sign, either outdoors or indoors, which exhibits changing natural or artificial light or color effects by any means whatsoever.

**FREESTANDING SIGN** – A non-movable sign supported by and placed upon the ground with or without a subsurface foundation, independent of and not affixed to a building or structure, including monuments, support poles or other supporting measures or devices, including pole and ground signs.

**GASOLINE PRICE SIGN** – An integrated portion of other permitted signs relating to an authorized and licensed gasoline sales facility advertising the type and current price of motor fuel for sale on the premises.

**GOVERNMENTAL SIGN** – A sign erected and maintained pursuant to and in discharge of any governmental functions; or required by law, ordinance or other governmental regulation; flag, pennant, or insignia of any governmental unit.

**GROUND SIGN** – Any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure.

**HOME OCCUPATION OR HOME-BASED BUSINESS SIGN** – A non-illuminated sign containing only the name and occupation of a permitted home occupation.

**ILLUMINATED SIGN** – A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

**INTERNALLY ILLUMINATED SIGN** – A lighted sign whose light source is internal to its construction.

**MENU BOARD SIGN** – A freestanding or wall sign listing items for purchase and typically including a radio communication device in connection to an otherwise permitted drive-through facility with the design, materials, and finish to match those of the primary building, the sole purpose of which is to assist patrons within a restaurant drive-through lane with the restaurant menu options available for purchase and communicating such purchase selection via electronic communication to persons inside the restaurant.

**NAME PLATE SIGN** – A non-illuminated sign, located on premises giving the name address, or both, of the owner or occupant of a building premises.

**POLE SIGN** – A sign that is mounted on a freestanding pole or other support.

**POLITICAL SIGN** – A temporary sign announcing or supporting political candidates or issues in connection with national, state or local election.

**PORTABLE SIGN** – A sign that is not permanent, affixed to building, structure or the ground. This shall include any sign mounted on a vehicle in any manner parked on any premises.

**PRE-VIEW MENU BOARD SIGN** – A freestanding or wall sign with the design, materials, and finish to match a corresponding restaurant menu board sign, the sole purpose of which is to assist patrons within a restaurant drive-through lane with the restaurant menu options available for purchase prior to arriving at the corresponding menu board sign.

**REAL ESTATE SIGN** – A sign pertaining to the sale, rental lease of the premises, or a portion of the premises, on which sign is located.

**ROADSIDE SIGN** – Any sign other than governmental sign located within the right-of-way of any street, road or highway.

**ROOF SIGN** – A sign that is mounted on the roof or portion thereof of a building or structure or which projects above the top of the wall of the building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

**SEASONAL SIGN** – A sign or advertising display of a temporary nature not to exceed sixty (60) days in any given year describing a seasonal activity, product or service.

**SPECIAL EVENT SIGN** – A temporary sign advertising a community, civic or not-for-profit organization temporary occurrence or event such as a carnival, festival, charity event, bazaar, farmers’ market, arts and crafts fair or similar.

**TAG SALE SIGN** – A temporary sign advertising a private sale of personal property by the owner of the premises, such as a garage sale, yard sale, tag sale, estate sale and the like.

**TEMPORARY SIGN** – A sign which may be permitted for a short duration or specified period of time as otherwise regulated and authorized by these Regulations, such as a special event or portable sign.

**TRAFFIC CONTROL SIGN** – An official sign indicating or directing the required conduct of vehicular and pedestrian traffic movements along streets and at intersections of streets and/or streets and private driveways.

**WALL SIGN** – A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign.

**SITE PLAN** – An accurate and detailed topographic and geometric representation of existing and/or proposed conditions on a lot or lots that is consistent with accurate property survey information.

**SITE PLAN, MINOR** – Written approval as required by these Regulations issued by the Planning and Zoning Administrator/Town Planner, as a condition precedent to the issuance of a Zoning Permit.

**SITE PLAN, STANDARD** – Written approval as required by these Regulations issued by the Planning and Zoning Commission, as a condition precedent to the issuance of a Zoning Permit.

**SOIL** – Any unconsolidated mineral or organic material of any origin.

**SOIL EROSION AND SEDIMENT CONTROL PLAN** – A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

**SPA** – *See Club, Health Club / Spa.*

**SPECIAL EXCEPTION USE** – A use where specified in these Zoning Regulations that, because of its nature, requires special and careful consideration of all aspects of the proposed operation in order to protect other properties in the zone and to preserve the basic Zoning Regulations.



**STORAGE USES –**

**COMMERCIAL WAREHOUSING CONTAINED WITHIN FULLY ENCLOSED BUILDINGS** – A building or part thereof used primarily for the temporary housing of raw materials, works in progress, and/or finished goods, wares, food and non-food products, equipment, parts, and supplies before their use, export, or distribution off-premises, including climate control facilities, but excluding bulk storage of materials that are inflammable, explosive, or that present hazardous conditions.

**SELF-STORAGE WAREHOUSING FOR RENTAL OF FULLY ENCLOSED BUILDING SPACE** – A building designed and constructed with internal individual rooms, compartments, or units, which may be of various sizes within a larger facility, leased or rented on an individual basis pursuant to a specified duration basis (i.e., monthly, annually), for the storing of personal property.

**STORAGE OF CARNIVAL RIDES** – A parcel or tract of land used for the coordinated inside and/or outside storage of carnival rides when not in use off-premises.

**STORY** – That portion of a building above the basement included between any floor and the ceiling or roof above it.

**STORY, HALF** – Any place under a gable, hip or gambrel roof, the floor of which is not more than two (2) feet below the plate.

**STRUCTURE** – Anything constructed, erected or installed, the use of which requires location on or under the ground level, in whole or in part, or attachment to something having location on or under the ground. Depending upon its applicability, the use herein of “structure” shall include the term “building.” (*See also Building*)

**SUBDIVISION** – The division of a lot, tract or parcel of land into three (3) or more lots, tracts, parcels or other divisions of land for sale, development or lease.

**SUBDIVISION, CLUSTER** – A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots that would be permitted under a conventional subdivision or increase in the overall density of development. The remaining land on the site is devoted to open space, active recreation, preservation of environmentally sensitive areas or agriculture.

**THEATER (indoor for stage/movies)** – An indoor establishment designed and constructed with fixed seating for the showing of motion pictures and/or dramatic, theatrical, musical, or other live action performances for an admission fee, including rehearsal activities.

**TOWER** – A structure intended to support equipment for receiving and/or transmitting electromagnetic waves, including self-supporting lattice, guyed and monopoles.

**TOWN ENGINEER** – The Town Engineer of the Town of Monroe.

**TOWN OF MONROE USES –**

**TOWN OF MONROE GOVERNMENTAL NON-SCHOOL ADMINISTRATIVE FACILITIES: INCLUDING BUT NOT LIMITED TO OFFICES, EMS, FIRE, POLICE, LIBRARY, SENIOR/COMMUNITY CENTER, FOOD PANTRY** – A parcel and/or facility owned or leased by the Town of Monroe for the conduct of non-school administrative functions, including municipal government offices, police, fire, library, senior and/or community center, food pantry, and/or similar facilities operated and maintained by the Town of Monroe in the pursuit of serving the needs of its citizens.

**TOWN OF MONROE GOVERNMENTAL SERVICE FACILITIES: INCLUDING BUT NOT LIMITED TO DPW YARD, DOG POUND, TRANSFER STATION, SHOOTING RANGE** – A parcel and/or facility owned or leased by the Town of Monroe for the purpose of housing inside and/or outside municipal service facilities such as DPW offices and yard, dog pound, transfer station, shooting range, and/or similar facility operated and maintained by the Town of Monroe in the pursuit of serving the needs of its citizens.

**TOWN OF MONROE COMMUNICATION SITES AND FACILITIES** – A parcel and/or facility owned or leased by the Town of Monroe for the placement, operation and maintenance of Town of Monroe owned telecommunication devices and facilities.

**UNIT OWNERS' ASSOCIATION** – *See Condominium Association.*

**VARIANCE (Zoning)** – Permission granted by the Zoning Board of Appeals to vary the literal requirements of these Regulations.

**AREA VARIANCE** – Specific relief from the literal area, bulk and other dimensional requirements of the underlying zoning district standards, not including use, without changing or amending these Regulations or the underlying zoning classification of a property, based on a demonstration of hardship relating to the peculiarities of the lot.

**USE VARIANCE** – Variance to permit a use or facility not otherwise allowed in the zoning district within which the property is located.

**VETERINARY HOSPITAL** – An establishment, licensed by the State of Connecticut to provide veterinarian care, observation, and/or treatment of animals, primarily domesticated pets, and where boarding is limited to a short term for convalescence incidental to the hospital treatment or procedure conducted only.

**WATERCOURSES** – *As defined in the Town of Monroe Inland Wetlands and Watercourses Regulations.*

**WETLANDS** – *As defined in the Town of Monroe Inland Wetlands and Watercourses Regulations.*

**WHOLESALE AND DISTRIBUTION CENTERS, NOT INCLUDING AUTOMOBILES OR BOATS** – A business establishment within an enclosed building primarily engaged in the selling and/or distributing of merchandise to other businesses; excluding automobiles, boats and recreational vehicles with living accommodations.

**WIRELESS COMMUNICATION FACILITY** – The antenna, telecommunications equipment, communication towers, monopoles and/or support structures used together in conjunction with the provision of commercial wireless communication services. These services may include, but are not limited to cellular communications, personal communication services, and paging.

**YARD** – An area on a lot that lies between the nearest lot line and the applicable setback and is unoccupied and unobstructed from the ground upward to the sky by any structure or portion thereof, except as permitted herein (*see also Setback*).

**YARD, FRONT** – An open area extending across the full width of the lot between the front property line and the front setback line.

**YARD, REAR** – An open area extending across the full width of the lot between the rear property line and the rear setback line.

**YARD, SIDE** – An open area extending across the full depth of the lot between the side property line and the side setback line.

**ZONING BOARD OF APPEALS** – The Zoning Board of Appeals of the Town of Monroe.

**ZONING ENFORCEMENT OFFICER** – The Zoning Enforcement Officer of the Town of Monroe.

**ZONING PERMIT** – Written approval as required by these Regulations, signed and issued by the Town of Monroe Zoning Enforcement Officer, as a condition precedent to the issuance of a Building Permit and commencement of use, change in use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a principal or accessory building or structure.

### **§2.2.2 Definitions Pertaining to Off-Street Parking and Loading**

The following definitions pertain particularly to the regulation and standards pertaining to off-street parking and loading requirements as set forth in §6.1 of these Regulations:

**AISSLE** – The traveled path through a parking facility along or between one (1) or two (2) rows of parked vehicles.

**BAY** – A parking facility unit that has two (2) rows of parking stalls and a central aisle.

**BENCH SEATING** – One (1) seat is equal to two (2) feet of bench length.

**CLEAR HEIGHT** – The clear vertical height inside a parking structure which is a minimum of seven (7) feet.

**DEFERRED PARKING** – The practice exercised at the discretion of the Commission where up to fifteen percent (15%) of designed parking is not constructed and is placed in landscaped lawn subject to the provision that the owner of the premises may be required to construct said parking if it is determined by either Commission or owner that circumstances require such construction.

**DIRECTIONAL PAVEMENT MARKINGS** – Line, symbols and words painted on a pavement surface to direct drivers and control traffic flow.

**DESIGN STANDARDS** – The criteria, both written and graphic as contained in this article, established to define the design characteristics and specifications of a parking facility.

**DRIVEWAY (OR ACCESS OR LANE)** – The area of a facility that allows motor vehicles access to or from any public street, other facility or area, or within the facility.

**EMPLOYEE PARKING** – Parking areas specifically designated for use by employees.

**FIRE LANE** – The aisle immediately adjacent to a building or structure reserved for access by emergency public safety vehicles in which no parking or standing is permitted.

**GROSS FLOOR AREA (GFA)** – The total interior floor area of a building or structure measured at the inside face of the exterior walls.

**HALF-BAY** – The minimum parking facility unit that has one row of parking stalls and aisle.

**HANDICAP ACCESSIBLE PARKING** – A parking space or bays of parking designed for the exclusive use by persons or drivers as defined in §14-253a of the Connecticut General Statutes and other applicable requirements of the State of Connecticut Basic Building Code, both as amended.

**ISLAND** – A raised or depressed area in a roadway, driveway, or parking lot designed to control or direct traffic flow, minimize pavement expanse and provide area for landscaping, signage, lighting, and drainage and snow storage.

**LOADING SPACE** – A dedicated area designed and dimensioned for the temporary parking or standing of truck-type vehicles for the purpose of loading and/or unloading activities in support of uses on the site.

**NET SQUARE FEET** – In a commercial or public access use, that portion of the GFA accessible to the general public, generally used for display and sales, seating or assembly.

**OFF-STREET PARKING** – A portion of a lot designed and dedicated for parking on the same site as the principal or accessory building it serves or where a shared and/or joint parking agreement is approved by the Commission as set forth in these Regulations.

**ON-STREET PARKING** – Parking located within a private or public street right-of-way.

**PARKING LOT** – A surface area for parking, constructed at grade, off the street and beyond the right-of-way.

**PARKING ANGLE** – The angle formed by a parking stall and the wall or center line of the facility, ranging from ninety (90°) degrees (perpendicular) to thirty (30) degrees.

**PARKING FACILITY** – A parking lot, garage, or deck for the purpose of off-street parking.

**PARKING SPACE (OR STALL)** – A dedicated area directly accessible to an access aisle, designed and dimensioned for the temporary parking of a single vehicle.

**PARKING STRUCTURE** – Any building or portion thereof either above grade, below grade, or both, for the parking of motor vehicles.

**PEAK PERIOD** – A period of maximum parking activity; can be by the hour, portion of a day, day of week, or seasonal.

**QUEUE SPACE** – A standing space for a vehicle equivalent in area to a parking space.

**SEATING (OR SEATS)** – The total of fixed seats and temporary seats based upon design capacity.

**SHARED OR JOINT USE PARKING** – The sharing of parking spaces by two or more uses with each use having different peak demand periods.

**STANDING** – The practice of brief vehicle stopping or waiting, generally for pick-up/ delivery or purchase of an outside service, in an area not designated or permitted for parking.

**STRIPING** – Painted lines or similar applications delineating stalls and circulation patterns.

### **§2.2.3 Definitions Pertaining to Flood Damage Control**

The following definitions pertain particularly to the regulation and standards pertaining to flood damage control requirements as set forth in §6.6 of these Regulations:

**APPEAL (Flood Damage Control)** – A request for a review of the interpretation of any provision of §6.6 or a request for a variance (flood damage control) relating thereto.

**AREA OF SPECIAL FLOOD HAZARD** – The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**BASE FLOOD** – The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the one-hundred (100) year flood, as published by the Federal Emergency Management

Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

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

**BASEMENT** – For floodplain management purposes, a basement is any area of the building having its floor subgrade (below ground level) on all sides.

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

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

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date, April 17, 1985, of the floodplain management ordinance adopted by the community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEDERAL EMERGENCY MANAGEMENT AGENCY** – The Federal agency that administers the National Flood Insurance Program (NFIP).

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

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

**FLOOD INSURANCE RATE MAP (FIRM)** – The official map of a community in 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.

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

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

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

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

**LOWEST FLOOR** – The lowest floor of the lowest enclosed area (including basement).

**MANUFACTURED HOME** (also referred to as pre-fabricated home) – A structure, transportable in one or more sections that is built and designed for connection to a permanent foundation and served by required utilities.

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

**MARKET VALUE** – The market value of the structure shall be determined by the property’s tax assessment, minus land value, 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.

**MEAN SEA LEVEL** – For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community’s flood insurance rate map are referenced.

**NEW CONSTRUCTION** – Structures for which the “start of construction” commenced on or after April 17, 1985, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, April 17, 1985, of the floodplain management regulation adopted by the community.

**RECREATIONAL VEHICLE** – For floodplain management purposes, a portable vehicle built on a single chassis, four-hundred (400) square feet or less when measured at the largest horizontal projection, which can be towed, hauled or driven and primarily designed to be used as temporary living quarters for travel, camping and recreational purposes, including but not limited to campers, travel trailers and motor homes but excluding mobile manufactured homes.

**START OF CONSTRUCTION** – For floodplain management purposes, for other than new construction or substantial improvements under the Coastal Barriers Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one-hundred-eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/ or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.



**STRUCTURE** – For floodplain management purposes, a structure is a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

**SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** – For floodplain management purposes, any combination of repairs, reconstruction, rehabilitation, alterations, additions, or other 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. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term does not, however, include either: (a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (b) any alteration of a “historic” structure, provided the alteration will not preclude the structure’s continued designation as a “historic structure.”

**VARIANCE (Flood Damage Control)** – A grant of relief from the terms of the floodplain management regulation that allows construction in a manner that would otherwise be prohibited and where specific enforcement would result in unnecessary hardship.

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

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

## **ARTICLE 3 RESIDENTIAL DISTRICTS**

### **§3.1 Residential and Farming District 1 (RF-1)**

#### **§3.1.1 Application of Provisions**

The standards, regulations and requirements as set forth in §3.1 shall apply to the use of land, buildings and other structures, and the location and bulk of buildings and other structures in any lands classified as Residential and Farming District 1 (“RF-1 District”).

#### **§3.1.2 Permitted Uses**

See Article 10 – Schedules for “Schedule of Permitted Land Uses by Zoning District.”

#### **§3.1.3 Accessory Uses**

Accessory uses, buildings or structures customarily incidental to the principal use may be allowed subject to the following additional standards and conditions.

- A.** The accessory use, building or structure shall be located on the same lot as the principal permitted use to which it is accessory.
- B.** Accessory uses shall not include any commercial activity except as specifically permitted in these Regulations.
- C.** Accessory uses, buildings or structures may include:
  - (1) Accessory apartments, subject to the specific standards contained in Article 6 of these Regulations.
  - (2) Signs, as provided in Article 6 of these Regulations.
  - (3) Private garages and sheds for the storage of personal property for use in connection with a residence.
  - (4) The keeping of no more than four (4) dogs. Any run, fenced enclosure or shelter for the use of said dogs shall be setback at least one-hundred (100) feet from any property line.

- (5) The keeping of horses and livestock on lots that are two (2) acres or more. The number of animals permitted shall be two (2) animals over five-hundred (500) pounds for the first two (2) acres and one (1) animal over five-hundred (500) pounds for each one (1) additional acre or four (4) animals under five-hundred (500) pounds for the first two (2) acres and two (2) additional animals for each one (1) additional acre, or combination thereof. All animals shall be kept in a manner so as not to create a public health hazard or have an adverse effect on the environmental quality of the surrounding area and community in general. Manure piles shall be located and maintained so as to prevent runoff of polluting materials onto adjacent properties, roads, wells or watercourses. Fencing and structures shall be installed so as to confine all animals within the property.
- (6) The keeping of poultry. All poultry shall be kept in a manner so as not to create a public health hazard or have an adverse effect on the environmental quality of the surrounding area and community in general. Manure piles shall be located and maintained so as to prevent runoff of polluting materials onto adjacent properties, roads, wells or watercourses. Fencing and structures shall be installed so as to confine all fowl within the property.
- (7) Regular outdoor parking not to exceed more than three (3) registered noncommercial vehicles or more than one (1) registered noncommercial vehicle per licensed driver at the corresponding address, whichever is greater. The outside parking or storing of any unregistered or unused vehicle is specifically prohibited.
- (8) No unregistered vehicles may be parked or stored on the premises. There shall be no more than one (1) commercial registered vehicle bearing commercial advertising parked or stored on the premises. Any commercial registered vehicle showing commercial advertising shall be garaged or suitably screened. Screening shall consist of dense foliage completely obscuring sight of the vehicle from the road and adjoining properties, or a solid fence or similar enclosure equal to the height of the vehicle, acceptable to the Commission. No commercial registered vehicle shall exceed one ton capacity. Parking of all vehicles must be neat and in driveway areas. Vehicles may not be parked on lawns. The parking or storage of truck-tractors, commercial semi-trailers and/or commercial trailers is prohibited.
- (9) Recreational vehicles or boats may be parked or stored on the premises, provided they are suitably screened and kept at least one-hundred (100) feet from the property line. Screening shall consist of dense foliage completely obscuring sight of the vehicle or boat from the road and adjoining properties, or a solid fence or similar enclosure equal to the height of the vehicle or boat.

**Lot Area and Bulk Standards****§3.1.4**

- A.** Each lot shall have a minimum area of one (1) acre (or 43,560 square feet), shall be of such shape that a square with one-hundred-thirty-five (135) feet on each side will fit on the lot and shall have a frontage of one-hundred-fifty (150) feet or more on a public street, measured along the front property line. No more than twenty percent (20%) of the minimum required lot area may include lands under water and no more than fifty percent (50%) of the minimum required lot area may include wetland soils and shall be considered as part of the lot area requirements. Land area necessary to comply with minimum lot area requirements must be contiguous and not separated by environmentally constrained lands.
- B.** In the case of subdivision or resubdivision of land in accordance with a subdivision plan and all applicable requirements of the Subdivision Regulations of the Town of Monroe, the minimum area, lot frontage and/or width of any lot in said subdivision may be reduced by the Commission in accordance with the provisions for cluster subdivision provided for in the Town of Monroe's Subdivision Regulations.

**§3.1.5 Setbacks**

- A.** No building or other structure shall extend within less than fifty (50) feet of any front lot line, nor within twenty-five (25) feet of any side or rear lot line.
- B.** Any structure housing horses and livestock shall be located not less than fifty (50) feet from any property line.
- C.** Any structure housing male poultry or more than twelve (12) female poultry shall be located not less than one-hundred (100) feet from any property line and may not be erected between the principal structure and the street.
- D.** Any structure housing twelve (12) or fewer female poultry shall be located not less than fifty (50) feet from any property line and may not be erected between the principal structure and the street.
- E.** Horses, livestock and/or poultry manure piles and/or associated containers shall be located not less than fifty (50) feet from any property line.
- F.** Any instrument used as a satellite ground receiving station for the purpose of reception of transmitted radio, television or microwave signals shall only be mounted on a structure or the

ground, and in the case of said mounting being on the ground, shall not be installed within twenty-five (25) feet of any property line, but in any case shall be installed no closer to the streetline than the closest point of setback of the dwelling to which it is accessory. All such stations when mounted on the ground shall be affixed to a permanent foundation.

### **§3.1.6 Height**

- A.** No building or other structure shall exceed a height of two-and-one-half (2½) stories or thirtyfive (35) feet.
- B.** No radio or television antennae, flagpoles, farm silos, solar panels, weathervanes, cupolas, power poles and lines, weather station, recording equipment, or survey/recording equipment shall exceed a height of forty-five (45) feet as defined in these Regulations, inclusive of any building or structure upon which they may be erected.
- C.** Property, structures, and services owned and maintained by the Town of Monroe shall be exempt from the provisions of Subsections A and B above where a height in excess of these provisions shall be necessary to perform the intended function in support of public works, administration, safety, emergency, civil services, civil defense, and education. Such structures shall be located a minimum distance from any property line, should be at least one-and-onequarter (1.25) times the height of such structures and shall be subject to a Special Exception Permit as set forth in Article 8 of these Regulations.

### **§3.1.7 Coverage**

The aggregate coverage of all buildings and other structures as well as driveways and other impervious areas on any lot shall not exceed fifteen percent (15%) of the area of the lot.

## **§3.2 Residential and Farming District 2 (RF-2)**

### **§3.2.1 Application of Provisions**

The standards, regulations and requirements as set forth in §3.2 shall apply to the use of land, buildings and other structures, and the location and bulk of buildings and other structures in any lands classified as Residential and Farming District 2 ("RF-2 District").

**Lot Area and Bulk Standards****§3.2.2 Permitted Uses**

See Article 10 – Schedules for “Schedule of Permitted Land Uses by Zoning District.”

**§3.2.3 Accessory Uses**

Accessory uses permitted in an RF-2 District shall be the same as those permitted in an RF-1 District, subject to the same restrictions described in §3.1 and other provisions of these Regulations as applicable.

**§3.2.4**

- A. Each lot shall have a minimum area of two (2) acres (or 87,120 square feet), shall be of such shape that a square with one-hundred-seventy-five (175) feet on each side will fit on the lot and shall have a frontage of two-hundred (200) feet or more on a public street. In computing area of land necessary to meet zoning requirements, no more than twenty-five percent (25%) of the minimum required lot area may include lands under water and no more than fifty percent (50%) of the minimum required lot area may include wetland soils and shall be considered as part of the lot area requirements. Land area necessary to comply with minimum lot area requirements must be contiguous and not separated by environmentally constrained lands.
- B. In the case of subdivision of land in accordance with a subdivision plan and all applicable requirements of the Subdivision Regulations of the Town of Monroe, the minimum area, lot frontage and/or width of any lot in said subdivision may be reduced by the Commission in accordance with the provisions for cluster subdivision provided for in the Town of Monroe’s Subdivision Regulations.

**§3.2.5 Setbacks**

- A. No building or other structure shall extend within less than fifty (50) feet of any front lot line, nor within thirty (30) feet of any side or rear lot line.
- B. Any structure housing horses and livestock shall be located not less than fifty (50) feet from any property line.
- C. Any structure housing male poultry or more than twelve (12) female poultry shall be located not less than one-hundred (100) feet from any property line and may not be erected between the principal structure and the street.
- D. Any structure housing twelve (12) or fewer female poultry shall not be located less than fifty (50) feet from any property line and may not be erected between the principal structure and the street.

- E. Horses, livestock and/or poultry manure piles and/or associated containers shall be located not less than fifty (50) feet from any property line.
- F. Any instrument used as a satellite ground receiving station for the purpose of reception of transmitted radio, television or microwave signals shall only be mounted on a structure or the ground, and in the case of said mounting on the ground, shall not be installed within thirty (30) feet of any property line, but in any case shall be installed no closer to the streetline than the closest point of setback of the dwelling to which it is accessory. All such stations when mounted on the ground shall be affixed to a permanent foundation.

**§3.2.6 Height**

- A. No building or other structure shall exceed a height of two-and-one-half (2½) stories or thirtyfive (35) feet.
- B. No radio television antennae, flagpoles, farm silos, solar panels, weathervanes, cupolas, power poles and lines, weather station recording equipment, or survey/recording equipment shall exceed a height of forty-five (45) feet as defined in these Regulations, inclusive of any building or structure upon which they may be erected.
- C. Property, structures, and services owned and maintained by the Town of Monroe shall be exempt from the provisions of §3.2.6A and B above where a height in excess of these provisions shall be necessary to perform the intended function in support of public works, administration, safety, emergency, civil services, civil defense, and education. Such structures shall be located a minimum distance from any property line and should be at least one-and-one-quarter (1.25) times the height of such structures and shall be subject to a Special Exception Permit under the provisions of Article 8 of these Regulations.

**§3.2.7 Coverage**

The aggregate coverage of all buildings and other structures on any lot shall not exceed ten percent (10%) of the area of the lot.

**§ 3.3 Residential and Farming District 3 (RF-3)****§3.3.1 Application of Provisions**

**Lot Area and Bulk Standards**

The standards, regulations and requirements as set forth in §3.3 shall apply to the use of land, buildings and other structures, and the location and bulk of buildings and other structures in any lands classified as Residential and Farming District 3 (“RF-3 District”).

**§3.3.2 Permitted Uses**

See Article 10 – Schedules for “Schedule of Permitted Land Uses by Zoning District.”

**§3.3.3 Accessory Uses**

Accessory uses permitted in an RF-3 District shall be the same as those permitted in RF-1 District, subject to the same restrictions described in §3.1 and other provisions of these Regulations as applicable.

**§3.3.4**

- A. Each lot shall have a minimum area of three (3) acres (130,680 square feet), shall be of such shape that a square with two-hundred (200) feet on each side will fit on the lot and shall have a frontage of two-hundred-fifty (250) feet or more on a public street. In computing area of land necessary to meet zoning requirements, no more than thirty percent (30%) of the minimum required lot area may include lands under water and no more than fifty percent (50%) of the minimum required lot area may include wetland soils and shall be considered as part of the lot area requirements. Land area necessary to comply with minimum lot area requirements must be contiguous and not separated by environmentally constrained lands.
- B. In the case of subdivision or resubdivision of land in accordance with a subdivision plan and all applicable requirements of the Subdivision Regulations of the Town of Monroe, the minimum area, lot frontage and/or width of any lot in said subdivision may be reduced by the Commission in accordance with the provisions for Cluster Subdivision provided for in the Town of Monroe’s Subdivision Regulations.

**§3.3.5 Setback**

- A. No building or other structure shall extend within less than fifty (50) feet of any front lot line, nor within thirty (30) feet of any side or rear lot line.
- B. Any structure housing horses and livestock shall be located not less than fifty (50) feet from any property line.
- C. Any structure housing male poultry or more than twelve (12) female poultry shall be located not less than one-hundred (100) feet from any property line.



- D. Any structure housing twelve (12) or fewer female poultry shall be located not less than fifty (50) feet from any property line and may not be erected between the principal structure and the street.
- E. Horses, livestock and/or poultry manure piles and/or associated containers shall be located not less than fifty (50) feet from any property line.
- F. Any instrument used as a satellite ground receiving station for the purpose of reception of transmitted radio, television or microwave signals, shall only be mounted on a structure or the ground and in the case of said mounting being on the ground, shall not be installed within thirty (30) feet of any property line, but in any case shall be installed no closer to the streetline than the closest point of setback of the dwelling to which it is accessory. All such stations when mounted on the ground shall be affixed to a permanent foundation.

#### **§3.3.6 Height**

- A. No building or other structure shall exceed a height of two-and-one-half (2½) stories or thirtyfive (35) feet.
- B. No radio or television antennae, flagpoles, farm silos, solar panels, weathervanes, cupolas, power poles and lines, weather station/recording equipment, or survey/recording equipment shall exceed a height of forty-five (45) feet as defined in these Regulations, inclusive of any building or structure upon which they may be erected.
- C. Property, structures, and services owned and maintained by the Town of Monroe shall be exempt from the provisions of §3.3.6A and B above where a height in excess of these provisions shall be necessary to perform the intended function in support of public works, administration, safety, emergency, civil services, civil defense, and education. Such structures shall be located a minimum distance from any property line and should be at least equal to one-and-one-quarter (1.25) times the height of such structures and shall be subject to a Special Exception Permit as set forth in Article 8 of these Regulations.

#### **§3.3.7 Coverage**

The aggregate coverage of all buildings and other structures on any lot shall not exceed ten percent (10%) of the area of the lot.

**Lot Area and Bulk Standards**

**§3.4 Multifamily Residence District (MFR)**

**§3.4.1 Application of Provisions**

The standards, regulations and requirements as set forth in §3.4 shall apply to the use of land, buildings and other structures, and the location and bulk of buildings and other structures in any lands classified as Multifamily Residence District (“MFR District”).

An MFR District shall be established only in an area where such District will:

- A.** Have no significant detrimental impact on the environment.
- B.** Have a water supply provided by the utility franchised to serve the area.
- C.** Be capable of providing safe, sanitary sewage disposal by means of a treatment plant or subsurface sewage disposal system or systems, either of which methods shall be approved by State and Local Authorities.
- D.** Be so located that they can be served by present or projected community facilities without undue cost to the town.

**§3.4.2 General Requirements**

- A. For the purpose of providing a balance in the distribution of housing types, the number of dwelling units contained in buildings in an MFR District designed for more than one family shall not at any point in time exceed ten percent (10%) of the number of single-family dwellings as listed on the current Grand List of the Town of Monroe as effective on October 1 of the current list year in the office of the Assessor of the Town of Monroe, but this shall in no way limit the number of single-family dwellings approved by the Commission in an MFR District, provided all other requirements of the zoning, subdivision and other applicable regulations are met.
- B. In an MFR District, the property shall be suitable for the long-term disposal of sanitary waste effluent without danger to public health by an environmentally suitable and legally acceptable method.
- C. No habitable building in a MFR District shall be occupied nor shall a permanent certificate of zoning compliance therefore be issued until such building is connected to an adequate public water supply and adequate hydrants are provided for fire protection as prescribed by the Fire Marshal.
- D. Where community facilities are not available or are difficult to provide for an MFR District, the Commission may reject an application unless and until there is assurance that such community facilities will be provided.
- E. At the time of application for an approval, the applicant should designate whether or not any dwelling unit will be held in condominium ownership under the State Unit Ownership Act.

**§3.4.3 Permitted Uses**

See Article 10 – Schedules for “Schedule of Permitted Land Uses by Zoning District.”

**§3.4.4 Accessory Uses**

Accessory uses, buildings and structures customarily incidental to the principal permitted use are allowed in an MFR District, provided that such accessory uses are for the benefit of the tenants, residents or guests living within such MFR District, including maintenance, storage and utility buildings and garages as accessory to a permitted use.

- A. Accessory and subordinate recreational and social facilities directly serving and to the benefit of the multifamily development community residents and their invited guests; such facilities shall be private and not open to the general public:
- B. Signs, as provided in Article 6 of these Regulations, which shall be limited by the sign requirements applicable to the Residential and Farming Districts.

- C. Conservation and open spaces.
- D. Off-street parking, landscaping, lighting, site utilities and similar site infrastructure improvements as regulated in Article 6 of these Regulations.

### **§3.4.5 Density and Dimensional Requirements**

#### **A. Density**

Subject to the provisions of §3.4.2 above, the total number of dwelling units permitted within an MFR District shall not exceed:

- (1) Attached single-family units: two-and-half (2.5) units per gross acre of the parcel, computed by multiplying the parcel gross acreage by two-and-half (2.5); or
- (2) Detached single-family units: One (1) unit per gross acre of the parcel, computed by multiplying the parcel gross acreage by one (1).

#### **B. Minimum Parcel Size**

Minimum parcel size shall be seventy (70) acres under same ownership in a single continuous area, except that when divided by a public street the Commission may approve such MFR District, provided that not less than thirty percent (30%) of the land on one side of the street is dedicated to open space and seventy percent (70%) of the land opposite is open space.

#### **C. Frontage**

Such parcel shall have not less than two-hundred (200) feet of frontage on a public highway.

#### **D. Setbacks**

No building shall be constructed within one-hundred (100) feet of any adjoining property lines or within fifty (50) feet of any streetline. The land area of such yards shall have landscaped area treatment as provided in Article 7 of these Regulations. No structures, no driveways and no roadways, except where crossing a front yard for street access, and no parking areas shall be permitted in a required yard. Walkways are permitted in a required yard.

#### **E. Height**

No building shall exceed two-and-one-half (2½) stories or thirty-five (35) feet in height. A basement shall not be considered a story.

**F. Coverage**

The aggregate land area covered by all buildings and other structures shall not exceed twelve percent (12%) of the total area of the parcel.

**G. Vertical Unit Design**

In a structure containing two (2) or more dwelling units, there shall be no more than one (1) dwelling unit or portion thereof located above another dwelling unit.

**§3.4.6 Distribution of Unit Sizes****A. In buildings containing more than one dwelling unit:**

- (1) At least sixty percent (60%) of the total number of multi-family units shall be limited to one bedroom, with:
  - (a) A maximum of four (4) rooms containing a minimum of nine-hundred-fifty (950) square feet of living area; and
  - (b) A maximum of three (3) rooms containing a minimum of seven-hundred-fifty (750) square feet of living area shall be constructed for a minimum ten percent (10%) of the total number of units.
- (2) Not more than forty percent (40%) of the total number of multi-family units shall be limited to two (2) bedrooms with a maximum of five (5) rooms containing a minimum of one-thousand-two-hundred (1,200) square feet of living area.

**B. "Living floor area" shall be that area within the perimeter walls of the dwelling unit devoted to the exclusive use of the occupant and shall not include balconies, porches or other spaces outside the dwelling unit.****§3.4.7 Separation of Units**

- A. Not more than six (6) dwelling units shall be contained within the enclosing walls of a building, but this shall not prevent the use of a garage or carport structure from connecting two (2) buildings provided that the opposing wall has no windows. Walls with windows in a building shall not be less than twenty (20) feet from an opposing wall without windows and not less than fifty (50) feet from an opposing wall with windows.

- B. A garage or carport may be attached to a building wall without windows on the first floor. Where such garage or carport projects beyond the building wall or is detached, the floor area shall not be less than ten (10) feet from any building wall and shall be screened with a fifty percent (50%) solid wall or screening with the top six (6) feet above grade and the bottom not more than two (2) feet above the garage floor level.
- C. The scale of buildings shall be compatible with the scale of residential buildings in the town. No building facade shall have a continuous surface exceeding fifty (50) feet in length without a horizontal offset from grade to eaves of at least two (2) feet, and the plane of rooflines shall be similarly broken.

#### **§3.4.8 Open Space Requirements**

- A. Not less than fifty percent (50%) of the gross area of the parcel shall be designated as and shall remain as open space in perpetuity, and such area may be developed only for open space and recreational uses. No less than fourteen percent (14%) of such open space land shall be used for passive recreation, park or playground areas. This open space shall be located where approved by the Commission in accordance with its policy and criteria for the location of open space, shall be dedicated to recreation and open space. Maintenance of said open space shall be the responsibility of the owner of the property if held in single ownership, or of a homeowners' association, if the lots and/or units are sold to individual owners.
- B. Open space may be retained in private ownership for the public good by an organization, such as a land trust, provided there is proper assurance that the land will remain as open space.
  - (1) Open space may be retained in private ownership, provided an organization is formed prior to the sale or leasing of any land in an MFR District, consisting of all the landowners therein, each having an undivided interest in and responsibility for the costs of maintenance of all such private open space land.
  - (2) In the case of private open space land developed with recreation facilities, including a golf, swimming or tennis club, the corporation owning such land shall make available to all residents of an MFR District such recreational facilities, subject, as applicable, to payment of normal fees or charges by persons using such facilities.
  - (3) No privately owned open space in an MFR District shall be sold or the ownership thereof transferred until after the Town of Monroe has been given the right to purchase such land and any facilities thereon.
  - (4) No special exception approval shall be granted until private open space disposition has been documented in a form satisfactory to the Town Attorney and has been approved by the Commission and filed in the land records of the Town of Monroe.
  - (5) Any recreational open space or passive open space shall be permanently dedicated to such use by appropriate covenants and restrictions so as to prohibit the use thereof for any other

purpose whatsoever in perpetuity. Land to be used as public or private open space shall be left in condition for the purpose intended. Wooded and brook areas shall be left natural, where appropriate. All debris and solid waste shall be removed.

- (6) A site improvement plan shall be prepared for all public and private open space. Except as otherwise permitted in writing by the Commission, there shall be no depositing, dumping or storage of waste or other natural or man-made materials, supplies or equipment on any land designated as open space. No work, farming, gardening, clearing, landscaping, removal or filling shall be done, nor shall the existing natural characteristics of open space land be altered from its original condition, until a site improvement plan, prepared by a competent professional person, has been approved by the Commission.

#### **§3.4.9 Off-Street Parking**

- A. Notwithstanding the provisions of Article 6 of these Regulations, parking spaces for not less than two cars per dwelling unit shall be provided off the public streets; at least fifty percent (50%) of such spaces shall be in a garage or in a garage within a residential building.
- B. Parking of motor vehicles outdoors shall be limited to operable registered passenger vehicles only, but this shall not limit the parking of other vehicles of residents in a roofed building or structure having solid walls and a garage door. No parking spaces shall be located in a required front yard facing a public street, and all parking spaces visible from a public street shall be screened with landscaping. Parking areas and access driveways or roadways shall be not less than twenty (20) feet from a principal building, except as provided in §3.4.9A of these Regulations. Parking areas containing more than 40 car spaces shall have two access driveways. Parking areas shall have a permanent all-weather surface, be properly drained, provide for stormwater quality control, include line striping and comply with the requirements set forth in Article 6 of these Regulations.
- C. Not more than twenty (20) dwelling units or more than forty (40) off-street parking spaces will be permitted off a permanent public dead-end street or on a private dead-end street or driveway on the lot.

#### **§3.4.10 Utilities and Improvements**

##### **A. Water Supply**

- (1) Water from a public utility source shall be installed, including all pump station or valve pressure reduction equipment, hydrant and supply system appurtenances, without cost to the Town, to serve all buildings requiring same in an MFR District, in conformance with the rules and regulations of the utilities having jurisdiction.
- (2) Adequate water pressure shall be provided to address all local, State and Federal requirements for domestic pressure and fire suppression.

**B. Sewerage System**

- (1) All buildings shall be served by an environmentally suitable sanitary waste treatment and disposal system that conforms to all applicable requirements of local, State and Federal law and shall be certified by a Connecticut licensed professional engineer. The sanitary waste treatment and disposal system must be approved for construction by all relevant Federal, State and local authorities prior to the issuance of the written zoning certification needed for a building permit. All necessary permits for the discharge of wastewater shall be obtained and presented to the Commission or its authorized agent prior to the issuance of a final Zoning Certificate of Compliance or Certificate of Occupancy.
- (2) Statement of ownership. A statement of ownership of the sewerage system and treatment plant shall be filed in Monroe Land Records, the office of the Town Planning and Zoning Department, and the Town of Monroe Water Pollution Control Authority. At any time said ownership changes, a revised statement of ownership noting said changes shall be filed with the above offices.
- (3) The system shall be operated and maintained at the expense of the owner(s) of said system. This includes all costs of material, engineering, consultants, labor (full salaries, including all fringe benefits) and any other associated costs. All costs are the sole expense of the owner and none shall be the obligation of the town.
- (4) In the case where there is a community septic system serving more than one building, the community septic system must meet all the requirements of State of Connecticut General Statutes, §7-245 through §7-273u, as amended, and the regulations and requirements of the Monroe Water Pollution Control Authority. An agreement for use of the community septic system shall be executed and recorded in the Monroe Land Records prior to the issuance of a Certificate of Zoning Compliance for Building Permits.

**C. Sidewalks**

Sidewalks shall be provided, as required by the Commission, to assure safe pedestrian travel between buildings and from buildings to off-street visitor parking, recreational or community facilities, mail delivery pickup facilities, and to bus stops.

**D. Trash Collection and Removal**

- (1) Trash collection points and/or trash storage areas within enclosed individual garages, or similar areas, shall be provided throughout the site in locations and enclosures approved by the Commission and shall be shown on the Site Plan of development.



- (2) Dumpsters shall be appropriately enclosed and screened.
- (3) Collection points shall be regularly maintained and kept free of all loose and/ or accumulated material. Receptacles for deposit shall be kept tightly closed at all times to minimize the effect on public safety and health.
- (4) Maintenance and removal of trash and garbage shall be the sole responsibility of the owners, or their designated representative, however, in no case shall removal by a refuse collector, duly licensed, take place on a frequency of less than once a week. Methods of collection and removal shall be subject to regular inspection by the Health Department of the Town of Monroe.
- (5) Provisions for recycled materials shall be included in trash collection points where applicable and shall comply with all of the other requirements of trash removal.

#### **E. Mailboxes**

Mailbox delivery structures/facilities and adequate access for mail pick-up shall be provided in a location(s) approved by the Commission and shall be shown on the Site Plan.

#### **§3.4.11 Statement of Satisfactory Completion**

Upon completion of all construction including sanitary sewer systems, storm drainage, roads, parking buildings, structures and recreational facilities, the owner/developer shall provide the Commission, the Town Engineer and the Water Pollution Control Authority, when applicable, with the following:

- A.** Reproducible "As-Built" plans of all improvements in a form satisfactory to the Town Planner and Town Engineer.
- B.** Copies of all permits and/or documentation issued by or submitted to any and all governmental agencies and officials in connection with the review or approval of the sanitary waste treatment and disposal system, including but not limited to "As-Built" plans, including certifications of State of Connecticut licensed professional engineer(s), licensed land surveyors, licensed architects, licensed landscape architects and/or other licensed professional where applicable.

#### **§3.4.12 Approval and Execution**

- A.** In order to ensure the orderly development by staging construction of an MFR District over a period not to exceed five years, the Commission may limit the number of building permits issued

in one year to not over one-third (1/3) of the total number of units approved in the overall Site Plan.

- B.** The Commission's approval of a proposed MFR District shall be treated solely as an approval of the concept shown on the Site Plan submitted with the application. The approval shall not be deemed to authorize the construction of any improvements shown on the Site Plan. Neither the Commission nor its authorized agent shall issue the written certification necessary for the issuance of a building permit until the applicant has submitted adequate documentation that the proposed sanitary waste treatment and disposal system, water supply and other utilities have been approved by all governmental agencies or authorities having jurisdiction thereof.

### **§3.5 Age Restricted Residence (ARR) District**

#### **§3.5.1 Application of Provisions**

The standards, regulations and requirements as set forth in §3.5 shall apply to the use of land, buildings and other structures, and the location and bulk of buildings and other structures in any lands classified Age Restricted Residence District (ARR) District.

- A.** An ARR District shall be established only in an area where the uses meet the following conditions:
- (1) Will have no significant detrimental impact on the environment.
  - (2) Will have a water supply provided by the utility franchised to serve the area.
  - (3) Will be established only from lands presently zoned Residential and Farming (RF-1, RF-2 and RF-3 District), which lands shall upon rezoning be required to be a single contiguous lot owned in fee simple with frontage as required herein on a Major Arterial, Minor Arterial or Collector Road as identified in the 2010 Monroe Plan of Conservation and Development, as may be amended from time to time.
- B. Relation to Connecticut General Statutes.** The Unit Ownership Act, Chapter 825 of the Connecticut General Statutes shall continue to govern residential condominiums in the Town of Monroe created prior to 1984, except to the extent Chapter 828 of the Connecticut General Statutes prevail as set forth therein or as may be amended from time to time.
- C.** For the purpose of this regulation, “age restricted” shall be a deed restricted dwelling unit where one or more of the occupants is fifty-five (55) years of age or older. There shall be no permanent residents eighteen (18) years of age or younger for more than three (3) months in any consecutive twelve (12) month period. Such dwellings shall comply with all State and Federal regulations pertaining to housing for persons fifty-five (55) years and older. All dwelling units shall be restricted in use in accordance with the requirements of these Zoning Regulations by restrictive covenant, the required residential condominium declaration and condominium bylaws. The residential condominium association shall provide evidence to the Town of Monroe Planning and

Zoning Department on an annual basis, no later than January 31<sup>st</sup> of each year, compliance with the provisions of this section.

- D. Ownership.** The ownership of all dwelling units in an ARR District shall be by residential condominium. No permanent Certificate of Zoning Compliance shall be issued until the Commission is in receipt of a copy of the condominium documents for the project, including the Public Offering Statement, Declaration and By-Laws, as approved and recorded in the Monroe Land Records, which documents shall provide provisions limiting occupancy of units to occupancy where one or more occupants is fifty-five (55) years of age or older, provisions establishing a budget to insure maintenance of all private access driveways, parking areas and all buildings, utilities and site improvements on the project and other applicable provisions insuring that all requirements of the ARR District as set forth in these Regulations are adhered to by the dwelling unit owners and condominium association.
- E. Organization.** Organization of condominium association or unit owners' association shall be pursuant to CGS §47-243A. Such association shall be organized no later than the date the first condominium unit in the residential condominium is conveyed. The membership of the association at all times shall consist exclusively of all condominium unit owners. The association shall have an executive board. The association shall be organized as a business or nonstock corporation, trust, partnership or unincorporated association.
- F.** No individual condominium unit may be subdivided into two or more units.
- G. Bylaws.** Bylaws of the condominium association shall:
- (1) Provide the number of members of the executive board and the titles of the officers of the association.
  - (2) Unless otherwise specified in the residential condominium declaration, provide for election by either the executive board or the unit owners of a president, treasurer, secretary and any other officers of the association the bylaws specify.
  - (3) Specify the qualifications, powers and duties, terms of office and manner of electing and removing executive board members and officers and filling vacancies.
  - (4) Specify the powers the executive board or officers may delegate to other persons or to a managing agent.
  - (5) Specify the officers who may prepare, execute, certify and record amendments to the residential condominium declaration on behalf of the condominium association.
  - (6) Specify a method for amending the bylaws.

- (7) Contain any provision necessary to satisfy requirements in this chapter or the residential condominium declaration concerning meetings, voting, quorums and other activities of the condominium association.
- (8) Provide for any matter required by the law of the State of Connecticut and Town of Monroe, which is not inconsistent thereto, to appear in the bylaws of organizations of the same type as the association.
- (9) Provide for the establishment, publishing and adherence to policies and procedures that demonstrate clear intent and implementation of providing for housing for persons fiftyfive (55) years or older. Proposed residents must be required to sign a notarized affidavit and present verification of their age.
- (10) Contain procedures and policies for the verification of the age restricted occupancy of individual condominium units.
- (11) Subject to the residential condominium declaration, the bylaws may provide for any other necessary or appropriate matters including matters that could be adopted as a rule or regulation of the residential condominium.

### **§3.5.2 General Requirements**

- A. For the purpose of providing a balance in the distribution of housing types throughout the Town, the total number of permitted age restricted dwelling units within all areas in the Town zoned ARR District shall not at any point in time exceed six percent (6%) of the total number of single-family dwellings within the combined RF-1, RF-2 and RF-3 Districts, as listed on the current Grand List of the Town of Monroe as effective on October 1 of the current list year in the office of the Assessor of the Town of Monroe at the time an application is filed with the Commission.
- B. No habitable building in an ARR District shall be occupied nor shall a permanent certificate of zoning compliance be issued until such building is connected to an approved and operational adequate water supply, sewage disposal system, central utilities, and adequate fire protection measures are installed and operational as prescribed by the Fire Marshal.

### **§3.5.3 Permitted Uses**

See Article 10 – Schedules for “Schedule of Permitted Land Uses by Zoning District.”

**§3.5.4 Accessory Uses**

- A.** Accessory maintenance and utility uses, buildings and structures customarily incidental to the principal use provided such accessory uses are for the benefit of the residents living within the related ARR District development property.
- B.** Signs, as provided in Article 6, which shall be limited by the sign requirements applicable to residential and farming districts.
- C.** A caretaker residence, which residence shall count as one of the total dwellings permitted but is not subject to the age restrictions. Said dwelling shall contain a maximum of three (3) bedrooms and shall be designed and located to be integral with the age restricted dwellings.
- D.** Indoor and outdoor passive and active recreation facilities solely for the residents of the particular ARR District development and their guests, including such facilities as a swimming pool, racquet sport court, clubhouse or meeting room, pavilion, gazebo or other similar condominium association community center facility.
- E.** Off-street parking, landscaping, lighting, site utilities and similar site infrastructure improvements as regulated in Article 6 of these Regulations.

**§3.5.5 Density and Dimensional Requirements**

**A. Density**

- (1) Attached age restricted dwellings. Subject to the provisions of §3.5.2A above, the total number of attached age restricted dwelling units permitted within an ARR District development shall not exceed five (5) units per gross acre of the parcel, computed by multiplying the parcel gross acreage by five (5).
- (2) Detached age restricted dwellings. Subject to the to the provisions of §3.5.2A above, the total number of detached age restricted dwelling units permitted within an ARR District development shall not exceed two (2) units per gross acre of the lot, computed by multiplying the parcel gross acreage by two (2).

**B. Minimum Lot Area**

Minimum lot area shall be not less than ten (10) acres contained within a single contiguous fee simple lot.

**C. Minimum Lot Frontage**

Such lot shall have not less than one-hundred twenty-five (125) feet of street frontage on a public highway as set forth in §3.5.1(A)(3) above.

**D. Setbacks**

- (1) **Minimum setbacks.** No building or structure shall be constructed except in conformance with the following minimum standards:

**Age Restricted Residence District Minimum Setbacks**

<b>Minimum Standard</b>	<b>Attached Dwellings</b>	<b>Detached Dwellings</b>
Front Yard	50 feet	50 feet
Side Yard	100 feet	50 feet
Rear Yard	100 feet	50 feet
From Internal Access Driveway	25 feet	25 feet
From Sidewalk Dwelling Side	20 feet	20 feet

- (2) The lands within the minimum required setback yard areas shall have a landscape treatment as required in §6.2 of these Regulations, including an adequately maintained landscape buffer from adjoining properties.
- (3) No access driveway or walkway, except crossing to provide access to the abutting public street, and no building, structure or parking area shall be permitted in a required minimum front yard.
- (4) In no case shall parking be permitted within twenty-five (25) feet of a side or rear property line or a required minimum landscape buffer area, whichever is greater.
- (5) Subsurface sewage disposal systems may be located in a required setback area, subject to the following:
- (a) All applicable landscape buffer requirements shall be provided, except the Commission may permit an encroachment into a required landscape buffer provided it can be shown that such encroachment is the minimum necessary and an alternative landscape buffer plan is provided to offset any such encroachment.

- (b) Notwithstanding Subsection (a) above, a minimum setback of 10 feet from any property line shall be provided.

**E. Height**

No building or structure shall exceed two-and-one-half (2½) stories or thirty-five (35) feet in height.

**F. Coverage**

- (1) Building coverage. The aggregate land area covered by all buildings and other structures shall not exceed fifteen percent (15%) of the total area of the lot.
- (2) Site Coverage. The aggregate land area covered by all buildings, structures and other impervious surfaces shall not exceed thirty-five percent (35%) of the total area of the lot.

**§3.5.6 Floor Area**

**A. Age restricted attached dwelling units.** A minimum net floor area (living space) per age restricted attached dwelling unit shall not be less than the following:

- (1) Studio/Efficiency Unit: Five-hundred (500) square feet.
- (2) One-Bedroom Unit: Seven-hundred-fifty (750) square feet.
- (3) Two-Bedroom Unit: One-thousand (1,000) square feet.

**B. Age restricted detached dwelling units.** A minimum gross floor area (living space) per age restricted detached dwelling unit shall not be less than one-thousand (1,000) square feet, nor contain more than three (3) bedrooms each.

**C. "Floor area (living space)"** shall not include unfinished interior spaces or garages or exterior balconies, porches, decks or other spaces outside the individual dwelling unit.

**§3.5.7 Separation of Units**

**A. Age restricted attached dwelling units.**

- (1) Not more than six dwelling units shall be contained within the enclosing walls of a single building.
  - (2) The minimum separation distance between buildings shall be thirty-five (35) feet.
  - (3) Each individual dwelling unit shall have its own separate entrance/exit leading directly to the outside. No more than two such entrances/exits shall be within thirty (30) feet of each other.
- B. Age restricted detached dwelling units.** The minimum separation distance between principal buildings shall be thirty-five (35) feet as measured from the closet point of each building, except certain architectural features as set forth in §1.9.9(B)(1), (2) and (3) of these Regulations may project a maximum of two (2) feet into said separation area.
- C.** The architectural design, scale and mass of buildings and structures, including materials, colors, rooflines and elevations shall be compatible with the design, character and scale of residential buildings in the town. No building facade shall have a continuous surface exceeding fifty (50) feet in length without a horizontal offset from grade to eaves of at least two feet.
- D.** All buildings and structures shall be designed and grouped in such a manner as to provide adequate light, air, ventilation and privacy for all habitable rooms and exterior extensions of the interior living area such as balconies, porches, decks and patios.
- E.** Buildings shall be designed to be compatible with the functions that they will perform, in relationship to existing topography and to minimize adverse visual effects on the surrounding area.
- F.** All mechanical equipment and refuse/recycling containers shall be screened from view. Individual refuse/recycling facilities shall be stored within a structure except on day of pickup. Centralized refuse/recycling collection areas shall be maintained and conveniently located for all groups of units. The collection areas shall be properly enclosed, screened and supplied with all covered receptacles.
- G.** A centralized mailbox location and structure shall be provided with sufficient parking or automobile standing area separated from the internal access driveway by a landscaped island traffic control islands or other similar buffer.

### **§3.5.8 Off-Street Parking**

- A.** Off-street parking for age restricted attached and detached dwellings units shall be provided in accordance with the standards contained in Article 6 of these Regulations.
- B.** The location of visitor spaces shall be distributed evenly throughout the development to ensure proximity to each dwelling unit.



- C. Accessory facilities: the Commission shall require an appropriate number of additional off-street parking spaces for accessory uses, buildings, structures and recreation facilities. Such additional spaces shall be located in direct proximity to said accessory facilities.
- D. A minimum of fifty percent (50%) of all minimum required dwelling unit parking spaces shall be in individual or common garages. Garages shall not be converted to living habitable space and no garage shall be configured as a work room, storage area or similar to preclude its use for parking of passenger vehicles. Off-street parking spaces in front of individual dwelling unit garages may be counted as an exterior space. Parking of motor vehicles outdoors shall be limited to operable registered passenger vehicles only.
- E. No parking spaces shall be located in a required front yard facing a public street, and all parking spaces visible from a public street shall be screened with fencing and landscaping. There shall be no parking permitted on internal access driveways, curbs, sidewalks or lawn areas. All parking shall be in designated parking spaces as approved by the Commission.
- F. Parking areas containing more than forty (40) parking spaces shall have two (2) access driveways. Parking areas shall have a permanent all-weather surface and shall be properly drained with a maximum grade of five percent (5%).
- G. On-site parking shall also be in conformance with the requirements set forth in §6.1.13 through §6.1.17 of these Regulations.
- H. The parking and storage of recreational vehicles, boats, campers, ATV and other similar vehicles shall comply with the standards of §1.9.2D of these Regulations. The location of any such parking and storage shall be designated on the development plans and approved by the Commission, including the required screening thereof.
- I. Maintenance equipment and vehicles if maintained by the ARR development shall be stored and parked in an enclosed building.

### **§3.5.9 Utilities and Improvements**

#### **A. Water Supply**

- (1) Water for all facilities in an ARR development shall be served by a public utility source.
- (2) Adequate water pressure shall be provided to address all local and federal requirements for domestic pressure and fire suppression.
- (3) All water supply facilities and extension of water mains to the site shall be constructed, maintained and operated at no cost to the Town of Monroe.

**B. Sewerage System**

- (1) The ARR development shall be served by a Subsurface Sewage Disposal System (SSDS) or an On-site Wastewater Renovation System (OWRS) in conformance with all Federal, State and Local laws, standards and regulations.
- (2) All sewage system facilities shall be constructed, maintained and operated at no cost to the Town of Monroe.
- (3) The SSDS or OWRS shall be owned by the residential condominium association, and as such, the residential condominium association shall be responsible for its operation and maintenance in conformance with all Federal, State and Local laws, standards and regulations. The ownership and responsibility shall be incorporated in the residential condominium declaration.

**C. Pedestrian Walkways**

- (1) Walkways shall be provided at the Commission's discretion.
- (2) Walkways shall be provided at locations as required and accepted by the Commission, to assure safe pedestrian travel between buildings and from buildings to off-street visitor parking, recreational or community facilities, mail delivery pick-up facilities, bus stops, and other site areas as determined appropriate by the Commission.
- (3) Walkways shall not be pitched at a slope greater than five (5) percent. The use of steps on a sidewalk is prohibited unless an ADA compliant alternate access is also provided.
- (4) Walkways shall have a minimum of five feet clear and unobstructed width.
- (5) Walkways shall be constructed of concrete, pavers set in concrete, or other similar materials (asphalt shall not be permitted), and shall be ADA complaint.
- (6) Cross walks shall be provided at appropriate driveway access intersections and other appropriate locations.

**D. Access Driveways**

- (1) There shall be provided a safe and convenient system of internal access driveways, individual unit driveways, parking areas and pedestrian walks, with due consideration given in planning such facilities to the needs of the physically handicapped and aged.
- (2) The access driveways and other related development facilities shall remain private and shall be constructed, maintained and operated at no cost to the Town of Monroe.

- (3) Internal access driveways shall comply with the “commercial” standards set forth in Chapter 260, Driveway Construction of the Code of the Town of Monroe, as amended from time to time. Where an internal driveway intersects with a public highway, there shall be a minimum pavement width of twenty four (24) feet of a wearing surface course consisting of bituminous concrete or equivalent surface treatment in accordance with Town standards for a distance of fifty (50) feet from the intersection.
- (4) Internal access driveway(s) shall be designed for safe and easy circulation of traffic within the development. Driveways shall be laid out with attention to the natural contours of the land and provide easy access for all emergency vehicles.
- (5) No internal access driveway segment shall be greater in length than fifteen hundred (1,500) feet without two (2) internal through access (not a “dead end”) driveway connections/alternatives or an emergency accessway. The emergency accessway shall be suitable for use by emergency vehicles. The emergency accessway shall be not less than twenty (20) feet wide throughout its length. The emergency accessway need not be paved with an impervious surface. However, it shall be hard surfaced and accessible by apparatus. The emergency accessway shall be clear and maintained at all times so that there are no impediments to emergency vehicle use. Emergency accessways shall be specifically approved by the Police and Fire Departments.
- (6) In addition to the standards set forth in Chapter 260, Driveway Construction of the Code of the Town of Monroe, as amended from time to time, the design criteria for internal access driveways shall be in compliance with the Connecticut Department of Transportation 2003 Highway Design Manual, as amended from time to time; the 2004 AASHTO Geometric Design of Highways and Streets, as amended from time to time; and the following design criteria:

ITEM	CRITERIA
Speed Limit	15 mph (posted with proper signs)
Design Speed	20 miles per hour
Minimum Horizontal Curve Radius	80 feet
Minimum Length of Vertical Curve	Length: 8.6(A) (A = algebraic difference in grades)
Minimum Stopping Sight Distance Internal to the Site	115 feet
Minimum Sight Distance at Intersections Internal to the Site	All approach stop controlled: 70 feet Stop control for minor approach: ■ Left Turn: 225 feet ■ Right Turn: 135 feet
Cross Slope	Three-eighths (3/8) inches per foot.

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## Town of Monroe Zoning Regulations

Subbase	Eight (8) inches of gravel.
Base Course	Four (4) inches of processed aggregate.
Surface Course	Three (3) inches of asphalt in two (2) courses.
Guide Rail	Per guidelines set forth in the State Traffic Manual, as updated; per Best Management Practices; and per Town of Monroe Standard No. 1 "Typical Roadway Sections."
Shoulder	Three (3) foot stabilized area adjacent to pavement with a half (1/2) inch per foot slope.

- (7) As per evaluation of proposed conditions, the location, type, and amount of curbing required within an ARR development shall be at the discretion of the Commission.
- (8) Appropriate directional and traffic signage shall be provided throughout the ARR development, including stop signs and stop bars at internal access driveway intersections and intersections with public roads.
- (9) **Individual unit driveways**
- (a) Each individual unit driveway serving a dwelling unit shall have a width of no less than ten (10) feet. Individual unit driveways serving more than one dwelling unit shall be no less than sixteen (16) feet and no greater than twenty (20) feet wide. Common driveway courts, landscaping, fencing, walls and other such measures shall be incorporated to minimize the visual appearance of such shared individual driveways from the internal access driveway, abutting dwelling units and adjacent yard areas. All individual unit driveways shall not contain grades no less than one percent (1%) or greater than five percent (5%).
- (b) All individual unit driveways shall intersect only with an internal access driveway. No individual unit driveway shall intersect directly with a public highway unless the unit and driveway were constructed prior to 1960 and the unit is and remains a detached single-family residence.

### E. Stormwater Management

There shall be provided a coordinated and comprehensive system of stormwater collection and treatment addressing water quality and quantity issues prepared by a Civil Engineer, licensed in the State of Connecticut.

- (1) The proposed development shall be planned so that there will be no increase in the post development peak rate of flow from the site for each 2-year, 5-year, 10-year, 25-year, noting that a 50-year and/or 100-year design storm may be required where warranted by downstream site conditions, the size of the development, and/or the size of the drainage basin.

- (2) All data shall be analyzed using Natural Resource Conservation Service (formerly SCS) TR55 and TR 20 methodology. Design storms shall be Type III, 24-hour duration. The Rational methodology may be used for evaluation of conveyance systems in some situations as approved by the Town Engineer.
- (3) The analysis shall include existing and proposed conditions watershed runoff maps; narrative of activity; summary of changes to impervious areas; tabulation of design input values including land use, curve number and time of concentration; graphical hydrograph and routing diagrams for each watershed subarea and detention facility; and tabular summary of existing and proposed condition peak rates of runoff. Evaluation of upstream and downstream conditions shall also be included.
- (4) Percolation tests and test pits must be conducted in the location of detention facilities. The test shall be conducted prior to design and the location shall be shown on the plans. The percolation tests shall be conducted as defined by the Connecticut Health Code and must be in the soil layer below the detention facilities. The tests shall be certified by a Civil Engineer, licensed in the State of Connecticut.
- (5) Maximum infiltration is encouraged. A minimum separation distance of 18 inches must be achieved between the bottom of the detention facilities and any restrictive layer (ie; Redoximorphic features, ledge or other restrictive layer) as determined by the soils tests unless an underdrain system is proposed. No exfiltration shall be included in the computations of the detention facilities.
- (6) All detention or retention facilities shall have an emergency spillway sized to safely pass a 100-year design storm in a controlled manner without eroding the outlet works.

#### **F. Other Site Utilities**

- (1) Underground utilities. All utilities, including but not limited to water supply, electric, natural gas, telephone, internet and cable television service, shall be placed underground.
- (2) Fire protection. Provisions shall be provided for proper access for fire-fighting equipment and personnel and include facilities and water supply for fire-fighting purposes as may be determined adequate and approved by the Commission based upon the recommendations and requirements of the Fire Marshal.
- (3) Installation and extension of all site utilities shall be constructed, maintained and operated at no cost to the Town of Monroe.

#### **G. Landscaping and Lighting**

Landscaping and lighting shall comply with 6.2 of these regulations.

## **§3.6 Recreational Residence District (RR)**

### **§3.6.1 Application of Provisions**

The standards, regulations and requirements as set forth in §3.6 shall apply to the use of land, buildings and other structures, and the location and bulk of buildings and other structures in any lands classified as Recreational Residence District (“RR District”).

**A.** An RR District shall be established only in an area where such district will:

- (1) Have no significant detrimental impact on the environment.
- (2) Have a water supply provided by the utility franchised to serve the area.
- (3) Be so located that it can be served by present or projected community facilities without undue cost to the town.

### **§3.6.2 General Requirements**

- A.** For the purpose of providing a balance in the distribution of housing types, the number of building lots in an RR District shall not at any point in time exceed ten percent (10%) of the number of single-family dwellings as listed on the current Grand List of the Town of Monroe as effective on October 1 of the current list year in the office of the Assessor of the Town of Monroe.
- B.** No habitable building in an RR District shall be occupied nor shall a permanent certificate of zoning compliance therefore be issued until such building is connected to an adequate public water supply and adequate hydrants are provided for fire protection as prescribed by the Fire Marshal.

### **§3.6.3 Permitted Uses**

See Article 10 – Schedules for “Schedule of Permitted Land Uses by Zoning District.”

### **§3.6.4 Accessory Uses**

- A.** Accessory uses, buildings and structures customarily incidental to the principal use are allowed in an RR District, provided such accessory uses are for the benefit of the tenants, residents or guests living within such RR District.
- B.** A country club, golf club or a clubhouse facility.
- C.** Maintenance, storage and utility buildings and garages as accessory to or required by a permitted use.

- D. Signs, as provided in Article 6, which shall be limited by the sign requirements applicable to Residential and Farming Districts.
- E. Off-street parking, landscaping, lighting, site utilities and similar site infrastructure improvements as regulated in Article 6 of these Regulations.

#### **§3.6.5 Density and Dimensional Requirements**

##### **A. Density**

Subject to the provisions of §3.6.2A of these Regulations, the total number of single-family building lots and/or dwelling units permitted within an RR District shall not exceed one (1) unit per net acre of the parcel if the parcel was conventionally subdivided.

##### **B. Minimum Parcel Size**

Minimum parcel size shall be twenty-five (25) acres under same ownership in one (1) contiguous area.

##### **C. Frontage**

Such parcel shall have not less than two-hundred (200) feet of frontage on a public highway. No lot shall have less than ninety (90) feet of frontage on a public highway.

##### **D. Lot Size**

The minimum area of each individual building lot shall be three-quarters-of-one-acre (3/4 acres or 32,670 square feet) for each RR District to be established. No more than twenty percent (20%) of the total area of the lot area may be under water, and no more than fifty percent (50%) of the total lot may consist of wetlands as defined by the governing wetland authority.

##### **E. Height**

No building shall exceed two-and-one-half (2½) stories or thirty-five (35) feet in height. A basement shall not be considered a story.

#### **§3.6.6 Minimum Floor Area**

Each single-family detached building shall have a floor area of not less than one-thousand-one-hundred (1,100) square feet.

#### **§3.6.7 Setback of Units**

No building or other structure shall extend within less than thirty (30) feet of any front lot line; within less than twenty-five (25) feet of an RF-1 District; within less than thirty (30) feet of an RF-2 District or RF-3 District; nor within fifteen (15) feet of any side or rear lot line.

### **§3.6.8 Open Space Requirements**

#### **A. Amount Required**

- (1) Not less than thirty percent (30%) of the gross area of the parcel shall be designated as and shall remain in open space, and such space may be developed only for recreational uses. Such land shall be located where approved by the Commission and shall be dedicated to recreation and open space by such covenants or restrictions as may be required by the Commission.
- (2) Not less than ten percent (10%) of the gross area of the parcel shall be conveyed to the Town of Monroe as open space.

#### **B. Ownership**

Recreational open space or passive open space may be retained in private ownership for the public good provided there is proper assurance that the land will remain as open space.

- (1) Open space may be retained in private ownership, provided an organization is formed prior to the sale or leasing of any land in the RR District, consisting of all the landowners therein, each having an undivided interest in and responsibility for the costs of maintenance of all such private open space land.
- (2) In the case of private open space land developed with recreation facilities, including a golf, swimming or tennis club, the corporation owning such land shall make available to all residents of the Town of Monroe such recreational facilities, subject, as applicable, to payment of normal fees or charges by persons using such facilities.
- (3) No privately owned open space in an RR District shall be sold or the ownership thereof transferred until after the Town of Monroe has been given the right to purchase such land and any facilities thereon.
- (4) No special exception approval shall be granted until private open space disposition has been documented in a form satisfactory to the Commission.
- (5) Any recreational open space or passive open space shall be permanently dedicated to such use by appropriate covenants and restrictions so as to prohibit the use thereof for any other purpose whatsoever in perpetuity.



**C. Open Space Plan**

A site improvement plan shall be prepared for all public and private open space. Except as otherwise permitted in writing by the Commission, there shall be no depositing, dumping or storage of waste or other natural or man-made materials, supplies or equipment on any land designated as open space. No work, removal or filling shall be done, nor shall the existing natural characteristics of open space land be altered from its original condition, until a site improvement plan, prepared by a competent professional person, shall have been approved by the Commission.

- (1) Land to be used as public or private open space shall be left in condition for the purpose intended. Undesirable growth and debris shall be removed from all such areas. Wooded and brook areas shall be left natural, where appropriate. Open spaces shall be graded to properly dispose of surface water and shall be seeded in a manner directed by the Commission.

**§3.6.9 Utilities and Improvements****A. Water Supply**

Water from a public utility source shall be installed, without cost to the town, to serve all buildings requiring same in an RR District, in conformance with the rules and regulations of the utilities having jurisdiction. A certified affidavit shall be supplied by the utility company that contractual agreement has been made to provide water.

**B. Sewerage System**

- (1) All buildings shall be served by an environmentally suitable sanitary waste treatment and disposal system that conforms to all applicable requirements of local, state and federal law and shall be certified by a Connecticut licensed professional engineer. The sanitary waste treatment and disposal system must be approved for construction by all relevant Federal, State and local authorities prior to the issuance of the written zoning certification needed for a building permit. All necessary permits for the discharge of wastewater must be obtained and presented to the Commission or its authorized agent before the final zoning certification will be issued for a certificate of occupancy
- (2) A statement of ownership of the sewerage system and treatment plant shall be filed in the Monroe Land Records, the office of the Planning and Zoning Department and the Town of Monroe Water Pollution Control Authority. At any time said ownership changes, a revised statement of ownership noting said changes shall be filed with the above offices.

- (3) The system shall be operated and maintained at the expense of the owner(s) of said system. This includes all costs of material, engineering, consultants, labor (full salaries, including all fringe benefits) and any other associated costs. All costs are the sole expense of the owner and none shall be the obligation of the town.
- (4) In the case where there is a community septic system serving more than one building, the community septic system must meet all the requirements of State of Connecticut General Statutes, §7-245 through 7-273u, as amended, and the regulations and requirements of the Monroe Water Pollution Control Authority. An agreement for use of the community septic system shall be executed and recorded in the Monroe Land Records prior to the issuance of a Certificate of Zoning Compliance for Building Permits.

#### **§3.6.10 Statement of Satisfactory Completion**

Upon completion of all drainage installations and associated work requiring engineering plans and specifications, the developer's engineer shall submit a statement of satisfactory completion asserting that all engineering requirements have been met according to the plans and/or amendments submitted. This statement shall be signed by and bear the seal of the developer's engineer, who shall be a professional engineer licensed to practice in the State of Connecticut.

#### **§3.6.11 Approval and Execution**

- A. In order to ensure the orderly development by staging construction of an RR District over a period not to exceed five (5) years, the Commission may limit the number of building permits issued in one (1) year to not over one-fourth (1/4) of the total number of units approved in the overall Site Plan.
- B. The applicant shall file with the Commission its request for approval of a Site Plan of development, including the following information in addition to the provisions of Article 7 of these Regulations:
  - (1) Boundary survey, Class A-2, related to the intersection of at least two (2) existing Town streets or State Highways, with accurate dimensions.
  - (2) Topography of the parcel at two (2) foot contours, based on the National Geodetic Survey.
  - (3) Layout of the recreational facilities and open space to be developed on the land.
  - (4) Layout of the approximate boundaries of each section of the overall development, showing in schematic form the approximate number of building lots to be developed in each section.
  - (5) Such other information or data as the Commission may deem necessary.
- C. Where deemed appropriate in the judgment of the Commission, the construction and development of an RR District site may be phased in sections. The applicant shall file with the

Commission its request for each section accompanied by a Site Plan of development, including the information specified in §3.6.11B of these Regulations.

- D. After approval of a Site Plan by the Commission, the applicant shall thereafter submit detailed maps and plans for the subdivision of each section into individual building lots. Such maps and plans shall conform to the requirements of Subdivision Regulations of the Town of Monroe. All roads and subdivision improvements shall comply with said regulations. Each such section map shall conform to the approximate boundaries of the overall Site Plan, and the number of building lots in said section shall not vary more than five percent (5%) from the number shown on the overall Site Plan; provided, however, that the total number of lots as finally approved shall not exceed the total number shown on the overall Site Plan. A public hearing may be required with respect to the approval of individual sections.
- E. Upon approval of the subdivision of a section into individual building lots, the applicant shall file with the Commission a bond to guarantee the completion of all roads and subdivision improvements in said section. Said bond shall comply with the requirements of Article 7 of these Regulations.

### **§3.7 Housing Opportunity District (HOD)**

#### **§3.7.1 Purpose**

The purpose of the Housing Opportunity District HOD is:

- A. To comply with those portions of the Town's Plan of Conservation and Development that encourage on a long-term basis diverse housing patterns, including “starter” homes and other affordable housing.
- B. To encourage the construction of housing that is both affordable as defined by state statutes and is consistent with design and construction standards present in the community.
- C. To assist the Town in complying with the State Zoning Enabling Act, Connecticut General Statute §8-2, as amended, by adopting zoning regulations that promote housing choice and economic diversity, including housing for low and moderate income households.
- D. To efficiently utilize existing infrastructure and promote neighborhood planning by providing, where infrastructure support is available, a mix of housing densities, sizes, and prices.

#### **§3.7.2 Application of Provisions**

- A. The standards, regulations and requirements as set forth in §3.7 shall apply to the use of land, buildings and other structures, and the location and bulk of buildings and other structures in any lands classified as Housing Opportunity District (“HOD”).

- B. An HOD shall be established only in an area that has a water supply provided by the utility franchised to serve the area; and is capable of providing safe, sanitary sewage disposal by means of a treatment plant or subsurface sewage disposal system or systems, either of which methods shall be approved by State, regional and local authorities.

### **§3.7.3 General Requirements**

No habitable building in an HOD shall be occupied nor shall a permanent certificate of zoning compliance therefore be issued until such building is connected to an adequate public water supply and adequate hydrants are provided for fire protection as prescribed by the Fire Marshal.

### **§3.7.4 Permitted Uses**

See Article 10 – Schedules for “Schedule of Permitted Land Uses by Zoning District.”

### **§3.7.5 Accessory Uses**

- A. Accessory uses, buildings and structures customarily incidental the principal uses are allowed in an HOD, provided that such accessory uses are for the benefit of the tenants, residents or guests living within such HOD.
- B. Signs, as provided in Article 6 of these Regulations, which shall be limited by the sign requirements applicable to the Residential and Farming Districts.
- C. Off-street parking, landscaping, lighting, site utilities and similar site infrastructure improvements as regulated in Article 6 of these Regulations.

### **§3.7.6 Density and Dimensional Requirements**

#### **A. Density**

The total number of dwelling units permitted in an HOD shall not exceed 1.5 units per gross acre of the parcel.

#### **B. Minimum Parcel Size**

The minimum size of a parcel to be rezoned and developed as an HOD shall be not less than twenty (20) nor more than twenty-five (25) contiguous acres, under one ownership in one (1) contiguous

parcel; be within two-hundred-fifty (250) feet of a street classified as a minor artery; be adjacent to existing open space; and have not less than seventy-five (750) feet frontage on a public street.

**C. Setbacks**

No building or other structure shall be constructed within fifty (50) feet of any front lot line; within twenty-five (25) feet of any side lot line; nor within fifty (50) feet of any rear lot line. The land area of such yards shall have a landscaping treatment as required by Article 6 of these Regulations. No roadways, except where crossing a front or side yard for street access, and no parking or loading areas shall be permitted in a required yard.

**D. Height**

No building shall exceed two-and-one-half (2½) stories or thirty-five (35) feet in height. A basement shall not be considered a story.

**E. Coverage**

The aggregate land area covered by all buildings and other structures shall not exceed thirty-five percent (35%) of the total area of the parcel.

**§3.7.7 Separation of Units**

- A. The distance between the exterior walls of the dwelling units in an HOD shall not be less than twenty (20) feet.
- B. The scale of buildings shall be compatible with the scale of residential buildings on adjacent properties. No building facade shall have a continuous surface exceeding fifty (50) feet in length without a horizontal offset from grade to eaves of at least two (2) feet, and the plane of rooflines shall be similarly broken.

**§3.7.8 Open Space Requirements**

Not less than thirty percent (30%) of the gross area of a lot developed pursuant to the standards of an HOD shall be designated as and shall remain open space. Such area may be developed only for open space or active or passive recreational uses. Any open space subjected to a conservation easement shall preserve it for such uses in perpetuity.

**§3.7.9 Off-Street Parking**

Parking spaces for not less than two (2) cars per dwelling unit shall be provided off public streets. Visitor parking shall be interspersed throughout the development area.

**§3.7.10 Utilities and Improvements****A. Water Supply**

Water from a public utility source shall be installed, without cost to the Town, to serve all buildings requiring same in an HOD development, in conformance with the rules and regulations of the utilities having jurisdiction.

**B. Sewerage System**

- (1) A sanitary sewerage system shall be installed to serve all buildings requiring same in an HOD development, and if connected to a septic system, shall be as approved by state, regional and Town authorities as applicable and built to state and local specifications. All sanitary sewers and storm sewers shall be both constructed and operated separately and independently of each other. The Town reserves the right to take corrective actions that are deemed necessary for public health, safety and welfare in case of malfunction of the system, the cost of such corrective action to be borne by the owners of the system.
- (2) Statement of ownership. A statement of ownership of the sewage system and treatment plant shall be filed in the Monroe Land Records and the office of the Planning and Zoning Department. At any time said ownership changes, a revised statement of ownership noting said changes shall be filed with the above offices.
- (3) Should subsurface sewage disposal be employed in lieu of a treatment plant, such proposal shall demonstrate that suitable soils exist on the property for primary and reserve leaching areas in conformance with local and state health codes and criteria. Final design documents for all such subsurface sewage disposal systems shall receive the approval of the Connecticut Department of Environmental Protection, the Trumbull Monroe Health District and/or the Monroe Health Department. All of the provisions of §3.6.10B(1) through (3) of these Regulations shall apply to subsurface sewage disposal systems if this option is selected by the applicant.

**C. Open Space**

- (1) Except as otherwise permitted in writing by the Commission, there shall be no depositing, clearing, farming, gardening, dumping or storage of waste or other natural or man-made materials, supplies or equipment on any land designated as open space. No work, removal or filling shall be done nor shall the existing natural characteristics of open space land be altered from its original condition, until a site improvement plan, prepared by a competent professional person, shall have been approved by the Commission.
- (2) Land to be used as public or private open space shall be left in condition for the purpose intended. Wooded and brook areas shall be left in their natural state.

**D. Trash Collection and Removal**

- (1) Trash collection points shall be provided throughout the site in locations and in enclosures approved by the Commission and shall be shown on the Site Plan of development. Collection points shall be regularly maintained and kept free of all loose and/or accumulated material. Receptacles for deposit shall be kept tightly closed at all times to minimize the effect on public safety and health.
- (2) Maintenance and removal of trash and garbage shall be the sole responsibility of the owners or their designated representative.
- (3) Provisions for recycled materials shall be included in trash collection points and shall comply with all of the other requirements of trash removal.

**E. Cul-de-sacs and Turnarounds**

A turnaround provided at the closed end of a cul-de-sac shall not exceed a minimum radius of fifty (50) feet. The maximum access length for roadways/driveways with no outlet shall be onethousand (1,000) feet.

**F. Excavation**

An HOD Development must comply with regulations regarding excavation as set forth in Article 6 of these Regulations.

**§3.7.11 Statement of Satisfactory Completion**

Upon completion of all sewerage installations, drainage installations and associated work requiring engineering plans and specifications, the developer's engineer shall submit to the Commission a statement of satisfactory completion asserting that all engineering requirements have been met according to the plans and/or amendments submitted. This statement shall be signed and bear the seal of the developer's engineer, who shall be a professional engineer licensed to practice in the State of Connecticut.

**§3.7.12 Additional Requirements**

The following requirements shall apply to an HOD:

- A.** HOD Units shall be of a construction quality that is comparable to market-rate units within the development. The final Site Plan and plan for administration of affordability rules shall identify the locations within an HOD Development of the HOD Units.
- B.** The HOD Units shall be built on a *pro rata* basis as construction proceeds.

- C. In an HOD Development, no HOD Unit shall have less than two bedrooms, and at least thirty percent (30%) of such Units shall have three bedrooms.
- D. Calculation of the maximum monthly payment for an HOD Unit, so as to satisfy Connecticut General Statute §8-30g, as amended, shall utilize the area median income data as published by the U.S. Department of Housing and Urban Development:
  - (1) For a rental unit, as in effect on the day the lease is signed; or
  - (2) For an ownership unit, as in effect on the day a bond for deed or similar contract of conveyance is accepted by the seller.
- E. The maximum payment that the occupant for an HOD Unit shall pay shall not be greater than the amount that will preserve such unit as "affordable housing" as that term is defined in Connecticut General Statute §8-30g, as amended, and shall include the following:
  - (1) For rental housing, the maximum monthly housing payment shall include the cost of rent; common charges in the case of a rental in a common interest community, if the tenant is directly responsible; heat; and utility costs, including hot water and electricity, but excluding telephone and cable television.
  - (2) For ownership housing, the maximum monthly housing payment shall include periodic mortgage payments, based on a commercially reasonable down payment for affordable housing buyers and prevailing interest rates at the time of sale; taxes; insurance; common charges in the case of ownership of a unit in a common interest community; heat; and utility costs, including hot water and electricity, but excluding telephone and cable television.
- F. HOD Units shall be occupied only as a tenant's or purchasers' principal residence. Subletting of HOD Units shall be prohibited.
- G. At the same time that the market-rate units in an HOD Development are first advertised to the general public, notice of availability of the HOD Units shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of Monroe, and by providing notice to the Monroe Board of Selectmen, the Monroe Town Clerk, and the Commission.
- H. For one of every four HOD Units which become available for initial sale or rental, preference shall be given to applicants who are otherwise qualified and are Town of Monroe employees or Monroe Board of Education employees.
- I. Each deed or lease for an HOD Unit will contain substantially the following provision: This unit is sold or rented as an "affordable housing unit" as defined in Connecticut General Statute §8-30g, as amended, and is available only to persons or families whose income is at or below eighty percent (80%) or sixty percent (60%), as applicable, of the area median income for Monroe or the statewide median income, whichever is less, as determined by the U.S. Department of Housing



and Urban Development. This development has been approved by agencies of the Town of Monroe based in part on the condition that a defined percentage of units will be preserved as affordable housing units. The restrictions related to affordability are required by law to be strictly enforced.

- J. The thirty (30) year affordability period shall be calculated separately for each HOD Unit in a HOD Development, and the period shall begin on the date, as defined at closing, of occupancy of the Unit.
- K. In conjunction with an application for approval of a Site Plan for an HOD Development, the applicant shall submit an "Affordability Plan," which shall describe how the regulations regarding affordability will be administered. The Plan shall include provisions for administration of and compliance with the provisions of this Section, notice procedures to the general public of the availability of affordable units, identification of those units which are to be designated affordable, procedures for verification and periodic confirmation of unit occupancy income, and compliance with affordability requirements. Such Plan shall also include drafts of documents that will be used in the administration of the affordability restrictions and any explanations which will be provided to the unit occupants concerning such restrictions.
- L. A violation of the regulations contained in this Section shall not result in a forfeiture or reversion of title, but the Commission shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under §8-12, as amended, to issue notices of violation, to impose fines, and to seek injunctive relief.

## **ARTICLE 4 NONRESIDENTIAL DISTRICTS**

### **§4.1 Business District 1 (B-1)**

#### **§4.1.1 Application of Provisions**

The standards, regulations and requirements as set forth in §4.1 shall apply to the alteration and use of land, buildings and other structures, and the location and bulk of buildings and other structures in any lands classified as Business District 1 (“B-1 District”).

#### **§4.1.2 Permitted Uses**

See Article 10 – Schedules for “Schedule of Permitted Lands Uses by Zoning District.”

#### **§4.1.3 Accessory Uses**

Accessory uses, buildings or structures customarily incidental to a principal use are allowed in a B-1 District, including:

- A.** Mechanical and/or electronic amusement devices not to exceed two (2) per premises and located in a manner that their installation or use shall not constitute a hazard to public safety.
- B.** Seasonal or special sales events provided that they occur not more than twice in a six (6) month period, but not within less than thirty (30) days of each event. Each sales event shall not exceed a period of nine consecutive calendar days. Such sales events are characterized as “sidewalk sales,” “Christmas Tree sales,” “holiday plant sales,” “grand opening sales,” “tent sales,” and similar. Such accessory uses may be conducted provided that the following provisions are met, subject to review of the Zoning Enforcement Officer:
  - (1) It is conducted by the owner(s) of the principal use(s) or business(s) on the premises.
  - (2) It is conducted on the premises on which the principal use(s) or business(s) are located.
  - (3) It is conducted during normal and reasonable business hours.
  - (4) The accessory use may use the front yard area but shall in no way encroach on any other yard requirement or on any road right-of-way.
  - (5) The accessory use and/or any temporary shelter or display fixtures shall be placed in such a manner as to not obstruct any vehicular line of sight or traffic control, any vehicular or pedestrian access or egress, or any parking or loading space required by these Regulations unless evaluated and accepted by the Commission.

- (6) No sound systems shall be allowed.
- C. A bar/cocktail lounge is permitted only as an accessory use to a restaurant; shall occupy a space separated from the dining room area; must be located within the structure; shall have a capacity not to exceed forty percent (40%) of normal dining room seating capacity, and a standup bar with or without stools. Live entertainment, including customer dancing, is permitted.
- D. Outdoor storage of materials related to commercial uses:
  - (1) All materials to be stored outdoors shall be directly related to the principal use on the site.
  - (2) Outdoor storage shall comply with the bulk requirements of the underlying zoning district and related principal use.
  - (3) The outdoor storage area shall not exceed twenty percent (20%) of the gross floor area of the principal building.
  - (4) Outdoor storage shall not interfere with parking, site access or on-site circulation of vehicles and pedestrians.
  - (5) Materials shall be stored in an environmentally safe and orderly fashion, and shall be properly secured. The contents of outdoor storage shall be temporary in nature.
  - (6) Outdoor storage areas shall be screened from adjoining properties and shall conform to landscaping and screening requirements of these Regulations.
  - (7) The limit or area of approved outdoor storage shall be physically delineated, controlled and contained by buildings, structures, fencing, landscaping or a combination thereof to screen said area and the contents therein.

#### **§4.1.4 Lot Area and Bulk Requirements for Business District 1**

No lot shall be used and no building or other structure shall be constructed or altered for use except in conformance with the following minimum standards:

<b>Schedule of Dimensional Requirements</b>	
<b>Lot Requirements</b>	<b>B-1</b>
Minimum lot area	1 acre
Minimum lot frontage	125 feet
Minimum square*	125 x 125 feet
Minimum front yard	50 feet

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## Town of Monroe Zoning Regulations

### Minimum yard

At residential zone boundary 30 feet

Rear and side 20 feet

Maximum height 2 ½ stories/35 feet

Building coverage 25%

Minimum floor area (Effective 3-14-75] 1,400 square feet

\*Note: Each lot shall be of such shape that a square one hundred twenty-five (125) feet on each side can be placed entirely within the lot lines, with one (1) side parallel to and on the lot side of the street lot line.

### §4.1.5 Landscaping and Screening

Site landscaping and screening must be provided in accordance with the landscape and screening provisions of Article 6 of these Regulations.

### §4.1.6 Parking and Loading

- A. Parking and loading areas shall be provided off the public streets for all vehicles using the premises and shall contain not less than the minimum space requirements of Article 6 of these Regulations.
- B. No parking areas or internal driveway shall be located less than twenty (20) feet from a street line, right-of-way line, or front property line, or within thirty (30) feet of a residence district.
- C. Parking lot driveway(s) or access aisle(s) may be located within required setbacks for the purpose of providing present or future vehicular access and circulation between adjacent parcels.

## §4.2 Business District 2 (B-2)

### §4.2.1 Application of Provisions

The standards, regulations and requirements as set forth in §4.2 shall apply to the use of land, buildings and other structures, and the location and bulk of buildings and other structures in any lands classified as Business District 2 ("B-2 District").

### §4.2.2 Permitted Uses

See Article 10 – Schedules for "Schedule of Permitted Lands Uses by Zoning District."

### §4.2.3 Accessory Uses

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## Town of Monroe Zoning Regulations

Accessory uses, buildings or structures customarily incidental to a principal use are allowed in a B-2 District, including:

- A. Accessory uses as permitted in a B-1 District.
- B. The manufacturing, processing or assembling of goods and materials only when clearly incidental and accessory to a permitted principal retail use on the premises.

### §4.2.4 Lot Area and Bulk Dimensional Requirements for Business District 2

No lot shall be used and no building or other structure shall be constructed or altered for use except in conformance with the following minimum standards:

Schedule of Dimensional Requirements	
Lot Requirements	B-2
Minimum lot area	1 acre
Minimum lot frontage	125 feet
Minimum square*	125 x 125 feet
Minimum front yard	50 feet
Minimum yard	
At residential zone boundary**	30 feet
Rear and side	20 feet
Maximum height	2 ½ stories/35 feet
Building coverage	25%
Minimum floor area	1,400 square feet

\*Note: Each lot shall be of such shape that a square one hundred twenty-five (125) feet on each side can be placed entirely within the lot lines, with one (1) side parallel to and on the lot side of the street lot line.

\*\*Except if abutting land owned by the State of Connecticut, which is permanently preserved in perpetuity in its natural and open condition for the protection of natural resources and public water supply, or permanently protected open space of a solely passive nature.

**§4.2.5 Landscaping and Screening**

Landscaping and screening requirements in the B-2 District shall be the same as those in the B-1 District, as described in §4.1.5, §6.2 and other sections of these Regulations as applicable.

**§4.2.6 Parking and Loading**

Parking and loading requirements in the B-2 District shall be the same as those in the B-1 District, as described in §4.1.6, §6.1 and other sections of these Regulations as applicable.

**§4.2.7 Uses Permitted within Minimum Front Yard Setbacks**

The following uses as may be approved by the Commission, shall be permitted within the minimum front yard setback established in §4.1.4 of these Regulations subject to all of the requirements set forth in these Regulations applicable to uses and structures in a B-2 district:

- A. Canopies over pump islands and adjacent areas utilized to fuel vehicles at gasoline service stations.
- B. Public access walks.
- C. Driveways and service roads for cross access only.
- D. Flagpoles.
- E. Lighting.
- F. Irrigation.
- G. Directional signage and pavement marking.

**§4.3 Industrial Districts****§4.3.1 Application of Provisions**

The standards, regulations and requirements as set forth in §4.3 shall apply to the use of land, buildings and other structures, and the location and bulk of buildings and other structures in any lands classified as Industrial District 1 ("I-1 District"), Industrial District 2 ("I-2 District"), and Industrial District 3 ("I-3 District").

An Industrial District shall be established only in an area where such district will:

- A. Have no significant detrimental impact on the environment.

- B.** Have the capacity to provide for the onsite handling, disposal and/or storage in a safe, sanitary and harmless manner as prescribed by all applicable State, Federal or local laws, rules or regulations, of sewage, solid or liquid waste, toxic or hazardous substances, or any chemicals or by-products produced, kept, made, generated or used or to be used on the premises. In the event such sewage, solid or liquid waste, toxic or hazardous substances and materials or such chemicals and by-products as aforesaid are not to be handled, stored or disposed of on site, the manner of such handling, disposal and/or storage shall be reported including proof of compliance with all applicable State, Federal and local laws, rules and regulations.
- C.** Must meet and continue to meet the performance standards of these Regulations.
- D.** Be adequately protected from casualty by fire as may be determined by the Town Fire Marshal, subject to review by the Commission.

#### **§4.3.2 Performance Standards**

The following standards shall be considered minimal and shall apply to all uses of land, buildings and accessory uses on any premises within an I-1 District, I-2 District and I-3 District, and shall apply continuously, and failure to conform to any standard herein listed shall be construed to be a violation of these Regulations and subject to the penalties provided by law:

##### **A. Noise**

- (1) The control of noise pollution is to protect residential areas surrounding Industrial Districts, as well as to protect adjoining industrial users within an industrial zone, and shall be so construed. During the hours between 7:00 am and 10:00 pm, at no point on a zone boundary between a Residential District and any Industrial District shall the radiating sound level, measured in decibels, from any operation exceed the decibel level in Column A below. During the hours between 7:00 am and 10:00 pm, at no point less than twohundred-fifty (250) feet from any other zoning district boundary or less than twohundred-fifty (250) feet from any property line within an Industrial District shall the radiating sound level from any operation exceed the decibel level in Column B below:

<b>Octave Band (cycles per second)</b>	<b>Maximum Permitted Sound Level (decibels)</b>	
	<b>Column A</b>	<b>Column B</b>
<b>0 – 75</b>	68	74

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<b>75 – 150</b>	55	62
<b>150 – 300</b>	48	56
<b>300 – 600</b>	44	51
<b>600 - 1,200</b>	40	45
<b>1,200 - 2,400</b>	36	40
<b>2,400 - 4,800</b>	32	36
<b>Over 4,800</b>	30	33

- (2) In the event of any conflict during tests for noise level between Columns A and B, Column A shall have precedence.
- (3) The above sound levels in both columns shall be reduced by five decibels for night operation between the hours of 10:00 pm and 7:00 am and for noise of impulsive character, such as hammering, or periodic in character, such as hum, screech or continuous tones. Sound levels shall be measured with a sound-level or decibel meter and associated octave band analyzer than conforms to current American Standards Association specifications.

**B. Vibration**

At no point on the boundary of any bordering residential zone shall any vibration exceed twoten-thousandths (0.0002) inches to a frequency of fifteen (15) cycles per second or less when measured by a seismograph of accepted standard manufacture.

**C. Air Pollution**

No dust, smoke or fumes shall be emitted from any operation so as to be noticeable or evident or be in violation of Federal, State and local pollution regulations.

**D. Glare and Heat**

Glare and heat from lighting or any process or operation shall not be seen or felt at the boundary of a bordering residential zone.

**E. Hazardous Wastes / Materials**

No hazardous wastes/materials shall be stored, used or generated except in accordance with all applicable State, Federal and local laws, rules and regulations. All applications for uses hereunder shall include a written statement detailing and identifying all hazardous wastes/materials to be used, stored or generated on the premises including the manner of onsite and/or offsite disposal, handling and/or storage and including proof of compliance with all applicable State, Federal and local laws, rules and regulations. Said statement shall additionally include an estimate of the quantity of each toxic or hazardous material/waste, and approximately where on the applicant's or operator's property the material/waste will be located. A copy of said statement shall be



transmitted by the Commission to the Monroe Police Department, the Fire Marshal, and the Fire Department Chiefs. Such materials/wastes to be identified shall be those defined in the Environmental Protection Agency Hazardous Waste Regulations published in the May 19, 1980, Federal Register (Part 261) as amended from time to time. All storage containers for any toxic or hazardous materials/wastes shall conform to specifications of the Federal Department of Transportation and Environmental Protection Agency, and shall each contain a warning label naming the contents and those that are hazardous/ toxic.

**F. Explosion, Fire or Radiation Hazards**

At any point in the zone, any exposure to explosion, fire or radiation hazards shall be safeguarded by all means available, and such safeguards shall be subject to the approval of the State and local Fire Marshals or appropriate authority. No operation in this zone shall be the cause of radio or television interference.

**§4.3.3 Permitted Uses**

See Article 10 – Schedules for “Schedule of Permitted Lands Uses by Zoning District.”

**§4.3.4 Prohibited Uses in Industrial District 3**

**A.** Notwithstanding that any land use not specifically permitted is prohibited, the following uses are specifically prohibited in an I-3 District:

- (1) Gasoline service stations, service and repair garages, and automotive, boat, recreational vehicle, truck, and similar sales. Public display of any vehicle for sale is prohibited. "Boat" shall not include non-motorized boats up to sixteen (16) feet in length (e.g., canoes and kayaks).
- (2) Arcades (amusement centers with coin or token-operated games or any type of electronic payment for operation of games) as a principal use.
- (3) Adult-oriented businesses (including, but not limited to, adult bookstores, adult theaters, and massage parlors).
- (4) Mini-warehouses or self-storage facilities.
- (5) Nightclubs, taverns, social clubs, and similar uses where the primary purpose of the business is the serving of alcoholic beverages.
- (6) "Fast food" restaurants, where the majority of meals are not served by waitpersons to patrons at tables. Fast food restaurants are allowed only as part of a larger complex such as a food court in a shopping center.

- (7) Stand-alone "convenience" stores: quick-stop, high-turnover mini-markets.
- (8) Tattoo establishments.
- (9) Firearms sales, except as a minor accessory use, not to exceed five percent (5%) of the gross floor area.
- (10) On-site dry cleaning.

#### **§4.3.5 Accessory Uses**

Accessory uses, buildings or structures customarily incidental to a principal use are allowed in all Industrial Districts, except as limited below, including:

- A. Recreational facilities for employees, which shall not be located in a front yard or any yard abutting a residential zone.
- B. Child Day Care Center in conjunction with a general or professional office use.
- C. Retail not exceeding 5% of the gross floor area of the principal business.
- D. Restaurants, including corporate cafeterias, serving the principal use occupants only and not open to the general public.
- E. Outdoor storage of materials related to industrial uses.
  - (1) All materials to be stored outdoors shall be directly related to the principal use on the site.
  - (2) Outdoor storage shall comply with the bulk requirements of the underlying zoning district and related principal use.
  - (3) The outdoor storage area shall not exceed twenty percent (20%) of the gross floor area of the principal building.
  - (4) Outdoor storage shall not interfere with parking, site access or on-site circulation of vehicles and pedestrians.
  - (5) Materials shall be stored in an environmentally safe and orderly fashion, and shall be properly secured. The contents of outdoor storage shall be temporary in nature.
  - (6) Outdoor storage areas shall be screened from adjoining properties and shall conform to landscaping and screening requirements of these Regulations.

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- (7) The limit or area of approved outdoor storage shall be physically delineated, controlled and contained by buildings, structures, fencing, landscaping or a combination thereof to screen said area and the contents therein.
- F. Storage Silos in the I-3 District only, not to exceed sixty-five (65) feet in height, nor have a footprint exceeding ten (10) percent of the gross square footage of the principal building footprint that the silo is attached to. No signage, flags or lights shall be attached to the silo, except as may be required for safety purposes at the base of the silo. All such footprints shall include all enclosed overhangs.

### §4.3.6 Lot Area and Bulk Requirements for All Industrial Districts

- A. No lot shall be used and no building or other structure shall be constructed or altered for use except in conformance with the minimum standards set forth below in the Schedule of Area and Bulk Requirements. Side yard setback requirements may be reduced at the discretion of the Commission in order to encourage clustering of industrial buildings where shared parking can be achieved for complimentary uses in accordance with provisions for shared parking provided in Article 6 of these Regulations. Site landscaping and screening shall be provided in accordance with the landscaping and screening provisions of Article 6 of these Regulations.

#### Schedule of Area and Bulk Requirements

Lot Requirements	I-1	I-2	I-3
Minimum lot area	1 acre	3 acres	10 acres
Minimum lot frontage	120 feet	200 feet	200 feet
Minimum square*	110 feet	150 feet	350 feet
Minimum front yard, public road	50 feet	50 feet	150 feet
Minimum front yard, private commercial street	25 feet	50 feet	50 feet**
Minimum yard			
For buildings at residential zone boundary	50 feet	100 feet	100 feet
Rear and side yards	25 feet	25 feet	50 feet**
Maximum height	3 stories/40 feet	3 stories/40 feet	3 stories/55 feet***
Building coverage	25%	25%	25%

\*Note: Each lot shall be of such shape that the applicable square can be placed entirely within the lot lines, with one (1) side parallel to the street lot line.

\*\*Note: The minimum yard for buildings and structures, or a portion thereof, exceeding a height of 40 feet shall be no less than the highest height of such buildings and structures, or portion thereof.

\*\*\*Note: Maximum height of sixty-five (65) feet allowed for accessory storage silos in accordance with §4.3.8G of these Regulations.

- B. Frontages for individual lots along an internal road in an industrial park development in an I-2 District and an I-3 District may be reduced by the Planning and Zoning Commission, upon written request with documented justification by an applicant, by an amount not to exceed twenty percent (20%) when deemed to be in the interest of the town and overall design. When considering such a request, the Commission shall take into account limitations imposed by topographic or geologic conditions, size and shape of property, effect upon integrity of overall design and impact upon future maintenance requirements of the town.

#### **§4.3.7 Parking and Loading**

Parking and loading areas shall be provided off the public streets for all vehicles using the premises and shall contain not less than the minimum space requirements set forth in Article 6 of these Regulations.

- A. No parking areas or internal driveways shall be located no less than fifty (50) feet from a public street, no less than twenty-five (25) feet from a property line, and no less than fifty (50) feet from any Residential District boundary in an I-1 District, nor less than one-hundred (100) feet from a Residential District boundary in an I-2 District and an I-3 District, except for the purpose of providing a driveway(s) or access aisle(s) to an adjacent property to allow for vehicular access and circulation between adjacent parcels. Internal driveways giving access to the street may cross required buffers only in the case where residential zone lines follow the centerline of the street or parallel the centerline of the street at the streetline.
- B. Upon written request with documented justification by an applicant, including submission of an alternate landscape buffer plan, the Commission may allow surface parking areas or internal driveways to extend up to, but not more than fifty (50) feet into the required I-3 District buffer area. If the Commission determines that the alternate landscape buffer plan, above, exceeds the landscape buffer requirements provided in Article 6 of these Regulations and provides adequate protection to an adjoining residential zone, the requirements provided in Article 6 may be waived.
- C. Adequate loading docks and loading space shall be provided to serve the uses of a building and shall be so separated from parking areas to the extent that maneuvering trucks will not cause hazards or inhibit the free and safe movement of passenger vehicles. In no case shall a loading area or access to a dumpster enclosure obstruct access to and from designated parking spaces.

#### **§4.3.8 Utilities and Improvements**

All site and public improvements, including water supply, sewage disposal, roads and drainage, shall conform to local and State regulations as applicable.

- A. Complete plans, profiles, engineering drawings and data on improvements, including parking areas on private property, shall conform to recognized standards and the best modern practice and shall be subject to the acceptance by the Town Planner and Town Engineer.

- B. Foundation and roof drains shall be connected to retention and/or detention facilities and/or appropriate storm water quality facilities, where appropriate.

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**§4.3.9 Signs**

Signs in all Industrial Districts shall conform to and be limited by the provisions of Article 6 of these Regulations.

## **ARTICLE 5 SPECIAL DISTRICTS**

### **§5.1 Limited Office Retail District (LOR)**

#### **§5.1.1 Application of Provisions**

The standards, regulations and requirements as set forth in §5.1 shall apply to the use of land, buildings and other structures, and the location and bulk of buildings and other structures in any lands classified as Limited Office Retail District (“LOR District”).

#### **§5.1.2 Purpose and Intent**

A LOR District shall be established for the purpose of establishing a transitional zone between residentially zoned properties and nonresidential uses and districts. Such district will exist for the purpose of allowing a mix of office and retail uses while maintaining the quality of existing adjacent residential districts through site design and access management techniques.

#### **§5.1.3 Permitted Uses**

See Article 10 – Schedules for “Schedule of Permitted Land Uses by Zoning District.”

#### **§5.1.4 Accessory Uses**

Accessory uses, buildings or structures customarily incidental to a principal use are allowed in an LOR District, including:

- A.** Accessory uses as permitted in a B-1 District.
- B.** The manufacturing, processing or assembling of goods and materials only when clearly incidental and accessory to a permitted principal retail use on the premises.







**§5.1.5 Lot Area and Bulk Requirements for Limited Office Retail District**

No lot shall be used and no building or other structure shall be constructed or altered for use except in conformance with the following schedule:

**Schedule of Dimensional Requirements**

<b>Lot Requirements</b>	<b>LOR</b>
Minimum lot area	1.5 acre (63,340 sf)
Minimum lot frontage	150 feet
Minimum square*	140 x 140 feet
Minimum front yard	50 feet
Minimum right-of-way reserve**	15 feet
Minimum yards	
At residential zone boundary	50 feet
Side yard	30 feet
Rear yard	30 feet
Maximum height	2.5 stories / 35 feet
Maximum building coverage	25%
Minimum non-residential floor area	2,400 square feet (new construction)

\*Each lot shall be of such shape that a square one-hundred-forty (140) feet on each side can be placed entirely within the lot lines, with one (1) side parallel to and on the lot side of the street lot line.

\*\*A minimum of fifteen (15) feet is reserved for expansion of the road right-of-way for future conveyance, as may be required, to the controlling agency in case of need for road widening or related improvements. This area may not be included within the street yard requirement. Should this area be used for right-of-way expansion, the reserve requirement shall not be deemed to have become nonconforming by such use.

**§5.1.6 Design Standards**

- A.** A mix of uses may be allowed on an individual lot and/or within a single building, provided that:
- (1) The parking requirements for the individual uses are met in accordance with the parking provisions in Article 6 of these Regulations; or
  - (2) As part of the review process the Commission determines that parking requirements for the individual uses can be met through shared parking between uses in accordance with shared parking provisions provided in Article 6 of these Regulations.

- B.** There shall be no outside storage of any kind.
- C.** Outdoor display areas showcasing items for sale in conjunction with the principal use may be allowed contingent upon review and approval by the Commission. No outdoor display area shall be permitted in a parking area, pedestrian walkway, landscaping or buffer area, or required yard area.
- D.** All new utility service(s) shall be provided underground. All mechanical equipment must be screened from view.
- E.** Lighting of building and parking areas shall be located and shielded so that light sources are not directly visible from any adjoining property or from the street. Such illumination must not cause glare observable within a residence district. In approving lighting, the Commission may limit the intensity of lighting and the hours of its use where determined necessary to protect adjacent property. In no case shall any site lighting be provided from any street-side utility pole.
- F.** There shall be no street/driveway access to LOR zoned land via roads classified as local street or road per the Plan of Development unless it is within two-hundred (200) feet of a main roadway.
- G.** Site design in the LOR district must address the following access management provisions:
  - (1) No driveways/curb cuts may be located closer than one-hundred (100) feet from any intersection of public streets.
  - (2) Driveways/curb cuts within a single property must be separated at least one-hundred – twenty (120) feet from one another.
  - (3) Shared access between adjacent parking lots should be provided when possible and wherever practicable. The Commission may require a paved driveway to the property line to allow for potential future shared access between adjacent properties.
- H.** Facade materials shall be limited to wood, brick, stone, decorative masonry and similar materials as approved by the Commission.
- I.** Site landscaping must be provided in accordance with the provisions of Article 6 of these Regulations.

#### **§5.1.7 Off-Street Parking and Loading**

- A. All parking and loading areas shall be provided off the public streets for all vehicles using the premises. Parking and loading shall be provided in accordance with the requirements provided in Article 6 of these Regulations.
- B. No parking areas or internal driveway shall be located less than twenty (20) feet from a street line or within forty (40) feet of a Residential and Farming District.
- C. All refuse and/or recycling enclosures shall be provided in locations and screened as approved by the Commission in accordance with the standards set forth in Article 6 of these Regulations.

## **§5.2 Stevenson Business District (SB2)**

### **§5.2.1 Application of Provisions**

The standards, regulations and requirements as set forth in §5.2 shall apply to the use of land, buildings and other structures and the location and bulk of buildings and other structures in any lands classified as Stevenson Business 2 District (SB2).

### **5.2.2 Purpose and Intent**

The purpose of the Stevenson Business 2 District (SB2) is to establish a special district over and encompassing the lands of the former Stevenson Lumber property, west of Monroe Turnpike (Route 111), with the intent to provide increased flexibility to encourage the economic redevelopment and adaptive reuse of the existing buildings of the property, thereby guiding future development in ways that will:

- A. Provide flexible development opportunities and increased responsiveness towards economic trends for land having access to route 111 and freight rail.
- B. Empower the Commission with a measure of control over the type and quality of development while permitting a compatible mix of Industrial, Commercial, and Business Uses.
- C. Ensure that such development is accomplished without adverse impacts upon neighboring properties and uses, and area sensitive natural resources.
- D. Maintain and foster quality redevelopment through comprehensive master planning followed by careful planned site design and coordinated central access management.

### **5.2.3 Redevelopment Master Plan**

To assist in accomplishing the above purpose and intent, redevelopment of the existing buildings and land within the SB2 District shall be in accordance with a Commission approved Redevelopment Master Plan, which is required to be approved by the Commission prior to or simultaneously with a Zone Boundary Change petition, and shall be subject to a Public Hearing consistent with a Zone Boundary Change as

required by these Regulations; said Public Hearing may be held concurrently with that of a Petition for Zone Boundary Change. The Redevelopment Master Plan shall show how the various different types of permitted uses can be accommodated to ensure compatibility and coherency, addressing at minimum the following:

- A. Vehicular and truck traffic, access, internal circulation and service areas
- B. Pedestrian movement, connections and separation from internal circulation.
- C. Landscape features and screening
- D. Utilities and utility connections
- E. Refuse and recycling containment and removal
- F. Buffers between site uses and neighboring properties and uses
- G. Stormwater Management
- H. Septic and water supply
- I. Parking
- J. Potential outdoor storage

The improvements proposed and subsequently approved within the Redevelopment Master Plan shall be installed based on a phasing plan before the buildings to which they are related are occupied. Revisions and alterations to an approved Redevelopment Master Plan shall be reviewed and approved by the Commission in the same manner as the original.

#### **§5.2.4 Permitted Uses**

See §10.1 – Schedules for “Schedule of Permitted Land Uses by Zoning District.”

#### **§5.2.5 Accessory Uses**

Accessory uses, buildings or structures customarily incidental to a principal use are allowed in a SB2 District including:

- A. Mechanical and/or electronic amusement devices located in a manner that their installation or use shall not constitute a hazard to public safety.

- B. A bar/cocktail lounge is permitted only as an accessory use to a restaurant; shall occupy a space separated from the dining room area; must be located within the structure; shall have a capacity not to exceed forty (40) percent on normal dining room seating capacity, and a standup bar with or without stools. Live entertainment, including customer dancing, is permitted.
- C. Signs in accordance with and as provided in Article 6 of these regulations
- D. Off-street parking, landscaping, lighting, site utilities and similar site infrastructure improvements as regulated in Article 6 of these Regulations
- E. Outdoor storage of equipment, raw materials, work in process and finished products related to commercial uses:
  - (1) All items to be stored outdoors shall be directly related to a principal use on the site.
  - (2) Outdoor storage shall comply with the bulk requirements of the underlying zoning district and related principal use.
  - (3) The total area of outdoor storage shall not exceed or be placed outside the area of outdoor storage shown to have been legally established when the former Stevenson Lumber facility was in operation. Said outdoor storage area(s) shall be consistent with that shown and approved on the Redevelopment Master Plan.
  - (4) Outdoor storage shall not interfere with parking, site access or onsite circulation of vehicles and pedestrians.
  - (5) Materials shall be stored in an environmentally safe and orderly fashion, and shall be properly secured. The contents of outdoor storage shall be temporary in nature.
  - (6) Outdoor storage shall be screened from adjoining properties and shall conform to the landscaping and screening requirements of these Regulations.
  - (7) The limit or area of approved outdoor storage shall be delineated, controlled and contained by buildings, structures, fencing, landscaping or a combination thereof to screen said area and the contents therein.

#### **§5.2.6 Lot Area and Bulk Dimensional Requirements for Stevenson Business 2 (SB2) District**

No lot shall be used and no building or other structure shall be constructed or altered for use except in conformance with the following minimum standards:

##### **Schedule of Dimensional Requirements:**

**Lot Requirements:**

**SB2**

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Minimum lot area	3 acre
Minimum lot frontage	150 feet
Minimum square*	150 x 150 feet
Minimum yard	
Front yard	50 feet
At residential zone boundary	75 feet
Rear and side	20 feet
Maximum height	2 1/2 stories / 35 feet
Maximum Building coverage	25%
Maximum Site Coverage	70%
Minimum floor area	1,400 square feet

\*Note: Each lot shall be of such shape that a square one hundred fifty (150) feet on each side can be placed entirely within the lot lines, with one (1) side parallel to the street lot line.

#### **§5.2.7 Landscape and Screening**

Site landscaping and screening must be provided in accordance with the landscape and screening provisions of Article 6 of these Regulations.

#### **§5.2.8 Parking and Loading**

- A. Parking and loading areas shall be provided off the public streets for all vehicles using the premises and shall contain not less than the minimum space requirements of Article 6 of these Regulations.
- B. No parking areas or internal driveway shall be located less than twenty (20) feet from a street line, right-of-way line, or front property line, or within seventy five (75) feet of a residence district.
- C. Parking lot driveway(s) or access aisle(s) may be located within required setbacks for the purpose of providing present or future vehicular access and circulation between adjacent parcels.

### **§5.3 Affordable Housing District (AH)**

#### **§5.3.1 Application of Provisions**

The standards, regulations and requirements as set forth in this §5.3 shall apply to the use of land, buildings and other structures, and the location and bulk of buildings and other structures, in any lands classified as Affordable Housing District (AH District).

**§5.3.2 Purpose and Intent**

An AH District shall be established for the following purposes:

- A. To increase the availability of affordable rental dwellings in the Town of Monroe.
- B. To encourage the construction of affordable rental dwellings that are within the economic means of moderate and low income households
- C. To promote greater housing choice and economic diversity through a dedicated zoning district for affordable rental housing.
- D. To ensure that all such housing (one-hundred (100%) percent) in an AH District satisfied the intent, requirements and purposes of §8-30g of the Connecticut General Statutes, particularly in regard to affordability.

**§5.3.3 Location**

The property upon which an AH District may be permitted shall have direct street frontage and access via Main Street (Route 24), be served and connected upon construction to public water supply, be within a B-2 District at the time of the related AH Development Application, and all or a portion of the property shall be no less than 1,500 feet northerly of the intersection of Main Street and Judd Road.

**§5.3.4 Permitted Uses**

- A. See Article 10 – Schedules for “Schedule of Permitted Land Uses by Zoning District”
- B. Rental/Age Restriction. AH Units shall be restricted to rental units in which one or more tenants and occupants are aged 62 or older. Lease periods shall be no less than twelve (12) consecutive months, and shall have a monthly affordable rent as defined in Connecticut General Statutes §830g, as amended, except the requirements that said rents shall be affordable in perpetuity.
- C. AH Unit Density: Maximum unit density shall not exceed 25 units per net acreage of the property, excluding lands under water and wetland soils.

**§5.3.5 Accessory Uses**

Accessory uses, buildings and structures customarily incidental to a principal use are allowed in an AH District, including:

- A. Signs, as provided and regulated in Article 6. Notwithstanding anything to the contrary contained in §6.3 of these Regulations, the maximum free-standing sign area shall be twenty four (24) square feet.

- B.** Accessory and subordinate maintenance, utility refuse and recycling, storage buildings and structures customarily incidental to residential apartments, provided such accessory facilities are for the direct private benefit of the residents living in the AH Units only. Such shall be coordinated and centralized (shared). Refuse and recycling receptacles shall be regularly maintained in an orderly manner free of loose or accumulated materials and shall be enclosed and screened. Receptacles shall be kept closed.
- C.** Accessory and subordinate recreational, personal service and social uses and facilities serving and attending to the direct needs of AH Unit tenants only; such accessory uses shall be private and not open to the general public.
- D.** Landscaping, lighting site utilities and similar site infrastructure improvements as regulated in Article 6 of these Regulations
- E.** Garages may be permitted on the ground floor, at grade or below the ground floor. Access to any garage shall be from the side or rear of the building and shall not be visible to any abutting street. The parking or storage of recreational vehicles, boats, campers, ATV or other similar vehicles shall be prohibited.
- F.** Mailboxes shall be centralized and if outside shall be in a location and design as approved by the Commission.
- G.** Accessory light poles shall not exceed a maximum height of eighteen (18) feet and may encroach within required yard areas except for a minimum yard setback of five (5) feet shall be required.

#### **§5.3.6 Lot Area and Bulk Requirements**

No lot shall be used and no building or other structure shall be constructed or altered for use except in conformance with the following schedule:

<b>Lot Requirements:</b>	<b>AH</b>
Minimum lot area	2 acres
Minimum lot frontage	300 feet
Minimum square*	125 x 125 feet
Minimum front yard	40 feet
Minimum side yard	20 feet
Minimum rear yard	20 feet**
Maximum height	3 stories / 45 feet
Maximum building coverage	25%
Maximum site coverage	55%



\*Note: The entire square shall fit entirely within the lot lines, with one (1) side parallel to and coexisting with the street lot line.

\*\*Except accessory structures with a ground footprint of less than three-hundred (300) square feet in area and a height of less than ten (10) feet, which shall be subject to a minimum rear yard of five (5) feet.

### **§5.3.7 Unit Design Standards**

- A.** Access; Access to the AH units shall be from a central interior shared access. Provisions shall be provided for adequate access for fire-fighting equipment and personnel.
- B.** Bedrooms; AH units may include a studio, one-bedroom or two-bedroom units. No more than ten (10%) percent of the total apartment unit count shall consist of two-bedroom units. Libraries, dens, studies, offices, lofts and other similar spaces shall be counted as bedrooms for purposes of these Regulations.
- C.** Size; each AH unit shall contain a minimum floor area of five-hundred (500) square feet and a maximum living floor area of one-thousand-one-hundred (1,100) square feet of habitable living area in compliance with all applicable fire and building codes. "Living floor area" shall be that area within the perimeter walls of the AH unit devoted to the exclusive use of the occupant and shall not include exterior balconies or other spaces outside the dwelling unit.
- D.** Building Roofs; Roofs shall be fully pitched or mansard.
- E.** Separation of units; the minimum separation distance between principal buildings shall be thirtyfive (35) feet as measured from the closest point of each building.
- F.** Sidewalks and Site Amenities;
  - a. Sidewalks shall be provided as required by the Commission to assure safe pedestrian travel to and from buildings, off street parking areas, site amenities and accessory uses/facilities, as well as to provide safe connection to abutting streets served by sidewalks.
  - b. Site Amenities such as sitting areas, benches, gardens, walking paths and similar passive recreational/social features are encouraged.

### **§5.3.8 Off Street Parking and Loading**

- A. All parking and loading areas shall be provided off the public streets for all vehicles using the premises. Parking and loading shall be provided in accordance with the requirements provided in Article 6 of the Regulations, except that, in the case of one bedroom AH Units the occupancy of which is restricted to “elderly” persons as defined in Connecticut General Statutes §8-113a(m) shall require a minimum of one and one tenth (1.1) parking space per such restricted elderly AH Unit.
- B. No parking areas or internal driveways shall be located within AH District required yard area.
- C. All refuse and/or recycling enclosures shall be provided in locations and screened as approved by the Commission in accordance with the standards set forth in Article 6 of these Regulations.

#### **§5.3.9 Utilities**

- A. Water Supply; Water supply shall be provided by the public utility franchised to serve the area. Adequate water pressure shall be provided to address domestic and fire suppression demands of the AH Development.
- B. Sewage System; The subject property shall be capable of providing safe, sanitary sewage collection, treatment and disposal in conformance with all federal, State and Local standards and requirements, which system shall be certified by a Connecticut licensed professional engineer.
- C. Stormwater management; collection and treatment shall be in accordance with the requirements of Article 6, 7, and 8 of these Regulations.
- D. All new or altered utilities, including but not limited to water supply, electric, natural gas, sanitary sewer, telephone, internet and cable television service, serving the facility shall be installed underground.
- E. Rooftop mechanical equipment, except for solar panels, shall be hidden and screened from ground view on all sides. Ground equipment shall be similarly screened.

#### **§5.3.10 Application Requirements**

- A. An application for an AH Development shall include:
  - (1) An application for a Zone Boundary Change, if necessary, as provided in §9.2 of these Regulations
  - (2) An application for Site Plan Approval as provided in Article 7 of these Regulations, except that § 1.9.11(A) of these Regulations shall not apply to retaining walls less than seven (7) feet in height
  - (3) Traffic Impact Study; Upon request of the Commission, a Traffic Impact Study shall be prepared and submitted to the Commission with regard to existing and proposed traffic conditions and circumstances, subject to prior Commission approval of the study content and scope.

- (4) Affordability plan; In conjunction with an application for Site Plan Approval for an AH Development, the applicant shall propose an “Affordability Plan” and identify a proposed acceptable qualified Plan Administrator. The proposed Affordability Plan shall include; provisions for administration of and compliance with the provisions of these Regulations; notice/advertisement procedures to the general public of the availability of the rental AH Units from time to time; tenant application procedures and requirements; procedures for verification and periodic confirmation of unit occupancy income eligibility; and compliance with applicable affordability requirements. The Affordability Plan shall also include drafts of documents that will be used in the administration of the affordability restrictions and any explanations which will be provided to the AH Unit occupants concerning such restrictions.
- a. Calculation of maximum monthly rental for an AH Unit, so as to satisfy Connecticut General Statutes §8-30g, as amended, shall utilize area median income data as published by the US Department of Housing and Urban Development for a rental unit as in effect on the day the lease is signed.
  - b. The maximum monthly rent that an occupant of an AH Unit shall pay shall not be greater than the amount that will preserve such unit as “affordable housing” as that term is defined in Connecticut General Statutes §8-30g, as amended. The maximum monthly housing payment shall include the cost of rent; common charges, if the tenant is directly responsible; heat; and utility costs including hot water and electricity, but excluding telephone and cable television.
  - c. AH Units shall be occupied only as a tenant’s principal residence. Subletting of AH units shall be prohibited.
  - d. Each rental lease for an AH Unit shall contain substantially the following provision: “This unit is rented as an “affordable housing unit” as defined in Connecticut General Statutes §8-30g, as amended, and is available only to persons or families whose income is at or below eighty percent of sixty percent, as applicable, of the area median income for Monroe or the statewide median income, whichever is less, as determined by the US Department of Housing or Urban Development. This development has been approved by agencies of the Town of Monroe based in part on the condition that said unit be preserved as an affordable housing unit. The Restrictions related to affordability are required by law to be strictly enforced”.
  - e. The affordability period shall be in perpetuity.
- (5) Notwithstanding anything to the contrary in §9.6 of these Regulations, in reviewing an AH Development application, the Architectural Review Board shall give due consideration and effect to the standards and requirements applicable under Connecticut General Statutes §8-30g, as amended.
- (6) Appropriate landscaping and lighting shall be provided, giving due consideration and effect to the standards and requirements applicable under Connecticut General Statutes §8-30g, as amended.
- (7) Prior to obtaining a permanent Zoning Compliance Certificate and Certificate of Occupancy, all Site Plan improvements shall be completed and the applicable building

shall be fully connected to an approved and operational adequate water supply, sewage disposal system, central utilities, stormwater management improvements, and Fire Marshal approved fire protection measures.

#### **§5.3.11 Hearing and Decision**

- A. Notwithstanding anything to the contrary contained in this Section 5.3, the Commission shall approve, and may deny or approve with conditions, an AH Development application in accordance with the standards and requirements provided in Connecticut General Statutes §8-30g, as amended.
- B. In considering an AH Development application, the Commission shall apply all applicable provisions of the Regulations in a manner consistent with the standards and requirements of Connecticut General Statutes §8-30g, as amended.

#### **§5.3.12 Sunset**

If an approved Site Plan for an AH Development expired as provided in these Regulations, then, upon such expiration, the related re-zoning to AH District shall automatically become void, and the zoning of the subject property shall revert to the zoning district classification applicable prior to before such re-zoning and the Commission shall be authorized to record on the Monroe Land Records a map or other instrument reclassifying said zoning district.

### **§5.4 Main Street Design District (MDD)**

#### **§5.4.1 Purpose and Intent**

The Main Street Design District (MDD) shall be established for the purpose of creating an overlay zone that identifies the district and provides regulations and design guidelines that will provide for compatible economic development along Routes 25, 111 and 34 Corridors. Such district will exist for the purpose of guiding development in a way that will provide for compatible economic development of, enhance the overall character of and control traffic access along these corridors.

#### **§5.4.2 Designated as a Design District**

To help accomplish the above purpose and intent, the MDD is hereby recognized as a designated design district adopted by the Monroe Planning and Zoning Commission.

The design district will encompass all of the Route 25 corridor and the commercial portions of Routes 34 and 111 corridors. To be included in the MDD, parcels must meet the following requirements:

- A. Must have direct access to Routes 25, 111 and 34.
- B. Must be within one thousand five hundred (1,500) feet of the State Right-of-Way.

**C.** Minimum district size shall be one (1) acre and can be comprised of multiple parcels.

#### **§5.4.3 Permitted Uses**

All principal and accessory uses allowed in the underlying zones are permitted provided that a Site Development Plan or Special Exemption Permit approval has been granted if required. Projects 15 acres or more in size within the MDD are also eligible to pursue multi-family residential uses in addition to those uses permitted in the underlying zones, as outlined in this section with additional provisions proposed in section 8.2.3.Q.

#### **§5.4.4 Design Review Process**

Except for a single-family dwelling and uses and structures accessory thereto, new construction, reconstruction or rehabilitation of buildings or signs located within the MDD that are in view from public roadways shall obtain a report and recommendation from the Architectural Review Board. Applicants are strongly encouraged to work with the Architectural Review Board prior to submitting a formal application to the Staff or Commission as applicable.

#### **§5.4.5 Design Review Guidelines**

To help accomplish the purposes of this section, the exterior of structures shall, to the extent reasonable and practicable, be designed to be consistent with the intent to maintain and enhance a “New England” character in the corridor for areas visible from public roadways. To help accomplish the purposes of this section the following criteria shall be met:

**A.** Site design in the MDD must address the following access management provisions:

- (1) No driveways/curb cuts may be located closer than one hundred (100) feet from any intersection on Routes 25, 111 and 34.
- (2) Driveways/curb cuts within a single property must be separated at least one hundred – twenty (120) feet from one another.
- (3) Shared access between adjacent parking lots should be provided when possible and wherever practicable.

**B.** Facade materials shall include but not limited to some wood, brick, stone, decorative masonry or similar materials as approved by the Commission.

#### **§5.4.6 Multi-Family within the MDD**

In addition to the uses already permitted by Special Exception in the underlying zones, multi-family uses are permitted within for projects 15 acres or more located within the MDD Overlay Zone subject to obtaining a Special Exception approval from the Commission in accordance with the standards, criteria, conditions and procedures set forth in Article 8 hereof.

## **§5.5 Special Development Districts (SDD)**

The purpose of this section is to provide provisions that will permit flexibility in land use development within the MDD where significant parcels are to be developed or redeveloped as a planned development containing integrated and harmonious elements, and where the overall design of such elements is so outstanding as to warrant modification of the standards contained elsewhere in these Regulations. The intent of this Section is to provide a unique opportunity for and guidance in design of development parcels which are likely to have a significant impact upon Routes 25, 111 and 34 Main Street corridors. To apply for an SDD, please see Article 5.5.3.

### **§5.5.1 Purpose and Intent**

The purpose of this section is to provide provisions that will permit flexibility in land use development within the MDD where significant parcels are to be developed or redeveloped as a planned development containing integrated and harmonious elements, and where the overall design of such elements is so outstanding as to warrant modification of the standards contained elsewhere in these Regulations.

The intent of this Section is to provide a unique opportunity for and guidance in design of development parcels which are likely to have a significant impact upon Routes 25, 11 and 34 corridors.

### **§5.5.2 Eligibility**

To be eligible under this section, the proposed Special Development District must be:

- A.** Located within the Main Street Design District (MDD).
- B.** In accordance with the Monroe Plan of Conservation and Development (POCD) and Affordable Housing Plan (AHP) as amended.
- C.** Composed of such uses, and in such proportions, as are most appropriate and necessary for the integrated functioning of the planned development and for the community.
- D.** Projects 15 acres or more in size may be designed to include both commercial and residential components.
- E.** So designed in its space allocation, orientation, texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the town.

### **§5.5.3 Process**

**A.** Any proposed Special Development District (SDD) shall be considered to be a designated design district so that development within the district will be reviewed by the Architectural Review Board.

**B.** In addition to any other standards or considerations, any proposed Special Development District shall be:

- (1) subject to the review process established for the MDD, and
- (2) evaluated using the design review guidelines established for the MDD.

#### **§5.5.4 Approval of Concept**

**A.** Each application for a Special Development District shall:

- (1) State the proposed modifications of existing zoning.
- (2) Be accompanied by schematic plans, including contoured site plans, showing the improvements to be erected upon the tract, the open spaces to be provided, the nature and location of the proposed use or uses, the relationship of the proposed development to surrounding properties, and other pertinent information.
- (3) Projects fifteen (15) acres in size or more shall:
  - (a) Provide documentation demonstrating septic capacity of the subject property for the proposed uses.
  - (b) Provide a Traffic Impact Study showing the amount and direction of traffic to be generated by the proposed development and estimating the effect of such traffic on the roadway capacity and safety.
  - (c) Include a fiscal impact assessment to study overall municipal budget and services, which includes.
    - i. Analyzing the demand for apartments in the municipality; ii. Analyzing the likely number of school-aged children;
    - iii. Likely impact on municipal services, including but not limited to Police, Fire, EMS and Public Works; iv. Net fiscal impact, including tax generation, cost to the municipality and net tax revenue.
  - (d) State whether any proposed division of the tract into separately owned or operated units is proposed.
  - (e) Designate whether any dwelling unit will be held in condominium ownership under the State Common Interest Ownership Act.

#### **§5.5.5 Approval of Detailed Plans**

- A.** After the approval of the application and schematic plans, the applicant shall file detailed plans for review by the Commission showing the details of the proposed development as fully as possible and including elevations and perspectives of proposed construction.
- B.** Such detailed plans shall be filed within 180 days of the approval of the schematic plans except that the Commission may grant up to two (2) additional extensions of 90 days each for filing of detailed plans.
- C.** If such detailed plans are not filed within the above proscribed period, the approval of the schematic plans shall be considered null and void.
- D.** All required materials for a special exception application pursuant to Article 8 shall be included with the detailed plans.





## ARTICLE 6 SUPPLEMENTAL REGULATIONS

### §6.1 Off-Street Parking and Loading

#### §6.1.1 Purpose and Applicability of Provisions

The purpose of the off-street parking and loading standards is to ensure that such uses are treated as accessory uses, do not visually dominate the site, are properly placed in relation to buildings to minimize their visibility, and feature quality landscaping and architecture along the road frontage to reduce the visual impact of glare, headlights and parking lot lights on adjacent roadways and neighboring properties. Off-street parking areas are to complement the buildings and other site improvements, improve the visual appearance of the property and surrounding neighborhood area, protect the character of residential, business, institutional and commercial areas, and conserve the value of land and buildings on surrounding properties. For any permitted use specified in these Regulations the standards herein for design of parking and loading shall apply.

#### §6.1.2 Minimum Parking Space Requirements for Specific Uses

Off-street parking shall be provided in accordance with the minimum standards for the uses as detailed in Article 10, Schedules – Schedule of Off-Street Parking. In no case shall a commercial, residential or mixed use development establish or permit a combination of uses which exceed parking facility design capacity, unless otherwise specified by these Regulations. Parking spaces in excess or less than of the minimum required standards (according to the provisions set forth in §6.1.9, §6.1.10 and §6.1.11 of these Regulations) shall be subject to the approval of the Commission, as the intent of these Regulations is to minimize the amount of impervious surface area in the Town of Monroe.

#### §6.1.3 Queue Space

Minimum queue spaces for each drive-through and exterior service window operating lane shall be provided for uses as specified below based upon the need to provide standing aisles for waiting vehicles.

**Automatic Teller Machine (ATM), Drive-up type:** 3.0 spaces per machine.

**Bank:** 8.0 spaces for a single lane facility; 4.0 spaces for each if multiple lanes.

**Car Wash:** 14.0 spaces for each lane of a standalone principal facility and as determined appropriate by the Commission for a facility accessory to another permitted principal use.

**Gas Pump:** 2.0 spaces for each pump or pump lane.

**Pharmacy:** 5.0 spaces per lane.

**Restaurant:** 8.0 spaces with a minimum of 4.0 spaces before the ordering speaker.

**All Other permitted uses as deemed appropriate by the Commission:** No less than 2.0 spaces per window or access lane or such other number the Commission may prescribe based upon the unique characteristics of the use.

#### **§6.1.4 Loading Spaces**

- A. Any nonresidential use containing a gross floor area (GFA) of 1,500 square feet or more shall provide one off-street loading space for 1,500 to 20,000 square feet of GFA plus one off-street loading space for each 20,000 square feet of GFA or portion thereof above 20,000 square feet of GFA.
- B. The Commission may waive the requirements for off-street loading space if in its judgment such space is not necessary or warranted for the use or development. However, the area for a future loading space must be documented so that it will be available for a future use, if needed. The Commission may require the deferral of any such loading spaces, consistent with the requirements for deferred parking as set forth in this Section.
- C. No off-street loading space shall be located in a front yard in any district. Loading spaces may be partially or fully contained within a structure.
- D. All loading activities and direct access to loading spaces shall be on-site only.
- E. All required loading spaces shall, at a minimum, be sized to accommodate small truck-type vehicles (SU30 or smaller). The Commission may require one or more loading spaces to be sized to accommodate a large truck-type vehicle (WB50 or larger).
- F. The location and access of all loading spaces shall include adequate and safe adjacent aisle space based on the size and type of vehicles to be served, as approved by the Commission.

#### **§6.1.5 On-Street Parking Not Accepted**

The use of on-street parking or portion thereof shall not be used for the calculation of any parking requirement contained in these Regulations. No off-street parking space shall be designed or located so that its ingress or egress is from any portion of a street or street right-of-way.

#### **§6.1.6 Handicap Accessible Parking**

- A. ADA Compliance. Parking areas shall comply with the applicable requirements of the Americans with Disabilities (ADA) Act and the laws and regulations of the State of Connecticut. All handicap accessible parking spaces shall be designed and provided in number accordingly; such spaces shall be included in the total number of spaces required for structures and uses.

- B. No new structure, addition or use shall receive a Certificate of Zoning Compliance until the required handicap accessible parking, line striping and signs have been provided.

#### **§6.1.7 Multiple Uses**

Where separate parts of a building or structure or of a floor of a building are used for purposes requiring different numbers of parking spaces, the number of spaces shall be determined by adding the number of spaces required for the area devoted to each type of use.

#### **§6.1.8 Joint Use of Parking Facility**

Upon the authorization of the Commission, the owners of two or more abutting properties may establish a joint parking facility, which may be located on any of the properties involved, to provide the total number of required parking spaces. Upon establishing of a joint use arrangement, agreements shall be entered into by the property owners granting mutual use and access provisions to the parties and their successors in title in perpetuity. Such agreement and corresponding cross easements of access and use shall be recorded upon the Land Records of the Town of Monroe.

#### **§6.1.9 Shared Use of Parking Facility**

The Commission encourages parking lots for different structures or uses, or for mixed uses, to be shared in any zoning district. Shared parking may be approved by the Commission, subject to the following provisions:

- A. The parties involved shall prepare and submit a draft proposed written perpetual reciprocal access and parking easement and maintenance agreement, which, following approval, shall be executed by the parties and recorded in the Land Records of the Town of Monroe.
- B. The Commission may require the applicant to provide a parking study with all information deemed necessary to its decision-making on a shared parking arrangement. This information includes but is not limited to:
  - (1) The type and hours of operation and parking demand, for each use.
  - (2) A Site Plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot.
  - (3) A description of the character of land use and parking patterns of adjacent land uses, and d) an estimate of anticipated turnover in parking space use over the course of twenty-four (24) hours at the site.
- C. Parking spaces to be shared shall not be reserved for individuals or groups on a twenty-four (24) hour basis.

- D. Principal buildings sharing a parking facility do not need to be located on the same lot, but each principal building shall be a maximum of five-hundred (500) feet from the closest parking space in the lot providing the shared spaces. A waiver of the maximum allowable distance between the principal building and associated shared parking may be approved by the Commission with written justification and supporting information provided by the applicant.
- E. Uses sharing a parking facility shall provide for safe, convenient walking between uses and parking, including safe, well-marked pedestrian walks, crossings, signage, and adequate lighting, as approved by the Commission.
- F. If the conditions for shared parking become null and void, or uses change, such that the shared parking is no longer needed, and the shared parking arrangement is discontinued, this will constitute a violation of these Regulations for any use approved expressly with shared parking. The owner must then provide written notification of the change to the Zoning Enforcement Officer and, within sixty (60) days of that notice, provide a remedy satisfactory to the Commission to provide adequate replacement parking. Said remedy might involve the submission of an application to the Commission.

#### **§6.1.10 Reduction in Parking Space Requirements for Shared Parking**

A reduction in the minimum number of required off-street parking spaces may be approved by the Commission upon request by an applicant where a sharing of parking by a mix of land uses on the same or abutting properties can be shown to have operational and functional differences in their uses and peak demands for parking, as follows:

- A. Up to thirty percent (30%) of the parking spaces required for the predominant use on a site may be shared with other uses with different peak operating periods. The predominant use is considered to be that which requires the most parking of those sharing the parking facilities.
- B. Up to seventy-five percent (75%) of the parking spaces required for uses such as theaters, public auditoriums, bowling alleys, nightclubs, movie theaters, and similar predominantly evening and weekend uses may be shared with uses such as banks, offices, and similar predominantly daytime and weekday uses.
- C. Up to seventy-five percent (75%) of the parking spaces required for uses such as churches and other uses exclusively in operation during the weekend may be shared with uses such as medical offices, banks, and other similar uses predominantly in operation on weekdays.
- D. The final number and layout of parking spaces shall be based on the need to protect public safety and convenience while minimizing harm to the character of the community and to rural, scenic, historic and environmental resources.
- E. Determining the parking requirements for any proposed structure or use, the Commission shall consider the parking standards for similar uses as set forth in these Regulations, together with the following criteria:

- (1) The number of persons who would be parking at the site as employees, customers, clients, members, students or other users throughout a typical day and week, as well as the maximum number of persons at times of peak daily usage.
  - (2) The size of the structure(s), number and types of mixed land uses, and the site.
  - (3) The rural, environmental, scenic and/or historic sensitivity of the site.
- F. An applicant shall legally assure, to the satisfaction of the Commission in consultation with the Town Attorney, how staggered hours of operation will continue for the life of the uses.

#### **§6.1.11 Deferred Parking**

At the discretion of the Commission upon evaluation of anticipated current demand, or, if an applicant can demonstrate that the actual demand is less than the minimum required number of parking spaces for said use, the Commission may approve a deferred parking plan reserving up to twenty-five (25) percent of the total otherwise required spaces.

- A. Such reserved spaces shall be of standard design, shown in hatched lines on the Site Plan and labeled "Deferred Parking," and shall be limited to natural areas.
- B. Land approved as deferred parking shall remain in its natural state or be landscaped, but shall not be used in a manner that would prevent it from being developed for parking in the future. The Commission may require the area of deferred parking to be rough graded to accommodate future development as parking without the need for notable excavation or filling.
- C. A covenant shall be executed guaranteeing that the owner will provide the additional spaces if the Zoning Enforcement Officer, upon investigation of the actual use of parking spaces at the site of deferred parking, recommends to the Commission that the approved deferral be modified or revoked.
- D. The Commission may require the future construction of said deferred parking, or portions thereof, into usable parking, within ninety (90) days of written notice to do so based upon a change in parking demand, a change of use or a change of traffic safety circumstances as determined by the Commission, and provided such notice shall take into account the time of the year suitable for pavement installation. Failure to construct such spaces per such request shall constitute a violation of these Regulations and the Site Plan or Special Exception Permit associated with the deferred parking plan, as the case may be.

#### **§6.1.12 Employee Parking**

Employee parking is incorporated in the facility computation determined in §6.1.2. The areas of the facility to be used for employee parking shall be those designated and approved by the Commission. In

designating employee parking spaces, the Commission shall give primary consideration to spaces located farthest from the main building entrance. The Commission may require that approved employee parking spaces be appropriately marked or signed.

#### **§6.1.13 Design Standards**

##### **A. Calculation Rounding**

All calculations for minimum required parking and loading resulting in a fraction shall be rounded up to the next highest whole number (i.e., 10.1 = 11), while all calculations for reduction in minimum required parking and loading resulting in a fraction shall be rounded down to the next lowest whole number (i.e., 10.9 = 10).

##### **B. Space Dimensions**

The design dimensions of parking spaces and loading spaces shall be as follows:

- (1) Parking spaces shall have a minimum vertical clearance of seven (7) feet, shall have a dimension of nine (9) feet wide (ten (10) feet if adjacent to an interior or exterior walls and columns) and eighteen (18) feet long; provided overhang does not impact an adjacent sidewalk or landscaping area.
- (2) Loading spaces shall have a minimum vertical clearance of fifteen (15) feet, shall be twelve (12) feet in width and thirty (30) feet in length for small trucks (typically SU30 or smaller) and fifty (50) feet in length for large trucks (typically WB50 or larger).

##### **C. Parallel Parking**

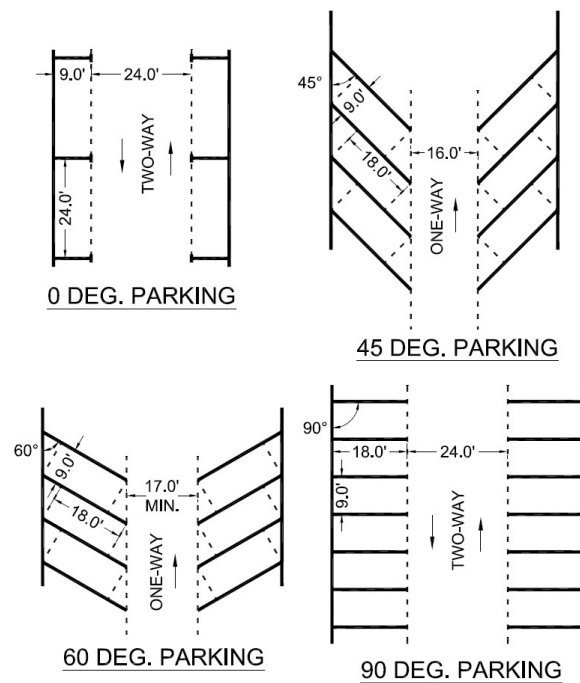
Parallel parking shall not be used for facilities exceeding a cumulative total of twenty (20) spaces.

##### **D. Overall Facility and Bay Specifications**

The design of all parking facilities and bays shall conform to the specifications detailed in the following Table. The Table shall be used referencing Figure 1.

<b>Parking Angle</b>	<b>0 deg</b>	<b>45 deg.</b>	<b>60 deg.</b>	<b>90 deg.</b>
Stall width	9'	9'	9'	9'
Stall length	24'	18'	18'	18'
Aisle width	24'	16'	17'	24'

**Figure 1**  
**PARKING MODULE**



**E. Surface Treatment; Grade**

- (1) All off-street parking and loading facilities, outdoor storage, driveways and site access roadways shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from such or from erosion or surface water flow. Nonresidential and multifamily residential off-street parking and loading facilities shall have a grade of no less than one percent (1%) nor greater than five percent (5%). Refer also to Chapter 260, Driveway Construction of the Monroe Town Code.
- (2) All nonresidential and multifamily residential off-street parking and loading facilities, outdoor storage, driveways and site access roadways shall be paved with bituminous concrete, concrete, or other suitable hard impervious or alternate hard surface pervious pavement system as reviewed by the Town Engineer and ultimately determined appropriate by the Commission. Gravel, crushed stone, asphalt millings or similar shall not be used or deemed suitable for finished pavement surfaces. Facilities shall have a dustless surface capable of maintaining (accommodating) painted line striping as approved by the Commission.
- (3) Notwithstanding Subsection (2) above, the Commission may allow for alternative surface treatments (excluding asphalt millings) in seasonally used parking areas such as parks and at public trail access locations, outdoor storage where the materials to be stored would otherwise damage the integrity of the paved surface, and in non-commercial parking lots of less than 10 spaces, in accordance with the following provisions:



- (a) The proposed alternative surface treatment is determined to be suitable and adequate for the intended purpose.
- (b) Engineering details prepared in accordance with §7.3 of these Regulations which depict the typical section of the proposed alternative surface treatment must be submitted and approved by the Commission.
- (c) The proposed site design and alternative surface treatment must allow for stormwater management collection and runoff control in accordance with §6.5 of these Regulations.
- (d) The proposed alternative surface treatment, and/or the use thereof and/or materials to be placed or stored thereupon has been adequately demonstrated not to result in or cause a condition resulting in adverse environmental impacts to the immediate and surrounding area (i.e., cause or contribute pollution to surface and/or ground resources).

#### **F. Design Accommodations**

- (1) All parking spaces shall have adequate area off the street to accommodate the safe approach, turning and exiting of vehicles utilizing such parking spaces.
- (2) No part of any parking space or area for the turning or maneuvering of automobiles within the facility shall encroach upon the right-of-way of any public or private street or highway.
- (3) All parking spaces shall be designed in such a manner so as not to conflict with another or impede or constrict the turning movements or access of vehicles to other spaces or aisles. Points of entrance and exit from the street or highway shall be located so as to minimize hazards to pedestrian and vehicular traffic on the street or right-of-way.
- (4) Priority consideration shall be given for non-residential parking facilities proposed to be located to the side and/or rear of principal buildings, as opposed to in the front of buildings. The combining and sharing of site entrance driveways and internal service driveway connections serving abutting properties is encouraged and preferred to separate access roads. Pedestrian sidewalks and crosswalks creating connections to shared parking and encouraging walking between abutting properties is encouraged.

#### **G. Circulation**

All parking facilities shall provide continuous circulation for its aisles and driveways. Where spaces terminate in a dead-end, the travel lane shall extend a minimum of five (5) feet beyond the end spaces with a transition edge to provide an area for maneuvering of vehicles backing out of the end spaces.

#### **H. Wheel Stops**

The use of wheel stops shall be prohibited in areas providing pedestrian access to sidewalks, buildings or other areas.

**I. Uses Restricted**

No non-residential space designed and approved for the purpose of parking shall be used for any use or activity other than regular vehicle parking; this restriction shall include storage of automobiles, trailers, dumpsters, grease containers, media dispensers, collection or donation containers, snow removal equipment, outdoor display or vending, storage containers, advertising devices or similar. The overnight parking of RVs or similar vehicles is prohibited.

**§6.1.14 Striping, Signage and Directional Pavement Markings**

Facility striping and directional and use signage for the purpose of delineating parking spaces and management and control of traffic shall be placed as directed by the Commission and/or its agent, both in initial design and as may be required from time to time as conditions may warrant. Such striping and signage shall be regularly maintained by the owners or their authorized agents so that all spaces and traffic controls are readily visible and comprehensible.

**§6.1.15 Lighting and Landscaping**

Parking facilities shall be landscaped and illuminated with lighting consistent with the standards set forth in §6.2 of these Regulations.

**§6.1.16 Maintenance**

All parking facilities shall be continuously maintained in satisfactory condition so as to be safe and attractive and free of any hazard, nuisance or other unsafe condition which may create potential for injury or casualty to life or property.

**§6.1.17 Change in Use; Additions and Enlargements**

When a change in use or an increase in floor area or other unit of measurement specified for calculating required minimum off-street parking and/or loading spaces, as set forth in these Regulations, creates the need for an increase in the number of required minimum off-street parking and/or loading spaces, said additional parking and/or loading spaces shall be provided accordingly.

**§6.2 Landscaping and Lighting**

**§6.2.1 Purpose**

These standards are intended to ensure the use and maintenance of quality landscaping and lighting throughout the Town in the protection of property values by preserving existing vegetation, ensuring the adequacy and appropriateness of new landscape plantings, screens and buffers, and minimizing light pollution.

- A.** The Commission finds that quality landscaping and lighting provides many unique services and values to the community. Landscaping softens the edges of buildings, screens undesirable places, makes large buildings appear smaller and more human scale, assists in maintaining biodiversity, and can create places for social gathering. Vegetation recycles the air and water, absorbs pollution and sequesters carbon, buffers noise, and provides shade, air-cooling and windbreak protection. Quality landscaping also helps control flooding and erosion of topsoil, provides habitat for birds and other wildlife species, buffers and screens incompatible uses, provides privacy from visual intrusion, light and noise, moderates microclimate conditions such as that within paved parking facilities by providing vegetative shading, absorption of reflected heat and creation of natural wind breaks, improves the quality of the environment, enhances property values and beautifies the community which ensures the maintenance of existing community character attributes deemed important to the Town.
- B.** Quality lighting minimizes light pollution through use of appropriately designed, installed and maintained light fixtures which are fully and permanently fixed and shielded, which lighting is designed to be shut off when the facility served is closed.

#### **§6.2.2 General Landscaping and Lighting Design Standards**

- A.** The Commission is responsible for determining the adequacy of landscaping and lighting during the review of Site Plans, Special Exception Permits and Subdivisions.

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- B.** Landscaping and lighting within a site shall be designed to facilitate conservation of the environment and preservation of community character. Site landscaping is to be designed to dominate development plans, integrating the various elements of site design, preserving and enhancing the particular identity of the site, and creating a pleasing site character. Site lighting is to be designed to be subtle and ancillary to the overall site design of buildings and exterior facilities, providing the minimal lighting necessary to carry out the functional aspects of site operations while ensuring safety.
- C.** The installation of new or replacement electric, telephone, television, and other communication lines, both main and service connections, shall be provided by underground wiring within easements of dedicated public rights-of-way, private roads, or common driveways, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services unless waived by the Commission involving minimal changes relating to existing overhead services. Said installation shall be coordinated to preserve existing vegetation and to not hinder the installation, growth and maintenance of proposed landscaping.
- D.** The Commission at its discretion may require or approve an alternative plan, or waive or modify the particular requirements of this Section, provided the intent of these Regulations for providing landscaping and lighting are still otherwise achieved.
- E. Landscaping**

  - (1) Existing vegetation shall be preserved as much as possible by minimizing clearing and grading in new developments and by avoiding the drip-line area of existing trees to remain in order to protect the tree's root system.
  - (2) New landscaping species shall be selected to minimize the need for irrigation, pesticides, herbicides and fertilizers application.
  - (3) A variety of shade tree species to provide visual interest, to protect against same species die-out or disease, and for tolerance of road salt shall be provided. Large-leafed and/or fruiting trees that may be considered a nuisance shall be avoided.
  - (4) Existing trees twenty (20) inches or more in diameter at breast height (dbh), or trees of lesser diameter as determined by the Commission and/or which are deemed to be locally important, shall be preserved to the maximum extent practical. Locally important trees include, but are not limited to, rare or unusual species, trees associated with historic events or persons, or trees that contribute to an identified scenic viewshed.
  - (5) New development shall be generously landscaped to provide visual interest in all four seasons by including deciduous trees, conifers, perennials and annual bulbs. Landscape plans that are limited to deciduous trees and shrubs leave a barren winter landscape which fails to screen new development from the roadway and from neighboring properties. The landscaping of a site shall blend in with the prevailing scale, appearance and neighboring uses, and shall effectively screen incompatible development from its neighbors.

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- (6) Landscaping islands shall be used and designed to delineate vehicular and pedestrian patterns, integrated with the use of different colored and textured paving materials, raised or inverted areas, and other techniques used to further direct the flow of both vehicular and pedestrian traffic within a development site. Landscape islands may include raised or depressed areas based on the integration of the landscaping and stormwater management controls. However, stormwater management shall not compromise the need for landscape aesthetics.
- (7) Landscape plantings of shrubs, ground cover, and shade and evergreen trees, as well as perennials and annuals and other materials such as rocks, water, walls, fences, paving materials and street furniture, shall be encouraged to create pedestrian-scale spaces and to maintain landscape continuity within the community. As may be approved by the Commission, sculpture and art may also be integrated into the landscape plan, and is encouraged.
- (8) Landscaping in combination with fencing and walls shall be required to provide all seasons screening and buffering of parking, loading and services areas, as well as site utilities, from view of adjacent properties and roadways.
- (9) Landscaping shall be used and designed to create boundaries, transitions, screens and buffers between areas of differing development intensities, as well as to separate areas of incompatible land uses.
- (10) Landscaping shall be provided generally at the base of and surrounding buildings, structures, refuse enclosures, recycling enclosures, mechanical equipment, free-standing signs and similar site features. Freestanding light fixtures shall be installed in appropriately located, sized and landscaped areas and islands, or integrated with sidewalks and other areas outside of parking areas.
- (11) Irrigation if proposed shall be detailed and the sufficiency of the water source and supply shall be demonstrated.
- (12) Certain landscaping shall be installed with the following minimum sizes:

Deciduous shade trees	3-3½ inches DBH
Ornamental trees	2-2½ inches DBH
Evergreen screen trees	10-12 feet in height
Evergreen trees, general	6-8 feet in height
Shrubs	2-3 feet in height/or 24"-36" spread

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- (13) All disturbed areas to be landscaped shall be restored with topsoil, in an amount not less than six (6) inches unless otherwise permitted by the Commission and specified on the landscape plan.

**F. Lighting**

- (1) Regulation of exterior lighting is intended to avoid excessively bright lighting that would cause direct or indirect glare, up-cast lighting or sky-glow, to avoid excessive contrast between lighted and unlighted sites creating hazardous driving or walking conditions, to avoid nuisance light spillover or glare affecting nearby residential properties or traffic and to distribute light levels more uniformly across a site.
- (2) Exterior lighting shall be controlled in both height and intensity and shall be in conformance with the requirements established in these Regulations. The type, design, location, hours of operation and height of light fixtures and their mounting supports shall be approved by the Commission.
- (3) The Commission may require site lighting levels to be reduced on all or part of the site at different times of the day, either after a facility is closed, or for 24 hour a day operations during period of reduced usage. Such requirement shall be established as part of the review process.
- (4) The Commission shall determine the maximum height of light fixtures on an individual project basis but in no case shall free-standing light fixtures in residential districts exceed fourteen (14) feet in height, twenty (20) feet in height in Business Districts and twenty-four (24) feet in Industrial Districts, except as otherwise may be permitted pursuant to Subsection G below. Wall mounted light fixtures shall include recessed light sources which do not produce horizontal glare. Down lighting shall be required to prevent objectionable side casting of light to neighboring properties and adjacent land uses.
- (5) Light fixtures shall produce low lighting levels targeted to the intended purpose of such lighting, including the use of full-cutoff and fully shielded light fixtures utilizing flat and recessed lenses attached to a pole or building on a fixed arm oriented parallel to the ground that cast little or no light upward, which minimize lighting overlap, reflection, and horizontal glare, as well as are turned off when their use and purpose are not necessary.
- (6) Parking lot, walkway and other site lighting levels shall not exceed an average illumination level of three-quarters (0.75) to five (5) foot-candles at the ground.

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- (7) An applicant shall demonstrate to the satisfaction of the Commission, that the light level at any lot line shall not exceed one-quarter (0.25) footcandle measured at ground level and that there shall be no adverse light spillage off the property or over wetland or watercourse resources.
  - (8) Foundation. All light poles shall be grounded with a suitable permanent foundation. All building or other structure mounted lighting shall be securely attached thereto.
  - (9) Measurement of light pole height. The height of a light pole shall be measured from the finished grade or surface on which the light pole is mounted to the highest point of the light fixture.
  - (10) The architectural style of site light fixtures shall be consistent and complementary to the site architecture, or as otherwise required at the discretion of the Commission.
- G. School Stadium and Industrial District Sports Field Lighting**
- (1) School Stadium lighting may be permitted to exceed the maximum height standards for light fixtures of the underlying zoning district, subject to Special Exception Permit and Site Development Plan approvals, and compliance with the following supplemental performance standards of this Subsection as well as the following location and facility criteria:
    - (a) The stadium shall be owned and operated by a school providing a curriculum under the jurisdiction of the Connecticut State Board of Education.
    - (b) The subject lot area consisting of a single fee-simple lot shall be a minimum area of twenty five (25) acres.
    - (c) The school stadium shall include a minimum capacity of five-hundred (500) fixed spectator seats.
    - (d) The school stadium playing field shall individually or cumulatively exceed 10,000 square feet in area, which area shall include a perimeter area as follows:
      - (i) For baseball/softball fields, the perimeter area shall extend thirty (30) feet in a direction perpendicular to the foul lines and away from the field.
      - (ii) For rectangular playing fields, such as soccer, football, lacrosse and field hockey, the perimeter area shall extend ten (10) feet from the side lines and fifteen (15) feet from the end lines.
      - (iii) For all other playing fields the perimeter area shall extend ten (10) feet beyond the playing field boundary.

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- (2) Industrial District sports field lighting may be permitted to exceed the maximum height standards for light fixtures of the underlying zoning district, subject to Special Exception Permit and Site Development Plan approvals, and compliance with the following supplemental performance standards of this Subsection as well as the following location and facility criteria:
- (a) The light poles shall be a minimum of five hundred (500) feet from a residential zone boundary.
  - (b) The subject lot area consisting of a single fee-simple lot shall be a minimum area of ten (10) acres.
  - (c) The field shall individually or cumulatively exceed 50,000 square feet in area, which area shall include a perimeter area as follows:
    - (i) For baseball / softball fields, the perimeter area shall extend thirty (30) feet in a direction perpendicular to the foul lines and away from the field.
    - (ii) For rectangular playing fields, such as soccer, football, lacrosse and field hockey, the perimeter area shall extend ten (10) feet minimum from the side lines and fifteen (15) feet minimum from the end lines.
    - (iii) For all other playing fields, the perimeter area shall extend ten (10) feet beyond the playing field boundary.
- (3) A **Facility Illumination Plan** shall be provided, including at minimum the following:
- (a) Location, height and construction details (based on manufacturer specifications or cut sheets) of each style of all pole, building, and ground mounted lighting fixtures, including parking lot, walkway and other site lighting as indicated above.
  - (b) Annotated manufacturer specifications or cut sheets for each exterior lighting fixture.
  - (c) A photometric plan, prepared by a lighting professional certified by the National Council on Qualifications for the Lighting Professions (NCQLP), showing predicted maintained lighting levels for the proposed playing field.
- (4) A **Light Visibility Impact Assessment** shall be provided, including at minimum the following:
- (a) A map of the surrounding area context and locations of potential visual impact.
  - (b) A plan of the photometric spillage demonstrating the control of light trespass upon surrounding area and neighboring properties.



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- (c) A visual evaluation of the potential visibility of light poles and light fixtures during daytime and nighttime, and seasonally. This may include a before and after viewpoint analysis, which viewpoints shall be approved by the Commission.
  - (d) The identification of existing or proposed visual screening and buffering, and long term control and protection thereof.
- (5) Light Standards
- (a) Maximum height. The maximum height of a light pole shall be eighty (80) feet or as otherwise limited by the Commission, in consideration of the potential visibility and light emission to the surrounding neighborhood and the Light Visibility Impact Assessment as required above.
  - (b) High pressure sodium and flickering or flashing lights are prohibited, except identification lighting as may be required by the Federal Aviation Authority.
  - (c) All light fixtures designed to light the playing field area shall be a full cut-off shielded light fixture, aimed toward the playing field and shielded in directions away from the playing field so as to minimize glare and light trespass onto adjacent properties.
  - (d) The lighting system shall have a maintained average illumination (light level) complying with the foot-candle levels indicated for the specific play field type listed in the Table below or as otherwise limited by the Commission.

TABLE OF MAXIMUM AVERAGE ILLUMINATION (LIGHT LEVELS)		
Playing Field Type	Competitive Foot-candles (*)	Non-Competitive Foot-candles (*)
Baseball/Softball Infield	60	50
Baseball/Softball Outfield	40	30
Field Hockey, Football, Soccer, Lacrosse	50	30
Track and Field	30	30
(*) Maximum average light levels within the play field shall not exceed one hundred and five (105%) percent of the listed foot-candle value.		

- (e) Foot-candle measurements shall be measured horizontally three (3) feet above grade level and shall represent maintained lighting levels.

- (f) The Commission shall specify the permitted hours of use:
  - Approved school stadium playing field lighting hours shall in no case be permitted between the hours of 11:00 PM and 7:00 AM.
  - Approved Industrial District sports field lighting hours shall in no case be permitted between the hours of 1:00 AM and 7:00 AM.
- (g) Light poles shall be located outside of the of the perimeter fencing or at the mid-point between two adjacent fields if the perimeter area is shared.
- (h) Limited appendages of a relative small size may be allowed to be attached to a light pole at the discretion of the Commission, provided such items are visually subordinate and colored to match the support pole. Such items may include, but are not limited to, Wi-Fi hot spot devices and cameras.
- (i) All lighting systems shall contain provisions for automatic shut off when the fields are unattended.
- (j) Support pole coloring shall be a non-reflective, matte coloring.

#### **§6.2.3 Landscaping and Lighting Plan Requirements**

- A.** It is recommended, and may be required by the Commission, that a required landscaping plan be prepared by a Connecticut licensed landscape architect. Lighting plans shall be prepared by a qualified professional based on the extent and complexity of the existing and proposed lighting facilities involved.

**B.**

Plans for landscaping shall include the following basic information, except as may be waived by the Commission if determined not applicable to the application under review:

- (1) Location and boundaries of existing natural land features on the property, including exposed ledge and rock outcrops, hedgerows, trees twenty (20) inches or more in diameter at breast height (dbh), mapped significant habitat areas, stonewalls, wetlands and watercourses, and steep slopes in excess of fifteen percent (15%).
- (2) Identification of all proposed changes to existing natural land features, including existing trees to be removed and existing trees to remain, as well as proposed measures and details thereof for their protection in the field during construction.
- (3) Location of proposed landscaping keyed to a "Plant Schedule" indicating the proposed variety (common and scientific name), quantity installation size and root conditions, and any specialized planting or maintenance instructions).
- (4) Landscaping operations and maintenance plan.

**C.** Plans for lighting shall include the following basic information, except as may be waived by the Commission if determined not applicable to the application under review:

- (1) Identification and description of any existing lighting to remain.
- (2) Appropriate details and plans as required in Article 7 of these Regulations.
- (3) Light operations and maintenance plan.

**§6.2.4 Landscape Buffers and Screening**

Landscape buffers shall be provided and maintained as follows:

**A.** A front yard landscape buffer shall be provided across the width of the street frontage of the lot, except for permitted access driveways, pedestrian walkways or trails which may cross through to the interior portion of the lot, as well as accessory structures such as mailboxes, walls and fences, and signs as otherwise allowed by these Regulations:

- (1) The minimum depth of the front yard landscape buffer for non-residential uses on lots in RF-1, RF-2 and RF-3 Districts and all uses in other residential districts shall be no less than applicable required front setback.

**B.**

- (2) The minimum depth of the front yard landscape buffer for lots in B-1, B-2 and LOR Districts shall be no less than twenty (20) feet.
- (3) The minimum depth of the front yard landscape buffer for lots in all Industrial Districts shall be no less than the full depth of the required front yard setback.

A side and rear yard landscape buffer of a minimum depth equal to the full depth of the required side and rear yard setbacks, respectively, shall be required for all such yards abutting any property within a Residential and Farming District.

**C. Required landscape buffers shall be consistent with the general landscaping design standards set forth in these Regulations as well as the following standards:**

- (1) Buffer landscaping shall include retention of existing vegetation, supplemented and augmented with new plantings. Where, in the discretion of the Commission, sufficient natural vegetation exists, it may be substituted in total or portions in lieu of required new landscaping, provided said landscape buffer is effective in achieving the intent of these Regulations.
- (2) Landscape buffers may consist of a combination of deciduous and evergreen trees and shrubs, fencing, walls, as well as constructed planted berms or natural landforms. The species type and combination of plantings shall address long term provisions to maintain an effective buffer and/or screen as the plants grow and age (i.e., selection of evergreen trees and shrubs which remain full to the ground and inclusion of mid-size evergreen plantings combined with tree plantings to maximize understory protection as the trees mature and lower branches thin-out).
- (3) Screening consisting of evergreen trees and shrubs shall be configured in staggered rows to provide maximized protection.

**D. In its discretion, the Commission may prescribe alternative buffer requirements, and/or waive or modify the particular requirements of these Regulations, in areas where required landscape buffers affect areas of regulated inland wetlands and watercourses in order to preserve and protect said resource areas consistent with the intent of the Connecticut General Statutes and laws and regulations of the Town of Monroe.****§6.2.5 Pedestrian Walkways**

- A.** Pedestrian walkways, where included or required, shall be a minimum of four (4) feet wide, allowing an additional thirty (30) inches on each side for overhanging of automobiles when included adjacent to parking spaces; a separating landscape bed is preferred.

**B.**

- B.** Pedestrian walkways shall be raised where appropriate, include handicap accessible ramps and preferably constructed of a different paving material than the parking pavement, such as brick, pavers or other porous or pervious decorative materials. Preferred curbing shall consist of durable materials such as granite, stone or block, or concrete.

#### **§6.2.6 Parking and Loading Area Requirements**

- A.** Off-street parking and loading areas shall be landscaped and suitably drained, graded, surfaced, curbed and maintained to ensure a safe and attractive parking facility as determined appropriate by the Commission.

Landscaping for parking lots including fifty (50) or more off-street parking spaces shall be designed as follows:

- (1) A minimum of ten percent (10%) of the area inside the perimeter of the parking area shall be landscaped and maintained with trees, shrubs and other plant materials, including the retention of existing natural landscaping as practicable or required by the Commission.
- (2) Pedestrian walkways consistent with the standards of §6.2.5 of these Regulations shall be provided where required by the Commission to allow safe movement within the parking area, generally oriented perpendicular to and between parking bays. A combination of trees, shrubs and groundcovers (other than lawn) should be planted adjacent to the walkways.
- (3) Landscaping shall be designed so not to obstruct driver or pedestrian sight lines.

#### **§6.2.7 Landscaping and Lighting Compliance and Inspections**

- A.** The maintenance of all landscaping and lighting shall be the sole responsibility of the property owner. Lack of maintenance in a proper, neat and functional condition shall be construed to be a violation of these Regulations and subject to the penalties provided by law.
- B.** Landscaping shall be maintained in a healthy growing condition. Dead or diseased landscaping shall promptly be replaced by the property owner consistent with the original landscaping requirements of these Regulations or according to the specifications and details of the landscape plan as approved by the Commission, as the case may be.
- C.** Landscaping and lighting required by these Regulations and/or approved by the Commission as part of a Site Plan, Special Exception Permit or subdivision approval shall be subject to inspection by a designated agent of the Town, as well as investigation of complaints made by any official or private citizen concerning the maintenance of such.

- B.
- D. The Commission may require site and project specific inspections and reporting by an appropriate professional at the expense of an applicant to assess the efficacy of installed landscaping prior to and during the initial two (2) years following acceptance by the Zoning Enforcement Officer of completed landscaping.

## **§6.3 Signs**

### **§6.3.1 Sign Permits**

- A. No sign shall be established, erected, constructed, reconstructed, extended, enlarged or altered without obtaining a Zoning Sign Permit from the Zoning Enforcement Officer, which shall serve as a certificate of zoning compliance, unless otherwise exempted by these Regulations. New signage shall be included as part of a Special Exception Permit / Site Development Plan application and shall be reviewed and approved by the Commission as part of said application.

Where a sign is subject to the provisions of the State of Connecticut Basic Building Code, a building permit shall also be required.

- C. No variance shall be granted by the Zoning Board of Appeals concerning any sign.
- D. If any sign does not conform to these sign standards, whether being preexisting nonconforming or by virtue of a granted Zoning Board of Appeals variance, and is discontinued, altered, reconstructed, enlarged, extended or moved, its replacement or the alterations shall conform to these sign standards. No existing sign shall be altered, reconstructed, enlarged, extended or moved except in accordance with these sign standards. However, the repainting or repair of existing signs and changing of tenant names is permitted.

### **§6.3.2 Prohibited Signs**

- A. All signs not specifically permitted are prohibited. Prohibited signs shall also include roadside signs, animated or moving signs, balloon signs, banners or streamers, beacons or search lights, billboards, festoons, flag signs, inflatable signs, flashing or intermittent signs (including vending machines and those inside a building that are visible from the road, a parking area or an adjacent property), roof signs, vehicular signs not used in the normal course of business, signs for an offpremises location (except an otherwise permitted free-standing sign on a private commercial street as set forth in §6.3.7A(3) of these Regulations. Vehicles with signs painted on or attached thereto shall not be parked in visually conspicuous locations so as to function as a free standing sign.
- B. No vehicle shall be utilized as a sign and no registered vehicles with signs shall be allowed to remain in any given parking space, with the exception of a residential driveway consistent with and where permitted by these Regulations, for longer than a twenty-four (24)-hour period.

**B.**

**§6.3.3 Exemptions**

- A.** The following signs shall be exempt from the provisions of this Section, except §6.3.4 and §6.3.9: Governmental, Name Plate, Political, Private Sale or Event.
- B.** The following signs shall be exempt from the provisions of §6.3.1A, but shall comply in all respects with all other provisions of §6.3: Agricultural, Construction, Home Occupation, Real Estate, Seasonal or Special Event.
- C.** Such other signs as may be exempted elsewhere in these Regulations.

**§6.3.4 Height, Location and Number of Signs**

- A.** A single commercial/industrial tenant building may have one (1) sign attached to the building. A multiple commercial/industrial tenant building may have one (1) sign attached to the building per tenant space. However, except any individual retail commercial tenant with a storefront in excess of one-hundred (100) linear feet may allocate its total allowed wall sign area between multiple wall signs provided the cumulative area of all such wall signs does not exceed the total area permitted for said individual tenant.  
The length of a tenant wall sign on the front façade of the building may not exceed seventy-five percent (75%) of the length of the tenant's front facade.
- C.** A sign composed of a combination of individual characters and/or logos combined in context, shall be considered a single sign.
- D.** No sign may be on a side or rear wall unless such wall faces a street or parking area, or is at least seventy-five (75) feet from any other commercial/industrial structure.
- E.** Signs attached to a building shall not project above the exposed wall of the building upon which it is attached. No sign shall be displayed, located, mounted or attached to or on a roof.
- F.** Signs attached to buildings may project into the area required for setbacks, provided that the sign does not project more than fifteen (15) inches from the building.
- G.** A permitted freestanding sign shall be located no closer than ten (10) feet from any property line or street line.
- H.** No freestanding ground sign or monument sign shall exceed a height of 20 feet.
- I.** On a corner lot of five (5) acres or more, one (1) freestanding sign may be permitted at the discretion of the Commission along each street, provided at minimum an access driveway is also provided from each street, and provided that the distance between the centerline of each driveway at the street line is no less than one-thousand-five-hundred (1,500) linear feet.

**B.**

#### **§6.3.5 Obstructions**

No sign shall be so arranged that it interferes with traffic through glare, lighting arrangement, through blocking of reasonable sight lines for streets, sidewalks, or driveways, through confusion with a traffic control device (by reason of its color, location, shape or other characteristics or through any other means). No sign shall be located or maintained so as to obstruct any door, window or fire escape or to cause any other hazard to the public health or safety.

#### **§6.3.6 Projected and Hanging Signs**

No sign shall project over any sidewalk, driveway, walkway, roadway, alley or right-of-way of any public or private street or highway.

#### **§6.3.7 Permitted Total Freestanding Sign Area**

##### **A. Freestanding Signs in Nonresidential Districts:**

- (1) In the case of nonresidential use of a single lot where the principal building(s) has a total floor area of less than forty-thousand (40,000) square feet, the maximum sign area of a permitted freestanding sign shall not exceed forty (40) square feet in total sign area.



- (2) In the case of nonresidential use of a single lot where the principal building(s) has a total floor area of forty-thousand (40,000) square feet or more, the maximum total sign area of a permitted freestanding sign shall not exceed eighty (80) square feet in total sign area, except no individual user of said lot shall be permitted a sign area greater than forty (40) square feet.
- (3) In addition to that permitted in Subsections (1) or (2) above, one (1) freestanding sign may be permitted within a private commercial street right-of-way at the intersection of a State Highway and an approved private commercial street, subject to the following:
  - (a) Such sign shall be for the sole purpose of identification of a lot(s) or tenant(s) of a lot(s) which meet the following criteria:
    - The lot shall be 10 acres or more;
    - The lot shall front solely of the private commercial street; and
    - The lot shall be at least 350 feet from the midpoint of the intersection.
  - (b) Such sign shall not exceed a total sign area of fifty (50) square feet and no individual user sign panel shall exceed a sign area of twenty five (25) square feet. The total sign area shall be divided equally between the total number of panels to be located on the sign in order to create uniform panel sizes.
  - (c) Such sign shall be a ground sign (no pole signs) as defined in these Regulations.
  - (d) Such sign shall not be internally illuminated.
  - (e) Such sign shall be located within a planted landscaped area measuring a minimum of eight-hundred (800) square feet. Plantings shall provide seasonal variation.
  - (f) Any other freestanding sign on said lot(s) as otherwise permitted by these Regulations shall be a non-internally illuminated ground sign (no pole signs) only.
- (4) No permitted freestanding sign of any size shall display more than eight (8) user names. Any name, whether an individual user or center name, shall count towards the total number of names allowed under these Regulations. However, the Commission prefers that permitted freestanding signs, particularly where multiple users occupy a single lot, display a single center name rather than individual user names.
- (5) The property street number shall be included in all permitted freestanding signs within the body of the total sign area. The street number shall be located at the top of said sign area.
- (6) The following maximum and minimum character heights shall be required for all copy on permitted freestanding signs for the purpose of creating legible graphics which can be seen and responded to within safe distances to maneuver a car:

- (a) Maximum Character Height – No letter, number, character or other symbol shall exceed a height of three (3) feet for a single line of copy or two (2) feet for multiple lines of copy.
- (b) Minimum Character Height – No letter, number, character or other symbol shall be less than four (4) inches in height.

**B. Signs in Residential and Farming Districts:**

- (1) One freestanding sign per lot may be permitted. Freestanding signs shall not exceed ten (10) square feet in area. The sign may be double facing.
- (2) The total area of signs on any lot excepting freestanding signs shall not exceed ten (10) square feet in area.
- (3) On premises which are for sale or for rent, not more than two (2) signs which shall advertise only the premises, provided such a sign shall have an area not exceeding ten (10) square feet; however, only one (1) such sign is permitted along any given street frontage where that frontage shall be less than two-hundred (200) feet. All such signs shall be removed within seven (7) days following actual sale or lease of property.

**§6.3.8 Measurement of Sign Area**

- A.** The area of a sign shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background different from the building, whether painted or applied, when it is designed as an integral part of, and obviously related to the sign; and when the sign consists of individual letters or symbols attached to or painted on a building wall or window, the area shall be considered to be that of the smallest rectangle which encompasses all of the letters or symbols.
- B.** In the case of a freestanding sign or a sign that can be seen from both sides, the area shall be determined by multiplying the outside dimensions of the sign, not including the vertical, horizontal or diagonal supports which affix the sign to the ground, unless such supports are evidently designed to be part of the sign as defined herein.

**§6.3.9 Specific Regulations Pertaining to Permitted Signs by Type**

Type of Sign	Maximum Area	Maximum Height	Permit Required	Requirements
Agricultural Sign	16 sf	8 feet	No	One permanent freestanding or wall agricultural sign per farm and farm stand is allowed. Sign shall not be illuminated.
Business Identification, Freestanding Ground Sign				A minimum of 10 feet from the property line. For multiple tenant facilities, separate freestanding signs shall not be displayed by individual establishments. The style, design and construction shall be related and compatible with the architectural style and design of site buildings and other site structures and signs. Use of wood and other natural materials as well as external illumination are preferred.
<i>Residential Districts</i>				
Freestanding Sign	10 sf	8 feet	Yes	Only one type of such sign is permitted.
Pole Sign	10 sf	8 feet	Yes	
Ground Sign	10 sf	8 feet	Yes	
<i>Nonresidential Districts</i>				
Freestanding Sign	40 sf	20 feet	Yes	Only one type such sign is permitted.
Pole Sign	40 sf	20 feet	Yes	
Ground Sign	40 sf	8 feet	Yes	
Construction Sign, Freestanding				Restricted solely to the period of such construction. Shall not be illuminated.
<i>Residential Districts</i>	16 sf	8 feet	No	
<i>Nonresidential Districts</i>	32 sf	8 feet	No	
Directional Sign	4 sf, or as required by CTDOT	8 feet	No	Shall not include any advertising or name of establishment.

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Gasoline Price Sign, Freestanding	16 sf	8 feet	Yes	Pricing information if provided shall be incorporated into otherwise permitted freestanding signs on the premises. In addition, pricing signage above and attached to an individual fueling station may be permitted provided the area of each such sign does not exceed an area of two square feet each and shall not be internally illuminated.
Home Occupation Sign	2 sf			One sign (freestanding or wall mounted). Shall not be illuminated.
Menu Board Sign	32 sf	7 feet	Yes	May be freestanding or affixed to building. One Menu Board Sign is permitted per drive-thru lane on a lot.
Name Plate Sign	2 sf	N/A	No	Shall not be illuminated.
Type of Sign	Maximum Area	Maximum Height	Permit Required	Requirements
Political Signs, Freestanding	6 sf	4 feet	No	May be erected no sooner than 45 days prior to election. Must be removed within seven days after election. Shall not be illuminated.
Portable Sign				Refer to §6.3.17 for standards.
Pre-View Menu Board Sign	16 sf	7 feet	Yes	May be freestanding or affixed to building. One Pre-View Menu Board Sign is permitted per associated Menu Board Sign.
Real Estate Sign, Freestanding <i>Residential Districts</i> <i>Nonresidential Districts</i>	5 sf	8 feet	No	One sign is permitted. All such signs shall be removed within seven days following actual sale or lease of property. Shall advertise on property only. Shall not be illuminated
	8 sf	8 feet	No	
Seasonal Sign, Freestanding	32 sf	8 feet	No	One such sign per farm, farmstore, seasonal farmstand and agriculturally related use. Not to exceed 60 days in any given year. Said sign must be removed when the seasonal sale is over. Shall not be illuminated. Sign may be located no closer than 10 feet of a street line.
Special Event Sign, Freestanding	32 sf	8 feet	No	Not to exceed 15 days in any three -month period. To be removed promptly at the end of such period. No sign or device held in the air by balloon or other means and no searchlights shall be permitted. Shall not be illuminated.
Tag Sale Sign	6 sf	6 feet	No	Shall not be illuminated.

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Wall Sign <i>Residential Districts</i>	10 sf where permitted	Attach to Building Façade	YES	<i>*Measured as a straight parallel horizontal line across the tenant front façade of the building between exterior walls or between the center point of any shared party walls.</i>
<i>Nonresidential Districts</i>	1 sf per 1 linear foot of building frontage*	Attach to Building Façade	YES	

### §6.3.10 Hours of Use

Illumination of any business identification sign not providing security lighting shall be extinguished at 11:00 pm or at time of close of business, whichever is later.

### §6.3.11 Repair and Maintenance

- B.** Signs shall be repaired by repainting, by replacement of lettering, wording and accompanying symbols and by repairing structural supports, and such repair shall not be considered an alteration within the meaning of these Regulations, provided that:
- (1) The outside dimensions of signs as measured above are not changed;
  - (2) That the location, height and illumination of a sign is not changed; and
  - (3) No substantial change in lettering, wording or symbols is made.
- C.** Nothing in this section shall prevent a sign from being altered so as to become more conforming to the existing regulations, provided that a permit where required under §6.3.1 of these Regulations is obtained.
- D.** All signs shall be maintained in such a condition so as not to become a nuisance, unsightly or unsafe. If a sign is not so maintained it shall be removed by the owner or tenant upon notice from the Zoning Enforcement Officer.

**§6.3.12 Removal**

It shall be the responsibility of the property owner to remove or cause to be removed all nonconforming business signs or words, letters, figures, design, symbols and colors of a conforming sign within two months from the time the premises are vacated.

**§6.3.13 Replacement, Alteration or Relocation**

No sign shall be replaced, altered or relocated without conforming to the then existing requirements of these Regulations, as amended, at the time of such replacement, alteration or relocation, subject to a permit where required under §6.3.1 of these Regulations.

**§6.3.14 Uniformity of Signs**

In any district where there is more than one sign on a building or more than one sign in a multi-building complex, all signs shall conform to a uniform and coordinated sign program submitted by the owner or tenant and approved by the Commission. The scheme shall be a thematic concept to maintain aesthetic consistency with the architecture of the surrounding structure(s).

**§6.3.15 Sign Illumination**

- A.** No internally illuminated signs are permitted in the Residential Zones.
- B.** Internal illumination shall be strictly limited to the illumination of text or graphic symbols only, that is, channel letter style or box signs with opaque background materials. Internally illuminated awnings are prohibited. Exposed neon tubing or bare-bulbs are prohibited.
- C.** The face of any sign shall be constructed or colored in such a manner as to prevent glare from the internal illumination. White background materials are prohibited. Materials are to be of an opaque dense or solid character creating "positive contrast" legibility and visibility.
- D.** Lighting fixtures illuminating signs shall be carefully located, aimed and shielded so that light is directed only onto the sign façade and shall not be aimed toward adjacent streets, roads or properties. Integrated external illumination is preferred (e.g. such as bar lighting or other lights concealed at the edges of the sign construction that wash light over the sign as opposed to a protruding light fixture which spots light towards the sign face).
- E.** The light source (bulb) of light fixtures shall not be directly visible from adjacent streets, roads or properties.
- F.** The average level of illumination on the vertical surface of the sign shall not exceed 3.0 footcandles, and the uniformity ratio shall not exceed 2:1.

- G.** Fixtures used to illuminate signs shall be top mounted, shielded and directed downward to the sign.
- H.** Low lumen and shielded lights and fixtures may be located on the ground with four (4) concurring votes of the Commission.

#### **§6.3.16 Street Numbers**

All freestanding signs shall display the street number(s) of the premises. In the case of more than one (1) street number assigned to the premises, the range of numbers shall be displayed. All other street numbers shall be displayed in accordance with town ordinance.

#### **§6.3.17 Special Requirements for Portable Signs**

Portable signs shall be permitted in the Nonresidential Districts subject to the following requirements:

##### **A. Design Standards**

- (1) Only one (1) portable sign shall be permitted for an individual business or establishment and the sign content must be limited to the business, service, or goods of the establishment immediately adjacent to the sign, or to an establishment located on the upper floors of the building immediately adjacent to the sign. Each property shall be entitled to no more than one (1) portable sign for every seventy-five (75) feet of property frontage on a public street, regardless of the number of businesses on a given property. Properties on corner lots shall only be entitled to count the frontage of the street having the principal building frontage.
- (2) The sign shall not exceed eight (8) square feet in total area based on the dimensions of a single side, and shall not be more than three (3) feet wide nor more than three (3) feet high.
- (3) Signs shall be located on the property adjacent to the front property line, and shall not obstruct a sidewalk, where one exists. Signs shall not impede or obstruct vision of vehicles

at intersections or points of egress from the property. Should a sign be so placed, it shall be subject to removal by the Zoning Enforcement Officer.

- (4) Signs shall be located with the message perpendicular to the street.
- (5) Signs may be displayed only when the establishment is open for business and shall be removed when the business is closed.
- (6) Signs must be constructed of durable, weatherproof materials, including wood, metal, or composite wood or synthetic materials. Glass, paper, laminated paper, PVC pipe frames or similar materials; balloons, streamers or similar devices are not permitted.
- (7) Signs may not be illuminated. All portable signs shall be maintained in good repair including the sign frame structure, materials, and lettering and graphics.
- (8) Signs shall be appropriately secured against movement from wind or water, but shall not be affixed, tethered or otherwise attached to any governmental sign or structure, or any utility pole or appurtenance.

#### **B. Permitting and Enforcement**

- (1) Anyone wishing to display a portable sign must file an application with the Zoning Enforcement Officer for an annual Portable Sign Permit.
- (2) Anyone applying for a Portable Sign Permit shall provide written/signed consent from the owner of the property.
- (3) Portable Sign Permits shall be issued for an operating period of one (1) calendar year, from January 1 to December 31 or portion thereof.
  - (a) The Zoning Enforcement Officer may issue on an annual basis, subject to a renewal application, a Portable Sign Permit for the following year.
  - (b) Applications for renewals will be accepted between November 30 and December 30 of each year.
  - (c) New applications made after January 1 of each year shall expire December 31 of said year.
- (4) The Town reserves the right, acting through the First Selectman or a designee, to prohibit the use of a portable sign at any time because of anticipated or actual public emergencies, conflicts or similar problems along a highway right-of-way. These situations include but are not limited to festivals, parades, road races, repairs to the street or sidewalk, or hazardous



weather conditions or other emergencies occurring in the area. To the extent possible, the permittee shall be given prior written notice of the time period during which the prohibition is in effect, but failure to give notice shall not affect the right of the Town to prohibit portable signs at any time.

### **§6.3.18 Violations; Removal**

Signs lacking permits from the proper authority, which have been placed within any highway or street right-of-way, may be confiscated by the Zoning Enforcement Officer and may result in the issuance of a citation.

## **§6.4 Excavation and Filling**

### **§6.4.1 Excavations Permit Required; Exemptions**

An excavation/filling permit must be secured from the Commission before commencing the excavation or removal of gravel, topsoil, clay, sand, stone, loam, dirt or any other earth material on or from any parcel of land, except when such excavation or removal is limited to:

- A.** Necessary foundation and trench excavation in connection with work on the premises for which a valid building permit is in effect.
- B.** Removal of unsuitable material and depositing of suitable material, which removal and depositing shall not exceed a total of five-hundred (500) cubic yards of material, for the construction or reconstruction of sewage disposal systems, utility services, accessways, driveways and parking lots.
- C.** Changes in contour in accordance with a Site Plan or Special Exception Permit approved by the Commission. Such plan and change in contour shall be performed in accordance with the provisions of this Section, unless otherwise conditioned under the provisions of Site Plan or Special Exception Permit approval.
- D.** Necessary excavation and grading for a subdivision road for which plans have been approved by the Commission, provided that such excavation and grading shall be completed within five (5) years of the approval date. If approval was granted over five (5) years prior to the beginning of the aforementioned work, then an approval must be obtained in accordance with all current regulations.
- E.** The removal by or for the owner from one part of his property to another of topsoil or subsoil to a maximum of one-hundred (100) cubic yards per acre over a period of time not to exceed one (1) year, when such removal is for the purpose of landscaping and farming.
- F.** In the case of exemptions specified in Subsections A through E above, said work shall be subject to the review of the Zoning Enforcement Officer in consultation with the Town Planner and Town

Engineer, as deemed appropriate, to assure that appropriate safeguards for the conduct of such work are implemented so that such work will not have any unreasonable immediate or long-term adverse effect on adjoining properties.

#### **§6.4.2 Challenge of Exemption**

All exemptions listed in §6.4.1 shall be under the jurisdiction of the Commission or any agent so designated by the Commission. Any individual serving in this capacity has the authority and responsibility of stopping questionable projects and referring them to the Commission.

#### **§6.4.3 Inland Wetland Approval**

If any excavation, removal or fill of gravel, topsoil, clay, sand, stone, loam, dirt or any other earth material is proposed on or from any parcel of land and is shown to be subject to regulation in accordance with Monroe Inland Wetland Regulations, the necessary approvals and/or permits must be obtained from the governing wetland authority pursuant to Title 22a of the Connecticut General Statutes, 1958 Revision (current revision), prior to application. This requirement shall also pertain to the exemptions specified in §6.4.1 above.

#### **§6.4.4 Excavation/Filling Permit Application Procedure**

Application for a permit to excavate or remove any of said earth materials shall be made to the Commission by the property owner or his authorized agent on forms provided by the Commission. The application shall be accompanied by a fee and by a plan of operation prepared by a Connecticut licensed land surveyor and/or professional engineer, which plan of operation shall include the following maps, plans and specifications, except as may be waived consistent with the standards and procedures as set forth in §7.3.2 of these Regulations:

- A.** A locus plan, at a scale of one (1) inch equals one-hundred (100) feet, showing all roads within a one (1) mile radius of the site; all zoning districts and the Town Line, if within five-hundred (500) feet of the subject parcel; erosion and sediment control plan; storm water quality and quantity control plan; restoration/reclamation plan, which may include a potential future site development plan.
- B.** Location and limits of the premises and names of abutting property owners as listed on current town tax assessment records.
- C.** Boundary survey and site topographic plans certified as Class A-2 and T-2 or a better or equal accuracy transit survey, with grading plan showing existing contours in the area to be excavated and proposed contours at two (2) foot intervals for the area after operations. Such plans shall include the area to be excavated, as well as surrounding area, if owned by the applicant, within one-hundred (100) feet of the excavation, and shall be drawn at a scale not to exceed one inch equals fifty (50) feet. Also included shall be north-south and east-west traverse cross-section drawings at equal intervals from the outside extremities. The distance between the traverse cross

sections shall be provided in accordance with the following schedule within areas of excavation and deposition of material:

- (1) Sites less than five (5) acres shall provide sections fifty (50) feet apart along with intermittent cross sections at points of vertical or horizontal changes in topography.
- (2) Sites greater than five (5) acres but less than twenty (20) acres shall provide sections onehundred (100) feet apart.
- (3) All sites shall provide intermittent cross sections at points of vertical or horizontal changes in topography.

- D.** An estimate of the amount of material to be excavated or removed.
- E.** Existing and proposed drainage of the site, together with drainage easements and flowage rights.
- F.** An estimate of the number and types of trucks and other machinery to be used on the site, hours of operation and the locations and types of any buildings to be erected.
- G.** Proposed truck access and egress to and from the site upon any road within the bounds of the Town of Monroe.
- H.** Details of final grading and planting of the site to prevent erosion of the site at the conclusion of operations or at such earlier times as may be required by the Commission.
- I.** Existing ponds and watercourses on or adjacent to the premises.
- J.** The location of wooded areas, all rock outcrops and existing and proposed buildings and structures.
- K.** All dimensions to the hundredth of a foot and all bearings or angles on all property lines, easements and rights-of-way.
- L.** Title, date, scale and North point.
- M.** Dewatering facilities.
- N.** Approval of the governing wetlands authority, if applicable (also see §6.4.3 of these Regulations).
- O.** Anti-tracking measures and vehicle inspection and cleaning areas.
- P.** Water and dust controls.
- Q.** Such additional information as the Commission shall deem necessary in order to decide upon the application.

**§6.4.5 Map Preparation**

Maps and plans shall be prepared and submitted in accordance with the mapping standards set forth in Article 7 of these Regulations.

**§6.4.6 Additional Information Required**

The following additional information shall be required:

- A. Proof that written notice of the proposed changes has been given to all mortgage holders.
- B. A written statement from the Tax Collector of Monroe certifying that all current taxes levied against the property have been paid in full and that there are no unreleased tax liens encumbering said property.
- C. An engineering report issued by a professional engineer licensed to practice in the State of Connecticut, stating that any artificial lake or pond has sufficient water flow to maintain the proposed level and to avoid stagnation. An engineering report issued by a professional engineer licensed to practice in the State of Connecticut, stating that the proposed change of contours will not adversely affect the water table. An engineering report issued by a professional engineer licensed to practice in the State of Connecticut stating the volume of earth material (cut and fill) to be relocated, removed or added to the site.
- D. A reclamation plan.
- E. A blasting plan in conformance with related permits that may be required from the Fire Marshal or Building Department.

**§6.4.7 Fee for Excavation/Filling Permit**

An application fee as specified in Article 9 of these Regulations shall be required.

**§6.4.8 Requirements for Approval of Excavation and/or Grading Permit**

- A. Before issuing an excavation/filling permit, the Commission shall hold a public hearing, duly advertised and conducted according to the Connecticut General Statutes. The Commission, in

considering and reviewing the application and in arriving at its decision, shall be guided by and take into consideration the public health, safety and general welfare and general effect of the same on the neighborhood, the duration of operations, future usefulness of the premises, the impact on vehicular traffic in the area and such other factors as may bear upon the harmonious physical development of the Town of Monroe.

- B.** In addition thereto, the Commission shall satisfy itself that all conditions as set forth in §6.4.9 of these Regulations will be met and that the premises will be excavated and graded in conformity with the plan as approved. Any deviation from the approved plan shall be a violation and cause for the Zoning Enforcement Officer to revoke the permit.
- C.** When the above standards and conditions meet the satisfaction of the Commission, a permit may be issued pursuant to this Section and shall be valid for a period of two (2) years. The Commission may renew the permit for two additional years provided the applicant submits an updated grading plan and a written report by a Connecticut State licensed land surveyor or professional engineer certifying that the operation is in compliance with the permit approved by the Commission. A written request for the permit renewal shall be submitted to the Commission a minimum of fortyfive (45) days prior to the expiration of the initial permit. Notice of an application for renewal shall be published as a legal notice in a newspaper having general circulation in the Town. The Commission may require a public hearing on any renewal application if it determines that there has been a significant change in circumstances.
- D.** The Commission shall render its decision within sixty-five (65) days after a hearing, and said decision regarding issuance of the permit shall be published in a newspaper having substantial circulation in the Town of Monroe within fifteen (15) days of such decision date.
- E.** No map may be signed as being approved until the Commission votes approval and a satisfactory bond is posted, and all applicable conditions of approval have been adequately addressed.
- F.** Approval of the application shall become effective as a permit when the applicant files with the Town Clerk the approved plan signed by the Chairman of the Commission.

#### **§6.4.9 Conditions of Excavation and/or Filling or Grading Operation**

The plans as approved by the Commission shall become part of the excavation/filling permit, and the following conditions, except as may be waived by the Commission upon written request by the applicant in accordance with §6.4.23 of these Regulations, shall be met:

- A.** The changes in contour shall conform to the plans approved by the Commission.
- B.** No artificial slope greater than twenty-seven degrees (27°) to the horizontal (or maximum two (2) feet horizontal to one (1) foot vertical) shall be created.
- C.** No change in contour shall be made within twenty-five (25) feet of any property line.

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- D.** No artificial slope greater than fourteen degrees (14°) to the horizontal (or maximum four feet horizontal to one foot vertical) shall be created within fifty feet of any property line.
- E.** No artificial slope greater than fourteen degrees (14°) to the horizontal shall be created within fifty feet of any street line.
- F.** At all stages of operations, proper drainage shall be provided to prevent the collection, stagnation or excessive runoff of water and to prevent harmful effects upon surrounding properties and watercourses.
- G.** All artificial ponds and lakes created by any change in land contours shall have sufficient water volume, surface elevation, movement and temperature to maintain the proposed level and to avoid stagnation.
- H.** The entire property, except for ponds and lakes, shall be graded to shed water without erosion and to avoid areas of standing water (ponding or puddles).
- I.** Excavation below the level of an abutting property or street line shall be at a distance from said property or street line to be determined by the Commission in consultation with the Town Engineer in consideration of the proposed plans, which Commission, in establishing said distance, shall take into consideration the same provisions and guidelines as set forth in §6.4.8 of these Regulations.
- J.** During the period of excavation and removal, proper barricades or fences shall be erected for the protection of pedestrians and vehicles.
- K.** Truck ingress and egress to the excavation shall be so arranged and truck loads shall be so trimmed as to minimize danger to traffic on adjacent roads and nuisance to surrounding properties. Limitations may also be placed as to the size and type of equipment used on the premises and as to the maximum axle-loading required to protect town roads.
- L.** Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock and lighting, if permitted.
- M.** No operations shall be undertaken on the site except between the hours of 8:00 am and 5:00 pm Monday through Friday, except with approval of the Commission. There shall be no blasting on the site except between the hours of 9:00 am and 5:00 pm Monday through Friday. No activity of any type shall be conducted on any legal holiday declared by the government of the State of Connecticut or the United States.
- N.** No buildings or structures shall be erected on the premises except as may be permitted in these Regulations or except as temporary shelter for machinery and field office directly related to site operations, subject to approval by the Commission. In any case all such buildings or structures shall be removed from the site within sixty (60) days following the expiration or revocation of the

permit or completion of the permitted work or the cessation of site operations, whichever occurs earlier.

- O.** If, as part of an excavation operation, debris or trash or unsuitable material is encountered, the same shall be removed from the site and disposed of in accordance with applicable town regulations.
- P.** No sorting, grading, crushing or other machinery for treatment or processing of material being removed or deposited shall be erected, maintained or operated on the premises for which a permit may be granted, except in an Industrial District or in all other districts where controlled rock crushing, screening and processing may be permitted by the Commission on a limited short duration basis as part of site development and construction preparation, provided:
  - (1) Such controlled activities will reduce construction traffic by use of materials onsite.
  - (2) Such controlled activities will not involve mining or excavation of more than necessary to achieve site preparation of an approved project.

All permitted such activities regardless of permitted location shall not include, permit or involve materials from offsite locations. Appropriate precautions, safeguards and impact abatement measures to address noise, dust and other related impacts from such activities shall be identified and appropriate plans proposed for review and approval by the Commission. No such activities shall be permitted to occur within five-hundred (500) feet of any residential district or residential use.

- Q.** When the approved excavation and removal operations or either of them are completed, or when required by the Commission, the excavation area shall be restored in accordance with the approved plan. In no case will a permit be extended for more than a twelve (12) month period unless a substantial part of the area previously excavated has been properly graded and stabilized with approved landscaping.
  - (1) The top layer of topsoil for a depth of six inches shall be set aside on the premises and shall be re-spread in accordance with the approved contour lines within thirty (30) days following the expiration or revocation of the permit or completion of the work, whichever occurs earlier. In cases where onsite storage of such topsoil is not available, at the request of the applicant the Commission may permit off-site storage of topsoil.
  - (2) Within the sixty (60) days following the expiration or revocation of the permit or the completion of the changes in contour, the entire area disturbed from its natural state, including all truck access and other service roads, shall be suitably graded with suitable topsoil and landscaping as approved by the Commission so as to prevent soil erosion.
  - (3) All finished contours shall be established in accordance with the approved reclamation plan, or shall be a minimum of six (6) feet above any ledge or the natural water table, except in such cases where the original land condition showed ledge or water table at a depth of less

than six (6) feet, in which case the existing conditions shall be maintained as a minimum or in a case where a pond or a lake has been approved.

- R. No sign of any nature, other than customary traffic control, safety and trespassing signs, shall be posted or erected in connection with the operation granted approval under these Regulations.
- S. The permittee shall provide engineering progress reports prepared by a Connecticut State licensed civil engineer on a quarterly basis. Additionally, the Commission may at any time during the permit duration require an engineering progress report from the permittee, to be made by a licensed civil engineer. If such report is not received by the Commission within thirty (30) days from the date of such request, the Commission may engage a professional engineer or land surveyor to determine compliance with the terms of this regulation and all expenses in connection therewith shall be paid by the permittee.

#### **§6.4.10 Responsibilities of Permittee**

The permittee shall be responsible to the Town of Monroe through the Commission for compliance with all provisions of the excavation/filling permit and to the Town of Monroe for the following, as such responsibilities shall be reflected in the bond of §6.4.11.

- A. Damage caused to town roads by any equipment used in performance of the operations covered by an excavation/filling permit issued pursuant to these Regulations. All necessary road repairs are to be made to the satisfaction of the Town Engineer and Public Works Director.
- B. Supplying, placing and removing all highway warning signs and other safety devices as may be deemed necessary by the Monroe Police Department and/or the Commission.
- C. Removing all spillage by the permittee that may accumulate on the roadways in the Town of Monroe as it occurs.

#### **§6.4.11 Bond**

The applicant shall file with the Commission a bond posted with/to the Town of Monroe in the form and with surety acceptable to the Commission, in such amount as the Commission shall deem sufficient to ensure faithful performance of the work to be undertaken pursuant to the conditions of approval (§6.4.9), the responsibilities of the permittee (§6.4.10) and revocation and suspension (§6.4.13). The applicant must comply with all Town requirements with regard to the provision of an official bonding agreement and other posting requirements as described in Article 9 of these Regulations.

- A. The term of such bond shall not extend more than sixty (60) days beyond the date of satisfactory completion of the work as may be determined by the Commission.
- B. No such bond shall be released nor shall the permittee be deemed to have complied with the conditions provided for herein until a written statement bearing the seal of a land surveyor or civil



engineer licensed to practice in the State of Connecticut, certifying that the final contours meet the requirements of the permit has been submitted to the Commission, and until an inspection of the premises by an agent of the Commission has been completed to assure that all other conditions have been met.

- C. The Commission shall take steps to initiate action for the calling of the performance bond as soon as practical following the sixty (60) day restoration period allowed after completion of the project or expiration or revocation of the permit, unless all work has been satisfactorily completed or the Commission deems that extenuating circumstances warrant a limited extension of the restoration period, in which case the bond must be renewed for the same limited period.

#### **§6.4.12 Enforcement of Excavation/Filling Permit**

The Zoning Enforcement Officer or any special agent appointed by the Commission shall have the authority to enforce the provisions of any excavation/filling permit.

#### **§6.4.13 Duration, Renewal and Revocation of Excavation/Filling Permit**

- A. Any permit issued by the Planning and Zoning Commission in accordance with §6.4.9 of these Regulations shall cover operations for a stated period of time not to exceed two (2) years, and such permit shall be renewable for successive stated periods of time, none of which shall exceed two (2) years.
- B. The Commission shall not renew or extend any permit unless the operator is able to show, through the report of a Connecticut State licensed land surveyor and professional engineer that the excavation already completed conforms to the plan of operations as approved.
  - (1) If for any reason the operation of work on the premises ceases for six months, the permit shall be void and the owner or his agent must apply for a new permit and furnish such engineering data and bond as may be required by the Planning and Zoning Commission.
  - (2) If there is a question as to whether or not any of the conditions of any portion of this Section have been or are being violated, the Commission may at any time, upon at least five days written notice to the holder of any excavation/filling permit, require such holder to appear before the Commission on a day certain to be heard as to the alleged violations. If evidence that any of such conditions have been or are being violated is presented at such hearing and if the Commission finds that violations do in fact exist, the Commission may immediately revoke such permit and order operations suspended and direct appropriate action to remedy the violations.

- (3) A permit may at the discretion of the Commission be suspended twenty-four (24) hours after the postmark of the above-stated written notice.
- (4) Upon revocation of the permit, the entire area disturbed during the operation shall be made to conform to the provisions of §6.4.9B through H, N, O and Q(1) through (3) of these Regulations.
- (5) Upon revocation of the permit, all time periods for completion of restoration, as provided in the sections referenced in Subsection B(4) above, shall commence on what would have been the first permitted day of operation if the permit had not been revoked.
- (6) For each and every violation of the terms of the permit or if the prescribed conditions under which an excavation/filling permit is issued, the holder of such permit shall be subject to a fine in accordance with the Connecticut General Statutes.
- (7) As necessary for inspection purposes, the Zoning Enforcement Officer or other Town agent shall have the right of access to all areas and operations for which excavation/filling permits have been issued or applied for.

#### **§6.4.14 Applicability to Existing Operations**

Any renewal permit shall be subject to the regulations in effect at the time said renewal permit is issued.

- A. Any existing excavation operation which was commenced prior to any regulation relating thereto and is presently being conducted without a permit may be continued, provided that said continued operation is carried on in accordance with these Regulations relating to grading, drainage, slopes and restoration provisions, and be subject to issuance of a permit under the requirements of this Section.
- B. In order to promote the health, safety and welfare of the residents of the Town of Monroe, any person or persons carrying on an existing excavation operation not covered by a permit issued by the Commission, which operations do not conform to the requirements set forth in Subsection A above, shall either correct such nonconformance within sixty (60) days of receipt of written notice of the same by the Zoning Enforcement Officer or shall terminate said excavation operations.

#### **§6.4.15 Fill Exemptions**

Any operation for clean land filling shall be carried on only pursuant to a permit from the Commission except as follows:

- A. Fill by or for the owner on part of his property may be allowed without such permit if the fill does not exceed five-hundred (500) cubic yards of earth material, or change of contour or elevation of two (2) feet or greater and such filling does not restrict any watercourse or drainage on the premises being filled or have an adverse effect on drainage on adjacent or surrounding property.

- B. Creating of stockpiles of material and removal of the same shall not be considered as a fill or excavation operation requiring a separate permit. However, the stockpiling of material is prohibited without a permit approval by the Commission.

#### **§6.4.16 Fill Permit Application Procedure**

Application for a permit to fill shall be made to the Commission by the property owner or his authorized agent on forms prescribed by the Commission. Applications for permits to fill shall be accompanied by copies of any necessary State permits required pursuant to Public Act 72-155 or amendments thereto. All such applications shall be accompanied by the same engineering data and information applicable to an excavation operation as are set forth in §6.4.4 of these Regulations.

#### **§6.4.17 Requirements for Approval of Fill Permit**

Before issuing an excavation/filling permit, the Commission shall hold a public hearing in accordance with the provisions of §6.4.8 of these Regulations. Prior to such hearing the applicant must submit an official bonding agreement to the Town.

#### **§6.4.18 Performance Bond for Fill Permit**

When a fill permit is granted, the applicant shall post a bond in accordance with the provisions in §6.4.11 of these Regulations.

#### **§6.4.19 Conditions of Fill Operation**

The Commission may approve the application and issue an excavation/filling permit for a period of stated duration, subject to compliance with the following conditions:

- A. Filling where the resulting grade shall be higher than an abutting property line or street line or have an effect on any existing watercourse or established floodplain shall be kept at a distance from said property or street line to be determined by the Commission, which Commission, in establishing said distance, shall take into consideration the same provisions and guidelines as set forth in §6.4.8 of these Regulations.
- B. All provisions of §6.4.8 of these Regulations relating to fixed equipment, temporary structures, drainage, barricading and fencing, truck access, stockpiling, noise and dust control, hours of operation and seeding and landscaping shall, to the extent that they are applicable, also apply to any filling operation conducted pursuant to a permit issued by the Commission.

#### **§6.4.20 Duration, Renewal and Revocation of Fill Permit**

All of the provisions as set forth in §6.4.13 of these Regulations shall be applicable to the duration, renewal and revocation of any excavation/filling permit.

**§6.4.21 Fee for Fill Permit**

A permit fee for an excavation/filling permit shall be required in accordance with the same provisions as contained in §6.4.7 of these Regulations.

**§6.4.22 Administrative Permit: Test Holes, Pits, Trenches**

- A.** In certain cases where test holes, pits and trenches are to be excavated and backfilled for the purpose of sewage disposal design, road design, building design, etc., a limited testing permit must be obtained from the Zoning Enforcement Officer; Inland Wetlands Agent in cases that involve activities within areas subject to regulation in accordance with the Town of Monroe Inland Wetlands and Watercourses Regulations; and/or Sanitarian or Public Health District prior to excavation. The purpose of the limited testing permit is to ensure testing is conducted in a manner protective of the environment, inland wetlands and watercourses, and of the public health, safety and welfare, as well as to assure the proper restoration of the affected area.
- B.** Said permit will be issued for a period not to exceed one (1) month. An individual permit is necessary for each lot or parcel, including those of a proposed subdivision.
- C.** The permittee is responsible for all work under the permit, and inspection of the work will be conducted by the Zoning Enforcement Officer, Town Engineer or Public Health District to assure compliance with accepted standards for such work.
- D.** Limited testing exemptions. The following site investigatory analysis and testing activities shall be exempt:
  - (1) Individual residential lot test holes, pits and trenches to be excavated and backfilled for purposes of sewage disposal design under the auspices of the Public Health District.
  - (2) Driveway design, building design or other repair and maintenance related activities associated with a developed individual residential lot as otherwise authorized by a Zoning Permit, except areas subject to the Inland Wetlands and Watercourses Regulations.
  - (3) Site investigatory analysis and testing of a non-invasive nature not involving any land alteration or disturbances.

- (4) Minor disturbances limited to manual shovel tests, cores or other limited disturbances conducted by hand and manual shovel.
- (5) Site investigation and testing of a non-physical nature, not involving any land alteration or disturbances, such as traffic studies; wetland delineations; flora and fauna inventories and observations; wildlife trapping pursuant to State and/or Federal authorized licensing; surface water sampling; or similar as determined by the Zoning Enforcement Officer.

#### **§6.4.23 Waiver**

The Commission may waive the application and permit standards of this section on a case by case basis, based on a written request by an applicant and provided said waiver would be no less protective of the environment or inconsistent with the intent and purposes of the regulations pertaining to excavation and filling activities.

### **§6.5 Soil Erosion and Sediment Control**

#### **§6.5.1 Activities Requiring a Certified Erosion and Sediment Control Plan**

A soil erosion and sediment control plan shall be submitted with any application for development.

#### **§6.5.2 Erosion and Sediment Control Plan**

- A. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended, including the Low Impact Development Appendix to Connecticut Guidelines for Soil Erosion (June 2011). Alternative principles, methods and practices may be used with prior approval of the Commission.
- B. Said plan shall contain, but not be limited to:
  - (1) A narrative describing:
    - (a) The development.
    - (b) The schedule for grading and construction activities including:
      - (iv) Start and completion dates.

- (v) Sequence of grading and construction activities.
    - (vi) Sequence for installation and/or application of soil erosion and sediment control measures.
    - (vii) Sequence for final stabilization of the project site.
  - (c) The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
  - (d) The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
  - (e) The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;
  - (f) The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- (2) A Site Plan map at a sufficient scale to show:
- (a) The location of the proposed development and adjacent properties.
  - (b) The existing and proposed topography including soil types, wetlands, watercourses and water bodies.
  - (c) The existing structures on the project site, if any.
  - (d) The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, road and, if applicable, new property lines.
  - (e) The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities.
  - (f) The sequence of grading and construction activities.
  - (g) The sequence for installation and/or application of soil erosion and sediment control measures.
  - (h) The sequence for final stabilization of the development site.
  - (i) The protection of dewatering, soil storage, stockpiling and staging areas.
  - (j) Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent(s).

**§6.5.3 Minimum Acceptable Standards**

- A.** Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- B.** The minimum standards for individual measures are those in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. The Commission, the Planning Administrator, or the County Soil and Water Conservation District (when authorized by the Commission or its agent), may grant exceptions when requested by the applicant if technically sound reasons are presented.
- C.** The appropriate method from the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.
- D.** Other resource documents to be followed include the 2011 Low Impact Development Appendix to the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control; the 2004 Connecticut Stormwater Quality Manual; and the 2011 Low Impact Development Appendix to the Connecticut Stormwater Quality Manual.

**§6.5.4 Issuance or Denial of Certification**

- A.** The Commission, the Zoning Enforcement Officer, or the Fairfield County Soil and Water Conservation District (when authorized by the Commission or its agent), shall either find, verify or accept that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation, advise or deny when the development proposal does not comply with these Regulations, or in the case of the Commission or Agent, deny the application.
- B.** Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the Connecticut General Statutes.
- C.** Prior to an approval, any plan submitted to the municipality may be reviewed by the Fairfield County Soil and Water Conservation District and/or the Southwest Connecticut Conservation District, which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan.

**§6.5.5 Conditions Relating to Soil Erosion and Sediment Control**

- A.** The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of any Site Plan, Special Exception Permit, plan of improvements, grading plan, plan/ profile for road construction may be required to be covered in a performance bond, site restoration and stabilization bond or other assurance acceptable to the Commission in accordance with the provisions specified in the appropriate sections of the Zoning and Subdivision Regulations of the Town of Monroe, as amended.
- B.** Site development shall not begin unless the soil erosion and sediment control plan is certified and approved and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- C.** Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified and approved plan.
- D.** All control measures and facilities shall be maintained in effective condition to ensure the compliance of the approved plan.
- E.** Revisions in control measures and facilities may be required and authorized in the field from time to time as conditions on or off site may dictate. Written confirmation of such revisions shall be appended to the certified plan of record within forty-eight (48) hours of authorization by the inspection/enforcement authority.
- F.** Any person engaged in development activities who fails to obtain approval of a soil erosion and sediment control plan in accordance with these Regulations, or who conducts a development activity except in accordance with provisions of a certified plan shall be deemed in violation of these Regulations and enforceable under the provisions of Article 9 of these Regulations.
- G.** Written verification of the obtainment of all applicable State and/or Federal approvals pertaining to Soil Erosion and Sediment Control, as well as Connecticut Department of Energy and Environmental Protection (CTDEEP)/NPDES permits for sites of one acre or larger shall be provided.
- H.** Provide verification of all State and/or Federal erosion and soil control plans/permits and/or CTDEEP/NPDES permits for sites of one (1) acre or larger.

#### **§6.5.6 Inspection**

Inspections shall be made by the Zoning Enforcement Officer, Inland Wetlands Agent or Town Engineer during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the approved plan and are being operated and maintained.



## **§6.6 Flood Damage Control**

### **§6.6.1 Findings of Fact, Purpose and Objectives**

#### **A. Finding of Fact - Cause and Effect**

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

These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

#### **B. Statement of Purpose**

##### **(1) Objectives**

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

- (a) To protect human life and health;
- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (f) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (g) To insure that potential buyers are notified that property is in an area of special flood hazard; and

- (h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**(2) Methods of Reducing Flood Losses**

In order to accomplish its purposes, this Section includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging, and other development which may increase flood drainage; and
- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**§6.6.2 Applicability**

- A. This Section shall apply to all areas of special flood hazards within the jurisdiction of the Town of Monroe.
  
- B. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated June 18, 2010, and accompanying Flood Insurance Rate Maps (FIRM), dated June 18, 2010, and other supporting data applicable to the Town of Monroe, and any subsequent revisions thereto, are adopted by reference and are declared to be part of this Section. Since mapping is legally adopted by reference into this Section it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The areas of special flood hazard include 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 FIS for a community. BFEs provided on a

FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The Flood Insurance Study is on file in the office of the Monroe Town Clerk, Town Hall, 7 Fan Hill Road, Monroe, Connecticut.

**C. Compliance**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Section and other applicable regulations.

**D. Abrogation and Greater Restrictions**

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

**E. Interpretation**

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

- (1) Considered as minimum requirements; and
- (2) Liberally construed in favor of the governing body; and, deemed neither to limit nor repeal any other powers granted under the Connecticut General Statutes.

**F. Warning and Disclaimer of Liability**

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by development construction activities or natural causes. This Section does not, imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the Town of Monroe, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

**§6.6.3 Administration**

**A. Establishment of Development Permit**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in §6.6.2B. Application for a Development Permit shall be made on forms furnished by the Zoning Enforcement Officer or Town Planner, and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions,

and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in §6.6.4B(2), and
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

#### **B. Designation of Administrators**

The Zoning Enforcement Officer and the Town Planner are hereby appointed to administer and implement this Section by granting or denying development permit applications in accordance with its provisions.

#### **C. Duties and Responsibilities of Administrators**

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

- (1) **Permit Review**
  - (a) Review all development permits to determine that the permit requirements of this Section have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding.
  - (b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
  - (c) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this Section, “adversely affects” means that the cumulative effects of proposed development when combined with all other existing and anticipated development,

increases the water surface elevation of the base flood more than one foot at any point.

**(2) Use of Other Base Flood Data**

When base flood elevation data and or floodway data has not been provided in accordance with §6.6.2B, the Zoning Enforcement Officer or Town Planner shall obtain, review, and reasonably utilize any base flood elevation data and or floodway data available from a Federal, State or other source in order to administer §6.6.4B(1).

- (a) In “A” zones where base flood elevations have been determined, but before a floodway is designated, require that no new construction, substantial improvement, or other development (including fill) be permitted which will increase base flood elevations more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
- (b) Should data be requested and/ or provided, adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one foot at any point along the watercourse.

**(3) Information to be Obtained and Maintained**

- (a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
- (b) For all new or substantially improved floodproofed structures:
  - (i) Verify and record the actual elevation (in relation to mean sea level), and
  - (ii) Maintain the floodproofing certifications required in §6.6.3A(3) of these Regulations.
- (c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

**(4) Alteration of Watercourse**

- (a) Notify adjacent communities and the Connecticut Department of Environmental Protection prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (b) Require that maintenance is provided within the altered area or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

**(5) Interpretation of FIRM Boundaries**

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in §6.6.3D.

**D. Variance Procedure****(1) Appeal Board**

- (a) The Zoning Board of Appeals, as established by the Town of Monroe, shall hear and decide appeals and requests for variances from the requirements of this Section.
- (b) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Enforcement Officer or Town Planner in the enforcement or administration of this Section.
- (c) Those aggrieved by the decision of the Zoning Board of Appeals or any taxpayer may appeal such decision to the Superior Court, as provided in the Connecticut General Statutes.
- (d) In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Section, and:
  - (i) Danger that materials may be swept onto other lands to the injury of others;
  - (ii) Danger to life and property due to flooding and erosion damage;
  - (iii) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (iv) Importance of the services provided by the proposed facility to the community;
  - (v) Necessity to the facility of a waterfront location, where applicable;
  - (vi) Availability of alternative locations, for the proposed use which are not subject to flooding or erosion damages;
  - (vii) Compatibility of the proposed use with existing and anticipated development;

- (viii) Relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
    - (ix) Safety of access to the property in times of flood for ordinary and emergency vehicles;
    - (x) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
    - (xi) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
  - (e) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in §6.6.3D(1)(d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
  - (f) Upon consideration of the factors of §6.6. 3D(1)(d) and the purposes of this Section, the Zoning Board of Appeals deems necessary to further the purposes of this Section.
  - (g) The Zoning Enforcement Officer or Town Planner shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
- (2) **Conditions for Variances**
- (a) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
  - (b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (d) Variances shall only be issued upon:
    - (i) A showing of good and sufficient cause;

- (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in §6.6.3D(1)(d) or conflict with existing local laws or ordinances.
- (e) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

#### **§6.6.4 Provisions for Flood Hazard Reduction**

##### **A. General Standards**

In all areas of special flood hazards the following standards are required:

##### **(1) Anchoring**

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) All manufactured (mobile) homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
  - (i) Over-the-top ties be provided at each of the four (4) corners of the manufactured (mobile) home, with two additional ties per side at intermediate locations with mobile homes less than fifty (50) feet long requiring one (1) additional tie per side;
  - (ii) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points with manufactured (mobile) homes less than fifty (50) feet long requiring four additional ties per side;



(iii) All components of the anchoring system be capable of carrying a force of fourthousand-eight-hundred (4,800) pounds; and

(iv) Any additions to the manufactured (mobile) home be similarly anchored.

**(2) Construction Materials and Methods**

(a) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) All 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.

**(3) Utilities**

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**(4) Subdivision Proposals**

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

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

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least ten (10) lots or five (5) acres, whichever is less.

## **B. Specific Standards**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in §6.6.2B or §6.6.3C(2) of these Regulations, the following provisions are required:

### **(1) Residential Construction**

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

### **(2) Nonresidential Construction**

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (a) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in §6.6.3C(3)(b) of these Regulations.

### **(3) Manufactured (Mobile) Homes**

Manufactured (Mobile) homes shall be anchored on a securely anchored permanent foundation in accordance with paragraph A above. All manufactured (mobile) homes to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at or above the base flood elevation (BFE). This includes manufactured (mobile) homes 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. All manufactured (mobile) homes within a SFHA shall be installed using methods and practices which minimize flood damage with adequate access and drainage provided.

**(4) Recreational Vehicles**

Recreational vehicles placed on sites within areas of special flood hazard shall either be on the site for fewer than one-hundred-eighty (180) consecutive days and be fully licensed and ready for highway use, or meet all the elevation and anchoring requirements of §6.6.4A(1) of these Regulations. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

**C. Floodways**

Located within areas of special flood hazard established in §6.6.2B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
- (2) If the provisions of §6.6.4C(1) of these Regulations are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §6.6.4 of these Regulations.
- (3) Prohibit the placement of any manufactured (mobile) homes.

**D. Equal Conveyance**

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

**E. Compensatory Storage**

The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain, storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the one-hundred (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.

**F. Aboveground Storage Tanks**

Aboveground storage tanks (oil, propane, etc.) which are located outside or inside of the structure if and where permitted elsewhere in these Regulations 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.

**G. 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.

**H. Structures in Two Flood Zones**

If a structure lies within two or more flood zones, the construction standards of the more 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.)

**I. 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.

**J. No Enclosed Areas Below Base Flood Elevation**

Fully enclosed areas below the Base Flood Elevation (BFE) (including floodable areas utilizing flood vents) are not permitted to be constructed.

## **§6.7 Alcoholic Beverages**

### **§6.7.1 Regulation**

The sale of alcoholic beverages associated with any use permitted in these Regulations shall be regulated in accordance with State of Connecticut General Statutes. Permits for such sale are regulated and issued by the State of Connecticut Department of Consumer Protection pursuant to Connecticut General Statutes.

### **§6.7.2 Location of Sale Limited**

The location of the sale of alcoholic beverages for consumption on or off the premises shall be subject to the standards outlined below, which shall be considered as part of the Site Plan application and/or Special Exception Permit application, as applicable.

- A.** The Commission shall find that the proximity of the premises to churches, schools or any places frequented by minors shall not be such as to constitute a hazard to the health, safety and welfare of the neighborhood
- B.** Any premises or establishment having an appropriate State of Connecticut license for the sale of alcoholic beverages of any type for consumption on the premises shall be limited to premises where food (including the offering of hot meals from an on premises commercial kitchen) and beverage full service is provided to persons seated at tables by persons employed by the following specific lawful establishments as otherwise permitted and defined in these Regulations:
  - On-Premises Caterer
  - Full Service Restaurant
  - Cafe
- C.** Any premises or establishment having an appropriate State of Connecticut license for the sale of alcoholic beverages of any type for consumption off the premises shall have its location determined appropriate by the Commission. A grocery store beer permit from the State of Connecticut shall be limited to a Grocery Store as defined in these Regulations. Limited on

premises consumption may be authorized based on the particular associated State of Connecticut license where same is otherwise permitted by the State license (i.e., tasting as may be permitted with a Package Store license).

- D. Brew pubs are exempt from the provisions of §6.7.2(B) above.

## **§6.8 Wireless Communication Facilities**

### **§6.8.1 Purpose**

The purpose of this Section is to make provisions to permit the location of wireless communication facilities within the town of Monroe while protecting the public, protecting neighborhoods, and minimizing the adverse visual and operational effects of wireless communication facilities. More specifically, the purposes are:

- A. To accommodate the need for wireless communications towers and antennas while not unreasonably regulating their location and number;
- B. To encourage the joint use of any existing or new towers;
- C. To encourage creative design measures to minimize adverse visual effects;
- D. To provide standards for design, siting and vegetative screening to minimize adverse visual effects;
- E. To reduce the number of antennas and towers needed in the future.

### **§6.8.2 Location Preferences**

The order of preferential ranking for siting the equipment associated with wireless communication facilities shall range from one (1) as the most desired to seven (7) as the least desired as listed below:

- A. On existing structures such as buildings, water towers, and utility poles.
- B. On existing approved towers.
- C. On towers proposed to replace existing towers.
- D. On new towers less than eighty (80) feet in height located in Non-Residential Districts.
- E. On new towers eighty (80) feet or greater in height located in Non-Residential Districts.
- F. On new towers less than eighty (80) feet in height located in Residential Districts.

- G. On new towers eighty (80) feet or greater in height located in Residential Districts.

### **§6.8.3 Location Restrictions**

- A. Siting on the following properties is specifically prohibited: Wolfe Park, Great Hollow Lake, Lanes Mines Park, Webb Mountain Park, and the Discovery Zone, including all associated parcels and open space designated lands to these properties as well as any other property classified or designated as park or open space lands.
- B. No land or structure in a Historic District shall be used for wireless communication facility siting with the exception of a Town of Monroe owned structure or facility.

### **§6.8.4 Special Standards**

- A. No lights shall be mounted on towers unless required by the FAA. Strobe lighting shall be avoided where possible.
- B. Towers not requiring special FAA painting or marking may be galvanized, painted a noncontrasting blue, gray, or other neutral color, or other such color as needed to blend into its location.
- C. Towers may not be used to exhibit any signage or advertising.
- D. Towers shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for two additional users if the proposed antenna is over one-hundred (100) feet in height; if over fifty (50) feet in height, it shall be designed to accommodate one additional comparable antenna.
- E. Towers shall be set back from all property lines a distance equal to their height. The Commission may waive this requirement when there is adequate documentation that the tower structure has been designed to collapse in a manner which will not impact adjacent properties.
- F. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and/or design of such structure/building.
- G. Unless waived by the Commission, dish antenna shall comply with the following:
  - (1) All dish antenna shall be of a mesh design.
  - (2) Dish antennas shall not exceed two (2) feet in diameter in Residential Districts.
  - (3) Dish antennas shall not exceed six (6) feet in diameter in Non-Residential Districts.

The Commission may waive the above requirements when there is satisfactory documentation that such antennas are screened from view from adjacent lots and from public streets.

- H.** Accessory buildings, to be used for housing telecommunications equipment only are permitted. Such buildings shall not exceed seven-hundred-fifty (750) square feet in area and shall be architecturally designed to blend into the neighborhood. Such buildings shall not exceed a height of twelve (12) feet.
- (1) A fence of appropriate design and height shall enclose the ground equipment and any support tower. This requirement may be waived when the design of the facility does not warrant a fence, e.g., a flag pole design or a similar stealth design. Landscape buffers shall be provided around the perimeter of the facility as provided for in §6.2 of these Regulations, except when determined by the Commission that existing suitable vegetative cover will remain.
  - (2) No proposed wireless communications facility shall be designed, located, or operated so as to interfere with existing or proposed public safety communications.
  - (3) The design and operation of the wireless communication facility shall comply with the FCC standards regulating non-ionizing electromagnetic emissions.
  - (4) All utilities to serve the facility shall be installed underground unless otherwise approved by the Commission.
  - (5) Generators, if utilized, shall comply with all State and local noise regulations.

#### **§6.8.5 Permits**

Wireless Communications Facilities shall be permitted in all Zoning Districts subject to the following:

##### **A. Use Permits**

Where the Commission determines that an antenna proposed on an existing structure or building meets the criteria of Subsections (1), (2) and (3) below, such antenna and wireless facilities shall be allowed when issued a Use Permit by the Commission and subject to submission of Site Plan in accord with the requirements of Article 7 of these Regulations.

- (1) An omni-directional or whip antenna with a length of twenty (20) feet or less and Seven (7) inches or less in diameter, provided its material and/or color blends with the exterior of the structure.
- (2) A directional or panel antenna six (6) feet in height and two (2) feet or less in width provided its location and appearance blends with the exterior of the structure.



- (3) A satellite and microwave dish antenna six (6) feet or less in diameter provided the building or rooftop mount is located or screened so it is not visible from abutting public streets.

## **B. Special Exceptions**

Wireless Communication Facilities which do not qualify for Use Permits under §6.8.5A above may be permitted only after the approval of a Special Exception Permit as provided for in Article 8 of these Regulations. Such use may be approved only after a finding that the use will comply with the standards of §8.2, and the special standards of this Section.

### **§6.8.6 Application Requirements**

In addition to complying with other application requirements of these Regulations, all applications for Wireless Communication Facilities shall include the following:

- A. A map showing the extent of planned coverage within the town and adjacent communities, and the location and service area of the proposed facility. This map shall be accompanied by a report which documents the need for the wireless communications facility. At the minimum, this report will document that the facility is needed to provide acceptable capacity and coverage for wireless communication.
- B. A statement containing a description of the siting criteria and the process by which other possible sites were considered. Where applicable, said statement shall explain in detail why the most preferred locations ranked in §6.8.2 above should be eliminated from consideration.
- C. Architectural renderings and/or photo simulations of views of the tower from nearby properties, including alternatives to minimize visual impacts such as monopoles containing all antennas and cabling to the interior of the monopole, simulated trees and other stealth techniques as deemed appropriate by the Commission.
- D. A report from a qualified radio frequency engineer that the proposed facility will meet the Federal Communication Commission requirements for radio frequency radiation at the time that the facility will be operating at maximum capacity.
- E. A report from a qualified radio frequency engineer that the proposed facility will not interfere with existing or proposed public safety communications.
- F. When required by the Commission, additional reports from independent technical experts on the potential impacts from the proposed wireless communication facility shall be submitted. The cost of such reports shall be the applicant's responsibility.

### **§6.8.7 Removal**

A Wireless Communication Facility not in use for twelve (12) consecutive months shall be removed by the owner. This removal shall occur within ninety (90) days of the end of such twelve (12) month period. Upon removal, the site shall be restored to its previous appearance and, where appropriate, re-vegetated to blend with the surrounding area. The Commission may require that a bond be submitted as surety.

## **§6.9 Accessory Apartments**

### **§6.9.1 Standards**

- A.** An apartment may be established only accessory to a permitted dwelling. The apartment unit shall have common wall(s) and/ or floor(s) to the livable floor area of the principal dwelling. The outward appearance of the accessory dwelling shall be consistent with the design and character of the principal dwelling in its construction, materials and finish treatment. The outward appearance shall not change the single-family character in any visible manner. There shall be no more than one (1) apartment accessory to a permitted dwelling.
- B.** Living area of an accessory apartment shall contain a minimum of four-hundred (400) square feet and shall not exceed a maximum of eight-hundred (800) square feet; there shall be no more than one (1) bedroom in such apartment. In no case shall the floor area exceed twenty-five (25%) percent of the gross livable floor area of the total structure.
- C.** An accessory apartment shall be so located upon a lot to comply with all dimensional requirements of the zoning district for new construction. An apartment located within the perimeter of an existing nonconforming dwelling, shall not be subject to such requirement. No apartment shall be located in a basement or cellar unless such basement or cellar constitutes a walk-out basement that is not below an established flood plain elevation. Additions for the purpose of an accessory apartment shall be made only above or to the side or rear of the principal dwelling.
- D.** An accessory apartment shall have a minimum of one (1) separate external door access from the principal dwelling.
- E.** An accessory apartment shall contain separate from the principal dwelling: kitchen facilities, full bath and electric panel with separate disconnect and separate access to same.
- F.** The provisions of §6.1 of these Regulations notwithstanding, two (2) off-street parking spaces shall be provided for an accessory apartment in a designated location on the premises. Such spaces shall be on an area prepared to accommodate vehicle parking. Such spaces shall be an area constructed for such purpose with a surface treatment equal to the driveway, shall provide suitable vehicle turnaround onsite and shall not conflict with access or parking for the principal dwelling.

### **§6.9.2 General Provisions**

- A.** Either the principal dwelling or accessory apartment shall be occupied by the owner of the premises at all times.
- B.** Nothing shall prevent the owner of the premises from deed restricting aspects of the use of the apartment as long as such restrictions legally conform to any local, State or Federal law or regulation.
- C.** There shall be no limitation on age of structure, time of ownership, or construction of additions to establish an accessory apartment, except as provided in this Section.
- D.** All provisions of the State of Connecticut Basic Building Code (as amended), including the securing of requisite building permits and certificates of occupancy, together with the requirements of all other applicable construction codes or regulations, shall be met to establish an accessory apartment.
- E.** The Fire Marshal shall review and approve any proposal to establish an accessory apartment to assure adequate fire safety.
- F.** The Sanitarian shall review and approve any proposal to establish an accessory apartment to assure the premises conforms to the minimum requirements of the Public Health Code for sewage disposal.
- G.** Written rental agreements (leases) shall be provided to tenants.
- H.** The following provisions shall apply to the establishment of an accessory apartment.
  - (1) A person seeking to establish an accessory apartment shall file an application for zoning compliance certificate together with a request for "Certificate of Use of Accessory Apartment" (Certificate) on a form prescribed by the Commission. Such request shall be accompanied by complete floor plans, elevations, and interior layout drawn to scale; including alterations to be made to the exterior of the existing dwelling; photographs of the exterior of the existing dwelling. The request shall be reviewed for conformance and bear the signatures of approval of the Zoning Enforcement Officer, Building Inspector, Sanitarian, and Fire Marshal.
  - (2) Upon the completion of improvements, the Zoning Enforcement Officer shall inspect the premises and shall indicate his/her approval by issuance of a Certificate of Compliance.
  - (3) The owner shall file upon the Land Records of the town, the Certificate which shall cause the approval of such accessory apartment to become effective. Such Certificate shall run with the title unless invalidated at some future date by the action of the then current property owner placing a notice on the Land Records to formally abandon the use.
- I.** In the interest of furthering the goals of providing increased affordable housing stock, it is desirable that accessory apartments be established meeting the affordability guidelines

established by “The Greater Bridgeport Region Affordable Housing Compact.” Owners are encouraged to establish units in consideration of such guidelines.

- J. Any accessory apartment type unit remaining uncertified after July 1, 1992 shall be deemed to be illegal and in violation of these Regulations and subject to such enforcement action and penalties which the law may prescribe.

## **§6.10 Site Appearance Requirements**

### **§6.10.1 General Requirements**

- A. All principal use activities, unless otherwise permitted, shall be conducted within completely enclosed buildings.
- B. Satellite dishes shall be screened so they are not visible from public streets or adjacent residential zoned properties. Neon tubing or similar lighting shall not be allowed.

### **§6.10.2 Facades and Exterior Walls of Principal Nonresidential and Residential Multifamily Buildings**

- A. Principal building facades shall include a repeating pattern of at least two (2) of the following elements or transition by some other architectural features. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet. The Commission may also require same on accessory buildings to ensue continuity and to minimize expanse of plain facades.
  - (1) Color change.
  - (2) Texture change.
  - (3) Material module change.
  - (4) Expression of architectural or structural bay through a change in plane no less than twelve (12) inches in width, such as an offset or reveal.
- B. Materials and Colors:
  - (1) Predominant exterior building materials shall be high quality materials such as brick, wood, native stone, textured concrete masonry units or clapboard type boards, glass.

- (2) Façade colors shall be low reflectance. The use of high intensity colors, sharp contrasting or fluorescent colors are prohibited.

**C. Shopping Cart Management**

Any business that uses shopping carts outside of the building shall have a cart management plan. The management plan must specify the operation's cart management program, which may include cart corrals, to prevent accumulation of carts in the parking lot. Shopping carts shall not be stored outside overnight, except in designated corrals.

**D. Outdoor Storage, Trash Collection, and Loading Areas:**

- (1) Areas for truck parking, trash collection or compaction, loading docks/doors, or other such uses shall not be visible from abutting streets or adjacent residential zoned properties.
- (2) No part of a loading dock zone or space shall be located within one-hundred (100) feet of a residential zone boundary.
- (3) Loading docks, receiving areas, truck parking, trash/recycling collection, trash/recycling compaction, and other service functions shall be designed as an integral part of the building suitably screened with walls, fencing, landscaping or a combination thereof to address visual and acoustic impacts of these functions, out of view from adjacent properties, public streets, and pedestrian sidewalks.
- (4) All dumpsters shall be placed on a concrete pad, contained within a gated enclosure and suitably screened with trees, shrubs, fencing, or by other appropriate means.

## **§6.11 Community-Wide Event**

### **§6.11.1 Community-Wide Event Permit**

**A.** A Community-Wide Event Permit may be issued by the Zoning Enforcement Officer, subject to the following:

- (1) An application for a Community-Wide Event shall be in a form as prescribed by the Planning and Zoning Department together with the supporting materials as listed below. All materials shall be submitted to the Zoning Enforcement Officer in a timely manner to provide sufficient time for their evaluation prior to the date of the event.
  - (a) Site plan sketch including:
    - Site location and containment of event, including identification of entrances and exits to the temporary event grounds and facilities.

- General layout of the temporary event vendors and activities.
  - Location of any stage, tents or other temporary structures.
  - Location of event management and public safety / first aid station.
  - Emergency access provisions.
  - Location and type of any temporary exterior lighting.
  - Vendor and event parking areas.
  - Provision and location for adequate sanitary facilities and refuse disposal.
- (b) Plan for traffic, crowd and parking control, which shall include security personnel or police officers as needed.
- (c) Sign off on permit application indicating review and approval, as necessary by the First Selectman (if on Town owned land), Fire Marshal, Health Department, Parks and Recreation Director (if on Town owned parkland), Police Department and Building Official.
- (2) The following conditions must be met:
- (a) The Community-Wide Event Permit shall be prominently posted near the main entrance of the event premises.
- (b) Event Duration and Hours of Operation.
- Maximum of twelve (12) events within any twelve (12) month span for the same property.
  - Maximum duration of ten (10) days per event.
  - Event hours limited to 8:00 am to 12:00 am (midnight).
- (c) The event shall provide for adequate off-street parking on site or shall demonstrate an alternative method of accommodating event parking demands. All event-related vehicles shall be safely and adequately accommodated on the premises or within the designated off-street parking provisions for the event.
- (d) The event shall not emanate objectionable light, noise, odor or other nuisances.
- (e) Temporary structures such as tents shall not extend into a street right-of-way or interfere with the visibility of street sight lines. All such structures shall be safely anchored to the ground, subject to the acceptance and inspection of the Fire Marshal and Building Inspector.

- (f) Temporary signs related specific to the event may be permitted but shall not extend into a street right-of-way or otherwise conflict, block or hinder the visibility of street lines and official street control signs.
  - (g) Adequate provisions for refuse containment and disposal shall be addressed.
  - (h) Any participating Mobile Food Vendor shall also comply with supplemental standards set forth in §6.12 of these Regulations.
- (3) No Community-Wide Event shall commence prior to the issuance of a Community-Wide Event Permit by the Zoning Enforcement Officer. The Zoning Enforcement Officer shall approve the Community-Wide Event Permit application if it meets all of the following standards and criteria:
  - (a) The proposed temporary event shall be located, operated, and maintained in a manner consistent with the provisions of these Regulations.
  - (b) The specific location reasonably accommodates the temporary event, given the particular nature, size, and duration of the event.
  - (c) No permanent building or site alterations or permanent signs shall be authorized or installed unless a separate permit approval as may be authorized by these Regulations is obtained.
  - (d) No aspect of the temporary event shall violate any applicable condition of approval that applies to the principal use(s) on the site.
  - (e) The operation of the event at the location proposed and within the time period specified shall not create significant adverse impacts, including but not limited to environmental, visual, glare, traffic, noise, or odor impacts, on adjacent properties, or improvements on adjacent properties, or in the surrounding area.
  - (f) The operator provides and/or mitigates for any needed police, fire, trash removal, maintenance or other public services demands.
- (4) Authority for Reasonable Conditions of Approval.
  - (a) The Zoning Enforcement Officer shall consult and coordinate with the Planning and Zoning Administrator prior to issuance of any Community-Wide Event Permit.
  - (b) A Community-Wide Event Permit shall state the specific permitted duration and hours of operation authorized for a specific event, location and date. All structures and materials related to the temporary event shall be appropriately removed and disposed of in a proper manner within the authorized time period as set forth herein above.

- (c) The Zoning Enforcement Officer may impose conditions reasonably necessary to assure compliance with the standards in this Subsection, to ensure that operation and maintenance of the Community-Wide Event mitigate potential adverse impacts on existing uses and adjoining properties and in the surrounding area, and to protect the public health, safety and general welfare. Conditions may address, but are not limited to, provisions for adequate parking, storage, and lighting; provisions for security, traffic safety, fire and life safety; conditions limiting hours of operation; provision for adequate sewage disposal; and any other health and safety concerns the Zoning Enforcement Officer may deem necessary to comply with the standards set forth herein above.

## **§6.12 Mobile Food Vendor Permits Required**

### **§6.12.1 Community-Wide Event**

A mobile food vendor participating in a community-wide event (such as a carnival, festival or other short term, single special event which may span a few hours, one day or over the course of several consecutive days) may be permitted subject to the supplemental standards set forth in §6.11, §6.12.5 and §6.12.6 of these Regulations, and the prior issuance of a Community-Wide Event Permit as issued by the Zoning Enforcement Officer.

### **§6.12.2 Resident Private Function**

A mobile food vendor participating at a private function on private residential property within a RF-1, RF2 or RF-3 District not open to the general public and where the food and/or beverages served are not sold directly or indirectly to function participants, shall be permitted without a Mobile Food Vendor Permit, provided such mobile food vendor complies with §6.12.5 and §6.12.6 below.

### **§6.12.3 Single-Day Event Associated with a Non-Residential Use**

A mobile food vendor on a non-residential zoned property may be permitted for a Single-Day Event related specifically to the subject premises, subject to the supplemental standards set forth in §6.12.5 and §6.12.6, and the prior issuance of a Mobile Food Vendor Permit as issued by the Zoning Enforcement Officer.

### **§6.12.4 Accessory to a Principal Brew Pub Use**

A mobile food vendor may be permitted as a temporary accessory use to a principal brew pub use, subject to the supplemental standards set forth in §6.12.5 and §6.12.6, and the prior issuance of Site



Development Plan Approval as issued by the Commission and a Zoning Permit by the Zoning Enforcement Officer for the implementation of such. Subsequent use or uses of such shall require the prior issuance of a Mobile Food Vendor Permit as issued by the Zoning Enforcement Officer.

#### **§6.12.5 Other Required Permits**

All mobile food vendors shall be responsible for obtaining and maintaining compliance with all permits, licenses or approvals required by the Town of Monroe and the State of Connecticut. At the time of application, the applicant shall provide verification of a current Monroe Health Department approval. The Zoning Enforcement Officer may refuse or deny an application as incomplete if the applicant has not first obtained all other requisite municipal licenses, permits and/or approvals. A copy of all related approvals shall be maintained with the mobile food vendor and proof of compliance shall be presented to the Zoning Enforcement Officer or other duly authorized Town agent upon request.

#### **§6.12.6 Supplemental Standards**

##### **A. Operational Use**

- (1) Written permission from the property owner shall be included in all applications for a mobile food vendor location and use.
- (2) The mobile food vendor operator or designee shall be present at all times, except in cases of an emergency.
- (3) Drive-up service to the mobile food vendor shall be expressly prohibited.
- (4) Offerings shall be limited to food and/or non-alcohol beverages only; no general merchandise, goods or other services shall be provided or offered.
- (5) The mobile food vendor location shall be maintained and kept clean of waste at all times. Adequate waste receptacles shall be provided, which shall be maintained during operations and removed following use. Collected waste, including excess liquids, shall be disposed of in a proper and legal manner.

##### **B. Location**

- (1) Shall not be sited or parked within a public or private street right-of-way or within any travel lane of the site; nor shall be operated in manner that impedes, endangers, or interferes with pedestrian or vehicular traffic.
- (2) Shall not be located within a required setback yard or landscape buffer as required elsewhere in these Regulations.
- (3) Mobile food vendors at a Brew Pub site shall not occupy parking spaces which are required to fulfill the minimum requirements of the principal use(s) of the subject lot, except where

the use of parking spaces is demonstrated that the hours of operation of other principal uses of the subject lot do not coincide with the times and duration for which the mobile food vendor would be present. In the event the hours of use of the other principal use(s) change so as to coincide with the permitted hours of operation by the mobile food vendor, the mobile food vendor shall no longer be permitted to occupy said spaces and shall be required to obtain approval of an alternative location to continue operations at the property.

### **C. Duration**

Each issued Mobile Food Vendor Permit shall state the specific permitted duration and hours of operation authorized for a specific location and date, subject to the following:

- (1) Community-Wide Event – Permitted duration and hours of operation shall coincide with that allowed for the associated Community-Wide Event.
- (2) Single-Day Event Associated with a Non-Residential Use
  - (a) There shall be no more than two (2) single day events at one location in any consecutive twelve (12) month period.
  - (b) Permissible hours of operation (including setup and takedown) shall be limited to the hours between 9:00 am to 10:00 pm.
- (3) Accessory to a Principal Brew Pub Use
  - (a) Hours of operation shall occur during the permissible hours of the associated principal brew pub.
  - (b) The mobile food vendor shall be removed during impermissible hours of operation and shall not otherwise be stored, parked or left overnight on the premises.

### **D. Prohibited External Apparatus**

- (1) A mobile food vendor shall be self contained, with no external connection to any power, water, sewer or other utility source, not including self contained generators temporarily used by the mobile food vendor, provided same is contained and controlled to prevent unauthorized access thereto.
- (2) The mobile food vendor shall not include any exterior lights which are not otherwise integral to the mobile food vendor. Permitted lights shall project light downward and shall be compliant with the light standards set forth on Article 6 of these Regulations.
- (3) The mobile food vendor shall not include any audio amplification system.

- (4) The mobile food vendor shall not setup or provide exterior seating (this does not include outdoor seating as may otherwise be permitted and approved by the Commission separately under these Regulations).
- (5) No external signage, including temporary or portable signs per Article 6 of these Regulations, except that which is duly affixed to the mobile food vendor shall be permitted.
- (6) There shall be no outside or external storage, display or presentation of items associated with the mobile food vendor, except appropriate waste receptacles as required herein above.

### **§6.13 Accessory Outdoor Dining**

#### **§6.13.1 Purpose and Intent**

The purpose and intent of this section is to permit and regulate outdoor dining, as an accessory use, in conjunction with and adjacent to a principal building containing a restaurant or other use serving food and beverages for the consumption on the premises.

#### **§6.13.2 Applicability**

This section shall apply to any principal or accessory restaurant use, or other use approved to serve food and beverages for consumption on the premises, located in any zoning district, notwithstanding any inconsistent provisions of Article 1, Non-Conforming Uses of these Regulations. An application for Site Development Plan approval shall be required for all proposals for, or amendments and alterations to, outdoor dining facilities.

#### **§6.13.3 Operational Use**

An outdoor dining facility shall be operated by the related principal or accessory restaurant or other food service use; shall be utilized solely for the consumption of food and beverages prepared, served and sold on the premises.

#### **§6.13.4 Location**

- A. Permitted locations.** Areas devoted to outdoor dining shall be designed in compliance with the requirements of applicable local and state codes.
- B. Prohibited locations.** All outdoor dining facilities shall be prohibited in the following site areas:
  - (1) Minimum landscape buffer areas pursuant to the requirements of the underlying zoning district and that applicable to the related principal or accessory restaurant or other food service use, whichever is more restrictive.

- (2) Minimum required yard setback areas pursuant to the requirements of the underlying zoning district and that applicable to the related principal or accessory restaurant or other food service use, whichever is more restrictive.
- (3) Required landscaping areas, areas devoted to septic disposal or water supply, or as otherwise determined inappropriate by the Commission.

#### **§6.13.5 Containment, Separation and Protection**

All related outdoor dining facilities shall be contained, separated and protected from parking and site driveways by a combination of decorative fencing, stone walls, structured landscaping, and/or building and architectural features (trellises, awnings). Protective structural elements shall be incorporated to adequately and suitably provide appropriate protection from traffic and other identifiable hazards for the specific location. The above design features and architectural improvements shall be integrated with site buildings and that of the surrounding community. Additional structural and landscape screening may be required to buffer adjacent properties and streets from visual, lighting, noise, odor and other potential associated environmental/site impacts as deemed warranted by Staff.

#### **§6.13.6 Accessory Components**

- A. Associated apparatus.** The use of portable umbrellas, heating units and other similar elements for the purpose of weather protection may be permitted but shall be properly maintained in a neat and good working condition and compliant with all applicable building, fire and health code standards and laws. Said features shall be shown to be adequately stored when not in use with appropriate containment.
- B. Utilities.** Outdoor dining facilities shall be permitted only where evidence of sufficient water supply and sewage disposal capacity for all indoor and outside facilities at full occupancy can be provided.
- C. Entertainment.** Any music or ancillary entertainment activities shall not be conducted which creates a public disturbance.
- D. Lighting.** Lighting shall be dark sky compliant, horizontally and/or across property lines. Notwithstanding the above, low wattage ambient accent lighting which may be visible on the horizontal plane may be permitted by the Commission as determined suitable for the specific location and setting.

#### **§6.13.7 Off-Street Parking**

Facilities with more than ten (10) seats shall provide off-street parking spaces proportionally to the total gross floor area and maximum permitted outdoor seating capacity as set forth in Article 6 of these Regulations, and which may be subject to shared or joint use parking as determined appropriate by Staff.

**§6.13.8 Hours of Operation**

Permissible hours of operation and use of permitted outdoor dining facilities shall be in accordance with local and state regulations.

## **ARTICLE 7 SITE PLAN REVIEW**

### **§7.1 Site Plan Approval Procedures**

#### **§7.1.1 Site Plan Approval Required**

- A.** The purpose of Site Plan review and approval is to ensure that new or amendment site and architectural development plans meet the stated objectives and standards of the Monroe Plan of Conservation and Development, are consistent with these Regulations, provides for the appropriate siting and design of buildings, structures, uses, access, parking, landscaping and other site development features, ensures public safety, and preserves important site features and identified conservation values. The goal of such review is to achieve attractive and functional development while mitigating impacts upon surrounding cultural and environmental resources, public infrastructure and adjacent properties.
- B.** No land shall be altered, used or changed in use, nor shall any building, structure or other site improvement be used, reused, changed in use or constructed, erected, placed, enlarged, moved, expanded, altered, visually changed or replaced prior to obtaining Site Plan approval, unless exempt under §7.1.2 of this Article. Site Plan review and approval shall be required in accordance with the procedures and requirements specified in this Article prior to the issuance of a Zoning Permit, Certificate of Zoning Compliance, Building Permit and Certificate of Occupancy/Completion. Such administrative permits and approvals shall be consistent with and in accordance with the Commission's Standard Site Plan approval or a Minor Site Plan approval as may be issued by the Planning and Zoning Administrator/Town Planner.
- C.** An approved Site Plan shall be revised, altered or amended in accordance with the standards and procedures established in this Article for the approval of such Site Plan.
- D.** Except where otherwise specifically required, the use of land on abutting properties with one or more owners may be concurrently reviewed for development purposes under a coordinated Site Plan meeting all of the requirements of these Regulations. Buildings, structures and other site improvements may be constructed and used individually or collectively provided that each separate owner shall have granted to each other owner in the consolidated Site Plan, by deed, easement or condominium agreement, recorded in the Monroe Land Records, such permanent access for ingress and egress, utilities, use of parking and loading, open space and/or other factors as may be required to assure the integrated development, use and maintenance of approved improvements and uses as per the coordinated Site Plan. Development on each respective lot must comply individually in all respects to the underlying zoning requirements for that lot.
- E.** Development of an approved Site Plan may be implemented in sections or phases as may be authorized by the Commission. The extent and content of each section or phase shall be clearly articulated and mapped on the Site Plan, including any conditions required during the interim period between sections or phases. Development of a Site Plan under sections or phases shall not extend the time period to complete the total scope of all sections or phases.

- F.** All Site Plans shall comply with all applicable standards and requirements set forth in these Regulations and the specific requirements of the underlying zoning district in which the Site Plan property is located.
- G.** The continued validity of a Permanent Certificate of Zoning Compliance shall be subject to continued conformance with an approved Site Plan and any requirements of approval.

#### **§7.1.2 Exempt from Site Plan Approval**

The following uses shall be exempt from obtaining prior Site Plan approval:

- A.** In the RF-1, RF-2 and RF-3 Districts, single-family detached dwellings and their associated permitted accessory structures and accessory uses, except as may otherwise be required in Article 10 of these Regulations.
- B.** Permitted agriculture and farming uses, not including related principal or accessory buildings and structures exceeding a ground footprint of 500 square feet.
- C.** Alteration or expansion of a single-family detached dwelling lawfully existing prior to the effective date of these Regulations within a non-residential district, except those established under a Special Exception Permit.
- D.** Changes to existing signs in accordance with §6.3 of these Regulations when it is the only action or improvement and provided said changes conform to any standards and requirements of the Commission's original approval for said signs.
- E.** Ordinary maintenance and repair activities "in kind" (substantially identical).
- F.** Interior alterations of lawfully existing buildings and structures provided no new uses or changes in use, or expansion of use is involved.
- G.** Changes of ownership or proprietor where such change relates to the same use, and which involves only interior alterations and/or the changing of lawfully existing exterior signs in kind with regard to their location, size, design and lighting thereof. Any other related changes shall not be exempt.

#### **§7.1.3 Minor Site Plan Application**

The following actions shall be deemed to be minor in nature and subject to the processing procedures for a Minor Site Plan Application as established herein (said shall not authorize any substantive alteration,

diminishment or elimination of any previously applicable approval condition, site improvement or stipulation as required or approved by the Commission):

- A. Changes in lawfully permitted principal and accessory uses within existing buildings, provided adequate septic disposal, water supply and off-street parking and loading can be demonstrated under existing conditions or through minor changes as otherwise permitted per this Section.
- B. Additions and/or modifications to existing lawfully permitted principal and accessory buildings and structures not exceeding a footprint or gross floor area of five hundred (500) square feet and a cumulative ground disturbance of 1,000 square feet in area.
- C. Additions and/or modifications to existing site landscaping, including walls and fences, provided the original purpose and intent of altered features will not be diminished.
- D. Alterations to an existing building or structure appearance, elevation, roofline or other similar alterations to an existing building or structure, which do not result in an increase in the useable gross floor area or a change to the existing architectural style or character of such building or structure.
- E. Changes to the parking layout substantially within existing paved limits, provided:
  - (1) The number of existing parking or loading spaces are not diminished unless there presently are more spaces than otherwise required to satisfy the minimum standards for the sum total of all the specific uses of the entire site.
  - (2) The changes do not substantially alter the traffic circulation patterns on the site, or with existing site ingress and egress provisions.
  - (3) The changes do not diminish existing landscaping provisions and where altered, said alterations restore or replace in similar or expanded scope and content.
- F. Subsurface improvements, alterations or additions which do not result in any increase in gross density occupation or use of the premises, and provided the ground surface is restored at minimum to pre-disturbance conditions.
- G. Minor alterations or expansion of pedestrian walkways, curbing and other paved surfaces, including upgrading of pavement or curb type (i.e., asphalt or concrete to pavers, granite or similarly higher-grade material).

#### **§7.1.4 Site Plan Application**

All permitted uses and actions except those set forth in §7.1.2 shall be subject to Site Plan approval as specified in §7.1.1 and shall be subject to the Site Plan Application Review Procedures established herein.



**§7.1.5 Site Plan (Standard and Minor) Application Review Procedures**

**A. General Procedures**

- (1) Date of Receipt.
  - (a) Standard Site Plan. For purposes of calculating statutory time frames for processing applications, the date of receipt of any application to the Commission shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of an application to the Planning and Zoning Department or thirtyfive (35) days after submission, whichever is sooner.
  - (b) Minor Site Plan. The date of receipt shall be the date an application is officially date stamped by the Planning and Zoning Department as being received.
- (2) Site Plan Approval for any use requiring a Special Exception Permit shall be initiated and acted upon concurrently by the Commission according to the Special Exception Permit procedures set forth in Article 8 of these Regulations (separate applications are not required).
- (3) In evaluating Standard Site Plan applications, the Commission may:
  - (a) Seek the advice and opinion of other officials, boards or commissions to assist in evaluating applications; and
  - (b) Retain an engineer, land surveyor, architect, landscape architect, professional land use planner, land use attorney or other consultant to review, comment and guide its deliberations on any application, subject to the requirements for an escrow account as may be required by the Commission in accordance with §9.7.2 of these Regulations.
- (4) In evaluating Minor Site Plan applications, the Planning and Zoning Administrator/Town Planner may seek the advice and opinion of other officials and town staff to assist in evaluating applications.

**B. Pre-Application Meeting**

Prior to formal submission of an application, an applicant shall meet with Town support staff to informally discuss the proposed application and obtain general guidance relative to specific requirements, needed data/information or supporting assessments, other related permits, and the overall application process and timing thereof. Said guidance shall be for the convenience of applicants and shall not be construed to be a replacement or instead of obtaining the guidance and advice of the applicant's own consultants and professionals, nor as exclusive guidance or comment relative to an applicant's compliance with the requirements of these Regulations.

**C. Submission of Application**

An application shall not be considered complete until all the information required by these Regulations and the Commission, or the Planning and Zoning Administrator/Town Planner in the case of a Minor Site Plan, has been provided.

- (1) Applications shall be in a form prescribed by the Commission together with a fee in accordance with Article 9 of these Regulations and other application materials as required in these Regulations. The application shall be signed by the applicant, and if the project is proposed by an applicant other than the owner of the property, the application shall also be signed by the owner or accompanied by a notarized letter authorizing the applicant and application as proposed.
- (2) An application involving an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission no later than the day such application is filed with the Planning and Zoning Department. The applicant shall provide documentation of said filing. A planning and zoning decision on the application shall not be rendered until the Inland Wetlands Commission has submitted its report in accordance with the standards of the Connecticut General Statutes, as amended, which report shall be given due consideration.
- (3) An application involving lands within a public watershed area, the applicant shall submit notice to the public water authority and State Commissioner of Public Health in accordance with the standards set forth in CGS §8-3i, as amended, no later than seven (7) days from the date such application is filed with the Planning and Zoning Department. The applicant shall provide documentation of said noticing.
- (4) An application shall be accompanied by the following supporting materials, in a quantity as determined by the Planning and Zoning Department:
  - (a) Site Plans in accordance with §7.3 of this Article.

- (b) **Project narrative.** A project narrative shall be provided describing the existing and proposed site conditions and uses, including details describing how the requirements and standards of these Regulations will be complied with by the proposed action. The project narrative shall also detail the proposed action's consistency with the Monroe Plan of Conservation and Development. Project specific analyses and reports prepared by qualified professionals may be required, the scope of which shall be subject to prior Commission review and acceptance.
  - (c) **Agency Approvals.** The applicant shall provide a list of local, regional, State and Federal agency permits and approvals anticipated to implement the proposed action, as well as any applicable requirements thereof affecting the design, site layout, construction or other aspect of the proposed action. The securing of such agency approvals may be required as a prerequisite to Commission endorsement of approved final plans.
  - (d) The Commission, or Town Planning and Zoning Administrator/Town Planner in the case of an application for a Minor Site Plan, may require the submission of additional information as deemed necessary to make a reasonable review of the application.
  - (e) The applicant shall also submit application and application presentation documents in an electronic format in accordance with Planning and Zoning Department requirements and specifications for applications to the Commission.
- (5) An incomplete application or an application filed without the required fee as specified in Article 9 of these Regulations may be deemed as reason for denial of said application.
- (6) For Standard Site Plan applications, all revised or additional application support documents, plans and materials shall be submitted to the Planning and Zoning Department no less than seven (7) business days prior to the day of a Commission meeting at which the application is scheduled. Nothing shall prohibit the Commission, in the exercise of its discretion, from receiving evidence at any time prior to the close of a meeting, public hearing or other statutory period but the Commission may refuse to consider such if not submitted in a timely fashion as set forth herein should the Commission determine that it, its staff or consultants, and/or the public would not have sufficient time to review same properly or thoroughly before the end of any aforesaid time or statutory period. The Commission, nor its staff or consultants, are responsible for providing notification of new submission materials received.

#### **D. Application Review Team (ART) Review of Applications**

Following submission of a Standard Site Plan application, the Application Review Team (ART), consisting of the Town Planner, Town Engineer, Planning and Zoning Administrator, Zoning

Enforcement Officer, representative of the Health Department, representative of the Police Department, Fire Marshal and Chief Building Inspector, shall review the application and coordinate concerns and facilitate the effectiveness of individual review comments. ART review shall run concurrently with the Commission's permit review schedule for an individual application. ART review of Minor Site Plan applications shall be coordinated by the Planning and Zoning Administrator/Town Planner as warranted.

**E. Minor Site Plan Application Process**

- (1) All Minor Site Plan applications, and any subsequent revisions thereto, shall be processed within one (1) business week of their official receipt.
- (2) The review and approval of a Minor Site Plan shall also be subject to the provisions set forth in §7.1.5F(4) of these Regulations, except inserting the Planning and Zoning Administrator/Town Planner in place of the Commission.
- (3) The Planning and Zoning Administrator/Town Planner may require an advisory review and recommendation by the Architectural Review Board for alterations of an existing building or structure.
- (4) An application for Minor Site Plan approval may be referred to the Commission for action or for guidance where deemed warranted in the opinion of the Planning and Zoning Administrator/Town Planner.
- (5) The Planning and Zoning Administrator/Town Planner shall provide a report on all administrative decisions regarding Minor Site Plan applications to the Commission at its next regularly scheduled meeting.

**F. Standard Site Plan Application Process**

- (1) Applicant Representation at Commission Meetings

The applicant and/or its authorized representatives shall be present at the meetings of the Commission at which their application is reviewed. The property owner is recommended particularly in cases where an applicant is limited in their authorization to represent the interests of the owner or in making decisions regarding the alteration of the premises under review.

- (2) Review by Other Agencies

The Planning and Zoning Department and/or Commission may forward copies of an application for review and report to such officials and agencies of the Town as it deems appropriate, and shall establish a reasonable time limit for receipt and review by such agencies. Notice of applications shall be sent to area regional planning agencies and to the

clerk of any abutting municipality as may be required by the Connecticut General Statutes or as determined appropriate by the Planning and Zoning Department or Commission.

**(3) Public Hearing**

The Commission may require a public hearing as it deems necessary or appropriate, which hearing shall be noticed and held in accordance with the standards and requirements set forth in §8.1.4 of these Regulations. All applications also requiring a Special Exception Permit shall require a public hearing, which hearing shall be held jointly with the required public hearing for said Special Exception Permit.

**(4) Commission Review and Determination**

- (a) Applications shall be approved, disapproved, or approved with modifications unless withdrawn by the applicant.
- (b) No application for any property on which there exists a zoning violation shall be approved, unless such application and approval will remedy such violation.
- (c) Approval shall be applicable only for the use and improvements specified in the application and approval.
- (d) The Commission may impose modifying conditions and safeguard restrictions to any application approval, which in its judgment are reasonable and necessary to protect or promote: public health, safety or welfare; property values; the environment; sound planning and zoning principles; improved land use, site planning and land development; or to achieve a better overall neighborhood compatibility.
- (e) When the Commission approves a Site Plan with modifying conditions and safeguard restrictions, each and all of said conditions and safeguard restrictions shall be an integral part of the Commission's decision. Any condition or safeguard restriction attached to a Site Plan approval shall remain with the property as long as the use is still in operation, and shall continue in force and effect regardless of any change in ownership of the property. Should any of the conditions and safeguard restrictions on appeal from such decision be found to be void or of no legal effect, then the conditional approval is likewise null and void. An applicant may reapply with another application for review.
- (f) A notice of decision shall be completed in accordance with the requirements set forth in the Connecticut General Statutes, as amended.

- (g) As a condition of approval, the right of entry with reasonable notice for inspection by Town of Monroe officials shall be provided in order to determine compliance with the conditions of such approval.

## **§7.2 General Criteria and Standards for Application Review**

The following criteria and standards shall be used by the Commission in reviewing all applications. In doing so, the Commission may require the submission of alternative design and layout proposals to ensure the creation of well designed, functional and attractive development. The intent is to ensure that the development and use of land does not have an adverse effect on the environment, adjacent lands and land uses, or on the historic and cultural character of the community, among other factors. These Regulations are designed to:

- A. Protect the community from traffic congestion and conflicts, noise, lighting, odor and other forms of pollution;
- B. Avoid inappropriate site and building design, including "strip" commercial development, flooding, and excessive soil erosion; and
- C. Ensure that proposed uses will be in harmony with the appropriate and orderly development of the Zoning District in which such is proposed, and that its impacts can be mitigated by compliance with reasonable conditions.

### **§7.2.1 General Criteria**

The criteria below are intended to establish a framework within which the designer of the site development will utilize creativity, invention and innovation to provide a sensible and sustainable plan compatible with the Town's planning goals and objectives, as expressed in the its Plan of Conservation and Development, while recognizing and thereby protecting the Town's rural, historic, cultural, natural and scenic landscapes and qualities.

- A. The intended activity or proposed use, buildings or other structures shall not be detrimental to the health, safety, welfare and property values of the neighborhood and will be in harmony with and conform to the orderly development of the Town.
- B. Due attention by the applicant shall be given to the goals, objectives and the stated general land use policies for the Town and the specific area in which the development is proposed.

- C. The streets serving the proposed use shall be adequate to accommodate prospective traffic, and provision shall be made for entering and leaving the property in such a manner that no traffic hazards will be created. Adequate off-street parking and loading facilities shall be provided.
- D. The structural base material and surface treatment of any areas used for off-street parking and loading facilities, for maneuvering of vehicles or for outside storage and display of vehicles and materials shall be as determined suitable and adequate for their intended purpose.
- E. Properties shall be suitably landscaped and the intended activity, use, design of buildings, signs and other structures shall be such as to preserve the appearance and character of the neighborhood.
- F. The site on which the use is proposed to be established shall be of sufficient size and adequate dimension to allow construction of all buildings and structures and to conduct the use in such a manner as will not be detrimental to the neighborhood.
- G. Adequate fixed and shielded lighting shall be provided for the intended use and shall not constitute a nuisance, traffic hazard or spillage onto neighboring properties, or be detrimental to the neighborhood.
- H. The character, purpose and nature of the Site Plan approval shall be such that the proposed use will be in harmony with the orderly development of the Zoning District in which it is located.
- I. Proposed development shall meet all other requirements and performance standards as established in these Regulations.
- J. Proposed development shall be adequately protected from casualty by fire as may be determined by the Town Fire Marshal, subject to review by the Commission.

#### **§7.2.2 Ecological Considerations**

- A. Site and building development shall cause minimal degradation of unique or irreplaceable land types and minimal adverse environmental impact upon critical areas such as streams, wetlands, areas of aquifer recharge and discharge, steep slopes, highly erodible soils, areas with a high water table, floodplains, areas of mature vegetation, and extraordinary wildlife nesting, feeding or breeding grounds.

- B.** Development shall conform to existing geological and topographic features to the end that the most appropriate use of land is encouraged.
- C.** Site uses shall have the capacity to provide for the on-site handling, disposal and/or storage in a safe, sanitary and harmless manner as prescribed by all applicable Federal, State and local laws, rules or regulations pertaining to sewage, solid or liquid waste, toxic or hazardous substances, or any chemicals or by-products produced, kept, made, generated or used or to be used on the premises. If any such sewage, solid or liquid waste, toxic or hazardous substances, or chemicals or by-products are not to be handled, stored or disposed of on-site, then the manner of their handling, disposal and/or storage shall be disclosed including proof of compliance with all applicable Federal, State and local laws, rules and regulations.

### **§7.2.3 Landscape and Lighting**

- A.** Natural and existing topographic patterns, which contribute to the beauty and character of a development, shall be preserved where practicable in its natural state. Tree and soil removal shall be avoided and minimized to the greatest extent practicable. If development of the site necessitates the removal of established trees, special attention shall be given to the planting of replacements or other landscape mitigation treatments. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- B.** Landscaping or the landscape treatment shall provide, in the judgment of the Commission and in a reasonable time, the required amenities or visual barrier between different land uses.
- C.** Grades of driveways, walks, parking areas, terraces, and other paved areas shall provide an inviting appearance.
- D.** Landscaping shall dominate a site and shall integrate the various elements of site design, preserving and enhancing the particular identity of the site, including architectural features, scenic vistas and visual corridors. Landscaping shall provide shade, visual interest and vertical relief.
- E.** Plant material shall be selected for interest in its structure, texture, and color, and in consideration of its ultimate growth pattern. Plants shall be used which are indigenous to the area and others that will be hardy, harmonious to the design, and exhibit a good appearance.
- F.** In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
- G.** Parking areas and traffic ways shall be enhanced with landscaped islands, trees and shrub plantings, and other landscaping consistent with the requirements and standards in Article 6 of these Regulations.



- H. Screening of service yards, refuse containers, and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of these, with all such enclosures being compatible in material, texture and color with the buildings of the site.
- I. Landscaping shall be designed and maintained so as not to create a hazardous condition.
- J. Exterior lighting shall be in accordance with Article 6 of these Regulations and shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas.
- K. The number of exterior lights, and the intensity of such lighting shall be the minimum necessary to illuminate the location for safety, without glare or light spillage to adjoining properties.

#### **§7.2.4 Relationship of Proposed Structures to Environment**

- A. Proposed structures shall be related harmoniously to themselves, the terrain and to existing buildings and roads in the vicinity that have a visual relationship to the proposed structures. The achievement of such harmonious relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.
- B. Proposed structures shall be so sited as to minimize any adverse impact upon the surrounding area and particularly upon any nearby residences by reason of:
  - (1) Building location, height, bulk and shadows.
  - (2) Location, intensity, direction and times of use of outdoor lighting.
  - (3) Likelihood of nuisances.
  - (4) Other similar considerations.
- C. Site Plans proposed for nonresidential uses adjacent to a residential district or residential uses shall be reviewed with regard to the impact of the development on that district or use.
- D. Site design shall be planned to accomplish a desirable transition from the streetscape, and to provide for adequate landscaping, screening and buffering to adjacent sites and lands uses, and to provide adequate but not excessive off-street parking.
- E. The Commission shall encourage the use of a combination of common materials, landscaping, buffers, screens and visual interruptions in order to create attractive transitions between buildings of different architectural styles.

- F. Parking shall be located to the rear or sides of buildings primarily so as to not interfere with the landscape treatment and streetscape.
- G. Textures of buildings, structures and paved areas shall be sufficiently varied to prevent a massive or monolithic appearance, particularly areas of asphaltic paving for parking.

#### **§7.2.5 Scenic, Historic, Archaeological and Landmark Sites**

- A. Scenic, historic, archaeological and landmark sites and features that are located on or adjacent to the proposed development shall be preserved and protected insofar as practicable. Specific requirements regarding such sites and features are contained in Chapter 310 (Historic Districts) and Chapter 430 (Scenic Roads) of the Code of the Town of Monroe.
- B. Recognized scenic and/or historic districts within the vicinity of the proposed development shall be embraced in the Site Plan design, including the use of traditional building forms and layouts which are evidence of the distinctive historical development of the area.

#### **§7.2.6 Buildings and Structures**

- A. Buildings and structures shall be integrated with each other and with adjacent buildings and structures, providing convenient access to and from adjacent uses. Buildings and structures shall be designed and clustered in a compact form with due regard to environmentally sensitive features.
- B. The design of buildings and structures shall make appropriate recognition of compatible building forms, styles and character indigenous to New England, and in particular, the Town of Monroe.
- C. Components such as windows, rooflines, doors, eaves and parapets shall have well-designed proportions and relationships to one another and be compatible with the historic and vernacular architectural styles of the Town of Monroe.
- D. The height and scale of buildings and structures shall be compatible with its site and existing, or anticipated, adjoining buildings.
- E. Materials shall have good architectural character and shall be selected for harmony with traditional building materials.

#### **§7.2.7 Stormwater Management**

- A. Proposed development shall be designed so as to provide for proper surface water management through a system of controlled drainage that, wherever practicable, preserves existing natural drainage patterns and wetlands, enhances groundwater recharge areas, and protects other properties and existing natural and artificial drainage features from the adverse effects of

flooding, erosion and the depositing of silt, gravel or stone, uncontrolled dispersal of debris, trash and runoff pollutants such as from deicers, fertilizers, herbicides, insecticides and pesticides.

- B.** Proposed development shall conform to all Federal, State and local requirements and guidelines, including provision of Best Management Practices, regarding stormwater quality and quantity control and erosion and sediment control as set forth in Article 6 of these Regulations.

#### **§7.2.8 Traffic, Circulation, Parking and Pedestrian Safety**

- A.** Proposed development shall not cause adverse traffic impacts to abutting roads, nearby entrances on adjacent properties or on the road network serving the surrounding area.
- B.** All entrance and exit driveways shall be located with due consideration for traffic flow and so as to afford maximum traffic safety consistent with the standards set forth in Article 6 of these Regulations. In general, all such entrances and exits shall be located and designed in accordance with Chapter 260 (Driveway Construction) of the Code of the Town of Monroe, and the following:
  - (1) Conform to sight line requirements for restricting direct obstructions at corners (in addition to Federal, State, AASHTO and local sight line guidelines).
  - (2) Achieve maximum practicable distance from street intersections and from existing and proposed access connections from adjacent properties.
  - (3) Minimize left-hand turns and prohibit backing movements.
  - (4) Discourage the routing of vehicular traffic to and through local residential streets.
  - (5) Provide adequate offset centerline striping and entrance/exit site radii to accommodate appropriately sized trucks to service existing and proposed uses without encroachment into opposing traffic both on and offsite.
  - (6) Encourage the shared use and interconnection of driveways.
- C.** The location, width and layout of interior drives shall be appropriate for the proposed interior circulation.
- D.** The location and layout of accessory off-street parking and loading spaces shall provide for efficient circulation and the safety of pedestrians and vehicles. Provision shall be made for unobstructed access by police, fire and emergency vehicles.
- E.** The location of parking areas shall not detract from the design of proposed buildings and structures or from the appearance of the existing neighboring buildings, structures and landscape.

- F.** Pedestrian circulation shall be separated from motor vehicle circulation and from loading activities. Safe and convenient pedestrian circulation, including appropriate sidewalks, shall be provided on the site and its approaches, to provide interconnectivity between the road frontage and parking areas and buildings onsite. The pedestrian circulation plan shall be designed to minimize adverse effects of vehicular traffic upon adjacent sidewalks and bicycle paths by providing wider walkways or paths, and appropriately designed control features such as changes in pavement material, texture and/or color, as well as physical barriers, landscaping, guiderails, fencing, signs and other means of protection.

#### **§7.2.9 Utility Services**

- A.** Proposed development shall be adequately served by all applicable utilities, including water and septic systems.
- B.** Electric, telephone and other wire-served utility lines and service connections shall be underground insofar as feasible and subject to State Public Utilities Regulations. Any utility installations remaining above-ground shall be located and screened so as to have a harmonious relationship to neighboring properties and to the site.
- C.** Mechanical equipment such as air conditioners or other utility hardware located on roofs, the ground, or buildings, shall be designed in an architecturally integrated fashion and/or screened from view with materials harmonious with the building, specified as to construction, material and color so as to blend with its surroundings, or located so it is not visible or conflicting with site landscaping and pedestrian and vehicular access.

#### **§7.2.10 Waste Disposal**

- A.** Adequate provision shall be made for the sanitary sewer needs of the proposed development in compliance with State and local Health District requirements.
- B.** There shall be adequate provision for the disposal of all solid, liquid and gaseous wastes and for all recyclable materials, as well for the avoidance of odors and other air pollutants that may be generated at the site. All applicable Federal, State and local pollution control standards shall be observed, as well as the standards of Chapter 440 (Sewage Disposal) and Chapter 452 (Solid Waste) of the Code of the Town of Monroe.

- C. All dumpsters or other covered containers designed to be emptied into a truck shall be placed on a concrete pad within an adequate solid board fence or architectural walled enclosure screened with landscaping.
- D. Enclosures shall be designed, installed and maintained so as to minimize noise, odor and other adverse effects.

#### **§7.2.11 Noise**

- A. All applicable Federal, State and local Regulations dealing with the control of outside noise which is expected to be generated at the site shall be complied with.
- B. Use of noise reducing barriers or other control measures shall be incorporated as may be required by the Commission.

#### **§7.2.12 Outdoor Signage**

- A. The size, location, height, design, color, texture, lighting and materials of exterior signs shall not detract from the design of proposed buildings and structures or of the surrounding properties. Signs of a prototype design and corporation logos shall be modified to conform to the criteria for all signs within the Town of Monroe in conformance to the requirements contained in Article 6 of these Regulations.
- B. Signs and supporting structures and devices shall be well proportioned and compatible in design and visual relationship to buildings, structures and surroundings, and shall not be predominate to the overall visual impact of the project.
- C. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- D. The colors, materials, and lighting of every sign shall be restrained and shall be harmonious with the building and site to which it principally relates.
- E. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.

### **§7.3 Application Requirements**

#### **§7.3.1 General Requirements for All Applications**

- A. All applications and accompanying maps, plans, documents, reports and data shall be in writing and in a quantity as required by the Planning and Zoning Department. Said applications shall

include all the information required by the Commission and as specified in the application form and these Regulations.

- B. All maps, plans, documents, reports and data as may be submitted with an application shall be current (completed within the previous six (6) months) and include an original (live) signature and embossed or wet stamp seal certification by the individual State of Connecticut licensed professional(s) responsible for their preparation. If multiple professionals are responsible for their preparation, each shall include appropriate certification.
- C. The maps and plans required by these Regulations shall be coordinated into individual collated, bound and folded sets of uniform size not to exceed 24" x 36" drawn at a maximum scale of one inch equals forty (40) feet, unless otherwise authorized by the Commission, and numbered in sequence (X of a total of Y sheets). The cover sheet shall include a prominent listing of the project name and a list of all included sheets by title, origination date and common revision date, as well as a location map showing the subject lot, surrounding lots, named streets and the zoning classifications of the shown area drawn at a scale of one (1) inch = eight-hundred (800) feet.
- D. Each plan sheet shall include a coordinated Title Block including the following minimum information:
  - (1) Sheet title and number, and sheet sequence numbering.
  - (2) Property address and assessor identification (Map and Lot number).
  - (3) Name, address and signature (on Final Plans) of the applicant and property owner.
  - (4) Name, address, signature and seal of the professional(s) preparing the plan.
  - (5) Origination date of preparation and date of revision, if any.
  - (6) Written and graphic scale and north arrow.
- E. The plans shall include the following minimum information consistent with all applicable requirements and standards of these Regulations:
  - (1) **EXISTING CONDITIONS SURVEY (A-2 and T-2, or equivalent)**
    - (a) Appropriate certification statement including reference maps, origin of property layout, purpose of drawing, and specific certification and clarifications of information shown.
    - (b) Accurate boundary and boundary markers.
    - (c) Delineation and dimension of all abutting private or public streets rights-of-ways and edges of pavement.

- (d) Location of adjoining properties identifying owners and the map and lot numbers of same based on current Town of Monroe Assessor information, including those located across abutting streets.
- (e) Existing zoning designation of the property and adjoining properties, including listing of past Site Plan, Special Exception Permit and/or Zoning Variance approvals.
- (f) Location and dimensions of existing buildings, structures, access drives, fences, stone walls, guiderails, exterior signs and lights, landscaping, screening, buffers, parking and loading areas and sidewalks on the subject property and connections thereto with adjoining properties.
- (g) Existing right-of-ways, easements, other encumbrances or restrictions, including a listing of recorded maps and description of any existing deed restrictions or covenants affecting the subject property.
- (h) Location and delineation of wetlands, watercourses, ponds, lakes, vernal pools and other water related resources and their associated upland review areas. The qualified delineator and date of delineation shall be noted.
- (i) Location of principal wooded areas, exposed ledge and rock outcroppings, significant trees with a diameter at breast height of twenty (20) inches or more (identified as to scientific and common name, size and health condition).
- (j) Existing topography of the subject property with a minimum 2-foot contour interval, based on United States Geologic Survey data, with the source of the contours and the location of benchmarks noted.
- (k) The required yard setbacks and other zoning lot area and bulk standards of the underlying Zoning District(s).
- (l) Locations, dimensions, grades and flow direction of existing sewers, culverts, waterlines and other underground utilities within the property, to the extent known or relevant, and location of all utilities in the adjacent street and connections to structures on the premises.
- (m) Boundaries of any site area subject to flooding or stormwater overflows, including flood hazard areas as defined in Article 6 of these Regulations and as established by the Federal Emergency Management Administration (FEMA). Local areas susceptible to flooding that are not within determined flood zones shall also be indicated.

**(2) SITE PLAN**

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## Town of Monroe Zoning Regulations

- (a) Delineation of all applicable zoning lot area and bulk standards, off-street parking and loading requirements, and other setback or buffer requirements.
- (b) Location, layout and dimension of proposed buildings, structures, fences, walls and other site features proposed to be constructed, expanded, or altered.
- (c) Location, layout, dimension and surface treatment and specifications of access and internal drives, parking areas, service and loading areas, sidewalks and pathways, and other non-building or vegetative areas and features.
- (d) Known or approximate location of existing buildings, septic systems, water supply wells, utility lines and other structural or utility features within one-hundred (100) feet of the site lot lines.
- (e) Location, design and proposed screening of outdoor storage areas, including proposed provisions for refuse storage and collection.
- (f) **Zoning Compliance** - Analysis in tabular format of conformity to all applicable use, lot area and bulk standards, including any variances sought.

Zoning Requirement	Zoning Standard	Existing Conditions	Proposed Conditions	Resultant Conditions

Zoning Requirement – Applicable requirement (i.e., yard setback, building height).

Zoning Standard – (i.e., 30 feet, 15%).

Existing Conditions – Existing condition relative to the requirement.

Proposed Conditions – Proposed condition of new feature relative to the requirement.

Resultant Conditions – Existing/proposed condition relative to compliance with standard.

- (g) **Off-Street Parking and Loading Compliance** – Analysis in tabular format of conformity to applicable off-street parking and loading requirements.

Use	Size GFA	Zoning Standard	Required Spaces
Off-Street Parking			



<b>Total Off-Street Parking Required</b>			
<b>Total Proposed</b>			
<b>Off-Street Loading</b>			
<b>Total Loading Spaces Required</b>			
<b>Total Proposed</b>			

Use – Existing or proposed site/building use(s) (i.e., office, retail, manufacturing).

Size – Dimension of floor area devoted to each individual use (i.e., 1,765 sf).

Zoning Standard – Applicable standard or ratio (i.e., 4 spaces / 1,000 sf) Required

Spaces – Calculated based on standard rounded up to whole number.

Total Required – Sum of separate uses.

Total Proposed – Total number of spaces proposed on Site Plans.

**(3) GRADING / UTILITY / STORMWATER PLAN**

- (a) Existing and proposed minimum two (2) foot contours and spot elevations, including existing contours (Class D data or better) extending a minimum of fifty (50) feet beyond the boundaries of the site.
- (b) An area topographic plan showing drainage basins, source and destination of drainage or water flows.
- (c) Location of any test holes, test pits and borings.
- (d) Areas of rock excavation or blasting.
- (e) Location, size and design of proposed water supply, sanitary sewage disposal and treatment, valves, hydrants, fuel tanks and other utility facilities, both above- and below-ground, with all relevant engineering data.
- (f) Proposed stormwater drainage systems with engineering details of swales, pipes, storm drains, catch basins, dry wells, stormwater quality control structures, retention basins, weirs and other related facilities, including invert and top elevations at each manhole, inlet, outlet, headwall, limits of headwaters, or other appurtenant drainage structure.

(g) Location and spot grades at the top and bottom of curbs, retaining walls and other such improvements.

(h) Proposed water quality treatment measures to achieve reductions in nitrogen, phosphorus, sediments, hydrocarbons and other pollutant loading factors.

**(4) EROSION AND SEDIMENTATION CONTROL**

(a) Erosion and sediment controls, measures and devices to be employed during site disturbance and construction including any phasing thereof, pursuant to the requirements of Article 6 of these Regulations.

(b) Details of Best Management Practices and long term permanent erosion and sediment controls.

**(5) LIGHTING**

(a) Exterior site lighting (existing to remain and proposed) for the premises, buildings and structures, showing the location, number and type of lights.

(b) Architectural design specifications including shielding, pursuant to the requirements of Article 6 of these Regulations.

(c) Photometric plan for all exterior lighting.

**(6) SIGNS**

(a) Location, type, size, design, construction, finishes, color and illumination of all signs, pursuant to the requirements of Article 6 of these Regulations.

**(7) LANDSCAPING**

(a) Indication of all existing vegetation to be retained and the methods to be used to protect such vegetation during the course of construction.

(b) Plans and details for proposed landscaping, including the variety (scientific and common name), size, quantity and location of plants and other landscaping materials to be used, pursuant to the requirements of Article 6 of these Regulations.

**(8) ARCHITECTURAL FLOOR PLANS and ELEVATIONS**

(a) Location and dimensions (length, width, floor elevations and height in feet and stories) of proposed structures, with a detailed breakdown of all proposed floor space by floor level and use (gross floor area devoted thereto).

- (b) Perspective architectural renderings and elevations showing the existing and proposed building architectural style, design details, construction materials and colors, roofing finish, and height conformance. Such drawings shall be sufficiently detailed to assure conformance with these Regulations and to detail lighting, signs, utility and mechanical equipment attached on or adjacent thereto.

**(9) OTHER DATA INFORMATION**

- (a) Cut and Fill Analysis including an estimate of the quality, volume and consistency of materials to be imported or removed from the subject property. Drainage calculations shall address runoff entering the site for a fully developed watershed and for the site itself after proposed development.
- (b) Boring information, soil descriptions, and water depth records and bearing capacities.
- (c) For non-residential uses, the proposed number of employees for which the buildings are designed.
- (d) Traffic analysis and details of proposed traffic and safety measures, including pavement and lane markings, directional signage, sight distance information and any associated clearing or improvements relating thereto.
- (e) Provisions for handicap accessible parking and access, pursuant to all applicable Federal, State and local law and regulations.
- (f) Where lands proposed to be developed involve the subdivision of land, a plan of subdivision shall be prepared in conformance with the Monroe Subdivision Regulations, approved by the Commission, recorded on the Monroe Land Records, and authorized for construction prior to issuance of a related Zoning Permit.
- (g) Where public improvements are proposed, same shall conform to all applicable Federal, State and local standards and requirements in addition to these Regulations. All roads and improvements intended to be dedicated to or accepted by the Town of Monroe for public use shall conform to all Town rules and Regulations and standard specifications in effect at the time of approval.
- (h) Bond estimate including item descriptions, units, quantities, cost per unit, ten percent (10%) contingency, and totals for all public work improvements and site stabilization and restoration measures, including siltation and erosion control, anti-tracking pads, topsoil and turf reestablishment, plantings for erosion control, drainage and runoff management, invasive plant removal and measures to prevent dumping.

**§7.3.2 Waiver of Application Submission Requirements**

- A. The Commission upon request by an applicant may waive certain application submission requirements as deemed inappropriate or unnecessary to a particular application or application site due to unique and special conditions specific to same, provided such waiver will not be detrimental to the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of such submission standard, the Plan of Conservation and Development or any of these Regulations. All requests for waiver shall be in writing, stating the requested waiver with citation to the specific provision and section number, circumstances of such and the reasons why said waiver would be appropriate.
- B. No waiver may be deemed approved or granted by implication. The grant of any such waiver shall be accompanied by a written finding that compliance with the requirement is either not requisite in the interest of the public health, safety and general welfare or inappropriate to the particular site or application.
- C. The Commission may, in granting a waiver, incorporate such reasonable conditions as will, in its judgment, substantially secure the objectives of the requirements so waived.
- D. The Planning and Zoning Administrator/Town Planner may waive certain application submission requirements for Minor Site Plan applications consistent with standards set forth in Subsections A through C above.

## **§7.4 Endorsement of Final Plans, Construction and Property Maintenance**

### **§7.4.1 Endorsement of Approved Final Plans**

- A. Following approval of an application for Site Plan by the Commission, the applicant shall submit final plans in accordance with said approval for endorsement by the Commission Chair. The applicant shall also be required to record an original copy of the Site Plan approval document in the Monroe Land Records, which copy will be provided by the Planning and Zoning Department in accordance with the Commission's approval of the Site Plan.
- B. An approved Standard Site Plan shall become effective for purposes of obtaining a Zoning Permit/Certificate of Zoning Compliance and Building Permit upon recording of the approval on the Monroe Land Records.
- C. The applicant's failure to obtain the authorized endorsement of the final plans and record the approval document within the time period set forth in the Commission approval Resolution, unless an extension as may be granted by the Commission is obtained in accordance with §7.5.1 of these Regulations, shall render the approval of such expired, null and void.
- D. Following approval of a Minor Site Plan application, the applicant shall submit final plans for endorsement as approved by the Planning and Zoning Administrator/Town Planner, in a quantity and format as required by said approval.

**§7.4.2 Construction**

- A.** No site alterations, improvements or changes of use may be implemented, and no Zoning Permit/Certificate of Zoning Compliance, Building Permit or Certificate of Occupancy/Completion shall be issued, except in compliance with an approval as issued by the Commission, or in the case of a Minor Site Plan, by the Planning and Zoning Administrator/Town Planner. All site alteration and construction shall be in accordance with the approved final plans as signed by the Commission Chair or the Planning and Zoning Administrator/Town Planner as the case may be.
- B.** Prior to commencement of any site preparation or construction of the premises, the following minimum shall be required:

  - (1) Posting of any required bond.
  - (2) Recording of any associated map and/or legal instruments on the Monroe Land Records.
  - (3) Issuance of Zoning Permit/Certificate of Zoning Compliance, Building Permit and any associated Wetlands Permit or other Town of Monroe administrative permit or approval.
  - (4) A pre-construction meeting shall be held with the applicant and/or general contractor, engineer and architect, and with the land use and building officials of the Town of Monroe. Additional construction meetings may be called as deemed necessary throughout construction of the project.
- C.** Use and/or occupancy of approved site buildings, structures, site improvements and uses shall not be authorized until the applicant/owner obtains a Permanent Certificate of Zoning Compliance and Building Department Certificate of Occupancy/Completion. It shall be the applicant's/owner's responsibility to coordinate and request all inspections, and to request and obtain a Permanent Certificate of Zoning Compliance and Building Department Certificate of Occupancy/Completion. No Permanent Certificate of Zoning Compliance or Certificate of Occupancy/Completion for a building, structure, site improvements or use subject to Commission approval shall be issued until:

  - (1) Applicable requirements of such approval and any condition or safeguard attached thereto have been met.
  - (2) Evidence of acceptance of completed work by all other involved agencies has been filed with the Planning and Zoning Department.
  - (3) All approved improvements have been completed in accordance with the Approval, the approved plans, specifications and applicable Regulations, unless incomplete improvements are covered by a performance bond assuring completion within six (6) months, or within a

time period otherwise specified by the Commission, upon written request and the approval of the Commission. The Commission may agree to extend the six (6) month limitation for a specific period of time.

- (4) An As-Built plan, prepared and certified by a licensed engineer or surveyor, is submitted to the Planning and Zoning Department. Said plan shall be based on a field survey and show the location of all site improvements as constructed. The As-Built plan shall be reviewed by the Planning and Zoning Department, and be found to be in compliance with the approved final plan as signed by the Commission Chair. An As-Built plan found not to be in compliance shall be subject to review and approval in accordance with the same procedures required for the initial application.

#### **§7.4.3 Property Maintenance**

- A. It shall be the duty of every property owner to maintain their property in conformity with these Regulations, the provisions of Chapter 405 (Property Maintenance) of the Code of the Town of Monroe and any approval relating thereto. Failure to do so shall constitute a violation of these Regulations and any approval relating thereto.
- B. The maintenance of all buildings, structures, site utilities, driveways and parking areas, sidewalks, landscaping, landscape treatments, walls and fencing, other site improvements, public improvements and protective safeguards shall be the sole responsibility of the property owner.

### **§7.5 Expiration of Approval**

#### **§7.5.1 Expiration**

- A. Commission approval of a Standard Site Plan application shall expire unless any and all requirements and conditions of approval have been met and final plans have been submitted for signature by the Commission Chair within one-hundred-eighty (180) days of the date of adoption of the Commission's Resolution of approval.
- B. Commission approval shall expire unless all approved improvements associated with such have been completed within five (5) years of the date of the Commission's Resolution of approval as evidenced by the issuance of a permanent Certificate of Zoning Compliance and Certificate of Occupancy/Completion.
- C. Failure to strictly adhere to the terms, conditions, modifications, safeguards, documents and final plans as approved by the Commission shall be a violation of these Regulations subject to the revoking of an associated Commission approval and/or any associated administrative permits or approvals relating thereto.

- D. Failure to complete all work within the period of approval including any extension as may be granted, if any, shall result in an automatic expiration of the Commission approval. An expired approval for any reason shall be considered null and void. The premises shall not be authorized to be used for the purposes set forth in the Commission's Resolution of approval until a Permanent Certificate of Zoning Compliance and Certificate of Occupancy/Completion has been lawfully obtained.
- E. Minor Site Plan Approval by the Planning and Zoning Administrator/Town Planner shall expire six (6) months from the date of issuance unless a Permanent Certificate of Zoning Compliance and Certificate of Occupancy/Completion has been lawfully obtained, or an extension as may be granted is obtained from the Planning and Zoning Administrator/Town Planner.

#### **§7.5.2 Extensions**

- A. The Commission may grant one or more extensions of the time to obtain endorsement of final plans and/or to complete all or part of the work in connection with a Commission approval, provided the specific circumstances thereof warrant an extension and provided that the total time for completion shall not exceed ten (10) years from the original date of such approval.
- B. Any request for an extension shall be submitted to the Commission in writing in a timely manner prior to the date of expiration (recommended forty-five (45) days in advance of expiration) in order to provide the Commission sufficient time to review and act at a regularly scheduled meeting. Such request shall state the reasons and circumstances for the requested extension. In considering any such request, the Commission may require a public hearing.
- C. The Commission may condition the approval of an extension on, among other things, a determination of the adequacy of the amount of the bond or other surety furnished in accordance with these Regulations.
- D. The Planning and Zoning Administrator/Town Planner may grant one or more extensions of the time to implement an approved Minor Site Plan Approval in increments of six (6) months or less.

## **ARTICLE 8 SPECIAL EXCEPTION PERMITS**

### **§8.1 Special Exception Permit Procedures**

#### **§8.1.1 Purpose**

- A.** The purpose of requiring a Special Exception Permit is to review proposed new or amendment development plans of an applicant to assure that they meet the stated objectives and standards of the Monroe Plan of Conservation and Development, these Regulations, and provide for necessary public facilities or services, preserve community character, topographic and vegetative features, protect historical and archeological factors, and are compatible with adjacent properties and land uses not requiring a Special Exception Permit, through appropriate design considerations and siting of buildings, structures, uses, access, parking, landscaping and other site development features.
- B.** In all cases where these Regulations require approval of a Special Exception Permit or an amendment thereto, no Zoning Permit, Certificate of Zoning Compliance or Building Permit shall be authorized or issued, until approval of the required Special Exception Permit has been obtained from the Commission authorizing such administrative permits and approvals. All such administrative permits and approvals shall be consistent with and in accordance with such Commission approval.
- C.** Notwithstanding the above, a Special Exception Permit shall not be required for interior renovations or modifications of space within a structure previously approved by the Commission for use by a particular Special Exception Permit use under these Regulations, provided that there is no change in the approved special exception use; there are no exterior alterations to the structure or the site; and there are no additional requirements for off-street parking, loading, sanitary sewage disposal, water supply or other features involving physical alteration, upgrading or alteration of buildings, structures, the site and utility systems serving same. Such renovations or modifications shall require a Zoning Permit.

#### **§8.1.2 Construal of Special Exception Uses**

The special exception uses for which conformance to additional standards is required by these Regulations shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of all requirements and standards prescribed by this Article and the granting of a Special Exception Permit by the Commission for such uses.



**§8.1.3 Application Requirements**

- A.** Applications for a Special Exception Permit shall be in a form prescribed by the Commission together with a fee in accordance with Article 9 of these Regulations and other application materials as required in these Regulations. The application shall be signed by the applicant, and if the project is proposed by an applicant other than the owner of the property, the application shall also be signed by the owner or accompanied by a notarized letter authorizing the applicant and application as proposed.
- B.** For a Special Exception Permit application involving an activity regulated pursuant to Connecticut General Statutes §22a-36 to §22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission no later than the day such application is filed with the Commission. The applicant shall provide documentation of said filing. The Commission shall not render a decision on the application until the Inland Wetlands Commission has submitted to it a report in accordance with the standards of the Connecticut General Statutes, as amended, which report shall be given due consideration by the Commission in making its decision.
- C.** For a Special Exception Permit application involving lands within a public watershed area, the applicant shall submit notice to the public water authority and State Commissioner of Public Health in accordance with the standards set forth in Connecticut General Statutes §8-3i, as amended, no later than seven (7) days from the date such application is filed with the Commission. The applicant shall provide documentation of said noticing.
- D.** An application for a Special Exception Permit shall be accompanied by the following additional supporting materials, in a quantity as determined by the Planning and Zoning Department:

  - (1) Special Exception Permit Site Plans. All plans shall be consistent with the requirements for Site Plan as set forth in Article 7 of these Regulations.
  - (2) Project narrative. A project narrative shall be provided describing the existing and proposed site conditions and uses, including details describing how each of the Special Exception Permit general standards and supplemental standards of these Regulations will be complied with by the proposed action. The project narrative shall also detail the proposed action's consistency with the Monroe Plan of Conservation and Development. The applicant shall bear the burden of demonstrating that any applicable Special Exception Permit standards in these Regulations are addressed. Project specific analyses and reports prepared by qualified professionals may be required, the scope of which shall be subject to prior Commission review and acceptance.
  - (3) Agency Approvals. The applicant shall provide a list of all local, regional, State and Federal agency or department permits and approvals required to implement the proposed action, as well as any applicable requirements thereof affecting the design, site layout, construction or other aspect of the proposed action. The securing of such agency approvals may be required as a prerequisite to Commission endorsement of any final plans for an approved Special Exception Permit application.

- (4) The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
  - (5) The applicant shall also submit application documents in an electronic format in accordance with Planning and Zoning Department requirements and specifications.
- E. An incomplete Special Exception Permit application may be deemed as reason for denial of said application.

#### **§8.1.4 Public Hearing and Notification**

- A. A public hearing shall be required for a Special Exception Permit. Such hearing shall commence within sixty-five (65) days from receipt of a complete application and shall be completed within thirty-five (35) days after such hearing commences, except as otherwise may be required or permitted in accordance with the Connecticut General Statutes, as amended. An applicant may also agree to an extension of one or more of these time periods not to exceed a cumulative maximum of an additional sixty-five (65) days. All decisions shall be rendered not later than sixtyfive (65) days after the close of the public hearing.
- B. Notice of the public hearing shall be published in a newspaper having a general circulation in the Town of Monroe at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days or less than ten (10) days and the last not less than two (2) days before the date set for the public hearing.
- C. An applicant shall send a copy of the notice of public hearing, as provided by the Planning and Zoning Department, to all property owners within one-hundred (100) feet. Such notice shall be sent by certified mail, return receipt requested not later than ten (10) days before the public hearing to be held in relation thereto. A copy of the associated Certified Mail Receipts shall be provided to the Planning and Zoning Department prior to or at the commencement of the public hearing.

#### **§8.1.5 Determination of Commission**

- A. Following the required public hearing, the Commission shall approve, disapprove, or approve with modifications the proposed Special Exception Permit application.
- B. The Commission shall not approve any application for Special Exception Permit for any property on which there exists a zoning violation, unless such Special Exception Permit application will remedy such violation.
- C. In approving a Special Exception Permit, the Commission shall determine:
  - (1) That the application, including all accompanying site plans and associated site development information, data and application documentation, is in conformance with the applicable provisions of these Regulations.

- (2) That the proposed use will be in harmony with the purposes and intent of these Regulations, and will function and exist in harmony with the surrounding area and adjacent land uses.
  - (3) That the proposed use will not adversely affect the health, safety, convenience and property values of the public in general and of the residents of the neighborhood in particular.
  - (4) That the general standards and supplemental standards for specific uses enumerated in §8.2 of these Regulations, as applicable, are satisfactorily met.
- D.** Approval of a Special Exception Permit shall be applicable only for the use so specified in the application. Any proposed change in use to a different use or a different Special Exception Permit use shall require submission for approval of a new application subject to all of the requirements and procedures specified herein. A Special Exception Permit may also be amended or modified in a like manner, except that an amendment or modification found to be of a minor nature or which does not materially alter the Special Exception Permit, as determined by the Commission, may be authorized with Commission review and approval only without the need for a public hearing.
- E.** Due to the variety and peculiarities of each Special Exception Permit use, the Commission may impose conditions and restrictions to any such use which in its judgment are required to protect adjacent uses and the neighborhood in general including a limitation on hours of operation. The Commission may stipulate such modifications and/or conditions as are reasonable and necessary to protect or promote: public health, safety or welfare; property values; the environment; sound planning and zoning principles; improved land use, site planning and land development; or to achieve a better overall neighborhood compatibility.
- F.** When the Commission approves a Special Exception Permit with modifications and/or conditions, each and all of said modifications and/or conditions shall be an integral part of the Commission's decision. Any modification, condition or safeguard attached to the approval of a Special Exception Permit shall remain with the property as long as the Special Exception Permit use is still in operation, and shall continue in force and effect regardless of any change in ownership of the property. Should any of the modifications and/or conditions on appeal from such decision be found to be void or of no legal effect, then the conditional approval is likewise void. An applicant may reapply with another application for review.
- G.** A notice of decision shall be completed in accordance with the requirements set forth in the Connecticut General Statutes, as amended.
- H.** As a condition of all Special Exception Permits, right of entry for inspection with reasonable notice shall be provided for to determine compliance with the conditions of said permit.

**§8.1.6 Endorsement of Approved Final Plans**

- A. An approved Special Exception Permit shall become effective upon the endorsement of final plans and the filing of a copy thereof in the Monroe Land Records.
- B. Following approval of an application for Special Exception Permit by the Commission, the applicant shall submit final plans in accordance with said approval for endorsement by the Commission Chair. The applicant shall also be required to record an original copy of Special Exception Permit approval document in the Monroe Land Records, which copy shall be provided by the Planning and Zoning Department in accordance with the Commission's approval of the Special Exception Permit.
- C. Commission approval of an application shall expire unless any and all requirements and conditions of approval have been met and final plans have been submitted for signature by the Commission Chair within one-hundred-eighty (180) days of the date of adoption of the Commission's Resolution of approval.
- D. A request for an extension of time to obtain endorsement of final plans shall be made in writing to the Commission a minimum of forty-five (45) days prior to the expiration of said approval. The Commission may grant one (1) or more extensions not to exceed an additional ninety (90) days or less each, provided there are unusual or extenuating circumstances that warrant such extension.

#### **§8.1.7 Expiration; Time to Complete Project Improvements**

- A. Failure to strictly adhere to terms, conditions, modifications, safeguards, documents and final plans as approved by the Commission shall be a violation of these Regulations subject to the revoking of an approved Special Exception Permit.
- B. Construction and consideration of a Certificate of Zoning Compliance or Certificate of Occupancy/Completion associated with a Special Exception Permit shall follow the same procedures and standards as set forth in §7.4.2 of these Regulations.
- C. Failure to complete all work within the period of approval, including any extension as may be granted, if any, shall result in an automatic expiration of the approval of a Special Exception Permit. An expired Special Exception Permit for any reason shall be considered null and void.
- D. The approval of any Special Exception Permit shall expire unless all approved improvements associated with such Special Exception Permit have been completed within five (5) years of the date of such approval, as evidenced by the issuance of a permanent Certificate of Zoning Compliance and Certificate of Occupancy/Completion.

#### **§8.1.8 Extension to Complete Project Improvements**

- A. The Commission may grant one or more extensions of the time to complete all or part of the work in connection with an approved Special Exception Permit, provided the specific circumstances thereof warrant an extension and provided that the total time for completion shall not exceed ten (10) years from the original date of such approval.
- B. Any request for an extension shall be submitted to the Commission in writing in a timely manner prior to the date of expiration (recommended forty-five (45) days in advance of expiration) in order to provide the Commission sufficient time to review and act at a regularly scheduled meeting. Such request shall state the reasons and circumstances for the requested extension. In considering any such request, the Commission may require a public hearing.
- C. The Commission may condition the approval of an extension on, among other things, a determination of the adequacy of the amount of the bond or other surety furnished in accordance with these Regulations.

## **§8.2 Standards for Special Exception Permit Uses**

### **§8.2.1 Construal of Standards**

All Special Exception Permit uses are declared to possess characteristics of such unique and distinct form that each specific use shall be considered an individual case which shall be required to meet, in addition to all other applicable requirements of these Regulations, the general standards specified in §8.2.2 of these Regulations and any supplemental standards for such specific use specified in §8.2.3 of these Regulations, which standards collectively shall be the minimum conditions for approval of such use.

### **§8.2.2 General Standards**

Prior to approving a Special Exception Permit, the Planning Board shall determine the conformity of such Special Exception Permit use and the proposed development thereof with the applicable conditions and standards as set forth in these Regulations. The general standards for Special Exception Permit approval are as follows:

- A. That the location and size of the use, the nature and intensity of the operations and traffic involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to the type, arrangement and capacity of streets giving access to it and the hours of operation are such that the proposed use will be in harmony with the appropriate and orderly development of the district in which it is located.
- B. The proposed use is consistent with the Plan of Conservation and Development.

- C. That the location, nature and height of buildings and the nature and extent of the landscaping and screening on the site, as existing or proposed, are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- D. That the operations of the proposed use will not be objectionable by reason of noise, fumes, smoke, dust, vibration, glare, intensity or flashing of lights.
- E. That safe, sanitary sewage disposal will be provided by means of a public sewer line, treatment plant or subsurface sewage disposal system subject to approval by state and/or local authorities.
- F. That the parking areas to be provided will be of adequate capacity for the particular use, properly located and suitably screened from adjoining residential uses and abutting properties; and that the entrance and exit drives shall be laid out so as to achieve maximum safety and acceptable level of service.
- G. That the comments and recommendations of town staff and consultants, as well as other involved commissions, boards, committees and agencies have been duly considered.
- H. That, where applicable, verification of all approvals of other governmental agencies, commissions or boards have been secured by the applicant, as evidenced by certification by such agencies, commissions or boards.
- I. That the proposed use will not require such additional public facilities or services or create such fiscal burdens upon the Town greater than those which characterize uses which do not require a Special Exception Permit.

### **§8.2.3 Supplemental Standards**

A Special Exception Permit use shall conform to the individual supplemental standards and requirements below, where applicable, in addition to the general standards set forth above and all other regulations for the zoning district in which the Special Exception Permit use is located. In all cases, whichever regulations are more restrictive shall apply.

- A. Group Residences for More than Six (6) Persons, pursuant to State of Connecticut General Statutes, Chapter 124, Section 8-3e, and Safe Homes Licensed by the State of Connecticut**
  - (1) No such community residence or child-care residential facility shall be established within one-thousand (1,000) feet of any other such community residence or child-care residential facility without Zoning Board of Appeals approval.
  - (2) All off-street parking shall be to the rear of the principal residence building or in garages.

- (3) All refuse containment shall be screened with durable decorative fencing and landscaping.
- (4) No exterior storage dissimilar to that of a single-family residence shall be permitted.
- (5) The architectural style, bulk and roof design shall be compatible and consistent with singlefamily residential development and the single-family residences in the surrounding neighborhood.
- (6) Screening, buffers and site landscaping shall be provided as deemed appropriate and acceptable to the Commission.

**B. Riding Academy, Barns and Stables for Boarding as a Business Use**

- (1) Shall be located on a lot of at least five (5) acres in area.
- (2) Any barn, stable or other building or structure used for such riding academy or the boarding and stabling of horses shall be located not less than one-hundred (100) feet from any property or street line.
- (3) No more than two (2) horses shall be allowed for every one (1) acre of land.
- (4) An animal waste management area shall be provided. Such area shall be setback at least one-hundred (100) feet from any property line and one-hundred (100) feet from any wetland, stream or water body. Said area shall be designed to provide the following minimum measures: a permanent impervious and structurally sound foundation pad; screening and buffering from adjoining properties consisting of a combination of fencing and landscaping; odor abatement measures; and adequate control of stormwater runoff.
- (5) Appropriate measures and vector controls shall be provided and detailed.
- (6) Adequate site landscaping, as well as screening and buffering of adjacent properties shall be provided as determined appropriate and acceptable to the Commission.
- (7) Off-street parking shall be provided in quantity and location which adequately and safely accommodates the parking needs of the type and intensity of site operations, including parking and storage of horse trailers. Adequate vehicle turnaround and emergency access shall be provided. All parking and loading shall be onsite. The Commission may permit nonpaved parking areas provided adequate provisions for maintenance and stormwater management are provided. For pervious parking areas, adequate provision of the demarcation of parking spaces shall be provided. Handicap accessible parking shall be paved and include required signage and adequate access.

- (8) Truck deliveries or pickups of supplies or products associated with the site use operations, as well as hours of operation for patron visitation, may be restricted by the Commission.
- (9) Exterior lighting shall be provided in accordance with the standards for lighting in these Regulations and shall be consistent in type, intensity and style with traditional farm and single-family development.

**C. Home-based Businesses**

- (1) There shall be no more than two nonresident persons or employees engaged in the conduct of the business on the premises.
- (2) No outside storage of goods, supplies or materials shall be allowed. No dumpsters shall be permitted.
- (3) The floor area for the conduct of the occupation shall not exceed thirty percent (30%) of the habitable floor area on the premises.
- (4) The occupation must clearly be secondary to the use of the dwelling for dwelling purposes, does not change the residential character of the dwelling in any visible manner, does not create objectionable noise, odor, vibrations, or unsightly conditions noticeable off the premises; does not create interference with radio, television and/or other telecommunications reception in the vicinity, and does not create a health or safety hazard.
- (5) Off-street parking shall be provided to accommodate the parking needs of the home business based on number of employees and anticipated customers. The off-street parking area should provide for vehicle turnaround, as necessary.
- (6) Landscaping and screening shall be provided along the boundaries of adjoining residential property and to buffer parking.
- (7) Customers may visit the premises only between the hours of 8:00 am and 6:00 pm.
- (8) Truck deliveries or pickups of supplies or products associated with the business activity are allowed only between 8:00 am and 5:00 pm. Vehicles used for delivery and pickup are limited to those normally serving residential neighborhoods.
- (9) A home business permit must be renewed yearly on or before the anniversary date of the issuance of the initial permit. The Zoning Enforcement Officer is authorized to renew the permit, provided that the requirements of this Regulation are being met.

**D. Town of Monroe Owned Telecommunications Sites and Facilities**



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**Town of Monroe Zoning Regulations**

- (1) Use of the site is specifically limited to telecommunication purposes only, using the electromagnetic spectrum as regulated by the Federal Communications Commission or Federal government agency regulating telephone services of certain Federal agencies.
- (2) The minimum parcel size shall be ten (10) acres under contiguous ownership with a minimum frontage of fifty (50) feet along a public road.
- (3) The mean elevation of the parcel shall be five-hundred-fifty (550) feet above sea level based upon U.S. Geological Survey datum.
- (4) Transmission/reception towers, satellite dish antennas and other antennas in support of communications may be erected. Unattended accessory buildings for automated communications relay and similar activity may be constructed.
- (5) Notwithstanding any other provision of these Regulations, the following schedule shall pertain to structures regulated under Subsection E above.

**Towers/Antennas****Buildings**

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## Town of Monroe Zoning Regulations

Minimum Setback from parcel perimeter boundary	Equivalent to height of structure from grade at base (+) 10%	50 feet
Maximum Height	80 feet	20 feet
Maximum Stories (Structure)	N/A	1
(6) No on-site disposal of sewage shall be permitted, except where located on a parcel with other public accessible uses and buildings.		
(7) All service utilities shall be under ground.		
(8) The parcel shall be minimally accessible by gravel/stone accessways throughout as may be required, except shall provide a paved apron at site intersections with an abutting street.		
(9) All related facilities shall be so designed to require no on-site use or occupancy by personnel other than periodic or occasional maintenance, construction, security.		
(10) The entire parcel shall be secured from access by all persons other than the municipality, actual users or their authorized personnel. The base of a tower and any ground equipment shall be secured to prevent non-authorized users access by enclosure in a building or fenced compound. Fencing shall be designed as non-climbing and landscape screening shall be provided.		
(11) Any trash or debris generated by activities on the site shall be removed once-weekly by those generating same.		
(12) Signage shall be limited to public safety instruction, along with emergency contact information. No sign shall exceed a size of three (3) square feet in area.		
(13) Exterior lighting shall be provided in accordance with the standards for lighting of these Regulations and shall be consistent in type, intensity and style with single-family development. Lighting shall be limited to low intensity incandescent security lighting at the base of the towers and on structures not exceeding twelve (12) feet from finished grade, also, such other lighting as may be required by state or federal agencies in the interest of public safety.		
(14) Suitable vegetative ground cover shall be maintained at all times to restrict and control soil erosion and sedimentation as prescribed in §6.5 of these Regulations.		

- (15) A tower shall be designed to blend into its surroundings through measures such as a monopole tower with interior antenna mounting, earth tone coloring of support tower structure and attachments, and use of accessory ground structures resembling typical farm and residential outbuildings or sheds.
- (16) No outside storage of materials, equipment or vehicles shall be permitted except in direct relation to ongoing construction, repair or maintenance activities.
- (17) No interference in publicly received television, cable television or radio signals will be permitted from users of the site. Should interference be generated, it shall be remedied by the user(s) by whatever means as may be found necessary.

**E. Safe Homes for Foster Children Licensed by the State of Connecticut**

- (1) Each lot shall meet the minimum standards of its respective zone.
- (2) The maximum capacity shall not exceed twelve (12) resident children.
- (3) Parking shall be provided on-site in a ratio of one (1) space per four (4) children of rated capacity. A vehicle turnaround area shall be provided on the site. A minimum of fifty percent (50%) or portion thereof of the required spaces shall either be garaged or placed to the rear of the structure. Exterior parking shall not block access to the building or garage spaces. Adequate site landscaping, including screening and buffering of adjacent properties shall be provided as determined appropriate and acceptable to the Commission.
- (4) Play areas shall be located to the rear of the structure but no closer than thirty (30) feet to a property line and screened by decorative solid fencing and landscaping.
- (5) The services at a Safe Home shall at all times operate pursuant to a contract with the State of Connecticut subject to minimum standards conforming to State licensing guidelines.
- (6) The Safe Home shall not display any physical identification as such.

**F. Automobile Service Shop, Automobile Body Shop and/or Gasoline Stations**

- (1) Temporary storage of facility and customer repair vehicles:
  - (a) In a B-2 District, no vehicles shall be stored outside with the exception of one (1) facility service vehicle and no more than seven (7) customer vehicles scheduled for repair or service.
  - (b) In an I-2 District and SB2 District, facility service vehicles and customer vehicles scheduled for repair or service, on premises for more than seven (7) days, shall be stored in a designated area as set forth on the approved development plan, which area

shall not be forward of the principal building closest to the street and shall be screened from abutting streets and properties. No more than twenty-four (24) such customer vehicles shall be permitted to be temporarily stored at any given time.

- (c) Designated temporary storage of facility and customer repair vehicles shall be in addition to required minimum off-street parking spaces.
- (2) An automobile body shop is not permitted, except in an I-2 District.
- (3) No inoperable, non-registered or disassembled automobile, or portions thereof, shall be stored or parked outside for any period except in an area designated and approved by the Commission subject to appropriate screening and buffering. A maximum number of such vehicles shall be specified by the Commission.
- (4) Car washes shall be permitted as an accessory use only where all wash water effluent is collected and recycled within the car wash building. Retail car washes shall not be permitted except in a B-2 District.
- (5) Gasoline and motor fuels sold may be dispensed by self-service or a station attendant at a location designed and approved for such use.
  - (a) In a LOR District, fuel pumps, canopies over fuel pump dispensers, and storage tanks shall not be located within 350 feet from any residential district.
  - (b) In a LOR District, canopy structures over fuel pump dispensers shall not be located within the front yard setback.
- (6) There shall be no outdoor display or sale of products or merchandise.
- (7) The rental or sale of vehicles at a gasoline station shall be prohibited.
- (8) The rental or sale of vehicles at an automobile service shop or automobile body shop may be permitted, subject to the following limitations:
  - (a) The rental of vehicles, except as loaners to a customer while their vehicle is being serviced or repaired, shall be prohibited.
  - (b) The sale of new vehicles shall be prohibited.
  - (c) In a B-2 District, the sale of used vehicles as an accessory land use shall be permitted pursuant to an appropriate State of Connecticut license authorizing the selling of used automobiles. Said license shall be limited, which limitations shall be specified on the associated approved Certificate of Location pursuant to §9.1.3(F) of these Regulations for any new, amended or renewal State of Connecticut license application, as follows:

- Authorized used vehicles shall be stored in a designated area as set forth on the approved development plan.
  - No more than three (3) used vehicles shall be permitted at any given time.
- (d) In an I-2 District and SB2 District, the sale of used vehicles as an accessory land use shall be permitted pursuant to an appropriate State of Connecticut license authorizing the selling of used automobiles. Said license shall be limited, which limitations shall be specified on the associated approved Certificate of Location pursuant to §9.1.3(F) of these Regulations for any new, amended or renewal State of Connecticut license application, as follows:
- Authorized used vehicles shall be stored in a designated area as set forth on the approved development plan, which area shall not be forward of the principal building closest to the street and shall be screened from abutting streets and properties.
  - The visible display of used vehicles shall be prohibited.
  - No more than six (6) used vehicles shall be permitted at any given time.
- (e) Designated storage of permitted loaner or used vehicles shall be in addition to required minimum off-street parking spaces.
- (9) Appropriate plans shall be detailed providing for the environmentally sound temporary storage and disposal or recycling of wastewater, oil and gasoline products, or discharges of same.
- (10) All service and repair activities, other than minor short duration servicing, such as the changing of tires, wiper blades, lights, adding of fluids (not changing of such), and other similar items shall be conducted in a fully enclosed building (shall not be construed to mean that the service or garage doors to any automobile or body shop must be kept closed at all times).
- (11) Canopy structures over fuel pump dispensers are permitted with gasoline stations, provided their design and construction are consistent with the design and construction of the principal building, both of which shall utilize pitched roof designs. All lighting, fire suppression equipment and roof drainage shall be concealed within the canopy structure.
- (12) Grooved concrete pavement shall be utilized at all gasoline station pump dispensers.
- (13) Outdoor audio and video advertisement or entertainment systems shall be prohibited (does not preclude a small integrated pump dispenser screen providing fueling and transaction instructions).
- (14) Separate from required minimum off-street parking spaces, an area measuring a minimum of ten (10) feet by eighteen (18) feet shall be provided for each air and vacuum facility.

**G. Boat and Trailer Sales and Service, Automobile Salesrooms, Automobile Service and Repair Garages**

- (1) All automobile, tractor, boat, trailer and accessory vehicular repair work, with the exception of emergency work, shall be conducted wholly within a building.
- (2) Automobiles, boats and/or trailers shall not be displayed outside a building.
- (3) No entrance or driveway to any building within which such a use is conducted shall have less than twenty-four (24) feet of clear width at any point.
- (4) No entrance or driveway to any premises on which any such use is conducted shall be situated within a radius of two-hundred (200) feet from a lot used or reserved to be used for a college or school, a hospital, public playground or park, a church or public library; however, no such use shall be deemed to be nonconforming by reason of the subsequent erection or development of any such college, school, hospital, playground, park, church or library.

**H. Public Utility Service Center**

- (1) This use permits a State of Connecticut Licensed Public Utility Operations Center for electrical transmission.
- (2) The following uses may be conducted as part of this use: general office use, customer service, maintenance of utility service operations, vehicle maintenance, and accessory uses as contained in these Regulations.
- (3) The use must be located on a property with a minimum acreage of thirty (30) acres under one (1) ownership.
- (4) Such use shall be maintained a minimum of one-hundred (100) feet from residentiallyzoned property.
- (5) Outside storage of materials for utility service is permitted, only as approved by the Commission, and for active storage only within designated areas.
- (6) Equipment, vehicles, and materials related to an approved site use stored on site shall be screened from public roads and residential properties to the satisfaction of the Commission, and there shall be no refuse visible on site.
- (7) Outdoor parking of utility company service vehicles is allowed, providing they are registered and operable and located within mapped areas approved by the Commission.
- (8) There shall be no transformers or hazardous materials stored on site.

**I. Mixed Use Landmark Property Developments**

- (1) The purpose of this use is to allow mixed use development under carefully regulated conditions to facilitate reinvestment in and the renovation of older structures to ensure their continued existence where the uses permitted by right may no longer be the highest and best uses to achieve that purpose.
- (2) A property may be developed as a Mixed Use Landmark Property provided such property and development satisfy all of the following criteria:
  - The proposed landmark property has a minimum lot area of five (5) acres;
  - The proposed landmark property includes a principal building with a minimum gross floor area of 5,000 square feet;
  - The principal building is located within 1,500 feet of Route 25 or Route 111 as measured from the existing structure to the street line;
  - A minimum of fifty percent (50%) of the existing principal building gross floor area was constructed at least 50 years prior to the date of the Mixed Use Landmark Property Special Exception Permit Application;
  - The principal building was constructed to a size and of materials that together render it architecturally unique in the Town of Monroe; and
  - The subject property and principal building thereon are determined by the Commission to be suitable for mixed use development and landmark status.
- (3) In addition to the underlying permitted and special exception uses of the underlying zoning district, the following additional uses, including a combination thereof, may also be permitted:
  - (a) Offices (including general and professional offices, and medical and dental offices only) in an existing principal building with a gross floor area of less than 20,000 square feet.
  - (b) Multifamily dwelling units with a maximum development density not to exceed three (3) bedrooms per acre.
- (4) General Provisions

In addition to the foregoing, the following restrictions shall apply to any special exception permit for mixed use Landmark Property development:

- (a) An existing structure may be modified to add garages or other structural additions provided that the additions do not cumulatively exceed fifty percent (50%) of the gross floor area of the existing principal building on the property at the time of special exception permit approval. The total area that can be used for multi-family dwelling units cannot exceed the gross floor area of the existing principal building at the time

of the initial special exception permit application. All applications to modify a structure shall be referred to the Architectural Review Board for review and recommendation in accordance with the provisions set forth in §9.6 of these Regulations.

- (b) For any structure located within 500 feet of Routes 25 or 111, measured from the existing structure to the street line, other than the addition of a porch, entrance vestibule or veranda, no additions or new structures shall be located between the front of an existing structure and Routes 25 or 111, thereby preserving the existing streetscape setback.
- (c) Any addition to or modification of an existing structure, or any new structure on the property, shall be compatible with and complement the existing structure with regard to design, scale, general appearance, architectural style and character, fenestration, finish, and the materials used.
- (d) Any addition to an existing structure, or any new structure, and any site improvement to the property, shall have a minimum setback of thirty (30) feet from all side and rear property lines and be buffered and screened to the satisfaction of the Commission.
- (e) Any new separate (detached) building or structure on the property will be treated as an accessory structure limited to accessory use only.
- (f) No advertising for the use of the structure shall be visible outside of the structure, except an announcement sign as may be provided for in Article 6 of these Regulations.
- (g) There shall be no objectionable noise, odor, vibrations, or unsightly conditions created by the development plan.
- (h) The renovation and use of an existing structure shall not create a health or safety hazard.
- (i) On-premise parking shall be provided in accordance with the provisions of Article 6 of these Regulations. Parking shall be designed in a manner to compliment the natural landscape features of the property. Landscape features, elevation changes, hedgerows and islands shall be incorporated into the design to separate and break up the mass of the parking area.
- (j) Mechanical units placed on the ground shall be placed on appropriate footing pads and adequately screened with hardscape, building features and/or landscaping.

#### **J. Accessory Drive-Through and/or Exterior Window Services**

The development standards in this section are intended to supplement the standards in the underlying zoning district for uses proposed to include drive-through and/or exterior window



services. In the event of conflict between these standards and the underlying zoning district standards, the provisions of this section shall apply.

(1) Drive-Through Lanes

- (a) Drive-through lanes shall be separated from other internal site circulation lanes and shall include appropriately located and designed bypass lanes.
- (b) Drive-through lanes and associated required bypass lanes shall be designed to prevent circulation congestion, both on site and on adjacent streets. The design of such lanes shall be integrated with the on-site circulation pattern, and shall not enter or exit directly into a public street.
- (c) Drive-through lanes shall not encroach into required minimum yard and landscape buffer areas, and shall be designed in a manner that minimizes impacts on adjacent properties from noise, exhaust fumes and vehicle headlights from vehicles as they queue to wait for drive-through services.
- (d) Drive-through lanes shall not encroach, impede or obstruct access into or out of parking spaces, pedestrian walkways or loading and service areas.
- (e) Drive-through lanes shall be clearly delineated from internal circulation traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping and the use of alternative paving materials or raised landscaped medians. The beginning of the drive-through lanes shall be clearly marked with appropriate signage and/or line striping.
- (f) Drive-through lanes shall be designed and placed to minimize their crossing of pedestrian walkways or otherwise impeding pedestrian access. Where pedestrian walkways cannot be avoided crossing drive-through lanes, the walkways shall have clear visibility and shall be delineated by physical and visual separation between the two, such as textured and colored paving.
- (g) Drive-through lanes shall not interfere with or obstruct loading and refuse storage areas, and loading and refuse operations shall not impede or impair vehicular movement through drive-through lanes.
- (h) Drive-through lanes shall not be located adjacent to permitted and approved outdoor dining or seating areas.
- (i) Drive-through lanes shall be designed with the minimum standards:

Minimum Drive-Through and/or Exterior Window Service Aisles	
Standard	Unit (feet)

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**Town of Monroe Zoning Regulations**

Minimum Interior Radius at Curves	10
Minimum Aisles Width	12
Minimum Distance of Lane Entrance to Street Access Intersection <sup>(1)</sup>	50
(1) Measured from the center point of the lane entrance to the center point of the street access intersection along the street right-of-way line.	

**(2) Queuing or Stacking Spaces**

- (a) Drive-through and exterior service window lanes shall be constructed with the necessary vehicle queuing or stacking capacity so that vehicles do not overflow into on-site parking aisles or into abutting street right-of-ways.
- (b) All queue spaces shall be provided only on the lot for the use to be served and shall not extend into any street right-of-way.
- (c) A minimum number of queuing or stacking spaces shall be provided for the specific related principal use in accordance with the standards set forth in §6.1.3 of these Regulations.
- (d) The provision of drive-through service facilities shall not justify a reduction in the number of required off-street parking spaces for the accompanying use.
- (e) Each queuing or stacking space shall be a minimum of twenty (20) feet in length and ten (10) feet in width.

**(3) Exterior Service Windows and Menu Boards**

- (a) Exterior service windows, pre-view menu boards and menu boards shall be located a minimum of 50 feet from any residential district (measured at the nearest residential property line).
- (b) Any menu board speakers, intercom systems, or other audible means of communication shall not play continuous or prerecorded audio or video. Related speaker systems shall emit no more than 55 decibels and at no time shall any speaker system be audible above daytime ambient noise levels beyond the subject property. The system shall be designed to compensate for ambient noise levels in the immediate area.
- (c) Menu boards and pre-view menu boards shall be fixed and not incorporate or include any video, animated, blinking, flashing, rotating or otherwise moving or changing

lights, displays, images, effects or messages. Menu boards and pre-view menu boards shall list menu options only, no other advertisement permitted.

- (d) Lighting of menu boards, pre-view menu boards and service windows shall not include neon or unshielded light sources.
  - (e) Pre-view menu boards shall be located along the drive-through lane, past the entrance of the drive-through lane and after a minimum of two (2) que spaces.
- (4) Hours of Operation. When located on a site within 100 feet of any residential property (measured from the nearest property lines), hours of operation for the drive-up/drivethrough service shall be limited from 6:00 a.m. to 10:00 p.m. daily. If the use is located greater than 100 feet from a residential use, the hours of operation may also be limited or restricted by the Commission as deemed warranted based on the site location and neighboring land uses.

**K. Commercial Vehicle or School Bus Parking Facility**

- (1) A school bus parking facility may include a private or municipal (Town of Monroe) owned and/or operated facility for the parking of school buses, to provide transportation of children to and from school or in connection with school activities, when not in use or between times of active service deployment.
- (2) In an I-2 District, no parking facility shall be permitted abutting a residentially zoned parcel.
- (3) In an I-3 District, notwithstanding any other provision of these Regulations, a perimeter landscape buffer of a minimum width of 100 feet shall be provided and maintained between a parking facility and any residentially zoned parcel. Said 100-foot landscape buffer shall not be reduced or modified as otherwise might be permitted per §4.3.7B, §6.2.4D, or any other provision of these regulations
- (4) All vehicles parked on the premises shall be registered with the Connecticut State Department of Motor Vehicles.
- (5) Accessory uses may include facility dispatch offices, limited minor repair and service maintenance facilities, and onsite fueling provisions.
- (6) Fueling Facilities
  - (a) All fuel storage and dispensing facilities and devices shall be detailed on the application site plans.
  - (b) Fueling facilities shall be located and designed to provide separate and safe access circulation for facility and fuel delivery vehicles. Access to such facilities shall not

interfere with other site facilities, driveway aisles, parking areas or parking maneuvers.

- (c) Adequate fire protection measures and pollutant prevention controls for fuel storage and dispensing facilities shall be provided and detailed on the application site plans, subject to the satisfaction of the Commission and the Monroe Fire Marshal.

**(7) Minor Repair and Maintenance Servicing**

- (a) Minor vehicle repairs may include incidental body or fender work; minor painting; upholstery repair and replacement; and replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential.
- (b) All vehicle servicing and maintenance, including washing of vehicles, shall be conducted within an enclosed building or under cover, except non-engine related service maintenance work such as windshield wiper replacement, tire rotation and repair, window repair and replacement, and other activities not involving disturbance to or the removal/addition of fluids.
- (c) Any washing of vehicles shall be conducted with an appropriate collection system for all wastewater in accordance with CT DEEP requirements.
- (d) All vehicles parked on the premises shall be mechanically operable at all times, except during temporary periods of onsite servicing; no inoperable vehicle undergoing permitted onsite service maintenance shall be stored on the premises in excess of 72 hours.
- (e) Permitted service maintenance and repair work and vehicle washing shall be limited to stored fleet vehicles only, no service or vehicle washing shall be permitted upon non-facility vehicles.

**L. Commercial Self-Storage Structures for Rental of Space**

- (1) The use of the premises is restricted solely to the use of storage of goods or possessions, but specifically excluding any hazardous or flammable chemicals.
- (2) The use of the premises is restricted to interior use of the structures.
- (3) The site shall have direct access to a State Highway or Town commercial street meeting the minimum pavement width specified in Article 8 of these regulations.
- (4) No two similar uses/sites shall be located within one-thousand-five-hundred (1,500) feet on a direct line from each other.

- (5) The perimeter of the property shall be screened with berms or landscape buffers to minimize the visual impact from a public right of way, of security fencing or walls with multiple garage doors.
- (6) Exterior wall surfaces shall be finished in neutral or soft pastel colors to minimize negative visual impacts on the environment.
- (7) The owner of the premises shall maintain suitable security measures to protect the integrity of the site and reasonably assure that the use of the premises is being conducted within the limits of all applicable local, State and Federal laws.

**M. “SEP (1)” Use in Industrial District 3**

The following supplemental standards shall apply to the Special Exception Permit uses identified as “SEP (1)” in the Schedule of Permitted Land Uses by Zoning District as set forth in Article 10 of these Regulations:

- (1) One or more of the uses identified as “SEP (1)” in the Schedule of Permitted Land Uses by Zoning District may be developed on a single lot, subject to the standards and requirements set forth in this Subsection.
- (2) Lot area. The minimum lot size shall be twenty (20) acres and the maximum lot area shall not exceed eighty (80) acres. The lot shall be in existence as a single lot at the time of application to the Commission to ensure an integrated development.
- (3) Lot frontage. The lot shall have a minimum of seventy-five (75) feet of street frontage on Main Street (Route 25) or on an approved private commercial street servicing a Business or Industrial District, and said lot shall be located within six-thousand-five-hundred (6,500) feet of a limited access highway.
- (4) Lot buildings.
  - (a) The development may contain one (1) or more buildings.
  - (b) Building height shall not exceed thirty-five (35) feet excluding parapets and decorative facades.
  - (c) Buildings shall be set back a minimum of three-hundred (300) feet from Main Street (Route 25). All other setbacks, buffers, landscape requirements and other relevant provisions of these Regulations shall apply.
  - (d) A minimum gross floor area of one-hundred-thousand (100,000) square feet shall be provided consisting of retail and personal service businesses.

- (e) No single building shall exceed a gross floor area of fifty-thousand (50,000) square feet unless such building is set back at least one-thousand (1,000) feet from Main Street (Route 25).
- (5) Building coverage. Coverage of buildings and structures shall not exceed a maximum of twenty-five percent (25%) of the lot area.
- (6) A minimum of twenty percent (20%) of the site shall be landscaped and/or preserved as undeveloped open space.
- (7) Off-street parking. The proposal must demonstrate that the parking requirements set forth in Article 6 of these Regulations have been met, including any outdoor merchandise display areas which shall be calculated as retail use.
- (8) Outdoor storage shall be provided in accordance with the standards in Article 6 of these Regulations and the following supplemental standards:
  - (a) All outdoor storage areas shall be screened by a building or a solid wall of brick or split face block or similar, and/or decorative fencing, providing a minimum height of six (6) feet. Landscaping shall be provided to complement and soften the enclosure structure.
  - (b) The forgoing shall not apply to the outdoor display of garden or nursery merchandise for retail sale. However, all outdoor display of garden or nursery merchandise for retail sale must be contained within specific areas to be approved by the Commission and must be marked and controlled via permanent signage, bollards, fencing segments, landscaping, or other means to achieve obvious, safe, and aesthetically pleasing sectioned off areas.
- (9) An area for a maintenance facility shall be designated on the Site Plan and suitably screened from adjacent properties and entrance roads.
- (10) Any roof top mechanicals shall be visually screened and buffered to minimize noise pollution.
- (11) Drive-up windows shall be limited to banks and pharmacies.
- (12) Lighting shall be provided in accordance with the standards in Article 6 of these Regulations and the following supplemental standards:
  - (a) Flood lights are prohibited.
  - (b) Building mounted light fixtures shall not be mounted to a roof, parapet or above the wall façade it is attached to.

- (c) All lights shall be turned off at the close of business with the exception of security lights.
  - (d) The up-lighting of buildings and signs shall not be permitted.
  - (e) Any property adjacent to a residential district shall provide that no direct unshielded light source be visible at the property line.
- (13) The site design and building construction shall be encouraged to incorporate green building standards similar to those established by the United States Green Building Council, as appropriate for the site.

**N. Firewood Processing Facility**

- (1) The location, containment and screening of all outdoor operations, including but not limited to the intake, processing, waste disposal, packaging and finished material staging and storage areas shall be detailed on the application site plans to the satisfaction of the Commission.
- (2) Notwithstanding the limits of permitted outdoor storage as set forth in §4.3.8 of these Regulations, the total permitted percentage of lot coverage by outdoor operations of a firewood processing facility may be greater as approved by the Commission. However, no outdoor operations shall be permitted in any required setback yard area, landscape buffer, or within 25 feet of any property line, whichever is greater.
- (3) The design and layout of outdoor operations of the facility shall provide adequate separation between buildings, parking areas, processing facilities and stockpile areas to ensure safe vehicle and pedestrian access and circulation throughout the facility.
- (4) The method of containment, screening, and heights of processing and storage piles shall be detailed. Outdoor processing and storage piles shall not exceed a height of fifteen (15) feet.
- (5) All wood waste not otherwise burned in any kiln drying operation shall be removed from the site and disposed of at an approved facility. No wood wastes shall be buried or otherwise disposed of within the limits of the subject property.
- (6) The location, type and means of operation of any kiln or other wood drying facility shall be shown to be located and designed with adequate separation from other site facilities, and to include adequate fire protection and emission control measures, subject to the satisfaction of the Commission and the Monroe Fire Marshal. At minimum, details of proposed fire protection and emission control measures shall comply with all USDA requirements regulating this type of facility.

**O. Landscaper or arborist.**

- (1) Business administrative offices of the applicant must be located on the premises within a permanent fully enclosed building.
- (2) There shall be no outdoor display or sale of products or merchandise.
- (3) All motor vehicles parked on the premises shall be registered with the Connecticut State Department of Motor Vehicles. No inoperable or disassembled motor vehicle, or equipment, or portion thereof, shall be stored or parked on the premises.
- (4) All equipment and materials shall be stored inside a fully enclosed building or within a designated accessory outdoor storage area as may be permitted by these Regulations. Accessory outdoor storage shall not interfere with site access driveways, parking or other onsite circulation of vehicles and pedestrians.
- (5) No service, maintenance, repair (except minor maintenance such as replacing light bulbs, windshield wipers, or similar) or washing of motor vehicles or equipment, or processing of any materials, shall be permitted on the premises.
- (6) No fuel or oil dispensing facilities shall be permitted. Any chemical storage shall be within a fully enclosed building in a quantity and manner acceptable to the Fire Marshal.
- (7) Adequate off-street parking as approved by the Commission shall be provided onsite for all motor vehicles and trailers parked or stored in connection with the business operations. Such parking shall be in addition to that otherwise required by these Regulations.
- (8) Vegetation within a required landscape buffer area as required by these Regulations shall consist of permanent landscaping; not materials stored or containerized for either short or long-term storage.
- (9) Access driveways shall be laid out in such a manner that connection with abutting streets are located and designed so as to avoid unsafe conditions.

**P. Residential apartments above commercial uses (mixed use developments).**

- (1) Purpose and intent. The purpose of allowing residential apartments for rent above commercial uses (thereby providing a mixed-use development) is to encourage a diversity of compatible uses including business, commercial and restricted residential apartment uses in combination within the same building. The intent is to permit mixed use development under carefully regulated conditions to facilitate reinvestment in and the renovation of existing commercial buildings, as well as encourage the development of new mixed use facilities, resulting in positive economic impacts to those properties and the Town at large, while imposing minimal burden on Town services and municipal infrastructure.



- (2) Location. The property upon which a mixed-use development may be permitted shall have direct street frontage and access via Main Street (Route 25) and be within a B-1 District or B-2 District between the southerly Town Boundary shared with the Town of Trumbull and south of Knollwood Street.
- (3) Permitted uses. See Article 10 – Schedules for “Schedule of Permitted Land Uses by Zoning District.” Residential apartments shall be rental units with a lease period of no less than twelve (12) consecutive months.
- (4) Accessory uses.
  - (a) Signs, as provided and regulated in Article 6.
  - (b) Accessory home occupation use as defined in Article 2 of these Regulations, except there shall be no non-resident employees permitted.
  - (c) Accessory and subordinate maintenance, utility, storage, recreational and social uses, buildings and structures customarily incidental to residential apartments, provided such accessory uses, buildings and structures are for the direct private benefit of the residents living in the residential apartment units.
  - (d) Landscaping, lighting, site utilities and similar site infrastructure improvements as regulated in Article 6 of these Regulations.
  - (e) Off-street parking as regulated in Article 6 of these Regulations. The minimum requirements for off-street parking for residential apartments shall be the same as that for residential multi-family units. Of these, a minimum of one (1) off-street parking space per residential apartment shall be reserved for the exclusive use of each individual residential apartment residents. Garages may be permitted on the ground floor, at grade or below the ground floor. Access to any garage shall be from the side or rear of the building and shall not be visible to any abutting street. The parking or storage of recreational vehicles, boats, campers, ATV, or other similar vehicles shall be prohibited.
  - (f) Accessory uses, buildings and structures shall be coordinated and shared with those of the commercial site uses, including refuse and recycling receptacles, which shall be regularly maintained in an orderly manner free of loose or accumulated materials. Receptacles shall be enclosed and screened, and shall be kept closed.
  - (g) Mail boxes shall be centralized and if outside shall be in a location and design as approved by the Commission.
- (5) Lot Area and Bulk Requirements. Mixed use developments shall comply with the respective lot area and bulk requirements of the underlying B-1 or B-2 District.

- (6) Density, Access, Bedrooms, Size and Construction.
- (a) Density of the residential apartments shall not exceed fifty (50%) percent of the combined total habitable floor area of the commercial space and residential apartment units (i.e., total building habitable floor area: 10,000 sf resulting no less than 5,000 sf for commercial space and 5,000 sf for residential apartment units). For purposes of calculating density under this subsection, habitable commercial and residential apartment floor areas shall be based on “net floor area” as defined in these Regulations, except net floor area shall also exclude common interior corridors dedicated to unit access. Other common areas associated exclusively with the residential apartments located on any level of the building shall be included in the area of the residential apartments.
  - (b) Access. Access to the residential apartment units shall be from a central interior shared access. Provisions shall be provided for adequate access for fire-fighting equipment and personnel. The floor area of the ground floor lobby shall be included in the area of the residential apartments, while the floor area of any common ground floor lobby area shared with the commercial uses shall be split 50/50 between the residential apartments and the commercial uses.
  - (c) Bedrooms. Residential apartments may include a studio, one-bedroom or twobedroom units. No more than ten (10%) percent of the total apartment unit count shall consist of two-bedroom units. Libraries, dens, studies, offices, lofts and other similar spaces shall be counted as bedrooms for purposes of these Regulations.
  - (d) Size. Each residential apartment unit shall contain a minimum living floor area of fivehundred (500) square feet and a maximum living floor area of one-thousand-onehundred (1,100) square feet of habitable living area in compliance with all applicable fire and building codes. “Living floor area” shall be that area within the perimeter walls of the residential apartment dwelling unit devoted to the exclusive use of the occupant and shall not include exterior balconies or other spaces outside the dwelling unit.
  - (e) Construction and certified occupancy of the residential apartments shall be simultaneous or subsequent to the construction and certified occupancy of the commercial space. Certified occupancy of the commercial space and residential apartment units shall generally be equal, but at no time shall more than fifty (50) percent of the residential apartments units be granted certified occupancy if less than fifty (50%) percent of the commercial floor area has been completed and granted certified occupancy. One-hundred (100%) percent of the residential units may be issued certified occupancy when one-hundred (100%) percent of the commercial floor area has also been completed and granted certified occupancy.
- (7) Affordable units.

- (a) Mixed use developments including ten (10) or more residential apartment units, a minimum of ten (10%) percent of the residential apartment units shall be restricted to a rent at an affordable rate to persons with an income not exceeding eighty (80%) percent median income for the Town of Monroe or statewide median income, whichever is least, based on data published by the U.S. Department of Housing and Urban Development as in effect on the first day of a signed lease.
- (b) At time of application before the Commission, an Affordability Plan and identification of an acceptable qualified Plan Administrator shall be submitted for review and approval. The Affordability Plan shall include provisions for administration of and compliance with the provisions of these Regulations, identification of those units which are to be designated affordable, notice/advertisement procedures to the general public of the availability of affordable units, application procedures and requirements, procedures for verification and periodic confirmation of unit occupancy eligibility and income, and compliance with the affordability requirements. The Affordability Plan shall also include drafts of documents that will be used in the administration of the affordability restrictions and any explanations which will be provided to the unit occupants concerning such restrictions.
- (c) The maximum monthly rent that an occupant of an affordable unit shall pay shall not be greater than the amount that will preserve such unit as a rental “affordable housing” unit as that term is defined in Connecticut General Statutes §8-30g, as amended, except the affordability period shall be in perpetuity. The maximum monthly housing cost shall include the cost of rent; common charges, if the tenant is directly responsible; heat; and utility costs including hot water and electricity, but excluding telephone and cable television.
- (d) Affordable units shall be occupied only as a tenant’s principal residence. Subletting of affordable units shall be prohibited.
- (e) Each rental lease for an affordable unit shall contain substantially the following provision: “This unit is rented as an “affordable housing unit” as defined in Connecticut General Statutes §8-30g, as amended, and is available only to persons or families whose income is at or below eighty percent (80%), as applicable, of the area median income for Monroe or the statewide median income, whichever is less, as determined by the U.S. Department of Housing or Urban Development. This development has been approved by agencies of the Town of Monroe based in part on the condition that said unit be preserved as an affordable rental housing unit. The restrictions related to affordability are required by law to be strictly enforced.
- (f) Affordable units shall be constructed, sized, outfitted and with a bedroom count and configuration equal to a similar base market rate apartment unit. Affordable units shall be dispersed among the market rate units and shall be constructed on a pro rata basis as construction proceeds.

- (8) Design. In addition to the standards in §6.10 and §7.2 of these Regulations, as may be amended from time to time, new residential apartments shall be integrated to the overall building design, and façades shall be designed to avoid a barracks or dormitory appearance. Pitched roofs, including gable, mansard, hip, gambrel, dormers or combination of such shall be required. Due consideration shall also be given in planning facilities to the needs of physically challenged and aged persons.
- (9) Sidewalks and site amenities.
  - (a) Sidewalks shall be provided as required by the Commission to assure safe pedestrian travel to and from buildings, off-street parking areas, site amenities and accessory uses/facilities, as well as to provide safe connection to abutting streets.
  - (b) Site amenities such as sitting areas, benches, gardens, walking paths and similar passive recreational/social features are encouraged.
- (10) Utilities.
  - (a) Water supply. Water supply shall be provided by the public utility franchised to serve the area. Adequate water pressure shall be provided to address domestic and fire suppression demands of the mixed-use facilities.
  - (b) Sewage system. The subject property shall be capable of providing safe, sanitary sewage collection, treatment and disposal in conformance with all Federal, State and Local standards and requirements, which system shall be certified by a Connecticut licensed professional engineer.
  - (c) Stormwater management, collection and treatment shall be in accordance with the requirements of Articles 6, 7 and 8 of these Regulations.
  - (d) All new or altered utilities, including but not limited to water supply, electric, natural gas, telephone, internet and cable television service, serving the mixed-use facilities shall be installed underground.
  - (e) Refuse and recycling facilities shall be coordinated and shared with those of the commercial site uses.
  - (f) Roof-top mechanical equipment, except solar panels, shall be hidden and screened from ground view on all sides.

**Q. Indoor (Non-Farm) Cultivation Facility**

- (1) A Chemical and Fertilizer Management Plan prepared by a qualified professional shall be provided detailing the receipt, use, storage, and disposal of any chemicals used in connection with the indoor (non-farm) cultivation facility.
- (2) A Water Management Plan prepared by a qualified professional shall be provided detailing the use, storage, recycling and disposal of process water used in connection with the indoor (non-farm) cultivation facility.

**R. Multi-Family developments within the MDD**

(1) General Requirements

- (a) The project shall be 15 acres or more in size.
- (b) The property shall be suitable for the long-term disposal of sanitary waste effluent without danger to public health by an environmentally suitable and legally acceptable method.
- (c) No habitable building in a MDD shall be occupied nor shall a permanent certificate of zoning compliance therefore be issued until such building is connected to an adequate public water supply and adequate hydrants are provided for fire protection as prescribed by the Fire Marshal.
- (d) Projects shall not have more than thirty (30) dwelling units contained within the enclosing walls of a building.
- (e) Projects shall be so designed to include community amenities, such as a clubhouse, pool, park, trails or sport courts.
- (f) The location of multi-family developments shall be identified as a recommended location in the Affordable Housing Plan (AHP).

(2) Density

Subject to the provisions above, the total number of dwelling units permitted within an SDD District shall not exceed fifteen (15) units per gross acre of the parcel, computed by multiplying the parcel gross acreage by fifteen (15).

(3) Height

No building shall exceed three (3) stories or forty-two (42) feet in height. A basement shall not be considered a story.

(4) Vertical Design

- (a) Residential uses shall be permitted on the ground floor.
  - (b) Commercial and residential units shall be permitted in independent structures.
- (5) Distribution of Unit Sizes
  - (a) Multi-family units shall be limited to studio, one (1) and two (2) bedrooms apartments.
  - (b) Not more than sixty percent 60% of the total number of multi-family units shall be limited to two (2) bedrooms.
  - (c) Three (3) bedroom units shall not be permitted.
- (6) Affordable Units shall be provided in accordance with §8.2.3.P (7) herein.
- (7) Proposed Improvements
  - (a) Sidewalks - Sidewalks shall be provided, as required by the Commission, to assure safe pedestrian travel between buildings and from buildings to off-street visitor parking, recreational or community facilities, mail delivery pickup facilities, and to bus stops.
  - (b) Trash Collection and Removal
    - i. Trash collection points and/or trash storage areas within enclosed individual garages, or similar areas, shall be provided throughout the site in locations and enclosures approved by the Commission and shall be shown on the Site Plan of development.
    - ii. Dumpsters shall be appropriately enclosed and screened.
    - iii. Collection points shall be regularly maintained and kept free of all loose and/ or accumulated material. Receptacles for deposit shall be kept tightly closed at all times to minimize the effect on public safety and health.
    - iv. Maintenance and removal of trash and garbage shall be the sole responsibility of the owners, or their designated representative, however, in no case shall removal by a refuse collector, duly licensed, take place on a frequency of less than once a week. Methods of collection and removal shall be subject to regular inspection by the Health Department of the Town of Monroe.
    - v. Provisions for recycled materials shall be included in trash collection points where applicable and shall comply with all of the other requirements of trash removal



## **ARTICLE 9 ENFORCEMENT, ADMINISTRATION AND APPEALS**

### **§9.1 Planning and Zoning Commission**

#### **§9.1.1 Organization and Rules of Procedure**

There shall be a Planning and Zoning Commission, herein referred to as “the Commission,” as provided for in the Charter of the Town of Monroe, subject to the provisions of §8-4a of the Connecticut General Statutes, as amended. The Commission shall adopt bylaws, which shall be the official rules of procedure for the Commission.

#### **§9.1.2 Membership**

The number and term of regular and alternate Commission members shall be as set forth in the Charter of the Town of Monroe and the bylaws of the Commission.

#### **§9.1.3 Powers and Duties**

The Commission shall have all the duties and responsibilities delegated to it by the General Statutes of Connecticut, including the following:

##### **A. Plan of Conservation and Development**

At least once every ten (10) years the Commission shall review and adopt or amend a Plan of Conservation and Development for the Town of Monroe. Such Plan of Conservation and Development shall:

- (1) Be a statement of policies, goals and standards for the physical and economic development and conservation of the Town;
- (2) Provide for a system of principal thoroughfares, parkways, bridges, streets, sidewalks, multipurpose trails and other public ways as appropriate;
- (3) Be designed to promote, with the greatest efficiency and economy, the coordinated development of the municipality and the general welfare and prosperity of its people;
- (4) Recommend the most desirable use of land within the municipality for residential, recreational, commercial, industrial, conservation and other purposes;
- (5) Recommend the most desirable density of population in different parts of the Town; and



- (6) Make provisions for the development of housing opportunities and promote housing choice and economic diversity in housing.

**B. Subdivision of Land**

No subdivision of land shall be made within the Town of Monroe until a plan for such subdivision has been approved by the Commission, pursuant to the Subdivision Regulations of the Town of Monroe.

**C. Site Plans**

The Commission shall have the authority to review and decide upon applications for Site Plan approval, pursuant to Article 7 of these Regulations, and to delegate such authority in the case of a Minor Site Plan as defined herein to the Town Planner and Planning and Zoning Administrator, consistent with these Regulations.

**D. Special Exception Permits**

The Commission shall have the authority to review and decide upon applications for Special Exception Permits and shall hold a public hearing on such applications, pursuant to Article 8 of these Regulations. Whenever the Commission grants or denies a Special Exception Permit, it shall state upon the record the reason for its decision.

**E. Zoning Map, Zoning Regulations and Subdivision Regulations**

The Commission shall have the authority to propose and/or review and decide upon an application to establish and/or amend the official Zoning Map and boundaries of existing Zoning Districts, and the adoption or amendment of the Zoning Regulations or Subdivision Regulations, pursuant to its own authority or pursuant to an applicant petition.

**F. Motor Vehicle Location Certification**

The Commission shall have the powers and duties pursuant to §14-54, §14-55, §14-321 and §14-322 of the Connecticut General Statutes, as amended, concerning local authority approvals required for the location and operation of auto dealers and repairers, and the establishment of gasoline and motor oil sales. In acting on such applications, the Commission shall consider the relationship of the proposed use or operation with respect to schools, churches, theaters, playhouses or other places of public gathering; traffic conditions, intersecting streets, width of highway, and effect on public travel, and in general, that such use at such proposed location will not imperil the safety and welfare of the public, or have a detrimental effect on the value of nearby properties or development thereof.

**G. Alcoholic Beverages**

The Commission shall have the authority to review and decide upon an application establishing, relocating or altering the location and premises for the sale and/or consumption of beer and alcoholic beverages consistent with Connecticut General Statutes and these Regulations.

#### **H. Administrative Rules and Bylaws**

The Commission shall have the authority to adopt or amend administrative rules, procedures and bylaws to assist in its administration of the Zoning Regulations and Subdivision Regulations.

#### **I. Waiver of Zoning Regulations**

The Commission shall have the authority to review and decide upon the granting of waivers as may be authorized in the Zoning Regulations.

#### **J. Flood Damage and Prevention Permits**

The Commission shall have the authority to review and decide upon the granting of Flood Damage and Prevention Permits as set forth in these Regulations.

#### **K. Excavation and Fill Permits**

The Commission shall have the authority to review and decide upon the granting of Excavation and Fill Permits as set forth in these Regulations.

#### **L. Other Permits and Duties**

The Commission shall have the authority to review and decide upon the granting of permits, and shall have the authority to perform other duties, as set forth and authorized by these Regulations.

### **§9.1.4 Procedural Requirements**

Actions by the Commission shall be taken in accordance with the provisions of Chapters 124 and 126 of the State of Connecticut General statutes, as amended, and as enumerated in these Regulations.

### **§9.1.5 Referral to Conservation and Water Resources Commission**

- A.** A copy of all applications for Special Exception Permit, Site Development Plan, Excavation/Filling Permit, Permit Amendment Modification, Subdivision, Zone Boundary Change and Regulations Amendments by or to the Commission shall be referred to the Monroe Conservation and Water Resources Commission for its advisory review. The Conservation and Water Resources

Commission may make advisory comments and/or recommendations as deemed warranted, and present same to the Commission in regard to matters consistent with the Town Charter and Connecticut State Statutes.

- B.** The Commission at its discretion may refer any other planning, zoning or agenda item to the Conservation and Water Resources Commission for its advisory review and comment.
- C.** The Conservation and Water Resources Commission shall submit its comments and/or recommendations to the Commission in writing for consideration as part of the Commission's application review process.

## **§9.2 Amendment of Zoning Regulations and District Boundaries**

### **§9.2.1 Authority**

- A.** The Commission may, on its own motion from time to time, adopt, amend or repeal the provisions and boundaries established by these Regulations.
- B.** Any person, firm or corporation desiring an amendment or change in the Zoning Regulations and/or Official Zoning Map of the Town of Monroe, may submit a petition application proposing such amendment or change.
- C.** No change in the regulations, restrictions, or boundaries shall become effective until after notice and public hearing is held by the Commission, at which time parties-in-interest and citizens shall have an opportunity to be heard. All amendments shall be considered in accordance with and subject to the Connecticut General Statutes, as amended.
- D.** Petition applications submitted by an applicant shall be filed and processed according to the standards set forth in §9.2.2 of these Regulations, which provisions shall not apply to any action initiated by the Commission.

### **§9.2.2 Zoning Amendment Petition Requirements**

A petition application shall not be considered complete until all the information required by these Regulations and the Commission has been provided:

- A.** Petition applications shall be in a form prescribed by the Commission together with a fee in accordance with §9.7 of these Regulations and other application materials as required in these Regulations. The petition application shall be signed by the applicant, and if related to a specific property by the owner of the property or accompanied by a notarized letter of the owner authorizing the applicant and petition application as proposed.

- B.** A petition application shall be accompanied by the following supporting materials, in a quantity as determined by the Planning and Zoning Department:

**(1) Zoning Text Changes**

All proceedings to change the zoning text of these Regulations, including any change in punctuation or wording, shall be instituted by petition application in writing to, and in a form prescribed by, the Commission. The petition application shall precisely set forth the existing provisions, the specific provisions to be changed and the provisions to be substituted, deleted or added. Deletions shall be shown with strike-out text (i.e., ~~stricken out~~). Additions shall be shown as bold double underlined text (i.e., **bold double underlined**). Color text such as red for text to be deleted and blue text to be added may also be included along with the required strike-out and bold double underling.

**(2) Zoning Boundary Changes**

All petition applications to change zoning district boundaries shall describe the existing and proposed zoning district boundaries of the property involved and within five-hundred (500) feet of the outer subject property perimeter, and shall provide a metes and bounds description of the property and area proposed to be changed on the map and separately, along with the identification by Assessor Map and Lot Number of the lots, or parts thereof to be included in the zoning district boundary change. Any proposed zoning boundary change map shall be certified to Class "A2" survey standards.

**(3) Zone Change Narrative**

All petition applications shall be accompanied by a Zone Change Narrative explaining the need for the proposed amendment and identifying any benefits to the Town. Said narrative shall include an analysis of the following in zoning district and site specific terms:

- (a) Description of existing and proposed conditions, land uses, including details describing how the requirements and standards of these Regulations will be complied with by the proposed zone change action.
- (b) Identification of affected surrounding land uses and their physical relation in regards to development, topographic and vegetation conditions, as well as potential visual connections.

- (c) Assessment of how the proposed zone change is consistent with the purposes and recommendations of the Plan of Conservation and Development, including the identification and discussion of specific recommendations pertinent to the associated zoning district, subject parcels and surrounding neighborhood area. Such consistency assessment shall also address the overall goals and recommendations of the underlying existing or proposed zoning classification and requirements, as well as any differences or similarities in regard to resulting transportation, development aesthetics and community character considerations.
- (d) Limitations hindering the current use and development of a zoning district and/or subject parcel as presently zoned.
- (e) Comparison of potential positive and negative aspects between the change in zoning or not.
- (f) In the case of a zone boundary change, the suitability of lands proposed to be rezoned for future development purposes in comparison to the existing zoning classification, including identification of any land or natural resource limitations (i.e., steep slopes, wetlands or watercourses, ledge or bedrock, etc) to such development potential.
- (g) Suitability analysis (utilizing both text and graphic formats) of the underlying subject parcel(s) and surrounding area to support the land demands, development components and other location characteristics associated with the functional and operational aspects of the change in zoning.
- (h) Assessment of potential issues resulting from zone fragmentation or potential for spot zoning.
- (i) Project specific analyses and reports prepared by qualified professionals may be required, the scope of which shall be subject to prior Commission review and acceptance.

**(4) Abutters Names and Addresses**

A list of names and addresses of all current property owners as shown on the Monroe Tax Assessor records as of the date of the petition application submission located in and within five-hundred (500) feet of any proposed zoning district boundary amendment shall be submitted.

**(5) Area and Existing Conditions/Land Use Map**

In the case of a proposed zone boundary change, a map at a scale of no more than onehundred (100) feet to the inch showing all existing lots, dimensions, property lines, streets, rights-of-way, existing land uses, existing buildings and structures, delineated

wetlands, water courses and regulated upland review areas consistent with the Inland Wetlands and Watercourses Regulations of the Town of Monroe, existing contours at a contour interval not to exceed two (2) feet, flood boundary lines and/or mean high water lines, identification of current owners, existing and any proposed zoning district boundary lines in appropriate markings, north point, graphic scale, date, and the name of the owner and applicant (if different). This map shall show the above required information for the area included in and within five-hundred (500) feet of area affected by the zone boundary petition application.

**(6) Proposed Zoning Change Map**

In the case of a zone boundary change, a map at a scale of no more than one-hundred (100) feet to the inch showing all existing lots, dimensions, property lines, streets, rightsof-way, the existing and proposed zoning district boundary lines in appropriate markings, the north point, graphic scale, date, the name of the owner and applicant (if different). This map shall show the above required information for the area included in and within five-hundred (500) feet of area affected by the zone boundary petition application.

**(7) Additional Information**

The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the petition application and to determine compliance with the intent and purpose of these Regulations.

**(8) Electronic Copy**

The applicant shall also submit the petition application and presentation documents in an electronic format in accordance with Planning and Zoning Department requirements and specifications.

- C.** A petition application shall be deemed to be complete if it is in proper form and is accompanied by all required materials. The official date of receipt of a formal petition application shall be the date of the next regularly scheduled meeting of the Commission, immediately following the date of submission to the office of the Planning and Zoning Department.
- D.** All subsequent petition application support documents, plans and materials shall be submitted to the Planning and Zoning Department no less than five (5) business days prior to the day of a

Commission meeting at which the petition application is scheduled. Nothing shall prohibit the Commission, in the exercise of its discretion, from receiving evidence at any time prior to the close of a meeting, public hearing or other statutory period but the Commission may refuse to consider such if not submitted in a timely fashion as set forth herein should the Commission determine that it, its staff or consultants, and/or the public would not have sufficient time to review same properly or thoroughly before the end of any aforesaid time or statutory period. The Commission, nor its staff or consultants, are responsible for providing notification of new submission materials received.

- E. An incomplete petition application or a petition application filed without the required fee as specified in §9.7 of these Regulations may be deemed as reason for denial of said petition application.
- F. No petition application shall be required to be entertained or heard relating to the same changes, or substantially the same changes, more than once in a period of twelve (12) months. **§9.2.3**

#### **Referrals**

The Commission shall make the following referrals of each zoning regulation amendment or zone boundary district change as initiated by the Commission or as proposed by an applicant submitted petition application:

#### **A. Town Clerk Filing**

A copy of such proposed regulation or boundary amendment shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before such public hearing.

#### **B. Inland Wetlands Commission**

Any regulation of boundary amendment involving lands regulated pursuant to Connecticut General Statutes §22a-36 to §22a-45, inclusive, shall be referred to the Monroe Inland Wetlands Commission for a report, which report shall be given due consideration. Any instance where site specific development or land use changes are also proposed, the applicant shall submit an application for a permit to the Inland Wetlands Commission no later than the day such application is filed with the Planning and Zoning Department. The applicant shall provide documentation of said filing. A planning and zoning decision on the application shall not be rendered until the Inland Wetlands Commission has submitted its report in accordance with the standards of the Connecticut General Statutes, as amended, which report shall be given due consideration.

#### **C. Conservation and Water Resources Commission**

A copy of such proposed regulation or boundary amendment shall be referred to the Conservation and Water Resources Commission in the same manner as other referrals to same as set forth in §9.1.5 of these Regulations.

**D. Public Watershed**

An application involving lands within a public watershed area, the applicant shall submit notice to the public water authority and State Commissioner of Public Health in accordance with the standards set forth in Connecticut General Statutes §8-3i, as amended, no later than seven (7) days from the date such application is filed with the Planning and Zoning Department. The applicant shall provide documentation of said noticing.

**E. Regional Planning Agency and Abutting Municipalities**

- (1) Any petition proposing to establish or change a zone or any regulation affecting the use of a zone any portion of which is within five-hundred (500) feet of the boundary of another municipality, the Commission shall give written notice of the proposal to said municipality and to the regional planning agency serving said municipality. Such notice shall be sent by certified mail, return receipt requested, or as otherwise permitted pursuant to Connecticut State Statutes, not later than thirty (30) days before the public hearing to be held in relation thereto. A copy of the associated Certified Mail Receipts shall be provided to the Planning and Zoning Department prior to or at the commencement of the public hearing.
- (2) Any response report of said municipality or regional planning agency shall be purely advisory.

**F. Abutting Neighbors**

An applicant shall send a copy of the notice of public hearing, as provided by the Planning and Zoning Department, to all property owners within five-hundred (500) feet. Such notice shall be sent by certified mail, return receipt requested not later than ten (10) days before the public hearing to be held in relation thereto. A copy of the associated Certified Mail Receipts shall be provided to the Planning and Zoning Department prior to or at the commencement of the public hearing.

**§9.2.4 Public Hearing**

No zoning regulation or boundary amendment shall be established, changed or effective until after a public hearing in relation thereto. A public hearing shall be held and noticed in accordance with the time periods and standards set forth in §8.1.4A and B of these Regulations. The applicant may consent



in writing to an extension of the public hearing time periods in accordance with the Connecticut General Statutes.

#### **§9.2.5 Determination of Commission**

##### **A. Commission Action**

Within sixty-five (65) days following the close of the required public hearing for an applicant submitted petition application, the Commission shall approve or disapprove the proposed petition. Whenever the Commission adopts any change of zone or amendment to the regulations, it shall state upon its records the reason why such change was made.

**B. Determination**

In approving a zoning regulation or boundary amendment, the Commission shall determine:

- (1) That the petition application, including all accompanying supporting documentation is in conformance with the applicable provisions of these Regulations.
- (2) That the proposed zoning change will be in harmony with the purposes and intent of these Regulations, and will function and exist in harmony with the associated area affected, and existing neighborhood and environmental patterns.
- (3) That the proposed zoning change will not adversely affect the health, safety, convenience and property values of the public in general and of the residents of the neighborhood in particular.
- (4) That the proposed zoning change is consistent with the goals, objectives and recommendations of the Plan of Conservation and Development.

**C. Effective Date and Approval / Map Recording**

- (1) Approved amendments to these Regulations shall become effective at such time as fixed by the Commission.
- (2) Approved changes to the zoning district boundaries on the Official Zoning Map of the Town of Monroe shall become effective at such time as fixed by the Commission, provided that a certified zone boundary change map as approved and endorsed by the Commission is recorded in the Monroe Land Records in the Office of the Town Clerk, along with an original copy of the Commission approval Resolution, within ninety (90) days of the date of the approval.

**D. Notice of Decision**

A notice of decision shall be published and filed in accordance with the requirements set forth in the Connecticut General Statutes, as amended. All notices of decision shall be published in a newspaper having a substantial circulation in the Town before the effective date as set by the Commission.

**§9.3 Duties of Zoning Enforcement Officer****§9.3.1 Zoning Enforcement Officer**

- A.** The Zoning Enforcement Officer of the Town of Monroe so appointed by the Commission is hereby designated as the officer with full power to enforce these Regulations.
- B.** In carrying out the zoning enforcement duties, the Zoning Enforcement Officer shall work under the guidance of the Commission.
- C.** The Zoning Enforcement Officer is hereby authorized, while a provisional certificate of zoning compliance is in effect, to cause any land, building, structure or premises to be inspected and to order in writing the remedying of any condition found to exist in violation of these Regulations.
- D.** The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any land or any building or structure on which work is in progress and to order in writing the discontinuance of any use of property or building, or structure or work being done in violation of any provision of the Zoning Regulations.
- E.** The Zoning Enforcement Officer shall inspect or cause to be inspected such premises after work is completed and shall not issue a Certificate of Zoning Compliance until such final inspection has been made and all work is completed and compliant with these Regulations.

## **§9.4 Zoning Compliance**

### **§9.4.1 Application for Certificate of Zoning Compliance**

- A.** Approval of an application for a Certificate of Zoning Compliance shall be required from the Zoning Enforcement Officer or a designated agent thereof prior to any land being used, altered, cleared of vegetation, grubbing, disturbed, graded, filled, changed, or otherwise altered in any physical way, in whole or in part, and prior to any building or structure, including signs and lights, being erected, constructed, reconstructed, extended, enlarged, altered, relocated or used, in whole or in part, including a change in use.
- B.** An application for Certificate of Zoning Compliance shall be made in writing by the owner of record of the property involved upon such forms as shall be prescribed by the Zoning and Planning Department. Each application shall be accompanied by such information specified in the application and any other information as may be required deemed necessary to evaluate the zoning compliance of the application.

### **§9.4.2 Certificate required prior to use**

- A. A Certificate of Zoning Compliance (provisional and/or permanent) shall be issued upon a finding by the Zoning Enforcement Officer that an application and proposed activity relating thereto is in compliance with the use and development provisions, standards and requirements of these Regulations. Following issuance, an application for a building permit from the Building Inspector may be sought.
- B. A provisional certificate may be issued during a period of construction, which shall have an effective period not to exceed one (1) year from the date of issuance, unless an extension is granted by the Zoning Enforcement Officer, upon completion of which shall require the issuance of permanent certificate to effectuate the original approval thereof and to be deemed zoning compliant. Failure to obtain a permanent certificate in the time period allotted shall render the provisional certificate expired, null and void. Obtaining a permanent Certificate of Zoning Compliance shall be the sole responsibility of the owner seeking same.
- C. A permanent certificate shall be issued by the Zoning Enforcement Officer upon the showing that the effective use and/or completed construction are in accordance with these Regulations, and any requirements, modifications or conditions as may be required pursuant to these Regulations and any Commission approval relating thereto.

#### **§9.4.3 Review of Compliance; applications to the Commission**

##### **A. Review of Applications**

The Zoning Enforcement Officer shall review all applications submitted to the Commission and shall report to the Commission advising whether the premises are free of any violations of these Regulations or of any violations which exist.

##### **B. ZEO Report to Commission**

The Zoning Enforcement Officer shall periodically report to the Commission regarding the issuance and status of pending zoning violation orders and notices.

### **§9.5 Zoning Board of Appeals**

#### **§9.5.1 Organization and Rules of Procedure**

There shall be a Zoning Board of Appeals as provided for in the Charter of the Town of Monroe, subject to the provisions of §8-6 of the Connecticut General Statutes, as amended. The Zoning Board of Appeals shall adopt bylaws, which shall be the official rules of procedure for the Board.

#### **§9.5.2 Membership**

The number and term of regular and alternate Zoning Board of Appeals members shall be as set forth in the Charter of the Town of Monroe and the bylaws of the Zoning Board of Appeals.

### **§9.5.3 Powers and duties**

The Zoning Board of Appeals shall have all the duties and responsibilities delegated to it by the General Statutes of Connecticut, including the following:

- A.** To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official(s) charged with the enforcement of these Regulations or any bylaw, ordinance or regulations adopted under the provisions of Chapter 124 of the Connecticut General Statutes.
- B.** Determine and vary the application of the terms of these Regulations in harmony with their general purpose and intent. The Zoning Board of Appeals shall not be required to hear any application for the same variance or substantially the same variance for a period of six (6) months after a decision by the Zoning Board of Appeals or by a court of competent jurisdiction on an earlier such application.
- C.** Town ordinances. The Zoning Board of Appeals shall be empowered to act in a capacity as may be required by such other town ordinance enacted by the Town of Monroe.

### **§9.5.4 Variances**

- A.** Variances may be granted only if in harmony with the general purpose and intent of these Regulations and with due consideration for conserving the public health, safety, convenience, welfare and property values, when solely with respect to a parcel of land and owing to conditions especially affecting such parcel, but not affecting generally the district in which it is situated, a literal enforcement of such Regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured. Before granting a variance on the basis of exceptional difficulty or unusual hardship, there must be a finding by the Board that the following conditions exist:
  - (1) That the difficulties or hardship are particular to the property in question in contrast with those of other properties in the same district.
  - (2) That the hardship is not the result of the applicant's own action.
  - (3) That the hardship is not solely pecuniary.
  - (4) The variance must be shown not to substantially affect the comprehensive zoning plan.

- B.** The concurring vote of four members of the Zoning Board of Appeals shall be necessary to vary the application of these Regulations. At the discretion of the Zoning Board of Appeals, conditions may be attached to any granted variance to ensure that the intent and purpose of these Regulations are preserved. Further, any variance granted shall:
- (1) Be the smallest or minimal necessary to achieve the requested relief; the Zoning Board of Appeals in granting any variance shall be specific in regard to the extent to which any such standard or zoning provision may be varied.
  - (2) Be specific to the application at hand and shall not grant blanket relief of the standard or requirement varied (i.e., a granted building setback variance shall be specific to the building proposed at the time of the variance application and shall not vary or relieve the application of the underlying zoning district setback for a different, subsequent or future proposed building or building addition).
  - (3) Run with the land and shall not be personal in nature to the person who applied for and received the variance. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.
- C.** The Zoning Board of Appeals shall not permit by variance any use not allowed by the provisions of these Regulations, and shall not permit by variance in any zoning district a use not allowed by the provisions of these Regulations in such zoning district.

#### **§9.5.5 Appeals**

Any person claiming to be aggrieved by any order, requirement or decision made by any official charged with the enforcement and administration of these Regulations may appeal to the Zoning Board of Appeals. Such appeal shall be filed within thirty (30) days from the issuance of notice of said order, requirement or decision. The Zoning Board of Appeals shall hear and decide the appeal and may reverse or affirm, wholly or partly, or may modify any order, requirement or decision appealed from, and shall have all the power of the authority for whose decision such appeal is taken, but only in so far as to enforce these Regulations, where an error has occurred. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement or decision issued by said official.

#### **§9.5.6 Application requirements**

Appeals to the Zoning Board of Appeals shall be taken in accordance with the provisions of Chapter 124 of the State of Connecticut General Statutes, as amended, and within the time prescribed by said statutes. Applications and appeals to the Zoning Board of Appeals shall be submitted, in writing, on a form designated by the Zoning Board of Appeals, together with any required fees. If the applicant is not the owner of the property, a notarized letter of consent from the property owner must accompany the application. Each application or appeal shall clearly set forth the action desired by the Zoning Board of Appeals, shall state the circumstances creating the need for such action, pursuant to §9.5.4 of these Regulations, and where applicable shall illustrate with maps and other drawings the location and nature of the appeal or application.

#### **§9.5.7 Public hearing and notification**

- A. A public hearing shall be required for all applications for variance and all zoning appeals. All decisions shall be rendered not later than sixty (65) days after the close of the public hearing.
- B. Notice of the public hearing shall be published in a newspaper having a general circulation in the Town of Monroe not more than fifteen (15) days before the date set for the hearing.
- C. Notice of the public hearing shall be mailed to persons who own land within a one-hundred (100) feet of the property perimeter of the lot that is the subject of the hearing at least seven (7) days prior to the hearing. Proof of mailing shall be evidenced by a certificate of mailing. The person who owns land shall be the owner indicated on the last completed grand list of the Town of Monroe as of the date such notice is mailed. The applicant shall be responsible for mailing and all associated costs thereof.

### **§9.6 Architectural Review Board**

#### **§9.6.1 Statement of Purpose**

The Commission hereby finds that excessive uniformity or dissimilarity or inappropriateness and poor quality of design in the exterior appearance of buildings, structures and land developments adversely affects the desirability of the immediate area and neighboring areas and, by so doing, impairs the benefits of occupancy of existing property in such areas; impairs the stability and value of both improved and unimproved real property in such areas; adversely affects the most appropriate development of such areas; produces degeneration of property in such areas, with attendant deterioration of conditions affecting the health, safety, morals and general welfare of the inhabitants thereof; and creates an improper relationship between the taxable value of real property in such areas and the cost of municipal services provided thereto. It is the purpose of these Regulations to prevent these and other harmful effects and to achieve an improved architectural balance and continuity of buildings, structures and land developments in the Town.

#### **§9.6.2 Organization and Rules of Procedure**

There shall be an Architectural Review Board (ARB) as provided for in the Charter of the Town of Monroe. The ARB shall adopt bylaws consistent with these Regulations, which shall be the official rules of procedure for the ARB. The ARB shall be advisory to the Commission.

### **§9.6.3 Membership**

The number and term of regular ARB members shall be as set forth in the Charter of the Town of Monroe. ARB members shall be specifically qualified by reason of training or experience in a relevant business or profession or by reason of civic interest and sound judgment to assess the effects of proposed buildings, structures and land developments, including the alteration or demolition of such upon the property values and development of surrounding areas. To the extent possible, one member of ARB shall be a Connecticut licensed architect and one member shall be a Connecticut licensed landscape architect.

### **§9.6.4 Powers and Duties**

#### **A. Applicability**

The ARB shall review all applications submitted to the Commission for Site Plan or Special Exception Permit involving the construction, reconstruction, expansion, addition or alteration of nonresidential and multifamily buildings, structures and related site development.

#### **B. Referral to ARB**

- (1) Upon submission of a Site Plan or Special Exception Permit application to the Commission, a copy of same shall be referred to the ARB for its review and recommendation.
- (2) The Commission at its discretion may refer any other application or agenda item to the ARB for its review and recommendation.
- (3) The Commission, at its discretion, may determine referral to ARB is not warranted or necessary due to the limited or diminished nature of an application. In doing so, the Commission shall state the reasons in making such a determination.

#### **C. ARB Meetings and Procedures**

- (1) Regularly scheduled meetings of the ARB shall be held bi-monthly, as needed, and at such other times as the Chair shall designate. The ARB shall keep minutes of all its proceedings. Any recommendation made by the ARB shall have a majority consensus of its members and shall be officially filed along with pertinent data upon which such recommendation was based with the Commission.



- (2) The applicant is expected to appear before the ARB to present its application, answer any questions ARB may have and to provide or supplement its application materials, including provision of architectural drawings, sections, details, renderings, color simulations and sample building materials to support its illustration of the proposal.
- (3) The ARB shall have a minimum of thirty (30) days to review and render a referral recommendation report as it deems appropriate to the Commission, concerning the design of the proposed buildings, structures and their related site development.
- (4) The ARB may request additional time in which to review the referral application due to scheduling issues or complexity of an application, which the Commission and/or applicant may grant, provided no extension of time shall exceed the time frames in which the Commission must act upon said application.
- (5) Failure of the ARB to report within thirty (30) days, unless additional time to review is granted by the Commission or applicant, shall be deemed that the ARB has no comments on the application at hand.
- (6) The ARB shall submit its recommendations to the Commission in writing for consideration as part of the Commission's application review process. Recommendations where changes or modifications to any submission are recommended, the ARB's report shall set forth the specific changes recommended and the reasons for same.

#### **§9.6.5 Application Referral Materials**

A copy of the application for Site Plan or Special Exception Permit as submitted to the Commission shall be referred to ARB for its review and recommendation, including but not limited to the following:

- A. Descriptive application materials, narratives and other written documents.
- B. Site Plan documents as specified in these Regulations.
- C. Architectural floor plans and details prepared at a standard architectural scale, including floor plans indicating the usage, circulation and square footage.
- D. Architectural elevations showing all sides of proposed buildings and structures, and including building heights, finished floor elevations, fenestration details, building materials and colors. In the case of enlargement, addition or expansion of an existing building or structure, both existing and proposed conditions shall be detailed. The provision of perspective drawings, renderings, architectural simulations and/or models are encouraged to illustrate the proposal. The Commission may require same.

- E. Samples of exterior building or structure materials, including color samples and textures shall be provided, including presentation of actual material samples.
- F. Photographs and/or sketches of adjacent areas, buildings or structures may be required to assist both the ARB and Commission in evaluating the design of the proposed application.
- G. Other specific documentation may be required by the ARB or Commission to assist both the ARB and Commission in evaluating the design and its compatibility to the site, the surrounding landscape pattern, adjacent land uses, buildings and structures, and the community character of Monroe.

#### **§9.6.6 Review considerations**

In considering any request for review brought before it, the ARB shall evaluate the design of all proposals through consideration of the following:

- A. Landscape and Environment: To prevent the unnecessary destruction or blighting of the natural landscape or the built environment, and to ensure that proposed conditions have been designed such that open spaces, buildings and structures on the site relate harmoniously to the natural environment and topographic conditions.
- B. Design of Buildings and Structures: The appropriateness of the site plan layout, architectural design and construction materials proposed in maintaining and/or enhancing the existing and cultural community character of the site and surrounding area, and the extent to which the proposal compliments, protects and will preserve the integrity, architectural character and property values of the Town.
- C. Relationship of Buildings and Structures: To ensure the appropriateness of proposed buildings, structures and/or land development in relation to adjacent buildings, structures and land development existing or for which a permit has been issued, or to other buildings, structures and/or land development included in the same application with respect to one or more of the following features:
  - (1) Appropriateness of architectural style and detailing, as well as the materials used or colors and textures proposed.
  - (2) The repeated and adjacent use of identical or near identical facades or structures arranged without respect to natural features of terrain or other existing structures.
  - (3) Gross differences in cubical content of floor area, height of building or roof, contrasting roof lines and/or architectural details and materials.

- (4) Other significant design features, such as material or quality of architectural design, roof structures, dividing walls, accessory structures, chimneys, mechanical equipment and services, service and storage enclosures, signs and lights, landscaping, walls and fencing, parking and loading areas, and similar site features.
- D. Protection of Adjoining Uses and Properties: To protect adjoining users and owners ensuring that reasonable provision has been made for such elements as sound and sight buffers, the preservation of views, light and air, and such other elements of design which may have a substantial effect or impact on adjoining areas.
- E. Design of Accessory Elements: Aesthetic and functional review of signage, lighting, landscaping, refuse management, exterior art, and similar accessory elements.

## **§9.7 Fees and Escrow Accounts**

### **§9.7.1 Fees**

Fees for applications to the Commission shall be in accordance with a fee schedule, recommended by the Planning and Zoning Department, accepted by the Commission and adopted or amended by the Town Council at a public meeting, and shall be posted or made available upon request in the Planning and Zoning Department and the Town Clerk's office.

### **§9.7.2 Escrow Accounts for Consultant Services**

- A. The Planning and Zoning Administrator, his/her designee, the Commission, or the Zoning Board of Appeals may retain the services of a professional consultant, including but not necessarily limited to scientific, engineering, and legal consultants such as a land use planner, landscape architect, engineer, surveyor, architect, attorney, biologist, archeologist, soil scientist, traffic consultant, real estate appraiser, or other expert consultant to review, comment, and guide its deliberations on any application, and/or to provide inspection and/or monitoring services.
- B. Issues for which such review, inspect or monitoring may be needed may include, but are not limited to, compliance with existing laws and regulations; the potential for environmental or other impacts; the need for public improvements, drainage improvements, sediment and erosion-control measures, and other environmental safety measures; and the provision of adequate legal conveyances and financial performance security. It is the purpose of this Section to ensure that any fees and expenses reasonably incurred by the Town in procuring such services be reimbursed by the applicant.
- C. Upon the filing of an application or during the course of its review, the Planning and Zoning Administrator, or his/her designee, the Commission or Zoning Board of Appeals, may determine

that one or more consultant(s) are needed to analyze, review and report on areas requiring a technical review, and/or to provide inspection and/or monitoring services. In making such a determination, the following shall be considered:

- (1) That the evidence in the record of the proceedings has been produced or is likely to be produced which requires the hiring of such consultant(s);
- (2) That the Planning and Zoning Department staff will be unable to perform the technical review; and
- (3) That adequate time exists for the applicant to review and respond to such consultant(s)' report(s).

**D.** If the assistance of professional consultants is found to be necessary or appropriate at any time after the submission of an application:

- (1) The Planning and Zoning Administrator, Commission or Zoning Board of Appeals may require an escrow account to be established from which withdrawals shall be made to reimburse the Town for the cost of professional consultant review, inspection and/or monitoring services. The applicant shall be provided with copies of any Town voucher for such services as they are submitted to the Town by its consultants.
- (2) A preliminary estimate of the fees or expenses that such consulting services are likely to entail shall be considered in establishing an initial escrow deposit. The preliminary estimate, which shall not be binding on the Town, may be derived in any reasonable manner, including but not limited to a good-faith estimate of the hours that the consultant is likely to require based upon the specific nature of the application.
- (3) The applicant shall provide payment to the Town of Monroe, in addition to all other applicable application fees, one-hundred-fifty percent (150%) of the above estimate, which amount shall be held in escrow until the technical review(s) are completed.
- (4) Should the amount in the escrow account be reduced to less than one-third (1/3) of its initial amount, the applicant shall upon request by the Planning and Zoning Department promptly replenish the account to the amount of the initial deposit or other amount as deemed appropriate.
- (5) After all pertinent fees or expenses have been reimbursed to the Town, the Town shall refund to the applicant any excess amount collected and remaining on deposit.
- (6) The establishment, payment and maintenance in good standing of an escrow account shall be considered an integral component of the application. The failure by the applicant to

establish the escrow account and make initial and subsequent payments as may be required shall render the application incomplete.

- (7) No Certificate of Zoning Compliance, Building Permit or Certificate of Occupancy shall be authorized for issuance unless all professional review fees charged in connection with an applicant's project have been reimbursed to the Town.

## ARTICLE 10 SCHEDULES

### §10.1 Schedule of Permitted Land Uses by Zoning District

*\*Editor's Note:*

*See Schedule §10.1 – Schedule of Permitted Land Uses by Zoning District at end of this Article.*

### §10.2 Schedule of Permitted Land Uses by Zoning District

*\*Editor's Note:*

*See Schedule §10.2 – Schedule of Off-Street Parking at end of this Article.*

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Town of Monroe Zoning Regulations – Schedule of Permitted Land Uses by Zoning District

§10.1 – SCHEDULE OF PERMITTED LAND USES BY ZONING DISTRICT															
USE	ZONING DISTRICT														
	RF-1	RF-2	RF-3	ARR	MFR	RR	HOD	AH	B-1	B-2	SB2	LOR	I-1	I-2	I-3
<b>Arborist</b>	x	x	x	x	x	x	x	x	x	x	X	x	x	SEP	x
<b>Accessory Drive-Through</b>	x	x	x	x	x	x	x		SEP	SEP	SEP	SEP	x	x	x
<b>Agriculture / Farms</b>															
<i>Agriculture / Farm</i>	P	P	P	x	x	x	x	X	x	x	X	x	x	x	x
<i>Farm Stores (accessory to Farm)</i>	SEP	SEP	SEP	x	x	x	x	X	x	x	X	x	x	x	x
<i>Seasonal Farm Store (accessory to Farm)</i>	ACC	ACC	ACC	x	x	x	x	X	x	x	X	x	x	x	x
<b>Art Studio / Gallery</b>	x	x	x	x	x	x	x	X	SDP	SDP	SEP	SDP	x	x	x
<b>Automobile Body Shop</b>	x	x	x	x	x	x	x	X	x	x	X	x	x	SEP	x
<b>Automobile Service Shop</b>	x	x	x	x	x	x	x	X	x	SEP	SEP	x	x	SEP	x
<b>Automobile Sales</b>	x	x	x	x	x	x	x	X	x	SEP	SEP	x	x	x	x
<b>Banks</b>	x	x	x	x	x	x	x	X	SDP	SDP	SEP	SDP	x	x	x
<b>Boat, Camper, RV, Trailer Sales/Service</b>	x	x	x	x	x	x	x	X	x	SEP	SEP	x	x	x	x
<b>Brew Pub</b>	x	x	x	x	x	x	x	X	SDP	SDP	SEP	x	x	x	x



## Town of Monroe Zoning Regulations – Schedule of Permitted Land Uses by Zoning District

<b>Car Wash (retail) – Automatic and Self-Service Facilities Fully Within Enclosed Building with Recycled Water</b>	x	x	x	x	x	x	x	X	SEP	SEP	SEP	SEP	x	x	x
<b>Cemeteries</b>	SEP	SEP	SEP	x	x	x	x	X	x	x	x	x	x	x	x
<b>Club</b>															
<i>County Club (swim, tennis, golf)</i>	x	x	x	x	ACC	SEP	x	X	x	x	x	x	x	x	x

§10.1 – SCHEDULE OF PERMITTED LAND USES BY ZONING DISTRICT															
USE	ZONING DISTRICT														
	RF-1	RF-2	RF-3	ARR	MFR	RR	HOD	AH	B-1	B-2	SB2	LOR	I-1	I-2	I-3
<i>Health Club / Spa</i>	x	x	x	x	x	x	x	x	SDP	SDP	SEP	SDP	x	x	SEP (1)
<i>Fraternal Organization</i>	SEP	SEP	SEP	x	x	x	x		SDP	SDP	SEP	SDP	x	x	x
<b>Commercial Vehicle Facility</b>	x	x	x	x	x	x	x	X	x	x	SEP	x	x	SEP	SEP
<b>Community-Wide Event</b>	(2)	(2)	(2)	x	x	x	x	X	(2)	(2)	(2)	(2)	(2)	(2)	(2)
<b>Conservation / Open Space</b>	SEP (3)	SEP (3)	SEP (3)	ACC	ACC	ACC	ACC	X	SEP (3)	SEP (3)	SEP (3)	SEP (3)	SEP (3)	SEP (3)	SEP (3)
<b>Contractors' / Building Trades' Establishment</b>	x	x	x	x	x	x	x	X	x	SEP	SEP	x	x	x	x
<b>Day Care Services</b>															
<i>Adult Day Care Center</i>	SEP	SEP	SEP	x	x	x	x	X	SEP	SEP	SEP	SEP	x	x	x

## Town of Monroe Zoning Regulations – Schedule of Permitted Land Uses by Zoning District

<i>Child Day Care Center</i>	SEP	SEP	SEP	x	x	x	x	X	SEP	SEP	SEP	SEP	x	x	x
<i>Family Day Care Home</i>	ACC	ACC	ACC	x	x	x	x	X	x	x	X	x	x	x	x
<i>Group Day Care Homes</i>	SEP	SEP	SEP	x	x	x	x	X	x	x	X	x	x	x	x
<b>Firewood Process Facilities</b>	x	x	x	x	x	x	x	X	x	x	X	x	x	SEP	x
<b>Funeral Home or Mortuary</b>	x	x	x	x	x	x	x	X	SDP	SDP	SEP	SDP	x	x	x
<b>Gasoline Station</b>	x	x	x	x	x	x	x	X	x	SEP	SEP	SEP	x	x	x
<b>Golf Course</b>	x	x	x	x	ACC	ACC	x	X	x	x	X	x	x	x	x
<b>Home Based Business (accessory to single-family dwellings)</b>	SEP	SEP	SEP	x	x	x	x	X	x	x	X	x	x	x	x
<b>Home Occupation (accessory to single-family dwellings)</b>	ACC	ACC	ACC	x	x	x	SEP	X	x	x	X	x	x	x	x

§10.1 – SCHEDULE OF PERMITTED LAND USES BY ZONING DISTRICT															
USE	ZONING DISTRICT														
	RF-1	RF-2	RF-3	ARR	MFR	RR	HOD	AH	B-1	B-2	SB2	LOR	I-1	I-2	I-3
<b>Hospital</b>	x	x	x	x	x	x	x	X	SEP	SEP	SEP	x	x	x	x
<b>Hotel</b>	x	x	x	x	x	x	x	X	SEP	SEP	SEP	SEP	x	x	x
<b>Landscaper</b>	x	x	x	x	x	x	x	X	x	x	x	x	x	SEP	x

## Town of Monroe Zoning Regulations – Schedule of Permitted Land Uses by Zoning District

<b>Laundromat, Dry Cleaners (retail and drop-off centers)</b>	x	x	x	x	x	x	x	X	SDP	SDP	SEP	SDP	x	x	x
<b>Manufacturing / Industrial</b>															
<i>Manufacturing, Processing and/or Assembly of Products Where Conducted Within Fully Enclosed Buildings</i>	x	x	x	x	x	x	x	X	x	x	SEP	x	SEP	SEP	SEP
<i>Business Service Facilities Providing Supporting Services to Industrial and Business uses, including Computer and Business Machine Service and Repair (not retail)</i>	x	x	x	x	x	x	x	X	x	x	SEP	x	SEP	SEP	SEP
<b>Medical Clinic: Urgent Care Facility (no overnight), Radiology/Diagnostics Laboratory</b>	x	x	x	x	x	x	x	X	SDP	SDP	SEP	SDP	x	x	x
<b>Medical Rehabilitation Facility</b>	x	x	x	x	x	x	x	X	SEP	SEP	SEP	SEP	x	x	x
<b>Mixed Use Landmark Property Development</b>	SEP	SEP	SEP	x	x	x	x	X	x	x	X	x	x	x	x
<b>Museum</b>	x	x	x	x	x	x	x	X	SDP	SDP	SEP	SDP	x	x	x
<b>Office, Medical and Dental</b>	x	x	x	x	x	x	x	X	SDP	SDP	SEP	SDP	SEP	SEP	SEP
<b>Office, General</b>	x	x	x	x	x	x	x	X	SDP	SDP	SEP	SDP	SDP	SDP	SDP
<b>Office, Professional</b>	x	x	x	x	x	x	x	X	SDP	SDP	SEP	SDP	SDP	SDP	SDP

§10.1 – SCHEDULE OF PERMITTED LAND USES BY ZONING DISTRICT															
USE			ZONING DISTRICT												

## Town of Monroe Zoning Regulations – Schedule of Permitted Land Uses by Zoning District

			RF-1	RF-2	RF-3	ARR	MFR	RR	HOD	AH	B-1	B-2	SB2	LOR	I-1	I-2	I-3
<b>Outdoor and Indoor Sales of Accessory Outdoor Amenities</b>			x	x	x	x	x	x	x	x	SEP	SEP	SEP	SEP	x	x	x
<b>Personal Service Business</b>			x	x	x	x	x	x	x	x	SDP	SDP	SEP	SDP	x	x	x
<b>Pet Day Care / Groomer Business</b>			x	x	x	x	x	x	x	x	SDP	SDP	SEP	SDP	x	x	x
<b>Place of Religious Worship</b>			SEP	SEP	SEP	x	x	x	x	x	SEP	SEP	SEP	SEP	x	x	x
<b>Public Utility Facility</b>			SEP	SEP	SEP	ACC	ACC	ACC	ACC	x	SEP	SEP	SEP	SEP	SEP	SEP	SEP
<b>Recreation Facilities</b>																	
<i>Indoor Recreation Facilities</i>			x	x	x	ACC	ACC	ACC	ACC	x	SEP	SEP	SEP	SEP	SEP	SEP	SEP
<i>Outdoor Recreation Facilities</i>			x	x	x	ACC	ACC	ACC	ACC	x	x	SEP	SEP	x	SEP	SEP	SEP
<b>Research and Development Facilities, not Involving Hazardous or Biological Materials Use, Storage or Disposal</b>			x	x	x	x	x	x	x	X	SEP	SEP	SEP	SEP	SEP	SEP	SEP
<b>Residential</b>																	
<i>Single-Family Dwelling (1 per lot in all RF and RR Districts)</i>			P	P	P	x	x	SEP	SEP	X	x	x	X	x	x	x	x
<i>Multi-Family Dwelling</i>			x	x	x	x	SEP	x	SEP	X	x	x	X	x	x	x	x
<i>Multi-Family, Group Homes ≤ 6 Residents</i>			SDP	SDP	SDP	x	x	x	x	X	x	x	X	x	x	x	x
<i>Multi-Family, Group Homes &gt; 6 Residents</i>			SEP	SEP	SEP	x	x	x	x	X	x	x	X	x	x	x	x
<i>Age Restricted Attached Dwelling</i>			x	x	x	SEP	x	x	x	X	x	x	X	x	x	x	x

## Town of Monroe Zoning Regulations – Schedule of Permitted Land Uses by Zoning District

<i>Age Restricted Detached Dwelling</i>	x	x	x	SEP	x	x	x	X	x	x	X	x	x	x	x
<i>Safe Homes</i>	SEP	SEP	SEP	x	x	x	x	X	x	x	X	x	x	x	x

		§10.1 – SCHEDULE OF PERMITTED LAND USES BY ZONING DISTRICT														
USE				ZONING DISTRICT												
		RF-1	RF-2	RF-3	ARR	MFR	RR	HOD	AH	B-1	B-2	SB2	LOR	I-1	I-2	I-3
Accessory Apartment		ACC	ACC	ACC	x	x	x	x	X	x	x	x	x	x	x	x
Caretaker Residence		x	x	x	ACC	x	x	x	X	x	x	X	x	x	x	x
Residential Apartments above Commercial Uses		x	x	x	x	x	x	x	X	SEP (5)	SEP (5)	X	x	x	x	x
AH Developments		x	x	x	x	x	x	x	SDP	x	x	X	x	x	x	x
Restaurant and Food Related Uses																
Bakery, Wholesale		x	x	x	x	x	x	x	X	x	x	SEP	x	SEP	SEP	SEP
Bakery, Retail		x	x	x	x	x	x	x	X	SDP	SDP	SEP	SDP	x	x	SEP (1)
Café		x	x	x	x	x	x	x	X	SEP	SEP	SEP	SEP	x	x	x
Caterer, Off-Premises (as the principal use)		x	x	x	x	x	x	x	X	SDP	SDP	SEP	SDP	x	x	x
Caterer, On-Premises (as the principal use)		x	x	x	x	x	x	x	X	SEP	SEP	SEP	SEP	x	x	x
Ice Cream Parlor (Yogurt Shop/Dairy Bar)		x	x	x	x	x	x	x	X	SDP	SDP	SEP	SDP	x	x	SEP (1)

## Town of Monroe Zoning Regulations – Schedule of Permitted Land Uses by Zoning District

<i>Mobile Food Vendor</i>	(4)	(4)	(4)	x	x	x	x	X	(4)	(4)	(4)	(4)	(4)	(4)	(4)
<i>Outdoor Dining, Accessory</i>	x	x	x	x	x	x	x	X	ACC	ACC	ACC	ACC	x	x	ACC
<i>Restaurant, Full Service</i>	x	x	x	x	x	x	x	X	SDP	SDP	SEP	SDP	x	x	SEP (1)
<i>Restaurant, Fast-Food</i>	x	x	x	x	x	x	x	X	SDP	SDP	SEP	SDP	x	x	x
<i>Retail Food Establishment</i>	x	x	x	x	x	x	x	X	SDP	SDP	SEP	SDP	x	x	SEP (1)
<b>Retail</b>															

§10.1 – SCHEDULE OF PERMITTED LAND USES BY ZONING DISTRICT															
USE	ZONING DISTRICT														
	RF-1	RF-2	RF-3	ARR	MFR	RR	HOD	AH	B-1	B-2	SB2	LOR	I-1	I-2	I-3
<i>General Retail</i>	x	x	x	x	x	x	x	X	SDP	SDP	SEP	SDP	x	x	SEP (1)
<i>Instructional Retail (martial arts, dance, music, learning support, painting, pottery, or similar)</i>	x	x	x	x	x	x	x	X	SDP	SDP	SEP	SDP	x	x	SEP (1)
<i>Retail Garden Center</i>	x	x	x	x	x	x	x	X	x	SEP	SEP	x	x	x	x
<b>Riding Academies, Boarding Stables</b>	SEP	SEP	SEP	x	x	x	x	X	x	x	X	x	x	x	x
<b>Schools, public and private</b>															
<i>Preschool, Nursery</i>	SEP	SEP	SEP	x	x	x	x	X	SEP	SEP	SEP	SEP	x	x	x

**Town of Monroe Zoning Regulations – Schedule of Permitted Land Uses by Zoning District**

<i>Elementary or Middle</i>	SEP	SEP	SEP	x	x	x	x	X	SEP	SEP	SEP	SEP	x	x	x
<i>Senior High</i>	SEP	SEP	SEP	x	x	x	x	X	SEP	SEP	SEP	SEP	x	x	x
<i>Secondary, Vocational, Trade</i>	SEP	SEP	SEP	x	x	x	x	X	SEP	SEP	SEP	SEP	x	x	x
<i>Town of Monroe Board of Education Offices</i>	SEP	SEP	SEP	x	x	x	x	X	SEP	SEP	SEP	SEP	x	x	x
<b>School Bus Parking Facility</b>	x	x	x	x	x	x	x	X	x	x	x	x	x	SEP	x
<b>Storage Uses</b>															
<i>Commercial Warehousing Contained Within Fully Enclosed Buildings</i>	x	x	x	x	x	x	x	X	x	x	SEP	x	SEP	SEP	SEP
<i>Self-Storage Warehousing for Rental of Fully Interior Enclosed Building Space</i>	x	x	x	x	x	x	x	X	x	x	SEP	x	x	SEP	x
<i>Temporary Storage of Carnival Rides</i>	x	x	x	x	x	x	x	X	x	SEP	X	x	x	x	x
<b>Theater (Indoor for Stage/Movies)</b>	x	x	x	x	x	x	x	X	SEP	SEP	SEP	x	x	x	SEP (1)
<b>§10.1 – SCHEDULE OF PERMITTED LAND USES BY ZONING DISTRICT</b>															
<b>USE</b>	<b>ZONING DISTRICT</b>														
	<b>RF-1</b>	<b>RF-2</b>	<b>RF-3</b>	<b>ARR</b>	<b>MFR</b>	<b>RR</b>	<b>HOD</b>	<b>AH</b>	<b>B-1</b>	<b>B-2</b>	<b>SB2</b>	<b>LOR</b>	<b>I-1</b>	<b>I-2</b>	<b>I-3</b>

## Town of Monroe Zoning Regulations – Schedule of Permitted Land Uses by Zoning District

<b>Town of Monroe Governmental Non-School Administrative Facilities: including but not limited to Offices, EMS, Fire, Police, Library, Senior/Community Center, Food Pantry</b>		SEP	SEP	SEP	x	x	x	x	X	SDP	SDP	SEP	SDP	x	x	x
<b>Town of Monroe Governmental Service Facilities: including but not limited to DPW Yard, Dog Pound, Transfer Station</b>		SEP	SEP	SEP	x	x	x	x	X	x	x	x	x	x	SEP	x
<b>Town of Monroe Shooting Range</b>		x	x	x	x	x	x	x	X	x	x	X	x	x	SEP	x
<b>Town of Monroe Communication Sites and Facilities (see also §6.8)</b>		SEP	SEP	SEP	x	x	x	x	X	x	x	X	x	x	x	x
<b>Veterinary Hospital</b>		x	x	x	x	x	x	x	X	SEP	SEP	SEP	x	x	x	x
<b>Wholesale and Distribution Centers, not including Automobiles or Boats</b>		x	x	x	x	x	x	x	X	x	x	SEP	x	SEP	SEP	SEP
		<b>LEGEND AND NOTES</b>														
P	Permitted Use			(1) SEP (1) Use Industrial District 3 – Special Exception Permit Use – See §8.2.3M.												
ACC	Accessory Use			(2) Community-Wide Event – See §6.11.												
SDP	Site Development Plan			(3) Permitted without permit in its natural state; structures or other constructed facilities require SEP.												
SEP	Special Exception Permit			(4) Mobile Food Vendor – See §6.12.												
x	Use Not Permitted in District			(5) Use limited to lots zoned B-1 or B-2 with direct street frontage and access via Main Street (Route 25) as set forth in §8.2.3P(2).												





§10.2 – SCHEDULE of REQUIRED OFF-STREET PARKING	
USE	MINIMUM REQUIRED OFF-STREET PARKING
Accessory Drive-Through	See §6.1.3.
Agriculture / Farms	
<i>Agriculture / Farm</i>	Subject to Commission determination based on facilities involved.
<i>Farm Stores (accessory to Farm)</i>	See Retail.
<i>Seasonal Farm Store (accessory to Farm)</i>	1.0 space per 1,000 sq. ft. GFA.
Arborist	4.0 spaces per 1,000 sq. ft. of office GFA; plus 1.0 space per field employee peak shift of 3.0 spaces per facility vehicle, whichever is greater.
Art Studio / Gallery	See Retail.
Automobile Body Shop	3.0 spaces plus 5.0 spaces per service bay; service bay is not a parking space.
Automobile Service Shop	3.0 spaces plus 5.0 spaces per service bay; service bay is not a parking space.
Automobile Sales	1.0 space per 250 sq. ft. GFA of principal sales area/offices; plus 1.0 space for each 7,000 sq. ft. of outside display area; plus 5.0 spaces per service bay, to be provided in areas clearly reserved for customers and employees. Outside display area to include specified spaces and aisles.
Bank	See Retail.
Boat, Camper, RV, Trailer Sales/Service	See Automobile Sales and Automobile Service Shop.
Brew Pub	1.0 space for every 200 sq. ft. GFA of that portion of the premises for patron functions (where not operated as a restaurant or other food related use); plus 1.0 space per 600 sq. ft. GFA of that portion of the premises for the administrative, manufacturing, containerization and storage operations.
Car Wash (retail) – Automatic and Self-Service Facilities Fully Within Enclosed Building with Recycled Water	0.75 spaces per employee peak shift. Vacuum, detailing and other dedicated services to be provided separate from parking. See also §6.1.3.

## Town of Monroe Zoning Regulations – Off-Street Parking and Loading

<b>Cemeteries</b>	Subject to Commission determination based on facilities involved; plus 1.0 space per 1,000 sq. ft. GFA of facility office/maintenance.
<b>Club</b>	
<i>County Club (swim, tennis, golf)</i>	1.0 space for every four (4) persons of the rated capacity.
<i>Health Club / Spa</i>	1.0 space for every four (4) persons of the rated capacity.
<i>Fraternal Organization</i>	1.0 space for every four (4) persons of the rated capacity.

<b>§10.2 – SCHEDULE of REQUIRED OFF-STREET PARKING</b>	
<b>USE</b>	<b>MINIMUM REQUIRED OFF-STREET PARKING</b>
<b>Commercial Vehicle Facility</b>	1.0 space per fleet vehicle; plus 1.0 space per 300 sq. ft. GFA administrative offices/dispatch facilities.
<b>Community-Wide Event</b>	See §6.10
<b>Conservation / Open Space</b>	Subject to Commission determination based on facilities involved.
<b>Contractor's / Building Trades Establishment</b>	4.0 spaces per 1,000 sq. ft. GFA; plus 1.0 space per facility vehicle.
<b>Day Care Services</b>	
<i>Adult Day Care Center</i>	1.0 space for each employee (including all management, administrative, care givers, teachers and maintenance personnel); plus 1.0 space for every five (5) persons of licensed capacity.
<i>Child Day Care Center</i>	1.0 space for each employee (including all management, administrative, care givers, teachers and maintenance personnel); plus 1.0 space for every five (5) persons of licensed capacity.
<i>Family Day Care Home</i>	1.0 space for each employee (including all management, administrative, care givers, teachers and maintenance personnel); plus 1.0 space for every five (5) persons of licensed capacity.
<i>Group Day Care Homes</i>	1.0 space for each employee (including all management, administrative, care givers, teachers and maintenance personnel); plus 1.0 space for every five (5) persons of licensed capacity.

## Town of Monroe Zoning Regulations – Off-Street Parking and Loading

<b>Firewood Process Facilities</b>	1.0 space per 600 sq. ft. GFA; plus 1.0 space per 2,000 sq. ft. outside work areas; plus dedicated space for facility vehicles.
<b>Funeral Home or Mortuary</b>	13.0 spaces per 1,000 sq. ft. GFA.
<b>Gasoline Station</b>	3.0 spaces; plus 5.0 spaces per service bay. Service bay is not a parking space and additional parking shall be provided for accessory retail use per the requirements of these Regulations, except fifty percent (50%) of fuel pump spaces may be counted toward such additional required spaces}.
<b>Golf Course</b>	3.0 spaces for each green plus thirty-five (35%) of spaces otherwise required for any accessory uses (e.g., shops, food service).
<b>Home Based Business (accessory to single-family dwellings)</b>	See §8.2.3C.
<b>Home Occupation (accessory to single-family dwellings)</b>	1.0 space if includes a permitted non-resident employee.

<b>§10.2 – SCHEDULE of REQUIRED OFF-STREET PARKING</b>	
<b>USE</b>	<b>MINIMUM REQUIRED OFF-STREET PARKING</b>
<b>Hospital</b>	1.0 space per three (3) beds; plus 4.0 spaces per 1,000 sq. ft. GFA for administrative offices/outpatient service facilities.
<b>Hotel</b>	1.25 spaces per guest room.
<b>Indoor (Non-Farm) Cultivation Facility</b>	1.0 spaces per 5,000 sq. ft. GFA
<b>Instructional (retail) – Martial Arts, Dance, Music, Learning Support, Painting/Pottery, or Similar</b>	See Retail.
<b>Landscaper</b>	4.0 spaces per 1,000 sq. ft. of office GFA; plus 1.0 space per field employee peak shift or 3.0 spaces per facility vehicle, whichever is greater.
<b>Laundromat, Dry Cleaners (retail and drop-off centers)</b>	See Retail.
<b>Manufacturing / Industrial</b>	

## Town of Monroe Zoning Regulations – Off-Street Parking and Loading

<i>Manufacturing, Processing and/or Assembly of Products where Conducted within Fully Enclosed Buildings</i>	1.0 space per 600 sq. ft. GFA.
<i>Business Service Facilities providing Supporting Services to Industrial and Business Uses, including Computer and Business Machine Service and Repair</i>	1.0 space per 600 sq. ft. GFA.
<b>Medical Clinic: Urgent Care Facility (no overnight), Radiology/Diagnostics Laboratory</b>	See Office, Medical and Dental.
<b>Medical Rehabilitation Facility</b>	1.0 space per bed for inpatient service facilities; plus 4.0 spaces per 1,000 sq. ft. GFA for administrative offices/outpatient service facilities.
<b>Mixed Use Landmark Property Development</b>	Based on specific use(s) involved – see those standards herein.
<b>Mobile Food Vendor</b>	See §6.12.
<b>Museum</b>	1.0 space per 300 sq. ft. GFA.
<b>Office, Medical and Dental</b>	6.0 spaces per 1,000 sq. ft. GFA.
<b>Office, General</b>	4.0 spaces per 1,000 sq. ft. GFA.
<b>Office, Professional</b>	4.0 spaces per 1,000 sq. ft. GFA.

§10.2 – SCHEDULE of REQUIRED OFF-STREET PARKING	
USE	MINIMUM REQUIRED OFF-STREET PARKING
<b>Outdoor and Indoor Sales of Accessory Outdoor Amenities</b>	See Retail for building floor areas; plus 1.0 space per 1,000 sq. ft. for outdoor and/or indoor display/sales areas.
<b>Personal Services Business</b>	See Retail.
<b>Pet Day Care / Groomer Business</b>	See Retail.

## Town of Monroe Zoning Regulations – Off-Street Parking and Loading

<b>Place of Worship</b>	1.0 space for every four (4) persons of the rated capacity.
<b>Recreation Facilities, Indoor</b>	3.5 spaces per 1,000 sq. ft. GFA.
<b>Recreation Facilities, Outdoor</b>	
<i>Basketball Court</i>	10.0 spaces per court or 1.0 space for every four (4) spectator seats, whichever is greater.
<i>Gymnasium</i>	1.0 space for every four (4) spectator seats, including temporary seating.
<i>Park, Multi-use</i>	6.0 spaces per one (1) acre of land.
<i>Park, Natural</i>	Amount to be determined by the Commission based upon anticipated demand.
<i>Practice Fields/Athletic Fields</i>	20.0 spaces for every diamond or athletic field, or 1.0 space for every four (4) spectator seats, whichever is greater.
<i>Swimming Pool</i>	1.0 space per four (4) persons, based on design capacity of the pool.
<b>Research and Development Facilities, not involving Hazardous or Biological Materials Use, Storage or Disposal</b>	
<i>0 to 25,000 GFA</i>	5.0 spaces per 1,000 sq. ft. GFA
<i>Over 25,000 GFA</i>	4.0 spaces per 1,000 sq. ft. GFA.
<b>Residential</b>	
<i>Single-Family Dwelling</i>	2.0 spaces per unit with adequate driveway turnaround.
<i>Multi-Family, Studio</i>	1.0 space per unit with adequate driveway turnaround.
<i>Multi-Family, One-Bedroom</i>	1.5 spaces per unit with adequate driveway turnaround.
<i>Multi-Family, Two-Bedroom</i>	2.0 spaces per unit with adequate driveway turnaround.
<i>Multi-Family, Three-Bedroom or more</i>	2.0 spaces per unit with adequate driveway turnaround.

§10.2 – SCHEDULE of REQUIRED OFF-STREET PARKING	
USE	MINIMUM REQUIRED OFF-STREET PARKING

## Town of Monroe Zoning Regulations – Off-Street Parking and Loading

<i>Multi-Family, Visitor Spaces (excluding Group Homes)</i>	0.5 space per unit.
<i>Multi-Family, Group Homes</i>	1.0 space for every family member or group home client; plus 1.0 space for every two (2) clients for visitor parking. Parking must be on-site and not within roadway.
<i>Age Restricted Attached Dwellings Units</i>	1.5 spaces per unit, plus 1.0 <del>one</del> visitor space for every five (5) dwelling units.
<i>Age Restricted Detached Dwelling Units</i>	2.0 spaces per unit; plus 1.0 visitor space for every two (2) dwelling units. All detached dwelling units shall have a two (2) car garage.
<i>Safe Homes</i>	2.0 spaces per unit with adequate driveway turnaround.
<i>Accessory Apartment</i>	See §6.9.1.
<i>Caretaker Residence</i>	2.0 spaces per unit.
<i>Residential Apartments above Commercial Uses</i>	Same as required for Multi-Family unit types.
<b>Restaurant and Food Related Uses</b>	
<i>Bakery, Wholesale</i>	1.0 space per 600 sq. ft. GFA.
<i>Bakery, Retail</i>	See Retail.
<i>Café</i>	10.0 spaces per 1,000 sq. ft. GFA, including outdoor seating areas.
<i>Caterer, Off-Premises (as the principal use)</i>	See Retail.
<i>Caterer, On-Premises (as the principal use)</i>	15.0 spaces per 1,000 sq. ft. GFA, including outdoor seating areas.
<i>Ice Cream Parlor (Yogurt Shop/Dairy Bar)</i>	See Retail.
<i>Outdoor Dining</i>	Same as associated restaurant.
<i>Restaurant, Full Service</i>	15.0 spaces per 1,000 sq. ft. GFA, including outdoor seating areas.

## Town of Monroe Zoning Regulations – Off-Street Parking and Loading

<i>Restaurant, Fast-Food</i>	13.0 spaces per 1,000 sq. ft. GFA, including outdoor seating areas.
<i>Retail Food Establishment</i>	
<i>Seating Capacity of 12 or less</i>	See Retail.

§10.2 – SCHEDULE of REQUIRED OFF-STREET PARKING	
USE	MINIMUM REQUIRED OFF-STREET PARKING
<i>Seating Capacity of greater than 12</i>	13.0 spaces per 1,000 sq. ft. GFA, including outdoor seating areas.
<b>Retail Garden Center</b>	4.0 spaces per 1,000 sq. ft. GFA; plus 1.0 space per accessory vehicle.
<b>Retail Stores including Personal Service Businesses, General Retail, Instructional Retail, Grocery and Department Store</b>	
<i>0 to 25,000 GFA</i>	5.0 spaces per 1,000 sq. ft. GFA.
<i>Over 25,000 GFA</i>	4.0 spaces per 1,000 sq. ft. GFA.
<b>Riding Academies, Boarding Stables</b>	1.0 space per three (3) stalls.
<b>Schools, public and private</b>	
<i>Preschool, Nursery</i>	1.0 space per one (1) employee (including all management, administrative, care givers, teachers and maintenance personnel); plus 1.0 space for every five (5) students; plus adequate separate designated drop-off/pick-up area.
<i>Elementary or Middle</i>	1.5 spaces for each classroom; plus 1.0 space per 400 sq. ft. of office floor area; plus 1.0 space for every six (6) seats in an auditorium or gymnasium.
<i>Senior High</i>	1.5 spaces for each classroom; plus 1.0 space per 400 sq. ft. of office floor area; plus 1.0 space for every four (4) students of design capacity.
<i>Secondary, Vocational, Trade</i>	1.25 spaces per student capacity.
<i>Town of Monroe School Board of Education Offices (standalone facility)</i>	4.0 spaces per 1,000 sq. ft. GFA; plus 1.0 space per accessory vehicle.



## Town of Monroe Zoning Regulations – Off-Street Parking and Loading

<b>School Bus Parking Facility</b>	1.0 space per fleet vehicle; plus 1.0 space per 300 sq. ft. GFA administrative offices/dispatch facilities.
<b>Storage Uses</b>	
<i>Commercial Warehousing Contained Within Fully Enclosed Buildings</i>	1.0 space per 1,000 sq. ft. GFA.
<i>Temporary Storage of Carnival Rides</i>	Subject to Commission determination based on facilities involved.
<b>Theater (indoor for stage/movies)</b>	1.0 space per 30 sq. ft. in principal assembly area, or 1.0 space per four (4) seats, whichever is greater.
<b>§10.2 – SCHEDULE of REQUIRED OFF-STREET PARKING</b>	
<b>USE</b>	<b>MINIMUM REQUIRED OFF-STREET PARKING</b>
<b>Town of Monroe Governmental Non-School Administrative Facilities</b>	
<i>Offices</i>	4.0 spaces per 1,000 sq. ft. GFA; plus 1.0 space per accessory vehicle.
<i>EMS, Fire, Police Senior/Community Center Food Pantry</i>	3.0 spaces per 1,000 sq. ft. GFA; plus 1.0 space per accessory vehicle.
<i>Library</i>	2.5 spaces per 1,000 sq. ft. GFA.
<b>Town of Monroe Governmental Service Facilities: including but not limited to DPW Yard, Dog Pound, Transfer Station</b>	3.0 spaces per 1,000 sq. ft. GFA; plus 1.0 space per accessory vehicle.
<b>Town of Monroe Shooting Range</b>	3.0 spaces per 1,000 sq. ft. GFA; plus 1.0 space per accessory vehicle.
<b>Town of Monroe Communication Sites and Facilities</b>	2.0 spaces per facility compound.

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**Town of Monroe Zoning Regulations – Off-Street Parking and Loading**

<b>Veterinary Hospital</b>	See Retail.
<b>Wholesale and Distribution Centers, not including Automobiles or Boats</b>	1.0 space per 1,000 sq. ft. GFA; plus 4.0 spaces per 1,000 sq. ft. GFA administrative offices/dispatch facilities.
<b>All Other</b>	Reasonable and appropriate off-street parking requirements for structures and uses which do not fall within the categories listed above shall be determined by the Commission upon consideration of all factors and unique characteristics entering into the parking needs of such structures and uses. The Commission remains responsible for balancing the need for adequate parking with the need to avoid the negative environmental impacts of excess parking.

## SCHEDULE OF BULK STANDARDS

### RESIDENTIAL DISTRICTS

Zoning Requirement Effective Through 06/18/18	RF-1 Residential & Farming District 1	RF-2 Residential & Farming District 2	RF-3 Residential & Farming District 3	MFR Multifamily Residence District	RR Recreational Residence District	ARR Age Restricted Residence District	HOD Housing Opportunity District
Minimum lot area (acres)	1.0 (\$3.1.5A)	2.0 (\$3.2.5A)	3.0 (\$3.3.5A)	70.0	25.0	10.0	20 min/ 25 max
Minimum area individual lot (acres)	---	---	---	---	0.75	---	---
Minimum shape (foot square)	135' x 135'	175' x 175'	200' x 200'	---	---	---	---
Minimum frontage	150'	200'	250'	200'	200'	125'	750'
Minimum frontage individual lot	---	---	---	---	90'	---	---
Minimum front yard	50'	50'	50'	50'	30'	50' A & D	50'
Minimum side yard	25'	30'	30'	100'	15' to 30'	100'A / 50'D	25'
Minimum rear yard	25'	30'	30'	100'	15' to 30'	100'A / 50'D	50'
Minimum yard (from internal access)						25' A & D	
Maximum height	2.5 stories 35'	2.5 stories 35'	2.5 stories 35'	2.5 stories 35'	2.5 stories 35'	2.5 stories 35'	2.5 stories 35'
Maximum coverage	15% (site)	10% (building)	10% (building)	12% (building)	---	15% (building) 35% (site)	35% (building)

Minimum Floor Area (square feet)					1,100/home	35%	

*Please be advised: The table information above is provided for convenience purposes and may not reflect all the legislation adopted by the Town; any discrepancies between the above and the official version of the current Zoning Regulations, the official legislation shall be definitive; refer to the full content of Chapter 117, Zoning Regulations of the Town of Monroe for specific applicable zoning requirements.*

## NONRESIDENTIAL & SPECIAL DISTRICTS

Zoning Requirement Effective Through 08/14/17	B-1 Business District 1	B-2 Business District 2	LOR Limited Office Retail District	I-1 Industrial District 1	I-2 Industrial District 2	I-3 Industrial District 3
Minimum Lot Area (acres)	1.0	1.0	1.5	1.0	3.0	10.0
Minimum Square (foot square)	125' x 125'	125' x 125'	140' x 140'	110' x 110'	150' x 150'	350' x 350'
Minimum Frontage (individual lots)	125'	125'	150'	120'	200'	200'
Minimum Right-of-Way Reserve	---	---	15'	---	---	---
Minimum Front Yard	50'	50'	50'	50'	50'	150'
Minimum Front Yard (private commercial street)	50'	50'	50'	25'	50'	50' (*1)
Minimum Side Yard	20'	20'	30'	25'	25'	50' (*1)
Minimum Rear Yard	20'	20'	30'	25'	25	50'
Minimum Yard Adjacent Residential District	30'	30'	50'	50'	100'	100'

Maximum Height	2 ½ stories 35'	2 ½ stories 35'	2 ½ stories 35'	3 stories 40'	3 stories 40'	3 stories 55' (*2)
Maximum Coverage	25% (building)	25% (building)	25% (building)	25% (building)	25% (building)	25% (building)
Minimum Floor Area (square feet)	1,400	1,400	2,400	---	---	---

*\*1 The minimum yard for buildings and structures, or a portion thereof, exceeding a height of 40 feet shall be no less than the highest height of such buildings and structures, or portion thereof.*

*\*2 Maximum height of sixty-five (65) feet allowed for accessory storage silos in accordance with §4.3.8G of the Zoning Regulations.*

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## LIST OF TOWN OF MONROE ZONING REGULATIONS AMENDMENTS

FILE #		DESCRIPTION	ADOPTED	EFFECTIVE	REVISION	REVISED PAGES
13-2-RAA	962E	Revision & Update Zoning Regulations	09/19/2013	10/01/2013	ALL	ALL
13-3-RAA	963E	LOR District – Banks	10/24/2103	11/04/2013	§5.1.3(G) §5.1.4(G)	Art 5, p.1 Art 5, p.2
13-4-RAA	964E	Moratorium – Medical Marijuana	10/24/2013	11/01/2013		
13-5-RAA	965E	B-1 & B-2 Districts – Brew Pubs	03/16/2014	03/17/2014	§2.2.1 §4.1.2(G) §6.1.2 §6.7.2(E)	Art 2, p.2 Art 4, p.1 Art 6, p.1-3 Art 6, p.52
RAA-2014-01	966E	B-1 & B-2 Districts – Banks	04/17/2014	04/28/2014	§4.1.2(G) §4.1.3(J)	Art 4, p.1 Art 4, p.2
RAA-2014-02	967E	B-1, B-2 & LOR Districts – Drive-Through	06/05/2014	06/16/2014	§4.1.2 §4.1.3 §5.1.3 §5.1.4 §6.1.3 §8.2.3	Art 4, p.1 Art 4, p.2-3 Art 5, p.1 Art 5, p.2 Art 6, p.3 Art 8, p.14-16
RAA-2014-03	968E	All Districts – Medical Marijuana	06/05/2014	06/16/2014	§1.9.12 §2.2.1	Art 1, p.11 Art 2, p.7-19
RAA-2014-04	969E	Article 1, Introduction and General Provisions	06/05/2014	06/16/2014	§1.9.1  §1.9.6 §1.9.11	Art 1, p.4-7 §1.9.2 Art 1, p.7-9 Art 1, p.9-11 Art 1, p.11-13



RAA-2014-05	970E	Industrial District Bulk Standards and Uses	12/18/2014	01/05/2015	§2.2.1 §4.3.6 §4.3.8(F)(3) §4.3.10 §6.1.13(E) §8.2.3	Art 2, p.5 Art 4, p.10-13 Art 4, p.13-16 Art 4, p.16-18 Art 6, p.9-15 Art 8, p.16-18
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## LIST OF TOWN OF MONROE ZONING REGULATIONS AMENDMENTS

FILE #		DESCRIPTION	ADOPTED	EFFECTIVE	REVISION	REVISED PAGES
RAA-2014-06	971E	B-1 and B-2 District Uses	01/22/2015	02/02/2015	§4.1.1	Art 4, p.1
					§4.1.2	Art 4, p.1
					§4.1.3	Art 4, p.1-2
					§4.1.4	Art 4, p.2
RAA-2015-01	972E	ER District changed to ARR District	09/17/15	10/01/15	§1.8.1	Art 1, p.2
					§1.9.8	Art 2, p.10
					§2.2.1	Art 3, p.1-20
					§3.5	Art 4, p16-40
					§6.1.2	Art 6, p.3
RAA-2015-02	973E	General Text Amendments	11/19/15	12/01/15	§1.9.4(C)	Art 1, p.9
					§1.9.9(D)	Art 1, p.11
					§1.9.12	Art 1, p.12-13
					§2.2	Art 2, p.3-20
					§6.2.2(E)(12)	Art 6, p.13
					§6.3	Art 6, p.17-18

					§6.3.7	Art 6, p.19-40
RAA-2015-04	975E	Automobile Service Stations	01/21/16	02/01/16	§2.2.1 §4.1.4(D) §4.3.6 §4.3.8(D) §6.1.2 §8.2.3(F)	Art 2, p.2-21 Art 4, p.3 Art 4, p.11-13 Art 4, p.14-19 Art 6, p.1 Art 8, p.11-20
RAA-2016-01	976E	School Stadium Lighting	04/21/16	04/29/16	§2.2.1 §6.2.2(F) & (G)	Art 2, p.6-21 Art 6, p.14-60
RAA-2016-03	978E	Used Car Sales State Licensing	05/05/16	05/13/16	§8.2.3(F)(8)(c)	Art 8, p.12-20
RAA-2016-04	979E	Gasoline Stations – LOR District	07/21/16	08/01/16	§5.1.4(G) §8.2.3F(5)	Art 5, p.2 Art 8, p.12-16
RAA-2016-05	980E	Landmark Property Regulations	01/19/17	02/01/17	§8.2.3I	Art 8, p.14-20

## LIST OF TOWN OF MONROE ZONING REGULATIONS AMENDMENTS

FILE #		DESCRIPTION	ADOPTED	EFFECTIVE	REVISION	REVISED PAGES
RAA-2016-06	981E	Freestanding Signs Letter Size	02/02/17	02/15/17	§6.3.7A(5)(b) §6.3.7B §6.3.9	Art 6, p. 22 Art 6, p. 22 Art 6, p. 24
RAA-2017-02	985E	Pavement Surface Materials	04/06/17	04/17/17	§4.3.9B(6) §6.1.13E	Art 4, p. 17-18 p.19 deleted Art 6, p. 9-61
RAA-2017-05	988E	Wall Signs & Off-Premises Signs Private Commercial Street	04/20/17	05/01/17	§6.3.2 §6.3.4 §6.3.7 §6.3.9	Art 6, p. 21 Art 6, p. 21-22 Art 6, p. 22-24 Art 6, p. 25-62
RAA-2017-03	986E	Sports Field Lighting Industrial Districts	05/18/17	05/31/17	§6.2.2G	Art 6, p. 16

RAA-2017-04	987E	Community-Wide Events / Mobile Food Vendors	05/18/17	05/31/17	§2.2.1 §4.1.3 §6.10 §6.11	Art 2, p.4-10 Art 4, p.2-4 Art 6, p.64-66 Art 6, p.66-69
RAA-2017-06	989E	Museums and Art Studio/Gallery Principal Use	05/18/17	05/31/17	§2.2.1 §4.1.2J & K §5.1.3 I & J §6.1.2	Art 2, p.2-10 Art 4, p.1-4 Art 5, p.1 Art 6, p.1-2
RAA-2017-07	990E	Easement / Right-of-Way (ROW) Setbacks	06/22/17	08/14/17	§3.1.6 §3.2.6 §3.3.6 §3.6.8 §3.7.7C §4.1.5 §4.2.5 §4.3.10 §5.1.6	Art 3, p.4 Art 3, p.6 Art 3, p.8 Art 3, p.30 Art 3, p.36 Art 4, p.4 Art 4, p.6 Art 4, p.17-18 Art 5, p.3

## LIST OF TOWN OF MONROE ZONING REGULATIONS AMENDMENTS

FILE #		DESCRIPTION	ADOPTED	EFFECTIVE	REVISION	REVISED PAGES
RAA-2017-08	991E	Certificate of Zoning Compliance Timing	09/21/17	09/29/17	§7.4.2C §7.5.1 §7.5.2 §8.1.6C §8.1.7 §8.1.8	Art 7, p.20-21 Art 7, p.22 Art 7, p.22 Art 8, p.5 Art 8, p.5 Art 8, p.6-9
RAA-2017-09	992E	Setback Exceptions for Stormwater Management Controls	10/05/17	10/16/17	§1.9.9D	Art 1, p.11-14

RAA-2017-10	993E	Accessory Outdoor Dining	11/16/17	11/27/17	§6.7.2C §6.12	Art 6, p.57 Art 6, p.69-71
PA-2017-155		Temporary Health Care Structures OPT OUT	12/07/17	12/11/17		
RAA-2018-01	996E	ARR District Access Driveway Exception	03/01/18	03/12/18	§3.5.10D(9)(b)	Art 3, p.27
RAA-2018-02	997E	Landscaper / Arborist	04/05/18	04/16/18	§2.2.1 §4.3.6 §6.1.2 §8.2.3	Art 2, p.2; 8-15 Art 4, p.11-18 Art 6, p.1-5 Art 8, p.21
RAA-2018-03	998E	I-3 District Building and Structure (Silos)	06/07/18	06/18/18	§4.3.8 §4.3.10	Art 4, p.14-16 Art 4, p.17-19
RAA-2017-11	994E	Land Use Amendments	09/20/18	10/01/18	Article 1 Article 2 Article 3 Article 4 Article 5 Article 6 §8.2.3 Article 10 §10.1 Uses §10.2 Parking	Art 1, p.1-14 Art 2, p.1-29 Art 3, p.1-36 Art 4, p.1-11 Art 5, p.1-3 Art 6, p.1-70 Art 8, p.20-23 New Art 10, p.1 New Schedule New Schedule

## LIST OF TOWN OF MONROE ZONING REGULATIONS AMENDMENTS

FILE #		DESCRIPTION	ADOPTED	EFFECTIVE	REVISION	REVISED PAGES
RAA-2018-04	999E	RF1, RF2 & RF3 Accessory Keeping of Animals	12/20/18	12/31/18	§3.1.3C	Art 3, p.1-2
					§3.1.5C, D & E	Art 3, p.3-4
					§3.2.5C, D & E	Art 3, p.5-6
					§3.3.5C, D & E	Art 3, p.7-37
RAA-2019-01	1002E	Referrals to Conservation Commission	04/04/19	04/15/19	§9.2.3C	Art 9, p.7-20

RAA-2019-02	1003E	Public Utility Facility	04/04/19	04/15/19	§2.2.1 §10.1 Sched §10.1	Art 2, p.14 Art 10, p.1 Sched, p.4
RAA-2019-03	1004E	Minor Site Plan	05/16/19	05/28/19	§2.1.1 Art 7	Art 2, p.20-29 Art 7, p.1-24
RAA-2019-04	1005E	Alcohol Service Eligibility	05/16/19	05/28/19	§1.9.12 §2.1.1 §6.7 Sched §10.1	Art 1, p.13 Art 2, p.8-20 Art 6, p.54-70 Sched, p.5
RAA-2019-05	1006E	N/A				
RAA-2019-06	1007E	Miscellaneous Amendments 2019	11/07/19	11/18/19	§1.9.3 & 4 §2.2.1 §9.1.3C §9.1.5 §9.2 Sched §10.1 Sched §10.2	Art 1, p.9 Art 2, p.14 Art 9, p.2 Art 9, p.3-4 Art 9, p.4-21 Sched, p.3-4 Sched, p.3-5
RAA-2020-01	1008E	Pre-View Menu Board Signs	03/05/20	03/16/20	§2.2.1 §6.3.9 §8.2.3J(3)	Art 2, p.20-30 Art 6, p.23-24 Art 8, p.18-23
RAA-2020-03	1010E	B-2 Yard Exception	10/22/20	11/02/20	§4.2.4	Art 4, p.4-5
RAA-2020-04	1011E	Stevenson Business District	1/21/21	2/19/21	§1.9.11 §2.2.1 §5.2.1-5.2.8 §8.2.3	

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FILE #	DESCRIPTION	ADOPTED	EFFECTIVE	REVISION	REVISED PAGES
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Sched §10.1  
Sched §10.2

RAA-2020-05	1012E	Mixed Use	12/17/20	12/29/20	§2.2.1 §8.2.3P Sched §10.1 Sched §10.2	Art 2, p.7-8, 15 Art 8, p.23-27 Sched, p.4 & 7 Sched, p.5
RAA-2020-06	1013E	Outdoor Display	12/17/20	12/29/20	§2.2.1 Sched §10.1 Sched §10.2	Art 2, p.14-16 Sched, p.3 Sched, p.4
RAA-2020-07	1014E	Affordable Elderly Housing (AH)			§1.8.1 §2.2.1 §5.xx	
RAA-2021-01	1015E	Commercial Vehicle Parking - Amazon			§8.2.3 Sched §10.1	
RAA-2021-02	1016E	Mixed Use and Special Design Districts			§1.8.1 §5.2 §5.3	
RAA-2021-03	1017E	Off-Street Parking – Indoor Recreation Facility			Sched §10.2	
RAA-2021-04	1018E	Accessory Outdoor Dining			§6.1.3 §7.1.3	
RAA-2021-05	1019E	Outdoor Storage		Pending approval		