Town of Preston
Zoning Regulations
TOWN OF PRESTON
ZONING REGULATIONS
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Preston City Zoning Map
Coastal Area Map
Zoning Map
SECTION 1 - TITLE, AUTHORITY, PURPOSE

1.1 Title. These Regulations shall be known as the “Zoning Regulations of the Town of Preston, Connecticut,” and are herein referred to as “these Regulations.”

1.2 Authority. These Regulations are prepared and adopted pursuant to the provisions of Chapter 124 of the General Statutes, 1958 Revision, as amended.

1.3 Purposes. The purposes of these Regulations are to: encourage the most appropriate use of land throughout the community; promote health and the general welfare, secure safety from fire, panic, flood, and other dangers; provide adequate light and air; prevent the overcrowding of land and the undue concentration of the population; lessen congestion in the streets; ensure that each use is consistent with the character of the neighborhood; facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; conserve the value of land and buildings; protect existing and potential public surface and ground drinking water supplies; provide that the proper provision be made for control of erosion and sedimentation; encourage the preservation of historically and architecturally important features; encourage the use of solar and other forms of renewable energy.

SECTION 2 - GENERAL REQUIREMENTS AND PROCEDURES

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

2.2 Classification of Uses. Uses of land or buildings are herein classified as PERMITTED USES or as SPECIAL EXCEPTIONS.

2.2.1 Permitted Uses are those which are allowed by right in a zoning district. Applications for permitted uses are submitted to the Zoning Enforcement Officer and zoning permits are issued by him in accordance with Section 2.3.4, below.

2.2.2 Special Exceptions are permitted only after meeting the special provisions of Section 15 of these Regulations. Applications for special exceptions are submitted to the Zoning Enforcement Officer and are approved by the Planning and Zoning Commission.

2.3 Zoning Permit. No building shall be erected, demolished, moved, structurally enlarged or changed to another use, nor shall any use be established or changed in any area of the Town of Preston without a zoning permit therefore from the Zoning Enforcement Officer or a special exception approved by the Commission.
2.3.1 Applications for a zoning permit shall be made on a form provided for that purpose and obtainable in the office of the Zoning Enforcement Officer. Requirements for site plans to accompany certain applications are in Section 16 of these Regulations.

2.3.2 There shall be a state fee collected for a zoning permit, in accordance with C.G.S., as may be amended. (July 15, 1998)

2.3.3 Uses of land or buildings not listed as permitted in the various districts are prohibited. Only one (1) principal use or building is permitted on one (1) lot, except as otherwise prescribed by these Regulations.

2.3.4 Applications for zoning permits for permitted single-family dwellings, agricultural buildings (except Specialized Agricultural Buildings, as defined in Section 23 of these Regulations), and accessory buildings or expansions or additions to such buildings on residential lots may be approved by the Zoning Enforcement Officer provided they meet the requirements of these Regulations. Such applications shall be submitted to the Zoning Enforcement Officer with a plot plan, drawn to scale, showing property dimensions and locations of existing and proposed buildings and uses. Applications for all other uses and buildings shall be submitted together with a site plan as prescribed in Section 16 of these Regulations, to the Planning and Zoning Office at least twelve (12) working days prior to a regular meeting of the Commission. The Commission shall approve such applications after finding that all aspects of the proposed uses conform to the stated purposes of these Regulations. (Rev. 4/6/99 ZTA1-99) (Rev.5/6/03; Eff.5/23/03)

2.3.5 No building permit shall be issued for a building, use or structure without certification in writing by the Zoning Enforcement Officer that such a building, use or structure is in conformity with these Regulations.

2.3.6 It shall be unlawful for any newly erected structure or addition for which a zoning permit has been issued to be occupied or used, or for any existing building or lot or part thereof to be converted or changed from one type of use or occupancy to another involving human occupancy until a Certificate of Occupancy, Use, and Compliance has been issued. No such certificate shall be issued until approval of the sewage disposal system installation, if applicable, has been obtained from the Town Health Officer and compliance with these Regulations has been certified by the Zoning Enforcement Officer.

a. No Certificate of Occupancy, Use and Compliance shall (be) issued for any non-residential use or use serving over 15 residential living units without the signature of the Chair of the Preston Water Commission. (Rev.5/6/03 Eff.5/23/03)
2.3.7 Nothing in these Regulations shall require any change in the plans, construction, or designated use of any building on which actual construction was begun under a permit issued prior to the Effective date of these amended Regulations. Actual construction is the excavation and construction of a basement, cellar, or foundation and the actual placing of construction materials in their permanent position and fastened in a permanent manner.

2.3.8 When a new lot is formed by the division of an existing lot, a zoning permit shall not be issued for the erection or moving of a building onto the new lot thus created unless the size, yards, and uses of both lots comply with these Regulations.

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

2.4.1 All district boundaries shown on said zoning map are intended to follow the center lines of streets or lines drawn parallel to and at specified distances from street center lines, unless otherwise specifically shown thereon.

2.4.2 Where any uncertainty exists as to the correct location of any zoning district boundary shown on the zoning map, it shall be the duty of the Commission to establish the correct location thereof according to the intent of these Regulations.

2.5 **Amendments.** Changes in these Regulations or the Zoning Map may be made only by majority vote of all of the members of the Commission, after public hearing, except that if a protest against a proposed change is filed at or before the required hearing, signed by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change or of the lots within five hundred feet (500”) in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

2.5.1 All petitions requesting a change in regulations or boundaries shall be submitted to the Commission in the form of a letter describing in detail the nature of the change, the reasons for it, and suggested new wording, where appropriate. Where a change in a zoning district boundary is proposed, a map shall be submitted having sufficient detail and scale to clearly show existing and proposed boundaries relating to the change.

2.5.2 Hearings and decisions on proposed amendments to the text or map of these Regulations shall be in accordance with the provisions of Section 8-7d of the General Statutes.
2.5.3 Changes in regulations or boundaries shall become Effective at a time fixed by the Commission, provided a copy of the change shall be filed with the Town Clerk and a notice of the Commission’s decision shall have been published in a paper before the Effective date.

2.5.4 Not less than ten (10) days prior to any hearing concerning a petitioned change of any zoning district boundary, a copy of the legal notice relating to the hearing shall be mailed to owners of record at the last address known to the tax collector of lands adjoining and directly across the street from the area of the proposed zone change. Responsibility for mailing notices shall be the applicants, and mail receipts shall be presented to the Commission or to the Zoning Enforcement Officer prior to or at the hearing.

2.6 **Unspecified Uses.** In any case where a use is alleged to be similar to a specified use permitted by these Regulations, its status shall be determined by the Commission by reference to the most clearly similar use or uses permitted by these Regulations, or it shall be declared that the use is not similar. When the status of a use has been so determined, such determination shall thereafter have general applicability to all uses of the same type. *(Rev. 8/3/99 zta-4-99)*

2.7 **Fees:** The application fee schedule for the various land use applications shall be as follows:

   a) Site Plan $80.00 (plus the cost to cover the fees for engineering fees where applicable)
   
   b) Special Exception $180.00
   
   c) Zoning Permit $45.00
   
   d) Coastal Site Plan $45.00
   
   e) Regulation Change $180.00
   
   f) Zoning Map Change $180.00
   
   g) Variance – Residential $80.00
   
   h) Commercial $180.00

   Please note that the $30.00 State fee is included in the above noted fees and all fees are waived for the Town of Preston applications. *(Rev.8/3/00)*

2.8 **Driveways.** Prior to the issuance of a zoning permit, a driveway permit must be obtained from the First Selectman’s office. No driveway shall have drainage that is directed to the town road unless approved by the First Selectman and provided such drainage is directed into an existing or approved drainage system. The driveway drainage may require review by the Town Engineer at the owner’s expense. Any section of a driveway having slopes greater than eight percent (8%) in grade must be paved or surfaced with an acceptable alternative that will prevent erosion. *(Eff. 8/1/04)*
SECTION 3 - ZONING DISTRICTS

3.1 Purpose. In order to provide a variety of living, employment and shopping opportunities in the Town of Preston, the following zoning districts are established.

3.1.1 R-120 Residential - This zoning designation is intended to maintain a very low intensity of use. The two R-120 Zones located along the Norwich border consist largely of shallow to bedrock soils, ledge outcrops, and steep slopes. The one located south of Ross Road contains the Town’s sanitary landfill.

3.1.2 R-80 Residential - This, too, is intended to maintain a very low intensity of use. The zone focuses on the area of the Town lying east of Route 164, which is part of the watershed for the potential reservoir sites on Broad Brook. This stream is popular for fishing. The area also contains many acres of prime farmland and its rolling hills provide some of the most scenic vistas in Preston.

3.1.3 R-60 Residential - It is intended that this area consist primarily of scattered residences, agricultural-related, and undeveloped woodlands, retaining as much as possible the rural character and natural beauty of the Town. Soils in these areas frequently pose problems for the proper operation of subsurface sewage disposal systems, suggesting a need for low-intensity use.

3.1.4 R-S Special Amos Lake Protection District - This district provides protection of the water quality in Amos Lake, Preston’s largest waterbody. The uses and requirements are intended to limit intensive activities which might produce surface runoff and groundwater contamination that could harm the lake.

3.1.5 R-40 Residential - This district is intended to be used primarily for single-family detached dwellings in conventional subdivisions. The Regulations are aimed at encouraging, stabilizing and protecting family life in residential neighborhoods and serving these areas with a limited number of non-residential services and facilities.

3.1.6 C-1 Commercial - This district provides opportunities for a variety of retail and personal service activities to serve the residents of both Preston and the surrounding area. Selection of these areas and the standards relating to them are intended to make them as compatible as possible with nearby residential uses.

3.1.7 C-2 Commercial - This district is intended to encourage the grouping of highway and automotive-related activities in specified areas in order that each individual use may complement the other and stimulate a better economic condition for all uses within the district.

3.1.8 I Industrial - Activities in this district would be restricted to those which are generally incompatible with residential and retail commercial areas. Standards are
intended to provide opportunities for uses that will broaden the Town’s non-residential tax base without resulting in undesirable impacts on the physical and social environment.

3.1.9 **PD Planned Development District** - (1/1/94) This district is designated as PD on the Town’s Zoning Map. It is located on Doolittle Road. Uses permitted are only those listed in Section 11A of these Regulations. The intent of this designation is to allow for the Planned Development uses of 11A on the existing PD district as described above.

3.1.10 **RC Resort Commercial District** - (1/1/94) The purpose of this district is to promote tourism-oriented commercial development along the eastern length of State Route 2 in the vicinity of State Route 164. Such development should incorporate engineering and planning techniques which promote traffic safety.

3.1.11 **TRDD Thames River Design District; Campus Preservation Overlay Zone; Planned Business Overlay Zone** - (3/9/98) The purpose of this district is to promote the commercial use and re-use of property and buildings of the former Norwich State Hospital utilizing the property’s unique locational characteristics and site amenities.

*(See Preston City Village District)*
SECTION 4 - R-120 RESIDENTIAL DISTRICT

4.1 Permitted Uses. The following uses are permitted by right:

4.1.1 Single-family dwellings.

4.1.2 Home occupations.

4.1.3 Farms.

4.1.4 The keeping of horses, ponies, sheep, goats, shall not be permitted for breeding, boarding, and/or instruction for commercial purposes unless: (1) The premises shall be not less than ten (10) acres in area of suitable land (in a continuous plot), shall be in a predominantly undeveloped and rural area, and existing buildings shall be so located as to create no adverse Effect on the neighborhood properties - this determination to be made by the Commission. (2) The use must be conducted only by the full-time residents of the premises as an accessory use. (3) Buildings housing animals and areas of concentrated storage of animal waste shall be not less than two hundred feet (200’) from any lot line, not less than two hundred feet (200’) from any dwelling on the property under other ownership, and not less than one hundred feet (100’) from any streams, pond or marsh or swamp area.

4.1.5 The keeping of horses or ponies for pleasure, but not for commercial purposes, shall be permitted if: (a) The land on which the animals are to be kept or pastured shall contain not less than three (3) acres, and no more than either two (2) horses, or two (2) ponies, or one (1) of each shall be allowed. One (1) additional acre will be required for each additional horse or pony. The animals must be owned by the resident or lessee of the property. (b) An adequate building, secure from the weather, must be constructed to house the animals, and said building shall be not less than one hundred feet (100’) from any existing dwelling under separate ownership and/or fifty feet (50’) from any lot line. Concentration of animal waste shall be stored on any premises at the point farthest from existing houses under separate ownership, and such concentrations on any premises shall not exceed approximately two (2) cubic yards in bulk (this to be estimated by the Zoning Enforcement Officer).

4.1.6 Except as specified in 4.1.4 and 4.1.5 above, 4.2.6 below, no livestock or poultry may be raised commercially except on a farm. Livestock or poultry may be raised for domestic use but not within three hundred feet (300’) of the nearest neighboring residence or not on any lot containing not less than three (3) acres, within the following limits: not more than two (2) in the aggregate of the following: cows, horses, steer, goats, sheep; not more than twenty-five (25) in aggregate of chickens, ducks, or other birds. Nothing in this section shall be interpreted to permit pigs, except in conformance with Section 13.16 of these Regulations.
4.1.7 Accessory buildings to farming use are permitted not less than one hundred feet (100’) from a street or fifty feet (50’) from a lot line, and not less than one hundred feet (100’) from the nearest existing residential building on land under separate ownership.

4.1.8 The slaughtering of livestock and poultry raised on a farm and as an accessory use to such farm is permitted, but the slaughtering of livestock or poultry not raised on the property is prohibited. All animals’ remains must be disposed of to the satisfaction of the Health Officer.

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

4.1.10 Buildings used for the storage on a farm of any number of motor vehicles and equipment when such vehicles and equipment are owned by the resident thereof, and are used in connection with the operation of that farm, are permitted as an accessory use.

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

4.1.12 Accessory buildings and uses.

4.1.13 Conversion of residence may be permitted after approval by the Commission and provided the provisions of Section 13.8.1 are met. (Rev. 3/7/2000; Eff. 3/24/2000zta1-00)

4.1.14 Accessory apartments may be permitted after approval by the Commission and provided the provisions of Section 13.8.2 are met. (Rev. 3/7/2000; Eff. 3/24/2000zta1-00)

4.2 **Special Exceptions.** The following uses are permitted provided they meet the conditions of Section 15 of these Regulations:

4.2.1 Excavations and deposits of fill.

4.2.2 Sawmill or other temporary woodcutting operation.
4.2.3 Recreation campgrounds.

4.2.4 Commercial recreation facility.

4.2.5 Antique shops.

4.2.6 Specialized agricultural buildings.

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

4.2.8 Accessory apartments. (6/15/89)

4.2.9 Bed and Breakfast Inn. (3/17/92)

4.2.10 “Farm Winery” provided the following conditions can be met: (App. 7/6/2004; Eff. 8/1/2004)

1. Such wineries shall have a minimum of five (5) acres of which a minimum of two (2) acres shall be for the growing of grapes or other fruit produce.

2. Such wineries shall be permitted to hold a maximum of six (6) winemaking promotions each calendar year that complements the harvesting and making of the wine.

3. A winery building for the sale of wine products (and other accessory wine products) and for winemaking instruction is permitted. Said structure shall not exceed 2,500 square feet and provided its architecture shall be acceptable to the Commission and in harmony with the surrounding neighborhood. Restaurants are not permitted as part of the winery, but the hors d’oeuvres and pastries may be sold as an accessory wine product. Such winery buildings shall not be open to the public later than 6:00 p.m. weekdays and Sunday and 8:00 p.m. Friday and Saturday, and will not open earlier than 10:00 a.m.

4. Adequate parking must be installed surfaced with dust free stone or other adequate surfaces. An adequate screened buffer with a solid screen of evergreen being a minimum of six feet (6’’) in height and fifty feet (50’’) from property line. This provision can be waived by the Commission by a three-quarter vote of the regular members.

5. Farm buildings are permitted pursuant to Section 4.1.7 of these Regulations.

6. An acceptable waste management plan must be submitted as part of each winery application.

7. The applicant shall submit a renewal-zoning permit for review by the Commission every two (2) years to insure compliance with the conditions of the
original permit and the Zoning Regulations. If the Commission determines the permit to be in violation, such permit shall be revoked.

8. Traffic shall not impact residential character and no parking shall be permitted on street or State Highways.

4.2.11 Large Acreage Farm Vineyard and Winery in accordance with Section 15.18 of these Regulations. (App. 04/01/08; Eff. 05/01/08)

4.2.12 Tack shops associated with the keeping of horses or ponies for breeding, boarding, and/or instruction for commercial purposes pursuant to Section 4.1.4 and provided that such tack shops do not exceed 5,000 square feet in area. (App. 9/6/05; Eff. 9/28/05) (App. 04/01/08; Eff. 05/01/08)

SECTION 5 – R-80 AND R-60 RESIDENTIAL DISTRICTS

5.1 **Permitted Uses.** The following uses are permitted by right:

5.1.1 All the uses permitted in Section 4.1 of these Regulations.

5.2 **Special Exceptions.** The following uses are permitted provided they meet the conditions of Section 15 of these Regulations.

5.2.1 All uses permitted in Section 4.2 of these Regulations.

SECTION 6 – R-40 RESIDENTIAL DISTRICT

6.1 **Permitted Uses.** The following uses are permitted by right:

6.1.1 All uses permitted under Section 4.1 of these Regulations.

6.2 **Special Exceptions.** The following uses are permitted in R-40 Districts provided they meet the conditions of Section 15 of these Regulations:

6.2.1 Convalescent homes.

6.2.2 Antique shops.

6.2.3 Excavations and deposits of fill.

6.2.4 Sawmill or other temporary woodcutting operation.

6.2.5 Recreation campgrounds.
6.2.6 Elderly housing.

6.2.7 Commercial recreation facility.

6.2.8 Multi-family dwellings.

6.2.9 Specialized agricultural buildings.

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

6.2.11 Accessory apartments. (6/15/89)

6.2.12 Bed and Breakfast Inn. (3/17/92)

6.2.13 Large Acreage Farm Vineyard and Winery in accordance with Section 15.18 of these Regulations. (App.04/01/08; Eff. 05/01/08)

SECTION 7 - R-S SPECIAL AMOS LAKE PROTECTION DISTRICT

7.1 **Permitted Uses.** The following uses are permitted by right:

7.1.1 All uses permitted in Section 4.1 of these Regulations, except that cows, horses, steer, goats, or more than twenty-five (25) in the aggregate of chickens, ducks, or other birds shall not be kept within one hundred feet (100’) of a watercourse or within three hundred feet (300’) of the edges of Amos Lake, and except accessory apartments or conversions of residence pursuant to Section 13.8 on parcels less than 60,000 square feet. (Rev. 3/7/2000; Eff. 3/24/2000zta2-00)(Rev. 10/3/06; Eff. 10/29/06)

7.2 **Special Exceptions.** The following uses are permitted provided they meet the conditions of Section 15 of these Regulations.

7.2.1 All uses permitted in Section 4.2 of these Regulations.

SECTION 8 - C-1 COMMERCIAL DISTRICT

8.1 **Permitted Uses.** The following uses are permitted by right:
8.1.1 Retail businesses, such as grocery stores, drug stores, apparel stores, variety stores, eating and drinking establishments, antique shops, sporting goods stores.

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

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

8.1.4 Day Care Centers.

8.1.5 Personal services, such as barbershops, beauty salons, dry cleaners.

8.1.6 Repair services such as radio, television, appliance and plumbing shops, upholstery shops and shoe repair shops, but not including automotive repairs.

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

8.1.8 Funeral parlors and mortuary establishments.

8.1.9 Theaters, bowling alleys, assembly halls, buildings for public recreation.

8.1.10 Hotels and motels.

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

8.1.12 Accessory buildings and uses.

8.1.13 Single-family dwellings.

8.1.14 A commercial use may be permitted on the same lot or in the same building with an established residential use provided the residential unit contains at least six hundred (600) square feet, is clearly separate from the commercial area, the lot contains at least sixty thousand (60,000) square feet, and the residence is occupied only by the owner, operator, or caretaker of the commercial use.

8.2 **Special Exceptions in C-1 Districts.** The following uses are permitted provided they meet the conditions of Section 15 of these Regulations:

8.2.1 Automobile sales, service, and repair establishments.

8.2.2 Package liquor stores.
8.2.3 Elderly housing.

8.2.4 Multi-family dwellings.

8.2.5 Video game arcades.

8.2.6 Liquid propane gas storage or retail sale.

8.2.7 Gasoline/Fuel Service and Filling Stations. (July 15, 1998)

8.2.8 Drive-thru windows as an accessory use to a permitted principal use where it can be demonstrated that such an activity will not adversely impact surrounding uses or cause a traffic hazard. (July 18, 1998)

8.2.9 Large Acreage Farm Vineyard and Winery in accordance with Section 15.18 of these Regulations. (App. 04/01/08; Eff. 05/01/08)

SECTION 9 - C-2 COMMERCIAL DISTRICT

9.1 Permitted Uses. The following uses are permitted by right in this district:

9.1.1 Automotive, farm, marine, equipment sales, service, and repair establishments, provided major repairs are conducted within a building or otherwise screened from view, and provided that junked or wrecked vehicles shall be screened from view from abutting properties and streets and stored to the rear of the building line.

9.1.2 Automotive supply and parts stores.

9.1.3 Recreation equipment sales, including the sale of camper units.

9.1.4 Drive-in or similar fast-service eating establishments.

9.1.5 Drive-in theater, bowling alleys, indoor commercial recreation establishments.

9.1.6 Funeral parlors and mortuary establishments.

9.1.7 Retail lumber, fuel and building material yards, and contractor’s equipment storage, provided that all material is kept in a building or within a solid enclosure of approved material and not less than six feet (6’) high, which enclosure shall be back of the building line.

9.1.8 Public utility buildings, storage yards, and vehicle parking areas, provided storage yards are screened from public view by solid fencing or an equivalent screening.
9.1.9 Veterinary hospitals. No outside cages or pens are permitted.

9.1.10 Accessory buildings and uses.

9.1.11 Residence of the owner, operator, or caretaker of the non-residential use, provided the residential unit contains at least six hundred (600’) square feet, is clearly separate from the non-residential use, and the lot contains at least sixty thousand (60,000) square feet.

9.2 **Special Exceptions.** The following uses are permitted provided they meet the conditions of Section 15 of these Regulations:

9.2.1 Package liquor store.

9.2.2 Commercial recreation facility.

9.2.3 Video game arcades.

9.2.4 Large Acreage Farm Vineyard and Winery in accordance with Section 15.18 of these Regulations. (App. 04/01/08; Eff. 05/01/08)

### SECTION 10 - I - INDUSTRIAL DISTRICT

10.1 **Permitted Uses.** The following uses are permitted by right:

10.1.1 Any use permitted in a Resort Commercial District as enumerated in Section 11B.3 but permitting “Automotive Repairs” excluded in Section 11B.3.7 and provided that Sections 11B.5 and 11B.6 are met, and any use permitted in a C-2 District, as enumerated under Section 9.1, above, except that storage yards need not be screened from public view. (Eff. 5/31/2005)

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

10.1.3 Banks.

10.1.4 Repair services, such as radio, television, appliance, small equipment, upholstery and shoe repair shops.

10.1.5 Indoor display and storage of materials for use or installation off the premises, including, but not limited to, home and business improvement supplies, furniture and fixtures.
10.1.6 Sit-down eating establishments; however, alcoholic beverages shall be limited to those dispensed through a service bar only. Bars, cafes, and taverns are not permitted.

10.1.7 Accessory buildings or uses.

10.1.8 Trucking terminals and warehousing.

10.1.9 Research laboratories.

10.1.10 Printing and publishing establishments.

10.1.11 The manufacture, processing and packaging of foods, beverages, candy, cosmetics, pharmaceuticals and drugs.

10.1.12 The manufacture and processing articles made from the following material: cellophane, canvas, cloth, cork, fiber, felt, feathers, fur, hair, horn, leather, paper, plastics, shell, glass, stone, textiles, tobacco and wood.

10.1.13 The finishing and assembling of articles made from metals but excluding processes employing the use of drop hammers.

10.1.14 Warehouses, storage facilities, and storage or the use of vehicles for the wholesale distribution of goods, including personal property, heating oil, lumber, building materials and contractor’s equipment.

10.1.15 Residence of the owner, operator, or caretaker of the non-residential use, provided the residential unit contains at least six hundred (600) square feet, is clearly separate from the non-residential use, and the lot contains at least one hundred thousand (100,000) square feet.

10.1.16 Retail sales of products manufactured on the premises.

10.1.17 Accessory buildings or uses.

10.2 **Special Exceptions.** The following uses are permitted provided they meet the conditions of Section 15 of these Regulations:

10.2.1 Excavations and deposits of fill.

10.2.2 Sawmill or other temporary woodcutting operation.

10.2.3 Video game arcades.

10.2.4 Specialized agriculture building.
10.2.5 Gasoline/Fuel Service and Filling Stations (Rev. 3/2/04; Eff. 3/19/04)

10.2.6 Large Acreage Farm Vineyard and Winery in accordance with Section 15.18 of these Regulations. (Approved 04/01/08; Eff. 05/01/08)

SECTION 11 - SPECIALIZED DISTRICTS
(1/1/94) & (3/9/98)

Section 11A - PD Planned Development District. Any application for development within this district shall be accompanied by a Site Plan as stipulated by Section 16 of these Regulations. Design standards in addition to Section 16 are as follows:

11A.1 Design Standards. In order to assure that the Planned Development District will be functional and an aesthetic asset to the community, the Commission shall give consideration to the following:

11A.1.1 Natural buffers between incompatible nearby land uses.

11A.1.2 Traffic and pedestrian safety, both on and adjacent to the site.

11A.1.3 Alignment with existing and proposed streets in the vicinity.

11A.1.4 Landscaping of building areas, parking lots and open spaces.

11A.1.5 Erosion and sedimentation controls, both during and after construction, in accordance with the Connecticut “Guidelines for Erosion and Sediment Control” of the Connecticut Department of Environmental Protection.

11A.1.6 Design and location of buildings and signs compatible with the character of the surrounding area.

11A.2 Permitted Uses. The following are permitted by right.

11A.2.1 Veterinary hospitals, including accessory uses of, laboratories, offices, warehousing, manufacturing, retail sales, parking and loading areas as per Section 17 of these Regulations, and other accessory, to the principal use, buildings and uses.

11A.2.2 Living quarters of the owner, manager or caretaker, provided it is located within the building devoted to the permitted use and provided it meets the minimum floor area requirements as determined by the Commission.

11A.2.3 Public utility structures, such as pump stations, transformers and the like.
11A.3 All activities, except parking and loading, shall be conducted within fully enclosed buildings. Outside storage of equipment and material shall be screened from view by an opaque fencing and shall be located to the rear of the building line.

11A.4 Building heights shall not exceed forty feet (40’).

11A.5 Buildings shall not occupy more than twenty percent (20%) of the lot, and all uses, including parking and storage areas, shall not occupy more than seventy percent (70%) of the lot.

11A.6 **Special Exceptions.** The following uses are permitted provided they meet the conditions of Section 15 of these Regulations.

11A.6.1 Large Acreage Farm Vineyard and Winery in accordance with Section 15.18 of these Regulations. (App. 04/01/08; Eff. 05/01/08)

**11B - Resort Commercial District.**

11B.1 **Purpose.** The purpose of this district is to promote tourism-oriented commercial development which may also contain activities that will serve a wide range of needs of area residents. It is intended that such development be located and designed to enhance the unique qualities of both the site on which they are proposed and the Town. This district shall be located along the eastern length of State Route 2, in the vicinity of State Route 164, as shown on the Zoning Map for the Town of Preston.

11B.2 **Procedures.** Any application for development within this district shall be accompanied by a Site Plan as stipulated by Section 16 of these Regulations. Activities permitted as a Special Exception shall also be subject to the requirements of Section 15.1 through 15.4. In addition, applicants shall submit drawings showing buildings and structures, and materials to be used, in enough detail to show compliance with these Regulations.

11B.3 **Permitted Use In Resort Commercial District.** The following uses are permitted by right in this district:

11B.3.1 Hotels and motels.

11B.3.2 Indoor recreation and cultural facilities, such as bowling alley, tennis court, swimming pool, billiard room, skating rink, art gallery, museum, movie theater, but not including night club or drive-in theater.

11B.3.3 Restaurant for dine-in patrons. Take out service of food may be allowed as an accessory use only after approval by the Commission attesting to the secondary nature of the activity and the suitability of the site with regard to traffic safety.
Drive-thru Windows as an accessory use are only permitted as a special exception (Section 11B.4.9).

11B.3.4 Commercial recreation facilities and outdoor amusements, such as golf courses, tennis and racquet courts, swimming pools and clubs, and miniature golf.

11B.3.5 Business services such as banks, real estate, and insurance offices.

11B.3.6 Professional offices of doctors, engineers, architects, accountants, attorneys, dentists and the like.

11B.3.7 Service stations, convenience stores and filling stations, but not including automotive repairs.

11B.3.8 Post Office.

11B.3.9 Grocery stores, drug stores, or apparel stores. Warehousing as a principal use is not permitted.

11B.3.10 Accessory buildings and uses customarily incidental to the above permitted uses.

11B.3.11 Bed and Breakfast Inn. (revised 9/1/98) provided the following conditions are met:

The Commission may permit a Bed and Breakfast Inn in any owner-occupied residence located in the RC zoning district.

a. The minimum finished floor area of the building shall be at least fifteen hundred (1500) square feet.

b. The building must be of adequate size to accommodate all proposed guest bedroom, guest dining area and guest bathrooms, without reducing below the required minimum livable floor area for the principal residential use, as specified in Section 13.8 of these Regulations.

c. No more than eight (8) guest rooms are provided.

d. All guest accommodations shall be within the principal building.

e. Off-street parking spaces shall include at least two for the residents of the property and one for each guest room. Parking shall be located inside the required building setback lines.

f. Written certification shall be obtained from the Town Sanitarian that plans for the water supply and sewage disposal systems are adequate to support the intended use. All building plans for a proposed Bed and Breakfast Inn must comply with current ADA requirements for parking, accessibility, interior room design for all bedrooms, bathrooms, doorways and hallways, and must be approved by the Preston Fire Marshall.
and Preston Building Inspector, prior to the issuance of a Building Permit, Zoning Permit, or both.
g. The Commission may require fencing, earth berms, evergreen vegetation, or other buffers to reduce visual conflicts with neighboring uses. No outside storage of any maintenance equipment or supplies shall be permitted.
h. Guest stays shall not exceed fourteen (14) consecutive days.
i. Lot size: The applicant for a Bed and Breakfast Inn shall demonstrate that the property proposed for the Bed and Breakfast is of adequate size to accommodate the building, parking, landscaping, well, and septic system to the satisfaction of the Commission and Town Sanitarian.
j. Alterations to existing buildings: exterior alterations may be made to existing buildings in order to preserve a valuable historic property, promote adaptive reuse of buildings, or comply with local or state health and safety code requirements. However, in all cases, such alterations must be considered minimal exterior modifications of the building which are compatible with the character of the area, ensure the residential character of the building, and preserve the existing features of the building.
k. Special Functions or Events; Special functions may be held at a Bed and Breakfast Inn subject to local laws by permit.
l. The operation of a Bed and Breakfast Inn shall require a zoning permit issued by the Zoning Enforcement Officer following approval of the site Plan by the Commission.
m. Definition - A Bed and Breakfast Inn: An establishment that is an owner-occupied building and property (i.e. the principal residence of the owner) having eight (8) or less guest rooms without separate kitchen facilities, in which overnight accommodations and breakfast only are provided to guests for a fee.

11B.3.12 One dwelling unit which serves as the residence for a caretaker or manager of the permitted principal use. Such Unit must be located within the building devoted to the principal use and subject to approval by the Planning and Zoning Commission.
(Eff. August 28, 2007 ztc#2-07)

11B.4 **Special Exceptions In Resort Commercial District.** The following uses are permitted, provided they meet the procedures and conditions of Section 15.1 through 15.4 of these Regulations:

11B.4.1 Convention Centers, Stadiums, or Sports Arenas. A building height in excess of fifty feet (50’) may be approved by the Commission for these uses if: 1) prior approval is granted by the Town Fire Marshall; 2) the Commission finds that the feature would enhance the function of the proposal; and 3) such features would not be aesthetically detrimental to adjacent uses.

11B.4.2 Rental of automobiles, motorcycles, bicycles, and the like including service and repair related to the rentals only. Additional requirements for these activities shall include the standards of Section 15.6 of these Regulations.
11B.4.3 Transportation facilities, including public or private mass transit, bus or taxi service, and the like.

11B.4.4 Package liquor store, with the additional conditions outlined in Section 15.7 of these Regulations.

11B.4.5 Video game and electronic game arcades, with the additional conditions outlined in Section 15.16 of these Regulations.

11B.4.6 Nursery school or day care facility serving more than six (6) children.

11B.4.7 Public utility buildings, substations, storage yards and vehicle parking areas, provided the storage yards are screened from public view by solid fencing or equivalent screening.

11B.4.8 Specialty stores which retail items distinctive and characteristic of tourism, e.g. sporting goods, antiques, arts, crafts, or other types of memorabilia, not to include Pawn Shops. Also, typical retail department stores are not permitted.

11B.4.9 Drive-thru windows as an accessory use to a permitted principal use where it can be demonstrated that such an activity will not adversely impact surrounding uses or cause a traffic hazard.

11B.4.10 Vacation Resort, which is a compound of buildings and facilities, providing lodging, and entertainment, to people on vacation. A vacation resort attempts to provide for all or most of a vacationer’s wants while remaining on the premises, such as food, drink, lodging, sports, entertainment, and shopping. Such vacation resort units may be owned as a condominium, timeshare, or fractional ownership. No unit shall be occupied by the same party for more than ninety days within a twelve-month period. (Eff. August 28, 2007 ztc#2-07)

11B.4.11 The Commission may permit multi-story parking structures to serve a permitted use or special permitted use provided the structure does not exceed, by more than twenty percent (20%), the parking required in accordance with Section 17. Any request for a greater number of parking spaces shall be supported by an analysis prepared by a Traffic Engineer and subject to approval by the Commission. Parking structures shall be no higher than the principal building(s). The parking structure shall be located to the rear or underneath any principal building(s), unless approved by the Planning and Zoning Commission using a configuration and/or creative design technique that accomplishes the design goals and objectives intended for the Resort Commercial District. (Eff. August 28, 2007 ztc #2-07)
11B.4.12 The Commission may permit buildings or structures greater than 50 feet in height in accordance with the standards noted in Section 15.4 of the regulations and provided a view shed analysis is prepared by the applicant to determine any impact on residential neighborhoods. Any building greater than 50’ in height shall be approved by the Fire Marshal. (Eff. August 28, 2007 ztc #2-07)

11B.4.13 Rental of small boats and fishing gear and any ancillary docks and buildings supporting such rental of small boats and fishing gear. (Eff. August 28, 2007 ztc #2-07)

11B.4.14 Large Acreage Farm Vineyard and Winery in accordance with Section 15.18 of these Regulations. (App. 04/01/08; Eff. 05/01/08)

11B.5 Design Standards. All buildings and uses in the Resort Commercial District shall be subject to the design standards set forth in this Section in addition to any and all design standards applicable under Section 16.5 of these Regulations. These design standards should include the following:

11B.5.1 Multiple Buildings. A lot may be occupied by more than one permitted principal building, provided that the entire lot must be under the same ownership and all dimensional requirements set forth in Section 12 shall be satisfied with regard to separating distance from property lines to any building on a parcel. Separating distance between individual buildings shall be adequate to compliment the natural and man-made features of the site and surrounding area. Separating distance between buildings may be used for vehicle or pedestrian access or be landscaped. Such separating distance shall be a design component element reviewed by the Commission for vehicular and pedestrian safety, compatibility with site features, as well as compliment adjacent buildings. At no time shall any separating distance conflict with any federal, state or local code requirement.

11B.5.2 Important existing site features, such as stonewalls, large trees and other features shall be preserved and incorporated into the new design to the maximum extent possible and consistent with the proposed use.

11B.5.3 The materials, texture, and colors used on the exterior walls and roofs of new and renovated buildings located in the Resort Commercial District shall be associated with traditional New England architecture. Preferred building material shall be brick, stone and wood, including narrow wood siding, clapboards or wood singles. Metal, unfinished concrete, block, vinyl and asphalt siding are discouraged. Tar paper, sheet metal or plastic roofing materials are also discouraged.

11B.5.4 Architectural details characteristic of the particular architectural style and period proposed should be incorporated in the design for any new construction
and should relate harmoniously to adjacent buildings to the extent possible. It
is not intended that architectural details of old buildings be duplicated, but they
should be regarded as suggestive of the extent, nature and scale of the details
that would be appropriate on new buildings or alterations.

11B.5.5 The design, proportion and placement of signs should complement the
building’s composition and architectural details. The design shall consist of
materials and be limited to colors which are appropriate to the design and
materials and shall use lettering styles, sizes and composition which relate to
architectural styles within the district.

11B.5.6 In addition to meeting the requirements of Section 17 of these Regulations,
parking areas shall be attractively landscaped, with planting strips between all
parking bays and separating driveways from parking bays. Parking areas shall
have lights that do not exceed twenty feet (20’) in height and which are
designed to project light downward.

11B.5.7 Off-street parking shall be located in the rear of buildings when possible.

11B.5.8 No building or parking area shall be permitted within any required setback.

11B.5.9 A landscaped buffer strip with a minimum width of twenty feet (20’) shall be
provided, as stipulated by Section 16.5.5 of these Regulations, between Resort
Commercial developments and all abutting residentially zoned properties. This
buffer strip shall be in addition to the required setbacks of the Resort
Commercial District.

Where the proximity, nature, and intensity of abutting residential uses are such
that the minimum buffer width would not provide adequate protection from
noise, headlight glare, and visual intrusion to residential dwellings, the
Commission may require an increase in the minimum buffer width. The
maximum buffer width shall not exceed forty feet (40’), exclusive of required
setbacks.

These buffer requirements are in addition to those of Section 13.5 of these
Regulations.

11B.6 Access and Traffic.

11B.6.1 The Planning and Zoning Commission may require that all vehicular access be
onto Route 2 or onto a roadway which serves only property located in the
Resort Commercial District. (Rev.11/3/00; Eff.11/18/00ztas6-99)

11B.6.2 In order to reduce possible traffic conflict points, the Commission shall require
driveways to be located so that they will provide common access to adjacent
parcel(s) of land, when it is determined that common use would be appropriate for traffic safety. The Commission shall also require common interior drives to serve more than one (1) parcel, where appropriate for traffic safety. Such requirements may stipulate reserved right-of-ways in lieu of actual construction depending on present use of adjacent parcels. Where driveways are required and constructed, a written agreement for the common use and maintenance of a shared access must be recorded in the Town Land Records.

11B.6.3 The Commission may require certain minimum sight line distances depending on present or anticipated traffic conditions and upon posted speed limits and surveyed average vehicular speeds.

11B.6.4 Wherever possible, each development shall be limited to one (1) access point per property.

11B.6.5 The applicant must demonstrate that the site design makes proper provision for pedestrian access and safety. All site plans shall provide for pedestrian walkways and circulation in and around buildings.

11B.6.6 Any permit may be denied by the Commission if, after review and evaluation, no reasonable modification can be required which will insure that the proposed use will not create or further aggravate vehicular and/or pedestrian traffic safety problems.


11C - Thames River Design District; Campus Preservation Overlay Zone; Planned Business Overlay Zone. (3/9/98)

11C.1 **Purpose:** The purpose of this district is to promote the commercial use and re-use of property and buildings of the former Norwich State Hospital utilizing the property's unique locational characteristics and site amenities. These include access to State highways, Providence and Worcester rail line, the Thames River, public water and sewage systems, as well as being within the travel corridor of visitors traveling to and between the Mohegan Sun Resort and Casino, and the Foxwoods Resort and Casino. It is intended that the future development of this area make full use of these assets while minimizing the impact on the area. Special attention to pedestrian and vehicular traffic, noise, odor, and visual esthetics are required and shall be addressed to the Commission's satisfaction. In addition, two overlay zones are delineated within this district. One overlay zone titled "Campus Preservation Overlay” promotes the rehabilitation and re-use of existing buildings on the Hospital property, many of which are listed on the State and National Register of Historic Places. This overlay zone has its own set of permitted uses as well as qualification requirements which would allow the use of unique lot configurations. The other overlay zone titled "Planned Business Overlay” promotes uses which typically involves assembly, production, distribution
and/or storage of products. This overlay zone also has its own set of permitted uses and regulatory requirements as stipulated by these Regulations.

11C.2 Procedures: Any application for development within this district/overlay zone shall be accompanied by a Site Plan as stipulated by Section 16 of these Regulations in addition to the requirements and procedures, of Section 15.1 through 15.4 of these Regulations and, of this section. A Coastal Site plan, as stipulated by Section 14, is also required for those properties located within the Coastal Area. A map showing the Coastal Area is a part of these zoning regulations. Applications shall also include drawings which depict buildings, structures and materials to be used, in sufficient detail to show compliance with these Regulations. These Regulations contain unique requirements for the Thames River Design District, the Campus Preservation Overlay Zone and the Planned Business Overlay Zone as well as other requirements which apply to all designations.

Thames River Design District; Campus Preservation Overlay Zone.

11C.3 Permitted Uses: One or more of the following uses are permitted in the Thames River Design District and the Campus Preservation Overlay Zone as Special Exceptions.

a) Hotels, motels, convention centers.

b) Research hospitals and/or laboratories.

c) Colleges or private schools: which are defined as public or private institutions of higher learning offering a course of studies leading to a degree or certification in a specific profession, vocation, or technical field. Such institutions may include accessory uses and structures to support the principle instructional institution. Examples of such accessory uses are: residential facilities for staff and/or students; dining facilities for staff and/or students; sports fields and/or other structures for institutional events.

d) Health and Fitness Centers: which are facilities which provide for such activities as swimming, tennis, racquetball and/or aerobics.

e) Dine-in Restaurants: which are defined as establishments whose business involves the sale of foods, confections or beverages to the customer in a ready-to-consume state, and whose method of operation is such that an employee normally takes the seated customer's order and serves the food or beverages at tables and/or counters located primarily inside a building, although additional seating may also be provided outside the building.

f) Professional offices or Office Complexes of doctors, engineers, architects, accountants, attorneys, dentists or similar licensed or un-licensed businesses which may include activities such as a corporate headquarters facility, technical and/or financial office center.
g) Transportation facilities: Such facilities shall allow travelers to change from one mode of transportation to one or more other modes of transportation and also include buildings and amenities such as telephone, restrooms, and other services for such travelers. Parking lots or garages with limited services, such as a shelter and pay phone, which could be classified as a typical bus stop are prohibited as principal uses.

h) Marinas, water-based recreational uses, ferry terminals, and uses which provide general public access to marine or tidal waters.

i) Indoor Theater or a building or part of a building for dramatic, musical or other live performances. Motion picture theaters are prohibited unless approved by the Commission and as part of a performing arts and entertainment center.

j) Studios for recording, production, and broadcast of music, television, radio and motion pictures, including transmitters, antennae and ancillary equipment.

k) Specialty stores which retail items distinctive and characteristic of tourism, e.g. sporting goods, antiques, arts, crafts, or other types of memorabilia, not to include Pawnshops. Also, typical retail department stores are not permitted.

l) Prohibited uses are as outlined in Section 13.13 of these Regulations.

m) Accessory buildings and uses customarily incidental to the above permitted uses.

11C.3.1 Special Exception Uses in the Thames River Design District: One or more of the following uses are also permitted as Special Exceptions within the Thames River Design District. This requirement is due to the potential for these uses to be incompatible with the goal of rehabilitation and re-use of existing buildings within the overlay zone.

a) Indoor and outdoor family oriented recreational/cultural facilities (not including indoor theaters or other uses listed above in 11C.3a)-m)) such as a theme park or an outdoor theater, provided the following conditions can be met:
   i. The lot shall contain not less than ten (10) acres.
   ii. No structure except a single family dwelling and no recreational activity, shall be less than one hundred feet (100’) from the nearest public highway nor less than two hundred fifty feet (250’) from the nearest dwelling under other ownership.
   iii. Off-street parking shall be provided for the cars of all patrons, employees, and persons using the facilities, together with the necessary access driveways to public roads. Surfacing shall be of a type appropriate for the proposed land uses, and shall be treated to inhibit dust. No parking area shall be located less than fifty feet (50’) from a public highway, or from any other property under other ownership.
   iv. Temporary or permanent sanitary facilities shall be provided in adequate numbers to serve the maximum number of expected patrons.
v. The volume of sound from music and public address systems shall be so controlled as to prevent objectionable noise off the premises.

b) Intensive agriculture and aquaculture activities such as greenhouse nurseries, tank culture and hydroponic facilities.

c) Accessory buildings and uses customarily incidental to the above permitted uses. (Rev.12/18/2003; Eff. 1/5/2004)

d) Large Acreage Farm Vineyard and Winery in accordance with Section 15.18 of these Regulations. (App. 04/01/08; Eff. 05/01/08)

11C.4 Thames River Design District Dimensional Requirements:
Due to the uniqueness of this property which has within it a developed campus of existing institutional buildings dating back to the late 19th century as well as large tracts of vacant land which may have the ability to be served by public water and sewer systems, the dimensional requirements of this district will vary depending on the following: 1) utilization of public utilities, 2) new construction; and, 3) reuse of an existing structure which does not meet the floor area requirements of Section 11C.5.

11C.4.1 Without both public water and sewer service:
   a) Minimum Lot Size - 200,000 square feet.

   b) Minimum Lot Frontage - 500 feet.*

   c) Maximum Building Height - 50 feet unless the following conditions can be met:
      1) prior approval is granted by the Town Fire Marshall; and,
      2) that such feature would not be detrimental to adjacent uses.

   d) Maximum Lot Coverage by Buildings - 25%.

   e) Minimum Setback from Street Centerline - 150 feet.

   F) Minimum Side Yard - 30 feet.**

   g) Minimum Rear Yard - 25 feet.

11C.4.2 With both public water and sewer service:
   a) Minimum Lot Size - 80,000 square feet.

   b) Minimum Lot Frontage - 350 feet.*

   c) Maximum Building Height-50 feet unless the following conditions can be met:
1) prior approval is granted by the Town Fire Marshall; and,
2) that such feature would not be detrimental to adjacent uses.

d) Maximum Lot Coverage by Buildings - 40%.

e) Minimum Setback from
   Street Centerline -  100 feet from State Route 12 and 2A.
   50 feet from other access road.

f) Minimum Side Yard - 25 feet.**

g) Minimum Rear Yard - 20 feet.

*Minimum lot frontage may be reduced by 50% if the lot has its frontage and access onto a roadway which serves only properties in this district.

**The side yard requirement may be waived by the Commission between two (2) or more activities within this District where the Commission determines that a more desirable development will occur and where such waiver will not have a detrimental Effect on abutting property.

11C.5 Campus Preservation Overlay Zone Dimensional Requirements:

Within the Thames River Design District there is an overlay zone delineated on the zoning map which encompasses the existing campus. This overlay zone is entitled "Campus Preservation." This overlay zone has a special set of threshold conditions that, if satisfied, will allow an applicant to utilize a more flexible set of lot dimension requirements. To qualify, an activity must utilize the following: 1) an existing campus structure and, 2) both public water and sewer service. The utilization of an existing campus structure may require major rehabilitation as well as some new construction. However, in no case shall any new construction, whether as an addition to an existing building or as a separate building, contain floor area which exceeds twenty-five percent (25%) of the total floor area of the proposed use. Any such excess shall deem the activity ineligible to utilize the flexible "Campus Preservation" dimensional requirements. The dimensional incentives are as follows:

11C.5.1 With both public water and sewer service:
   a) Minimum Lot Size - A lot in this zone shall be of adequate size to accommodate all buildings and land area for parking facilities required for the proposed use plus an additional land area calculated at twenty-five percent (25%) of the land area required for the building(s) and parking. Some of this area may be provided off-site as stipulated by Section 11C.12. The additional area shall be left undeveloped. Off-site off-street parking may also be provided as per Section 11C.11. When Section 11C.12 is utilized the minimum lot size may be as stipulated by Section 11C.12 d).
b) Minimum Lot Frontage - No minimum on a State or Town road required. All lots shall have, at a minimum, a deeded right-of-way in favor of the said use on a paved access road to Route 12 or a road serving only properties in the Campus Preservation Overlay Zone. The deeded right-of-way shall include a maintenance agreement outlining, to the Commission's satisfaction, provisions for the upkeep of the access-way. The deeded right-of-way shall also be adequate for vehicular traffic as determined by the Commission after considering the location, width, and other design factors of the right-of-way in relation to the proposed use.

c) Maximum Building Height – Fifty feet (50’) unless the following conditions can be met: 1) prior approval is granted by the Town Fire Marshall; and, 2) that such feature would not be detrimental to adjacent uses.

d) Maximum Lot Coverage by Buildings - 75%.

e) Minimum Setback from Street Centerline - 100 feet from State Route 12; 0 feet from other access road.*

f) Minimum Side Yard - 0 feet.*

g) Minimum Rear Yard - 0 feet.*

*All yard setbacks shall be of an adequate dimension to include all buffer areas or landscape areas as required by these Regulations.

11C.6 Planned Business Overlay Zone
Within the Thames River Design District there is an overlay zone delineated on the zoning map which encompasses an area south of Route 2A and west of Route 12. This overlay zone is titled "Planned Business Overlay Zone" (PBOZ). The intent of this overlay zone is to allow the development of specific uses which typically involve the assembly, production, distribution and/or storage of products. These uses are in addition to those permitted in the Thames River Design District. The PBOZ has access to the area's infrastructure as outlined in Section 11.C.1 of these Regulations. The Planned Business Overlay Zone has an unique frontage requirement and different architectural design standards for a set of allowed uses which are different from those permitted in the underlying Thames River Design District. Qualification to utilize the Planned Business Overlay Zone standards are dependent on the land use. The uses allowed within this overlay zone are as follows:

11C.6.1 Permitted Uses: One or more of the following uses are permitted within the Planned Business Overlay Zone as Special Exceptions.

a. Any use permitted in the Thames River Design District.
b. Warehousing, wholesale businesses, exterior storage.
c. Lumber yards, building supply facility.
d. Printing & publishing establishments.
e. Mail order and distribution centers.
f. General construction or contractor's offices including equipment storage.
g. Studios for recording, television, radio and motion pictures, including transmitters, antennae and ancillary equipment.
h. Assembly of component parts manufactured elsewhere.
i. Manufacturing not involving the processing of raw materials.
j. Public utility substations or equipment facilities, utility rights-of-way, railroads.
k. Indoor recreation and cultural facilities, not otherwise permitted in the Thames River Design District, such as a bowling alley, skating rink, nightclub, art gallery, motion picture theater, or museum.
l. Accessory buildings and uses customarily incidental to the above permitted uses.
m. No exterior storage of hazardous materials, as defined by the State of Connecticut Department of Environmental protection, shall be permitted.

11C.6.2 **Planned Business Overlay Zone Dimensional Requirements:**

a. All uses permitted within the Thames River Design District as stipulated by Section 11C.3 and Section 11C.6.1 a) shall utilize Section 11C.4.1 and Section 11C.4.2 for minimum lot requirements.
b. All other uses listed under Section 11C.6.1 b) thru o) shall utilize Section 11C.4.2 for minimum lot requirements with the following exception:

11C.6.2.1 **Minimum lot frontage:** A 50-foot (50’) wide non-exclusive right-of-way may be used to provide access to properties when such access is utilized by two or more properties and such right-of-way is approved by the Commission after considering its location and construction. In no case shall a fifty-foot (50’) wide right-of-way be closer than three hundred fifty (350’) to another such access as measured along properties road frontage.

11C.7 **General Dimensional Requirements:** Where the boundaries of the Thames River Design District/Campus Preservation Overlay Zone/Planned Business Overlay Zone or the Town line intersect a parcel of land, the district boundary or town line shall be considered to represent the parcel boundary for the purposes of compliance with these Regulations, unless the Commission determines that the adjacent zoning district is compatible with the Thames River Design District.

11C.8 **Environmental Protection:** The district and overlay zone includes much of the coastal zone in Preston which is regulated under the Coastal Management Act. This act established special requirements and procedures which apply to this area to insure that the impacts of proposed activities on both coastal resources and water-dependent development activities are acceptable. A municipal coastal site plan review is required for activities located within the coastal boundary.

Landscaping and stormwater drainage structures associated with site development shall be of a design and layout to minimize potential water quality impacts of non-point source
runoff, including hydrocarbons, fertilizers and pesticide applications. Stormwater drainage structures shall be designed to relate harmoniously with the adjacent landscape and structures. The Commission may require additional plans in order to accomplish this objective.

In addition, the Commission may require deeded conservation easements to accomplish the following objectives: 1) protect coastal resources from development, and, 2) allow public access where appropriate for passive recreational use. This determination shall be made by the Commission during the Site Plan or Coastal Site Plan review process.

11C.9 **Design Standards:** (Thames River Design District, Campus Preservation Overlay Zone, Planned Business Overlay Zone)

All buildings and uses in the Thames River Design District, Campus Preservation Overlay Zone and Section 11C.6.1 a) of the Planned Business Overlay Zone shall be subject to the design standards of this section in addition to all applicable design standards under Section 16.5 of these Regulations.

All buildings and uses in Section 11C.6.1 b) thru o) of the Planned Business Overlay shall also utilize the requirements of this section with the exception of Section 11C.9 c) and 11C.9 d) which are not applicable. The standards of Section 16.5 of these Regulations are also applicable for 11C.6.1 b) thru o).

**These design standards should include the following:**

a. A lot may be occupied by more than one (1) permitted principal building provided that the entire lot is under the same ownership and all applicable dimensional requirements of this section shall be satisfied. The separating distance between individual buildings shall be adequate to compliment the natural and man-made features of the site and surrounding area. Separating distances between buildings may be used for pedestrian or vehicle access or be landscaped. Building separation distances shall be reviewed by the Commission for vehicular and pedestrian safety and compatibility with site features. At no time shall any building separation distance conflict with any federal, state or local code requirement.

b. Important existing site features, such as stonewalls, large trees, and other features shall be preserved and incorporated into the new design to the maximum extent possible.

c. The materials, texture, and colors used on the exterior walls and roofs of new and renovated buildings located in this district shall be associated with traditional New England architecture of the late 19th and early 20th century unless otherwise approved by the Commission. Preferred building material shall be brick, stone and wood. Metal, unfinished concrete, block, vinyl and asphalt siding, tar paper, sheet metal or plastic roofing materials are normally prohibited unless it is determined by the Commission that such materials are fabricated in such a way as to satisfy the architectural intent of the Thames River Design District.
d. Architectural details and characteristics of the particular architectural style and period proposed should be incorporated in the design for any new construction or re-modeling and to the extent possible should relate harmoniously to adjacent buildings.

e. The design, proportion and placement of signs should complement the building's composition and architectural details. The design shall consist of materials, colors, and lettering styles and sizes, which relate to the architectural styles in this district. Additional sign requirements are stipulated in Section 18 of these Regulations.

f. Off-street parking shall meet the requirements of Section 17 and 11C.11. All parking areas shall be attractively landscaped, with planting strips between parking bays and separating driveways from parking bays. The Commission may alter this requirement for developments within the "Campus Preservation Overlay Zone" if the Commission determines that the available lots land area is limited and that the intent of visual separation for safe traffic flow is satisfied.

g. A landscaped buffer strip with a minimum width of fifty feet (50’) shall be provided, as described by Section 16.5.5 through 16.5.7 of these Regulations, between developments in this district and all abutting residentially zoned properties. This buffer strip shall be in addition to the required setbacks of this district. Off-street parking is prohibited within these areas.

h. If the Commission determines that the above buffer width is inadequate to provide protection from noise, headlight glare, or visual intrusion, the Commission may require an increase in the buffer width. The maximum buffer width shall not exceed one hundred feet (100’) Off-street parking is prohibited within these areas.

i. The plan shall show all proposed exterior lighting in enough detail for the Commission to assess the impact onto the surrounding area. In no case shall lighting be located such that their height, direction, intensity or conditions pose a nuisance to surrounding uses. (Rev. 12/18/03; Eff. 1/5/04)

11C.10 Access and Traffic. All development within the Thames River Design District, Campus Preservation Overlay Zone and Planned Business Overlay Zone shall comply with the following standards as applicable:

a. All vehicular access to properties in this district shall be from Route 12 or Route 2A or from a roadway which serves only properties in the Thames River Design District.

b. In order to reduce possible points of traffic conflict the Commission shall require access drives to be located along a side property line, so that with the development of the adjacent property, the access drive can be widened onto that adjacent property, to create "one" access drive to serve both properties. The Commission shall also require common interior drives to serve more than one parcel, where appropriate for traffic safety. Such requirements may stipulate reserved rights-of-ways in lieu of actual construction depending on present use of adjacent parcels. Existing access drives may be used only after determination by the Commission that the purpose and intent of this Section (11C.10) is satisfied. Where common access drives are required and constructed, a written agreement for the common use and maintenance of a shared access must be recorded in the Town Land Records.
c. The Commission may require certain minimum sight line distances depending on present or anticipated traffic conditions and upon posted speed limits and surveyed average vehicular speeds.
d. Wherever possible, each development shall be limited to one (1) access point per property.
e. The applicant must demonstrate that the site design makes proper provision for pedestrian access and safety. All site plans shall provide for pedestrian walkways and circulation in, around, and between buildings.
f. Any permit may be denied by the Commission if, after review and evaluation, no reasonable modification can be required which will insure that the proposed use will not create or further aggravate vehicular and/or pedestrian traffic safety problems.
g. The applicant is responsible for obtaining all other required access & traffic permits from the ConnDOT or State Traffic Commission or other, as applicable. The status of such permit activity shall be included with any application for development within this district or overlay zone.

11C.11 Off-Street Parking: The amount of off-street parking for buildings and uses in the Thames River Design District, Campus Preservation Overlay Zone and Planned Business Overlay Zone shall be provided as stipulated by Section 17 of these Regulations.

In addition, proposed development activities qualified and utilizing the Campus Preservation Overlay Zone dimensional requirements may provide for off-street parking to be located off-site under the conditions a) thru f) below:

Proposed development activities in the Thames River Design District and the Planned Business Overlay Zone may provide for off-street parking as stipulated by condition g) below:

a. The off-site parking shall be located within a practical distance from the principal building as determined by the Commission. The Commission shall also determine that the location of the proposed off-site parking facility will not hamper development of the area it is located in, or represent a public safety concern.
b. An agreement providing for the use of such parking facilities shall be filed with the application.
c. Access shall be provided from the parking facility to the principal building(s) to the Commissions satisfaction.
d. The use of such off-site parking shall not change the calculation of minimum lot size as stipulated in Section 11C.5, 1 a).
e. For uses requiring a significant number of parking spaces, several smaller interconnected parking areas separated by landscaped islands are encouraged rather than a single large parking lot.
f. The shared use of parking facilities may be allowed by the Commission after determining that: 1) the total number of parking spaces will satisfy the intent of the requirements of Section 17 due to alternating work shifts or similar, 2) the off-street parking facility is appropriately located to the uses utilizing the facility, and 3) that
appropriate maintenance agreements are in place to ensure the safe and continual use of the facility.

11C.12 Off-site land for lot size calculation as per Section 11C.5.1. a) Proposed development activities qualified and utilizing the Campus Preservation Overlay Zone dimensional requirements may provide for a portion of their minimum lot size to be non-contiguous to the building under the following conditions:

a) The Commission determines that providing non-contiguous property would enhance the overall layout and design of development within the Campus Preservation Overlay Zone.

b) The property shall remain undeveloped.

c) The minimum parcel size shall be twenty thousand (20,000) square feet.

d) When this section is used the minimum lot size requirement as per Section 11C.5.1 a) shall be as follows:

A lot in this zone shall be of adequate size to accommodate all buildings and land area for parking facilities required for the proposed use plus an additional land area calculated at twenty-five percent (25%) of the required parking area.

e) Section 11C.12 allowing for off-site land for lot size calculation as per Section 11C.5.1 a) is not applicable to any activity in the Thames River Design District or Planned Business Overlay Zone.

11C.13 Non-conforming buildings. Any single-family residence existing at the time of the Effective date of Section 11C of these Regulations (March 9, 1998) and located within the TRDD/CPOZ/PBOZ shall be exempt from Section 19.2.3 of these Regulations which prohibits the expansion of non-conforming buildings.

Definition(s):
Parking Area: An off-street open area or garage used for the parking of motor vehicles.
Dine-in Restaurant: An establishment whose business involves the sale of foods, confections or beverages to the customer in a ready-to-consume state, and whose method of operation is such that an employee normally takes the seated customer's order and serves the food or beverages at tables and/or counters located primarily inside a building, although additional seating may also be provided outside the building;

SECTION 11D –VILLAGE DISTRICTS (AMENDED, ADDED, 11/30/01)
11D 1 Intent - It is the intent of these Regulations to preserve the unique village areas and enhance their sense of place, and promote a thriving attractive environment for small scale businesses that are appropriate for the village areas and the town.
Development of these villages with mixed residential and limited business uses with detailed design review will add an incentive for investments in measures to protect the historic qualities of the village and its historic buildings.

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

11D 2 PRESTON CITY VILLAGE DISTRICT

Preston City, part of which is a National Register Historic District, is an exceptionally well preserved entity containing a high concentration of historic contributing buildings and sites dating from the late seventeenth to the twentieth centuries. This truly authentic New England village has a distinct character that reflects the rural atmosphere of the Town. Historically, Preston City has functioned as an agricultural, social and business center. The district, as delineated by the zone lines, is located within the watershed area for Amos Lake, a prominent and significant natural and recreational resource and also partially lies over a significant aquifer that may have the ability to provide a high yielding public water supply well for the community. To that end, incorporated in these Regulations, are provisions to protect the Amos Lake Watershed area and other important natural resources within the watershed.

11D 2.1 Objective:  Preston City Village began in 1687, and from its inception to the present, the village contained both residential and non-residential uses.

It is recognized as a special place and an asset of the town as evidenced by its inclusion in the National Register of Historic Places as a District and as the southern terminus of the state-designated Scenic Road portion of Route 164. It is also part of the Amos Lake Watershed Area and the village is in close proximity to Amos Lake. For these reasons, Preston City Village District was created.

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

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

11D 3 Review of applications: The Commission shall review all proposed applications, including zoning permits with the exception of permits for:

a) Additions to single family residences, provided the changes do not change the single family character of the structure as determined by the historic architect;
b) Farming, not including commercial nurseries.

11D 3.1 Service of the Staff Historic Architect. The Commission shall hire an historic architect to assist in the review of applications, as follows:

a) All applications for permitted uses, unless excepted as noted above in Section 11D3 a) and b) special permitted uses shall be referred to the staff architect for review and comment. The cost of the hiring of the architect shall be in the amount of two hundred dollars ($200.00) and is included in the application fee.

b) The expertise of the staff architect shall be made available to the applicant for the review of any permit that is exempt from these Regulations. It is strongly encouraged that the services of the architect be used. There is no fee charged for the review. Any such review will be completed within one (1) week of submission of the plans.

11D 3.2 Commission Considerations: The Commission shall consider the design guidelines, property rating and comments from the staff architect in addition to the review criteria or special exception criteria in the review of each application.

11D 3.3 Permitted uses: a) Single family dwellings.
b) Farms.
c) Home occupations.

11D 3.3.1 Zoning Permit Review Criteria:
In reviewing a zoning permit, the Commission shall consider whether or not the new construction and/or conversion of such development is in compliance with the following standards:

a) New buildings shall be comprised of one and one-half (1½) or two (2) stories, or externally appear to be such; however the Commission may allow a portion of the structure to be single story if it is consistent with the historic and architectural character of the area. Such architectural styles shall be consistent with that of the National Register Historic District.

b) Renovations to historic buildings (all historic buildings are identified on a district map) should be consistent with the spirit of the Secretary of Interior Standards for Rehabilitating Historic Buildings, as amended.

c) The color, size, height, proportions of openings, roof treatments, building materials and landscaping of property and any proposed signs and lighting shall be compatible with the local architectural motif and the maintenance of views, historic buildings, monuments and landscaping.

11D 3.4 Special Exception uses: The Commission has developed the following list of uses to be allowed by special exception. Allowing more diversity will help strengthen village neighborhoods, aesthetically, culturally, economically and socially. Structural alterations may be required to be made to existing structures to ensure compliance with these Regulations.

a) Specialty retail stores (see definitions);
b) Restaurants or eateries, which are eat-in establishments. Fast Food restaurants or drive-thrus are not allowed.
c) Business or professional office, including real estate, insurance, legal, accounting, consulting, engineer, architect, and the like.
d) Bed and Breakfast Inn.
e) Country Inn provided a bathroom is included in each unit. Renewal permits are required every two (2) years. If such permit is not renewed, the initial permit will be considered null and void. A request for a renewal permit shall be submitted two (2) months prior to the date the actual renewal is required. The Zoning Enforcement Officer shall inspect and issue a renewal permit if it is determined that the Inn is in compliance with the terms of the regulations and original permit as issued by the Commission. If there is question as to compliance, the application shall be referred to the Commission for review. The Commission shall void the permit for non-compliance with the regulations and the terms of the original permit;
f) Ice cream shop and coffee shop with no drive thru component.
g) Bank.
h) Arts and cultural facilities such as play houses, museums or similar, but excluding tattoo parlor.
i) Specialty crafts and services such as clock making and repair, jewelry making and repair, pottery making, tailor, or woodworking provided chemical treatment of wood and chemical storage is prohibited.
j) Nursery.
k) Large Acreage Farm Vineyard and Winery in accordance with Section 15.18 of these Regulations. (App. 04/01/08; Eff. 05/01/08)

11D 3.4.1 Special Exception criteria: The design standards and property ratings shall be established for each specific village, the Commission, in their review of all special exception applications, shall consider these standards and other pertinent factors such as the type and style of exterior windows, doors, light fixtures, signs, above ground utility structures, mechanical appurtenances, type and texture of building materials, and hours of operation. All applications shall be subject to the requirements of Section 16 site plan review, the general criteria established in Section 15 for special exception applications and the following:

a) New buildings shall be comprised of one and one-half (1½) or two (2) stories, or externally appear to be such, however the Commission may allow a portion of the structure to be single story if it is consistent with the historic and architectural character of the area. Such architectural styles shall be consistent with that of the National Register Historic District.

b) Renovations to historic buildings (all historic buildings are identified on a district map and property rating) should be consistent with spirit and intent of the Secretary of Interior Standards for Rehabilitating Historic Buildings, as amended.

c) Proposed buildings or modifications to existing buildings shall be in keeping with their surroundings, the terrain and to the use, scale and architecture of the existing buildings in the vicinity that have a functional or visual relationship to a proposed building or modification.

d) All spaces and structures shall be designed to add to the visual amenities of the area consistent with those of the village district in and around the proposed building or modification.

e) The color, size, height, proportions of openings, roof treatments, building materials and landscaping of property and any proposed signs and lighting shall be compatible with the local architectural motif and the maintenance of views, historic buildings, monuments and landscaping.

f) Removal or disruption of historically significant structures or architectural elements or distinguishing landscape features such as specimen trees and stone walls shall be discouraged and minimized.

g) Arrangement and orientation of any proposed building or site improvement shall be similar to that of the immediate neighborhood including the front yard setback.

h) Layout and construction of buildings and parking lots shall reinforce existing buildings and streetscape patterns, and the placement of buildings and parking lots shall create no adverse impact on the immediate neighborhood. Parking lots shall be located so that they are no closer to the road than the front of the
i) The lot coverage shall include all parking, whether pervious or impervious, and all other impervious surfaces. The total lot coverage shall not exceed thirty percent (30%) of the lot area.

j) Parking to serve the development shall not be located on the street. The Commission may waive the number of parking spaces required for a development in accordance with Section 17 of the Zoning Regulations, if the applicant can prove that the total number of spaces is unnecessary based on professional publications from the American Planning Association or other similar professional organizations. The applicant shall, show on the plan submitted, an area reserved for the parking that would meet the Regulations. If the installation of the additional parking is required at a later date, the Commission may require the applicant to install such spaces. The Commission will determine whether the additional spaces are necessary based on violations to this section, which may include the use of on-street parking.

k) Open space and green space of the proposed development shall reinforce open/green space patterns of the immediate neighborhood in form and siting.

l) Locally significant features of the site, such as distinctive buildings or vistas, shall be integrated into the site design.

m) Landscape design shall compliment the neighborhood’s landscape patterns and reinforce functional qualities.

n) Exterior signs, lighting and accessory structures shall support a uniform architectural theme and present a harmonious relationship with the surrounding neighborhood. Signage shall be designed to be consistent with the design guidelines for the specific district. Lighting provided must be non-glare (so not to glare onto any residential adjacent property).

o) The scale, proportions, massing, and detailing of the proposed building shall be in proportion to the scale, proportion, massing and detailing in the neighborhood. New building development or an existing building and its addition shall not exceed three thousand five hundred (3,500) square feet in area. Conversion of existing structures exceeding this square footage is permitted, however, no additions are allowed to an existing structure that would allow the existing building and its addition to exceed three thousand five hundred (3,500) square feet in area. The Commission may, by two-thirds (2/3) vote of all (regular) members of the commission (five (5) members must vote in favor) permit development of new buildings or existing buildings and their additions in excess of three thousand five hundred (3,500) square feet provided that the scale of the structure is in keeping with the neighborhood. This may be accomplished by incorporating ells or wings in the building
design to minimize massing of the main portion of the structure. A recommendation from the staff architect shall be provided.

p) Ramps providing handicap access to existing buildings shall not be provided to the front of the structure. Such ramps shall be harmonious to the design of existing structure. Ramps for new construction should be designed so that they are located to the rear or side of the building.

q) Minimum lot requirements: Lot size shall be sixty thousand (60,000) square feet; frontage shall be one hundred fifty feet (150’); however, the Commission may reduce this to one hundred twenty-five feet (125’) in the event driveway access is shared with an abutting property and provided that proof of proper legal easements for use and maintenance is provided to the Commission.

r) All applicants shall demonstrate that they have considered the use of green or pervious parking lots for parking lots that exceed five (5) parking spaces. Such lots shall be designed using current technical standards as developed by the University of Connecticut.

s) Protection of Natural Resources: It is the goal of the Commission to minimize off-site runoff from parking lots, roads, driveways, and sidewalks, so that water is allowed to infiltrate rather than runoff. All plans shall incorporate methods that help accomplish this goal. Examples of methods include developing landscaped islands for stormwater management and installing porous parking lots. All applicants shall implement Best Management Practices for the design of the project. All development shall be consistent with recommendations listed in DEP Bulletin #26 “Protecting Connecticut’s Groundwater”. The developer shall:

   ii  show the location of the development within the watershed and aquifer;
   iii minimize the disturbance of natural grades and vegetation;
   iiii protect natural wetland and stream buffers;
   ivi maximize infiltration of stormwater; and,
   vi minimize impervious surfaces.

t) All such development shall be designed in accordance with the “Preston City Village Design Criteria” and property rating system (or other designated villages at a later date) as provided by the Commission.

u) Public hours of operations for commercial establishments shall be between 7:00 a.m. and 10:00 p.m.

v) Temporary real estate signs shall not exceed three (3) by three (3) feet in size. (rev. 4/2/02)

11D 3.5 Prohibited uses within the district:

a) Installation of temporary garage or storage structures, such as the “hoop” structures.

b) Pawn Shops
11D 3.6 Variance: When a variance is sought from the Zoning Board of Appeals for any property located in this district, the Zoning Board of Appeals must refer the application to the Planning and Zoning Commission for review. The Commission must provide a report to the Board on this matter within thirty (30) days. If a report is not provided within that time period, it will be assumed the Commission has no concern with the matter.

Section 11 E - Affordable Housing Development District

11E 1 Purpose and Intent There is a need to provide an alternative and creative method to diversify housing opportunities within the Town of Preston in order to encourage affordable housing opportunities within the municipality with the goal of achieving the affordable housing threshold of ten (10%) percent of the total housing units in the Town of Preston. The Planning and Zoning Commission desires to encourage affordable housing within the Town of Preston in a manner which will achieve the following objectives: (i) to allow, on a long term basis, for the development of diverse housing types, including affordable housing to help address identified housing needs within the Town of Preston; (ii) to encourage the construction of housing that is both affordable as defined by Connecticut General Statute Section 8-30g et. seq. and is consistent with design and construction standards present in the community; (iii) to promote housing choice, including, housing affordable for low and moderate income households; (iv) to efficiently utilize infrastructure and promote neighborhood planning by providing, where infrastructure support is available, a mix of housing types, densities, sizes and prices while also providing public and private open space and recreational areas; (v) to guide development complying with the criteria established in this regulation in a manner consistent with the statutory purpose of protecting the public health, safety, convenience and property values; and (vi) to encourage energy-efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation. It is therefore the intent of this regulation to create, within the Town of Preston, Affordable Housing Development Districts (AHD).

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

11E 2 Applicability: An Affordable Housing District (AHD) may be permitted in any residential district within the Town of Preston, and must contain a minimum of ten (10) developable acres (see Section 23.9A for definition). A waiver from the minimum developable acreage requirement may be granted by the Commission if the project meets the purpose of
Section 1 “Purpose and Intent” as noted above, but in no case shall the total acres of the parcel be less than 10 acres. The applicant shall comply with all other provisions of this Section 11E of these regulations and the Subdivision regulations of the Town of Preston. Applications to create affordable housing districts under Section 11E of these Regulations may only be filed with the Commission during periods of time in which less than ten (10%) percent of the aggregate housing units in the Town of Preston fail to qualify as affordable housing units pursuant to the provisions of Chapter 126a of the Connecticut General Statutes.

11E 2.1 Primary Uses and Structures permitted.
   a) Single-family detached dwellings (on either common interest ownership property or subdivided lots, or as rental units).
   b) Multi-family (condominium, rental, common ownership property).
   c) Accessory uses and buildings, such as recreational/community buildings and clubhouses, swimming pools, athletic fields, walking trails, bicycle routes, tennis courts, basketball courts, utility structures, playgrounds and picnic areas, and other ancillary buildings or uses as determined as accessory by the Commission.

11E 3 Density and Dimensional Requirements.
   11E 3.1 The density standards shall be as follows:
   a) Multi-family: If public water and sewer or public water and a private on-site wastewater treatment system approved by the Department of Environmental Protection (DEP) is provided:
      i) Eight units per Developable Acre may be permitted provided a Class A (See section 23.7A, Definitions) affordable housing component is provided.
      ii) Ten units per Developable Acre may be permitted of Class B (See section 23.7B, Definitions) affordable housing.
   b) Multifamily Development: If served by on-site sewer and on-site water:
      i) Two Class A multifamily units are permitted per acre if public sewer or water is not available.
   c) Single Family served by public water and public sewer or public water and a private on-site wastewater treatment system approved by the DEP are provided, the density standards shall be as follows:
      i) Lot area: 12,500 square feet per lot.
      ii) Minimum lot frontage on a road and lot width: 125 feet, unless otherwise approved by the Commission; however, such frontage and lot width shall not be reduced to less than 100 feet. In order to permit a reduction of road frontage to less than 125 feet, the plan shall show adequate landscaping and/or other natural features to visually separate adjacent lots. The minimum lot width within the area of the lot development shall be 100’ at the primary building location. The Commission may permit lot width reduction to not less than 50% on curves and cul-de-sacs, provided at the front yard building setback line, the lot meets the 100/125 lot width requirement and provided that adequate area is provided for snow removal.
iii) Setback from the centerline of a town road is thirty (30) feet and fifty (50) feet from a state highway, unless otherwise approved by the Commission as part of the overall development.

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

11E 4 **Open space and recreation use area:**

11E 4.1 Within any AHD subdivision not less than ten (10%) percent of the gross land area shall be set aside as open space; with the form of ownership thereof subject to the approval of the Commission. Any of the following forms of ownership shall be deemed to satisfy the requirements hereof: (i) ownership by the Town of Preston (ii) ownership by a Land Trust whose charter requires that the land be maintained as open space in perpetuity (iii) a Homeowner’s Association formed under the Connecticut Common Interest Ownership Act subject to covenants requiring that it be maintained as open space/recreation area for the duration of the affordability plan. This set aside land shall contain no more than fifteen (15%) percent wetland area and no more than fifteen (15%) percent of the area with slopes over twenty-five (25%) percent. It shall be contiguous, with not less than seventy (70%) percent of the open space land with a dimension of 100 feet or more.

11E 4.2 Within any **multifamily development** a minimum of twenty (20%) percent of the land shall set aside for open space and will be required to be improved for active recreation such as a playscape, swimming pool or other active recreation facilities. Ownership of the open space/recreation area shall be subject to the approval of the Commission and shall be either in a form authorized pursuant to the provisions of Section 11E 4.1 hereof, or by a single entity responsible for the maintenance and repair of the same and subject to covenants requiring that it be maintained as a recreational area for the duration of the Affordability Plan. This set aside land shall contain no more than fifteen (15%) percent wetland area and no more than fifteen (15%) percent of the area with slopes over twenty-five (25%) percent. It shall be
contiguous, with not less than seventy (70%) percent of the recreation land with a
dimension of one hundred (100’) feet or more.

11E 5 Traffic. Given the fact that many of the town roads are narrow, have drainage problems
or other similar issues, the applicant must demonstrate that the road infrastructure is adequate to
handle all traffic that will result from the affordable housing development to ensure safe
conditions for the project and the residents within the area. The road infrastructure providing
access to an Affordable Housing Development shall be adequate to handle (i) anticipated
background traffic two (2) years subsequent to the date of filing of the Affordable Housing
Development Application and (ii) the anticipated traffic generation from the Affordable Housing
Development in a safe and efficient manner. The Applicant shall be required to demonstrate the
adequacy of the road infrastructure providing access to an Affordable Housing Development by
submitting a traffic impact analysis prepared by a Connecticut licensed professional engineer
concentrating his practice in traffic design. The Commission may require offsite improvements
to the road infrastructure in locations required in order to provide safe and efficient travel to and
from, and within the highway system adjacent to, an Affordable Housing Development, such
improvements to be constructed at the expense of the Affordable Housing Development
Applicant.

11E 6 Fire Protection. The applicant shall provide protective measures to ensure adequate fire
safety for each Affordable Housing Development. The Commission shall require a written
report from the Fire Marshal regarding the adequacy of fire protection and necessary water
supply.

11E 7 Process. In order to foster communication and improve the overall project, the
Commission is establishing a three or four step process that includes informal meetings and the
submission of preliminary and final applications.

a) Informal meeting with the Commission. This shall include concept information
only, number of units, basic layout of the site, utility supply.

b) Zone Change Application/ Master Plan Layout/Subdivision. A master plan shall
be provided that contains the following information:

1. A-2 survey of the parcel(s) to be rezoned at a scale of 1”=100’.
2. Properties within 500 feet, portrayed on a map at 1” = 100’ scale
depicting:
   a. Parcels to be rezoned, the existing zoning of parcel to
      be rezoned, the existing zoning of adjacent land and
      properties within 500 feet. Names and addresses of
      owners of all parcels within the subject zone change
      area and within 500 feet of the zone change area.
3. A-2 survey showing the limits and boundaries of the area for
   which the zone change is requested and showing all adjacent
   properties and owners thereof at a scale of 1” = 40’ or other
   acceptable scale, containing the following information:
i) T-2 survey showing existing and proposed contours at 2 foot intervals. Identify all land area in excess of twenty five (25%) percent slopes.

ii) Location of all wetlands and watercourses and the regulated area (as mapped by a soil scientist) flood plains, tidal wetlands and the regulated areas, easements, stone walls, right of ways.

iii) Soil types identified on the plans based on the New London County Soil Survey. Soil testing as necessary to determine suitability of soils for on site septic areas.

iv) Easements, right of ways, tree lines, agricultural lands and any other significant resources.

v) A conceptual site development plan showing building and infrastructure locations, the relationship of project infrastructure to adjacent highways and utilities, parking and conceptual building elevations.

vi) A conceptual landscape plan shall be submitted with the plan that shows appropriately scaled street plantings, sidewalks and other pedestrian connections, buffering and grading.

vii) Utility Plan showing conceptual layout of public sewer or water or on-site septic and well, and electric utilities, together with a written commitment from each utility provider demonstrating capacity for and an agreement to provide utility service to the Affordable Housing Development.

viii) Conceptual grading and drainage plan.

ix) Traffic evaluation in accordance with Section 11E of these regulations.

4. **Subdivisions.** Show the configuration of lots that will be developed within the subdivision. Provide a conceptual lot layout for the subdivision within the property showing the house, driveway, septic, and well locations or site plan showing the multifamily units, proposed roads, sidewalks, and recreation area, or open space areas.

5. **Site Plans for Multi-family or Single-family on common ownership property/condominium.** Show the conceptual layout and number of multifamily units. Show parking, recreational areas, open space areas, and any other uses and accessory structures.

6. **A preliminary “Housing Affordability Plan”** in accordance with CGS § 8-30g, section 8-30g-1 et seq. of the Regulations of
Connecticut State agencies and the “Housing Affordability Plan Requirements” as adopted by the Commission and as the same may be amended from time to time.

c) Submission of Final Plan. The following information shall be submitted with the final application and plans.

Subdivisions/site plans for Multi-family or single family condominiums.

1. All materials as noted in Section 5 of the Subdivision Regulations (Required Subdivision Content) shall be provided for subdivisions or site plan requirements prescribed in Section 16 of the Zoning Regulations for site plans. Additional plan details shall also be provided as follows:

i) Detail grading plan. In addition to providing a typical grading plan, the project designer may look to grading techniques coordinated with the landscaped plan to provide physical separations and to achieve project cohesiveness, which could enhance the rural character of the area and country setting.

ii) A comprehensive landscape plan prepared by a landscape architect licensed in the State of Connecticut. Landscaping will become an important component to such developments by creating cohesiveness, rural consistency, and improved aesthetic appearance. The Commission reserves the right to require the involvement of a landscape planner or architect for the preparation of the plans. A landscape plan shall include the following:

1. Use indigenous plants to establish continuity with the surrounding areas and a self-sustaining environment. Avoid unusual cultivars. No invasive species, as identified by DEP, are permitted.
2. Integrate mature vegetation into the design where possible.
3. Identify local flora, fauna and choose plant species that enhance and retain their habitat.
4. Use plant materials as design features and not exclusively as buffers.
5. Utilize plant materials transitional edges between open spaces, public agricultural land, and adjacent forested areas.
6. Vary plant material heights and widths and integrate open space when buffering an adjacent site.
7. Balance the quantity of on-site landscaping with the scale of the development.
8. Landscape around proposed building areas, especially on narrow width lots, to soften the harshness of regrading and proximity of homes.
9. Trees should be planted around public areas and along streets in sufficient numbers and spacing to create canopies at maturity for environmental quality and to soften aesthetic impact.
10. Choose plant materials that have year round interest (deciduous color, spring flow, fruits or branching patterns as well as their form, texture and shape).
11. Protect and incorporate significant quantities of existing trees as design elements, and avoid excessive tree clearing.
12. Landscaping shall not impact sight distance.

iii) Building designs – subdivisions/multi-family. The design for all single family homes: all homes shall be designed to be similar in size and detail whether they are affordable or market rate housing. They shall be designed to fit the rural character of the town.

iv) Trash Removal - provide information about the number, location and screening of dumpsters or trash receptacles at community facilities and for servicing dwelling units. For individual units, the Final Plan and, if applicable, a Subdivision Plan shall make adequate provision for trash storage and removal.

v) Pedestrian connectors. Sidewalks, trails shall be provided in suitable locations to create a cohesive and pedestrian friendly development.

vi) Lighting. Lighting shall be provided to create safe conditions for pedestrian and vehicular movement, while screening lighting from residences. Details of lighting shall be provided and shall be aesthetically pleasing as determined by the Commission.

vii) Street Lighting. Street lighting shall be provided along all new streets and at intersections of town roads and as required by the Commission.

viii) Utilities. All utilities shall be underground. The Commission may waive this requirement for a
subdivision where lots are located on an existing town or state road.

ix) Recreation Improvements. The plan shall show any proposed bicycle paths and pedestrian paths, all active recreation improvements, and any other improvements proposed to be made to the open space area in accordance with Section 11E 4 of these Regulations.

x) Traffic. Traffic study prepared by a licensed engineer including, if off-site traffic improvements are proposed or required, a schematic plan with existing and proposed conditions and any off site improvements.

xi) Fire Protection. All measures including water tanks and hydrants to be used for fire protection acceptable to the fire marshal.

xii) Health - Sewer/Water Facilities. Evidence from the town sanitarian or the State Health Department or Department of Environmental Protection that adequate water supply and sanitary system exists to serve the development.

xiii) Drainage. Drainage and grading plan acceptable to the Town Engineer.

xiv) Affordable Housing Plan. A “Housing Affordability Plan” in accordance with CGS § 8-30g and section 8-30g-1 et seq. of the Regulations of Connecticut State agencies and the “Housing Affordability Plan Requirements” as adopted by the Commission and as the same may be amended from time to time shall be provided.

xv) Lot Layout Plan. Lots shall be laid out to encourage the use of open space by the residents of the development as deemed appropriate, and to take advantage of passive solar energy.

xvi) Street Design. All design standards shall comply with the requirements for conventional Subdivisions with the exception of the following; subject to the approval of the Town Engineer:

1. Curbing and formal closed drainage systems are to be held to a minimum except as noted herein. Curbing shall be required where a road is in a cut situation with surrounding land pitching toward the road, at a low point in the road with catch basins to collect storm water runoff, and where a closed drainage
system is required. Curbing is not required where land generally has flat slopes, where the road is in a fill situation and sheet flow away from the road is advantageous, and where no closed drainage system is required. For purposes hereof, a closed drainage system is required where drainage structures are necessitated by site conditions and good engineering practice.

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

2. **Annual certification of continuing compliance with affordability requirements. Noncompliance.** The developer, owner or manager of an affordable housing development, developed pursuant to subparagraph (B) of subdivision (1) of subsection (a) of section 8-30g that includes rental units shall provide annual certification to the commission that the development continues to be in compliance with the covenants and deed restrictions required under said section. The commission may inspect the income statements of the tenants of the restricted units upon which the developer, owner or manager bases the certification. Such tenant statements shall be confidential and shall not be deemed public records for the purposes of the Freedom of Information Act, as defined in section 1-200. With respect to all other affordable units, the Affordability Plan Manager shall provide annual certifications to the Commission demonstrating continuing compliance with the requirements of 8-30g et. seq. of the Connecticut General Statutes and the regulations of Connecticut state agencies promulgated thereunder. (App. 05/06/08; Eff. 06/01/08)
<table>
<thead>
<tr>
<th>Zoning District Letters under the district name identify corresponding requirements noted below.</th>
<th>12.1 Lot Area</th>
<th>12.2 Lot Frontage on Street</th>
<th>12.3 Setback from Centerline of Street or front yard setback for rear lots</th>
<th>12.4 Side yard</th>
<th>12.5 Rear yard</th>
<th>12.6 Building Height</th>
<th>12.7 Lot Coverage</th>
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<tbody>
<tr>
<td><strong>R-120</strong> (R)</td>
<td>120,000 sq.ft. (A)</td>
<td>250 f (C,D,E)</td>
<td>75 ft (H,I,J,K,K1)</td>
<td>20 ft (M,R )</td>
<td>40 ft (O)</td>
<td>30 ft</td>
<td>10 %</td>
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<td><strong>R-80</strong> (R)</td>
<td>80,000 sq.ft. (A)</td>
<td>200 ft (C,D,E)</td>
<td>75 ft (H,I,J,K,K1)</td>
<td>20 ft (M,R )</td>
<td>40 ft (O)</td>
<td>30 ft</td>
<td>15 %</td>
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<td><strong>R-60</strong> (R)</td>
<td>60,000 sq.ft. (A)</td>
<td>200 ft (C,D,E)</td>
<td>75 ft (H,I,J,K,K1)</td>
<td>20 ft (M,R )</td>
<td>40 ft (O)</td>
<td>30 ft</td>
<td>15 %</td>
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<tr>
<td><strong>R-40</strong> (R)</td>
<td>40,000 sq.ft. (A)</td>
<td>150 ft (C,D,E)</td>
<td>75 ft (H,I,J,K,K1)</td>
<td>20 ft (M,R )</td>
<td>25 ft (O)</td>
<td>30 ft</td>
<td>20 %</td>
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<tr>
<td><strong>R-S</strong> (R)</td>
<td>60,000 sq.ft. (A)</td>
<td>200 ft (C,D,E)</td>
<td>75 ft (H,I,J,KK1)</td>
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<td><strong>C-1</strong></td>
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<td>150 ft (C,D)</td>
<td>75 ft (H,I,K)</td>
<td>12 ft (L)</td>
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<td>30 ft</td>
<td>30 %</td>
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<tr>
<td><strong>C-2</strong></td>
<td>40,000 sq.ft.</td>
<td>150 ft (C,D)</td>
<td>75 ft (H,I,K)</td>
<td>30 ft (L)</td>
<td>25 ft</td>
<td>30 ft</td>
<td>30 %</td>
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<tr>
<td><strong>I</strong></td>
<td>80,000 sq.ft.</td>
<td>200 ft (C,D)</td>
<td>100 ft (H,I,K)</td>
<td>30 ft (L,M)</td>
<td>50 ft (O)</td>
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<td>25 %</td>
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<tr>
<td><strong>PD</strong></td>
<td>10 acres</td>
<td>400 ft (C,D)</td>
<td>100 ft (H,I,K)</td>
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<td>40 ft</td>
<td>40 ft</td>
<td>20 %</td>
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<tr>
<td><strong>RC</strong> (S)</td>
<td>200,000 sq.ft. (C,D)</td>
<td>500 ft (H,I,K)</td>
<td>30 ft (L)</td>
<td>25 ft</td>
<td>50 ft (P, P1) Eff. 8/28/07</td>
<td>25 %</td>
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<tr>
<td><strong>TRD</strong> (Q)</td>
<td>200,000 sq.ft. (B)</td>
<td>500 ft (C,D,F,G)</td>
<td>150 ft (H,I,K)</td>
<td>30 ft (M,N)</td>
<td>25 ft (O)</td>
<td>50 ft (P)</td>
<td>25 %</td>
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<tr>
<td><strong>PCVD</strong></td>
<td>60,000 sq.ft.</td>
<td>150 ft</td>
<td>Consistent with the existing buildings</td>
<td>20 ft</td>
<td>20 ft</td>
<td>See Section 11D3.4.1a</td>
<td>See Section 11D3.4.1i</td>
</tr>
</tbody>
</table>
**LOT AREA**

(A) Rear lots permitted in accordance with Section 13.7.1 must contain a minimum of three (3) acres in area.

(B) In the Thames River Design District, if the lot is served by both public sewer and water systems the lot size is reduced to eighty thousand (80,000) square feet.

**FRONTAGE**

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

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

(E) Frontage for rear lots may be reduced to a minimum of twenty-five feet (25’) in accordance with Section 13.7.2.

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

(G) Minimum frontage in TRD may be reduced by fifty percent (50%) if the lot has its frontage and access onto a roadway which serves only properties in this district.

(G1) The Commission may reduce the frontage requirement to one hundred twenty-five feet (125’) if the applicant is proposing to use a shared driveway. See Section 11D3.4.1q. (rev 11/13/01).

**SETBACK FROM CENTERLINE OF ROAD**

(H) The setback requirements shall be increased by twenty-five feet (25’) for buildings fronting on the circular turnaround at the end of a dead-end street and for new buildings fronting on state highways. This requirement does not apply to additions to existing buildings or to buildings in the Resort Commercial District. (1/1/94)

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

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

(J) In any residential district where the average setback of at least two (2) developed lots within one hundred fifty feet (150’) of the lot in question and within the same block is less or greater than the minimum setbacks prescribed elsewhere in these Regulations, the required setback on such lots shall be modified so that the setback shall not be less than the average setback on the two (2) lots immediately adjoining; or in case of a corner lot, the setback on the lot immediately adjoining; provided that the setback on any lot shall be at least sixty-five feet (65’) and need not exceed one hundred feet (100’).
(K) An addition may be made to a building that does not conform to the setback requirements of these Regulations, provided the addition extends no closer to the street than the existing building.

(K1) There shall be a fifty foot (50’) setback along the front line of a rear lot.

SIDE YARD

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

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

(N) In the TRD District, the side yard requirement may be waived by the Commission between two (2) or more activities within this district where the Commission determines that a more desirable development will occur and where such a waiver will not have a detrimental effect on abutting property.

REAR YARD

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

BUILDING HEIGHT

(P) In the RC District for Convention Centers and Sports Arenas and in the TRD District, maximum building height is fifty feet (50’). However, this requirement may be waived by three-quarters (¾) vote of the entire Commission and provided the following conditions are met:

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

(P1) The Commission may permit buildings or structures greater than fifty feet (50’) in height in the Resort Commercial District in accordance with Section 11B.4.12 and with the standards noted in Section 15.4 of the Regulations and provided a view shed analysis is prepared by the applicant to determine any impact on residential neighborhoods. Any building greater than fifty feet (50’) in height shall be approved by the Fire Marshal. (Eff. August 28, 2007)

MISCELLANEOUS REQUIREMENTS

(Q) Thames River Design District, additional dimensional requirements are outlined in Section 11C.

(R) Minimum floor area in a residence

1. Single-family dwelling shall contain a minimum of nine hundred (900) square feet for a single-story structure and twelve hundred (1200) square feet for a multi-level house.
2. A dwelling without a cellar shall provide an area of two hundred (200) square feet for storage space in addition to the above minimum floor area requirements. Cellar space shall not be counted in computing floor area requirements.
In the Resort Commercial District, where Resort Commercial district boundaries or the Town line intersect a parcel of land, the district boundary or town line shall be considered a parcel boundary for the purposes of compliance with these Regulations, unless the Commission determines that the adjacent zoning district is compatible with the Resort Commercial district.

SECTION 13 - SUPPLEMENTARY REGULATIONS

13.1 **Wetlands and Watercourses.** Building and uses that are likely to have an adverse Effect on wetlands and watercourses shall not be permitted.

13.1.1 No building or disturbance to the land shall be located or completed within one hundred feet (100’) of any waterbody, watercourses (if subject to flooding its highest flood line) or wetland, unless approved by the Preston Conservation Inland Wetlands Commission. (App. 12/18/2003; Eff. 1/5/2004)

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

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

13.4 **Exceptions To Height Limits.** Maximum building heights prescribed in these Regulations may be exceeded for such features as steeples, antennas, water towers, chimneys, silos and barns, provided permission is obtained from the Commission, which shall determine that no threat to public safety will result from the structure.

13.5 **Buffers.** As a condition of approval of any use other than a single-family residence, the Commission may require a landscaped strip along the property line and/or road frontage, suitably planted with trees and shrubs to provide an Effective buffer, in order to minimize any adverse Effects that the proposed use might have on the neighborhood.

13.6 **Access Between Zoning Districts.** Pedestrian or vehicular access to a permitted use located in a less restricted district through property situated in a more restricted district is not permitted except over public roads which have been accepted and are maintained by the town.

13.7 **Rear Lot Development.** The Commission may permit a lot not having the required frontage on a street to be used for a residence provided the following conditions are met. It
is the intent of this subsection to permit limited use of backland which would otherwise become unusable, as land along the street frontage is subdivided.

13.7.1 Any such lot shall contain at least three (3) acres and shall be of such shape that it can contain a rectangle with minimum dimensions of three hundred feet (300’) by four hundred feet (400’) feet, wherein the principal building would be located.

13.7.2 Such a lot shall be accessible to a street by way of a driveway owned as part of the lot and consisting of a strip of land not less than twenty-five (25’) in width throughout. The area of the driveway shall not be included in the three (3) acre lot size requirement.

13.7.3 The Commission shall determine that the location of the driveway will not impede future development or use of the land through which it passes and will have the least possible harmful impact on natural features.

13.7.4 The deed for any such lot shall contain the provision that the access driveway cannot be used for access to any other property except for agricultural purposes and that the Town of Preston shall not ever be required to plow, maintain, assume ownership of, or provide school bus service or garbage collection service along the driveway access to such lot.

13.7.5 Where the driveway for any rear lot meets the street, it shall be determined by the Commission not to endanger public safety by reason of poor sight distance or some other condition, but in no case shall such driveway be located closer than one hundred feet (100’) from more than one (1) other existing or approved driveway on the same side of the street.

13.7.6 Rear lots are permitted only to the rear of lots fronting on streets and not behind other rear lots which front on the same street. (4/18/95)

13.7.7 No building, swimming pool, tennis court or similar accessory use shall be located on such rear lot closer than one hundred feet (100’) to an existing residence on an adjoining lot.

13.7.8 Accessory uses and buildings on rear lots shall conform to all other dimensional requirements of these Regulations.

13.7.9 Connection of any such driveway to a Town road shall be approved by the First Selectman. Connection to a state highway shall be approved by the Connecticut Department of Transportation.

13.8 Conversion Of Residence and Accessory Apartments. (Rev. 3/7/2000, Eff. 3/24/2000zta3-00)

13.8.1 Conversion of Residence. A building used continuously as a single-family residence since 1964 and is located in an R-120, R-80, R-60, R-40, RS or C-1 District may be converted to a two-family residential dwelling, however, such conversions are permitted in
the R-S District only on lots that meet the minimum lot area requirement of 60,000 square feet, and provided the following conditions are met: (Rev. 10/3/06; Eff. 10/29/06)

a. Certification must be received from the Town Sanitarian that an adequate water supply is available and the sewage disposal system is adequate to meet the Public Health Code or the property is able to accommodate a new sewage disposal system to meet the Public Health Code.
b. Each dwelling unit shall contain a minimum of five hundred (500) square feet plus one hundred fifty (150) additional square feet per bedroom and shall include complete kitchen facilities and a private bath.
c. A minimum of two (2) parking spaces per unit be provided.
d. Any modifications to the exterior of the structure shall not change the single-family appearance of the residence.
e. No exterior additions to the living space footprint or building height have been made for the past five years.
f. The existing single family residence shall have a minimum of eighteen hundred (1,800) square feet of living space.

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

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

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

a. Only one (1) apartment will be created within a single-family dwelling.
b. The owner(s) of the residence in which an accessory apartment is created shall occupy at least one (1) of the dwelling units, except for bona fide temporary absences.
c. The minimum floor area of an apartment shall be four hundred fifty (450) square feet and shall not exceed twenty-five percent (25%) of the total floor area of the dwelling.
d. The apartment shall meet all applicable standards of the State of Connecticut health, building, and fire codes.
e. Off-street parking shall be provided as required by these Regulations.
f. Any other appropriate or more stringent conditions deemed necessary by the Commission to protect public health, safety, welfare, and the single-family character of the neighborhood, shall be met.
g. Certification must be received from the Town Sanitarian that an adequate water supply is available and the sewage disposal system is adequate to meet the Public Health Code or the property is able to accommodate a new sewage disposal system to meet the Public Health Code.
13.8.2.2. Application for an accessory apartment shall include:

a. A notarized letter of application from the owner(s) stating that he/she will occupy one of the dwelling units except for bona fide temporary absences; in the event the residence is not owner occupied, the building shall be converted back to a single family dwelling.

b. A floor plan of the building at a scale acceptable to the Commission which clearly shows the building and sizes of rooms. This floor plan shall list the total floor areas of both dwelling units.

c. A site plan of the property, to scale, showing all existing and proposed structures, off-street parking, and utility systems.

d. A written report from the Town Sanitarian indicating that the existing and/or proposed water supply and sewage disposal systems will adequately serve the proposed use.

13.8.2.3 The Effective period of a permit shall be five (5) years. At the end of this time period, renewal shall be granted by the Zoning Enforcement Officer after inspection and upon written certification from the owner that all of the conditions met at the time of the original application remain unchanged.

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

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

13.9.2 No accessory building shall be higher or larger in ground floor area than the principal building, except in connection with an agricultural use.

13.10 **Home Occupation.** (12/15/90) Low-impact, low-volume activities conducted for financial gain shall be permitted in residential districts by vote of the Commission, provided they meet the requirements of this section.

13.10.1 The activity must be clearly secondary to the use of the premises for dwelling purposes, and, when conducted within the dwelling, it shall occupy no more than twenty-five percent (25%) of the finished and habitable floor area of the dwelling. When conducted in an accessory building, the area of the activity shall not exceed twenty-five percent (25%) of the floor area of the residence.

13.10.2 The activity shall not change the residential character of the property in any visible manner, except as permitted in Section 18.4.1 (Residential Signs) of these Regulations. (The provisions of Section 18.4.2 do not apply to home occupations.)

13.10.3 The activity shall not result in objectionable odors, noise, vibrations, obnoxious or unsightly conditions noticeable from off the premises, or interfere with radio or television reception.
13.10.4 The activity shall not generate traffic in excess of an average of ten (10) business visits per day in order to prevent a noticeable increase in traffic in the neighborhood.

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

13.10.6 Only persons residing on the premises shall be employed in the home occupation.

13.10.7 There shall be no trading in merchandise and no retail sales of goods other than those manufactured on the premises by the occupation. Repair shops are exempt from this requirement provided repair parts sold are installed in the repaired equipment by the home occupation.

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

13.10.9 Occupations which require the presence of clients or customers on the premises while services are rendered are not permitted, except that one-chair barber shops, one-chair beauty shops and home instruction for small groups are permitted.

13.10.10 No external alternations or construction features which are inconsistent with the residential character of the property are permitted.

13.10.11 Commercial vehicles. (See Section 13.12.1 of these Regulations.)

13.10.12 The activity shall not generate a need for more than two (2) automobile parking spaces in excess of those used by the residents of the dwelling, and all parking spaces shall be located off-street to the rear of the building line and provided with an all-weather surface.

13.10.13 Home occupations occasionally become successful to the point that they have an adverse impact on the residential character of the neighborhood and/or the residential use becomes secondary to the home occupation. For this reason, permits shall be for no longer than two (2) years, but may be renewed by the Zoning Enforcement Officer, after inspection, provided conditions have not changed substantially and the occupation is being conducted in a satisfactory manner.

13.11 **Farming.** Farming shall be a permitted use in any Zoning District provided that the tract contains a minimum of five (5) acres.

13.12 **Residential District Requirements.** The following requirements apply to all residential districts:
13.12.1 The parking of not more than one (1) commercial motor vehicle is permitted per dwelling unit, provided the vehicle is self-propelled, does not have more than a single-axle rear end, and is owned or operated by the owner or occupant of the dwelling unit.

13.12.2 No wrecked or junked vehicle nor more than one (1) unlicensed vehicle, except farm equipment on an active farm, shall be stored or parked on any part of any lot in a residential zone.

13.12.3 No machinery parts, scrap metal, rubbish or similar unsightly material, except for farm equipment on an active farm, shall be stored or parked on any part of any lot in a residential zone.

13.12.4 Stock-piled topsoil and other earth materials shall not be kept closer than one hundred fifty feet (150’) from a residence on an adjacent lot. The Commission may require that such material be graded, seeded or otherwise stabilized to prevent dust, erosion or unsightly appearance.

13.12.5 Garage, yard and cellar sales not to exceed two (2) consecutive days shall be permitted twice in any one (1) calendar year on any one (1) piece of property. A permit must be procured for each sale from the Zoning Enforcement Officer for a fee of two dollars ($2.00).

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

13.13.1 Abattoir, meat packing, distillation of bones, offal, or rendering or dumping of dead animals.

13.13.2 Blast furnaces or smelting of copper, iron, lead, tin, zinc.

13.13.3 Coal or petroleum distillation or derivation of by-products.

13.13.4 Manufacture of cement, lime, gypsum or plaster of paris, or chlorine, or carbolic, hydrochloric, nitric, picric, or sulfuric acid.

13.13.5 Manufacture or storage of explosives.

13.13.6 Fertilizer manufacture.

13.13.7 Fat rendering in the manufacture of tallow, grease and oil.

13.13.8 Refining and recovery of products from fish, animal, refuse, or offal.
13.13.9 Gas manufacture and storage by other than a public utility, except that the storage for distributing purposes and the distribution of liquefied petroleum gas may be permitted by the Commission or Board, provided the use is permitted by right or by special exception or as an accessory use and that the standards established by the National Fire Prevention Act and applicable State laws are complied with. Nothing shall prevent the storage for use on the premises of liquefied petroleum gas when installed and used in accordance with applicable State laws.

13.13.10 Junk yards.

13.13.11 The disposal or processing of hazardous waste, as defined in Section 22a-115 (1) of the Connecticut General Statutes.

13.13.12 Ash landfills and sanitary landfills, other than any officially designated Town of Preston landfill.

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

13.14.1 Mobile homes, regardless of whether or not they are occupied, shall be permitted only on locations occupied by a mobile home on April 13, 1964, and continuously thereafter. Except that where a building permit for a dwelling is granted, a zoning permit for the placing of a mobile home on the same lot for a period not exceeding one (1) year may be granted, provided said mobile home is removed within the one (1) year period or sixty (60) days of the issuance of an Occupancy Permit for the dwelling constructed, whichever comes first, and provided the owner shall post a bond in a form satisfactory to the Board of Selectman and made payable to the Treasurer of the Town of Preston in an amount approved by the Board of Selectmen, but not less than one thousand dollars ($1,000), as sufficient to guarantee the removal of said mobile home. Applications for mobile homes, either as replacements of existing units or as temporary units during the construction of a dwelling, shall be reviewed and approved by the Zoning Enforcement Officer.

13.14.2 Application for replacement of a mobile home on locations occupied by a mobile home on April 13, 1964, and continuously thereafter, shall be accompanied by documentation of such continuous occupancy. The Zoning Enforcement Officer shall, as a condition of approval of such replacement, require that the sewage disposal system meets current standards and that the yard and setback requirements of these Regulations are met.

13.14.3 No mobile home shall have attached to it any time any cabanas, awnings or other addition unless such cabanas, awnings or other addition are a product specifically manufactured for mobile home use or the plans for the same have been approved by the Zoning Enforcement Officer.
13.14.4 The Zoning Enforcement Officer may grant a temporary permit for a fixed time for the use of a mobile home or trailer as a field office or related use in connection with a bonafide construction operation. *(Rev. 03/04/08; Eff. 03/28/08)*

13.14.5 One (1) camper unit may be parked and occupied on a parcel or lot not to exceed three (3) weeks with the written permission of the Director of Health and the Zoning Enforcement Officer.

13.14.6 No more than one (1) camper unit shall be parked or stored on a lot in a residential district for a period exceeding three (3) weeks, except in an authorized recreation campground. Such units shall not be parked or stored within the required yard areas of the lot.

13.15 **Poultry Operations.** No new buildings may be built or an existing building used for the raising of more than twenty-five (25) poultry for any purpose, unless such building is located at least three hundred feet (300’) from the nearest neighboring residence, public building, place of worship, place of regular or periodic public assembly, or commercial eating and drinking establishment, and is set back a minimum of two hundred feet (200’) from any street right-of-way and shall contain a fifty foot (50’) planted buffer strip between neighboring properties where held to be desirable by the Commission.

13.16 **Pigs.** Pigs shall be permitted only on farms and no more than five (5) pigs over one (1) year of age shall be kept on a farm. Pigs shall be confined to an enclosed area and such enclosure shall not be located closer than three hundred feet (300’) from any neighboring residence.

13.17 **Animal Wastes.** No animal or poultry wastes shall be stored within two hundred fifty feet (250’) from the nearest neighboring dwelling, within three hundred feet (300’) of a watercourse, or on sloping land which may drain onto another property or into a watercourse or wetland.

13.18 **Swimming Pools.** Swimming pools are permitted as accessory uses on residential lots in all districts provided no part of the pool or associated decking, filtering equipment, bathhouse or other feature, is closer than twenty feet (20’) from any side or rear property line, and shall be back of the front building line, or seventy-five feet (75’) from the centerline of the street whichever setback dimension is less. In addition to the above, all pools shall conform to the requirements of the Public Health Code and the Building Code.

All outdoor-inground pools shall be surrounded by a fence which shall be a minimum of four feet (4’) high and designed to discourage access by unauthorized persons. When the swimming pool is not open for use, access to the pool shall be prevented. No pool shall be filled with water until the required fence is in place.
Any swimming pool installed prior to the Effective date of this regulation shall in no way be considered as a violation of the Zoning Regulation. However, any swimming pool, terrace, deck, or other appurtenance to such pool, shall not be replaced or expanded in any manner other than to conform which these Regulations as amended; ladders, linings and filter excepted.

13.19 **Tennis Courts.** Tennis courts with their usual wire enclosure are permitted as accessory uses in all districts provided no part of the court or its accessories or other feature is located closer than twenty feet (20’) from any side or rear property line and shall be back of the front building line or seventy-five (75’) from the centerline of the street, whichever setback dimension is less.

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

13.20.1 No WECS shall be permitted on a lot containing less than forty thousand (40,000) square feet.

13.20.2 The maximum height of any support tower for a WECS shall be eighty feet (80’). Any protruding rotor blades shall not extend closer than fifteen feet (15’) to the ground surface.

13.20.3 No part of a WECS structure shall be located closer than twenty-five feet (25’) to a property line.

13.20.4 The support tower for a WECS shall be set back from all property lines a distance equal to the sum of the tower height plus the rotor blade length.

13.20.5 The supporting structure for a WECS shall not be attached to any structure containing a dwelling unit.

13.20.6 Each WECS shall be equipped with a braking device that will prevent the rotor blades from turning faster than a rate produced by a forty (40) mile per hour wind.

13.20.7 A WECS shall not cause interference with radio or television reception. If such interference is detected, the property owner shall be required to take whatever measures are necessary to end the interference, including relocation or removal of the WECS.

13.20.8 No WECS shall be approved until the application shows evidence that the plans have been reviewed and found to be satisfactory by the public utility responsible for
providing conventional electric power to the property. Wiring shall be installed by a
certified electrician.

13.20.9 The maximum permitted noise level of a WECS shall be forty-five (45) decibels, as
measured on the DBA scale, and as detected at any point on the property line.

13.20.10 Climbing access to the WECS support tower shall not begin lower than twelve feet
(12’) above the ground.

13.20.11 The support tower for a WECS shall be used solely for supporting the WECS and
shall be removed when the tower ceases to be used for such purposes.

13.21 **DELETED.** (3/17/92)

13.22 **Multiple Uses.** The Commission may permit more than one (1) permitted non-
residential building or use to be conducted on the same lot in a C-1, C-2 or I District,
provided all such buildings or uses are planned as a unit, with integrated parking, access,
building design and landscaping, and provided all other requirements for the zone are
complied with.

13.23 **Special Flood Hazard Area (SFHA) Requirements.** The SFHA includes all areas
designated as Zone A, A1-30 on the Flood Insurance Rate Map (FIRM) for the Town of
Preston, dated March 4, 1985, or any subsequent revision thereto, and of the Flood
Boundary and Flowery Map for the Town of Preston, dated March 4, 1985, or any
subsequent revision thereto, on file with the Commission. These maps, as well as their
accompanying Preston Flood Insurance Study, are incorporated herein by reference. The
following requirements are intended to reduce the threat to public safety and loss of
property values resulting from periodic flooding and to ensure eligibility for continued
participation by the Town of Preston in the National Flood Insurance Program. In cases
where conflicts occur between the requirements of the underlying zoning district and
these SFHA requirements, this subsection shall control. The following regulations apply
within the SFHA:

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

13.23.2 Within the SFHA, (I) all new construction and substantial improvements of residential structures shall have the lowest floor elevated to or above the base level and (ii) all new construction and substantial improvement of non-residential structures shall have the lowest floor elevated or flood proofed to or above the base flood level, provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic loads and the Effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction and shall certify that the design methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the Building Official.

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

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

13.23.4 Prior to issuing a zoning permit for new development within the SFHA, the Commission shall review plans for such development to determine that it will be consistent with the needs to minimize flood damage within the flood prone area, and that (i) new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the Effects of buoyancy, shall be constructed with materials resistant to flood damage, and shall be constructed by methods and practices that minimize flood damage; (ii) on-site waste disposal systems are located to avoid impairment to them or contamination from them during flooding; and (iii) electrical, heating, ventilation, plumbing, air
conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (12/15/91)

13.23.5 Any manufactured home to be placed or substantially improved on a site in the SFHA shall be elevated so that the lowest flood is above base flood elevation. It shall be placed on a permanent foundation which itself is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top frame ties to ground anchors.

13.23.6 Within the floodway as shown on the Flood Boundary and Floodway Map, all encroachments, including fill, new construction, substantial improvements to existing structures, and other development, are prohibited unless certification by a registered engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during a 100-year flood. No manufactured home shall be placed within the area of the floodway.

13.23.7 Applicants for development within the SFHA on the Town’s FIRM shall submit with their applications assurances that the flood-carrying capacity is maintained within any altered or relocated portion of any watercourse.

13.23.8 The Commission shall notify, in riverine situations, adjacent communities and the Connecticut Department of Environmental Protection (Water Resources Unit), prior to approving any alteration or relocation of a watercourse, and shall submit copies of such notice to the Federal Insurance Administrator.

13.23.9 The Zoning Enforcement Officer shall (i) record the elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, or the elevation to which such structures have been flood-proofed, in accordance with subsection 13.23.2 above; (ii) advise the applicant that additional federal or state permits may be required; and (iii) require and file copies of such additional permits as they are obtained.

13.23.10 For the purposes of this subsection of these Regulations relating to SFHA requirements, the following definitions shall apply:

a. base flood means a flood having a one percent (1%) chance of being equaled or exceeded in any given year.

b. substantial improvement means any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during a one (1) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be either the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or
not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

c. construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling unit or not part of the main structure.

d. lowest floor means the top surface of the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building lowest floor.

e. manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes camping vehicles, park trailers, and similar transportable structures placed on a site in the SFHA for one hundred eighty (180) consecutive days or longer and intended to be improved property.

f. manufactured home park or subdivision means a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

g. mean sea level means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations on the FIRM are referenced.

h. development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials. (12/15/91)

i. floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1’). (12/15/91)

13.24 **Alcoholic Beverages.** Alcoholic beverages of all types may be sold in packaged form at licensed package liquor stores. Beer may be sold in grocery stores. Alcoholic beverages of all types may be sold in restaurants for consumption on the premises, provided they are dispensed only from a service bar.
13.25 **Wireless Telecommunication Facilities** (7/15/98)

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

1. To encourage use of nonresidential buildings and structures, such as water storage tanks.
2. To encourage joint use of new or existing towers and facilities.
3. To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of towers.
4. To accommodate the need for wireless communication towers and antennas while regulating their location and number.
5. To protect historic and residential areas from potential adverse impacts of wireless communication facilities.
6. To encourage suitable design measures to minimize adverse visual Effects of wireless communication facilities.
7. To reduce the number of towers and/or antennas needed in the future.

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

13.25.2 **Definitions:**
- **Antenna** - A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip, panel, and dish antennas.
Co-location - Locating wireless communication facilities of more than one (1) provider on a single site.

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

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

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

13.25.3 Siting Preferences: The general order of preference for alternative facility locations shall range from #1 as the most preferred, to #5, the least preferred:

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

13.25.4 Use By Right:

Permitted Uses. The following uses generally pose a minimum adverse visual Effect and shall be deemed permitted uses in Commercial, Industrial, Resort Commercial and Thames River Design zoning districts subject to Site Plan Approval in Section 16 of these Regulations for alternative facility locations #’s 1,2,3,& 4 in Section 13.25.3. Section 13.25.3 - number 5 requires a Special Exception in accordance with Section 15 and Section 13.25.6 of these Regulations.

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

2. Wireless telecommunication facilities where the antenna is mounted on existing towers, water towers/tanks, utility poles, steeples, clock or bell towers, monuments, billboards, chimneys, bridges, grain elevators, and silos, provided the following standards are met:
   a. No change is made to the height of the structure.
   b. Panel antennas shall not exceed sixty inches (60") in height by twenty-four inches (24") in width; whip antennas shall not exceed forty-eight inches (48") in height; and dish antennas shall not exceed thirty-six inches (36") in diameter.
   c. Equipment cabinets and sheds shall meet the requirements of these Regulations.
   d. Facilities shall be of a material or color which matches the exterior of the structure and shall blend into the existing architecture of the structure to the extent possible.

3. Wireless telecommunication facilities where a tower is located on property occupied by one (1) or more towers erected prior to the Effective date of this Section (13.25)(M/D/Y), provided the following standards are met:
   a. The height of the tower to be erected shall not exceed the height of the tallest tower on the property.
   b. All attempts are made to co-locate the antenna on existing towers.
   c. Equipment cabinets and sheds shall meet the requirements of these Regulations.

4. This section shall not govern any tower, or the installation of any antenna, which is less than 60 feet (60’) in height, that is a federally licensed amateur radio station operator or is used exclusively for receive only antennas (including parabolic dishes) for the private use by residents or local businesses for radio to television reception, and 2-way mobile communications.

13.25.5 Site Plan Requirements: All applications to develop a wireless telecommunications facility as a permitted use or special exception shall meet the site plan requirements listed in Section 16 of these Regulations. In addition, the following information shall be submitted for each application where applicable. The Commission may require independent engineering/technical review of submitted materials at the applicant’s expense.

   a. A map indicating the service area of the proposed wireless telecommunications site. A map indicating the extent of the provider’s existing and planned coverage within the Town of Preston and a map indicating the search radius for the proposed wireless
telecommunications site, including the location of tall structures within one quarter (¼) mile of the proposed site.

b. A report from a licensed telecommunication systems engineer indicating why the proposed site location is necessary to satisfy its function in the applicant’s proposed wireless telecommunications system.

c. Plan showing where and how the proposed antenna will be affixed to a particular building or structure.

d. Details of all proposed antenna and mounting equipment including size and color.

e. Elevations of all proposed shielding and details of material including color.

f. An elevation of all proposed equipment buildings, boxes or cabinets. Details of all proposed fencing including color.

g. Tower base elevation and height of tower.

h. A design drawing, including cross section and elevation, of all proposed towers. A description of the tower’s capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas. The design shall indicate how the tower will collapse without encroaching upon any adjoining property if failure occurs.

i. A report from a licensed telecommunication systems engineer indicating that the proposed wireless telecommunication facility will comply with FCC radio frequency emission standards and that the installation will not interfere with public safety communications.

j. All proposed landscaping, if appropriate, with a list of plant materials.

k. Proposed access to the site.

l. All utilities serving the proposed tower or antenna, and any ancillary buildings, must be located underground

13.25.6 **Special Exception:** On new towers for wireless telecommunications proposed to be located in residential zones, the requirements of Section 15 of these Regulations, plus the following requirements of this Section must be submitted to the Commission.

a. All of the plans and information required for a permitted use wireless telecommunications facility site plan required in Section 16 of these Regulations.

b. A view shed analysis showing all areas from which the tower would be visible, and if requested by the Commission, a simulation of the proposed site in order to help the Commission determine the visual impacts associated with the proposal.

c. Documentation prepared by a licensed telecommunications systems engineer that no existing or planned tower or other structure can accommodate the applicant’s antenna. For tall structures located within one quarter (¼) mile radius of the proposed site, documentation that the owners of these locations have been contacted and have denied permission to install the antenna on these structures for other than economic reasons.

d. Proximity of the tower to residential structures.

e. Nature of uses on adjacent and nearby properties within one thousand feet (1,000’).

f. Surrounding topography within one thousand (1,000’) at contour intervals not exceeding ten feet (10’).
g. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

13.25.7 **Special Exception General Standards:** The wireless telecommunication facility standards enumerated below shall be followed:

1. The tower and/or antenna shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunications facility. Documentation of the minimum height needed, prepared by a licensed telecommunication systems engineer, shall accompany an application. The Commission may require the submission of propagation modeling results to facilitate its review of tower height.

2. A tower must comply with the setback requirements of the zone in which it is located, or be set back from all property lines a distance equal to the height of the tower, whichever is greater.

3. A telecommunications facility may be considered as either a principal or accessory use. The minimum lot area for the construction of a new tower shall be that of the zone in which it is located. More than one tower on a lot may be permitted if all setbacks, design, and landscape requirements are met for each tower. A telecommunications facility may be located on leased land as long as there is adequate ingress and egress to the site for service vehicles, and such access is documented in a deed easement presented to the Commission.

4. All towers in residential zones shall be a monopole design unless otherwise modified and approved by the Commission. The Commission may require that a monopole be designed and treated with architectural materials so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part, or other suitable art form/sculpture as determined by the Commission.

5. Towers not requiring FAA paintings or markings shall be painted a non-contrasting blue, gray, or other neutral color.

6. No lights or illumination shall be permitted unless required by the FAA.

7. No signs or advertising shall be permitted on any tower or antenna, except no trespassing, warning, and ownership signs are permitted at ground level.

8. The proposed support structure shall be required to accommodate a minimum of three users unless it is determined to be technically unfeasible based upon information submitted by the applicant and verified by the Commission. These users shall include other wireless communication companies, and local police, fire, and ambulance companies.

9. A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, as amended.
10. The Commission may require the use of Section 16-50a of the Connecticut General Statutes to promote tower sharing.

13.25.8 **Special Exception Review Standards:** In addition to other appropriate review standards found in Section 15 of these Regulations, the Commission, in reviewing applications for wireless telecommunication facilities, shall consider:

1. Detailed analysis of alternative sites, structures, access, and antennas as provided by the applicant. Particular attention will be placed upon the siting preferences found in Section 13.25.3 of these Regulations.

2. Detailed propagation and antenna separation analysis relative to tower height.

3. Tower sharing or co-location to facilitate the telecommunication needs of municipalities and other entities in order to reduce the need to construct additional towers. The Commission reserves the right to require the applicant to utilize the provisions of Section 16-50a of the Connecticut General Statutes to achieve tower sharing.

4. Assessment of tower structure type.

5. Assessment of design characteristics/architectural treatments that mitigate, reduce or eliminate visual impacts on adjacent areas.

6. If located on a property listed on the National Register of Historic Places, preservation of the historic and/or architectural character of the landscape or any structure.

7. Consideration of future use or re-use of the site, with provisions for facility removal and site restoration.

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

1. Each building shall not contain more than one hundred fifty (150) square feet of gross floor area or be more than eight feet in height.

2. Each building shall comply with the setback requirements for accessory buildings for the zoning district in which it is located.

3. If located on the roof of a building, it shall be designed to blend with the color and design of the building to the extent possible.

4. All ground level buildings, boxes, or cabinets shall be surrounded by a chain link or comparable fence and be landscaped according to the landscaping requirements of Section 13.5 and Section 16.5.5 of these Regulations.
13.25.10 **Abandonment**: A wireless telecommunication facility not in use for twelve (12) consecutive months shall be removed by the facility owner at their expense. This removal shall occur within ninety (90) days of the end of such 12-month period. The Commission may require a bond or other surety satisfactory to the Town of Preston, to guarantee removal, which shall be reviewed and renewed every two (2) years. If there are two (2) or more users of a single tower, this provision shall not become Effective until all users cease utilizing the tower.

### SECTION 14 - COASTAL AREA MANAGEMENT

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

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

14.3 **Coastal Site Plan.** Except where exempted under the provisions of Section 14.4 of these Regulations, in addition to meeting the other requirements of these Regulations, all applicants for zoning permits, special exceptions, or variances relating to uses proposed for location fully or partially within the coastal area shall submit a coastal site plan which shall accomplish the following:

14.3.1 Show the location and spatial relationship of coastal resources on and contiguous to the site;

14.3.2 Describe the entire project with appropriate plans, indicating project location, design, timing and methods of construction;

14.3.3 An assessment of the capability of the resources to accommodate the proposed use;

14.3.4 An assessment of the suitability of the project for the proposed site; and

14.3.5 An evaluation of the potential beneficial and adverse impacts of the project and a description of proposed methods to mitigate adverse Effects on coastal resources.

14.3.6 Any person submitting a coastal site plan shall demonstrate that the adverse impacts of the proposed activity are acceptable and shall demonstrate that such activity is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes.
14.3.7 A site plan prepared to meet the special requirements of this section may also include information necessary to meet other site plan requirements of these Regulations.

14.4 **Exemptions.** The following are exempt from the coastal site plan review requirements as they relate to Permitted Uses, Special Exceptions and Variances:

14.4.1 Minor additions to or modification of existing buildings or detached accessory buildings, such as garages and utility sheds.

14.4.2 Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including, but not limited to, walks, terraces, driveways, swimming pools, tennis courts, docks, and detached accessory buildings.

14.4.3 Construction of new or modification of existing on-premises structures, including fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources or restrict access along the public beach.

14.4.4 Construction of an individual single-family residential structure except when such structure is located on an island not connected to the mainland by an existing road bridge or causeway or except when such structure is in or within one hundred feet (100’) of the following coastal resource areas: (a) tidal wetlands, (b) coastal bluff and escarpments, and (c) beaches and dunes.

14.4.5 Activities conducted for the specific purpose of preserving soil, vegetation, water, fish, shellfish, wildlife, and other coastal land and water resources.

14.4.6 Interior modifications to buildings.

14.4.7 Minor changes in use of a building, structure, or property, except those changes occurring on property adjacent to or abutting coastal waters.

14.4.8 Gardening, grazing, and the harvesting of crops.

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

14.6 **Special Exceptions.** All uses listed as being permitted by Special Exception in a particular zoning district are permitted in the coastal area of that district as well, provided they meet the additional requirements of this section.
14.6.1 In addition to other uses allowed by Special Exception in parts of zoning districts located within the coastal area, the following uses are permitted by Special Exception throughout the coastal area, regardless of the zoning district classification;

   a. Boat liversies providing rental of small sail boats (eighteen feet (18’) or less in length), row boats and canoes. No boat motor or motor boat rentals, sales, or services are allowed in Residential Districts.
   b. Boat launching facilities.
   c. Fishing bait and tackle shops.

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

14.7.1 The Commission may, at its discretion, hold a public hearing on any coastal site plan submitted to it for review.

14.7.2 In determining the acceptability of potential adverse impacts of the proposed activity described in the coastal site plan on both the coastal resources and the future water-dependent opportunities, the Commission shall: (a) consider the characteristics of the site, including the location and condition of any coastal resources defined in Section 22a-93 of the Connecticut Statutes (see Coastal Resources Map for the Preston Coastal Area in the rear of these Regulations as a general guide for locating coastal resources. More precise identification and delineation of resources shall be done on the site); (b) consider the potential Effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities; and (c) follow all applicable goals and policies stated in Section 22a-92 of the General Statutes and identify any conflicts between the proposed activity and any goal or policy. When approving, modifying, conditioning or denying a coastal site plan on the basis of the criteria herein prescribed, the Commission shall state in writing the findings and reasons for its action and shall send a copy of any decision by certified mail to the person who submitted such plan within fifteen (15) days after such decision is rendered.

14.7.3 In approving any activity proposed in a coastal site plan, the Commission shall make a written finding that the proposed activity with any conditions or required modification (a) is consistent with all applicable goals and policies in Section 22a-92 of the General Statutes; and (b) incorporate as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities.

14.8 Time Limitations. Whenever the approval of the coastal site plan is the only requirement to be met or remaining to be met under these Regulations for a proposed building use or structure, a decision on an application for approval of such site plan shall be rendered within sixty-five (65) days after receipt of such plan. The applicant may consent to one (1) or more
extensions of such period, provided the total period of any such extension or extensions shall not exceed two (2) further sixty-five (65) day periods, or may withdraw such a plan. The review of any coastal site plan shall not be deemed complete and valid unless the Commission has rendered a final decision thereon. If the Commission fails to render a decision within the time period prescribed above in this paragraph, the coastal site plan shall be deemed rejected.

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

14.10 **Violations.** Any activity within the defined coastal area not exempt from coastal site plan review pursuant to subsection 14.4 above, which occurs without having received a lawful approval from the Commission under all of the applicable procedures and criteria prescribed by these Regulations or which violates the terms and conditions of such approval, shall be deemed a public nuisance and appropriate legal remedies will taken by the Commission for abatement of such nuisance.
SECTION 15 - SPECIAL EXCEPTIONS

15.1 Application Procedures. Applications for Special Exceptions may be obtained from the Zoning Enforcement Officer. Completed applications, together with three (3) copies of a site plan prepared in accordance with Section 16 of these Regulations, and the required fee, shall be submitted to the Zoning Enforcement Officer at least ten (10) days prior to a regularly scheduled meeting of the Planning and Zoning Commission.

15.2 Hearing and Decision. The Commission shall hold a hearing on the application within sixty-five (65) days after receipt of the application and shall take action on the application within sixty-five (65) days after the hearing, except that extensions of time may be granted by the applicant consistent with the provisions of Section 8-7d of the General Statutes.

15.2.1 Not less than twelve (12) days prior to the hearing, copies of the published legal notice of the hearing shall be mailed by the applicant to the owners of record at the last addresses known to the tax collector of properties abutting and directly across the street from the subject property. The applicant shall provide the Commission with evidence of mailing of such notices at the public hearing.

15.2.2 A Special Exception shall not be Effective until a copy thereof, certified by the Chairman or Secretary of the Commission, containing a description of the premises to which it relates and specifying the nature of the Special Exception and the section of these Regulations under which it is authorized, and stating the name of the owner of record, is recorded in the land records of the Town of Preston. The Town Clerk shall index the same in the grantor’s index under the name of the then record owner and the record owner shall pay for such recording.

15.3 Evaluation Procedure. In evaluating any application for a Special Exception, the Commission shall first consider the General Evaluation Criteria in subsection 15.4 below. Where appropriate additional criteria are listed in this section for specific uses, and the commission must find that these criteria also are met, in addition to the General Evaluation Criteria, before approval is granted. When a proposal is a Special Exception in the Resort Commercial District evaluation criteria from Section 11B shall also be met. (1/1/94)

15.4 General Evaluation Criteria. In evaluating an application for a Special Exception, the Commission shall determine that the following general conditions are met:

15.4.1 The kind, size, location, use and height of building and other structures, the nature and extent of landscaping, and the location of driveways, parking and loading areas will not hinder or discourage the appropriate use of adjoining property. (July 15, 1998)

15.4.2 The proposed use will not create or further aggravate vehicular and pedestrian traffic safety problems.
15.4.3 The proposed use will not be incompatible with established uses or have degrading Effects on the value of surrounding property.

15.4.4 The proposed use will not adversely affect environmental quality.

15.4.5 The ability of surrounding property to develop consistent with the prevailing zoning classification will not be impaired.

15.4.6 Public utilities and storm drainage features are adequate to serve the proposed use.

15.5 **Convalescent Homes.** The main access shall be from a state highway.

15.6 **Automobile Rental, Sales, Service and Repair Establishments.** (1/1/94) No lot or building used for any of these purposes in a C-1 or Resort Commercial District shall be approved for such use if it is within one thousand five hundred feet (1,500) of another lot used for such purposes.

   15.6.1 No part of a lot used for any of these purposes shall be located within one thousand feet (1,000’) of a lot used for a church, playground or public park.

   15.6.2 All service and repair activities shall be conducted within buildings and no junked or wrecked vehicles shall be parked or stored outside of a building.

   15.6.3 No parking or outside display of merchandise is allowed except in areas approved by the Commission, and such areas shall not exceed the combined equivalent of one (1) car parking spaces for each one hundred (100) square feet of building area and shall be entirely behind the building line.

15.7 **Package Liquor Stores.** The following provisions apply to establishments selling or dispensing alcoholic beverages, except that these Regulations shall not apply to the sale of beer in grocery stores, which is permitted.

   15.7.1 No building used for a package liquor store shall be located closer than five hundred feet (500’) to any property used for a church, school, or library.

   15.7.2 No package liquor store shall be located closer than one thousand feet (1,000’) to another such store.

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

   15.8.1 Sufficient improved off-street parking area shall be provided to ensure that no vehicle parks within ten feet (10’) of the travel way of a street or highway.
15.8.2 One (1) sign, not exceeding eight (8) square feet in area, is permitted, provided it is no closer than twenty feet (20’) to the travel way of a street or highway and meets the other requirements for signs in Residential Districts in Section 18 of these Regulations.

15.8.3 Locations of such uses shall be restricted to properties fronting on state highways or major Town roads.

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

15.9.1 Such operations shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m., except no operations shall be conducted on Sundays. Those areas used for municipal purposes shall be exempt from these restrictions.

15.9.2 No bank may exceed a slope of one foot (1’) vertical rise in two feet (2’) of horizontal distance unless in ledge, where the finished slope may be one and one-half (½) to one (1).

15.9.3 No removal shall take place and no fill material may be placed within twenty feet (20’) of a property line unless the finish grade will be the same as the grade of the adjoining property along the property line.

15.9.4 At the conclusion of the operation or of any substantial portion thereof, the whole area, where excavation has taken place, or where fill has been placed, shall be covered with not less than four inches (4”) of topsoil and seeded with a suitable cover-crop.

15.9.5 Before a permit for an excavation and/or fill is issued or re-issued, the applicant shall post a bond in a form satisfactory to the Board of Selectmen and made payable to the Treasurer of the Town of Preston in an amount approved by the Board of Selectmen as sufficient to guarantee conformity with the provisions of the permit issued hereunder.

15.9.6 Where any excavation shall have a depth of ten feet (10’) or more and creates a slope of more than one (1) in two (2), there shall be a substantial fence at least six feet (6’) in height with suitable gates and such fence shall be located fifteen feet (15’) or more from the edge of the excavation.

15.9.7 Provisions shall be made to prevent dust from blowing onto neighboring properties.
15.9.8 Locations for access roads, stock piling and equipment storage shall be selected so as to minimize adverse Effects on surrounding properties.

15.9.9 No equipment used for the processing of excavated material, such as a crusher or screening and grading plant, shall be located closer than one thousand feet (1,000’) from any adjacent property line.

15.10 **Saw Mill or Other Temporary Woodcutting Operation.** Such uses may be permitted with the following conditions:

15.10.1 Such operations shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m.

15.10.2 No operations except the felling of trees shall occur within 300 feet (300’) of a residence on any adjacent property.

15.10.3 Permits for such operation shall be for not longer than two (2) years, but may be renewed by the Commission provided conditions in the vicinity have not changed substantially and the operation is being conducted in a satisfactory manner.

15.11 **Recreation Campgrounds.** In addition to the requirements of applicable sections of the Connecticut Public Health Code, all campgrounds shall conform to the following requirements:

15.11.1 The campground shall contain at least ten (10) acres.

15.11.2 The primary access road to each campground newly established after the Effective date of amendment of these Regulations shall connect directly to and have 150 feet (150’) of frontage on a state highway. The access road shall be at least thirty feet (30’) wide and each individual camp site shall be served by the interior circulation system of the plan. There shall be a fifty foot (50’) wide area on each side of the access road, planted to trees and shrubs or the same as the perimeter buffer strip. Where there are over one hundred fifty (150) individually numbered designated camp sites, there shall, in addition to the main entrance, be an emergency road not less than twenty feet (20’) wide to a paved Town or State road. No camp sites shall be closer than one hundred feet (100’) to any public highway.

15.11.3 Where an area abuts any use except a state forest or a lake, or other forested land of the campground owner, a treed buffer strip shall be provided at least fifty feet (50’) wide. Notwithstanding the above, no camp site shall be situated closer than one hundred feet (100’) to any dwelling on adjoining property. Where a landscaped buffer strip is required, such a strip shall consist of an interplanting of evergreen and deciduous trees and shrubs suitable, in the judgment of the Commission, to provide in a reasonable time a visual barrier between different land uses.
15.11.4 No more than five (5) camp sites shall be provided for each gross acre of overall site area. The gross acreage shall include buffer areas, recreational facilities, rental sites, community areas, and emergency overflow areas, supporting facilities and land which is readily accessible and considered an integral part of the complex.

15.11.5 Except for group camping areas, individual sites shall have a number of designation on its site and also on a map in the offices available to the Zoning Enforcement Officer which shall give the dimensions of each individual number designated site. No individual number designated site shall contain less than one thousand five hundred (1,500) square feet. For determining the area of the site, seventy-five feet (75’) shall be considered as the maximum depth even through the site may actually be deeper.

15.11.6 In addition to the individual number designated sites, there may be a specific designated area for group camping, but there shall be no greater capacity or number of vehicles in designated group camping area than the number of individual number designated camp sites.

15.11.7 Other provisions of these Regulations notwithstanding, no specific camp site may be permitted which is more than three hundred feet (300’) from a toilet served by a sanitary sewage disposal system and no camp site shall be permitted within fifty feet (50’) of any septic tank drain field.

15.11.8 A trapped dumping station shall be provided for the use of independent-type camper units.

15.11.9 Electrical outlets shall be weatherproof. No permanent power line shall be permitted to lie on the ground or be suspended less than fifteen feet (15’) above the ground. No power line shall be laid on a road surface and no unit shall be required to extend service lines more than thirty-five feet (35’) to a power line.

15.11.10 Liquefied petroleum gas for cooking or heating purposes shall not be used at individual trailer spaces unless the containers are properly connected by copper or other suitable metallic tubing. Liquefied petroleum gas cylinders shall be securely locked in place, and adequately protected from the weather. The location of these tanks is to be regulated by the Fire Marshal.

15.11.11 Portable fire extinguishers shall be available and in good repair for use in fighting fires. Fires shall be made only in stoves, incinerators, or other equipment designated for that purpose.

15.11.12 The minimum width of all roads servicing camp sites shall be twenty feet (20’) and any dead end roads shall have an eighty-foot (80’) radius cul-de-sac. Roads shall be graded so as to avoid standing water in times of rainfall. All roadbeds shall be covered by a twelve-inch (12”) layer of gravel and maintained in a condition satisfactory to the First Selectman.
or his designee, in order to ensure the safe and convenient passage of emergency vehicles, except that there shall be no road requirements within the specified group camping area.

15.11.13 Camp sites may be occupied by a tent or camper unit, but not by any permanent type of building.

15.11.14 No camp site shall be occupied by the same person or persons for more than thirty (30) days between October first and the next following April first. No visitors may claim residency during their stay.

15.11.15 Unoccupied camper units and boats may be stored in recreation campgrounds. During the month of September of each year, the campground owner shall provide the assessor of the Town of Preston a list containing identification information as may be required by the assessor for all long-term camper units on the property.

15.11.16 The owner and/or operator of any campground shall be responsible for the maintenance of an accurate register at such campground in which the following information shall be recorded:

   a. Name and permanent address of the driver of any vehicle.
   b. Name of each person in said vehicle.
   c. License plate of each vehicle.
   d. Date of arrival and departure.

Such register shall be available to the Zoning Enforcement Officer to assist in the enforcement of these Regulations, and to the police and health officer and the Fire Marshal in connection with the discharge of their duties.

15.11.17 In any campground having at least ten (10) individual developed camp sites, there may be located on the same premises one (1) permanent single-family dwelling or one (1) mobile home not less than twelve feet (12’) wide with axle removed and securely anchored against wind movement satisfactory to the Building Official, provided such dwelling or mobile home is occupied by the owner, manager, guard or caretaker of the campground and is not rented. Such a dwelling may be provided for each increment of 150 developed camp sites. The locations of all permanent dwellings and mobile homes shall be subject to the approval of the Commission.

15.11.18 Permitted as an accessory use to a recreational campground and for camper use only, but not permitted as a principle use, there may be: a grocery store with grocery and camper provisions and gifts, snack bar, swimming pool, golf course of any kind, tennis courts, recreation pavilion, horseback riding, and any other appropriate activities, even though some of the activities by their nature are performed off premises, but all activities must originate on premises.
Also permitted as an accessory use to a recreational campground are music festivals, not to exceed six (6) per year, defined as a series of musical concerts featuring a musical theme with multiple performers of at least two (2) consecutive days duration but not to exceed six (6) consecutive days, provided however that said musical performances shall not be on any contiguous land but only on the land for which the special exception has been issued and provided further that all outdoor amplified musical festival performances stop at the following times:

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

All music festivals shall comply with the State of Connecticut DEP noise standards.

The owner and/or the operator of the campground shall retain, through the Town of Preston the Resident State Trooper from the State of Connecticut for the evening sessions of the festivals on Friday and Saturday nights; starting at 6:00 p.m., said trooper(s) will be trained by a person or firm who is recognized and or approved by the DEP as a sound expert qualified to apply the DEP standards and shall instruct the Troopers in the proper use of sound testing devices. The campground owner and/or operator shall pay the cost of having the Resident State Trooper at the festival for the above specified sessions. During music festival performance times when the Town of Preston Resident State Trooper is not retained, campground owner/operator must retain the services of the Connecticut State Police.

The owner and/or operator of the campground shall allow any DEP compliance sound testing to be conducted at the property lines.

If it is demonstrated through proper testing (appropriate equipment and use thereof) that noise levels violate DEP standards, sound levels shall be reduced to meet compliance and the owner shall pay for a DEP approved sound tester to be on the premises for the next scheduled music festival. For the purposes of this regulation, it is considered a violation if the State Trooper or Department of Environmental Protection approved sound engineer conducting the sound testing requests a reduction in the noise level and the campground does not comply. If the State Trooper requests that the noise level be lowered and the owner complies, it shall not be considered a violation of these Regulations. All requests for reducing noise levels shall be based on DEP noise standards. The Town of Preston and the property owner must agree upon a list of three (3) DEP approved testing services; the Town of Preston shall select one (1) of the three (3) to perform said sound testing; the owner shall pay the entire bill for said services; the times of testing shall be determined by the Town and may occur at any time during the festival and particular testing times need not be disclosed to the owner; the total number of hours contracted for shall not exceed six (6) per evening event. These contracted services are in addition to the required State Trooper.
If at the next scheduled music festival the contracted sound testing agency determines that a violation has occurred pursuant to the DEP noise standards, the Planning and Zoning Commission / ZEO shall impose a fine of one hundred fifty dollars ($150.00), and require the campground to contract sound testing at the next scheduled festival as previously noted. (Eff. 6/3/2004)

15.11.19 The volume of sound from music and public address system shall be so controlled as to prevent objectionable noise off the premises.

15.11.20 The Zoning Enforcement Officer may order any activity discontinued providing he believes it is not permitted within the intent of these Regulations and such activity shall be discontinued on the day specified by the Zoning Enforcement Officer in writing to the manager of the camp with a copy to the Planning & Zoning Commission. The ZEO order may be appealed to the Planning and Zoning Commission.

15.11.21 After initial approval and issuance of a campground permit, each campground operator shall renew the permit annually during the month of March. Such permit shall be issued upon payment of a twenty-five ($25) permit fee, provided the operation continues to be conducted in accordance with the provisions of these Regulations and based on a visual inspection of the premises by the Zoning Enforcement Officer and certification by said Officer that the site plan has been brought up-to-date to reflect current operations.

15.11.22 The storage, collection and disposal of refuse shall be so managed as to avoid a health hazard or an odor nuisance. Garbage shall be collected daily from all areas of the campground.

15.11.23 Insect and rodent control measures to safeguard public health as recommended by the health officer shall be applied in the campground.

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

15.12.1 The property shall include at least five (5) acres.

15.12.2 The maximum number of units shall be determined by the State Department of Health and the Town Engineer after examination of conditions for sewage disposal.

15.12.3 In order to ensure use as elderly housing, no such project will be approved unless it is constructed with mortgage financing or financial assistance insured or procured through or with the assistance of a Town, State, or Federal governmental agency, and is constructed and maintained on a non-profit basis by a governmental or charitable organization incorporated under the provisions of the Connecticut General Statutes. Evidence of such incorporation shall be submitted to the Commission prior to approval of the application.

15.13 Commercial Recreation Facilities. Commercial recreation facilities are permitted under the following conditions:
15.13.1 The lot shall contain not less than ten (10) acres.

15.13.2 No structure except a single dwelling and no recreational activity except a golf course, shall be less than one hundred feet (100’) from the nearest public highway nor less than two hundred fifty feet (250’) from the nearest dwelling under other ownership.

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

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

15.13.5 The volume of sound from music and public address systems shall be so controlled as to prevent objectionable noise off the premises.

15.13.6 Outdoor activities shall terminate at 10:00 p.m. and all other activities shall terminate a midnight.

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

15.13.8 Commercial recreation areas shall include only the following uses and any approved combination thereof:

a. Outdoor athletic activities, including facilities for group skating, skiing, sledding, swimming, squash and tennis.

b. A golf course of not less than nine (9) holes as a principal recreational use, and a par three (3) golf course or putting greens and driving range as an accessory to a major recreational facility, but expressly prohibiting miniature golf putting greens and driving ranges as a principal use.

c. Riding academy as a principal use, and the keeping and boarding of horses for riding, instruction, and exhibition as accessory to a major recreational facility.

d. Outdoor picnic facilities for groups, including barbecue pits and outdoor fireplaces as an accessory use to a major recreation facility.

e. Social and recreational facilities for group dining and dancing, including banquets, meetings, receptions, assemblies and entertainment, provided such activities are accessory to and a part of an indoor-outdoor recreational enterprise and are carried on inside a structure.

f. Motel, lodge or inn furnishing lodging and/or meals to transients as accessory to a recreational use, but not as a principal use, provided that no living accommodations that
include cooking facilities shall be occupied by persons other than those employed on the premises.

g. Activities similar to those listed above, that are commonly provided by such organizations as day camps, swimming and tennis clubs and other similar recreational enterprises, and that are listed on the application and on the site plan, may be approved by the Commission subject to such additional safeguards as the Board may require.

15.14 **Multi-Family Dwellings (New Construction).** Such uses shall meet the following conditions:

15.14.1 The number of units shall not exceed one (1) per gross acre, but all must be built on land having slight limitations for the operation of subsurface sewage disposal, as determined by the U.S. Soil Conservation Service.

15.14.2 No building shall contain more than six (6) dwelling units, which may be constructed as townhouses or garden apartments.

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

15.14.4 Where subsurface sewage disposal is proposed, the applicant shall present test pit logs for test pits at least eight feet (8’) in depth and located in the area of the leaching field. The logs shall show depth to bedrock, depth of water table and types of soils classified in accordance with the National Cooperative Soils Survey of the U.S. Soil Conservation Service.

15.14.5 Sewage disposal facilities shall be approved by the Sanitarian and the Connecticut Department of Health Services. Where subsurface sewage disposal is proposed, the Board shall require bi-annual pumping of all septic tanks and prompt repair, replacement or improvement of such systems when failures are indicated.

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

15.14.7 All driveways and parking areas shall be paved, curbed and drained and points of intersection with local roads or state highways shall be designed to provide three hundred fifty feet (350’) of unobstructed visibility along the road or highway.

15.14.8 The Commission may deny an application for multi-family dwelling if the proposed location is an area substantially developed by single-family detached dwellings.
15.14.9 The locations, landscaping and design of buildings, parking areas, driveways, lighting and other features shall be such that possible adverse impact on nearby properties is minimized.

15.14.10 Each apartment shall contain the following living floor area:

<table>
<thead>
<tr>
<th>Type of Apartment</th>
<th>Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency Apartment (no separate bedroom)</td>
<td>600 sq. ft.</td>
</tr>
<tr>
<td>One Bedroom Apartment</td>
<td>750 sq. ft.</td>
</tr>
<tr>
<td>Two Bedroom Apartment</td>
<td>900 sq. ft.</td>
</tr>
</tbody>
</table>

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

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

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

15.15.2 Roads and intersections providing access to the building will be adequate to provide safe and uncongested movement of traffic.

15.15.3 All plans for the storage and disposal of wastes shall be consistent with regulations of the Connecticut Departments of Health and Environment Protection.

15.15.4 No such specialized agricultural building or waste storage or treatment area be located closer than five hundred feet (500’) from any residence, public building, place of worship, place of regular or periodic public assembly, or commercial eating and drinking establishment, and is set back a minimum of two hundred feet (200’) from any property line. A reduction in the setback to not less than one hundred feet (100’) may be permitted where the Board finds that the adjoining property is a State open space or land physically unsuitable for building purposes.

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

15.16.1 Adequate space shall be provided for each machine so as to allow its use without overcrowding. A minimum of width of two (2’) shall be provided per machine where the machine is designed for use by one (1) player, and three and one-half feet (3 ½’) where the machine is designed for use by two (2) players. The depth of the space in front of the machine shall be at least five feet (5’), and there shall be a minimum aisle width beyond this five feet (5’) of an additional three feet (3).

15.16.2 An arcade shall not be located closer than five hundred feet (500’) from the property of a church, school, or public building.
15.16.3 The Commission may require a planted buffer strip where it finds that the arcade may have a detrimental impact on adjacent property used for residential purposes.

15.16.4 The Commission may permit an arcade as an accessory use to an existing use, such as a bar, campground, or other commercial or private recreation development, provided that safeguards are taken to assure the use will be compatible with the neighborhood.

15.16.5 Off-street parking shall be adequate to assure that no patron or employee vehicles park on the street.

15.16.6 Except where permitted under the terms of subsection 13.24 above, no drinking of alcoholic beverages shall be permitted on the premises.

15.16.7 Readily visible signs shall be installed, with their location, size, and text shown in the plans submitted to the Commission indicating that use of machines by persons under sixteen (16) years of age shall not be permitted during normal school hours.

15.16.8 The complex shall be located in a separate room, separated from other uses on the premises and from pedestrian circulation to and from such other uses. The room shall be arranged so that there is a management within the room, or such that management attendants outside the room can easily see and supervise the interior of the room.

15.17 **Bed And Breakfast Inn.** (Rev. 9/1/98) The Commission may permit a Bed and Breakfast Inn in any owner-occupied residence located in the RC, R-120, R-60, R-40, and RS (SALPD) zoning districts, provided the following conditions are met: (Renumbered, Rev. 3/7/2000; Eff. 3/24/2000zt4-00)

- a. Lot size; The applicant for a Bed and Breakfast Inn shall demonstrate that the property proposed for the Bed and Breakfast is of adequate size to accommodate the building, parking, landscaping, well, and septic system to the satisfaction of the Commission and Town Sanitarian.
- b. The minimum finished floor area of the building shall be at least fifteen hundred (1500) square feet.
- c. The building must be of adequate size to accommodate all proposed guest bedroom, guest dining area and guest bathrooms, without reducing below the required minimum livable floor area for the principal residential use, as specified in Section 12.8 of these Regulations.
- d. No more than eight (8) guest rooms are provided.
- e. All guest accommodations shall be within the principal building.
- f. Off-street parking spaces shall include at least two (2) for the residents of the property and one (1) for each guest room. Parking shall be located inside the required building setback lines.
g. Written certification shall be obtained from the Town Sanitarian that plans for the water supply and sewage disposal systems are adequate to support the intended use. All building plans for a proposed Bed and Breakfast Inn must comply with current ADA requirements for parking, accessibility, interior room design for all bedrooms, bathrooms, doorways and hallways, and must be approved by the Preston Fire Marshall and Preston Building Inspector, prior to the issuance of a Building Permit, Zoning Permit, or both.

h. The Commission may require fencing, earth berms, evergreen vegetation, or other buffers to reduce visual conflicts with neighboring uses. No outside storage of any maintenance equipment or supplies shall be permitted.

i. Guest stays shall not exceed fourteen (14) consecutive days.

j. Alterations to existing buildings: exterior alterations may be made to existing buildings in order to preserve a valuable historic property, promote adaptive reuse of buildings, or comply with local or state health and safety code requirements.

k. However, in all cases, such alterations must be considered minimal exterior modifications of the building which are compatible with the character of the area, ensure the residential character of the building, and preserve the existing features of the building.

l. Special Functions or Events; Special functions may be held at a Bed and Breakfast Inn subject to local laws by permit.

m. The operation of a Bed and Breakfast Inn shall require a zoning permit issued by the Zoning Enforcement Officer following approval of the Special Exception by the Commission.

n. Definition - A Bed and Breakfast Inn: An establishment that is an owner-occupied building and property (i.e. the principal residence of the owner) having eight (8) or less guest rooms without separate kitchen facilities, in which overnight accommodations and breakfast only are provided to guests for a fee.

15.18 **Large Acreage Farm Vineyard and Winery**: In order to allow for diversity and sustainability of agricultural uses and to preserve the farms in Preston, Large Farm Vineyards and Wineries are permitted in all residential and industrial zoning districts provided that they contain a minimum of fifty (50) acres and have a minimum of five (5) acres of planted vineyard area. Such Large Acreage Farm Vineyards and Wineries are permitted to have certain complimentary uses that will help create a viable agricultural endeavor. All such manufacture, storage, bottling, production, distribution, or sale of wines done as part of the winery shall be in accordance with all state or Federal laws or regulations governing such activities. All such special exception applications shall require a site plan application to be submitted pursuant to Section 16 of these Regulations. Prior to commencement of any work or use, a zoning permit shall be submitted to and acted upon by the Zoning Enforcement Officer. (App. 04/01/08; Eff. 05/01/08)

15.18.1 The following uses and activities are permitted as part of a Large Acreage Farm Vineyard and Winery:
a. **Special Public Winery Promotions**: these are events opened to the general public that celebrate the harvesting and making of wine, as follows:

   i. Six such events are permitted throughout a calendar year.
   
   ii. The serving of hors d’oeuvres and/or pastries are permitted as an accessory wine product. Full meals shall not be served for such events. A full meal is defined as a diversified selection of food which ordinarily cannot be consumed without the use of tableware and which cannot be conveniently consumed while standing or walking.
   
   iii. At least two weeks prior to any such event, a zoning permit application shall be submitted to the Zoning Enforcement Officer, a copy of which shall be submitted to the First Selectman. The applicant shall provide the date of the event(s) and number of estimated guests. A permit shall ordinarily be issued unless the application is not timely filed or lacks the information required herein.

b. **Closed Winery Events**: These are events not open to the general public. They are weddings, private parties, and similar.

   i. Full meals and/or serving of hors d’oeuvres and/or pastries are permitted for these events; however, only those alcoholic beverages produced on premises shall be served, unless during a catered event for which the caterer has a valid liquor license in accordance with the Connecticut General Statutes.
   
   ii. There shall be no more than three such events per week. The Commission may desire to reduce the number of events in order to eliminate impacts on the neighborhood.
   
   iii. Closed Winery Events and Special Public Winery promotions shall not occur on the same day.
   
   iv. At least two weeks prior to any such event, a zoning permit application shall be submitted to the Zoning Enforcement Officer, a copy of which shall be submitted to the First Selectman. The applicant shall provide the date of the events and number of estimated guests. A permit shall ordinarily be issued unless the application is not timely filed or lacks the information required herein.

c. Retail Winery building for the sale of wine products and other accessory wine products provided that seventy (75) five percent of the products are produced on the premises.

   i. This facility may include a wine tasting room or area.

d. **Public Restaurants** may be permitted by the Commission provided:

   i. they are located on a state highway and have vehicular access from the state highway
   
   ii. Commission determines that there will be no adverse impacts on the adjacent neighborhood as a result of the restaurant.
iii. Only alcoholic beverages produced on the premises shall be served. (App. 04/01/08; Eff. 05/01/08)

15.18.2 The Commission shall consider the following for all uses and events:

a. Traffic: Traffic resulting from such facility shall have a negligible impact on town roads. The Commission may require a traffic study prepared by a traffic engineer to help determine impact on the town roads. The Commission shall consider the current traffic volumes, the percentage increase that will result from the project, and the quality of the roads that will serve the facility. The Commission may hire an independent traffic engineer to review any traffic study provided by the applicant in accordance with Section 15.18.5.

b. Noise: All events shall comply with the State of Connecticut DEP noise standards. The Commission, as part of the application, or the Zoning Enforcement Officer, at any time, may require the installation of a noise monitoring system that shuts down or attenuates the amplified sound when decibel levels exceed State standards. The Commission may require monitoring of any event in accordance with the provisions outlined in Section 15.11 for campground music festivals.

c. Outdoor Events: Outdoor events and activities shall be a minimum of 200 feet from any property line or such other distance as deemed necessary by the Commission as circumstances require. There shall be an appropriate buffer strip that screens any such activity from the adjacent property(ies).

d. Attendees: The Commission may specify a maximum number of attendees permitted for any use noted above, depending upon site conditions and impacts on town infrastructure and impacts on neighboring properties.

e. Parking: All Parking lots shall be surfaced using a method approved by the Commission.

f. Architectural Considerations: All building design shall be complimentary to the rural and agricultural character of Preston as determined and approved by the Commission. (App. 04/01/08; Eff. 05/01/08)

15.18.3 To ensure that the facility is harmonious with the neighborhood and in order to assist the Commission in determining impacts, the Commission may engage the services of an independent professional consultant with expertise in the discipline in question, including, but not limited to traffic, architectural design, landscape design, sound. The fee for such services shall be paid for by the applicant. (App. 04/01/08; Eff. 05/01/08)

15.18.4 The following conditions must be met for all uses and events:

a. One single family residential structure may be permitted on site.

b. Only alcoholic beverages produced on the premises are permitted to be served, unless at a catered event for which the caterer has a valid liquor license in accordance with of the Connecticut General Statutes.

c. The hours for operation for all uses and/or events noted in Section 15.18.1 shall be as follows:

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

15.18.5 The Zoning Enforcement Officer or the First Selectman may, after the issuance of a zoning permit by the Zoning Enforcement Officer in accordance with Section 15.18 above, at any time require the owner and/or operator to hire a traffic control person to control traffic or a sound expert to monitor the noise levels in accordance with the same provisions of the campground music festivals outlined in Section 15.11 of these Regulations at the expense of the owner of the winery. (App. 04/01/08; Eff. 05/01/08)

SECTION 16 - SITE PLAN REQUIREMENTS

16.1 Contents. Eight (8) copies of a site plan shall be required for all buildings and uses other than single-family detached dwellings, agricultural buildings (except for Specialized Agricultural Buildings as defined in Section 23 of these Regulations), additions, or minor accessory buildings on residential lots, as determined by the Zoning Enforcement Officer. Such plans shall be at a scale of 1” = 50’ or larger, and shall be on sheets either 36” x 24”, 18” x 24”, or 12” x 18”, and shall show the following: (rev. 4/6/99 ZTA2-99)

16.1.1 Scale, north arrow, date of drawing or its revision, and name of person preparing the site plan. Where drainage features, substantial regrading, or other major site improvements are proposed, the site plan shall be prepared and sealed by a registered professional engineer.

16.1.2 Address of property and name of owner of record.

16.1.3 Property boundaries, dimensions and area.

16.1.4 Location of all existing and proposed buildings and uses, including, but not limited to, sidewalks, curbing, driveways, parking and loading areas, and abutting streets; poles, hydrants and other utility appurtenances; areas to be used for exterior storage and the type of screening to be provided.

16.1.5 Dimensions of all yards, as required by these Regulations.

16.1.6 Locations and descriptions of water supply and sewage disposal facilities.

16.1.7 Contour lines at intervals sufficiently clear to show natural drainage. If grading is proposed, the existing and proposed contours will be shown.

16.1.8 Existing and proposed drainage structures on the property and those off the property that may be affected by the proposed building or use.
16.1.9 Proposed landscaping, including the type, size and location of proposed plantings.

16.1.10 Location, type and size of any proposed signs.

16.1.11 Front, side and rear elevations of all proposed buildings.

16.1.12 Architectural renderings or other information sufficiently detailed so the Commission may determine the exterior appearance of the proposed buildings.

16.1.13 When the building, structure or use is located in the Coastal Area, the additional information prescribed in Section 14.3 of these Regulations shall also be required.

16.2 **Site Plan Changes.** If any modifications of the plan are made prior to its approval, two (2) corrected copies shall be presented to the Zoning Enforcement Officer prior to the issuance of any building permit relating to the application.

16.3 **Waiver Of Requirements.** The Commission may waive one (1) or more of the site plan ingredient requirements if the applicant can show, to the satisfaction of the Commission, that the information is not needed to reach a decision on the application. Such waiver shall require an affirmative vote of the Commission. The provisions of this subsection shall not apply to buildings, structures, or uses located in the coastal area.

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

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

16.5.1 Parking areas shall have a permanent all-weather surface, properly curbed, and shall have an acceptable subsurface drainage system. *(rev. 4/6/99 ZTA3-99)*

16.5.2 Entrance and exit driveways shall be paved and curbed to control runoff, and no such driveway shall be closer than forty feet (40’) to another. All driveways shall be at least fifteen feet (15’) wide for one-lane traffic and thirty feet (30’) wide for two-lanes. Driveways shall be no closer than fifty feet (50’) from an intersection.
16.5.3 Parking areas shall be separated from adjacent streets by a divider strip at least three feet (3’) in width unless such strip contains a sidewalk, in which case the strip shall be six feet (6’) wide.

16.5.4 Applicants are encouraged to integrate parking and driveway facilities with such facilities on adjoining properties wherever possible.

16.5.5 Where a landscaped buffer strip is required, such strip shall consist of an interplanting of evergreen and deciduous trees and shrubs suitable, in the judgment of the Commission, to provide in a reasonable time a visual barrier between different land uses. Such buffer may be located on property under other ownership, provided such land is dedicated to use as a landscaped buffer, and so recorded in the Town Clerk’s office, provided further than maintenance of such buffer shall be the sole responsibility of the owner required to provide such a buffer.

16.5.6 A planting plan, with plant list and sizes, shall be a part of the site plan. Proper maintenance of a landscaped buffer shall be a condition of compliance to these Regulations.

16.5.7 Where appropriate, in the judgment of the Commission, suitable walls, fencing, or other buffer may modify or waive the landscaped buffer requirements.

16.5.8 Existing topography shall be disturbed to a minimum. Trees, wherever possible, shall be preserved.

16.5.9 Storm and roof drainage shall be piped to an open outfall or storm drains.

16.5.10 Public improvements shall conform to the applicable section of the Subdivision Regulations of the Town of Preston.

16.5.11 Applicants are urged to consider solar access in the layout of features on the site plan. Building locations and positioning should be such that south-facing walls are not shaded by buildings, topographic features, or trees on the same or adjoining lots. Buildings should not be located where they will deny solar access to the buildable area of any adjoining lot.

16.6 **Bond.** As a condition of site plan approval, a bond to cover the costs of site improvements, including driveways, parking areas, curbs, drainage features, erosion control measures, sidewalks, buffers, fencing, recreation facilities and any other site improvements other than buildings, as may be prescribed by the Commission, shall be required.

16.7 **Time Limit For Action.** The Commission shall take action on a site plan within sixty-five (65) days after receipt of such plan, except that the applicant may consent to one (1) or more extensions of such period, provided the total period of any such extension or extensions shall not exceed two further sixty-five (65) day periods, or may withdraw such plan.
16.8 **Endorsement Of Approval And Completion Of Work.** Approval of a site plan shall be endorsed by the Chairman or Secretary of the Commission on a mylar copy of the plan. Each plan shall contain the words “Approved by the Preston Planning and Zoning Commission” as appropriate. Each plan shall also include the words “Date of Completion of Work” and a space for such date. All work in connection with a site plan shall be completed within five (5) years after approval or the approval shall automatically expire, unless an extension is approved by the commission of the time period to complete the work. However, at the time of the submission of the application, the applicant, due to the large scope of a project, may request and the Commission may grant a longer time period for the completion of work. Work, for the purpose of this subsection, means all physical improvements required by the approved plan.


16.9 **Filing The Site Plan.** The endorsed mylar copy of the site plan shall be filed by the applicant with the Town Clerk and a print shall be provided to the Commission for its files.

16.10 **Erosion And Sediment (E&S Control Plan.** Whenever plans for the proposed development show that it will result in the disturbance of more than one-half (½) acre of land, the applicant will submit with the site plan an erosion and sediment control plan that presents, in a mapped and narrative form, the measure to be taken to control erosion and sedimentation during and after construction. The E&S plan shall be based on “Connecticut Guidelines for Soil Erosion and Sediment Control,” available from the Natural Resources Center of the Connecticut Department of Environmental Protection. Single-family residences that are not part of a subdivision are exempt from the E&S plan requirements.

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

a. A description of the project and a schedule of the major activities to be constructed on the land.

b. Locations of areas to be stripped of vegetation, and locations of all wetlands and watercourses.

c. Location of areas to be regraded and contour data indicating existing and proposed grades.

d. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving installation of drainage features and the like.

e. Seeding, sodding, or revegetation plans and specifications for all unprotected or unvegetated areas.

f. Location, design and timing of structure control measures, such as diversions, waterways, grade stabilization structures, debris basins, and the like. The narrative shall indicate design criteria used in the design of control measures.

g. A description of procedures to be followed to maintain sediment control measures.

h. The plan map shall show the words: “Erosion and Sediment Control Plan Certified by vote of the Preston Planning and Zoning Commission on (date),” and a space for the signature of the Chairman or Secretary of the Commission.
16.10.2 After review of the E&S Control Plan by the Commission or its designee, the Commission shall vote to certify that the plan is in compliance with these Regulations. (A vote of the Commission to approve a site plan shall imply certification of the E&S plan as well.)

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

16.10.4 The bond required for site plan improvements under Section 16.6 above, shall also cover the costs of E&S control measures prescribed by the E&S plan.

16.11 Exceptions from site plan review: the above noted requirements for approval of a site plan by the Planning and Zoning Commission shall not apply to the following:

a. Minor enlargement of an existing structure or the construction of any accessory building that is subordinate and customarily incidental to a principal building use, provided:

   i. No site work is completed or required except for incidental grading around the enlargement or accessory structure.
   ii. Any enlargement or construction of any accessory building shall conform to all of the requirements of the zoning district in which the property is located.
   iii. Such enlargement or construction of any accessory building shall not cumulatively exceed fifteen percent (15%) of the square footage of the building(s) or fifteen hundred (1500) square feet, which ever is less. The cumulative square footage shall be calculated from the time of the adoption of this amendment to the regulations (SEPTEMBER 20, 2000) or from the date of a site plan approved by the Commission after September 20, 2000.

b. Site work involving the creation of two (2) parking spaces or less and/or the installation of landscaping that involves less than one-half (½) acre of land, provided no additional drainage is required or necessary, and that the installation of bufferstrips are (is) not required.

c. Conversion of a use that does not require any site improvements except as noted in section b) above.

d. Public utility electrical boxes, telephone boxes, or traffic control boxes.

The Town Planner or the designated agent of the Planning and Zoning Commission shall approve the exception from the site plan requirement. All approved exceptions shall be reported to the Commission on a monthly basis at its regular Planning and Zoning Commission meeting. In the event there is any question or concern by the Town Planner
or the designated agent regarding the exception, the matter shall be referred to the Commission for a determination. (Rev. 9/8/00; Eff.9/20/00)

SECTION 17 - PARKING REQUIREMENTS

17.1 **General Requirements.** Parking facilities shall be provided, off the street or highway right-of-way, on all premises, sufficient to accommodate the motor vehicles of all occupants, employees, customers, and other persons normally visiting the premises at any one time, but in no case shall be less than the requirements of Section 17.2 below.

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

17.1.2 A parking space shall be the equivalent of three hundred (300) square feet, which combines the area actually used by the parked vehicle plus maneuvering space.

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

17.2.1 **For residential use,** two (2) spaces per dwelling unit, except that the requirements shall be one (1) space per elderly housing unit.

17.2.2 **For roadside produce stands,** three (3) spaces in addition to those required for any other use of the property.

17.2.3 **For a theater, assembly hall, church, or auditorium having fixed seats,** one (1) space for each three (3) seats.

17.2.4 **For other places of public assembly and public recreation,** one (1) space for each three (3) legal occupants.

17.2.5 **For a hotel, or boarding, rooming or tourist house,** one (1) parking space for every guest room.

17.2.6 **For a hospital or convalescent home,** one (1) parking space for each two (2) beds.

17.2.7 **For business offices and financial institutions,** one (1) space for each one hundred (100) square feet of building floor area, above the basement, excluding storage areas and stairs.

17.2.8 **For a club, dance hall, or restaurant,** one (1) space for every employee and one (1) additional space for every two (2) patron accommodations.

17.2.9 **For any other business,** one (1) space for each two hundred (200) square feet of floor area, and one (1) space for every four hundred (400) square feet of floor area or fraction thereof above the first floor.
17.2.10 **For industries, warehouses, research laboratories and the like**, one (1) space for every two (2) employees on the largest shift.

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

17.3.1 At least one (1) loading space ten feet (10’) by fifty feet (50’) with fourteen feet (14’) clearance shall be required for a non-residential building with a gross floor area of ten thousand (10,000) square feet or more.

17.3.2 Loading area shall be to the rear of the building line.

**SECTION 18 - SIGNS**

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

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

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

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

18.3.2 No sign shall advertise a product, service or activity other than that which is produced, provided or conducted on the premises, except that no more than two (2) temporary directional signs shall be permitted off the premises, provided they do not exceed six (6) square feet in area and are not displayed on the same lot or elsewhere in the Town for more than thirty (30) consecutive days or for a total of sixty (60) days in any one (1) twelve-month period.
18.3.3 No sign shall be equipped with flashing lights or movable parts, except that time-
temperature signs are permitted provided they meet the other requirements of these
Regulations.

18.3.4 The light source of an illuminated sign shall be shaded so as not to be viewed from
off the premises.

18.3.5 No part of any sign shall project more than twenty-five feet (25’) above the ground
surface.

18.3.6 Directory signs for civic, fraternal, religious, service or similar groups are permitted
not exceeding two (2) square feet in area, providing no more than two (2) such signs are
erected in the Town and a permit is obtained from the Zoning Enforcement Officer.

18.3.7 Temporary signs larger than or in addition to those permitted by these Regulations
may be permitted for one (1) month, provided they meet the other requirements of these
Regulations and a permit is obtained from the Zoning Enforcement Officer. An extension of
time may be permitted on request for an additional month.

18.3.8 Signs temporarily attached or temporarily painted on a door, window, or wall,
announcing sales or special features are permitted to the provisions of Section 18.3.7 above,
provided they so not exceed twenty five (25%) of the area of said door, window, or wall.
Temporary signs shall be removed immediately after the termination of such sale or special
feature and shall be permitted for a period of not over thirty (30) days.

18.3.9 Nothing in these Regulations shall prohibit the State of Connecticut or the Town of
Preston from erecting signs intended for the health, safety and welfare of the public.

18.3.10 Temporary political signs may be erected within thirty (30) days before an election
and shall be removed within ten (10) days after such election. A list of such signs and their
removal, shall be filed with the Zoning Enforcement Officer.

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

18.4.1 One (1) sign on each residential lot, not over two (2) square feet in area, showing the
house number and name of the occupant. If a home occupation is conducted on the
premises, the same sign may show the occupation of the resident or the service provided,
provided the sign is not enlarged.

18.4.2 One (1) sign not over sixteen (16) square feet for lawfully permitted non-residential
uses.
18.4.3 No more than two (2) temporary signs of a contractor, builder, painter, or other artisan or signs offering the premises for sale or lease, provided they shall not exceed four (4) square feet in size and be set back at least ten feet (10’) from any property line.

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

18.5.1 No sign shall be closer than ten feet (10’) from any road right-of-way or property line.

18.5.2 No sign located within fifty feet (50’) of a road right-of-way shall be larger than thirty-two (32) square feet, although it may be double-faced.

18.5.3 No free-standing sign shall exceed one hundred (100) square feet in size.

18.5.4 A sign on a wall or canopy or attached to a building may exceed one hundred (100) square feet in size, provided the building is at least fifty feet (50’) from any road right-of-way, but in no case shall any sign exceed two hundred (200) square feet in area.

18.5.5 Each non-residential use or activity shall have no more than one (1) permanent sign, except that two (2) signs are permitted where the total combined area of the signs does not exceed the limits described in 18.5.2, 18.5.3 and 18.5.4 above.

18.5.6 In any commercial or business complex or building containing two (2) or more activities, each individual use may have a sign, not exceeding twelve (12) square feet in size, attached to or projecting from the building, provided that such signs do not project more than ten feet (10’) from the building. In addition, a commercial or business complex may have a directory sign no more than eight feet (8’) wide, consisting of one (1) sign of no more than two feet (2’) high identifying the complex and individual signs no more than one foot (1’) high identifying the individual activities.

SECTION 19 - NON-CONFORMING LOTS, BUILDINGS AND USES (rev8/3/99zta-5-99)

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

19.1.1 Definitions:

(a) Non-conforming Building or Structure. A non-conforming building or structure is a building that does not comply with design criteria that may be noted in specific district regulations and/or does not comply with the dimensional requirements of Section 12 for
one (1) or more of the following reasons: it does not meet the minimum floor area, it exceeds the building height, it exceeds the allowable square footage as permitted under lot coverage, or it extends over the building setback lines.

(b) Non-conforming lot. A non-conforming lot is a lot that does not meet the dimensional requirements for lot area and frontage.

(c) Non-conforming use. A non-conforming use is a use of land or structure which is incompatible with the permitted uses or special permitted uses noted for the specific zone in which the land or building is located, e.g. a commercial use in a residential zone.

19.2 Non-Conforming Uses Of Buildings And Land. Any non-conforming uses, non-conforming lots, or non-conforming buildings lawfully existing at the time of the adoption of these Regulations or any amendments thereto, may be continued, subject to the provisions provided herein. No such non-conforming use, lot or building shall be lost solely as a result of nonuse for any period of time without the intent of the property owner to abandon such non-conformity. (Rev. 04/01/08; Eff; 05/01/08)

Any building containing a non-conforming use, any non-conforming building, or any building located on a non-conforming lot, where more than fifty percent (50%) of the square footage of the building space is destroyed by fire or natural disaster may be rebuilt or repaired after approval of a zoning permit by the Zoning Enforcement Officer. The building must be rebuilt using exact dimensions, including cubical content, and in the exact location of the destroyed building. Such reconstruction shall begin within two (2) years of the date the building was destroyed, unless, due to unforeseen circumstances, an extension of this time period is granted by the Commission. However, nothing in these regulations shall prevent required strengthening of the integrity of such structures, such as replacing roofs, windows, deteriorated beams and columns, siding or similar. Any such non-conformity that is intentionally destroyed by the owner or someone acting on his/her behalf shall not be permitted to be rebuilt or re-used. (Rev.05/06/03 Eff; 05/23/03) (Rev.02/05/08; Eff; 03/01/08)

19.2.1 Non-conforming uses.

(a) No non-conforming use may be changed except to a conforming use, or with the approval of the Zoning Board of Appeals, to another non-conforming use of a less objectionable character.

(b) No non-conforming use shall, if once changed into a conforming use, be changed back into a non-conforming use.

(c) No non-conforming use, and no building containing a non-conforming use, shall be extended or expanded.

(d) Structural alterations, such as remodeling, (excluding the provisions as noted above regarding building strengthening), which do not materially alter the characteristics or exterior appearance of a building containing a non-conforming use, may be made providing the total costs of such alterations do not exceed fifty percent (50%) of the assessed valuation of such building at the time it becomes non-conforming, unless the use thereof be changed to a conforming use.
(e) Any non-conforming use which has been abandoned for one (1) year or more shall not be resumed.

19.2.2 Non-conforming Lots.
(a) Non-conforming contiguous lots shall be deemed to have merged if:
   1) they are owned by the same person at the time of adoption of these Regulations or at the time the regulations were changed to make them non-conforming;
   2) and, one or more lots are undeveloped;
   3) and, one or more lots do not conform to the dimensional requirements of these Regulations;
   4) and, if taken together, the combined lot would meet or more nearly meet the requirements of the Zoning Regulations;
(b) Nothing in these Regulations shall prevent the construction of a permitted building or the establishment of a permitted use on a lot which at the time of the adoption of these Regulations was owned separately from an adjoining lot as evidenced by a deed recorded in the land records of the Town of Preston; however, such building or use shall comply with all applicable building setback lines and health code, and sanitation requirements.

19.2.3 Non-Conforming Buildings The following provisions apply to non-conforming buildings:
(a) Where a part of a non-conforming building extends into a required yard, any addition shall have the required yards, except that the Zoning Board of Appeals may approve a variance in yard requirements of a size not less than presently exists, where such smaller yards will not have a detrimental Effect on adjoining property.
(b) Nothing in this section requires any changes in the plans, construction, or designated use of a building for which a building permit in accordance with existing regulations has been issued, and of which the construction shall have been commenced prior to the adoption of these Regulations or any amendments thereto, and which shall be completed within one (1) year of the adoption of same.

SECTION 20 - ZONING BOARD OF APPEALS

20.1 Power and Duties. The Zoning Board of Appeals shall have the powers and duties prescribed in Section 8-6 of the Connecticut General Statutes.

20.1.1 DELETED. 5/1/90.

20.1.2 Any person may apply to the Zoning Board of Appeals for a variance of these Regulations with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship.

20.1.3 No variance shall be granted that would result in the establishment of a commercial or industrial use in a residential district, except as may be permitted by these Regulations.
20.1.4 No variance shall be Effective until it is filed by the applicant with the Town Clerk in the land records, as prescribed in Section 8-3d of the General Statutes.

20.1.5 Any person claiming to be aggrieved by any order, requirement or decision made by the Zoning Enforcement Officer may appeal to the Zoning Board of Appeals. (6/3/97)

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

20.2.1 The Board shall hold a public hearing on all applications and appeals as prescribed by the General Statutes.

Not less than twelve (12) days prior to the hearing, copies of the published legal notice of the hearing shall be mailed by the applicant to the owners of record at the last addresses know to the tax collector of properties abutting and directly across the street from the subject property. The applicant shall provide the Board with evidence of mailing of such notices at the public hearing. (Rev. 4/4/06; Eff. 5/3/06)

20.2.2 All applications and appeals shall be accompanied by a fee of fifty dollars ($50) to cover the cost of advertising and processing.

20.2.3 An appeal must be filed with the Board within thirty (30) days after the date of the action being appealed.

**SECTION 21 - PENALTIES**

21.1 In accordance with Section 8-12 of the General Statutes, the owner or agent of any building or premises where a violation of any provision of these Regulations has been committed or exists, or the lessee or tenant of an entire building or premises where such violation has been committed or exists, or the agent, architect, builder, contractor or other person who commits, takes part or assists in any such violation or who maintains any building or premises in which such violation exists, shall be fined not less than two dollars ($2) nor more than one hundred dollars ($100) for each day that such violation continues; but if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars ($100) nor more than two hundred and fifty dollars ($250) for each day that such violation continues or both; and the Superior Court shall have jurisdiction of all such offenses, subject to appeal as in other cases. Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within ten (10) days after such service, or having been served with a cease and desist order with respect to a violation involving grading of land or removal of earth, fails to comply with such order immediately, or continues to violate any provision of these Regulations specified in such order shall be subject to a civil penalty of five hundred dollars ($500), payable to the Treasurer of the Town of Preston.
SECTION 22 - VALIDITY AND EFFECTIVE DATE

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

22.2 **Effective Date.** These Regulations were first adopted on April 9, 1964, and became Effective on April 13, 1964, and were subsequently revised and amended. These amended Regulations shall take Effect on March 1, 1986.

SECTION 23 - DEFINITIONS

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

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

23.2A **Accessory Apartments:** (6/15/89) A set of rooms in a single-family dwelling fitted out with separate housekeeping facilities, including separate bathroom and kitchen, which is located within, and subordinate to, the principal dwelling; which is occupied by no more than two (2) persons; and which may be made accessible from the principal dwelling by way of a common interior doorway between adjoining rooms or hallways.

23.2B **Affordable Housing District or AHD:** a proposed housing development in which, for at least forty (40) years after the initial occupancy of units within the proposed development (a) not less than fifteen (15%) percent of the dwelling units will be conveyed by deeds containing covenants or restrictions, or leased pursuant to leases containing leasehold covenants which will require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in Connecticut General Statute Section 8-30g, for persons or families whose income is less than or equal to eighty (80%) percent of the area median income or the statewide median income, whichever is less; and (b) not less than fifteen (15%) percent of the dwelling units shall be conveyed or rented in the same manner to persons or families whose income is less than or equal to sixty (60%) percent of the area median income or the statewide median income, whichever is less. (App. 05/6/08; Eff. 06/01/08)

23.2C **Affordable Housing Unit.** A housing unit within an Affordable Housing Development for which persons and families pay thirty (30%) percent or less of their annual income for principal, interest, taxes and insurance, or rent, whichever is
applicable, where such income is less than or equal to eighty (80%) percent or sixty
(60%) percent, as applicable, of the lesser of the area median income for Preston or the
statewide median income, as determined by United States Department of Housing and
Urban Development. (App. 05/6/08; Eff. 06/01/08)

23.3 **Board:** The Zoning Board of Appeals of the Town of Preston, Connecticut.

23.4 **Building:** Any structure having a roof and intended for the shelter, housing or enclosure
of persons, animals, poultry or materials. Any other structure, including accessory structure to a
permitted use, and including fences and walls, any of which are more than eight feet (8’) high,
shall be considered as buildings.

23.5 **Building Height:** The vertical distance from the finished grade at any point under
consideration to the highest point of flat or mansard roofs including the top and ridge for gable,
hip, or gambrel roofs. A flat roof is one whose pitch has a rise of less than three inches (3”) in
one foot (1”) of run.

23.6 **Building Line:** A line parallel to a street at a distance equal to or greater than the
required front yard as prescribed by these Regulations.

23.7 **Camper Unit:** A vehicle designed, used or intended for use temporarily for camping,
recreation, travel and vacationing, and is or can be mounted on wheels and may be self-
propelled, but shall not include a mobile home.

23.7A **Class A Housing** is housing in which thirty (30%) percent of the units are
affordable; with fifteen (15%) percent of the units restricted to persons or families whose
income is less than or equal to eighty (80%) percent of the area median income or
statewide income, whichever is less, and fifteen (15%) percent whose personal or family
income is less than or equal to sixty (60%) percent of the area median income or the
statewide income, whichever is less. (App. 05/06/08; Eff. 06/01/08)

23.7B **Class B Housing** is housing in which when forty (40%) percent of the units are
affordable; with twenty-five (25%) percent of the units are restricted to families whose
income is less than or equal to eighty (80%) percent of the area median income or
statewide income, whichever is less, and fifteen (15%) percent whose personal or family
income is less than or equal to sixty (60%) percent of the area median income or the
statewide income, whichever is less. (App. 05/06/08; Eff. 06/01/08)

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

23.8.1 **Country Inn:** An Inn that provides ten (10) or less guestrooms which are
individually served by bathroom facilities. Such Inns may serve breakfast, lunch and
dinner to registered guests only. Registered guests may stay no longer than three
consecutive weeks in a three-month period. (Rev. 11/13/01)
23.8.2 **Day Visitor:** Any individual or group of individuals who, for a fee, use any of the facilities, programs or events of a recreation campground as an accessory use, but who do not stay overnight at the facility. Day visitors may be, but do not have to be, guests of an overnight camper at the facility, and shall be registered through the use of a visitor pass, wristband, ticket, vehicle pass, or other method of control. The total number of day visitors shall not exceed an average of six (6) day visitors per each developed campsite, but in no event shall the total number of day visitors exceed three thousand (3,000) or as permitted by the Director of Health or Town Sanitarian, whichever is less.

23.8.3 **Department of Environmental Protection** means the State of Connecticut Department of Environmental Protection. (App. 05/06/08; Eff. 06/01/08)

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

23.9A **Developable Acres** is defined as raw land excluding: i) designated wetland and watercourses as defined in the CGS; ii) areas subject to utility easements iii) areas over 5000 square feet that have slopes in excess of twenty-five (25%) percent (predevelopment). (App. 05/06/08; Eff. 06/01/08)

23.10 **Dwelling, Multi-family:** A building designed for and occupied as a residence by two (2) or more families living in separate dwelling units.

23.11 **Dwelling, Single-family:** A building, other than a mobile home, designed for and occupied exclusively as a residence for only one (1) family and having no party wall in common with an adjacent building. Where a private garage is structurally attached to such building, it shall be considered as a part thereof.

23.12 **Dwelling Unit or Residence:** A structure other than a mobile home, intended for human habitation erected on a solid foundations, using permanent weatherproof exterior materials, connected to a safe water supply with adequate sanitary sewage disposal facilities, equipped with at least one (1) furnace or other customary form of heating apparatus, and constructed with ceilings and walls finished on the inside according to State Building Code Specifications, forming a separate, independent, housekeeping establishment and containing independent cooking and sleeping facilities.

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

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

23.16 **Farm:** A farm shall be construed to mean at least five (5) contiguous acres of land under one (1) ownership, with buildings which are mainly used for and incidental to farming.

23.16.1 **Large Acreage Farm Vineyard and Winery** are permitted in R-120, R-80, R-60, R-S, R-40, C-1, C-2, Industrial, Planned Development, Resort Commercial, Thames River Design District, and the Preston City Village Districts by special exception pursuant to Section 15.18 of these Regulations and provided that they contain a minimum of fifty (50) acres and have a minimum of five (5) acres of planted vineyard area. Such Large Acreage Farm Vineyard and Wineries are permitted to have certain complimentary uses that will help create a viable agricultural endeavor. All such manufacture, storage, bottling, production, distribution, or sale of wines done as part of the winery shall be in accordance with all state or Federal laws or regulations governing such activities. (App. 04/01/08; Eff. 05/01/08)

23.17 **Farming:** Is the act of cultivation of land for the growing of vegetables, grains, grasses, trees, herbs, fruit, or other horticultural products; the raising of livestock, farm animals and birds, the producing of milk, and other similar pursuits except that gardens, livestock or fowl grown mainly for home use and in accordance with these Regulations shall not be classified as farming.

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

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

23.20 **Lot:** A contiguous plot or parcel of land, other than submerged land, identifiable by one (1) or more deeds, occupied or capable of being occupied by one (1) principal building or use and the accessory buildings or uses customarily incident to it, including frontage, area, and such open spaces as are required by theses Regulations. In the case of public institutional or
commercial buildings, a group of buildings under the same ownership may be considered as occupying the same lot.

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

23.22 **Lot Frontage:** The distance between lot sidewalks measured contiguously and continuously along the street line.

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

23.24 **Lot Line, Front:** In the case of a lot abutting upon only one (1) street, the line separating the lot from the street; in the case of any other lot, the owner shall, for the purpose of this Regulation, have the privilege of electing any street lot line as the front lot line.

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

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

23.27 **Lot, Rear:** A lot of which the buildable area is located generally to the rear of other lots having frontage on the same street as said lot and having access to the street via a private right-of-way.

23.28 **Lot, Minimum Width of:** (5/16/89) The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines, which line of measurement shall touch, but not in front of, the building line. In the case of a corner lot, the minimum width shall be similarly measured and, for the purpose of this measurement only, the front lot line and the lot lines adjacent thereto shall be considered as side lot lines.

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

23.30 **Mobile Home Park:** A tract or parcel of land on which one (1) or more mobile homes are placed, whether occupied or not, and regardless of whether or not a charge is made for such placement.
23.31 **Non-Conforming Building:** A building which does not conform to all the provisions of these Regulations regarding height, bulk, and yard dimensions.

23.32 **Non-Conforming Use:** A use of land, building, or premises which is not a use permitted by the provisions of these Regulations for the zone in which such land, building, or premises is situated.

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

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

23.35 **Recreation Campground:** A parcel of land used principally for the parking of camper units or the establishment of other overnight living quarters, such as tents or other temporary shelters, and primarily occupied by family groups engaged in travel, recreation and/or vacation. A recreation campground may also include accessory uses and facilities for the use and enjoyment of campers and guests, including day visitors, as defined in Section 23.8.2 of these Regulations. Such recreation campground shall meet all applicable building and health code requirements before it is open to public use. (Eff. 6/3/2004)

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

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

23.35.2 **Retail Store** – Specialty: An independently owned retail store is one which differentiates itself from department type stores (and other large generalists) through specialization in product category and/or services. Specialty retail stores focus on specific categories. Typically, product knowledge is a value-added component of products sold, and these stores serve a smaller “personalized service” market. Examples include: general store, antiques, boutiques, etc. (rev. 11/3/01)

23.36 **Right-Of-Way:** A right-of-way is an easement granted to a person or persons (grantee) for passing and re-passing over land of another (grantor) to and from the land of the grantee.
23.37 **Specialized Agricultural Buildings:** The use of a building for intensive farming and farming-related activities that involve:

a. processing or packaging of farm products or by-products;
b. shelter for more than one hundred fifty (150) cattle or twenty thousand (20,000) fowl; or
c. workplace for more than twenty-five (25) non-family employees.

23.38 **Street:**

a. Any improved right-of-way dedicated for public use, accepted for public use by Town Meeting, and maintained by the Town of Preston for automobile travel; or
b. Any proposed street shown on the subdivision plan under consideration, or on one previously approved by the Commission; or

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

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

23.40.1 **Farm Winery:** any place or premises, located on a farm with land area that equals five (5) acres or more in which wine is manufactured and sold. Wine may be sold in bulk or by bottle provided it does not exceed fifteen (15) gallons per container. Such permit shall also authorize: (1) The offering and tasting of samples of such wine to visitors and prospective retail customers for consumption on the premises of the farm winery permittee; (2) The selling at retail from the premises sealed bottles or other sealed containers of such wine for consumption off the premises; and (3) The selling at retail from the premises wine by the glass to visitors on the premises of the farm winery permittee for the consumption on the premises.

No permitted farm winery may sell any such wine not manufactured by such winery, except in accordance with Section 30-16 of the Connecticut General Statutes and provided that a minimum of two (2) acres of the parcel shall be used for the growing of grapes. *(App. 7/6/2004; Eff. 8/1/2004)*
23.41 **Yard:** An open space on the same lot with a building or use which lies between said building or use and the nearest lot line and which is unoccupied except as may be specifically authorized in these Regulations. In measuring a yard, as hereafter provided, it shall be deemed to mean the space between the lot line and a line parallel to and at the required distance from said lot line. Such measurement shall be taken at right angle from the lot line.

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

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

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

23.45 **Bed And Breakfast Inn:** (3/17/92) An accessory use of an owner-occupied residential building, having guest rooms, without their own separate kitchen facilities, for the over-night use of transients. The inn may provide breakfasts to guests, but no other meals.