

# Town of Preston Zoning Regulations



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EFFECTIVE APRIL 1964

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## Zoning Amendments

ZTA #1-99 – Section 2.3.4 (App. 04/06/99)  
ZTA #2-99 – Section 16.1 (App. 04/06/99)  
ZTA #3-99 – Section 16.5.1 (App. 04/06/99)  
ZTA #4-99 – Section 2.6; 2.7; 2.8 (App. 08/03/99)  
ZTA #5-99 – Section 19 (App. 08/03/99)  
ZTA #6-99 – Section 11B.6.1 (App.11/03/99; Eff. 11/18/00)  
ZTA #7-99 – Section 11 & 12; 11B.7 to 11B.10 (App. 01/04/00; Eff. 01/23/00)  
ZTA #1-00 – Section 4.1.13 & 4.1.14 (App. 03/07/00; Eff. 03/24/00)  
ZTA #2-00 – Section 7.1.1 ((App. 03/07/00; Eff. 03/24/00)  
ZTA #3-00 – Section 13.8 (App. 03/07/00; Eff. 03/24/00)  
ZTA #4-00 – Section 15.17 (App. 03/07/00; Eff. 03/24/00)  
ZTA #5-00 – Section 16.11 (App. 09/08/00; Eff. 09/20/00)  
ZTA #6-00 – Section 2.8 (App. 08/01/00; Eff. 08/25/00)  
ZTA #1-03 – Section 19.1.1; 19.2; 2.3.4; 2.3.6; 23.38 (App. 05/06/03; Eff. 05/23/03)  
ZTA #5-03 – Section 15.11 & Section 23.8.2 (App.05/04/04; Eff. 06/03/04)  
ZTA #6-03 – Section 11C.3; 11C.3.1 (App. 12/18/03; Eff. 01/05/04)  
ZTA #7-03 – Section 16.8 (App. 12/18/03; Eff. 01/05/04)  
ZTA #8-03 – Section 11C.9 (App. 12/18/03; Eff. 01/05/04)  
ZTA #9-03 – Section 13.1.1 (App. 12/18/03; Eff. 01/05/04)  
    - Section 11D 3.4.1 (App. 04/02/02; Eff. 04/30/02)  
ZTC #1-04 – Section 10.2.5 (App. 03/02/04; Eff. 03/19/04)  
ZTA #2-04 – Section 15.11 and Section 23 (Withdrawn)  
ZTA #3-04 – Section 4.2.10; 23.40.1 (App. 07/06/04; Eff. 08/01/04)  
ZTA #4-04 – Section 2.8; (App. 07/06/04; Eff. 08/01/04)  
ZTA #5-04 – Section 12 (App. 07/06/04; Eff. 08/01/04)  
ZTA #6-04 – Section 10.2.5 – (App. 03/02/04; Eff. 03.19.04)  
ZTA #2-05 – Section 10.1 (App. 05/03/05; Eff. 05/31/05)  
ZTA #4-05 – Section 4.2.11 (App. 09/06/05; Eff. 09/28/05)  
ZTC #2-06 – Section 20.2.1 (App. 04/04/06; Eff. 05/03/06)  
ZTA #3-06 – Section 7.1.1; 13.8 (App. 10/03/06; Eff. 10/29/06)  
ZTA #2-07 – Section 11B.3.12; 11B.4.10; 11B.4.11; 11B.4.12; 11B.4.13 & Section 12  
(App.08/07/07; Eff. 08/27/07)  
ZTA #1-08 – Section 19.2 (App. 02/05/08; Eff. 03/01/08)  
ZTA #2-08 – Section(s) 4.2.11; 4.2.12; 6.2.13; 8.2.9; 9.2.4; 10.2.6; 11A.6.1; 11B.4.14; 11C3.1d;  
11D3.4k; 15.18; 15.18.1; 15.18.2; 15.18.3; 15.18.4; 15.18.5; 23.16.1 (App.04/01/08; Eff.  
05/01/08)  
ZTA #3-08 – Section 13.14.4 (App. 03/04/08; Eff. 03/28/08)  
ZTA #4-08 – Section 19.2 (App.04/01/08; Eff. 05/01/08)  
ZTA #5-08 – Section 11E; 23.2B; 23.3C; 23.7A; 23.7B; 23.9A; 23.8.3(App.05/06/08; Eff.  
06/01/08)  
ZTC #1-10 – Section 2.7 (App. 04/27/10; Eff. 05/21/10)  
ZTC #2-10 – Section 18.5 (App. 05/25/10; Eff. 06/18/10)  
ZTC #3-10 – Section 12 (App. 07/27/10; Eff. 08/20/10)

ZTA #4-10 – Section 16.11 & 11C3n (App. 08/24/10; Eff. 09/23/10)  
ZTA #5-10 – Section 12 (App. 08/24/10; Eff. 09/23/10)  
ZTA #2-11 – Section 13.23 (App. 04/26/11; Eff. 07/18/11)  
ZTA #3-11 – Section 20.1 (App. 04/26/11; Eff. 07/18/11)  
ZTA #4-11 – Section 4.2.10 (App. 11/22/11; Eff. 12/16/11)  
ZTA #1-12 – Grammatical and updated Table of Content to the Zoning Regulations (App. 08/28/12; Eff. 09/22/12)  
ZTA #1-13 – Section 23.35.1a (App. 06/25/13; eff. 07/26/13)  
ZTA #5-13 – Section 4.1.7 (App. 10/22/13; 11/11/13)  
ZTA #3-13 – Section 23 (App. 12/18/13; Eff. 01/11/14)  
ZTA #1-14 – Section 11C (App. 02/28/14; Eff. 03/14/14)  
ZTA #2015-01 – Section 19 (Rev. 08/04/15; Eff. 08/31/15)  
ZTA #2015-003 – Section 15.11; Section 23 (App. 12/22/2015; Eff 01/16/16)  
ZTA #2016-001 – Section 23; Section 4.1.15 (App. 02/23/16; Eff. 03/18/16)  
ZTA #2016-003 – Section 15.11 (App. 03/22/16; Eff. 05/01/16)  
ZTA #2017-01 Section 11C (App.5/23/17; Eff. 7/15/17)

#### Zoning Map Change

ZMC #1-99 – 347 Route 165 (App. 11/23/99)  
ZMC #1-05 – 24 Watson Road (App. 04/05/05)  
ZMC #5-05 – 353 Route 165 (App. 02/07/06)  
ZMC #01-15 – 335 Route 2 and a portion of 341 Route 2 (App. 06/23/15)

The Amendments posted above have been recorded from the date application logging commenced.

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-  Preston City Zoning Map
-  Coastal Area Map
-  Zoning Map
-  Thames River District and Redevelopment Area

*Please note* – all above noted maps are approximate in location. For further information, please contact the Planning & Zoning Office at 860-887-5581 x118 or x109.

## ZONING REGULATIONS TOWN OF PRESTON, CONNECTICUT

### 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 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. (07/15/98)

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 as 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. 04/06/99; ZTA #1-99) (Rev. 05/06/03; Eff. 05/23/03)

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 fifteen (15) residential units without the signature of the Chair of the Preston Water Commission. (Rev. 05/06/03; Eff. 05/23/03)

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 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. 08/03/99; ZTA #4-99)

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

a) Site Plan	\$50.00
	(Plus the cost to cover the fees for engineering fees where applicable)
b) Special Exception	\$150.00
c) Zoning Permit	\$15.00
d) Coastal Site Plan	\$15.00
e) Regulation Change	\$150.00
f) Zoning Map Change	\$150.00
g) Variance	
Residential	\$50.00
Commercial	\$150.00

Please note that, in addition, a State Fee will be collected in accordance with [Section 22a-27j](#) of the Connecticut General Statutes and all fees are waived for the Town of Preston applications. (Rev. 08/03/00) (Rev. 04/27/10; Eff. 05/21/10)

**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. 08/01/04)

## 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 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 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 of 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 this 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 – (01/01/94)** - 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 – (01/01/94)** - 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 – 03/09/98)** – 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, except chickens, as noted below, 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; and seven (7) to twenty-five (25) in the 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.

- a) Up to six (6) chickens may be kept for domestic use on a lot that is less than three (3) acres provided they are located within an enclosed area (pen) not closer than twenty feet (20') to a property line. No roosters may be kept on said property. Any structure to house these chickens shall be within the building setback lines. If there are any complaints regarding the odor resulting from the keeping of the chickens on the property, they shall be resolved to the satisfaction of the Zoning Enforcement Officer, if the complaint is not resolved to the satisfaction of the ZEO, the ZEO may consider the use a violation of these Regulations. (App. 10/22/13; 11/11/13)

4.1.7 Accessory buildings to a 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. 03/07/00; Eff. 03/24/00 ZTA #1-00)

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. 03/07/00; Eff. 03/24/00 ZTA #1-00)

4.1.15 Commercial Nursery: An operation conducted for retail or wholesale sales of plants grown by a plant nursery. Such Commercial Nursery may include a structure for the retail sale for items other than nursery stock, but not power equipment such as lawn mowers and farm implements. Any such structure used for the retail sale of accessory items, shall not exceed five thousand (5,000) square feet and shall require a site plan approved by the Planning and Zoning Commission in accordance with Section 16 of these Regulations.

**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 sanitariums; 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. (06/15/89)

4.2.9 Bed and Breakfast Inn. (03/17/92)

4.2.10 "Farm Winery" provided the following conditions can be met:

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 and six other private or closed events. The Commission may permit more than seventy-five (75) people at a facility during closed or public wine making promotions at their discretion based on property size, impact on the neighborhood, effective buffering, condition of road accessing the site, topography, and natural resources, and provided any building used for such events is approved by the Building Inspector and the Fire Marshal prior to the use of the building for events. After approval by the Commission, and prior to

conducting an event, a zoning permit to conduct the event shall be submitted to the Zoning Enforcement Officer. The permit for such event shall be submitted at least fourteen (14) days prior to the event. The ZEO shall forward the application to the Town Sanitarian and Food Inspector for review.

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 two thousand five hundred (2,500) square feet and provided its architecture shall be acceptable to the Commission and in harmony with the surrounding neighborhood. Restaurants are not permitted as part of the winery, but the hors d'oeuvres and pastries may be sold as an accessory wine product. However, full services menu may be available for private or closed events. Such winery buildings shall not be open to the public later than 8:00 p.m. on weekdays and Sunday and 10:00 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.

All events shall comply with the State of Connecticut DEEP noise standards. If the violation is not immediately resolved, the Zoning Enforcement Officer may withhold the permit for any subsequent events until such matter is resolved. (App. 7/6/2004; Eff. 8/1/2004 – App. 11/22/11; Eff. 12/16/11)

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 five thousand (5,000) square feet in area. (App. 09/06/05; Eff. 09/28/05) (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 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.

6.2.11 Accessory apartments. (06/15/89)

6.2.12 Bed and Breakfast Inn. (03/17/92)

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 sixty thousand (60,000) square feet. (Rev. 03/07/00; Eff. 03/24/00 ZTA #2-00)(Rev. 10/03/06; 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. (07/15/98)
- 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. (07/18/98)
- 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 store.

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. 05/31/05)

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 Repairs services, such as radio, television, appliance, small equipment, and 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.

10.1.5 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.

10.1.6 Retail sales of products manufactured on the premises.

10.1.7 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. 03/02/04; Eff. 03/19/04)

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

**SECTION 11 – SPECIALIZED DISTRICTS**  
(01/01/94) & 03/09/98)

**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. Provided the following conditions are met: (Rev. 09/01/98)

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 (2) for the residents of the property and one (1) 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 building requirements for parking, accessibility, interior room design for all bedrooms, bathrooms, doorways and hallways, and must be approved by the Preston Fire Marshal 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. 08/28/07 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 Marshal; 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 outlines 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 (90) days within a twelve (12) month period. (Eff. 08/28/07 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. 08/28/07 ZTC #2-07)

11B.4.12 The Commission may permit buildings or structures greater than fifty feet (50') 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 fifty feet (50') in height shall be approved by the Fire Marshal. (Eff. 08/28/07 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. 08/28/07 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 Municipal Buildings. A lot may be occupied by more than one (1) 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 not such time 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 shingles. 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. 11/03/00; Eff. 11/18/00 ZTA#6-99)

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.

11B.7-11B.10 Deleted (Rev. 01/04/00; Eff. 01/23/00 ZTA#7-99)

### **11C Thames River District ("TRD")**

**11C.1 Purpose:** The purpose of this district is to promote an energy efficient, pedestrian friendly, planned mixed-use development that includes a variety of commercial uses and will in its design consider the zones' unique locational features such as the campus setting, historic assets, and proximity to State Highways, rail line, the Thames River, natural resources, public utilities, and area attractions. (03/09/09) (App. 02/25/14; Eff. 03/14/14)

**11C.2 Procedures:** A site plan application shall be submitted for all permitted uses enumerated in Section 11C.3 pursuant to Section 16 of these Regulations. Applications for zone changes and master plan approval pursuant to the Special Thames River Design Development Overlay District ("STRDDOD") shall be submitted in accordance with the provisions of Section 11C.7 of these Regulations. All applications proposing development within the TRD for property that is not the subject of a Property Disposition and Development Agreement between the Town of Preston and the applicant ("PDDA) and that is within the redevelopment area shall be submitted to and reviewed by the Preston Redevelopment Agency (PRA). The Commission shall not act on any application for development within the redevelopment area that is required to be submitted to the PRA without receiving recommendations and an advisory report from the PRA; provided, however, that in the event the PRA does not submit review comments within thirty-five (35) days, the Commission may act on such application absent comments from the PRA. All such reports and recommendations shall be considered by the Commission but shall be advisory only.

**11C.3 Permitted Uses:** The following uses are permitted in the TRD as of right, but subject to receiving site plan approval from the Commission in accordance with the standards contained in these Regulations:

- a) Professional Offices
- b) Daycare Center, including adult daycare and nursery schools
- c) Financial Offices, such as banks, insurance offices and financial planning offices
- d) Health and Fitness Centers: which are facilities which provide for such activities as swimming, tennis, racquetball and/or aerobics
- e) Dine-in Restaurants
- f) Retail uses of less than 30,000 square feet
- g) Hotels and Inns
- h) Accessory buildings or uses

**11C.4 Environmental Protection:**

- a) **Coastal Area:** The TRD includes property regulated under the Coastal Management Act (the "Act"). The Act establishes special requirements and procedures that ensure

the impacts of proposed activities on both coastal resources and water dependent development activities are acceptable. A coastal site plan application pursuant to Section 14 – Coastal Area Management of the Regulations is required for activities located within the coastal boundary.

- b) **Stormwater:** Landscaping and stormwater drainage associated with site development shall be of a design and layout to minimize potential water quality impacts of non-point source runoff, including hydrocarbons, fertilizers and pesticide applications. Stormwater drainage shall be designed to relate harmoniously with the adjacent landscape and structures. All drainage design shall be developed in accordance with the State of Connecticut Stormwater Quality Manual, latest edition.
- c) **Conservation / Public Access Easements:** The Commission may require deeded conservation easements to the Town or any other 501(c)(3) recognized conservation entity approved by the Commission to protect coastal and natural resources and to allow public access to coastal or other natural resources and/or historic resources, where appropriate and available. This determination shall be made by the Commission during the coastal site plan review process and/or the site plan review process, whichever may be applicable.

**11C.5 Design Standards:** These design standards are provided to ensure harmonious creative design that allows flexibility to achieve the overall goal of a well-planned and well-designed New England style development. All applications for development within the TRD shall be submitted with a general plan illustrating how the project coordinates, complements and fits with the overall plans for the comprehensive development of the TRD.

- a) **Multiple Buildings and Uses:** A lot may be occupied by more than one (1) permitted principal building or use. The separating distance between individual buildings shall be adequate to complement the natural and man-made features of the site and surrounding area. Separating distance between buildings may be used for pedestrian or vehicle access or be landscaped. 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 building or fire code requirement.
- b) **Special Features:** Important existing site features, such as stonewalls, large trees, and other features shall be preserved and incorporated into the new design to the maximum extent feasible.
- c) **Building Design:** All structures and projects should be consistent with the *Thames River Design Guidelines*, hereinafter referred to as the *Design Guidelines* (which are an addendum to these Regulations).

- d) **Lot Coverage and Building Height:** Structures shall not cover more than twenty-five percent (25%) of each parcel. The Commission shall consider impact on vistas and solar access when reviewing the height of structures within the District.
- e) **Sign Design:** The design, proportion and placement of signs shall complement the buildings' composition and architectural details. The design shall consist of materials, colors, and lettering styles and sizes which relate to the architectural styles in this District. Additional sign requirements are stipulated in Section 18 of these Regulations. Any site plan submitted to the Commission for approval of development within the TRD shall include a signage plan delineating the location of all proposed signage, the size, shape, lighting and conceptual design of all proposed signage within the property that is the subject of the site plan application.
- f) **Parking:** Off-street parking shall meet the requirements of Section 17, unless otherwise specified in Section 11C.5 (m) of the Regulations. All parking areas shall be attractively landscaped with planting strips between bays and planting strips separating driveways from parking bays. No parking shall be located in front of the building served by such parking area, but may be located to the side and rear of the building.
- g) **Buffers:** A landscaped buffer strip shall be provided to adequately screen all abutting residentially zoned properties and/or cemeteries. Such buffer shall provide a physical separation that screens any vehicular head light glare, on-site lighting glare, or other visual intrusion into the adjacent residential zone or cemetery. The Commission may forward copies of the plans to the cemetery association for review and comment. The Commission may also require a buffer strip to provide visual separation from other redevelopment areas within the District where the incorporation of such buffer strip adds to the overall aesthetic character of the District. Off-street parking is prohibited within these areas.
- h) **Noise:** No development or project shall produce decibel levels that exceed the State of Connecticut recommended noise levels.
- i) **Lighting:** The site plan shall show all proposed exterior lighting in enough detail for the Commission to assess the impact of the lighting on the surrounding area. In no case shall the lighting be located such that its height, direction, intensity or conditions pose a nuisance to surrounding uses. The Commission may require a lighting plan prepared by a licensed professional engineer to determine compliance with this requirement.
- j) **Dimensional Requirements:** Other than those separating distances required to comply with other code requirements (building, fire, etc.) there shall be no minimum dimensional requirements within the TRD. Side and rear building set back lines, distances from the centerline of the roads, and building height shall be subject to approval by the Commission. In exercising its discretion, the Commission shall only approve setback lines, the height of structures, and distances which are designed to

create a well planned community thereby allowing the sharing of resources, parking and utilities. In considering building height, the Commission shall consider safety, impact on vistas and on the potential use of solar energy.

- k) **Energy Efficiency and Sustainability:** In formulating each site plan for development in the TRD, consideration shall be given to create a development that minimizes the impact on ecosystems and water resources, promotes smarter use of water to reduce both potable and non-potable water consumption, promotes better building energy performance through innovative strategies, encourages the use of sustainable building materials and reduces waste, promotes improved indoor air quality and access to daylight and views, promotes walkable neighborhoods with efficient transportation options and open space, emphasizes compact, walkable, vibrant, mixed-use neighborhoods with connectivity to nearby communities, and/or reduces the environmental consequences of the construction and operation of buildings and infrastructure.
- l) **Access and Traffic:** All development within the District shall comply with the following standards, as applicable:
1. In order to reduce possible point of traffic conflict, the Commission may require access drives to be located along a side property line so that with the development of the adjacent property, the access drive could be widened onto that adjacent property, to create "one" access drive to serve two (2) or more properties. The Commission may also require common interior drives to serve more than one (1) parcel, where appropriate for traffic safety and when connecting to a public road/street. The Commission may require the incorporation into any site plan of reserved rights-of-ways together with an obligation to construct in locations in which the Commission deems interparcel access to adjacent public streets reasonably necessary to enhance traffic flow and to prevent congestion and traffic conflict on existing municipal and state streets and highways. Where common access drives are approved by the Commission as a component of a site plan approval, a written agreement for the common use and maintenance of shared access facilities, subject to the approval of the Town Attorney (not to be unreasonably withheld), shall be executed and recorded in the Preston Land Records prior to the issuance of zoning permit for the approved development.
  2. The Commission shall require minimum sight line distances depending on present and anticipated traffic conditions and current engineering design standards.
  3. Since it is the intent of the regulations to create a walkable community, the applicant must demonstrate that the site design makes proper provision for pedestrian access and safety problems.
  4. Any permit application may be denied by the Commission if, after review and evaluation, no reasonable modification can be made which will insure that the

proposed use will not create or further aggravate vehicular and/or pedestrian traffic safety problems.

5. The applicant is responsible for obtaining all other required access and traffic permits from the ConnDOT or Office of State Traffic Administration or other, as required by applicable regulations. The status of such permit activity shall be included with any application for development within the TRD. In the event that any such permit or authorization is granted subsequent to the date that the Commission issues its site plan approval, which permit requires material modifications to the proposed street layout, intersection design or traffic controls incorporated into the site plan approval, the applicant shall submit such amendments and modifications to the Commission for approval and the Commission shall evaluate such modifications and amendments in an application for modification of site plan approval applying the parameters set forth in these regulations.

- m) **Off-Street and Off-Site Parking:** The amount of off-street parking for buildings and uses in the TRD shall either (i) be as stipulated in Section 17 of these Regulations for each of the permitted uses or (ii) be based upon an evaluation of the parking needs for the applicable uses delineated on the site plan or Master Plan, as applicable, prepared by a professional engineer with experience in parking and traffic circulation design, whose recommendations may be adopted by the Commission and incorporated into the Master Plan or site plan approval.

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

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

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

**11C.6 Non-conforming buildings/residential density limitations:** Any single-family residence existing at the time of the Effective Date of Section 11C of these Regulations and located within the TRD shall be exempt from Section 19.2.3 of these Regulations which prohibits the expansion of non-conforming buildings. In addition, such existing single-family residences shall not be taken into consideration in the determination of the maximum residential density in the TRD or any STRDDOD.

**11C.7 Special Thames River Design Development Overlay District (STRDDOD) (NEW, July 2017):** The purpose of this floating overlay district is to encourage and permit variety and flexibility in land use and that will augment creative design development within the TRD. This Section 11C.7 sets forth the procedures and criteria for the Commission to rezone one or more portions of the TRD to STRDDOD, in conjunction with the approval of a master plan for redevelopment; and eventually to approve a site plan for one or more segments of an STRDDOD as they are proposed for development and construction. This Section 11C.7 is organized into five subsections: Section 11C.7a – Permitted Uses Within STRDDOD; Section 11C.7b - Procedures For Rezoning To STRDDOD; Section 11C.7c – Criteria And Standards for Rezoning to STRDDOD; Section 11C.7d – Required Content of Master Plan for STRDDOD; and Section 11C.7e – Site Plan Approval Requirements for STRDDOD. The STRDDOD allows the Commission to approve a project with uses that are in addition to those permitted as of right in the TRD and to allow the use of specific development related criteria in lieu of the criteria set forth in Sections 11.C.1 through 6 and Sections 12, 13, 15, 16, 17, 18 and elsewhere in these Regulations. In exercising its legislative discretion in considering an application for an STRDDOD Overlay District, the Commission shall consider the recommendations contained in the Preston Plan of Conservation and Development, Preston Riverwalk Plan of Conservation and Development and the Design Guidelines. In furtherance of the intent to provide for flexibility in design and of uses, the provisions of Sections 12, 13.1, 13.6, 13.7, 13.9, 13.13.11, 13.13.12, 13.14, 13.18, 13.19, 13.22, 13.24, 15.5, 15.9, 15.11, 15.13, 15.14, 15.15, 15.16, 15.18, 16.5.2, 16.5.3, 16.5.7 and 16.5.10 of these regulations shall not apply to an STRDDOD application or to an approved STRDDOD development.

**11C.7a: Permitted Uses Within STRDDOD**

1. Uses permitted in the TRD, as set forth in Section 11C.3
2. Convention Center
3. Nursing Home
4. Research Hospital and/or laboratories; medical/dental clinics and offices, including storefront medical facilities; veterinary hospitals and offices; pet daycare and hotel facilities

5. Retail Use with no size limitation, including shopping centers and gasoline/fuel service and filling stations and package liquor store facilities and repair services
6. Restaurants, including restaurants with drive-thru service; fast food and casual restaurants; coffee shops, diners, cafes, pubs, bars, taverns, snack bars and food trucks.
7. Movie Theaters
8. Colleges or private schools, which are defined as public or private institutions of higher learning offering a course of studies leading to a degree or certification in a specific profession, vocation, or technical field. Such institutions may include accessory uses and structures to support the principal instructional institution. Examples of such accessory uses are: residential facilities for staff or students; sports fields or other structures for institutional events.
9. Transportation facilities: Such facilities shall allow travelers to change from one mode of transportation to one or more other modes of transportation and also include buildings and amenities such as telephone, restrooms, and other services for such travelers including not more than one helistop. A gondola tram system providing transit from one location to another shall be considered a permitted transportation facility. Parking lots or garages with limited services such as a shelter and pay phone, which could be classified as a typical bus stop, are prohibited as principal uses.
10. Indoor Theater or a building or part of a building for dramatic, musical, or other live performances.
11. Studios for recording, production, and broadcast of music, television, radio and motion pictures, including transmitters, antennae, and ancillary equipment.
12. Indoor and outdoor family oriented recreational/cultural facilities such as a theme park, video game arcade, ski slope, waterpark, adventure course, trampoline center, go kart track, golf course or an outdoor theater.
13. Intensive agriculture and aquaculture activities such as greenhouse nurseries, tank culture, and hydroponic facilities, provided there are no adverse environmental impacts, including odor.
14. Farms, farm wineries and farm vineyards – large scale; agricultural tourism facilities, including production facilities, a portion of which will be open to the public for tours and may include educational events, retail facilities and sales of products produced on the premises including food and drink products and on-premises restaurants; farmer’s markets.

15. Museums, riverwalk, art and entertainment areas.
16. Water-dependent uses such as marinas and water taxis.
17. Wedding and banquet facilities.
18. Spas; timeshare facilities and hotel condominiums.
19. Camping areas, including recreational vehicle parks and including accessory uses such as toilet and shower facilities, utility hook-ups, community center-type facilities; dining facilities and other related ancillary uses.
20. Multi-Family Use, including Elderly Housing, Elderly Active Adult Housing, Assisted Living Facility, Nursing Home and Life Care Facility; provided that any residential component shall not exceed twenty (20%) percent of the gross square footage of all approved development in the STRDDOD. For purposes hereof, a residential component shall not include hotel, motel or interval ownership uses or Elderly Housing, Elderly Active Adult Housing, Assisted Living Facilities, Nursing Homes and Life Care Facilities. Any multi-family development that is a residential component shall be limited to multi-family rental or ownership units located within a mixed use development that contains commercial or business uses on the first floor with residential units located only above the first floor. In no event shall any multi-family unit that is a residential component contain more than two (2) bedrooms.
21. The sale and consumption of alcohol in bars, nightclubs, pubs, cafes, coffee shops, diners, taverns, entertainment facilities, recreational facilities, sports venues and restaurants (all types), whether from a service bar or otherwise, The sale of alcohol in packaged form at licensed package liquor stores and of beer in grocery stores.
22. Microbrewery, cheese making and other specialty food product manufacturing such as gourmet sauces, home-made pasta, olive oil, soap and other personal products.
23. Other uses that are similar in use, dimensions and impact to the uses listed above.

**11C.7b: Procedures For Rezoning To STRDDOD**

An application for rezoning to STRDDOD shall follow the procedures of Chapter 124 of the Connecticut General Statutes and Section 2.5 of these Regulations, and shall include a Master Plan as set forth in Section 11C.7d below.

1. A pre-application review shall be allowed, but is not required, to provide the applicant with the opportunity to discuss with the Commission the conceptual plan for the project without extensive details. Any pre-application shall be submitted to the Commission for consideration a minimum of two (2) weeks prior to a regularly scheduled meeting of the Commission. Upon receipt, if the property that is the subject of the pre-application is not covered by a PDDA, the pre-application shall be

- referred to the PRA for review and recommendation. The PRA shall provide a report to the Commission within thirty-five (35) days of receipt. The report submitted by the PRA shall address the economic benefits or detriments, as the case may be, of the proposed STRDDOD to the community and region, including job creation.
2. The pre-application review and the informal consideration of the conceptual plan shall not be deemed to constitute any portion of the official and formal procedure of applying for a change of zone or a Master Plan approval. In the event that an applicant utilizes the pre-application review process, neither the applicant nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the applicant and the Commission upon the future receipt of a formal application for a zone change to STRDDOD and Master Plan approval. Since the pre-application review is an informal, non-binding process, the applicant's submission shall be of such content and detail as will enable the Commission to provide comments on areas of concern or interest to the applicant. The level of detail of information submitted by an applicant for a pre-application review shall be at the applicant's discretion. However, more complete information and plans submitted for discussion will result in more meaningful feedback from the Commission.
  3. Formal Application: Any owner of property located within the TRD may apply to the Commission for a change of zoning district classification from the TRD to the STRDDOD. The applicant need not own all land within the proposed STRDDOD, and failure to own all land within such proposed district shall not prevent the Commission from hearing or granting any such application; provided, however, that the owner of each parcel delineated on the Master Plan for which STRDDOD approval is requested consents in writing to the filing of the application for the STRDDOD. The application shall be submitted to the Commission on a form prescribed by it and accompanied by an application fee for a zone change in accordance with the Zoning Regulations of the Town of Preston and shall further be submitted together with such reasonable additional third party consulting fees for peer review of the technical aspects of the application as have been estimated by the Commission; all such third party consultant fees shall be submitted to the Applicant by the Commission with reasonable procedures to be adopted by the Commission to obtain agreements for services to be rendered on a reasonable basis with an obligation to provide itemized statements to the Applicant for services rendered. Such fees shall be accounted for separately by the Commission and the Town from other moneys and may be used only for expenses associated with the technical review of the application by consultants who are not otherwise salaried employees of the Commission or the Town. Such peer review shall be for the purpose of assisting the Commission in its review of the zone change and Master Plan approval application. The Commission shall utilize the services of its existing consultants billed at their agreed upon fee schedule; provided, however, that the Commission may seek the review services of third party consultants if existing consultants do not possess the expertise to provide the review services needed to evaluate an application for master plan and/or site plan approval.

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

as of the date of filing of the zone change application for the STRDDOD. Said survey shall include a key map.

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

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

analysis shall be incorporated into the Master Plan by the applicant's licensed professional engineer.

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

#### **11C.7c: Criteria And Standards For Rezoning To STRDDOD**

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

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

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

- i. The compatibility of the proposed location and uses with the recommendations of the adopted Plan of Conservation and Development, the Preston Riverwalk Plan of Conservation and Development and the Design Guidelines.

- ii. The existing and future character of the district in which the STRDDOD is located. Particular attention shall be paid to the character and uniqueness of the natural, historic and archaeological resources of the District and the character and use of the existing highway facilities.
- iii. Traffic circulation within the STRDDOD. The amount, access and location of parking and loading facilities, and the quantity and composition of traffic generated by the proposed uses and the use of alternative modes of transportation proposed to minimize traffic impacts. Development shall be located so as to provide direct primary access to a state owned and maintained arterial highway and to discourage increased traffic loads through residential neighborhoods.
- iv. The quality of the natural resources within the proposed STRDDOD and the affect that the proposal will have on such resources and the impact the proposal may have through the treatment and disposition of stormwater runoff.
- v. The STRDDOD shall be suitable for development in the manner proposed without causing hazards to persons or property on or off the site from flooding, erosion, slipping of soil, or other harmful or inconvenient effects. Conditions of soil, groundwater level, drainage and topography must be suitable to adequately accommodate the pattern and nature of the land use intended.
- vi. The availability of water to the STRDDOD and the adequacy of capacity in the delivery system to the wastewater treatment plant and in the wastewater treatment plant itself providing sewer service to uses within the STRDDOD. Sufficient water shall be available to the site to supply the needs of the proposed uses. The proposal shall not impose upon the town any obligation to effect improvements to water lines, water supplies, wastewater collection systems or a wastewater treatment plant, unless funded by the applicant.
- vii. Safeguards to protect neighboring properties and the neighborhood in general from disturbance through the use of appropriate landscaping and siting of uses and facilities.
- viii. For projects that are not the subject of a PDDA, the economic impact on the Town of Preston with particular attention to the potential property tax revenue from the STRDDOD.
- ix. For projects that are not the subject of a PDDA, the economic impact of the development on municipal and regional economies. Economic impact calculations shall take into consideration the value of secondary spending using recognized multipliers to calculate such benefits.

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#### **11C.7d: Site Plan Approval Requirements For STRDDOD**

Site Plan Application: Subsequent to approval of the zone change and Master Plan, a site plan application shall be submitted for approval in accordance with Section 16 of these Zoning Regulations for all development in the approved STRDDOD and shall comply with the following additional requirements.

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

1. Property boundary survey, prepared to Class A-2 standards, suitable for filing in the Office of the Preston Town Clerk.
2. Development Plan: The development plan shall be drawn clearly and legibly at a scale of 1" = 40' or less horizontal and T-2 vertical, with contour intervals not to exceed 2'. Sheet size shall not exceed 24" by 36" and the plan shall be drawn by a professional engineer and land surveyor registered in the State of Connecticut with, if required, the additional design expertise of a landscape architect and/or architect. The development plan may comprise several plans for separate phases of the development of the STRDDOD and shall contain the following:
  - a. Key Map. A key map at a scale of 1" = 1,000' showing the location of the proposed development and its relationship to existing town and state roads, general soil conditions and zoning districts of all properties located within 1,000 feet of the STRDDOD.
  - b. Adjacent Land Uses. The boundaries of the subject parcel or parcels to be rezoned and/or developed, owners of these parcels and adjacent parcels, roadways, structures and land uses.
  - c. Existing Site Features. Existing structures, roads, land uses, topography at a contour interval of two feet (2') or less, major and unique natural, scenic and historic and open space features of the parcel and their relationship to the proposed development.
  - d. Site Layout and Zoning Chart. The proposed land uses intended in the development including a zoning chart setting forth the number of units or other applicable measurement, such as square feet, of residential, commercial and other types of development, and the amount of land to be devoted to each land use including the amount and general location of proposed open space, recreational areas and facilities, parking, walkways and other amenities.
  - e. Proposed Buildings. The height, bulk, use and location of buildings, including conceptual elevations of each building.
  - f. Circulation. The design, ownership, utilities and drainage of roads, parking and pedestrian circulation areas, interconnection points with existing town and state highways and public utility facilities, and provisions, if applicable, for the interconnection of said infrastructure in multi-phased STRDDODs.

- g. Utilities. The layout and method for addressing water, sewer, gas, telephone, electric, cable and stormwater required to accommodate the uses and development within the STRDDOD.
  - h. Surface Water and Groundwater Quality. A statement indicating the quality of existing watercourses through or near the application parcel and containing an analysis of how the proposed development will be consistent with the maintenance of surface water quality and groundwater quality required by these Regulations, including, the design of all stormwater quality treatment facilities incorporated into that phase of the STRDDOD, the maintenance plan for the maintenance of the same and verification that the water quality measures incorporated into the design will comply with the requirements of the 2004 State of Connecticut Stormwater Quality Manual, latest edition, and the low impact design addendum, both published by the State of Connecticut Department of Energy and Environmental Protection.
  - i. Erosion Control. An erosion control plan delineating the erodability of the soils and the location and design of all erosion and sediment control measures incorporated into the development plan for that phase of the STRDDOD to control the migration of sediment and to prevent erosion during the construction phases of the development. All erosion and sediment control measures shall comply with the latest edition of the Connecticut Guidelines for Soil Erosion and Sediment Control.
  - j. Signage Plan. A general signage plan delineating the location, type, size, height and design of all signage within the proposed development, including directional signage, or establishing criteria for the same. No free-standing sign shall exceed thirty (30') feet in height.
  - k. Scheduling. A detailed schedule of development in terms of time and site development area for the proposed development.
  - l. Landscape Plan. A landscape plan showing the use of native vegetation (where possible) and existing and proposed topography.
3. The applicant shall submit the following reports as part of the site plan application:
- a. Traffic Impact Study. A traffic impact analysis prepared by a Connecticut licensed professional engineer specializing in traffic engineering, evaluating the capacity of the existing streets and highways to accommodate the projected traffic which will be generated by the proposed uses; which traffic impact study shall be a refinement of the study required in conjunction with the Master Plan approval and which traffic impact study shall delineate areas of potential traffic congestion and conflict anticipated to arise from the proposed uses and incorporate solutions to ameliorate those anticipated impacts on existing state and municipal highways, roads and intersections.

- b. Pedestrian Impact Study. An impact analysis prepared by a Connecticut licensed professional engineer evaluating the movement of pedestrian traffic within the proposed development and between the proposed development and adjacent uses, which impact analysis shall incorporate recommendations to facilitate pedestrian use and movement both within the proposed development as well as between the proposed development and adjacent uses.
- c. Parking Plan. The parking plan for the proposed development prepared by a licensed professional engineer with experience in parking needs and design, in accordance with the requirements of Section 11C.7b(3)(i) of these Regulations, which parking plan shall be in compliance with the Parking Analysis required in conjunction and approved with the Master Plan application.
- d. Stormwater Report. A report, containing both pre-development and post development calculations analyzing the stormwater runoff impact of the proposed development as well as the water quality impacts of the proposed development and incorporating the necessary measures to mitigate any adverse impacts disclosed by said analysis.

**11C.7e: Modifications:** Upon approval of the zone change and Master Plan, and the filing of the same with the Preston Town Clerk, any material changes to the Master Plan shall be submitted to the Commission as an amendment to the Master Plan, which amendment shall require approval utilizing the same procedural formalities as were required for a Master Plan approval. Any non-material changes to the STRDDOD shall be submitted as an amendment to projects through the site plan approval process.

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

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

**Approved: June 27, 2017**

**Effective Date: July 15, 2017**

**SECTION 12 – DIMENSIONAL REQUIREMENTS** (Rev. 01/04/00; Eff. 01/23/00) (Rev. 11/30/01) (Additional Eff. Date 08/01/04) (rev. 07/27/10 Add. Eff. Date 08/20/10) (rev. 08/24/10 Add. Eff. Date 09/23/10)

Zoning District <b>Letters under the district</b>	<b>12.1</b> Lot Area	<b>12.2</b> Lot Frontage on Street	<b>12.3</b> Setback from Centerline of	<b>12.4</b> Side yard	<b>12.5</b> Rear yard	<b>12.6</b> Building Height	<b>12.7</b> Lot Coverage
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identify corresponding requirements noted below.			Street or front yard setback for rear lots				
<i>R-120</i> <b>(R)</b>	120,000 sq.ft. <b>(A)</b>	250 ft <b>(C,D,E)</b>	75 ft <b>(H,I,J,K,K1)</b>	20 ft <b>(M,R)</b>	40 ft <b>(O)</b>	30 ft	10 %
<i>R-80</i> <b>(R)</b>	80,000 sq.ft. <b>(A)</b>	200 ft <b>(C,D,E)</b>	75 ft <b>(H,I,J,K,K1)</b>	20 ft <b>(M,R)</b>	40 ft <b>(O)</b>	30 ft	15 %
<i>R-60</i> <b>(R)</b>	60,000 sq.ft <b>(A).</b>	200 ft <b>(C,D,E)</b>	75 ft <b>(H,I,J,K,K1)</b>	20 ft <b>(M,R)</b>	40 ft <b>(O)</b>	30 ft	15 %
<i>R-40</i> <b>(R)</b>	40,000 sq.ft <b>(A).</b>	150 ft <b>(C,D,E)</b>	75 ft <b>(H,I,J,K,K1)</b>	20 ft <b>(M,R)</b>	25 ft <b>(O)</b>	30 ft	20 %
<i>R-S</i> <b>(R)</b>	60,000 sq.ft. <b>(A)</b>	200 ft <b>(C,D,E)</b>	75 ft <b>(H,I,J,K,K1)</b>	20 ft <b>(M,R)</b>	40 ft <b>(O)</b>	30 ft	15 %
<i>C-1</i>	40,000 sq.ft.	150 ft <b>(C,D)</b>	75 ft <b>(H,I,K)</b>	12 ft <b>(L)</b>	25 ft	30 ft	30 %
<i>C-2</i>	40,000 sq.ft.	150 ft <b>(C,D)</b>	75 ft <b>(H,I,K)</b>	30 ft <b>(L)</b>	25 ft	30 ft	30 %
<i>I</i>	80,000 sq.ft.	200 ft <b>(C,D)</b>	100 ft <b>(H,I,K)</b>	30 ft <b>(L,M)</b>	50 ft <b>(O)</b>	40 ft	25 %
<i>PD</i>	10 acres	400 ft <b>(C,D)</b>	100 ft <b>(H,I,K)</b>	20 ft	40 ft	40 ft	20 %
<i>RC</i> <b>(S)</b>	200,000 sq.ft.	500 ft <b>(C,D)</b>	150 ft <b>(H,I,K,K1,T)</b> Eff. 08/20/10 & 09/23/10	30 ft <b>(L)</b>	25 ft	50 ft <b>(P, P1)</b> Eff. 8/28/07	25 %
<i>TRD</i> <b>(Q)</b>	200,000 sq.ft. <b>(B)</b>	500 ft <b>(C,D,F,G)</b>	150 ft <b>(H,I,K)</b>	30 ft <b>(M,N)</b>	25 ft <b>(O)</b>	50 ft <b>(P)</b>	25 %
<i>PCVD</i>	60,000 sq.ft.	150 ft	Consistent with the existing buildings	20 ft	20 ft	See Section 11D3.4.1a	See Section 11D3.4.1i

**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 (TRDD), 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 District (TRDD), Planned Business Overlay Zone (PBOZ), the Commission may permit a fifty foot (50') wide non-exclusive right-of-way to provide access to properties when access is utilized by two (2) 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 the TRDD 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.
- (GI) 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 11D3.4.1g](#). (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. (01/01/94)
- (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 the 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 TRDD, 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 TRDD, maximum building height is fifty feet (50'). However, this requirement may be waived by three-quarters ( $\frac{3}{4}$ ) 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. (App. 08/07.07; Eff. 08/28/07)

#### **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.
- (S) 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.

**(T)** In the Resort Commercial District, the front yard setback shall be from the front property line rather than the centerline of the road for all lots within this district. (App. 07/27/10; Eff. 08/20/10) (App. 08/24/10; Eff. 09/23/10)

## 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 Inland Wetlands & Watercourses Commission. (App. 12/18/03; Eff. 01/05/04)

**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'), wherein the principle buildings 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 feet (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. (04/18/95)

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. 03/07/00; Eff. 03/24/00)**

13.8.1 Conversion of Residence. A building used continuously as 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 requirement

of sixty thousand (60,000) square feet, and provided the following conditions are met: (Rev. 10/03/06; 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 (5) 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.

13.8.2.1 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 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 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.

13.9.1 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. Repairs 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 alterations 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 (\$1,000.00), 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 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, awning 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 periodic 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 property 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 Regulations. However, any swimming pool, terrace, deck, or other appurtenance to such pool, shall not be replaced or expanded in any manner other than to conform with these Regulations as amended; ladders, linings and filter 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 (03/17/92)**

**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 Special Flood Hazard Area (SFHA) includes all areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated July 18, 2011, and accompanying Flood Insurance Rate Maps (FIRM), dated July 18, 2011, and other supporting data applicable to the Town of Preston, and any subsequent revisions thereto, are adopted by reference and declared to be a part of these regulations. Since mapping is legally adopted by reference into this regulation, it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

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

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

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

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

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

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

- c) **Above-ground Storage Tanks.** Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
- d) **Portion of Structure in Flood Zone.** If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
- e) **Structures in Two Flood Zones.** If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.
- f) **No Structures Entirely or Partially Over Water.** New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

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 flood elevation (BFE) and (ii) all new construction and substantial improvement of non-residential structures shall have the lowest floor elevated or above the base flood elevation or in lieu of being elevated, non-residential structures may be dry flood-proofed to or above the BFE, provided that together with all attendant utilities and sanitary facilities the areas of the structure below the

required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the Effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction and shall certify that the design methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Electrical, plumbing, machinery, or other utility equipment that service the structure must be elevated to or above the BFE. Such certification shall be provided to the Building Official.

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

conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; (iv) new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters; and (v) on-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. (12/15/91)

13.23.5 Any manufactured home (including a recreational vehicle placed on a site for 180 consecutive days or longer) to be placed or substantially improved on a site in the SFHA shall be elevated so that the lowest floor is above base flood elevation. This includes a manufactured home located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. It shall be placed on a permanent foundation which itself is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top frame ties to ground anchors. It shall be installed using methods and practices which minimize flood damage, providing adequate access and drainage, piling foundations (when used) no more than ten (10) feet apart, and reinforced of any piers more than six (6) feet above ground level. Recreational vehicles placed on sites within a SFHA shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet all the standards of Section 13.23, including the elevation and anchoring requirements of this section. A recreational vehicle is ready for highway use if is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

13.23.6 Within the floodway as shown on the Flood Insurance Rate Map, all encroachments, including fill, new construction, substantial improvements to existing structures, and other development, are prohibited unless certification with supporting technical data, by a Connecticut registered professional engineer is provided by the applicant demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineer practice that such encroachment shall not result in any (0.00 feet) increase in flood levels during a 100-year flood. No manufactured home shall be placed within the area of the floodway. Fences in the floodway must be aligned with the flow and be an open design.

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 Inland Water Resources Division, prior to approving any alteration or relocation of a watercourse, and shall submit copies of such notice to the Federal Emergency Management Agency.

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

- ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimension of the building.
- d. Lowest floor means the top surface of the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building lowest floor.
  - e. Manufactured home means a structure transportable in one or more section, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, camping vehicles, park trailers, and similar transportable structures placed on a site in the SFHA for one hundred eighty (180) consecutive days or longer and intended to be improved property.
  - f. Manufactured home park or subdivision means a parcel, or contiguous parcels, of land divided into two (2) or more manufactured home lots for rent or sale.
  - g. Mean sea level means the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations on the FIRM are referenced.
  - h. Development means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities. (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)
  - j. Base flood elevation (BFE) means the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.
  - k. Basement means any area of the building having its floor subgrade (below ground level) on all sides.
  - l. Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 4, 1985, the effective date of the floodplain management regulations adopted by the community.
  - m. Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the

- installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- n. Federal Emergency Management Agency (FEMA) means the federal agency that administers the National Flood Insurance Program (NFIP).
  - o. Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation/runoff of surface waters from any source.
  - p. Flood Insurance Rate Map (FIRM) means the official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community.
  - q. Flood Insurance Study (FIS) means the official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.
  - r. Functionally dependent use or facility means a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.
  - s. Historic structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) by an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.
  - t. New Construction means structures for which the “start of construction” commenced on or after March 4, 1984, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.
  - u. New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after

March 1985, the effective date of the floodplain management regulation adopted by the community.

- v. Recreational vehicle means a vehicle which is (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
- w. Special flood hazard area (SFHA) means the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A and AE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.
- x. Structure means a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.
- y. Substantial damage means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
- z. Variance means a grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.
- aa. Violation means failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time s that documentation is provided.
- bb. Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
- cc. Cost, means, as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts

of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

- dd. Finished living space, means, as related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.
- ee. Market value means, as related to substantial improvement and substantial damage, the value of the structure as determined by the appraised value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring. (App. 04/26/11; Eff. 07/18/11)

**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 of the premises, provided they are dispensed only from a service bar.

**13.25 Wireless Telecommunication Facilities. (07/15/98)**

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

#### **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 façade of a nonresidential building, provided the following standards are met:
  - a. No change is made to the height of the building.
  - b. Panel antennas shall not exceed sixty inches (60") in height by twenty-four inches (24") in width; whip antennas shall not exceed forty-eight inches (48") in height; and dish antennas shall not exceed thirty-six inches (36") in diameter.
  - c. Equipment cabinets and sheds shall meet the requirements of these Regulations.
  - d. Facilities shall be of a material or color which matches the exterior of the building, and shall blend into the existing architecture to the extent possible.
  - e. Façade mounted antennas shall not protrude above the building structure and shall not project more than three feet (3') beyond the wall or façade.
  - f. Roof mounted antennas shall not exceed the highest point of the rooftop by more than ten feet (10'). Roof mounted antennas shall be set back from the roof edge a minimum of ten feet (10') or ten percent (10%) of the roof width, whichever is greater.
  - g. Roof mounted antennas shall not occupy more than twenty-five percent (25%) of the roof area in residential zones, and fifty percent (50%) in all other zones.
  - h. All attempts 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 sixty feet (60') in height, that is a federally licensed amateur radio station operator or is used exclusively for receiving only antennas (including parabolic dishes) for the private use by residents or local businesses for radio to television reception, and 2-way mobile communications.

**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 feet (1,000') at contour intervals not exceeding ten feet (10').
- g. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

**13.25.7 Special Exception General Standards:** The wireless telecommunications 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 setback 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 (1) tower on a lot may be permitted if all setbacks, design, and landscape requirements are met for each tower. A telecommunications facility may be located on leased land as long as there is adequate ingress and egress to the site for service vehicles, and such access is documented in a deed easement presented to the Commission.
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 (3) users unless it is determined to be technically unfeasible based on information submitted by the applicant and verified by the Commission. These users shall include other wireless communication companies, and local police, fire, and ambulance companies.
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 the 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 (8') 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 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 included 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 Exemptions 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 a 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 services 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 liveries 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 General 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 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 be 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 as the last addressed 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 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. (01/01/94)

**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. (07/15/98)

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.** (01/01/94) 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 Excavation 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 (1½) 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 or 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 three hundred 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.** (App. 12/22/2015; Eff 01/16/16) (App. 03/22/16; Eff. 05/01/16) A recreation campground is the land that is intended to be occupied by recreational vehicles or tents for seasonal lodging. Campgrounds shall conform to the applicable requirements of the Connecticut Public Health Code, Section 19a-2a-29, the Connecticut Fire Safety Code, and the Building Code; however it is not the intent of these Regulations to duplicate (or enforce) the above noted codes, but to supplement them. All definitions noted herein take precedent over the noted codes. If there is an inconsistency between any of the codes and zoning regulations, the more restrictive code or regulation shall apply. All campgrounds shall conform to the following requirements:

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

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

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

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

- b. A plan prepared by a Connecticut licensed Professional Engineer, and as applicable, Licensed Land Surveyor, shall be provided for the design of the road that shows the details for the road construction, utilities, and all necessary drainage. All dead-end roads shall have a cul-de-sac adequate to allow for turn-around of camper trailers.
- c. Where there are over one hundred fifty (150) individually numbered designated campsites, there shall, in addition to the main entrance, be an emergency road not less than twenty feet (20') wide to a paved town or state street. No campsites shall be closer than one hundred feet (100') to any public town or state street or highway.
- d. There shall be safe pedestrian access connecting campground activities areas, such as, restrooms, swimming areas, picnic areas, and recreation areas to campsite areas.

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

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

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

**15.11.5 Individual Site Dimensions and Requirements for Campsites.** Except for group camping areas, individual campsites for camper units shall be a minimum of twenty-five (25) feet by sixty (60) feet and one thousand five hundred (1,500) square feet. Each

camp site shall contain only one camper unit and shall have a clearly marked number designation on its site for safety and reference purposes. In addition, a minimum distance of three (3) feet shall be provided from the camper unit and/or any deck or addition to the side, front and rear line of the individually numbered campsite line. This requirement will be for those campsites that are created after the adoption date of the amendment to the regulations (January 16, 2016).

**15.11.6 Group Camping.** In addition to the individual number designated campsites, there may be specific designated areas for group camping. These are areas that allow camping in a general area (location) and not on individual number campsites, but there shall be no greater density for total of camper sites/units than permitted under Section 15.11.4. For example, if the campground contains thirty (30) acres and is permitted to have one hundred fifty (150) campsites/units; there may be 100 individual numbered designated campsites and fifty (50) camper units for group camping or one hundred twenty (120) campsites and thirty (30) camper units for group camping.

**15.11.7 Other Provisions of these Regulations.**

- a. No specific campsite may be permitted which is more than three hundred feet (300') from a public restroom served by a health department approved sanitary sewage disposal system and no campsite shall be permitted within fifty feet (50') of any septic system.
- b. A trapped dumping station shall be provided for the use of independent-type camper units.
- c. Outdoor electrical outlets shall be weatherproof.
- d. No permanent power line shall be permitted to lie on the ground or be suspended less than fifteen feet (15') above the ground. No power line shall be laid on a road surface and no unit shall be required to extend service lines more than thirty-five feet (35') to a power line.
- e. Liquefied petroleum gas for cooking or heating purposes shall not be used at individual trailer spaces unless the containers are properly installed in accordance with the Connecticut Building Code and/or Connecticut Fire Safety Code and any other required permit. Portable liquefied petroleum gas cylinders shall be securely locked in place, adequately protected from the weather and installed in accordance with the Connecticut Building Code and Fire Safety Code.
- f. Portable fire extinguishers shall be required for each Recreational Vehicle camper unit for use in fighting fires. The campground owner/operator shall retain records that said extinguishers are up-to-date for inspection by the Preston Fire Marshal. This may be a matter of having the campers verify as part of their registration that the camper's extinguisher is up to date. Fires shall be made only in stoves, or other equipment designated for that purpose.

- g. Campsites may be occupied by one camper unit as defined in [Section 15.11.23](#) of these Regulations that is four hundred (400) square feet or less. Such campsites may also contain additions and decks to camper units that have no below ground foundation, involve no grading (except minor grading for camper stabilization) or site improvements, and when removed, results in no physical alteration of the site.

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

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

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

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

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

**15.11.12 Accessory Uses.** 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.

**15.11.13 Music Festivals.** Also permitted as an accessory use to a recreational campground are music festivals, not to exceed six (6) per year, defined as a series of musical concerts featuring a musical theme with multiple performers of at least two (2) consecutive days 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 DEEP noise standards.

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 DEEP as a sound expert qualified to apply the DEEP standards and shall instruct the Troopers in the proper use of sound testing devices. The campground operator shall pay the cost of having the Resident State Trooper at the festival for the above specified sessions. During the music festival performance times when the Town of Preston Resident State Trooper is not retained, campground operator must retain the services of the Connecticut State Police.

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

If it is demonstrated through proper testing (appropriate equipment and use thereof) that noise levels violate DEEP standards, sound levels shall be reduced to meet compliance and the owner shall pay for a DEEP approved sound tester to be on the premises for the next scheduled music festival. For the purposes of this regulation, it is considered a violation if the State Trooper or Department of Energy & 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 DEEP noise standards. The Town of Preston and the

property owner must agree upon a list of three (3) DEEP approved testing services; the Town of Preston shall select one (1) of the three (3) to perform said sound testing; the owner shall pay the entire bill for said services; the times of testing shall be determined by the Town and may occur at any time during the festival and particular testing times need not be disclosed to the owner; the total number of hours contracted for shall not exceed six (6) per evening event. These contracted services are in addition to the required State Trooper. If at the next scheduled music festival the contracted sound testing agency determines that a violation has occurred pursuant to the DEEP noise standards, the 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. 06/03/04)

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

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.

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

Any change of use not noted in the special exception shall require approval by the Commission, unless exempt pursuant to Section 16.11 of these Regulations. The Zoning Enforcement Officer may order any activity discontinued providing it is believed that such activity is not permitted within the intent of the approved special exception or these Regulations. Such activity shall be discontinued on the day specified by the Zoning Enforcement Officer in writing to the operator of the campground. A copy of said order shall be forwarded to the Planning and Zoning Commission.

#### **15.11.14 Renewal Permit.**

Every campground owner shall have an "operator" authorized by the owner of the campground to act on the owner's behalf. The operator shall be the contact person for the Zoning Enforcement Officer and other town officials. The operator/owner shall renew the campground permit annually. Such renewal permit application shall be submitted by February 1 each year to the Zoning Enforcement Officer. The renewal permit application shall include:

- a. Contact information of the operator:
  - i. Operator's name
  - ii. Operator's address
  - iii. Operator's phone number
  - iv. Emergency contact in the event the operator is not available
  
- b. After initial approval by the Commission and issuance of a campground permit, each campground operator shall provide five (5) copies of a base map at a scale of 1"=100' to the Zoning Enforcement Officer. A base map shall show the location and dimension of each campsite and their designated campsite number, long term

camper units on camp sites – a long term camper unit is a camper that remains at a campsite for three months or more, group camping areas, staging areas, recreation areas, buildings, including decks, awning and sheds, and their uses, parking areas, park/open space areas, refuse areas, restrooms, picnic areas, snack bar areas, winter storage areas, septic area, wells, and all other uses.

- c. A letter listing any and all changes from the previous year renewal permit to the campground (including campsite configuration for individual camper's site and any physical improvements, such as, new campers, decks or additions). The ZEO may require the submission of an updated revised map showing said changes.
- d. A letter prepared by the campground operator certifying that no one stayed (overnight stay) at the campground for more than 30 days between November 1 and March 31 as noted in Section 15.11.8. The log shall be available upon request by the Zoning Enforcement Officer of the usage of the campground during that time period.
- e. Copy of the annual registration with the Health Director pursuant to Section 19a-2a-29 of the Public Health Code.
- f. List of year round resident caretakers, guards, campground owners or operators that live on site and location of the on-site residence pursuant to section 15.11.11.

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

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

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

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

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

**15.11.15 Camper Unit.** A Camper Unit is a tent or a Recreational Vehicle (RV) that does not exceed 400 square feet and shall be designed, used or intended for use temporarily for camping, recreation, travel and vacationing, and is or can be mounted on wheels and may be self-propelled, and designed as an RV in the NFPA 1192 (current edition) and manufactured in accordance with ANSI 119.5, but shall not include a mobile or manufactured home. Such camper unit may include additions, such as decks or sun rooms that are specifically designed and manufactured for use with recreational vehicles and camper trailers, and engineered to withstand hurricane force winds in accordance with the building code requirements. Such additions, other than decks, shall be constructed with collapsible sidewalls and shall not have an in-ground foundation or involve grading or site improvements, except as noted in Section 15.11.7f, and when removed shall not result in physical alteration of the site. Set up provisions shall be provided for RV and shall include typical quick disconnect fittings for utilities (water-hose connection, sewer-RV type sewer hose connection, electrical – cord and plug), and anchors standards per American National Standards Institute (ANSI). The unit and additions/decks/sunrooms must be set up on site such that the unit can be readily removed.

**15.11.16 Campsite.** A campsite is an area of a campground that is designated by the operator as capable of accommodating one independent or dependent camping unit and meets the requirements, including campsite (lot) delineation of [Section 15.11.5](#). In the event the campsites are owned and are part of a co-op as defined by Section 47-202(12) of the Connecticut General Statutes, each campsite shall be divided using A-2 survey standards by a surveyor licensed in the State of Connecticut. In addition, pins and/or monuments shall be provided delineating the campsites at all corners.

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

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

**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 at 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:

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

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 buildings 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 Environmental 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 feet (2') shall be provided per machine where the machine is designed for use by one (1) player, and three and one-half feet (3 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 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. 09/01/98) 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 (SLAPD) zoning districts, provided the following conditions are met: (Renumbered, Rev. 03/07/00; Eff. 03/24/00zta4-00)

- 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 bedrooms, 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 Marshal 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 of 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 (6) 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 (2) weeks prior to 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 (3) such events per week. The Commission may desire to reduce the number of events in order to eliminate impacts on the neighborhood.
  - iii. Closed Winery Events and Special Public Winery promotions shall not occur on the same day.
  - iv. At least two (2) 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 five percent (75%) 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 DEEP noise standards. The Commission, as part of the application, or the Zoning Enforcement Officer, at any time, may require the installation of a noise monitoring system that shuts down or attenuates the amplified sound when decibel levels exceed State standards. The Commission may require monitoring of any event in accordance with the provisions outlines in [Section 15.11](#) for campground music festivals.
- c. Outdoor Events: Outdoor events and activities shall be a minimum of two hundred feet (200') from any property line or such other distance as deemed necessary by the Commission as circumstances require. There shall be an appropriate buffer strip that screens any such activity from the adjacent property(s).
- d. Attendees: The Commission may specify a maximum number of attendees permitted for any use noted above, depending upon site conditions and impacts on town infrastructure and impacts on neighboring properties.
- e. Parking: All *Parking* lots shall be surfaced using a method approved by the Commission.
- f. Architectural Considerations: All building design shall be 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 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 Office 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 36" x 24", 18"x24", or 12"x18", and shall show the following: (Rev. 04/06/99; 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 regarding, 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 be 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 Waive 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 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. 04/06/99; 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 that 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 (2) 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. (App. 12/18/03; Eff. 01/05/04)

**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 ( $\frac{1}{2}$ ) 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 un-vegetated 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 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, whichever is less. The cumulative square footage shall be calculated from the time of the adoption of this amendment to the regulations (SEPTEMBER 20, 2000) or from the date of a site plan approved by the Commission after September 20, 2000.
- b. Site work involving the creation of two (2) parking spaces or less and/or the installation of landscaping that involves less than one-half ( $\frac{1}{2}$ ) acre of land, provided no additional drainage is required or necessary, and that the installation of buffer strips are (is) not required.
- c. Conversion of a use that does not require any site improvements except as noted in section b) above.
- d. Public utility electrical boxes, telephone boxes, or traffic control boxes.
- e. Any temporary use/construction within the Thames River Design District pursuant to [Section 11C3n](#)) on municipally owned or controlled property provided the applicant is the Town of Preston, a *Zoning Permit* shall be submitted to the Commission with a plan showing the location of the temporary use or construction and illustrating compliance with 16.11e 1. The Commission

may require that the plan be prepared by a Land Surveyor licensed in the State of Connecticut and/or a Professional Engineer as applicable, if necessary.

1. The Commission shall consider the impact on the adjacent property, as follows:
  - a. There shall be no adverse impact on traffic conditions and shall not increase the number of parking spaces at the site by over one hundred (100) parking spaces and parking areas shall only be surfaced with an impervious surface.
  - b. There shall be no adverse impact on drainage and proper erosion and sediment measures shall be implemented based on best management practices.
  - c. Necessary safety measures shall be taken to keep the site secure.
  - d. Matters that in the Commission's opinion would create an adverse impact on the adjoining properties.
  - e. These regulations do not exempt the temporary development from obtaining any necessary permits from other regulatory agencies.
  - f. Crushers may only be used for materials extracted from the site through demolition or site excavation and shall only be operated between the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday.
  - g. The Commission may require the review of the project by the town engineer, any other town staff, or by a consultant that is deemed necessary to help the Commission determine that there are no adverse impacts on adjacent properties. All fees for the review by the Town Engineer or other consultants shall not be paid by Planning and Zoning Commission. (App. 08/24/10; Eff. 09/30/10)
  
2. Such Zoning Permit shall be valid for a period of two (2) years, but may be renewed at the request of the Town of Preston by the Commission provided the conditions of the approved permit have been met. (App. 08/24/10; Eff. 09/30/10)

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. 09/08/00; Eff. 09/20/00)

## 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

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 (12) 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) 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 do not exceed twenty five percent (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 Districts 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.

18.5.7 In the Thames River Design District, any application for signage by the Town of Preston is exempt from [18.5.1](#) to 18.5.6 of these Regulations. However, commercial signs shall be subject to zoning permit from the Planning and Zoning Commission. The Commission shall consider the following items when reviewing the installation of such plan:

- a. The size of the sign is scaled appropriate for the size of the parcel as determined by the Commission.
- b. The size shall be designed to be aesthetically pleasing and fit in with the character of the district as determined by the Commission. (Rev. 05/25/10; Eff. 06/18/10)

## SECTION 19 – NON-CONFORMING LOTS, BUILDINGS AND USES (Rev. 08/03/99zta5-99)

**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.

- a) 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)
- b) Any building containing a non-conforming use, any non-conforming building, or any building located on a non-conforming lot, where more than fifty percent (50%) of the square footage of the building space is destroyed by fire or natural disaster may be rebuilt or repaired after approval of a zoning permit by the Zoning Enforcement Officer. The building must be rebuilt using exact dimensions, including cubical content, and in the exact location of the destroyed building. Such reconstruction shall begin within two (2) years of the date the building was destroyed, unless, due to unforeseen circumstances, an extension of this time period is granted by the Commission.
- c) Nothing in these Regulations shall prevent required strengthening of the integrity of such structures, such as replacing roofs, windows, deteriorated beams and columns, siding or similar. Any such non-conformity that is intentionally destroyed by the owner or someone acting on his/her behalf shall not be permitted to be re-built or re-used. (Rev. 08/04/15; Eff. 08/31/15)
- d) If a building is located on a non-conforming or more conforming location after approval by the Zoning Enforcement Officer and provided the public health code is

met for the redevelopment of the lot. (Rev. 05/06/03; Eff. 05/23/03) Rev. 02/05/08; eff 03/01/08); (Rev. 08/04/15; Eff. 08/31/15)

#### 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, unless the use thereof be changed to a conforming use or location. (Rev. 08/04/15; Eff. 08/31/15)
- 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 meet the require setback lines or be at the same non-conforming distance in the same yard as the non-conformity. For example, if a twenty foot (20') building setback line is required, but the building setback is fifteen feet (15') from the side yard (i.e. westerly side), any addition may maintain a fifteen foot (15') setback from its same side yard (westerly side). (Rev. 08/04/15; Eff. 08/31/15)

- 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** 05/01/90

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.  
(06/03/97)

20.1.6 Any applicant to who a variance is granted from the requirements outlined in Section 13.23 of these zoning regulations (Special Flood Hazard Area Requirements) shall be given written notice by the Zoning Board of Appeals that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation. (App. 04/26/11; Eff. 07/18/11)

**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 known to the tax collector of properties abutting and directly across the street from the subject property. The applicant shall provide the Board with evidence of mailing of such notices at the public hearing. (Rev. 04/04/06; Eff. 05/03/06)

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

(App. 12/18/13; Eff. 01/11/14)

- 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.

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

**Accessory Apartments:** 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. (06/15/89)

**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 percent (15%) of the dwelling units will be conveyed by deeds containing covenants or restrictions, or leased pursuant to leases containing leasehold covenants which will require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in Connecticut General Statute Section 8-30g, for person or families whose income is less than or equal to eighty percent (80%) of the area median income or the statewide median income, whichever is less; and (b) not less than fifteen percent (15%) of the dwelling units shall be conveyed or rented in the same manner to persons or families whose income is less than or equal to sixty percent (60%) of the area median income or the statewide median income, whichever is less. (App. 05/06/08; Eff. 06/01/08)

**Affordable Housing Unit.** A housing unit within an Affordable Housing Development for which persons and families pay thirty percent (30%) or less of their annual income for

principal, interest, taxes and insurance, or rent, whichever is applicable, where such income is less than or equal to eighty percent (80%) or sixty percent (60%), as applicable, of the lesser of the area median income for Preston or the statewide median income, as determined by the United States Department of Housing and Urban Development. (App. 05/06/08; Eff. 06/01/08)

**Assisted Living Facility:** A managed residential development or building that is restricted, to the extent allowed by State and Federal law, to persons who are fifty-five (55) or more years of age or disabled, and provides residents with supervision of self-administered medication as a transition between independent living and skilled nursing care and three (3) meals per day, personal care services, transportation, housekeeping services, and other independence. Furthermore, it is a housing facility or community that fully complies with the provisions of the United States Fair Housing Act 42 Sec. 3601, et. seq. and Connecticut General Statutes 46a-64b, as they pertain to Housing for Older Persons. (App. 12/18/13; Eff. 01/11/14)

**Bed and Breakfast Inn.** (03/17/92) An accessory use of an owner-occupied residential building, having guest rooms, without their own separate kitchen facilities, for the overnight use of transients. The inn may provide breakfasts to guests, but no other meals.

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

**Buildings.** Any structure having a roof and intended for the shelter, housing or enclosure of person, 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.

**Building Height.** The vertical distance from the finished grade at any point under consideration to the highest point of flat or mansard roofs including the top and ridge for gable, hip, or gambrel roofs. A flat roof is one whose pitch has a rise of less than three inches (3") in one foot (1') of run.

**Building Line.** A line parallel to a street at a distance equal to or greater than the required front yard as prescribed by these Regulations.

**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.

**Class A Housing** is housing in which thirty percent (30%) of the units are affordable; with fifteen percent (15%) of the units restricted to persons or families whose income is less than or equal to eighty percent (80%) of the area median income or statewide income, whichever is less, and fifteen percent (15%) whose personal or family income is less than or equal to sixty percent (60%) of the area median income or the statewide income, whichever is less. (App. 05/06/08; Eff. 06/01/08)

**Class B Housing** is housing in which when forty percent (40%) of the units are affordable; with twenty-five percent (25%) of the units are restricted to families whose income is less than or equal to eighty percent (80%) of the area median income or statewide income, whichever is less, and fifteen percent (15%) whose personal or family income is less than or equal to sixty percent (60%) of the area median income or the statewide income, whichever is less. (App. 05/06/08; Eff. 06/01/08)

**Commercial Nursery.** An operation conducted for retail or wholesale sales of plants grown by a Plant Nursery (see definition). Such Commercial Nursery may include a retail sales area for other items besides nursery stock, but not power equipment such as lawn mowers and farm implements.

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

**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)

**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.

**Department of Energy & Environmental Protection** means the State of Connecticut Department of Energy & Environmental Protection (App. 05/06/08; Eff. 06/01/08)

**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.

**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 five thousand (5,000) square feet that have slopes in excess of twenty-five percent (25%) (Predevelopment). (App. 05/06/08; Eff. 06/01/08)

**Dwelling, Multi-family.** A building designed for and occupied as a residence by two (2) or more families living in separate dwelling units, and includes: Elderly Active Adult Housing, Assisted Living, Life Care. (App. 12/18/13; Eff. 01/11/14)

**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.

**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.

**Elderly Active Adult Housing.** A managed residential development where the occupancy of which is limited, as permitted by state and federal fair housing laws, to those aged fifty-five (55) and over. (App. 12/18/13; Eff. 01/11/14)

**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.

**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) bonafide construction project for which a zoning permit has been issued; (b) a subdivision approved by the Commission; or (c) farming conducted on the same property or adjacent property, provided no such material is sold to another and no more than four hundred (400) cubic yards of material is removed in any one (1) calendar year.

**Family.** 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.

**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.

**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. 07/06/04; Eff. 08/01/04)

**Farm Vineyard and Winery - Large Acreage** 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 (5) 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 in accordance with all state or Federal laws or regulations governing such activities. (App. 04/01/08; Eff. 05.01/08)

**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.

**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.

**Gross Leasable Area:** The total floor area designated for tenant occupancy and exclusive use, expressed in square feet, measured from the center lines of joint partitions and the inside face of exterior outside walls. (App. 12/18/13; Eff. 01/11/14)

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

**Life Care Facility.** A congregate Housing facility that is planned, designed and operated to provide a full range of accommodations and services for elderly or disabled residents, including independent living, assisted living. (App. 12/18/13; Eff. 01/11/14)

**Lot.** A contiguous plot or parcel of land, other than submerged land, identified by one (1) or more deeds, occupied or capable of being occupied by one (1) principal building or use and the accessory buildings or uses customarily incident to it, including frontage, area, and such open spaces as are required by these 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.

**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.

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

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

**Lot Line, Front.** In the case of a lot abutting upon only one (1) street, the line separating the lot from the street; in the case of 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.

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

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

**Lot, Rear.** 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.

**Lot, Minimum Width of.** (05/16/89) 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.

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

**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.

**Non-Conforming Building.** A building which does not conform to all the provisions of these Regulations regarding height, bulk, and yard dimensions.

**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.

**Nursing Home.** A facility licensed by the State of Connecticut to provide a full range of direct medical, nursing, and other health services on a 24-hour basis to residents. (App. 12/18/13; Eff. 01/11/14)

**Plant Nursery.** An agricultural or farm business designed for the propagation and care of young plants. Often, it contains one or more large greenhouses, which helps shelter new plants from frosts or excessive heat and may also include complex watering systems.

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

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

**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. 06/03/04)

**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 consumes these foods while seated at tables or counters located within or outside the building. (App. 06/25/13; Eff. 07/26/13)

**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.

**Retail Store.** Specialty: An independently owned retail store in 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. 11/03/01)

**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.

**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.

**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,
- c. State of Connecticut Routes 2, 2A, 12, 117, 164, 165 and 605 (Old Shetucket Turnpike). (Rev. 05/06/03; Eff. 05/23/03)

**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.

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

**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 the these Regulations. In measuring a yard, as hereafter

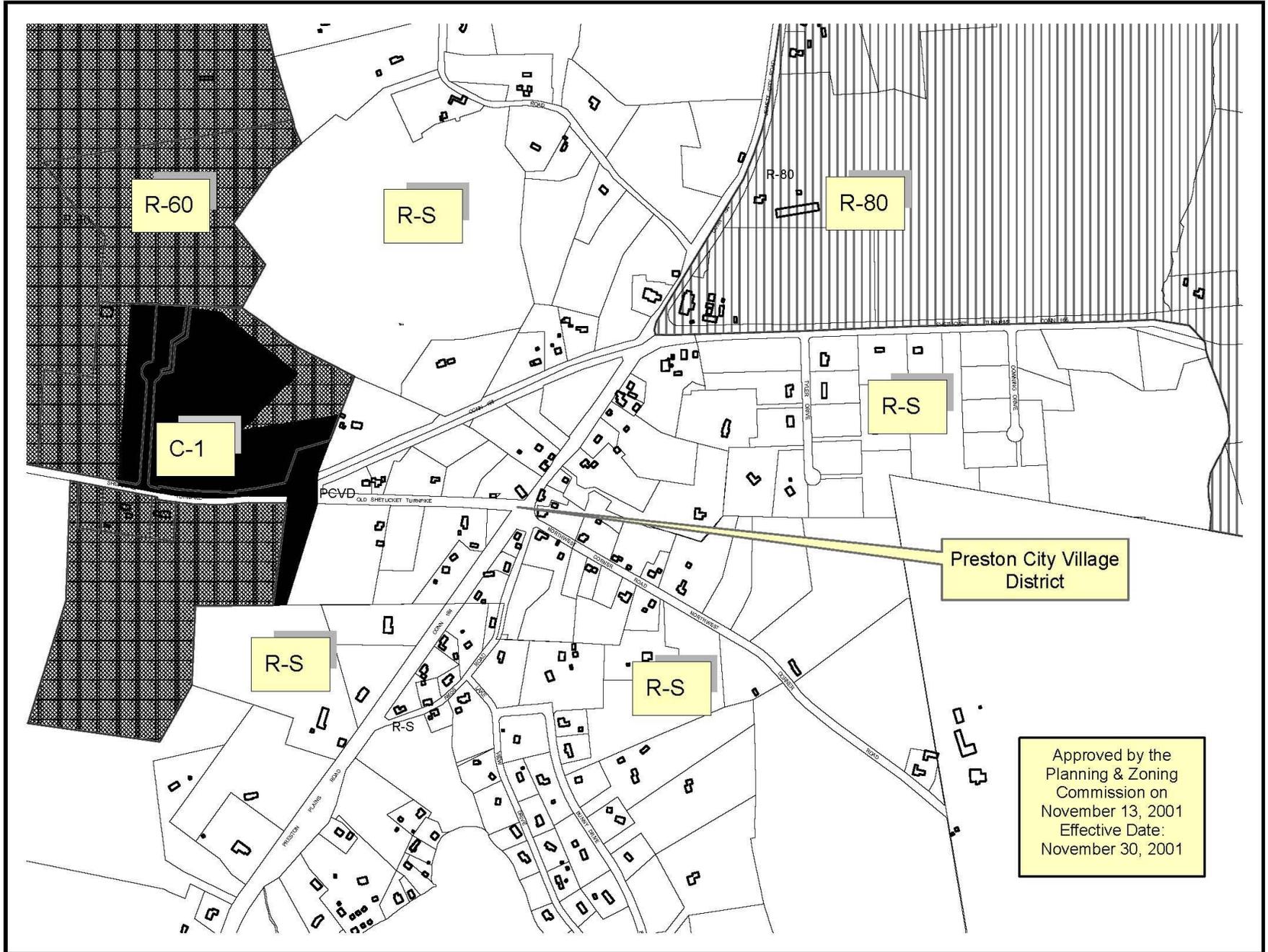
provided, it shall be deemed to mean the space between the lot line and a line parallel to and at the required distance from said lot line. Such measurement shall be taken at right angle from the lot line.

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

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

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





R-60

R-S

R-80

C-1

R-S

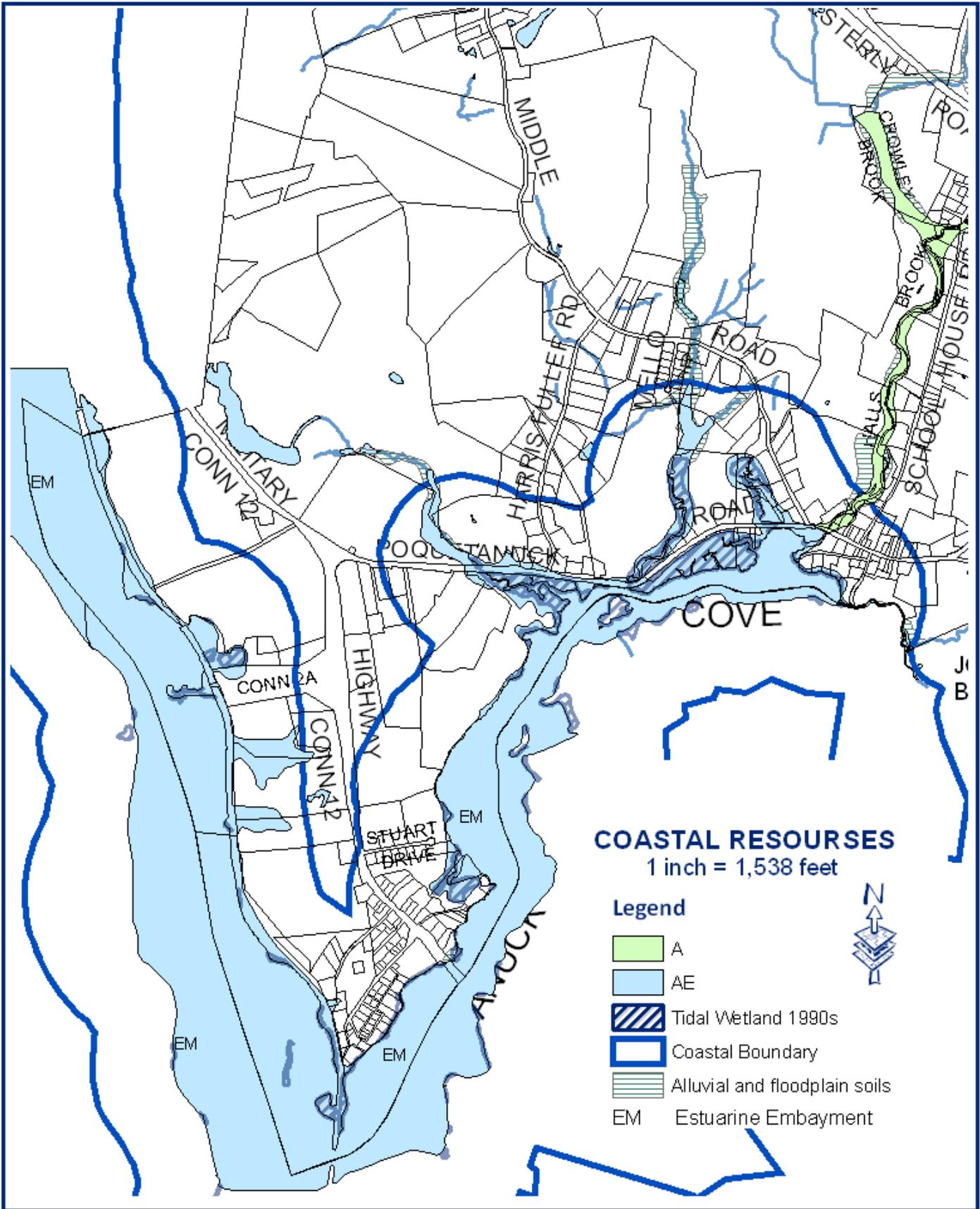
Preston City Village District

R-S

R-S

Approved by the  
Planning & Zoning  
Commission on  
November 13, 2001  
Effective Date:  
November 30, 2001

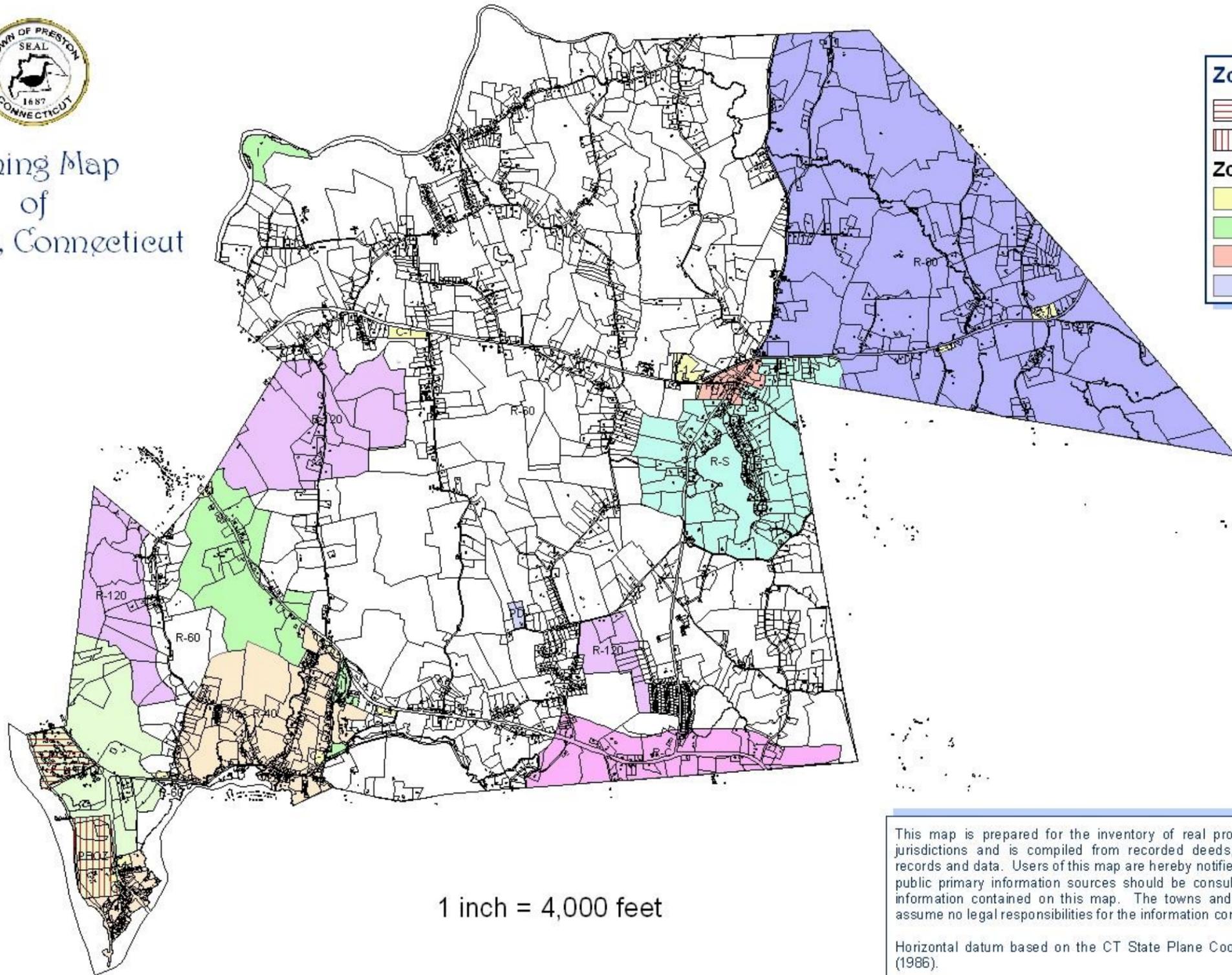
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# Zoning Map of Preston, Connecticut



1 inch = 4,000 feet

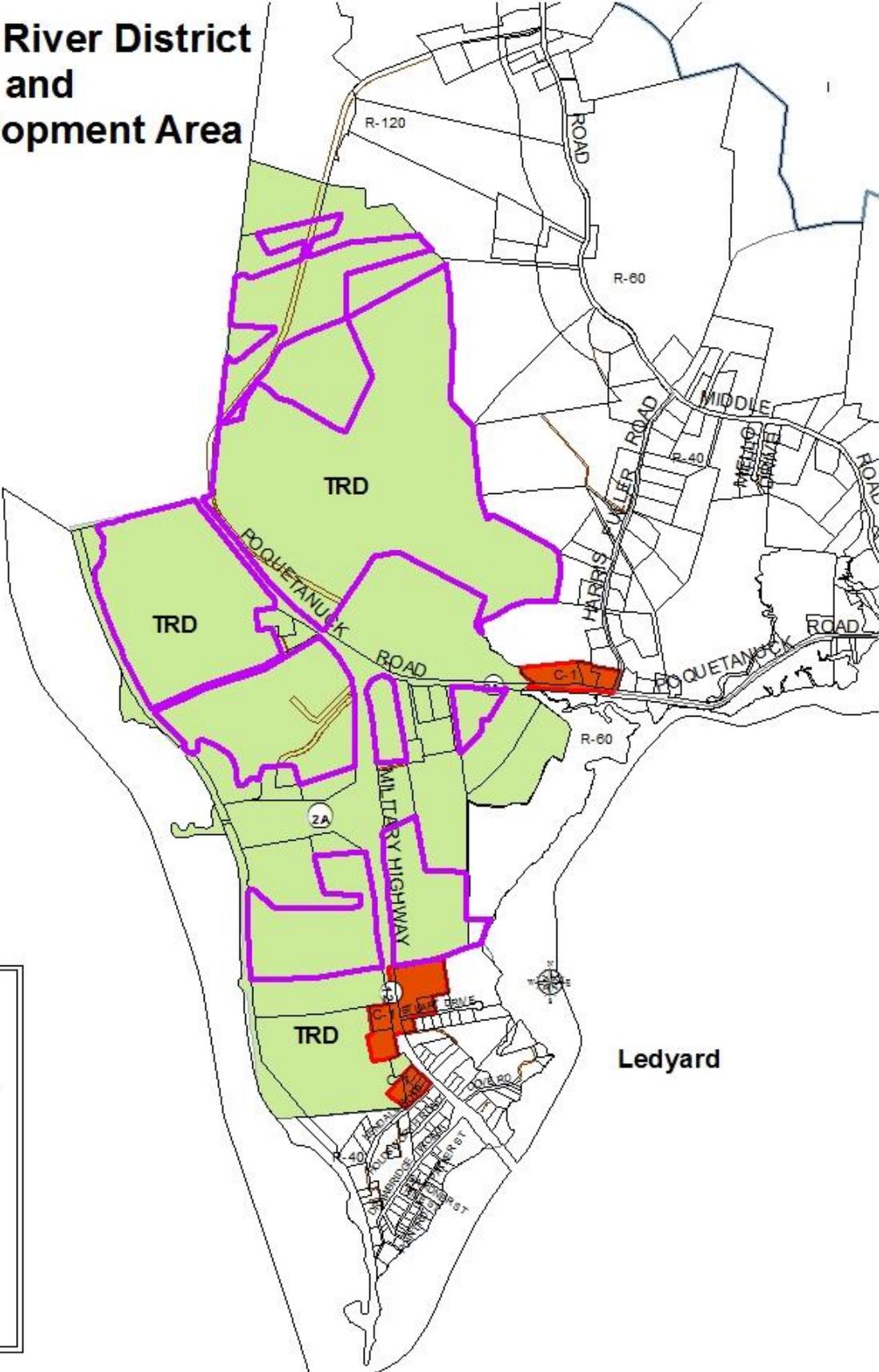
Zoning Key	
	CPOZ
	PBOZ
	C-1
	I
	PCVD
	PD
	R-120
	R-40
	R-60
	R-80
	R-C
	R-S
	TRDD

This map is prepared for the inventory of real property found within these jurisdictions and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The towns and the mapping companies assume no legal responsibilities for the information contained on this map.

Horizontal datum based on the CT State Plane Coordinate System, NAD 83 (1986).

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# Thames River District and Redevelopment Area



**Legend**

- Redevelopment Area
- Parcels
- Easement Area
- Cemetery
- RD W/ Easement Sublots

**Zoning**

**ZONE\_**

- C-1
- I
- PCVD
- PD
- R-120
- R-40
- R-60
- R-80
- R-5
- R-C
- TRD