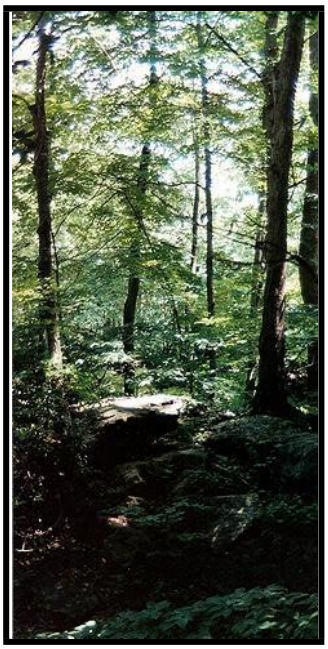
TOWN OF

BETHEL

ZONING REGULATIONS



Planning & Zoning Commission

Amendments: Effective April 30, 2016

PREAMBLE

PHILOSOPHY

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

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

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

ORGANIZATION

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

Theme	Articles	Description
Regulatory Basics	Introduction Definitions	Background information and how the regulations will be used and interpreted
Zones and Uses	Residential Zones Business / Industry Zones Special Zones	Information about the various zoning districts and the standards that apply within them
Standards	Basic Standards Special Provisions	Requirements for landscaping, signage, parking, and other activities
Administration	Procedures Administration	How applications will be processed and the regulations will be administered

PHILOSOPHY

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

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ARTICLE 1 - INTRODUCTION

SECTION 1.1. AUTHORITY

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

SECTION 1.2. PURPOSES

These Regulations are adopted for the purposes of:

1. Guiding the future growth and development of Bethel in accordance with the Plan of Conservation and Development.

2. Providing adequate light, air and privacy; securing safety from fire and other danger; and preventing overcrowding of the land and undue concentration of population.

3. Protecting and conserving the value of land and buildings appropriate to the various zones established by these Regulations and throughout Bethel.

4. Bringing about the gradual conformity of the uses of land and buildings to the comprehensive zoning plan set forth in these Regulations and minimizing conflicts among the uses of the land and buildings.

5. Promoting the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town, having particular regard for the avoidance of congestion in the streets and the provision of safe and convenient vehicular and pedestrian circulation appropriate to the various uses of land and buildings throughout the Town.

6. Controlling development to an amount commensurate with the capacity of the land and the availability and capacity of public facilities and services, thereby facilitating adequate provision for vehicular and pedestrian circulation, water, sewerage, schools, parks and other public requirements.

7. Conserving and protecting the natural resources of the Town, especially groundwater and drinking water, in recognition of their importance to the health, safety and general welfare of Bethel and its larger environs.

8. Assuring that proper provision is made for sedimentation control and the control of erosion caused by wind or water for any project for which a permit is required or sought from the Town.

9. Encouraging the development of housing opportunities, including opportunities for multi-family dwellings, consistent with soil types, terrain and infrastructure capacity, which will promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and encouraging the development of housing which will meet identified housing needs.

10. Encouraging and promoting agriculture and farming activities.

SECTION 1.3. ZONING DISTRICTS

A. Districts and Boundaries

1. To accomplish the purposes of these Regulations, the town of Bethel is divided into different zoning districts as listed in these Regulations.

2. The boundaries of zoning districts shall be as shown on the official Zoning Map, as may be amended, which is on file in the office of the Town Clerk. A copy of said map shall be on display in the Planning and Zoning Office during normal office hours.

3. The Zoning Map, including any amendments, is hereby made a part of these regulations.

4. Land lying under any lake, pond or stream or in a swamp shall be restricted by the zoning for the zone in which it lies.

B. Boundary Interpretation

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

1. Following the center line of a street or railroad.

2. Following property lines, such being lines of record at the time of adoption of these Regulations or relevant amendments hereto.

3. Where zone boundaries are set back from street lines, they shall be considered running generally parallel thereto, at distances shown on the map.

4. Following the center line of a right-of-way or easement.

5. Following the lines of a particular geo-physical feature including brooks, streams, floodplains, or steep slopes.

6. In case of any remaining uncertainty regarding zone boundaries on the Zoning Map, the zone boundary shall be determined by the Commission.

SECTION 1.4. INTERPRETATION

A. General

1. Should any doubt exist as to the meaning of any provision of these regulations, the decision and interpretation of the Planning and Zoning Commission shall prevail.

2. To assist in the uniform application of the regulations in future cases, a written record of all interpretations rendered by the Commission, or decided by the courts, shall be maintained by the Zoning Enforcement Officer.

B. Prohibited if not Permitted

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

2. Any activity not expressly permitted in the Regulations is prohibited.

3. For a principal use permitted by these Regulations, accessory uses which are customarily incidental and are actually subordinate thereto are permitted.

4. In the event of uncertainty as to whether a use or activity is permitted, the Commission shall be responsible for interpreting these Regulations.

C. Minimum Requirements

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

D. In the Event of Conflict

1. Even though a use or activity may comply with the provisions of these Regulations, such compliance shall not release the owner from complying with other local, state, or federal regulations.

2. Where any conflict arises between the provisions of these Regulations and any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that imposes the highest standard or establishes the greatest restriction upon the use of land, buildings or structures shall control.

SECTION 1.5. CONFORMITY

A. Conformity Required

Except as may be otherwise provided in these Regulations (such as for a lawfully existing nonconforming lot or similar circumstance):

1. No building, structure or land shall be used or occupied except in conformity with these Regulations for the zone in which the land, building, or structure is located.

2. No building or other structure or part thereof shall be erected, moved, replaced, reconstructed, extended, enlarged, or altered except in conformity with these Regulations for the zone in which the building, structure, or land is located.

3. No land shall be sold or divided in a manner which results in a use of all or a part thereof ceasing to conform to these Regulations.

4. No land shall be sold or divided in a manner which results in a dimensional or any other standard that does not conform to the requirements of these Regulations.

5. No lot shall be diminished in area except in conformity with the provisions of these Regulations.

6. No yard, setback, or other minimum requirement shall be reduced except in conformity with the provisions of these Regulations.

7. No height, building coverage, or other maximum requirement shall be increased except in conformity with the provisions of these Regulations.

B. Exception

Nothing in these Regulations shall require any change in the plans, construction or designated use of a building for which a building permit has been issued in accordance with regulations which were in effect on the date the permit was applied for.

ARTICLE 2 - DEFINITIONS

SECTION 2.1. USE OF TERMS

A. Specific Terms

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

1. The word "shall" is mandatory and not discretionary.

2. The word "may" is permissive.

3. When not inconsistent with the context:

a. Words in the present tense include the future and vice-versa.

b. Words in the singular include the plural and vice-versa.

c. Words in the masculine include the feminine and neuter and vice-versa.

4. The word "building" includes the word "structure" and any part thereof.

5. The words "occupied" or "used" include the words "designed, arranged or intended to be occupied or used."

6. The words "zone", "zoning district", and "district" have the same meaning.

7. The word "person" also includes a partnership, association, trust, corporation or other legal entity.

8. The word "lot" includes the word "plot."

9. The word "built" includes the words "erected, constructed, reconstructed, altered, enlarged and moved."

B. Terms not Defined

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

1. The State Building Code, as amended.

2. The Connecticut General Statutes, as amended.

3. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ), as amended.

4. Black's Law Dictionary.

5. A comprehensive general dictionary.

SECTION 2.2. DEFINED TERMS

A

ACCESSORY – See Principal / Accessory and Related Terms.

ACCESSWAY -- A private way for vehicular traffic providing access from a street to a rear lot.

ACTIVE ADULT COMMUNITY – See Housing-Related Terms.

ADULT DAY-CARE CENTER -- See Day Care.

AMUSEMENT DEVICES -- Any machine, game, table or other device which is designed, operated, displayed or kept as an amusement game or test of skill and for the playing of which the person may or may not profit from such operation and which is operated by the general public for use as a game, entertainment or amusement, whether or not registering a score. The term does not include vending machines which do not incorporate recreation or amusement features, nor does it include mechanical musical devices. It shall include devices such as electronic games, skill ball, mechanical grab machines, video games and all devices similar thereto under whatever name they may be indicated.

ANTENNA-RELATED TERMS

ANTENNA -- A device used to collect, transmit and/or receive telecommunications or radio signals. Examples include panels, microwave dishes and single pole devices.

ANTENNA TOWER OR COMMUNICATION TOWER -- A structure, more than 15 feet in height (including antenna), whether freestanding or attached to a building or another structure, that is primarily used to support equipment used to collect, transmit and/or receive telecommunications or radio signals. Examples include monopoles or lattice-construction steel structures.

CO-LOCATION – A means of locating wireless communication facilities from more than one provider on a single antenna tower.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES -- Licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

FALL ZONE -- A radius, calculated as the height of a tower, measured from the base of the tower and applying to all lands within that radius.

APARTMENT, ACCESSORY– See Housing-Related Terms.

APARTMENT HOUSE – See Housing-Related Terms.

ASSISTED LIVING FACILITY -- See Housing-Related Terms.

ATTIC – See Story-Related Terms.

AVERAGE GRADE – See Height-Related Terms.

B

BALCONY – See Deck-Related Terms.

BARN -- A building for the storage of farm products or feed and usually for the housing of farm animals or farm equipment.

BASEMENT – See Story-Related Terms.

BED & BREAKFAST -- The provision of overnight accommodations and a morning meal within a dwelling unit to transients for compensation.

BOARD -- The Bethel Zoning Board of Appeals.

BUFFER, LANDSCAPE– See Landscape-Related Terms.

BUFFER, NATURAL– See Landscape-Related Terms.

BUILDABLE LAND – The acreage of a tract of land not including any portion of the property classified as inland wetland, watercourse, 100-year floodplain, or having a slope in excess of 25%.

BUILDING / STRUCTURE AND RELATED TERMS

BUILDING – A building is:

- Any structure having a roof and walls and used or intended for the shelter, support, housing or enclosure of persons, animals or materials except that the connection of two buildings by means of an open porch, breezeway, passageway, carport or other structure, with or without a roof, shall not be deemed to make them one building, or
- Any structure more than eight feet high, excluding signs, transmission lines, utility poles, flagpoles and highway and railroad bridges.

BUILDING, ACCESSORY – See Principal / Accessory and Related Terms.

BUILDING, ATTACHED – A building or part thereof is considered attached to another building when there is an enclosed integral connection at least eight feet (8') in width and which space is heated.

BUILDING, DETACHED – A building or part thereof is considered detached from another building when it is not considered attached.

STRUCTURE -- Anything, including above-ground fuel tanks, tents and greenhouses, whether for permanent or temporary use which is constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. This definition excludes patios, fences, trellises and signs. A below grade fuel tank is not considered a structure.

STRUCTURE, ACCESSORY – See Principal / Accessory and Related Terms.

BUILDING COVERAGE -- See Coverage-Related Terms.

BUILDING HEIGHT -- See Height-Related Terms.

C

CALIPER – See Landscape Related Terms.

CARPORT -- A covered area for the storage or housing of not more than three motor vehicles, with or without walls, but not fully enclosed. A detached carport is an accessory building.

CGS – The Connecticut General Statutes.

CHILD CARE RESIDENTIAL FACILITY -- See Housing-Related Terms.

CLUB – A non-profit corporation organized and operated solely for a recreational, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain, and includes the establishment so operated. A club shall cater only to its members or guests accompanying them.

CO-LOCATION – See Antenna-Related Terms.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES – See Antenna-Related Terms.

COMMISSION – The Bethel Planning and Zoning Commission.

COMMUNITY RESIDENCE -- See Housing-Related Terms.

CONGREGATE HOUSING – See Housing-Related Terms.

CONSERVATION AREA – An area of land designated for open space use or conservation by the Commission; uses shall be limited to those that will maintain or enhance the open natural state of the land, including agriculture, forestry, wildlife or wetland areas, greenbelts, parks and similar uses.

CONSERVATION EASEMENT -- The grant of a property right stipulating that the described land will remain in its natural state and/or precluding future or additional development.

CONSERVATION RESTRICTION – A restriction imposed on a property or the use thereof for conservation purposes.

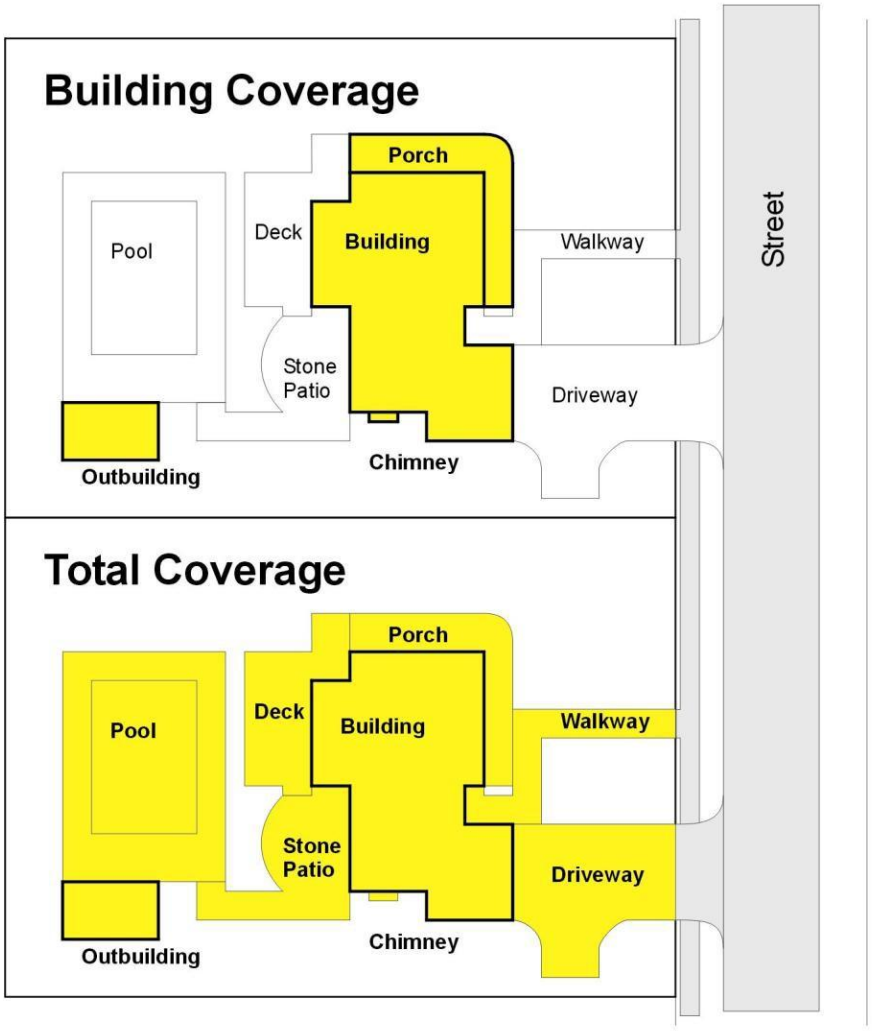
CONTINUING CARE RETIREMENT COMMUNITY -- See Housing-Related Terms.

CORNER LOT – See Lot-Related Terms.

COVERAGE-RELATED TERMS

COVERAGE, BUILDING -- The aggregate area of all roofed buildings on a lot.

COVERAGE, TOTAL -- The aggregate area of all roofed buildings, pavement, concrete, and other impervious surfaces on a lot.



CRAWLSPACE – See Story-Related Terms.

D

DAY CARE-RELATED TERMS

DAY-CARE -- The care of people outside of their homes for part of a day, one or more days per week.

DAY-CARE CENTER -- A facility to provide for the care of 12 or more children outside of their homes for part of a day, one or more days per week.

DAY-CARE CENTER, ADULT -- A facility to provide for the care of elderly persons 62 years and over outside of their homes for part of a day, one or more days per week.

DAY-CARE HOME, FAMILY–A facility to provide for the care of not more than six children, including those of the care provider, operated in or at the primary residence of the care provider, between the hours of 7:00 a.m. and 6:00 p.m., between Monday and Friday.

DAY-CARE HOME, GROUP -- A facility to provide for the care of six or more children but not more than 12 children, including those of the care provider, operated in or at the primary residence of the care provider between the hours of 7:00 a.m. and 6:00 p.m., between Monday and Friday.

DECK-RELATED TERMS

BALCONY – An exterior platform with or without a roof that projects from the wall of a building.

DECK – A platform without a roof supported in whole or in part by pillars or posts.

PATIO – An exterior, level, surfaced area without walls or roof.

PORCH – A roofed but unenclosed platform attached to a building.

DEVELOPMENT -- Any construction or grading activities to improved or unimproved real estate.

DISTURBED AREA – See Erosion-Related Terms.

DRIVE-UP WINDOW SERVICE -- A building opening through which, or a configuration of building and/or equipment whereby, occupants of a motor vehicle receive or obtain a product or service. A building opening includes, but is not limited to, windows, doors, or mechanical devices such as ATM machines.

DRIVEWAY –An asphalt, concrete, crushed stone or other hard surface, generally constructed between the road and a garage or the dwelling used for the parking of vehicles. **[Effective 2/4/2011]**

DWELLING – See Housing-Related Terms.

DWELLING UNIT -- See Housing-Related Terms.

ELEEMOSYNARY -- Organized and operated for the purpose of providing a public service or activity without profit.

EFFICIENCY UNIT -- See Housing-Related Terms.

EROSION-RELATED TERMS

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

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

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

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

FALL ZONE – See Antenna-Related Terms.

FAMILY – Any number of people related by blood, marriage, civil union or adoption and up to three additional unrelated persons living and cooking together as a single housekeeping unit.

FAMILY DAY-CARE HOME – See Day Care.

FARMING -- The growing of crops, hay, fodder, ensilage, pasturage, orchards, gardens, nursery stock and related agricultural production, including the raising of domestic animals and poultry, and the sale of agricultural products directly resulting from such cultivation, within limits prescribed by these regulations.

FAST-FOOD RESTAURANT – See Restaurant.

FLOOR AREA-RELATED TERMS

FLOOR AREA – The horizontal area of the floor of a building measured to the outside of the exterior walls.

GROSS FLOOR AREA – The sum of the floor area(s) of all of the floors of a building.

PUBLIC FLOOR AREA -- The floor area of a building actually open for use by the public (gross floor area minus kitchen space, storage space, stairwells, hallways, and lavatories).

USABLE FLOOR AREA -- The gross floor area of a building minus stairwells, hallways, and lavatories.

FORESTRY -- The cultivation and management of land for growing of trees or shrubs for lumber, timber, pulpwood, firewood, shade or ornamental trees, stock, Christmas trees, watershed conservation and similar forest management purposes. Such activities do not include intensive land clearing, saw mills or processing of forest products.

FRONTAGE – See Lot Frontage.

FRONT LOT -- See Lot Types.

G

GARAGE (RESIDENTIAL) -- An accessory building, or portion thereof, used for the storage or housing of motor vehicles.

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

GROSS FLOOR AREA – See Floor Area.

GROSS VEHICLE WEIGHT RATING – see vehicle related terms

GROUP DAY-CARE HOME -- See Day Care.

H

HEADROOM – The vertical distance between the surface of a floor and the lower of the ceiling, joists, or rafters immediately above.

HEIGHT-RELATED TERMS

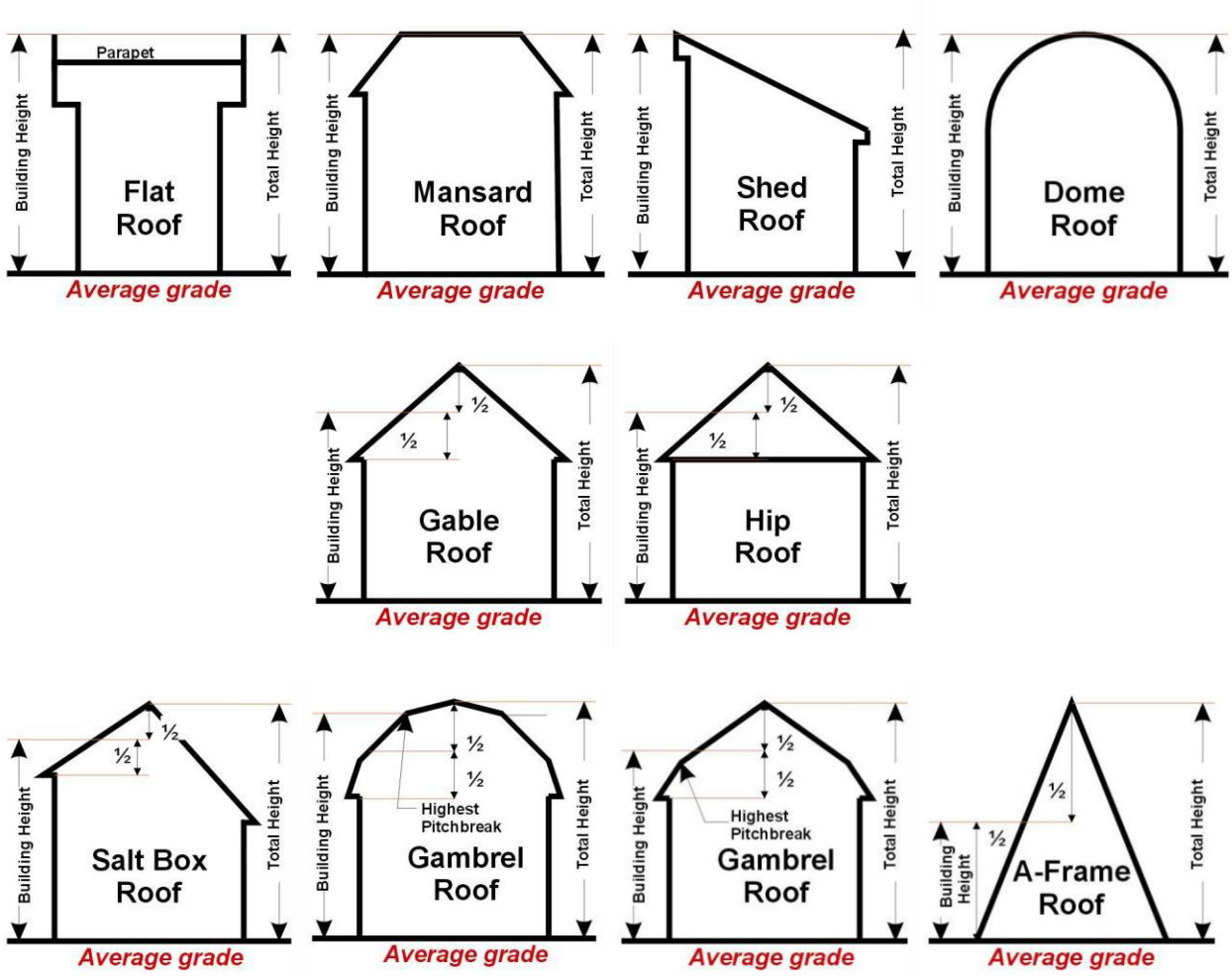
AVERAGE GRADE – An average elevation determined by averaging a minimum of eight (8) spot elevations located equidistant around the building or other structure and five feet (5') therefrom.

HEIGHT, BUILDING -- The vertical distance from the average grade of the building to:

- the highest point of mansard, dome (curvilinear), shed, or flat roofs, including any parapets, or
- the mean level between the eaves and ridge of gable, hip, or A-frame, roofs, or
- the mean level between the highest eave and the ridge of a salt box, or
- the highest pitchbreak for a gambrel roof.

HEIGHT, TOTAL -- The vertical distance:

- For a building, from the average grade at the building wall to the highest point of the roof including any parapets, or
- For a structure (such as fence or flagpole), from the average grade at the base of the structure to the highest point of the structure, including any appurtenances.



HOME-BASED BUSINESS AND RELATED TERMS

HOME-BASED BUSINESS – The use of a portion of a dwelling for business purposes by a resident occupant.

HOME OFFICE -- The use of a portion of a dwelling for:

- occasional business use (such as working from home in conjunction with employment typically occurring elsewhere), or
- a home-based business involving no non-resident employees and minimal visits to the premises by non-residents.

HOME OCCUPATION, MAJOR -- The use of a portion of a dwelling for a home based business in a manner which does not qualify as a home office or a minor home occupation.

HOME OCCUPATION, MINOR -- The use of a portion of a dwelling for a home based business which:

- may include one (1) non-resident employee, and
- shall not involve more than five (5) customer, client, patron, or associate visits per week to the premises by non-residents, and
- shall not involve more than two (2) customer, client, patron, or associate visits to the premises by non-residents at any one time.

HORTICULTURE -- The science and art of growing flowers, vegetables, fruits, herbs, ornamental shrubs and other plants.

HOTEL, MOTEL and MOTOR HOTEL -- A building or group of buildings designed and used primarily for temporary occupancy by transients which provides or offers sleeping accommodations for a consideration but does not permit cooking of meals in rooms. These facilities may provide rooms for public assembly and may include the serving of food. The facility may house one dwelling unit for owners or employees.

HOUSING-RELATED TERMS

ACTIVE ADULT COMMUNITY – A residential development where occupancy is limited, as permitted by federal and state fair housing laws, to persons who are 55 years of age and over.

APARTMENT, ACCESSORY– A dwelling unit accessory and subordinate to a one-family detached dwelling on the same lot. See Principal / Accessory and Related Terms.

APARTMENT HOUSE –A building primarily for residential use with five or more dwelling units, under one ownership or condominium ownership.

ASSISTED LIVING FACILITY -- A managed residential community which provides private residential units and nursing, housekeeping and maintenance services, security, on-site management, three meals daily and laundry service for residents, intended to assist residents with activities of daily living while maintaining a maximum level of independence.

(continued on next page)

HOUSING-RELATED TERMS

CHILD CARE RESIDENTIAL FACILITY -- A building that houses six or fewer children with mental or physical disabilities and necessary staff persons and that is licensed under CGS Sections 17a-145 to 17a-151, inclusive.

COMMUNITY RESIDENCE -- As provided in CGS Section 8-3e, a building that :

- houses six or fewer mentally retarded persons and necessary staff persons and that is licensed under the provisions of CGS Section 17a-227, or
- houses six or fewer persons receiving mental health or addiction services and necessary staff persons paid for or provided by the Department of Mental Health and Addiction Services and that has been issued a license by the Department of Public Health under the provisions of CGS Section 19a-491, if a license is required.

CONGREGATE HOUSING – A specially planned, designed, and managed multi-unit housing development for persons, 62 years of age and over with a relatively independent lifestyle. A limited number of support services, such as meals, laundry, housekeeping, transportation and social and recreational activities may be provided.

CONTINUING CARE RETIREMENT COMMUNITY -- A housing development that is planned, designed and operated to provide a full range of accommodations and services for older adults, 62 years of age and over, including independent living, congregate housing, assisted living and nursing facility.

DWELLING -- Structure containing one or more residential dwelling units.

DWELLING, ATTACHED -- A dwelling unit separated from other dwelling units in the same building by a continuous vertical party wall, without openings except for utilities, which extends from foundation to roof.

DWELLING, DETACHED -- A dwelling surrounded on all sides by yards.

DWELLING, SINGLE FAMILY – A building containing a dwelling unit for one family.

DWELLING, TWO-FAMILY – A building containing two dwelling units for two families.

DWELLING UNIT -- One or more rooms in a residential structure (dwelling), which room or rooms is (are) arranged, designed, used or altered for the use by one family. Said room or rooms containing kitchen or kitchen area, and a bathroom with bathtub and/or shower, a toilet and sink. The term shall not be deemed to include units in a hotel, motel, motor hotel or rooming house.

EFFICIENCY UNIT -- A dwelling unit having only one room, exclusive of bathroom, water-closet compartment, kitchen, laundry, pantry, foyer, communicating corridor, closets, or any dining alcove with less than 70 square feet of floor space. The total area must have a minimum of 350 square feet.

(continued on next page)

HOUSING-RELATED TERMS (continued)

MOBILE HOME -- A detached residential dwelling unit which may be moved on wheels attached to an integrated axle assembly, having no power of its own but drawn by or used in connection with a motor vehicle, which is so constructed or reconstructed as to permit use and occupancy after minor assembly operations, such as location on jacks or other temporary or permanent foundations, connections to utilities and the like. See Prefabricated Dwelling

MOBILE HOME PARK -- A parcel of land for the location of two or more mobile homes, which are used for sleeping, living or working quarters or storage.

MULTI-FAMILY DEVELOPMENT – A property containing three or more dwelling units.

MULTI-FAMILY DWELLING – A building containing dwelling units for three or more families.

NURSING FACILITY -- A facility providing a full range of twenty-four-hour direct medical, nursing and other health services. Registered nurses, licensed practical nurses and nurses aides provide services prescribed by a resident's physician. Nursing care and restorative physical, occupational, speech and respiratory therapies may also be provided.

PLANNED RESIDENTIAL DEVELOPMENT (PRD) -- A planned residential community of varying housing types, developed as a site plan to promote the most appropriate use of land through flexibility of design, to facilitate the preservation of the natural and scenic qualities of the environment, achieving a high level of design that is sensitive to the physical, topographical and geographical constraints of the land.

PREFABRICATED DWELLING -- Dwellings, or parts thereof, which meet all of the applicable requirements for a dwelling unit and are built off-site and transported to a building site on a flatbed truck or similar method of conveyance. Such dwellings, or parts thereof, are not considered "mobile homes.

TOWNHOUSE -- An attached dwelling unit, one of a row of generally similar units separated by vertical party walls without openings, each unit having a separate outside entrance, a front and rear yard and an off-street parking area. See Dwelling Unit

I

INTERIOR LOT -- See Lot Types.

J

JUNK – Any worn out or discarded scrap, debris and waste materials including but not limited to old lumber, metal, inoperable motor vehicles, machinery and parts, construction material, household wastes, including garbage, furniture and discarded appliances. **[Effective 2/4/2011]**

JUNK STORAGE – The temporary or permanent outdoor storage of junk. This definition shall not include outdoor storage of ordinary residential operable equipment and related activities such as garden tools, lawn mowers, outdoor furniture, wood piles, grass clippings and similar items. **[Effective 2/4/2011]**

K

L

LANDSCAPE-RELATED TERMS

CALIPER – The diameter of a tree trunk measured four feet from the root crown.

LANDSCAPED AREA -- An area set aside from structures and parking with natural materials as ground cover (i.e., lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences, and street furniture.

LANDSCAPED BUFFER -- A strip of land, fence, and/or landscaped area, etc., between one use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another. An appropriate buffer may vary depending on uses, districts, size, etc., and shall be determined by the Commission.

LANDSCAPE SCREEN -- A masonry wall, fence sections, earthen berm, evergreen hedge, shrubs, or a combination of these elements, which visually shields or obscures an abutting or nearby use or structure from another as determined by the Commission.

LOT-RELATED TERMS

LOT -- A parcel of land:

- under one ownership,
- occupied or capable of being used, developed, or built upon as a single unit for a principal use and the buildings and uses customarily incidental thereto, and
- established by a subdivision or resubdivision of land duly approved by the Commission or otherwise as permitted by law.

LOT, CORNER -- A lot at the intersection of and abutting two or more streets, when the angle of the intersection is not more than 135° or where the intersection is rounded by a curve having a radius of less than 100 feet. A corner lot shall be deemed to have two front yards and two side yards, but no rear yard.

LOT, FRONT – See Lot, Interior.

LOT, INTERIOR -- A lot abutting only one street.

LOT, REAR -- A lot connected to a public and/or private roadway by a continuous, contiguous strip of land a minimum of 25 feet in width, but without the required minimum frontage on such public and/or private roadway. See Subsection 3.2.C for zones where residential rear lots may be permitted.

LOT, THROUGH -- A lot abutting two generally parallel streets, which lot has two street lot lines and two side lot lines.

LOT AREA, GROSS -- The horizontal area of the lot lying within the lot lines, excluding any street rights-of-way.

LOT AREA, NET -- The total horizontal area of the lot lying within the lot lines, excluding the area of any accessway(s) and any street rights-of-way and any areas of steep slopes or wetlands.

LOT FRONTAGE – The distance measured along the street line(s) of a parcel of land.

LOT LINE -- A boundary which separates a parcel of land from another parcel or a street.

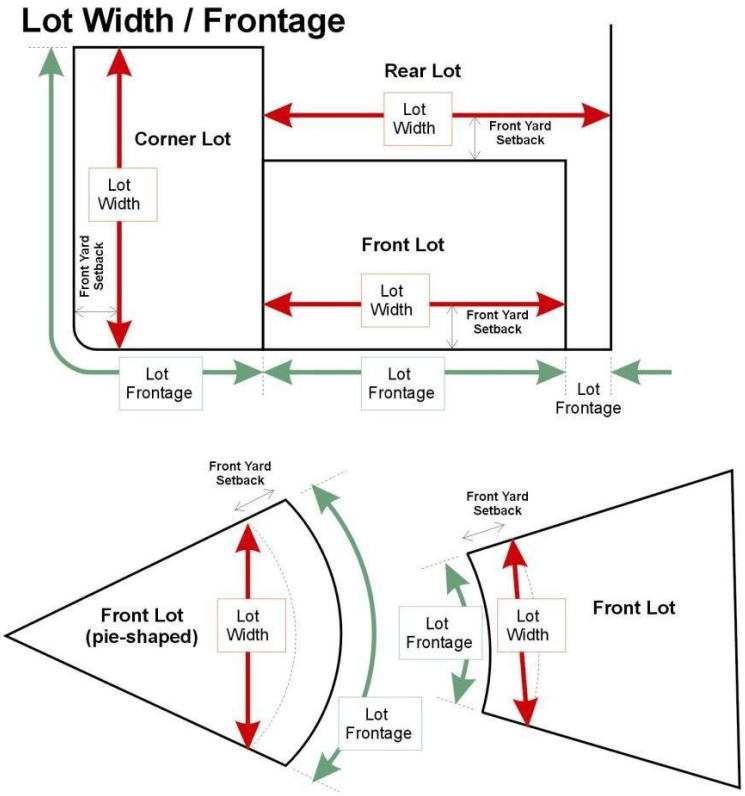
LOT LINE, STREET -- The lot line between the street right-of-way and the abutting lot or parcel.

LOT LINE, FRONT – The street lot line, the lot line located adjacent to the accessway providing access to the lot, or the lot line most parallel to the street that provides access to the lot. See Lot Line, Street (above).

LOT LINE, REAR – The lot line located most directly opposite the front lot line except that a corner lot, a through lot, or a pie-shaped lot shall not be required to have a rear lot line.

LOT LINE, SIDE -- A lot line which is not a front lot line or a rear lot line.

LOT WIDTH -- The distance in a straight line between the side lot lines measured at the front setback. See also Lot Frontage



M

MANUFACTURING -- Any process whereby the nature, size or shape of articles or raw materials are changed or where articles are assembled. The term "manufacturing" includes fabricating, compounding, assembling, packaging and treatment activities.

[effective 3/11/15]

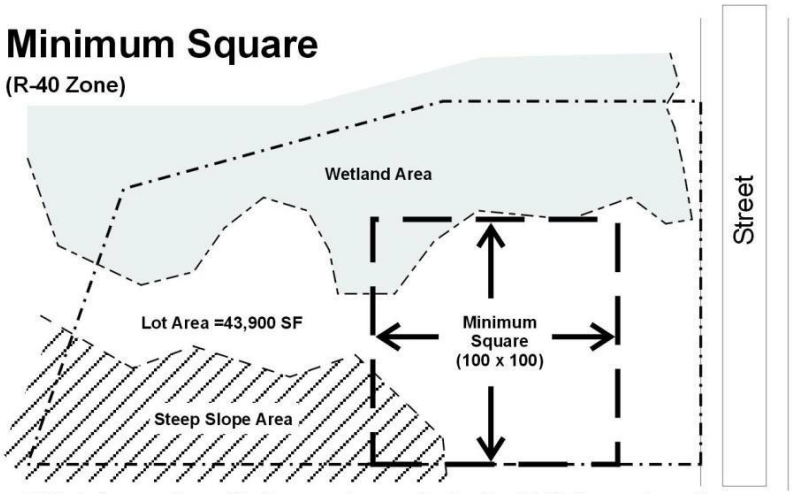
MEDICAL MARIJUANA DISPENSARY FACILITY - means a place of business where marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers, and for which the CT Department of Consumer Protection has issued a dispensary facility permit to an applicant in accordance with Section 21a-408-14 of the Regulations of Connecticut State Agencies.

MEDICAL MARIJUANA PRODUCTION FACILITY - means a secure, indoor facility where the production of marijuana occurs, and that is operated by a person to whom the CT Department of Consumer Protection has issued a producer license in accordance with Section 21a-408-20 of the Regulations of Connecticut State Agencies.

RETAIL RECREATIONAL MARIJUANA ESTABLISHMENT - means a place of business where marijuana may be sold at retail to the general public.

MINIMUM SQUARE -- A square of prescribed dimension which:

- is capable of being drawn entirely within the boundaries of the lot entirely behind the front setback,
- does not contain any area within existing public utility or access easements, and
- no more than twenty percent (20%) of the area of the square consists of any area designated as wetland, watercourse, floodplain, or steep slope.



This lot complies with the requirements for the R-40 Zone since it contains more than 40,000 square feet of lot area, has adequate frontage, has adequate lot width, and contains a minimum square with no more than 20% of its area being wetland or steep slope.

MOBILE HOME -- See Housing-Related Terms.

MOBILE HOME PARK -- See Housing-Related Terms.

MOTEL– See Hotel.

MOTOR HOTEL – See Hotel.

MOTOR VEHICLE – Any vehicle propelled or drawn by any nonmuscular power, except aircraft, motor boats, wheel chairs, golf carts, agricultural tractors, farm implements, such vehicles as run only on rails or tracks, self-propelled snow plows, snow blowers and lawn mowers, and any other vehicle not suitable for operation on a highway. **[effective 2/15/2014]**

MULTI-FAMILY DEVELOPMENT – See Housing-Related Terms.

MULTI-FAMILY DWELLING – See Housing-Related Terms.

N

NATIVE -- Grown, produced or originated on site; indigenous.

NONCONFORMING-RELATED TERMS

NONCONFORMING -- A situation or circumstance that does not conform to the applicable sections of these Regulations.

NONCONFORMING BUILDING -- A building that does not conform to these Regulations with respect to size, area, height, setback or other requirement for the zone in which it is situated.

NONCONFORMING LOT -- A lot that does not conform to these Regulations with respect to area, width or other requirement for the zone in which it is situated.

NONCONFORMING, PRE-EXISTING -- A nonconforming situation that predated the adoption of these Regulations or the applicable provision which resulted in the non-conformity.

NONCONFORMING USE -- A use of land or of a building that does not conform to these Regulations for the zone in which it is situated.

NURSERY – An establishment where plants, shrubs, trees and accessory items are grown and/or sold at retail or wholesale.

NURSING FACILITY – See Housing-Related Terms.

O

OPEN SPACE -- Land preserved in perpetuity for protection of natural resources, natural features, scenic views, or community character, including agriculture.

ORIGINAL -- The conditions existing at the effective date of the applicable regulation.

OUTDOOR WOOD-BURNING FURNACES -- As defined in Connecticut State Statutes §22a-174k (pursuant to Public Act 05-227), and as regulated by the Connecticut Department of Environmental Protection, an accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water. "Outdoor wood-burning furnace" does not include a fire pot, wood-fired barbecue or chiminea.

P

PARKING AREA -- A space used for parking and movement of motor vehicles.

PATIO – See Deck-Related Terms.

PERMITTED USE -- Any use listed as a permitted use in any given zone.

PERSONAL SERVICE -- A business use or activity involving services of a personal or domestic nature including, but not limited to, hair, nails, tailoring, Connecticut state licensed massage therapy, shoe repair, tanning, exercise, dance, self-defense, personal training, and music studios but excluding tattoo parlors. **[Effective 8/15/2012]**

PLANNED RESIDENTIAL DEVELOPMENT (PRD) – See Housing-Related Terms.

PORCH – See Deck-Related Terms.

PREFABRICATED DWELLING – See Housing-Related Terms.

PRE-EXISTING NONCONFORMING – See Nonconforming.

PREMISES -- That portion of a lot or building actually in use for the specific purpose or use under consideration.

PRINCIPAL / ACCESSORY AND RELATED TERMS

PRINCIPAL – The primary building, structure, or use on a lot or parcel.

ACCESSORY – Subordinate and customarily incidental to a principal building, structure, or use on the same property.

ACCESSORY BUILDING -- A separate building subordinate and customarily incidental to, and on the same lot as, a principal building or use.

ACCESSORY STRUCTURE -- A separate structure subordinate and customarily incidental to, and on the same lot as, a principal structure or use.

ACCESSORY USE -- A use subordinate and customarily incidental to a principal use on the same lot as such principal use.

PROFESSIONAL OFFICE -- An office used for the conduct of business for a member of a recognized profession: architectural, engineering, planning, law, interior design, accounting, insurance, real estate, medical, dental, optical, or any similar type of profession as determined by the Commission..

Q

R

REAR LOT -- See Lot, Rear.

RESIDENCE – A place where one or more individuals is actually living at a given point in time.

RESIDENTIAL USE – The use of a place as a residence.

RESTAURANT – A business establishment where prepared food is served and sold.

RESTAURANT, SIT-DOWN – A restaurant where prepared food is served and where consumed primarily at tables or counters within the principal building or, with approval of the Commission, on the premises. Such definition does not include drive-through service.

RESTAURANT, FAST-FOOD – A restaurant oriented towards people travelling in motor vehicles. Food is typically served in a pre-prepared state and is packaged to allow for consumption off the premises. Such establishments are often characterized by the absence of table service and the presence of posted menus. Such definition includes drive-through service and excludes ice cream shops and delicatessens.

RESTAURANT, OTHER – A restaurant which is not a fast food restaurant or a sit-down restaurant.

RETAIL SALES -- An establishment engaged in the selling of goods or merchandise directly to the general public and businesses and rendering services incidental to the sale of such goods.

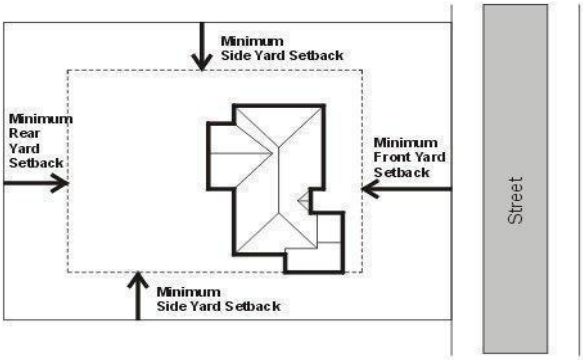
S

SCREEN -- An opaque fence, evergreen planting, earthen berm or other natural material extending not less than six feet nor more than eight feet above the ground level designed to create a visual and sound barrier between two dissimilar or incompatible uses.

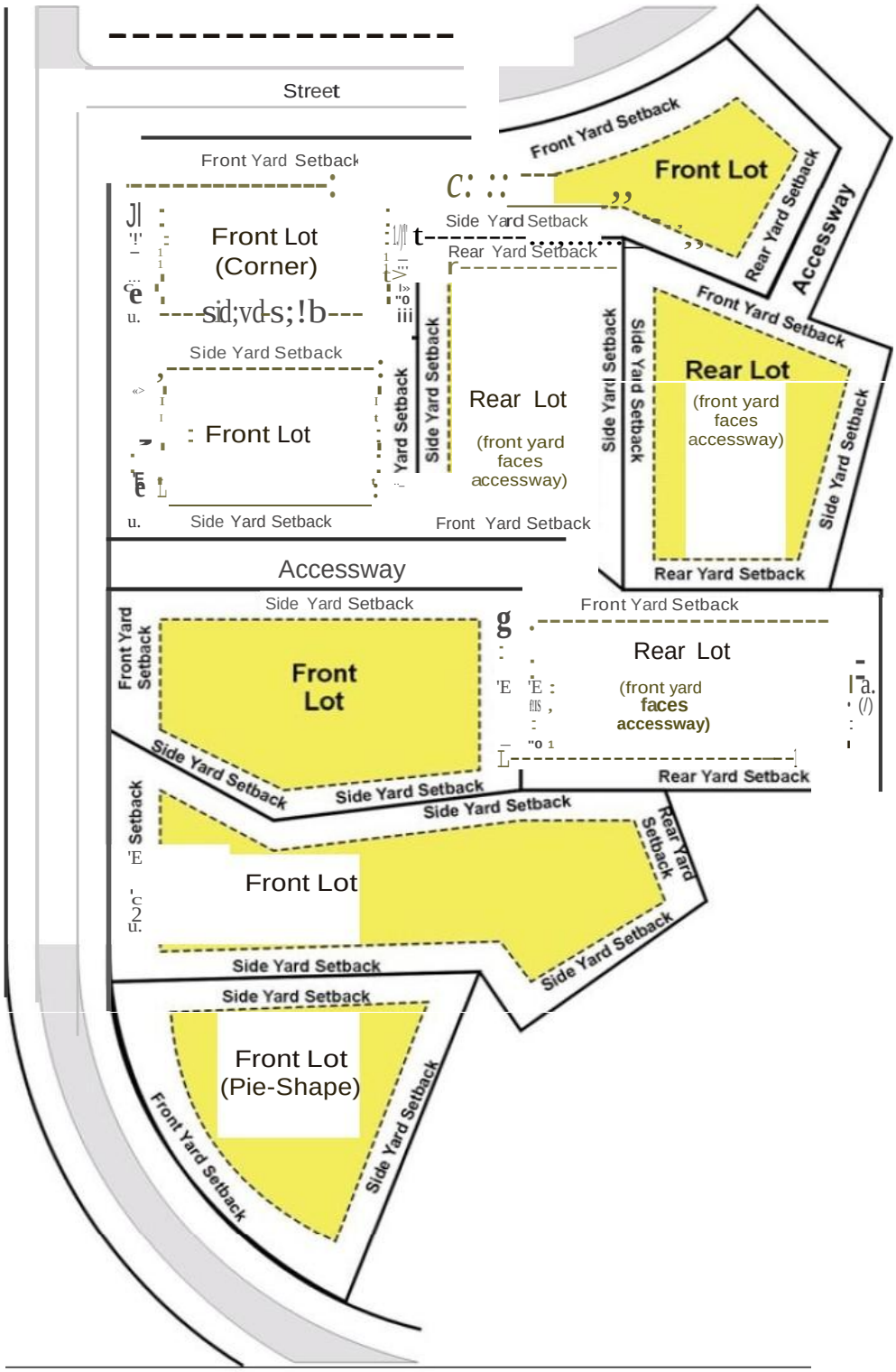
SEDIMENT – See Erosion-Related Terms.

SERVICE STATION – An establishment used for servicing or repairing motor vehicles.

SETBACK – The minimum required distance from any street line or lot line to a building, structure, or use. See Yard.



Yard Setback Locations



[Effective 2/4/2011]

SIGN -- Any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminating device, which is constructed, attached, erected, fastened or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever and displayed in any manner out of doors for recognized advertising purposes.

SIGN, TEMPORARY -- A sign constructed of cloth, fabric or other lightweight temporary material, with or without a structural frame, intended for a limited period of display, including decoration displays for holidays or public demonstrations.

SIMILAR USE -- A use which the Commission, in its sole judgment, shall find to be similar to the permitted uses or special permit uses as to type of operation, employment, traffic generated, the effects of the use on the district and the neighborhood and the appropriateness of the use to accomplish the stated objectives of the zone in which it is proposed to be located.

SIT-DOWN RESTAURANT – See Restaurant, Sit Down.

SOIL -- Any unconsolidated mineral or organic material of any origin.

SOIL EROSION AND SEDIMENT CONTROL PLAN – See Erosion-Related Terms.

SOUND LEVEL -- A frequency-weighted sound measure level as measured with a sound-level meter, using the A-weighting network, also known as "dBA".

SPECIAL PERMIT USE -- A use not allowed generally throughout a zone but, if controlled as to location, number, etc., and if considered to promote the public health, safety and general welfare, may be permitted by the Commission where provided for in this regulation.

SQUARE, MINIMUM -- See Minimum Square

STEEP SLOPES -- Land having pre-development slopes of 25% or greater.

STORY-RELATED TERMS

ATTIC – That portion of a building that is immediately below and wholly or partially within the roof framing.

BASEMENT – That part of a building which:
- is at least partially below ground level, and
- has headroom of seven (7) feet or more.

CRAWLSPACE – That part of a building which:
- is at least partially below ground level, and
- has headroom of less than seven (7) feet.

STORY – That part of a building which:
- is a floor of the building with headroom of seven (7) feet or more except that an attached garage shall not count as a separate story unless it contains habitable space directly above or below it, or
- is a basement and the ceiling of the basement is five (5) feet or more above the average grade, or
- is an attic and the area with headroom of seven (7) feet or more is greater than sixty percent (60%) of the total floor area under the attic roof(s), or
- is an attic and the wall plate supporting the rafters is more than two feet above the attic floor.

STORY, HALF – That part of a building which is an attic and the area with headroom of seven (7) feet or more is greater than thirty percent (30%) of the total floor area under the attic roof(s) but is less than sixty percent (60%) of the total floor area under the attic roof(s).

STREET -- Any right-of-way used for public travel, which is a public highway or a proposed public highway shown upon a subdivision plan duly approved by the Commission, in full accordance with the subdivision regulations.

STRUCTURE - See Building / Structure and Related Terms..

SWIMMING POOL -- Anything man-made for the purpose of containing water more than 24 inches deep and having more than 250 square feet of water surface area, which water is used for bathing or swimming. Ponds for the retention of water for agriculture or fire protection are excluded.

T

TAG SALE -- A sale of used household articles sold on the premises.

TEMPORARY SIGN -- See Sign.

THROUGH LOT -- See Lot Types.

TOTAL COVERAGE – See Coverage, Total.

TOWN -- Town of Bethel, Connecticut.

TOWNHOUSE -- See Housing-Related Terms.

TRAILER -- A detached vehicle or object which is, has been or can be mounted on wheels, having no motive power of its own, but drawn by or used in connection with a motor vehicle, which is or can be used for working quarters or storage of goods or materials. Mobile homes shall not be considered trailers. Such trailers shall meet all requirements of this regulation pertaining to accessory uses. No trailer shall be used for sleeping or living purposes.

U

USABLE FLOOR AREA – See Floor Area.

USE, ACCESSORY – See Principal / Accessory and Related Terms.

V

VEHICLE-RELATED TERMS

VEHICLE, MOTOR – Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or other public ways.

GROSS VEHICLE WEIGHT RATING -- The maximum a vehicle can safely weigh when loaded, including the vehicle itself, occupants, cargo and optional equipment. **[Effective 2/4/2011]**

W

WATERCOURSES -- Rivers, streams, brooks, waterways, lakes, ponds, marches, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:

(1) Evidence of scour or deposits of recent alluvium or detritus,
(2) The presence of standing or flowing water for a duration longer than a particular storm incident; and
(3) The presence of hydrophytic vegetation.

WETLANDS -- Land, including submerged land which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the Natural Resources Conservation Service of the U.S. Department of Agriculture.

Y

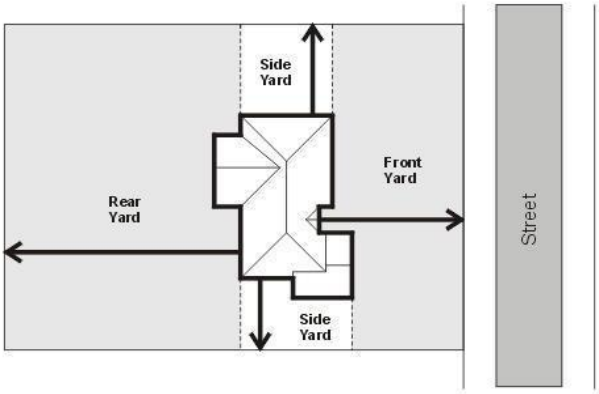
YARD -- An area on the same lot as a building or group of buildings located between the building(s) and the nearest lot line.

YARD, FRONT -- A yard extending across the full width of the lot and situated between the principal building and the front lot line.

YARD, REAR -- A yard extending across the full width of the lot and situated between the principal building and the rear lot line.

YARD, SIDE -- A yard extending from the front yard to the rear yard between the principal building and the side lot line(s).

YARD, REQUIRED -- See Setback.



Z

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ARTICLE 3 - RESIDENCE (R) ZONES

This Section contains provisions for the following zoning districts:

- R-10 Residence Zone
- RR-10 Residence Zone
- R-20 Residence Zone
- R-30 Residence Zone
- R-40 Residence Zone
- R-80 Residence Zone

SECTION 3.1. PURPOSES

1. The various residential districts are intended to provide suitable areas for residential use and development appropriate to the environmental characteristics of the land and the character of the neighborhood.
2. The differentiation among the residential districts is intended to provide for variety in the size and density of residential neighborhoods and a diversity of housing opportunities after consideration of soil types, terrain, and infrastructure capacity.
3. The residential districts may allow for certain non-residential uses when it can be demonstrated that they are compatible with nearby residential uses and preserve neighborhood character and property values.

SECTION 3.2. PRINCIPAL USES AND STRUCTURES

A. Permitted Without Permit

1. **Undeveloped Land** - Vacant land retained in a natural and undeveloped condition without structures of any kind.
2. **Conservation / Recreation** - Open space, or other conservation or recreation areas retained in a natural and undeveloped condition without structures of any kind.
3. **Agricultural Uses** - Farming, forestry or horticulture.

B. Permitted by Zoning Permit

1. **Residential –** A single-family dwelling, one per lot.
2. **Residential –** A two-family building, one per lot, only in the RR-10 Zone.
3. **Residential –** A community residence provided that such facility is located at least one thousand feet from any other community residence or child-care residential facility.
4. **Residential –** A child-care residential facility provided that such facility is located at least one thousand feet from any other community residence or child-care residential facility.
5. **Agricultural Buildings –** Barns, silos, sheds, and other buildings associated with a farming use.

C. Permitted by Special Permit

1. Unless exempted herein or modified by the Commission, all special permit uses shall be separated from adjacent residential uses on all sides and front by a screen or a landscaped buffer.

Residential-Type Uses

2. **Rear Lot** – A rear lot in an R-40 Zone or an R-80 Zone (buffer per Subsection 3.2.C.1 not automatically required) provided that:
   a. Such lot shall contain at least double the minimum lot area requirement of the zoning district, exclusive of any accessway area.
   b. Such lot shall meet the lot width requirements but shall only be required to have a lot frontage of 25 feet for the accessway.
   c. Such lot shall be connected to a public or private roadway by a continuous, contiguous strip of land (an accessway) at least 25 feet wide.
   d. Such accessway shall be part of the lot and shall be owned in fee simple by the owner of the lot.
   e. Such accessway shall be located between any two other lots provided each other lot complies with the minimum lot frontage requirement.
   f. Such accessway shall be paved a minimum of 12 feet in width and shall not exceed a grade of 12%.
3. **Residential –** A community residence if such use is located within one thousand feet of any other community residence or child-care residential facility (buffer per Subsection 3.2.C.1 not automatically required).
4. **Residential –** A child-care residential facility if such use is located within one thousand feet of any other community residence or child-care residential facility (buffer per Subsection 3.2.C.1 not automatically required).
5. **Mobile Home –** A mobile home when used as a one-family dwelling and located on a lot containing at least twice the area required for a single-family dwelling in that zone (buffer per Subsection 3.2.C.1 not automatically required).
6. **Elderly Housing -** In the R-10 Zone, an apartment housing complex for elderly persons in accordance with Subsection 3.6.A of these Regulations.
7. **Conservation Subdivision -** In the R-40 Zone and the R-80 Zone, a conservation subdivision in accordance with Section 95-17 of the Subdivision Regulations (buffer per Subsection 3.2.C.1 not automatically required).

Club-Type Uses

8. **Clubs and Organizations** - Clubs and other organizations providing social, cultural and recreational uses serving a community need or convenience and not including any activity carried on primarily for profit.
9. **Recreation Club -** A private golf, tennis or swim club, provided that:
    a. It is located on a plot of not less than five acres
    b. No structure is located within 75 feet of any street line or within 100 feet of any property line.
    c. No activity is carried on which results in objectionable noise audible off the premises.

Community / Institutional-Type Uses

10. **Religious Institution** - Religious institutions when located on and served by a collector or arterial road as identified in the Plan of Conservation and Development.
11. **Religious Residential Facility** - A housing facility, such as a convent or monastery, for persons affiliated with a religious institution.
12. **Philanthropic or Eleemosynary Institutions** - Institutions of philanthropic or eleemosynary organizations serving a significant community need.
13. **Health Care Facility** - A nursing or convalescent home.
14. **Private Educational Facility** - Private school: elementary and/or secondary school, not providing residential accommodations; may include administrative office, when located on and served by a collector or arterial road as identified in the Plan of Conservation and Development.
15. **Cemetery** - A cemetery established and operated by an ecclesiastical society or cemetery association located in the Town of Bethel or a governmental unit.
16. **Parking** – Parking of vehicles for a church, parish house and school, shall not be enclosed, and provided that all portions of said use shall comply with all specifications for maintenance hereinafter required for off-street parking space.
17. **Other Institutional Facilities** - A private library, a museum operated by a nonprofit corporation.
18. **Day Care** – A day care center provided that:
    a. The facility is located on and accessed from a collector or arterial road as identified in the Plan of Conservation and Development.
    b. The facility is licensed by the State of Connecticut.
    c. The applicant must submit a site plan which demonstrates, to the reasonable satisfaction of the Commission:
        a. A safe and adequate means of ingress and egress to and from the facility.
        b. Adequate on-site parking for any employees.

Government Facility-Type Uses

19. **Municipal Facilities** - Facilities of the Town of Bethel such as town hall, school, fire station, police station, Town highway facility, community center building (which shall have no outdoor public address system or any type of outdoor amplified music device).
20. **Public Recreation Facility** - Public park and public playground or public recreational facility operated by a governmental unit (including exterior lighting); need not be enclosed.
21. **Other Government Facilities** – Such as a post office, a public library, or similar government facility.

Animal-Related Uses

22. **Animal Care Facility** – A pet day-care facility or a pet boarding facility provided that:
    a. The facility is limited to feline and canine animals.
    b. All buildings and runs are located more than 50 feet from any property line.
    c. The Commission may limit the number of animals allowed as part of the Special Permit.
23. **Animal Medical Facility** -- In the R-80 Zone, an animal hospital and/or veterinarian office provided that:
    a. All buildings are located more than 50 feet from any property line.
    b. There shall be no outside runs.
24. **Equestrian Facility** - The boarding, training and raising of horses or other animals of the equine family for a fee, operation of a riding academy, renting of saddle horses, and such animals in accordance with Subsection 6.11 of these Regulations.

Other Uses

25. **Nurseries** - Nurseries and sale of produce and plants raised predominantly on the premises (Commission shall approve areas for outside display).
26. **Electrical Substation** -- Electrical substation, provided that, if transformers are exposed, there shall be:
    a. An enclosing fence or wall at least six feet high adequate to obstruct noise and passage of persons or materials.
    b. A surrounding landscaped buffer or screen.
27. **Telephone Exchange** -- A telephone exchange without shops, garage or general administrative offices.
28. **Other Utility Facility** – Other utility facilities such as a gas regulator station, a high-tension transmission line (over 1.5 kilowatts), a utility pumping station, a utility, generating, storage or transmission structure.
29. **Railroad** -- Any railway right-of-way and tracks existing on the date this regulation became effective, but not including railway yards, maintenance or fueling facilities; need not be enclosed.

SECTION 3.3. ACCESSORY USES AND STRUCTURES

A. General Limitations

1. Where a principal use is allowed by special permit, a special permit shall also be required for an accessory use.
2. No accessory building shall be used as a dwelling unit or for residential occupancy unless specifically permitted by these Regulations and approved by the Commission.
3. No accessory building shall be used commercial purposes unless specifically permitted by these Regulations and approved by the Commission.
4. No accessory structure shall be located within a front yard unless authorized by the Commission through granting of a Special Permit.

B. Permitted Without Permit

1. **Customary Uses** - Accessory uses and structures (such as a swing set, child play structure, dog house or a bird bath) customarily and reasonably incidental to a permitted principal use on the same premises.
2. **Outside Parking** – In accordance with Section 6.2.I of these regulations. **[Effective 2/4/2011]**
3. **Home-Based Business** - A home-based business in accordance with Subsection 3.6.B of these Regulations when indicated as permitted without a permit.
4. **Keeping of Animals–** The keeping of animals in accordance with Subsection 6.11 of these Regulations when indicated as permitted without a permit.
5. **Day Care** - Family day-care home, except in the RR-10 Zone, provided that:
   a. The facility is licensed by the State of Connecticut.
   b. The licensed care provider resides in the dwelling.
   c. Not more than one employee in addition to the care provider is permitted.

C. Permitted by Zoning Permit

1. **Garage** - An attached or detached garage accessory to a residence for the use of the occupants of the premises provided that:
   a. The garage space shall not be for more than three motor vehicles on any lot with one additional motor vehicle allowed for each 5,000 square feet by which the lot exceeds 20,000 square feet.
   b. One space in a private garage on each lot may be used for storage of a commercial vehicle of not more than 1-1/2 ton capacity as measured by the difference between the light weight and gross weight as indicated on the motor vehicle registration.
   c. Space in a private garage may be rented to persons not resident on the premises for storage of noncommercial vehicles only.
   d. In a detached garage, any area above the first floor shall only be used for storage.
   e. Relevant provisions of Subsection 6.2.G are complied with.
2. **Home-Based Business** - A home-based business in accordance with Subsection 3.6.B of these Regulations when indicated as permitted with issuance of a Zoning Permit.
3. **Keeping of Animals–** The keeping of animals in accordance with Subsection 6.11 of these Regulations when indicated as permitted with issuance of a Zoning Permit.
4. **Tag Sale –** A tag sale, provided that:
   a. Not more than one tag sale shall be conducted per property in any calendar year.
   b. Such tag sale shall not be conducted for more than three consecutive calendar days.
   c. A maximum of six signs may be placed.
   d. All signs shall be removed within 24 hours of the end of the sale.
5. **Greenhouse** - Greenhouses and shade houses provided that:
   a. The parcel shall contain at least three (3) acres of land.
   b. No more than a total of four greenhouses and shade houses, each containing 1,000 square feet or less, shall be permitted.
   c. No such structure shall be located less than 100 feet from any property line.
   d. Such greenhouses and shade houses shall be required to meet the requirements of Section 3.4.
6. **Agricultural Uses** – Sale of agricultural products and other agricultural uses when in accordance with Subsection 3.6.E of these Regulations.
7. **Other Accessory Buildings** – Sheds, barns, and other buildings and structures subordinate and customarily incidental to a permitted use.

D. Permitted by Special Permit

1. **Home-Based Business** - A home-based business in accordance with Subsection 3.6.B of these Regulations.
2. **Keeping of Animals–** The keeping of animals in accordance with Subsection 6.11 of these Regulations.
3. **Accessory Apartment --** An accessory apartment in accordance with Subsection 3.6.C of these Regulations.
4. **Day Care** - Group day-care home provided that:
   a. The resident owner is the care provider.
   b. The facility is licensed by the State of Connecticut.
   c. Not more than two employees in addition to the care provider are permitted.
   d. The applicant demonstrates, to the reasonable satisfaction of the Commission:
   e. A safe and adequate means of ingress and egress to and from the facility.
   f. Adequate on-site parking for any employees.
5. **Day Care** – A day care center accessory to an institutional use or similar permitted use provided that:
   a. The facility is located on and accessed from a collector or arterial road as identified in the Plan of Conservation and Development.
   b. The facility is licensed by the State of Connecticut.
   c. The applicant must submit a site plan which demonstrates, to the reasonable satisfaction of the Commission:
   d. A safe and adequate means of ingress and egress to and from the facility.
   e. Adequate on-site parking for any employees.
6. **Bed-And Breakfast --** A bed-and breakfast establishment in accordance with Subsection 3.6.D of these Regulations.

Agricultural-Type Uses

7. **Agricultural Use --** Farming, forestry or horticulture uses not permitted under Subsection 3.6.E of these Regulations.
8. **Other Uses** - Other accessory uses, buildings or structures not customarily or reasonably incidental, as determined by the Commission, to a permitted principal use.

SECTION 3.4. DIMENSIONAL STANDARDS

A. Minimum Lot Requirements

1. Requirements

	R-10	RR-10	R-20	R-30	R-40 (1)	R-80 (1)
a. Minimum gross lot area (sq. feet)	10,000	10,000	20,000	30,000	40,000	80,000
b. Minimum lot frontage (feet)	80	80	100	120	140 (2)	160 (2)
c. Minimum lot width (feet)	80	80	100	120	140	160
d. Minimum square dimension (feet) (3)	70	70	70	80	100	140

Notes: (1) Unless a lesser requirement has been established for such lot by the Commission through approval of a Cluster Subdivision or a Conservation Development.
(2) May be reduced to 25 feet for an approved rear lot.

2. Potential Exceptions

Potential exceptions to lot area, lot frontage, and/or lot width requirements may be found in Subsection 3.5.A or Subsection 3.5.B.

B. Maximum Density Limitation

1. Requirements

Except as may be otherwise provided in these Regulations, no parcel in a residential zone in existence as of January 1, 2010 shall be divided, subdivided, or re-subdivided in such a way as to exceed the following maximum number of lots per acre of buildable land except that any calculation resulting in a fractional remainder over 0.5 may be rounded up to the next whole number.

		Lots / Acre of Buildable Land
a.	R-10 Residence Zone	3.0
b.	RR-10 Residence Zone	3.0
c.	R-20 Residence Zone	1.5
d.	R-30 Residence Zone	1.1
e.	R-40 Residence Zone	0.6
f.	R-80 Residence Zone	0.3

Illustrative Example (R-40 Residence Zone)

• Gross area of parcel (acres)		11.92 acres
• Minus areas classified as wetland, watercourse, 100-year floodplain, or containing slopes greater than 25 percent	-	(2.43 acres)
• Equals the buildable land on the parcel (acres)	=	**9.49 acres**
• Times the maximum number of lots per acre of buildable land for the R-40 Residence zone	X	0.60 lots/acre
• Equals	=	5.694 lots
• Rounded up to six (6) lots maximum		**6 lots**

2. Potential Exceptions

a. A division of property as permitted by CGS Section 8-18 is exempted from the density limitation.

b. A subdivision of property which, in the absence of the density limitation, would result in four (4) lots or less is exempted from the density limitation. This provision shall not apply to resubdivisions.

C. Minimum Setback Requirements

1. Requirements For A Permitted Use

	R-10	RR-10	R-20	R-30	R-40 (1)	R-80 (1)
Front (feet) (2)						
a. Principal Buildings	20	20	30	30	40	50
b. Accessory Structures	No accessory structure shall be located in a front yard (the area between the principal structure and the street) without approval by the Commission					
Side (feet) (2)						
c. Principal Buildings	5 min., 15 total	5 min., 15 total	10 min., 25 total	10 min., 25 total	20 min., 50 total	25
d. Accessory Structures	5	5	10	10	15	20
Rear (feet) (2)						
e. Principal Buildings	35	35	35	35	35	40
f. Accessory Structures	10	10	15	15	20	30

Notes: (1) A (15) ft. setback shall be required for principal and accessory buildings and structures for such lot by the Commission through approval of a Cluster Subdivision or a Conservation Development. **[Effective 8/15/2012]**

(2) Non-residential uses in R-40 and R-80 Residence Zones shall observe a minimum setback of 100 feet from the nearest lot line of any residential lot and such area shall, unless modified by the Commission, be landscaped, planted as a buffer, or preserved in its natural state as needed for protection of adjacent properties.

2. Potential Exceptions

Potential exceptions to setback requirements may be found in Subsection 3.5.D.

D. Maximum Building Coverage Limitations

1. Overall

	R-10	RR-10	R-20	R-30	R-40 (1)	R-80 (1)
a. Single Family Uses	30%	30%	20%	20%	10%	7.5%
b. Two-Family Uses	Not allowed	35%	Not allowed	Not allowed	Not allowed	Not allowed
c. Other Permitted Uses	30%	30%	25%	25%	12.5%	10%
d. Uses Allowed By Special Permit	30%	30%	20%	20%	12.5%	10%

Notes: (1) Unless a lesser requirement has been established for such lot by the Commission through approval of a Cluster Subdivision or a Conservation Development.

E. Maximum Building Height Limitations

1. Feet

	R-10	RR-10	R-20	R-30	R-40	R-80
a. Principal Building (feet) [including any uses allowed by special permit]	35	35	35	35	35	35
b. Accessory Building (feet) [for barn or livestock]	26	26	26	26	26	26
c. Other Accessory Building (feet) [garage, shed]	16	16	16	16	16	16

2. Stories

	R-10	RR-10	R-20	R-30	R-40	R-80
a. Principal Building [including any uses allowed by Special Permit]	2.5	2.5	2.5	2.5	2.5	2.5
b. Accessory Building [for barn or livestock]	2.5	2.5	2.5	2.5	2.5	2.5
c. Other Accessory Building [garage, shed]	1.5	1.5	1.5	1.5	1.5	1.5

3. Potential Exceptions

Potential exceptions to building height limitations may be found in Subsection 3.5.C.

F. Maximum Accessory Building Size

1. Except as otherwise provided in this Section, accessory buildings shall not exceed the following footprint:
    a. Accessory building (such as a shed) 400 square feet
    b. Detached garage 900 square feet
    c. Barn 1,200 square feet
2. Larger accessory buildings may be allowed by the Commission by Special Permit.
3. On a bona fide farm, the size of a barn building shall not be limited by this regulation.

SECTION 3.5. DIMENSIONAL EXCEPTIONS

A. Lot Area Exceptions

1. These Regulations shall not prohibit the erection of a single-family dwelling on any parcel which is smaller in lot area than that required for a single-family house by these Regulations provided that, at all times subsequent to the adoption of the zoning regulation which resulted in such lot being non-conforming as to lot area, such lot was in a different ownership from that of all abutting land.

B. Lot Width / Frontage Exceptions

1. These Regulations shall not prohibit the erection of a single-family dwelling on any parcel which is smaller in width or less in frontage than that required for a single-family house by these Regulations provided that, at all times subsequent to the adoption of the zoning regulation which resulted in such lot being non-conforming as to width, such lot was in a different ownership from that of all abutting land.

C. Height Exceptions

The height limitations in this regulation shall not apply to:

1. Belfries, steeples, bulkheads and penthouses, designed for other than human habitation.
2. Flagpoles, chimneys and flues not to exceed fifty (50) feet without approval by the Commission.
3. Utility, generating, storage and transmission structures.
4. Parapet wall or cornice extending not more than five feet (5') above the height limit.
5. Architectural features, such as cupolas, up to 10 feet in height, designed for other than human habitation.
6. Solar panels accessory to a residential use extending not more than five feet (5') above the height limit.
7. Wind-powered electrical generation systems accessory to a residential use not to exceed fifty (50) feet without approval by the Commission.
8. Other height exceptions as may be provided by these Regulations.

D. Setback Exceptions

1. Nothing in this regulation shall prohibit the projection of eaves, cornices, gutters, pilasters, columns, belt courses, sills, or other similar architectural features into a required setback by up to one foot.
2. Nothing in this regulation shall prohibit the projection of a bay window or other similar architectural features from a building by up to two feet or 20% of the setback, whichever is the more restrictive requirement.
3. In the R-10 Zone, RR-10 Zone, and R-20 Zone, the depth of the required front setback need be no greater than the average distance from the street line to the principal buildings on the two adjoining lots on each side of the proposed site if developed with buildings except that any such modification shall not allow any building location to:
4. Conflict with Section 6.7 (corner visibility).
5. Be located less than 30 feet from the center line of the street right-of-way or less than five feet from the street property line.
6. To the minimum extent necessary to accomplish the intended purpose, access ramps for the handicapped may, with approval of the Zoning Enforcement Officer, extend into any required setback.
7. Entry stairs, stoops, and fire escapes may extend into any required setback not more than five (5) feet.
8. A basement hatchway may project into a required side setback or a required rear setback not more than six (6) feet.
9. Within the R-10 Zone, RR-10 Zone, and R-20 Zone, a one-story open porch (without screens or enclosure of any kind) and any associated stairs may project into the required front setback not more than twenty (20) percent of the minimum front setback requirement.

SECTION 3.6. SPECIAL PROVISIONS FOR RESIDENTIAL USES

A. Elderly Housing Complex

An apartment housing complex for elderly persons, as defined in CGS Section 8-113a(m), provided that:

1. The complex shall be situated on a site of not less than four (4) acres.
2. The complex shall contain not more than ten living units per acre of buildable area on the parcel.
3. The complex shall be serviced by municipal water and sewer.
4. Buildings within said complex shall:
   a. be separated from other buildings within said complex by twenty (20) feet or the height of the building, whichever is the more restrictive requirement,
   b. contain living units of not less than 450 square feet of living area, and
   c. contain a community building or room.
5. The complex shall provide for not more than one parking space per unit. Additional parking spaces for visitor parking may be required at the discretion of the Commission.
6. In addition to any other requirements under this regulation, said complex shall adhere to the following design requirements:
   a. adequate design of grade, paving, gutters, drainage and treatment of' turf to handle stormwater, prevent erosion and formation of dust.
   b. adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space, facilities for waste disposal and illumination.
   c. adequate amount and proper location of pedestrian walks, malls and landscaped spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls and public transportation, loading spaces from general vehicular circulation facilities.
   d. arrangement of buildings and vehicular circulation so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
   e. proper arrangement of signs and lighting devices with respect to traffic control devices and adjacent residential districts.
7. A typical floor plan and elevation shall be presented with an application.
8. An application for said complex must demonstrate that there will be adequate provisions for the maintenance of non-building areas.

B. Home Based Businesses

1. Home-based businesses, as defined in these Regulations, may be allowed as follows :

	Permit
Home Office	No Permit Required
Minor Home Occupation	Zoning Permit required
Major Home Occupation	Special Permit required

2. In all cases, the home based business shall:
   a. be carried on entirely within the same dwelling used by such person as his or her primary residence unless the Commission has, by Special Permit, allowed the business to be conducted within an accessory building.
   b. be clearly secondary to the use of the dwelling for dwelling purposes.
   c. only use materials and equipment which are customarily incidental to residential occupancy.
3. In all cases, the home based business shall not:
   a. occupy more than 25% of the dwelling floor area above the basement,
   b. involve on-site manufacturing, production, service, or sales of merchandise or products,
   c. involve outside storage of any materials or equipment,
   d. change the residential character of the dwelling or property in a visible manner,
   e. create objectionable noise, odor, vibrations, waste or unsightly appearance or conditions noticeable off the premises,
   f. create interference with radio and television reception in the vicinity, or
   g. create a health or safety hazard.
4. Except for signs as allowed by these Regulations, the home based business shall not display any products, materials, or equipment such that it is visible from the street.

C. Accessory Apartment

1. The principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the premises.
2. Only one accessory apartment shall be permitted on a premises.
3. Such unit shall be located within, or attached to, the principal unit.
4. The owner of the property shall occupy either the principal dwelling unit or the accessory dwelling unit and occupancy of the other dwelling unit shall be limited to:
   a. Second-degree family members (such as parents, children, grandparents, grandchildren, brothers, sisters),
   b. Elderly and/or disabled persons (as defined in CGS Section 8-113a, Subsection (m)), or
   c. Caregivers for elderly and/or disabled persons who live on the premises.
5. Not more than two persons shall occupy the accessory apartment.
6. The accessory apartment shall:
   a. Contain at least 300 square feet of living area and not more than 900 square feet of living area or 25% of the living area of existing structure, whichever is the lesser, unless in the opinion of the Commission a greater amount of floor area is warranted by the specific circumstances of the particular building.
   b. Be subject to a binding and recorded deed containing restrictions which require that such apartment be rented at or below prices which will preserve the units as housing for which, for a period of not less than 10 years, persons and families pay 30% or less of income, where such income is less than or equal to 80% of the area median income.
7. In terms of overall design:
   a. The principal dwelling unit and the accessory dwelling unit combination shall be designed to maintain the appearance and character of the premises as a single-family detached dwelling.
   b. Additions to the main dwelling to accommodate an accessory unit shall only be allowed to sides or rear of said dwelling.
   c. Where located within or attached to a dwelling, the accessory apartment shall have:
      i. one means of egress separate from that of the main dwelling, and
      ii. at least one operable door on a common wall connecting the dwelling to the apartment.
   d. All proposed exterior and interior modifications to the dwelling shall be approved by the Building Inspector and Town Fire Marshal.
   e. The accessory apartment may be equipped with its own kitchen, complete bathroom and not more than one bedroom, all of which may be separate from the dwelling.
   f. The accessory apartment shall not be billed separately from the principal dwelling unit for utilities.
   g. The accessory apartment shall be provided with two off-street parking spaces unless modified by the Commission.
   h. No accessory apartment shall be located in a basement, unless such basement constitutes a walkout basement.

8. Issuance of a building permit from the appropriate Town authorities for an accessory apartment shall be conditioned upon full compliance with this Section of the Regulations, and all work attendant thereto shall be completed within 12 months from issuance of the building permit.

9. A certificate of zoning compliance for the accessory apartment shall be issued by the appropriate Town authorities upon completion of the accessory apartment, provided that it has been completed in accordance with this Section of the Regulations.

10. The continued use of an accessory apartment after issuance of the original certificate of zoning compliance is conditioned upon the requirement that the owner of the premises, on the anniversary date of the approval of the permit each calendar year, shall file with the Zoning Enforcement Officer a new affidavit of ownership of the premises and occupancy of either the dwelling or the apartment by the owner as filed with the original application for the accessory apartment.

11. The certificate of zoning compliance for an accessory apartment automatically terminates when there is any change of ownership of the premises; provided, however, that:

    a. A new certificate of zoning compliance shall be issued upon receipt of an affidavit from the new owner in form acceptable to the Planning and Zoning Commission, signed by the owner of the one-family dwelling, affirming the intent that the dwelling or accessory apartment is to be occupied by the owner of the premises as a principal place of residence, or

    b. A new application for an accessory apartment shall be made and approved prior to occupancy of said apartment.

D. Bed and Breakfast

1. The dwelling must be occupied by the owner of the premises.
2. The building proposed for the bed and breakfast operation shall have a minimum of 2,000 square feet.
3. The operation shall be contained within the existing footprint of the building.
4. No more than 30% of the floor area of the building shall be used for guest sleeping accommodations.
5. No more than four guest accommodations are provided. The occupancy of each guest room shall not exceed four individuals.
6. The bed and breakfast operation shall not to be used as a place of residence for other than the property owner.
7. Written certification shall be obtained from the Director of Health that plans for the water supply and sewage disposal systems are adequate to support the intended use.
8. The operation shall meet all applicable Building and Fire Code requirements.
9. Off-street parking spaces shall include at least two spaces for the residents of the single-family use and one for each guest room. The parking spaces shall be located and/or landscaped so that, in the opinion of the Commission, the parking spaces will not detract from the appearance of the property or the neighborhood.
10. The Commission may require fencing, earth berms, evergreen vegetation or other buffers to provide for a visual separation from other neighboring uses.
11. Bed-and-breakfast operations shall be permitted no more than one suitable freestanding sign to identify the property, provided said sign does not exceed nine square feet as measured on one side, contains no lighting, with the exception of indirect spotlighting, and which shall be specifically reviewed and subject to approval as part of the site plan review for its consistency and compatibility with the area in which the bed-and-breakfast is located.

E. Agricultural Uses

1. **Retail Sale** - Retail sales of agricultural products grown on the premises provided that:
   a. No roadside stand or sales shall be conducted in the required front setback area.
   b. Retail sales buildings shall not exceed a cumulative total of 500 square feet of floor space (including incidental storage) unless approved by the Commission as a Special Permit.
   c. Items for sale may include, as an accessory activity, items not native to the area and/or associated commercial products.
   d. Operation by a non-resident of the premises shall require a Special Permit from the Commission.
2. **Wholesale Sale** - Wholesale sale of agricultural products provided that:
   a. Such products shall only be sold on the land where the seller shall live.
   b. Such products shall consist only of products raised and processed on land owned or leased and devoted to agricultural production by the seller of product.
   c. Such products shall only include native (produced on site) flowers, fruits, vegetables, herbs, plants, wine, juices, honey, maple syrup, nuts, shrubs, Christmas trees, seasonal boughs or arrangements, firewood, hay, grain and animal products except that incidental containers (bags, boxes, bottles, jugs, pots, trays, etc.) which are necessary for packaging of products shall be exempt from this limitation.
   d. Operation by a non-resident of the premises shall require a Special Permit from the Commission.
3. **Processing** - Processing of produce and, as an accessory activity, any building in excess of a cumulative total of 800 square feet of floor space devoted to such processing use (including incidental storage) may include items for sale not native to the area and/or associated commercial products.
4. **Greenhouses** - Greenhouses and shade houses provided that:
   a. any property up to and including three (3) acres in size shall not be permitted to have more than three (3) greenhouses and/or shade houses,
   b. No greenhouse or shade house shall contain more than 3,000 square feet of floor area except that, for a property that is three (3) acres or less in size, no greenhouse or shade house shall contain more than 1,000 square feet of floor area,
   c. Any such structure shall be located at least 100 feet from any property line, and
   d. Such structures shall count to building coverage.

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ARTICLE 4 - BUSINESS / INDUSTRY ZONES

This Section contains provisions for the following zoning districts:

- Village Center (VC) Zone
- Commercial (C) Zone
- Route 6 Business (RT6) Zone
- Industrial (I) Zone
- Industrial Park (IP) Zone

SECTION 4.1. GENERAL PURPOSES

1. **Village Center (VC) Zone** - The purpose of the Village Center Zone is to maintain, enhance and promote a mixed-use, pedestrian-scale downtown area with a strong sense of place.
2. **Commercial (C) Zone** - The purpose of the Commercial Zone is to maintain and enhance areas containing commercial uses to meet the needs of Bethel residents and businesses.
3. **Route 6 Business (RT6) Zone** - The purpose of the Route 6 Business Zone is to encourage a mix and intensity of land use along Route 6 which will meet community needs, provide opportunities for economic development, and preserve important resources.
4. **Industrial (I) Zone** - The purpose of the Industrial Zone is to provide for appropriate locations and standards for industrial-type uses.
5. **Industrial Park (IP) Zone** - The purpose of the Industrial Park Zone is to provide for appropriate locations and standards for industrial-type uses in a park-type environment.

SECTION 4.2. PERMITTED ACTIVITIES

Legend

ZP	Activity allowed by Zoning Permit (ZEO) unless a Special Permit is required for the use or another activity being proposed.
SP	Activity requires obtaining a Special Permit (PZC).
X	Activity not allowed.

A. OCCUPANCY OF EXISTING SPACE	**VC**	**C**	**RT6**	**I**	**IP**
1. No new floor area is created and: a. no additional parking is required, or b. the parking which is available on the site is within ten percent (10%) of the parking required by these Regulations.	**ZP**	**ZP**	**ZP**	**ZP**	**ZP**
2. No new floor area is created, the parking available on the site is within twenty percent (20%) of the parking required by these Regulations, and the owner shall: a. grant the Town by deed, easement, or agreement filed in the Town Clerk's office, the right for the public to enter, exit, pass, and share parking, and b. post signage indicating that parking on the site is not reserved for the uses on the property.	**ZP**	**ZP**	**ZP**	**ZP**	**ZP**
3. No new floor area is created but neither of the above conditions exist.	**SP**	**SP**	**SP**	**SP**	**SP**

B. NEW CONSTRUCTION ACTIVITIES	**VC**	**C**	**RT6**	**I**	**IP**
1. Construction which results in less than 1,000 square feet of new floor area.	**SP**	**ZP**	**ZP**	**ZP**	**ZP**
2. Construction which results in 1,000 square feet or more of new floor area.	**SP**	**SP**	**SP**	**SP**	**SP**

C. DRIVE-UP ACTIVITIES	VC	C	RT6	I	IP
1. Drive-up window service of any kind.	SP	SP	X	SP	SP
2. Drive-up window service of any kind except that the Commission may limit drive through facilities to: a. locations with direct access to a signalized intersection, and b. no more than one drive-up window per signalized intersection.	X	X	SP	X	X

D. MULTIPLE BUILDINGS ACTIVITIES	VC	C	RT6	I	IP
1. More than one building per lot where the applicant demonstrates that more than one building would be advisable, consistent with the area and in the best interests of the town, because of any one or more of the following considerations: a. Aesthetic consistency with surrounding buildings. b. Nature of the proposed use. c. Traffic flow. d. Other factors peculiar to the land such as shape of the lot or existing topography.	SP	SP	SP	SP	SP

E. AMUSEMENT ACTIVITIES	VC	C	RT6	I	IP
1. Amusement devices, as defined in these Regulations, provided that: a. Such devices are accessory to a permitted or specially permitted use. b. Not more than four such devices shall be permitted on the premises. c. All such devices shall be located within an enclosed building. d. There shall be at least 150 square feet of floor space open to the general public (excluding toilet facilities) for each device to be located therein.	SP	SP	SP	X	X

SECTION 4.3. PERMITTED USES

Legend

P	Use is permitted in the zoning district.
SP	Use requires obtaining a Special Permit (PZC).
X	Use is not permitted in the zoning district.

A. RETAIL / WHOLESALE USES	VC	C	RT6	I	IP
1. Retail store with no areas for the service or consumption of food.	P	P	P	X	X
2. Retail store where any areas used for the service or consumption of food is 10 percent or less of the gross floor area and occupies less than 1,000 square feet.	P	P	P	X	X
3. Retail store where any areas used for the service or consumption of food exceeds 10 percent of the gross floor area or occupies 1,000 square feet or more.	SP	SP	SP	X	X
4. Outside storage or display of merchandise.	SP	SP	SP	X	X
5. Retail sale limited to commodities that are manufactured, processed, fabricated or warehoused on the premises provided the total floor area devoted to retail sales does not exceed 20% of the gross floor area of the building.	X	X	X	P	P
6. Retail sale limited to equipment, supplies and materials designed especially for use in agriculture, mining, industry, business, transportation, building and other construction, with the exception of commercial explosives.	X	X	X	P	X
7. Sale at wholesale of any commodity except live animals and commercial explosives.	X	X	X	P	P

B. OFFICE USES	VC	C	RT6	I	IP
1. General or business office.	P	P	P	P	P
2. Medical or dental office, clinic or laboratory.	P	P	P	P	P

C. SERVICE USES	VC	C	RT6	I	IP
1. Personal service establishment (see definition), excluding tattoo parlor or massage therapy.	P	P	P	X	X
2. Service establishment (repair, rental and/or service) of any item which is allowed to be sold in the zone, except motor vehicles and trailers.	SP	P	P	P	SP
3. Self-service automatic laundry establishment provided: a. it shall not contain more than 35 washers and dryers in total. b. on-site washing may be provided as a service.	SP	SP	SP	SP	X
4. Dry cleaning establishment provided that: a. No petroleum derivative solvents are used as a general cleaning solvent (may be used for spotting only). b. No steam is discharged under pressure into the atmosphere. c. Such establishment does not dry clean clothes from collection stations or from other plants.	SP	SP	SP	X	X
5. Child day-care center.	SP	P	P	SP	SP
6. Adult day-care center.	SP	P	P	SP	SP
7. Animal hospital or veterinarian office.	SP	SP	SP	P	P
8. Pet grooming or pet training.	SP	SP	SP	P	X
9. Pet day-care facility or pet boarding facility.	X	X	X	P	P

10. Funeral home. 10a. Crematory facility **[effective 8/15/2014]** for the disposal by incineration of the dies of the dead, provided: a. No such crematory facility shall be located within two (2) miles of any other crematory facility; b. Any discharge point from such crematory facility, such as a chimney or smokestack, shall be located at least 1,000 feet from any residence, and shall be screened from view in all directions; c. Any Structure containing a retort shall be located at least five hundred feet from any land zoned for residential purposes not owned by the owner of the crematory; d. No more than two (2) retorts shall be installed in any such crematory facility; e. A dedicated loading space shall be provided which is screened from view from all roadways adjoining the property with a vegetative screen; f. The crematory facility shall be located indoors within structures, including any viewing areas; g. No funerals or memorial services may be conducted on the premises unless a special permit for a funeral home is issued pursuant to Section 4.3 (C) (10). Use of a viewing area to view the process of incineration shall not constitute a funeral or memorial service; and h. The Planning & Zoning Commission may, but need not, consider an application for approval of the location of a crematory facility pursuant to Conn. Gen. Stat. § 19a-320 (b) simultaneously with the required application for special permit.	**SP**	**SP**	**SP**	**X**	**X**
11. School for training in special occupational skills where: a. enrollment may be open to the public or limited. b. The school may include dormitories for students and instructors.	**X**	**X**	**SP**	**SP**	**SP**

D. FINANCIAL INSTITUTION USES	VC	C	RT6	I	IP
1. Bank, credit union, or savings and loan association (state or federally chartered) excluding any drive-through facilities.	P	P	P	P	X
2. Bank, credit union, or savings and loan association (state or federally chartered) including any drive-through facilities.	SP	SP	SP	SP	X

E. FOOD / HOSPITALITY USES	VC	C	RT6	I	IP
1. Sit-down restaurant.	SP	P	P	X	X
2. Sit-down restaurant accessory to a hotel, motel, or motor hotel use.	SP	SP	SP	SP	SP
3. Outdoor dining accessory to a sit-down restaurant, including the placement of seating and tables out of doors and food served thereat, subject to all of the following conditions: a. Such service shall be accessory to an indoor restaurant, b. The outdoor eating area shall be contiguous to the restaurant to which it is accessory, c. The outdoor eating area shall be clearly delineated by fences, walls, or plant materials, d. Such outdoor eating area must be 50 feet or more from the nearest boundary of any residential zone, e. Umbrellas may be used in the outdoor eating area to provide protection from the elements provided they are secured and weighted on the bottom and are closed when not in use. In no circumstances shall a tent or a canvas or plastic canopy be used, and f. The area designated for outdoor eating shall be included in calculations for required parking.	SP	SP	SP	SP	SP
4. Restaurant, fast food.	X	X	SP	X	X
5. Restaurant, other.	SP	SP	SP	SP	SP
6. Hotel, motel or motor hotel, which may include a sit-down restaurant (but not a fast-food restaurant or any drive-through facilities), banquet hall and/or conference center.	X	SP	SP	SP	SP
7. A catering establishment where food is prepared for delivery and consumption off the premises.	SP	SP	SP	SP	SP

F. RECREATION USES	VC	C	RT6	I	IP
1. Interior recreation uses including but not limited to theater, billiard parlor, bowling alley.	SP	P	SP	SP	SP
2. Exterior recreational uses, including but not limited to baseball batting facility, miniature golf course, tennis facilities, ice skating facilities and golf driving ranges.	SP	SP	SP	SP	SP
3. Athletic club provided: a. All activities shall take place within an enclosed building. b. All activities shall be confined to members and guests and not be extended to the general public. c. Primary use shall be for participatory rather than spectator sports. d. Noise level shall be zero decibels ambient at any property line bordering residential property. e. Screening and landscaping shall be as required in Section 6.1. f. Parking may be based on data provided by the applicant documenting similar actual use and certified by appropriate public officials in jurisdiction of actual use. If this material is not presented, parking will equal one space per player (at full capacity of the facility), plus one space per employee.	SP	SP	SP	SP	SP
4. Park or playground areas operated by a governmental unit.	SP	SP	SP	SP	SP

G. INSTITUTIONAL USES	VC	C	RT6	I	IP
1. Government facilities	SP	SP	SP	SP	SP
2. Public services, including ambulance service, fire station, library, police station, post office and terminal for public vehicles (including repair or storage).	SP	SP	SP	SP	SP
3. Religious facility	SP	SP	SP	X	X
4. Club, lodge or fraternal organization (private and operated for the benefit of the members and not for gain).	SP	SP	SP	X	X
5. Museum.	SP	SP	SP	X	X

H. AGRICULTURAL / ANIMAL USES	VC	C	RT6	I	IP
1. Farming, forestry or horticulture.	X	P	P	P	P
2. Nurseries and the accessory sale of produce and plants provided the Commission shall approve areas for outside display.	X	X	X	P	X

I. RESIDENTIAL USES	VC	C	RT6	I	IP
1. Residential use, in a structure for residential use only, with a density of up to 10 units per acre, provided the dwelling units shall meet the minimum floor area requirements of Section 5.5.E.	P	P	X	X	X
2. Apartment in the same structure with other permitted uses, provided that: a. The residential density shall not exceed 10 units per acre. b. All apartments meet the minimum floor area requirements of Subsection 5.5.E of the RM-O regulations regarding apartment dwellings. c. Apartments shall not be permitted on the same floor of a structure with other permitted uses. d. No other permitted use shall be allowed on a floor of a structure located at a higher level than a floor containing apartments. e. Apartments shall have adequate access to at least two separate entrances for emergency purposes.	P	P	X	X	X
[effective 3/15/2012] 3. Residential dwelling units (apartments, townhouses, or condominiums) provided that: a. Such residential dwelling units are accessory to a permitted use, and b. Such residential dwelling units are not located on the ground floor or below unless authorized by the Commission as part of the Special Permit, and c. The residential dwelling unit density does not exceed ten (10) units per acre. 4. Residential dwelling units (apartments, townhouses, or condominiums) which are located 275 feet or more from the centerline of the frontage street, provided that: a. Such residential dwelling units are located on a lot which is at least five (5) acres in size. Adjacent lots in the same ownership may be combined to meet this criteria. Land which is located in a different zoning district may be included in calculating the size of the lot or combined lots. b. The lot or combined lots also contain permitted, non-residential uses located along the frontage street. The overall floor area of such non-residential uses must exceed 7,000 square feet per acre of the total land area of the lot or combined lots located within 275 feet of the centerline of the frontage street. Such non-residential uses may be partially located more than 275 feet from the centerline of the frontage street except for a medical use which must exceed 6,000 square feet per acre of the total land area of the lot or combined lots located within 275 feet of the centerline of the frontage street. **[effective 10/31/2015]** c. The residential dwelling unit density does not exceed 10 units	X	X	SP	X	X

ing units and associated infrastructure may not be used to calculate the residential density in paragraph c. e. For purposes of this subsection (4) the term "frontage street" shall mean State Route 6 (Stony Hill Road) even if the lot or combined lots have frontage on other streets.					

J. ASSISTED LIVING USES	VC	C	RT6	I	IP
1. Assisted living facility, congregate housing, continuing care retirement community, or a nursing facility provided that: a. The maximum number of dwelling units allowed shall be 20 bedrooms or bed equivalents per acre. (Efficiencies are counted as one bedroom.) b. The maximum height of the building shall not exceed 2.5 stories or 35 feet, whichever is less. c. The maximum allowable building coverage shall be 25%. d. The minimum number of parking spaces shall be as follows: i. 1.5 parking spaces per each non-assisted one-bedroom unit. ii. 2.0 parking spaces per each non-assisted two-bedroom unit. iii. 0.5 parking space for each assisted living unit. iv. 1.0 parking space for each employee during the largest shift. v. 1.0 visitor parking space for each 5 nursing home beds.	**SP**	**SP**	**SP**	**X**	**X**

[effective 2/15/2014]

K. MOTOR VEHICLE SERVICE and REPAIR USES	VC	C	RT6	I	IP
1. Gasoline filling station provided that: a. The building coverage of all structures (including any canopies) does not exceed 25% of the area of the lot. b. Services are limited to dispensing gasoline, oil, antifreeze, and motor vehicle accessories, and other convenience retail products. c. All site lighting shall be extinguished floodlights at close of business or 11:00 p.m., whichever is earlier.	X	SP	SP	SP	X
2. Motor vehicle wash and/or auto detailing establishment provided that: a. The primary function shall be limited to washing and/or polishing motor vehicles only. b. Secondary functions may only include retail sales of automobile accessories, oil, grease, antifreeze, tires and batteries and services related to the installation of the foregoing items. c. All operations shall be completely enclosed except for the drying of vehicles and the vacuuming of the interior of vehicles. d. All wastewater shall be discharged directly into the sewer. e. No motor vehicles, service trucks or trailers shall be displayed. f. Adequate parking is provided on-site for all customers and employees.	X	SP	X	SP	X
3. Service of motor vehicles with more than three (3) wheels (limited repair license or general repair license) provided that: a. a public hearing has been held before the Zoning Board of Appeals as required by law. b. The building coverage of all structures (including any canopies) does not exceed 25% of the area of the lot. c. For a limited repair license, services are limited to those permitted under the license. d. For a general repair license, services are limited to those proposed by the applicant, permitted under the license, and approved by the Commission. e. Motor vehicle sales are not permitted. f. Adequate parking is provided on-site for all customers and employees. g. Adequate buffers are provided to adjacent properties. h. All site lighting shall be extinguished floodlights at close of business or 11:00 p.m., whichever is earlier.	X	X	X	SP	X

[effective 2/15/2014]

4. Service of motor vehicles with less than three (3) wheels (limited repair license or general repair license) provided that: a. a public hearing has been held before the Zoning Board of Appeals as required by law. b. The building coverage of all structures (including any canopies) does not exceed 25% of the area of the lot. c. For a limited repair license, services are limited to those permitted under the license. d. For a general repair license, services are limited to those proposed by the applicant, permitted under the license, and approved by the Commission. e. Motor vehicle sales are not permitted. f. Adequate parking is provided on-site for all customers and employees. g. Adequate buffers are provided to adjacent properties. h. All site lighting shall be extinguished floodlights at close of business or 11:00 p.m., whichever is earlier.	X	SP	X	SP	X

L. MOTOR VEHICLE SALES USES	VC	C	RT6	I	IP
1. Automobile sales provided that: a. The primary function shall be the sales at retail of new or used motor vehicles. b. Secondary functions may only include retail sales of used motor vehicles, motor vehicle accessories, fuel, oil, grease, anti-freeze, tires and batteries and rend services to the extent of installing the foregoing items, making minor mechanical adjustments, rebuild or overhaul engines, repair bodies, repaint motor vehicles, reupholster motor vehicles, steam clean automobiles or motors and wash and polish motor vehicles. c. No trucks or trailers having a capacity of more than six tons (determined by the difference between the light weight and gross weight on the vehicle registration) shall be serviced or displayed. d. No recapping of tires or dismantling or cannibalization of vehicles shall occur. e. All display areas are screened from any adjacent residential district by a wall at least five feet high. f. Adequate parking is provided on-site for all inventory, customers and employees. g. Motor vehicles displayed outside a completely enclosed structure have individual signs only within such automobiles.	X	SP	X	X	X

M. STORAGE USES	VC	C	RT6	I	IP
1. Outside storage or display of material.	SP	SP	SP	X	X
2. Outside storage of material as an accessory use provided that: a. It shall be fully screened from any street, highway or residential district. b. No material shall be stored at a height greater than 50% of the height of the main building on the lot or 24 feet, whichever is less. c. The area covered by such storage shall not exceed 25% of the area of building coverage of primary buildings for the use to which the storage is accessory except if authorized by the Commission at the time of site plan approval.	X	X	X	SP	SP
3. Warehousing and/or storage of any commodity except live animals and commercial explosives.	X	X	X	SP	SP

N. INDUSTRIAL USES	VC	C	RT6	I	IP
1. Light industrial use such as manufacturing, fabricating, processing, assembling and testing, engineering development and marketing development of products and accessory uses (such as offices, sales rooms and storage for the wholesale distribution of items manufactured and/or assembled on the premises) provided that: a. The use shall be totally contained within the structure. b. The uses shall comply with Section 4.6.D. c. There shall be no outside storage. d. Storage, warehouse uses and distribution centers are prohibited except as incidental to a permitted use (truck terminals are prohibited).	X	X	X	P	P
2. Manufacturing provided that: a. uses meet the performance standards as set forth in Subsection 4.6.D. b. the manufacture, processing or fabrication of the commodities listed in Section 4.6.E is specifically not permitted unless such activity is: i. operated as an accessory use where the products are not manufactured as a final product for sale. ii. approved by the Commission as a Special Permit. iii. operated and maintained under the same ownership and on the same lot as the permitted uses.	X	X	X	P	P
3. Contractor yard for vehicles, equipment, materials and/or supplies which complies with all of the following conditions: a. Is properly graded for drainage, surfaced with concrete, asphaltic concrete, asphalt, oil or any other dust-free surfacing and maintained in good condition, free of weeds, dust, trash and debris. b. Is provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or by night, by the movement of vehicles, machinery, equipment or supplies. c. Is provided with entrances and exits so located as to minimize traffic congestion. d. Is provided with barriers of such type and so located that no part of parked vehicles will extend beyond the yard space or into the setback space from a zone lot line abutting a residential zone lot or separated therefrom by a street. e. Lighting facilities are so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic.	X	X	X	P	X

O. UTILITY / TRANSPORTATION USES	VC	C	RT6	I	IP
1. Utilities, including gas regulation stations, telephone exchanges, pumping stations, aboveground water storage tank, water reservoirs and satellite and cable television facilities.	SP	SP	SP	SP	SP
2. Electric substation provided that exposed transformers shall be shielded by an enclosing fence or wall at least six feet high and adequate to obstruct view, noise and passage of persons or materials.	SP	SP	SP	SP	SP
3. Parking and/or commercial storage of vehicles: need not be enclosed, provided that any part of such use conducted outside a completely enclosed structure shall comply with all specifications for maintenance hereinafter required for off-street parking spaces.	X	SP	SP	SP	SP
4. Railroad facilities, but not including shops.	SP	SP	X	SP	SP
5. Landing or takeoff area for rotorcraft, not including maintenance, repair, fueling or hangar facilities.	X	X	X	X	SP

SECTION 4.4. DIMENSIONAL STANDARDS

A. Minimum Lot Requirements

1. Requirements

		VC	C	RT6	I	IP
a.	Minimum lot area (sq. ft.)	10,000	10,000	40,000	20,000	80,000
b.	Minimum lot width (feet)	100	100	140 (1)	140	180
c.	Minimum lot frontage (feet)	100	100	140 (1)	140	180

Notes: (1) In the RT6 zone, the minimum lot width requirement for any light industrial use shall be 180 feet.

2. Potential Exceptions

Potential exceptions to lot area, lot frontage, and/or lot width requirements may be found in Section 4.6.

B. Minimum Setback Requirements

1. Setback For Yard Not Adjacent to Residential Property Line(a)

		VC	C	RT6	I	IP (a)
a.	Front (feet) – from street lot line	10	10	50	25	25
b.	Front (feet) – from road centerline	-	-	75		
c.	Side (feet)	0	0	20	20	20
d.	Rear (feet)	0	0	25	25	25

Notes: (a) In a Village Center Zone, an Industrial Zone or an Industrial Park zone, no setback is required where a lot line adjoins a railroad property line.

2. Setback For Yard Adjacent to Residential Property Line

		VC	C	RT6	I	IP
a.	Front (feet)	10	10	50	50	150
b.	Side (feet)	10	10	50	50	150
c.	Rear (feet)	20	20	50	50	150

3. Potential Exceptions

Potential exceptions to setback requirements may be found in Section 4.6.

4. Setbacks in the IP Zoning District [Effective 11/30/2012]

In the IP Zoning District, a yard or portion thereof, is "adjacent to Residential Property Line" and is subject to the requirements of Section 4.4.B.2 where the yard abuts property which is:

i. In the RM-O, R-10, RR-10, R-20, R-30, R-40, or R-80 zoning districts; and

ii. Improved with structures containing three or less residential dwelling units in total.

Otherwise, the yard, or portion thereof, is "not adjacent to Residential Property Line" and is subject to the setbacks set forth in Section 4.4.B.1.

The Determination as to which setbacks apply shall be based on the conditions at the time of application for a new structure on land in the IP Zoning District. Upon completion of such structure, and in the issuance of a Certificate of Occupancy therefore, a change in the conditions on the abutting property shall not render such structure non-conforming but rather it shall be considered to be in compliance with the requirements of this Section 4.4.B.

C. Maximum Building Coverage Limitations [Effective 2/15/2104]

	VC	C	RT6	I	IP
Maximum building coverage	Not limited by regulation	Not limited by regulation	Not limited by regulation	50%	35%

D. Maximum Commercial Floor Area Limitations

	VC	C	RT6	I	IP
Maximum commercial floor area	Not limited by regulation	Not limited by regulation	7,750 SF per gross acre	100% of the lot area	100% of the lot area

E. Maximum Building Height Limitations

	VC	C	RT6	I	IP (1)
1. Maximum building height (stories)	3 stories	3 stories	4 stories	2.5 stories	2.5 stories
2. Maximum building height (feet)	40 ft.	40 ft.	50 ft.	35 ft.	35 ft.

Notes: (1) In the IP zone, the Commission may, by Special Permit, approve up to a four (4) story building with a maximum building height of fifty (50) feet.

3. Potential Exceptions

Potential exceptions to setback requirements may be found in Section 4.6.

F. Moratorium

1. Uses Subject to Moratorium

(a) INTENT AND PURPOSE

The Zoning Commission has determined that the following uses have the potential to impair the health, safety and welfare of its citizens, and that a temporary, limited moratorium is needed in order to properly develop restrictions and standards for the implementation of these uses.

(b). IDENTIFIED USES SUBJECT TO MORATORIUM

1. Medical marijuana dispensary facility

2. Medical marijuana production facility

3. Expansion of existing dispensary facility

4. New retail recreational marijuana facility

(c). APPLICATION

1. No application for a medical marijuana dispensary, production facility, or retail recreational marijuana establishment and no installation or creation of a medical marijuana dispensary or production facility or retail recreational marijuana establishment shall be permitted in any zone within the Town of Bethel during the effective dates specified in Sec. 4.4.1.(d).

(d) EFFECTIVE DATE and EXPIRATION

1. The effective date of the moratorium on the application or installation or creation of any medical marijuana dispensary, production facility, or retail recreational marijuana establishment is the date of adoption of this regulation by the Zoning Commission together with the filing of the amendment with the town clerk (effective on March 10, 2016), expiring in six months (expiration on September 10, 2016).

(e) EXCLUSIONS

1. *[There are no exclusions proposed under this amendment.]*

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SECTION 4.5. ARCHITECTURAL REVIEW

A. Village Center Zone

The Village Center Zone (VC) is hereby designated as a Village District as authorized by CGS Section 8-2j and any new construction or remodeling of the exterior of a building within the VC Zone shall be reviewed by the Village District Consultant designated by the Commission.

B. Other Zones

1. Any new construction or remodeling of the exterior of a building within the Commercial Zone (C), the Route 6 Business (RT6) Zone, the Industrial (I) Zone, or the Industrial Park (IP) Zone which is also within the Village District Overlay Zone (Section 5.4) shall be reviewed by the Village District Consultant designated by the Commission.
2. If an Architectural Advisory Committee has been established by the Town, any new construction or remodeling of the exterior of a building in the Commercial Zone (C) or the Route 6 Business (RT6) Zone shall be reviewed by the Architectural Advisory Committee in accordance with the provisions of Section 6.10 of these Regulations.

SECTION 4.6. SPECIAL PROVISIONS FOR BUSINESS / INDUSTRY ZONES

A. Lot Width / Frontage Exceptions

1. Where two or more lots zoned Industrial (I) make use of a single joint entry from and single joint exit to a public street, the minimum frontage requirements may be disregarded provided that:
    a. Such entry- and exit-ways are located entirely within an I Zone.
    b. Adequate provision is made, in the judgment of the Commission, that present and future access is guaranteed to properties not having the required frontage.
    c. Adequate provision is made for access by emergency vehicles to all properties.
    d. All properties are, in the judgment of the Commission, of such proportions as to be usable for the intended permitted use.
    e. An agreement is filed on the land records where each property grants each other property the rights of access, egress, and passage.

B. Yard Exceptions

1. By agreement recorded in the land records of the Town of Bethel, the owners of two lots in a RT6 Zone may, by Special Permit approved by the Commission, disregard the required side yards where such lots adjoin and the buildings may be built to the common lot line, provided that the party or other walls separating such buildings shall be of masonry construction.
2. Where two or more lots zoned Industrial (I) make use of a single joint entry from and single joint exit to a public street, the minimum side and rear setback requirements may be omitted along common property lines, provided that:
    a. Such entry- and exit-ways are located entirely within an I Zone.
    b. Adequate provision is made, in the judgment of the Commission, that present and future access is guaranteed to properties not having the required frontage.
    c. Adequate provision is made for access by emergency vehicles to all properties.
    d. All properties are, in the judgment of the Commission, of such proportions as to be usable for the intended permitted use.
    e. An agreement is filed on the land records where each property grants each other property the rights of access, egress, and passage.
3. In the Village Center (VC) Zone and Commercial (C) Zone, where existing buildings on more than 75% of the lots on the same side of a street within a block have a front yard less than that required in the applicable zone, the front yard on an undeveloped lot on such street may be reduced to not less than the average setback of the existing buildings within the block provided that:
    a. The lot is not abutted on both sides by undeveloped lots,
    b. No front yard setback line shall be less than 30 feet from the center line of the street right-of-way or less than five feet from the street property line, and
    c. Corner visibility as provided in Section 6.7 shall not be limited.

C. Height Exceptions

1. The height limitations of these Regulations shall not apply in business zones to:
   a. flagpoles less than fifty (50) feet in height above finished grade,
   b. schools, public libraries, municipal buildings, and museums which may be built to a height not to exceed three (3)stories, or
   c. public utility facilities which may be built to a height not to exceed fifty (50) feet.
2. Solar panels may exceed the height limitations of these Regulations provided that:
   a. such panels shall not project more than ten (10) feet above the roof and shall be located so that no part of any such installation shall project above a thirty-degree slope from the edge of the roof, and
   b. such panels shall be screened on all sides by a solid appearing wall constructed of materials that are harmonious in color and texture with the adjacent facade of the building, except that the Commission may modify this requirement upon proper showing that such solar panels would not be visible.
3. Roof-top appurtenances (such as HVAC equipment, stairwell housings, elevator shafts, air-conditioning units, cooling towers, heat pumps, or similar mechanical equipment) may exceed the height limitations of these Regulations provided that:
   a. such appurtenances shall not project more than ten (10) feet above the roof and shall be located so that no part of any such installation shall project above a thirty-degree slope from the edge of the roof, and
   b. all such appurtenances shall be screened on all sides by a solid appearing wall constructed of materials that shall be harmonious in color and texture with the adjacent facade of the building, and
   c. such equipment shall not have a horizontal area greater than twenty percent (20%) of the roof area of the building on which it is located without approval of a Special Permit by the Commission.

D. Use Limitations Based on Performance Standards

It is the intent of this section to ensure that operations, uses, and activities in Industrial (I) and Industrial Park (IP) Zones in Bethel are established and maintained in a manner not detrimental to the public health, safety and welfare and in a manner beneficial to the use, enjoyment and value of neighboring properties. The use of performance standards is necessary to measure potential nuisances and hazards objectively, thereby protecting operations, uses, and activities from arbitrary control and at the same time affording the neighboring properties and the general public necessary protection against hazards and nuisance.

1. Noise

Except as may be exempted below or in the Connecticut General Statutes, the sound level of any operation, use, or activity shall not exceed the noise zone standards of CGS Section 22a-69 as currently in force or subsequently amended with current standards stated at 70 dBA for an emitter. Measurements shall be taken at a point that is located about one foot beyond the boundary of the emitter's property within the receptor's property. The following activities are exempted from the noise limitation:

a. Noise created as a result of or relating to an emergency, including but not limited to sirens, alarms, etc.;

b. Construction or demolition activity during the daytime, as herein defined;

c. Noise created by blasting, provided that the such blasting has received appropriate permits and is conducted between 8:00 a.m. and 5:00 p.m.;

d. Noise created by on site recreational activities sanctioned by the state or local government, including but not limited to parades, sporting events, concerts, fireworks, etc.;

e. Noise generated by maintenance equipment for landscaping and snow removal, i.e., plows, mowers, etc.;

f. Farming activity;

g. Noise generated by transmission or distribution facilities and substations of public utilities;

h. Noise that is directly caused by flight operations specifically preempted by the Federal Aviation Administration.

2. Vibration

No vibration shall be transmitted and therefore felt outside the lot from which it originates. The following activities are exempted from the vibration limitation:

a. Vibration created as a result of or relating to an emergency;

b. Construction or demolition activity during the daytime, as herein defined;

c. Vibration created by blasting, provided that the such blasting has received appropriate permits and is conducted between 8:00 a.m. and 5:00 p.m.;

d. Vibration created by on site recreational activities sanctioned by the state or local government, including but not limited to parades, sporting events, concerts, fireworks, etc.;

e. Vibration generated by maintenance equipment for landscaping and snow removal, i.e., plows, mowers, etc.;

f. Vibration generated by transmission or distribution facilities and substations of public utilities;

3. Air Pollution

Provisions shall be made to control emissions of air pollutants (dust, fumes, smoke, vapor, gas, etc.) into the outdoor atmosphere. Such provisions shall be in compliance with the following standards and all applicable federal (i.e., Clean Air Act) and state (i.e., Air Pollution Control, CGS Section 22a-174) regulations as presently in force or subsequently amended.

4. Odor

Provisions shall be made to control emissions of odorous substances into the outdoor atmosphere. Except as may be exempted below, odor from any use shall not be discernible to any objectionable degree at the property line. An odor will be deemed objectionable when the Department of Environmental Protection Air Compliance Unit determines such, according to guidelines and standards provided by the General Statutes of Connecticut as presently in force or subsequently amended.

The following activities are exempted from the odor limitation:

a. Odor from agricultural activities provided it is conducted in a manner as to minimize odors.

b. Odor from mobile sources.

5. Glare and Heat

All uses shall be conducted so that direct or indirect illumination from the source of light shall not cause illumination in excess of 0.5 foot-candle in any residential zone. Any form of heat shall not be perceptible outside the lot where it originates.

6. Electromagnetic Radiation

No use on any lot shall cause interference with radio and television reception on any other lot, and any use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiations and to any other applicable regulation.

7. Dangerous Materials and Hazardous Wastes

Materials which are dangerous due to the possibility of explosion, fire, radioactivity, corrosion, toxicity or contamination must be secured and maintained in a manner approved by federal, state and Town agencies against such dangers as:

a. Groundwater contamination via leachate and direct discharge.

b. Surface water contamination via runoff, overflow or direct discharge.

c. Air pollution via open burning, evaporation, sublimation and wind erosion.

Any activity whether the generation, treatment, storage, transportation of hazardous waste (is defined and controlled by Section 3001 of the Federal Resource Conservation and Recovery Act, CGS Chapter 445, Hazardous Waste, CGS Section 22a-114 and amendments or subsequent federal, state or Town regulations) is restricted to approved and confirmed Environmental Protection Agency and Department of Environmental Protection registrants and security methods, and prior to commencement, such activity is to be reported to and must be approved by appropriate Town officials.

Any discharge of wastewater into the waters of Bethel (surface or ground) or into public disposal system must comply (either by its nature or pretreatment) with all federal (i.e., National Pollutant Discharge Elimination System) and state (i.e., Water Quality Standards and Criteria) standards.

8. Other Standards

In addition to these standards, all relevant provisions of any other federal, state and Town laws and regulations shall also apply.

Where such standards, controls or regulations are not in agreement, the more restrictive shall apply.

9. Compliance and Enforcement

a. The occupant/applicant of a parcel within an I Zone or IP Zone will be solely responsible for compliance with the performance standards.

b. The occupant/applicant shall, at his own expense, furnish in writing, together with the application for a building permit, sufficient evidence to the Commission that the proposed use will not produce any nuisance in excess of the measurable performance standards listed in this section.

c. In the event that compliance to the established performance standards cannot be judged properly during a permit processing period or prior to operation, the recipient of zoning and building permits shall provide a written statement recognizing that these performance standards are continuing obligations and that all land uses in Town are expected to operate in compliance with these standards.

d. In the event of an alleged violation, the Zoning Enforcement Officer shall notify the operator/occupant and such officer, charging that a violation has occurred, shall have sufficient ground for invoking the provisions of law to enforce compliance hereunder.

e. The Commission or the occupant/applicant may elect to engage competent technical experts to evaluate the alleged violation or the occupant/applicant or the occupant/applicant may compel the Zoning Enforcement Officer to hire such technical experts.

f. If such technical experts are hired:

   i. the occupant/applicant shall bear the cost of such technical investigation if he is thereafter found to be in violation of the foregoing standards.

   ii. the Town shall bear the cost of such technical investigation where no violation has been found to have occurred.

E. Prohibited Uses

Notwithstanding any other provision of these Regulations, the basic manufacture, processing or fabrication of the following commodities is not permitted in an Industrial (I) or Industrial Park (IP) Zone:

1. Abrasives.
2. Alcohol distillation.
3. Animal by-products.
4. Bone black.
5. Brewery.
6. Carbon black and lampblack.
7. Charcoal.
8. Cinder and cinder blocks.
9. Clay and clay products.
10. Coal or coke.
11. Detergents, soaps and by-products using animal fat.
12. Electric power generator station.
13. Fermented fruits and vegetable products.
14. Fertilizers.
15. Fungicides.
16. Garbage truck / hauling.
17. Gases (other than nitrogen and oxygen).
18. Glass.
19. Glue and size.
20. Grain milling.
21. Graphite.
22. Gypsum and other forms of plaster base.
23. Insecticides.
24. Insulation (flammable types).
25. Junk including, but not limited to, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled or wrecked motor vehicles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. **[effective 2/15/2014]**
26. Matches.
27. Meat slaughtering or packing.
28. Metals.
29. Metal ingots, pigs castings, sheets or bars.
30. Oils and fats (animal and vegetable).
31. Paints, pigments, enamels, japans, lacquers, putty, varnishes, whiting and wood fillers.

32. Paper pulp and cellulose.
33. Paraffin.
34. Petroleum and petroleum products.
35. Portland and similar cements.
36. Refuse bin storage.
37. Repossession companies.
38. Rubber.
39. Sawmill or planing mill.
40. Serums, toxins or viruses.
41. Sugars and starches.
42. Tannery.
43. Turpentine.
44. Wax and wax products.
45. Wood preserving by creosoting or other pressure impregnation of wood by preservatives.
46. Asphalt, bituminous and cement-based concrete, stone or gravel.

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ARTICLE 5 - SPECIAL ZONES

This Section contains provisions for the following zoning districts:

- Floodplain Overlay Zone
- Aquifer Protection Overlay Zone
- Water Supply Protection Overlay Zone
- Village District Overlay Zone
- Planned Residential Development Zone (PRD)
- Residential Multi-Office Zone (RM-O)
- Educational Park Zone (EP)
- Designed Conservation District (DCD)

SECTION 5.1. FLOODPLAIN OVERLAY ZONE & FLOODPLAIN MANAGEMENT REGULATIONS

A. Purpose [Effective 6/18/2010]

The Floodplain Overlay Zone, as shown on the official Zoning Map, is intended to provide reasonable notice to persons regarding property that may be subject to the effects of flooding.

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

1. Protect human life and health.
2. Minimize expenditure of public money for costly flood-control projects.
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. Minimize prolonged business interruptions.
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines and streets and bridges located in areas of special flood hazard.
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
7. Ensure that potential buyers are notified that property is in an area of special flood hazard.
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

B. Statutory Authorization

The legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7-148(c)(7)(A) and Title 8 , Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Planning & Zoning Commission of the Town of Bethel does ordain as follows:

C. Finding of Fact

The flood hazard areas of Bethel are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood loses are caused by the cumulative effect of obstructions in the floodplains causing increases in flood heights and velocities, and by the occupancy in flood areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damage. Uncontrolled development and use of the floodplains can adversely affect the community.

The Town of Bethel has voluntarily participated in the National Flood Insurance Program (NFIP) since April 23, 1984. The NFIP is founded on a mutual agreement between the federal government and each participating community. Local, state and federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. The community's role is of paramount importance. Property owners are able to receive federally subsidized insurance only of the community enacts and enforces the minimum floodplain regulations for participation in the NFIP.

D. Objectives

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

1. Restricting or prohibiting which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters.
4. Controlling filling, grading, dredging and other development which may increase flood damage.
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

E. Definitions

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meanings they have in common usage and to give this section its most reasonable application.

As used in this section, the following words shall have the meanings indicated:

APPEAL -- A request for a review of the Planning & Zoning Official's interpretation of any provision of this section or a request for a variance.

AREA OF SHALLOW FLOODING -- A designated AO or VO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

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

BASE FLOOD -- The flood having a one-percent chance of being equaled or exceeded in any given year.

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

BASEMENT -- That portion of a building having its floor sub-grade (below ground level) on all sides.

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

DEVELOPMENT -- Any man-made change to improved or unimproved real estate, including but not limited to 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 located within the area of special flood hazard.

ELEVATED BUILDING -- A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date, April 23, 1984, of the floodplain management ordinance adopted by the community.

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

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

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

FLOOD or FLOODING -- A general and temporary condition of partial or complete inundation of normally dry land areas from:
(1) The overflow of inland or tidal waters; and/or
(2) The unusual and rapid accumulation of runoff or surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) -- The official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) -- The official report provided by Federal Emergency Management Agency (FEMA) that includes flood profiles and the water surface elevation of the base flood

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

FLOOR -- The top surface of an enclosed area in a building, including basement, i.e., top of slab in concrete-slab construction or top of wood flooring in wood-frame construction. The term does not include the floor of a garage used solely for parking vehicles.

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

HISTORIC STRCUTURE – 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 with approved programs.

LOWEST FLOOR -- The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor if provided that such an area meets the design requirements specified in Section 5.1.K. of this regulation.

MANUFACTURED HOME -- A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

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

MARKET VALUE -- The value of the structure shall be 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.

MEAN SEA LEVEL -- For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION -- Structures for which the start of construction commenced on or after April 23, 1984, the effective date of this section.

NEW MANUFACTURED HOME PARK OR SUBDIVISION -- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date, April 23, 1984, of the floodplain management regulation adopted by the community.

RECREATIONAL VEHICLE -- 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 light 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.

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

STRUCTURE -- A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank or other man-made facilities or infrastructures.

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

SUBSTANTIAL IMPROVEMENT -- Any combination of repairs, reconstruction, alteration or improvements to a structure**,** taking place over a 3 year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure should be 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.

VARIANCE -- A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

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

WATER SURFACE ELEVATION -- The height, in relation to 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.

F. General Provisions

1. Applicability

This section shall apply to all areas of special flood hazard within the jurisdiction of Bethel, Connecticut.

2. Basis for Establishing Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecitcut, dated June 18, 2010, and accompanying Flood Insurance Rate Maps (FIRM), dated June 18, 2010 and other supporting data applicable to the Town of Bethel, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this chapter. Since mapping is legally adopted by reference into this chapter, it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The areas of special flood hazard include any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The Flood Insurance Study is on file at the Town Clerk's office, Bethel, Connecticut.

3. Compliance Required

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this section and other applicable regulations.

4. Construal of Provisions

This section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this section and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

5. Interpretation

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

a. Considered as minimum requirements.

b. Liberally construed in favor of the governing body.

c. Deemed neither to limit nor repeal any other powers granted under state statutes.

6. Warning and disclaimer of liability

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made there under.

G. Administration

1. Zoning Permit

A zoning permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 5.1.F.2. An application for a zoning permit shall be made on forms furnished by the Planning & Zoning Official and may include but not be limited to plans, in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

a. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all structures.

b. The elevation, in relation to mean sea level, to which any structure has been floodproofed.

c. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 5.1.J.3.

d. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Designation of Flood Plain Manager

The Bethel Planning and Zoning Official is hereby appointed as Flood Plain Manager responsible for administering and implementing this chapter by granting or denying development permit applications in accordance with its provisions.

3. Duties and responsibilities of Planning & Zoning Official

The duties and responsibilities of the Planning & Zoning Official shall include but not be limited to:

4. Permit Review

The Planning & Zoning Official shall:

a. Review all zoning permits to determine that the permit requirements of this section have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding.

b. Review all zoning permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

c. Review all zoning permits to determine if the proposed development adversely affects the flood-carrying capacity of the areas of special flood hazard. For purposes of this chapter, "adversely affects" means that the cumulative effects of proposed development which, combined with all other existing and anticipated development, increases the water surface elevation of the base flood more than one foot at any point.

5. Use of other Base Flood Data

When base flood elevation data or floodway data has not been provided in accordance with Section 5.1.F.2., Basis for establishing areas of special flood hazard, the Planning & Zoning Official shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer Section 5.1.J., Specific Standards, Residential construction and Specific Standards, Nonresidential construction.

6. Information to be Obtained and Maintained

The Planning & Zoning Official shall:

a. Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures.

b. For all new or substantially improved flood-proofed structures:
   i. Verify and record the actual elevation, in relation to mean sea level;
   ii. Maintain the flood-proofing certifications required in Section 5.1.G.1.c.; and
   iii. Maintain for public inspection all records pertaining to the provisions of this chapter.

7. Alteration of Watercourses

The Planning & Zoning Official shall:

a. Notify adjacent communities and the Department of Environmental Protection prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

8. Interpretation of FIRM Boundaries

The Planning & Zoning Official shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.1.H.

H. Variance Procedures

1. Establishment of Variance Procedures

a. The Planning & Zoning Commission, as established by the Town of Bethel, shall hear and decide appeals and requests for variances from the requirements of section.

b. The Planning & Zoning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Planning & Zoning Official in the enforcement or administration of this section.

c. Any person aggrieved by the decision of the Planning & Zoning Commission or any person owning land which abuts or is within a radius of one hundred (100) feet of the land in question may appeal within fifteen (15) days after such decision to the Connecticut Superior Court of Danbury, as provided in Section 8-8 of the General Statutes of Connecticut.

d. The (local administrator) shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA)

2. Specific Situation Variances

a. Buildings on a Historic Register: Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places. The State Inventory of Historic Places, or any locally adopted historic district with out regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.

b. Functionally Dependant Use or Facility: Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependant use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meets all the requirements of Section 5.1.I.

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

3. Considerations for Granting of Variances

a. In passing upon such applications, the (local appeal board) shall consider all technical evaluations, all relevant factors, all standards specified in other sections of the (ordinance/regulation) and the items listed below:

b. Upon consideration of these factors and the purposes of this (ordinance/regulation), the (local appeal board) may attach such conditions to the granting of variances as it deems necessary to further the purposes of this (ordinance/regulation).

c. The danger that materials may be swept onto other lands to the injury of others;

d. The danger to life and property due to flooding or erosin damage;

e. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

f. The importance of the services provided by the proposed facility to the community;

g. The necessity of the facility to waterfront location, in the case of a functionally dependant facility;

h. The availability of alternative locations not subject to flooding or erosion damage for the proposed use;

i. The compatibility of the proposed use with existing and anticipated development;

j. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

k. The safety access to the property in times of flood for ordinary and emergency vehicles;

l. The expected heights, velocity, duration, rate and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site and;

m. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

4. Conditions for Variances

a. Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulations would create an exceptional hardship to the applicant or the surrounding property owners. These characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors.

b. Variances shall only be used upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, damage the rights of property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations. Only hardships that are based on unusual characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-centered circumstances are not sufficient cause for the granting of a variance.

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

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

I. General Standards

In all areas of special flood hazard, the following standards are required:

1. Anchoring

All 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.

2. Construction Materials and Methods

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Utilities

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

b. New and replacement sanitary sewage or septic systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into the floodwaters.

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

d. Electrical, heating, ventilation, plumbing and 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.

4. Subdivision Proposals

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

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

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres, whichever is less.

5. Equal Conveyance --

Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demon-

strating, 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.

6. 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 improve- ments 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.

7. Aboveground 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 floatation 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.

8. 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 standards of the more restrictive zone.

9. 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.

10. No Structures Entirely or Partially Over Water –

New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

J. Specific Standards

In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 5.1.F.2., Basis for establishing areas of special flood hazard, or Section 5.1.G.5., Use of other base flood data, the following provisions are required:

1. Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

2. Manufactured Homes

a. All manufactured homes, including recreational vehicles placed on a site for 180 consecutive days or longer, to be placed or substantially improved in Zones A and AE shall be elevated so that the lowest floor is above the base flood elevation. This includes manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.

b. It shall be placed on a permanent foundation, which itself is securely anchored and to which the structure is securely anchored, so that it will resist flotation, lateral movement and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

c. Recreational vehicles placed on a site for more than 180 days or longer must meet the elevation and anchoring requirements listed above. Recreational vehicles on site for fewer than 180 consecutive days must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

3. Nonresidential Construction

New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that, below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water.

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

4. Fully Enclosed Areas below the Base Flood Elevation

All new construction and substantial improvements, whether residential or non-residential, that include fully enclosed areas formed by a foundation and other exterior walls below the base flood elevation (BFE) of an elevated building shall be designed to preclude finished living space and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect, or meet the following minimum criteria listed in sections (1)-(7) below:

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

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

c. The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by a registered professional engineer or approved by the Planning & Zoning Official;

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

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

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

g. A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections 5.1.J.4. (a)-(g). A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened do not meet the flood vent opening requirements in Section 5.1.J. (a)-(c). In addition to the automatic entry of floodwaters, the areas of the garage below BFE must be constructed with flood resistant materials. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 5.1.J.3.

K. Floodways

Located within areas of special flood hazard established in Section 5.1.F.2 or Section 5.1.G.5., are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

1. Encroachments, including fill, new construction, substantial improvements and other development, shall be prohibited unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, which encroachments shall not result in any (0.00 feet) increase in flood levels during the occurrence of the base flood discharge.

2. If Subsection A is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V, Provisions for Flood Hazard Reduction.

3. Should floodway data be obtained for an unnumbered A Zone, a floodway capable of conveying the base flood without increasing the water surface elevation more than one foot at any point shall be designated.

4. When utilizing data other than that provided by the Federal Emergency Management Agency, the following standard applies: 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 at any one point.

[Effective 6/18/2010]

SECTION 5.2. AQUIFER PROTECTION OVERLAY ZONE

A. Purpose

The purpose of the Aquifer Protection Overlay Zone, as shown on the official Zoning Map, is to preserve the quality and quantity of the groundwater supply by regulating land uses which may cause contamination of designated aquifers and aquifer recharge areas.

B. Standards

Principal and accessory buildings, structures, uses, and activities allowed in the underlying zone are permitted in the Aquifer Protection Overlay Zone provided that they comply with the requirements of the Town Code Ordinance #116 relating to aquifer protection and any requirements of the Inland Wetlands Commission, acting as the administrator of the aquifer protection standards.

SECTION 5.3. WATER SUPPLY PROTECTION OVERLAY ZONE

A. Purpose

It is the purpose and intent of the Water Supply Protection Overlay Zone (WSPOZ) to:

1. to protect existing and potential public surface water supply watershed areas from sources of contamination,
2. to protect areas of high groundwater availability from sources of contamination,
3. to promote public health and the general welfare of the community, and
4. to promote environmental protection.

B. Use Regulations

In addition to other provisions of these Regulations, the following regulations shall apply for all lots or portions of lots located within the designated water supply watershed protection areas.

1. The following uses are prohibited within the WSPOZ:
   a. Manufacture, use, storage, or disposal of hazardous materials in any watershed area without a spill prevention, control, and countermeasure (SPCC) plan approved by the Inland Wetlands Commission acting in a water resource protection capacity.
   b. Sanitary landfill, septage lagoon, or wastewater treatment facility for municipal or industrial wastes.
   c. Junkyard, salvage yard.
   d. Truck terminal or bus parking facility with ten (10) or more parking spaces.
   e. Gasoline station, auto repair, auto body shop without a spill prevention, control, and countermeasure (SPCC) plan approved by the Inland Wetlands Commission acting in a water resource protection capacity.
   f. Bulk storage of road salt for commercial or municipal purposes.
   g. Any use which is not allowed in the respective zoning district.
2. Any parking area within the WSPOZ containing ten (10) or more parking spaces shall, when constructed or reconstructed, have a treatment system:
   a. approved by the Inland Wetlands Commission acting in a water resource protection capacity, and
   b. be designed, installed, and maintained to retain spills and renovate stormwater.
3. Any development within the WSPOZ shall provide an acceptable means of pretreatment of runoff as approved by the Inland Wetlands Commission acting in a water resource protection capacity.
   a. For the purposes of this subsection, acceptable pretreatment measures will be evaluated in terms of their compliance with current best management practices as published by Federal and/or State agencies.

b. This requirement shall not apply to:

i. single family dwellings on individual lots,

ii. accessways or driveways serving less than three (3) dwellings, or

iii. home landscaping or maintenance activities.

4. Any stormwater management system, utilities installation, environmental enhancements, or other structures shall be designed, installed and maintained so as to minimize any detrimental effect on ground water and/or surface water quality as determined by the Inland Wetlands Commission acting in a water resource protection capacity.

5. Maintenance agreements, including but not limited to agreements with respect to the maintenance and upkeep of soil and vegetative covers for the land and/or covenants acceptable to the Town of Bethel, shall be given by the owner of the land to the Town of Bethel to assure compliance with these requirements.

6. Earth changes shall be prohibited on slopes greater than twenty-five percent (25%), unless the Commission receives a report from the Inland Wetlands Commission acting in a water resource protection capacity which documents that erosion control measures provided with the plan are adequate to meet the purpose and intent of these regulations and to protect public health, safety and welfare.

C. Environmental Analysis

1. An Environmental Analysis shall be submitted with any application for a Special Permit, subdivision, site plan, or excavation permit involving lots or portions of lots located within a water supply protection overlay zone.

2. The Environmental Analysis shall be prepared and certified by a qualified soils scientist or licensed engineer and shall contain at least the following information:

a. Impact of the project upon ground and surface water quality and ground water recharge based on applicable water quality standards and including the estimated phosphate and nitrate loading on ground water and surface water from new streets, driveways, septic tanks, lawn fertilizer, and other activities within the development.

b. Capability of soils, vegetative cover, and proposed erosion control measures to support the proposed development and to prevent erosion, silting or other instability.

c. Certification that the development shall not cause a diversion of existing drainage water from a reservoir where such diversion would result in a net decrease of volume over what now enters such reservoir.

D. Plan Notation

1. All site plans submitted for permitted uses, Special Permit uses, and excavation permits, and all plot plans submitted for the issuance of a Zoning Permit, shall note that the proposed development is subject to all the applicable requirements of the Zoning Regulations pertaining to the Water Supply Protection Zone.

SECTION 5.4. VILLAGE DISTRICT OVERLAY ZONE

A. Purpose

The Village District Overlay Zone in Bethel, adopted under the authority of CGS Section 8-2j, is established to:

1. enhance the historic character of downtown Bethel and aid in the preservation and restoration of its architectural assets,
2. ensure that the exterior design of buildings and sites in downtown Bethel is in harmony with the character of the area,
3. encourage high quality building and site design, and
4. result in development which is compatible with the character of the community.

B. Applicability

Any new construction or remodeling of the exterior of a building within the Village District Overlay Zone shall be subject to the provisions of this Section.

C. Uses / Activities

1. Uses permitted in the underlying zone are allowed in the Village District Overlay Zone subject to the same conditions.
2. Activities permitted in the underlying zone are allowed in the Village District Overlay Zone subject to the same conditions.
3. Within the Village District Overlay Zone, the Commission may, by Special Permit, allow the creation of an accessory dwelling unit provided that it is in conformance with the provisions of Section 3.6.C except that the Commission may:
    a. allow a unit which is not within or attached to the principal building,
    b. give special consideration or treatment to historic structures such as barns,
    c. allow occupancy by persons other than those specified in Section 3.6.C provided the property is owner occupied and in a residential zone, and
    d. waive other provisions of Section 3.6.C where considered appropriate.
4. The Commission may, by Special Permit, allow an increase in lot coverage where such increase will help accomplish the purposes of this zone.

D. Referral to Village District Consultant

1. Applications subject to the provisions of this Section shall, upon acceptance of a complete application, be referred to the Village District Consultant (VDC) appointed by the Commission.
2. Such VDC may be:
   a. an Architectural Advisory Committee (AAC), or
   b. another Board or individual(s) eligible under CGS 8-2j.
3. The application shall be reviewed by the VDC in relation to the design guidelines of this Section.
4. The VDC shall provide a written report regarding the application no later than thirty (30) days from the date of acceptance of a complete application.
5. Failure of the VDC to provide a written report within the prescribed period shall be construed as a finding of design appropriateness and consistency except that a request from the VDC for resubmission of the application based on the VDC recommendations shall not be considered failure to act.

E. Following Referral

1. A report from the VDC shall be considered by the Commission as part of any application procedure requiring Commission approval.
2. When the application only requires a Zoning Permit or other Staff approval, Staff shall have the authority to issue the Zoning Permit or other Staff approval upon:
   a. receipt of a written report from the VDC indicating a finding of design appropriateness and consistency, or
   b. expiration of the period for obtaining a report from the VDC.
3. When the application requires a Zoning Permit or other Staff approval and the VDC has issued a report which does not indicate a finding of design appropriateness and consistency, the applicant may:
   a. revise and resubmit the application to address comments received, or
   b. appeal the findings of the VDC report to the Commission who may then:
      i. authorize the granting of an approval, or
      ii. concur with the findings of the VDC.

F. Guidelines and Considerations

Activities within the Village District Overlay Zone shall be reviewed in relation to the guidelines and considerations contained in Subsection 6.10.D and Subsection 6.10.E of these Regulations.

SECTION 5.5. PLANNED RESIDENTIAL DEVELOPMENT ZONE (PRD)

A. Purpose

The Planned Residential Development Zone (PRD) is intended to allow for housing developments which will help meet the identified housing needs of Bethel residents. The PRD zone is a floating zone to be designated on the Zoning Map after approval by the Commission of a zone change to PRD and approval of an accompanying special permit for the PRD schematic development plan.

B. Zone Eligibility Requirements

The Commission may establish a PRD Zone, provided the site meets the following criteria:

1. The site shall contain no less than 20 acres.
2. The site shall be in a residential zone.
3. The site shall be served by public sewers capable of handling the needs of the development.
4. The site shall be served by a public water supply capable of handling the demand required by the development for both potable water and fire-fighting service.
5. The site shall be suitable for the construction of interior roads, buildings and development features.
6. The development of the site shall be compatible with the surrounding neighborhood and shall be designed to preserve the value of neighboring properties.
7. The site shall be served by roads suitable in design and capacity for the traffic to be generated by the development. The developer may be required to make reasonable improvements to town or state roads that are directly related to the accommodation of the new development traffic.

C. Uses Permitted by Special Permit

1. **Active adult community -** Housing units in a Planned Residential Development may be configured as an active adult community as defined in these Regulations, with single-family detached structures and/or structures with two, three or four units therein, provided that:

   a. No less than 80% of the total dwelling units in the active adult community shall be active adult units occupied by at least one person 55 years of age or older, in order to meet and maintain the requirements for designation as active adult housing units pursuant to 42 U.S.C., Section 3607:

   b. Unless waived by the Commission, the applicant shall designate at least ten percent (10%) of the total number of units as "affordable," using the criteria in CGS Section 8-30g to determine price of the unit and eligibility of the purchasers, for persons and families whose income is less than or equal to 80% of the area median income.

2. **Mixed housing community -** Housing units in a Planned Residential Development may be configured as mixed housing community with single-family detached structures and/or structures with two, three or four units therein, provided that:

   a. No less than 50% of the total dwelling units in the mixed housing community shall be active adult units occupied by at least one person 55 years of age or older, in order to meet and maintain the requirements for designation as active adult housing units pursuant to 42 U.S.C., Section 3607:

   b. The remaining units may, with approval of the Commission, consist of a non-age-restricted component provided that such component shall be age-targeted by design and construction.

   c. Unless waived by the Commission, the applicant shall designate at least fifteen percent (15%) of the total number of units in the mixed housing community as "affordable," using the criteria in CGS Section 8-30g to determine price of the unit and eligibility of the purchasers, for persons and families whose income is less than or equal to 80% of the area median income provided that at least fifty percent (50%) of the affordable units must be located in the age-restricted portion of the development.

D. Overall Requirements

1. Housing units in a Planned Residential Development shall, unless waived by the Commission, be a common ownership interest community as defined by CGS Chapter 828.
2. Dwelling units designated as "active adult housing units" shall have association documents and deed restrictions, which shall be filed in the Land Records of the Town of Bethel, limiting occupancy as follows:
   a. The active adult units shall be occupied by at least one person 55 years of age or older and not more than two additional people such as a spouse, children, or other related persons who are aged 18 or older except that such units may be occupied by a spouse under the age of 55, children, or other related persons who are aged 18 or older in the event that:
      i. They have survived the individual occupying the dwelling who was aged 55 or older and at least one of the occupants has an ownership interest in the dwelling.
      ii. The individual occupying the dwelling aged 55 or older has entered into a long-term continuing care facility and at least one of the occupants has an ownership interest in the dwelling.
   b. The purchase of a dwelling unit for investment purposes by an entity or an individual not intending to occupy the dwelling unit is prohibited, except that a nonresident family member may purchase up to one unit for a family member who will reside in the dwelling unit and otherwise comply with the requirements of this section.
3. The management entity shall verify annually to the Zoning Enforcement Officer that the active adult community development is in compliance with the occupancy requirements of this section, including compliance with 42 U.S.C., Section 3607.
4. In accordance with CGS Section 8-12, the Town of Bethel, acting through its duly appointed officials, may enter onto the premises for the purpose of verifying compliance with federal, state and local laws, rules and regulations, including the approvals issued in connection with the development. As a condition of approval, each applicant, owner or resident's association shall provide legal documents which shall hold harmless and indemnify the Town of Bethel and its duly appointed officials from any claims or liability arising from the corrections of violations cited. The form of such documents shall be acceptable to the Commission's counsel and the Commission. The provisions of this subsection shall survive the issuance of any certificate of occupancy or certificate of zoning compliance.
5. In the event such verification inspections determine that corrective action is necessary to bring the development into compliance with any laws, rules and regulations, the official of the Town of Bethel performing the inspection shall, in writing, cite the violations and require corrective action within a reasonable period of time. Failure to perform the required corrective action shall be considered a violation of the Zoning Regulations and be subject to such fines and penalties as prescribed by statute or regulation.

E. Dimensional Standards

	[effective 4/21/2015]
1. Maximum Density	Six units per acre of buildable land
2. Maximum Impervious Coverage	50%
3. Minimum Perimeter Setback for any structure or parking area	50 feet
4. Minimum Building Separation	15 feet
5. Minimum Front Setback	20 feet
6. Minimum Side Setback	
a. Principal Uses	5 feet min., 15 feet total
b. Accessory Uses	5 feet
7. Minimum Rear Setback	
a. Principal Uses	35 feet
b. Accessory Uses	10 feet
8. Minimum Floor Area Per Dwelling unit	1,200 square feet
9. Maximum Building Height	35 feet
10. Minimum Common Open Space Requirement (may include environmentally sensitive land, including but not limited to wetlands and watercourses, floodplains, slopes of 25% or greater and areas of unique wildlife habitat)	35%

F. Design Standards

1. **Traffic Access** - At least two independent means of access shall be provided for the project, one of which may be designated as an emergency access. Any access labeled for emergency use shall be constructed according to the recommendations of the Town's Engineer and with approval from appropriate municipal emergency service personnel. The emergency road must be a minimum of 18 feet in width.
2. **Road Construction** - All private roads within and providing access to the active adult community shall be designed and constructed in accordance with the road construction specifications set forth in Section 82-5 through 82-14 of the Road Regulations of the Town of Bethel, as amended, except that the Commission may modify the specifications for curbing, and width of cul-de-sac roads may be a minimum of 22 feet. The main access road shall be a minimum of 24 feet in width. Private roads shall be permanently restricted as private roads and shall be shown on the site plan as private roads, not to be deeded to the Town of Bethel.
3. **Parking** - Parking requirements shall be in accordance with Section 6.2, as may be amended. At a minimum, there shall be an average of one garage per unit. Driveways may be counted as a parking space provided there is a minimum of 22 feet in depth of paved area. The Commission may require additional parking for visitors at locations throughout the development.
4. **Fire Protection** - The development must be provided with adequate fire-fighting facilities, including water storage and/or hydrants as may be required by the Fire Department and the Fire Marshal.
5. **Utilities** - All utilities shall be located underground.

G. Approval Process

1. No zone change to Planned Residential Development Zone (PRD) shall be approved without approval of an accompanying special permit for a PRD schematic development plan (the "plan").
2. The PRD schematic development plan shall be a schematic concept plan drawn to a scale of one inch = 100 feet which shall show:
   a. typical building design and locations,
   b. roads, typical parking locations,
   c. landscaped areas, recreational facilities, utilities, and
   d. any additional information that the Commission may deem pertinent, in substantial conformance with this section.
3. The application shall also include a narrative statement describing the proposed use of the proposed structures and facilities and the narrative statement together with the PRD schematic development plan shall be controlling as to the uses permitted on the site and the layout and development of the site.
4. An application for site plan, pursuant to Section 8.4 of these regulations and consistent with the conditions of the special permit for the PRD schematic plan, shall be submitted within one year following the approval of the zone change and the special permit for the PRD schematic development plan. The Commission may grant an extension for one additional period of one year for the filing of the site plan.
5. The site plan, in addition to meeting the requirements of Section 8.4 of these regulations and the conditions of the special permit, shall be consistent with the PRD schematic plan and shall contain the proposed declaration of condominium and bylaws for the project. The Commission shall approve, modify and approve, or disapprove the site plan based upon conformance with the special permit for the PRD schematic development plan and other applicable regulations.

H. Construction and Maintenance

1. Upon completion of construction of the development, the developer shall furnish the Town of Bethel with three sets of as-built plans for the private roads, including the stamp and seal of a registered professional engineer licensed by the State of Connecticut, certifying that the private road(s) have been inspected and that the construction meets the design standards of the Town of Bethel for municipal roads.
2. All common project facilities or systems shall be maintained by the applicant, owner or residents' association in perpetuity. Such facilities and systems shall include, but may not be limited to, the following:
   a. Project utilities, including fuel, lighting, electricity, telephone, cable television distribution systems and controls.
   b. Roadways, sidewalks, drives and parking areas, including curbing and paving.
   c. Drainage systems, including erosion and sedimentation protection, piping, drains, catch basins, manholes, cleanouts and riprap ditching.
   d. Recreational facilities.
   e. Landscaping, including maintenance of buffer areas and conserved land areas.

SECTION 5.6. RESIDENTIAL MULTI-OFFICE ZONE (RM-O)

A. Purpose

The Residential Multi-Office (RM-O) district is intended to be a residential district primarily where the aim is to:

- maintain historic structures and the historic character of areas in and near the center of Bethel,
- maintain residential uses, especially in areas outside Greenwood Avenue, and
- consider allowing some non-residential uses along Greenwood Avenue when historic structures and the historic character are maintained.

B. Architectural Review Required

The RM-O Zone is hereby designated as a Village District as authorized by CGS Section 8-2j. Any new construction or remodeling of the exterior of a building within the RM-O Zone shall be reviewed by a design review board designated by the Commission (see Section 6.10 for additional information and requirements) except that a single-family residential use shall be exempt from this requirement.

C. Uses Permitted

1. Any use permitted in Residence Zone RR-10 subject to the same conditions and limitations.
2. For a use permitted, accessory uses when customarily incidental to a permitted use and on the same premises.
3. More than one building per lot may be required by the Commission where the Commission determines it would be advisable, consistent with the area and in the best interests of the town, because of any one or more of the following considerations:
   a. Aesthetic consistency with surrounding buildings.
   b. Nature of the proposed use.
   c. Traffic flow.
   d. Other factors peculiar to the land such as shape of the lot or existing topography.

D. Uses Permitted by Special Permit

All special permit uses shall provide appropriate landscaping, as determined by the Commission, in order to provide a transition between uses.

1. Professional office within an existing building without frontage on Greenwood Avenue.
2. Professional office within a new building or an addition to an existing building.
3. Bed and breakfast.
4. Three- and four-family dwellings in accord with the minimum lot area per family as outlined in Subsection 5.6.E.
5. Special permit uses permitted in the Residence Zone RR-10, except cluster development as set forth in Subsection 3.2.C.7.
6. Accessory uses customarily incidental to a special permit use are permitted on the same premises by special permit.
7. More than one building per lot may be requested by the applicant or required by the Commission where the Commission determines it would be advisable, consistent with the area and in the best interests of the town, because of any one or more of the following considerations:
    a. Aesthetic consistency with surrounding buildings.
    b. Nature of the proposed use.
    c. Traffic flow.
    d. Other factors peculiar to the land such as shape of the lot or existing topography.

E. Dimensional Standards [1]

1.	**Minimum lot area (SF)**	
	a. Four-family use	20,000
	b. Three-family use	15,000
	c. Other permitted uses	10,000
2.	**Minimum lot width / frontage**	80 feet
3.	**Minimum square dimensions (feet)**	
	a. Office use	70 feet
	b. Other permitted uses	80 feet
4.	**Maximum building coverage**	35%
5.	**Minimum front yard**	20 feet
6.	**Minimum side yard**	
	a. Principal buildings	5 min. / 15 total
	b. Accessory buildings	10 feet
7.	**Minimum rear yard** a.	
	Principal buildings b.	35 feet
	Accessory buildings	15 feet
8.	**Maximum building height**	2 1/2 stories
9.	**Maximum building height**	35 feet
10.	**Minimum floor area per unit (sq. ft.):**	
	a. Three- or four-family	750 SF

Notes: (1) Where the Commission determines that multiple buildings on one site will be most appropriate, it may modify any of the dimensional standards in this section.

F. Additional Requirements

1. All uses shall be connected to the Town sewer.

SECTION 5.7. EDUCATIONAL PARK ZONE (EP)

A. Purpose

The purpose of the EP Zone is to provide for municipal facilities in a campus-like atmosphere with appropriate standards.

B. Uses Permitted by Special Permit

An application for site plan review shall be submitted to the Commission for each permitted or accessory use. The site plan shall depict the entire parcel on which the use is proposed.

1. Public schools, including elementary, middle and senior high schools.
2. Educational administrative offices.
3. Educational and recreational maintenance facilities.
4. Public emergency services facilities.
5. Uses customarily accessory and incidental to a permitted principal use.
6. The following accessory uses are expressly permitted:
   a. Facilities related to the function and operation of public schools.
   b. Athletic fields, fences, playing courts, running tracks, playgrounds, aquatic pools, bleachers, dugouts, and concession stands.
   c. Lighting for athletic fields, by special permit only.

C. Dimensional Standards

1.	Minimum Lot Area	13 acres
2.	Minimum Frontage	250 feet
3.	Minimum Lot Width	250 feet
4.	Minimum Square Dimension	500 feet
5.	Minimum Building Separation	
6.	Maximum Building Coverage (building)	15%
7.	Minimum Setback [(1) (2)]	50 feet
8.	Maximum Building Height	three stories
9.	Maximum Building Height	35 feet

Notes
1. Nonresidential uses adjoining an R-40 or R-80 Residence Zones shall observe a minimum setback of 100 feet from the nearest lot line of any residential lot and the resultant area shall be landscaped, planted as a buffer, or preserved in its natural state as needed for protection of adjacent properties.
2. The setback requirement may be waived between adjacent properties owned by the Town of Bethel.

D. Design Standards

1. **Multiple Uses** - Each lot may contain multiple principal and accessory uses, so long as all criteria of these regulations are otherwise met.
2. **Utilities** - Each lot shall be served by public sewers capable of handling the needs of the development.
3. **Utilities** - Each lot shall be served by a public water supply capable of handling the demand required by the development for both potable water and fire-fighting service.
4. **Access Roads** - Notwithstanding any other provision of these regulations, each lot shall be served by roads suitable in design and capacity for the traffic to be generated by the educational park. Any such roads shall be constructed to the standards of the road construction specifications set forth in Section 82-5 through 82-14 of the road regulations of the Town of Bethel, as amended. If any such roads are not accepted as public roads, they shall be accepted as open to the public under CGS Section 13a-71. At least two independent means of access shall be provided to one or more public roads.
5. **Parking** - Notwithstanding any other provision of these regulations, parking required for uses permitted in the EP Zone shall be determined as follows (for purposes of this section only, the term "classroom" shall refer to a room within an educational facility that is designed or intended to be used for teaching purposes more than half of the scheduled periods in a day):
   a. Each elementary school or middle school shall provide 25 off-street parking spaces plus a minimum of 1.5 spaces for each classroom.
   b. Each senior high school shall provide 50 off-street parking spaces, plus a minimum of seven off-street spaces per classroom.
   c. Each educational administrative office shall provide a minimum of one off-street parking space per 200 square feet of floor area.
   d. Educational and recreational maintenance facilities shall provide one off-street parking space per 1,000 square feet of floor area.
   e. Public emergency service facilities shall provide a minimum of one off-street parking space per 200 square feet of floor area.
6. **Landscape Requirements** - If deemed necessary by the Commission, all permitted uses shall be separated from adjacent residential uses on all sides and front by a screen, a landscaped buffer or a screen in accordance with Section 6.1 of these regulations.
7. **Site Lighting** - Adequate lighting shall be provided at appropriate intervals for all roadways and site parking areas. Measures shall be taken to minimize light from projecting beyond the property boundaries.
8. **Utilities** - All utilities shall be placed underground.
   a. Each lot shall be suitable for the construction of interior roads, buildings, and other uses customary to educational facilities.
   b. The provisions of Section 6.4 of these regulations regarding excavation and fill activities shall apply to the EP Zone.

SECTION 5.8. DESIGNED CONSERVATION DISTRICT (DCD)

A. Purpose

The Designed Conservation District (DCD) is intended to permit creative development of land in a manner that will conserve natural, scenic and historic areas, including views and vistas observed from public streets, preserve open space and other natural resource and environmentally sensitive areas, and promote efficient development.

B. Nature of District

The DCD is an overlay district. The requirements and provisions of the DCD shall supplement the requirements and provisions of the underlying zone.

C. Location

The DCD may be applied only to land located within the R-10 and RR-10 zoning districts.

D. Size of District

The DCD may be applied only to parcels of land consisting of at least 5 acres.

E. Permitted Uses

1. Uses as permitted in the underlying zoning district.
2. Single family detached dwellings (whether held in individual subdivided lots or in one or more common interest ownership communities).
3. Multifamily dwellings containing no more than four units per structure (whether held in individual subdivided lots or in one or more common interest ownership communities).
4. Accessory uses to the above, which may include, in addition to uses customarily incidental to the principal uses, and recreational facilities for use by the residents of the DCD.

F. Ownership

1. Dwellings within a DCD may be located on individual lots pursuant to an approved subdivision plan, or may be located in one or more common interest ownership communities.
2. Where the dwellings are located in common ownership interest communities, all private roads and common open space shall be maintained by the homeowners' association.
3. The homeowners' association shall be established prior to issuance of any certificates of occupancy.
4. Membership in the homeowners' association shall be mandatory for each dwelling unit owner.
5. It shall be stated on the site plan and recorded on each deed or declaration of common interest ownership community condominium in the office of Town Clerk that each dwelling unit owner possesses an undivided interest in all private roads, common areas and open space and is jointly and separately responsible for their maintenance and for the payment of all required taxes thereon.

G. Design Standards

1. Base Density.

a. The number of dwelling units that shall be permitted on a parcel of land shall be determined by dividing the gross area of the parcel, exclusive of the area occupied by wetlands and watercourses and slopes in excess of 25 %, by:

i. If the underlying zoning district is the R-10 zoning district, 10,000 square feet.

ii. If the underlying zoning district is the RR-10 zoning district, 5,000 square feet;

b. A fractional dwelling unit total shall be rounded down to the nearest whole number if below 0.5 and rounded up to the nearest whole number if the fraction is greater than or equal to 0.5.

c. The total number of dwelling units may not exceed the maximum number of dwelling units that would be permitted on the parcel by the underlying zoning district.

2. Density Bonus.

a. Additional dwelling units on a parcel of land shall be permitted, provided that twenty percent (20%) of the total dwelling units on the parcel of land are subjected to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income, as defined by CGS Section 8-30g (a) (7).

b. The number of additional dwelling units that shall be permitted on a parcel of land shall not exceed one-half of the number of dwelling units calculated under Subsection 5.8.G.1.

c. Additional dwelling units in excess of the number calculated under subparagraphs (a) and (b) of this section may be permitted by special permit, as part of an affordable housing application, as that term is defined by CGS Section 8-30g (a) (2).

d. A development proposal that utilizes an affordable housing density bonus shall submit an affordability plan that complies with CGS Section 8-30g (b) and regulations adopted pursuant thereto.

e. At the applicant's request, some or all of the dwelling units required by subparagraph (a) of this section to be deed-restricted dwelling units maybe approved as unrestricted dwelling units, as follows:

i. The applicant shall pay to the Town of Bethel a fee-in-lieu of the affordable housing unit in an amount to be determined by the Commission after consultation with the Town of Bethel Housing Administrator for each deed-restricted dwelling unit that is to be approved as an unrestricted dwelling unit, to be used for the express purpose of assisting in the construction and renovation of affordable housing in the Town of Bethel.

ii. Any such payments shall be made, in good funds, prior to the issuance of any zoning permits for the development or in accordance with such other schedule that the Commission, in its sole discretion, shall determine.

iii. Any such payments shall be deposited into, and held in, a separate account administered by such entity as the Board of Selectmen may designate.

iv. No expenditure of any funds received under this section may be made without the approval of the Commission. Any such expenditures must be consistent with the Plan of Conservation and Development.

v. Any such payments shall be secured by a lien on the property, which may be filed in the Land Records on or after the effective date of the approval of the application. The Commission may, in its sole discretion, waive or modify this requirement.

vi. The provisions of this section shall be within the sole discretion of the Commission to exercise. Nothing contained herein shall grant to an applicant the right to make a payment in lieu of providing some or all of the deed-restricted units which may be required by this section.

vii. The provisions of this section shall not apply an affordable housing application, as that term is defined by CGS Section 8-30g (a) (2).

3. Dimensional Standards. **[effective 5/7/2015]**

a. For dwelling units located on individual lots:

i. Minimum lot area (for dwellings)	6,000 square feet
ii. Minimum lot width:	50 feet
iii. Minimum front setback:	20 feet
iv. Minimum side setback:	
a) Principal building:	8 feet
b) Accessory building:	5 feet
v. Minimum rear setback:	
a) Principal building:	25 feet
b) Accessory building:	5 feet
vi. Maximum building height:	
a) Feet	35 feet
b) Stories	2 ½ stories.
vii. Maximum Impervious Coverage:	25 percent of gross lot area

b. For dwelling units not located on individual lots:

i. Minimum setback:	
a) Principal building:	20 feet
b) Accessory building:	20 feet
ii. Minimum building separation:	10 feet
iii. Maximum building height:	
a) Feet	35 feet
b) Stories	2 ½ stories.
iv. Maximum Impervious Coverage:	20 percent of gross lot area

c. The provisions of this section shall supersede any dimensional standards of the underlying zone.

4. Sewer And Water - If the underlying zoning district is the R-10 or RR-10 zoning district, all uses in the DCD shall be served by municipal sewer and water.

5. Private Roads.

a. All private roads within and providing access dwelling units in a DCD shall be designed and constructed in accordance with the standards of the Town of Bethel for municipal roads, except that cul-de-sac roads of 800 feet in length or less providing access to dwelling units in a common interest ownership community may have a minimum paved width of 22 feet.

b. Private roads shall be permanently deeded and shall be shown on the site plan as private roads not to be deeded to the Town of Bethel.

c. Upon completion of construction, the Town of Bethel shall receive as-built plans of the private roads and a seal of certification from a registered professional engineer licensed by the State of Connecticut attesting that he/she has inspected the private road(s) and determined that it meets all the design construction standards of the Town for municipal roads.

6. Open Space. **[effective 5/7/2014]**

a. No less than 35% of the gross lot area of land in a DCD shall be reserved for open space. Provided, however, that if the dwellings are to be on individual subdivided lots, an applicant may: (i) reserve no less than 25% of the gross lot area of the land for open space, and (ii) pay a fee in lieu of open space equal to no more than 10% of the fair market value of the gross lot area of the land or a proration thereof (on the basis of the land actually reserved for open space). The payment of the fee in lieu of open space shall be calculated in accordance with the provisions of Section 95-10 of the Bethel Subdivision Regulations and Section 8-25 of the Connecticut General Statutes.

b. No more than half (50%) of the area reserved meeting the minimum open space requirement shall consist wetlands, watercourses and steep slopes in excess of 25%.

c. The open space may be conveyed to the Town of Bethel, an appropriate conservation organization, or a homeowners' association (subject to a conservation easement).

d. Any additional area containing wetlands and watercourses and slopes in excess of 25% shall also be subjected to a conservation easement, or may be conveyed to an appropriate conservation organization or the Town of Bethel.

e. The method of ownership and maintenance of all common open space shall be specified in the application documents.

7. **Landscaping.**

   a. All buildings, parking areas, driveways and walkways shall be substantially screened from all streets and adjoining properties by a landscaped treatment acceptable to the Commission.

   b. A mix of shade trees, evergreen trees, flowering trees and shrubs shall be planted in all buffer areas and around the buildings to provide suitable year round screening and a pleasant aesthetic environment.

   c. To the greatest extent possible, all mature trees shall be retained on the site.

   d. All landscaping shall comply with the requirements of Section 6.1.

H. Age Restricted Community.

1. A DCD may apply to a community including "housing for older persons" as defined in 42 USC 3607 (b) (1).
2. An applicant for a DCD that proposes to include housing for older persons shall submit to the Commission prior to the close of any public hearing, and in addition to any other documents required by these regulations, draft public offering statements, common interest community declarations, restrictive covenants, policies and procedures that will be implemented to ensure compliance with the Fair Housing Act to maintain the community as housing for older persons.
3. The applicant shall also provide sufficient information to the Commission to allow the Commission to determine the effect of the failure of the community to maintain compliance with the Fair Housing to maintain the community as housing for older persons, including, among other things, the effect on traffic, school enrollments, open space, municipal services, and other considerations.

I. Application Procedures.

1. **Zone Change** - An application to apply the DCD to a parcel of land constitutes a petition for legislative action to amend the Zoning Map and:

   a. The petition shall be submitted to the Commission and shall be signed by the owner(s) of all the land within the proposed District.

   b. Upon receipt of the petition the Commission shall hold a public hearing and act on the petition in the same manner as required for an application to change zone district boundaries and as specified in the Connecticut General Statues.

2. **Required Submittals** - All applications to apply the DCD to a parcel of land shall include concurrent submission, review, and action by the Commission of:

   a. A petition to amend the zoning map;

   b. An application for special permit as provided for under Section 8.5;

   c. A conceptual site plan showing the proposed location of all streets, driveways, structures, detention and drainage structures and other improvements and, if applicable, proposed lot lines.

   d. A conceptual subdivision plan which would conform to the regulations of the underlying zoning district, so that the Commission can ascertain that the base density per Subsection 5.8.G.1 does not exceed the density as allowed in the underlying district. The conceptual subdivision plan shall be both feasible and prudent.

   e. A written report explaining how the application of the DCD to the parcel of land will meet the purposes stated of this Regulation and will be consistent with the Town Plan of Development.

f. A suitable boundary description and A-2 survey map of the proposed District boundaries, including a delineation of the areas within the proposed District which are to be reserved for open space as defined and required herein.

g. A topographic map with at least two foot (2') contours.

3. **Detailed Plans** - Within one (1) year after approval of a DCD, and prior to the issuance of any zoning and/or building permits for building or development within the DCD, the applicant shall submit an application for approval of a Site Development Plan, consistent with the Conceptual Development Plan, prepared in accordance with the specifications for a Site Plan under Section 8.4, which shall be reviewed by the Commission under the provisions thereof as a Site Plan.

4. **Subdivision Plans** - If any portion of a development proposal requires that the property be divided, then within one (1) year after approval of a DCD, and prior to the issuance of any zoning and/or building permits for building or development within the DCD, the applicant shall submit an application for subdivision.

5. **Expiration** - In the event that an application for a Site Development Plan and/or Subdivision Plan is not submitted within one (1) year of the effective date of the DCD, the approval of such District shall be rescinded, the zoning map shall automatically be amended so that the zoning district of the parcels of land shall revert to the district in which they were originally located.

ARTICLE 6 - BASIC STANDARDS

SECTION 6.1. LANDSCAPING

A. Purpose

This Section of the Regulations is intended to promote the general welfare by preserving existing vegetation; requiring planting of new materials; providing privacy from visual intrusion, light, dirt, and noise; preventing the erosion of soil; providing water recharge areas; and improving the quality of the environment and attractiveness of Bethel.

B. Applicability

This Section of the Regulations shall apply whenever any proposed building, structure, or development activity requires the submission of a Site Plan application or a Special Permit application. These provisions shall not apply to the construction or development of a single-family dwelling or a two-family dwelling unless part of a multi-family development.

C. Overall Landscaping Standards

1. All portions of properties which are not proposed as locations for buildings, structures, off-street parking and loading areas, sidewalks or similar improvements shall be landscaped as a formal area or buffer and permanently maintained in such a manner as to minimize stormwater runoff.
2. Landscaping shall not obstruct line-of-sight for vehicles entering or exiting the premises, nor shall it unduly obstruct line-of-sight for vehicles traveling on abutting Town or state highways.

D. Existing Vegetation and Site Features

1. Existing plant materials may be used to meet all or part of the landscaping regulations and, to the extent possible, existing trees and unique site features, such as stone walls, shall be saved.
2. Existing trees in good condition over 18 inches in caliper shall be preserved unless approved for removal by the Commission.
3. All trees to be saved, either as proposed by the applicant or as required by the Commission, shall be clearly identified for protection.
4. All unique site features (such as stone walls) to be saved, either as proposed by the applicant or as required by the Commission, shall be clearly identified for protection.
5. For resources to be protected:
   a. The protection zone shall be defined:
      i. by a recognized arborist (for trees),
      ii. by the drip line of the tree canopy (for trees), or
      iii. as otherwise recommended by the applicant or approved by the Commission.
   b. The protection zone shall be clearly delineated on the site plan.
   c. The Commission may require the posting of a bond to ensure protection of significant trees and other unique resources identified for preservation.

d. Snow fence or orange plastic fencing shall be erected around the perimeter of the protections zone prior to construction.

e. The fence around the perimeter of the protections zone shall be securely staked and shall be posted with "no trespassing" signs to prevent encroachment within the protected area.

f. No activity (construction, traffic, storage, etc.) shall be permitted within the protection zone as delineated on the site plan and approved by the Commission.

g. The protective fencing shall remain in place until all construction work has been completed and the ground has been stabilized.

h. Attention shall be paid to drainage issues (erosion control, storm water drainage, cement truck cleaning, etc.) in and near the protection zone so that the viability of the trees and other unique site features within the protection zone is not adversely affected.

E. Perimeter Landscaping Standards

1. Within the front yard, a suitably landscaped planting area shall be provided for the full width of the lot with at least the following minimum depth:

Zone	Minimum Depth
VC Zone	10 feet
C Zone	10 feet
RT6 Zone	35 feet if within 300 feet of an intersection, otherwise 25 feet
I Zone	25 feet
IP Zone	25 feet except that property which abuts a residential property line shall provide a 150 foot landscaped yard and such yard shall not be used for parking or storage

2. Such front yard landscaped planting area may be traversed by driveways and sidewalks as approved by the Commission.

3. Deciduous trees of not less than three-inch caliper shall be planted in the front setback as follows:

   a. The total quantity of such trees to be planted shall be based on one tree for each 40 feet of street line frontage or fraction thereof,

   b. The actual planting of such trees shall be designed and implemented:

      i. to complement the street, the site, and the building,

      ii. to allow for flexibility in location in order to create natural groupings and harmonious effect, and

      iii. to avoid conflicts with overhead wires and underground utilities.

F. Perimeter Buffering Standards

1. Where required by these Regulations, a planted buffer shall consist of at least one and, where conditions permit, two parallel rows of dense plant materials, such as evergreen trees or shrubs, of not less than eight feet in height spaced no further apart than is required to provide a visual barrier to adjoining properties.
2. Where landscaped buffers are required, a planting plan and plant list with types and sizes shall be required as part of the site plan approval.
3. Where a commercial use, an industrial use, or a special permit use is adjacent to a residential zone, all yards adjoining such residential use shall include a landscaped buffer with at least the following minimum depth:

Zone	Minimum Depth
VC Zone	As required by the Commission, not less than 10 feet for a side yard and 20 feet for a rear yard
C Zone	10 feet
RT6 Zone	As required by the Commission, not less than 20 feet for a side yard and 25 feet for a rear yard
I Zone	25 feet
IP Zone	25 feet except that property which abuts a residential property line shall provide a 150 foot landscaped yard and such yard shall not be used for parking or storage
Special Permit Use	As deemed necessary by the Commission,

4. When mature existing vegetation is not being incorporated into the buffer plantings, or when such vegetation comprises a relatively insignificant proportion of the buffer, the buffer area shall be composed of a suitable combination of evergreen, deciduous and flowering trees and shrubs.
5. Where a commercial or an industrial use is adjacent to a residential zone, a visual screen such as a fence or landscaped area may be required by the Commission to aid in the separation of dissimilar land uses.
6. Where required in Section 6.2.I (Residential Limitations) of these regulations, a durable, solid fence six feet in height or a row of evergreen trees or shrubs, of not less than eight feet in height spaced no further than apart is required to provide a visual barrier to adjoining properties and the street. **[Effective 2/4/2011]**
7. A front yard landscaped buffer may be traversed by driveways and sidewalks as approved by the Commission.
8. The Commission may allow an alternative landscaped buffer design which:
   a. Meets, or exceeds, the performance level of the inter-planted buffer.
   b. Includes tree and shrub plantings and may include hedges, earthen berms, fencing or other treatments.
9. The Commission may modify proposed landscaping plans to require more mature plantings, different species or alternative design in order to afford a functional and aesthetically pleasing buffer area.

G. Parking Area Landscaping Standards

Required parking areas for all commercial, industrial and special permit uses shall be landscaped as follows:

1. **Interior Islands Required** - Required parking areas shall have a landscaped island marking the end of each row of vehicle parking spaces and an intermediate landscaped island across each row of vehicle parking spaces at intervals of not more than 10 vehicle spaces and each such planting island shall:
   a. be not less than eight feet wide in the direction perpendicular to the parking stalls and not less than 18 feet long in the direction parallel to the parking stalls.
   b. have a suitable curb of granite or concrete.
   c. be planted with grass or ground cover.
   d. at the discretion of the Commission, have one tree of not less than two-inch caliper.
2. **Separation From Street or Sidewalk** - All parking areas adjacent to a sidewalk or street line shall have:
   a. a landscaped safety island not less than three feet in width and six inches high, except at points of access.
   b. a durable bumper guard, approved by the Building Inspector, installed to prevent vehicles' encroachment on the landscaped safety island.
3. **Screening Required** - Parking areas adjacent to residential uses shall be provided with screening of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or by night, by the movement of vehicles.

H. Service Area Landscaping and Screening

Service areas for delivery refuse, recycling, and mechanical/electrical equipment shall be appropriately screened and/or landscaped as determined by the Commission. In the case of refuse and recycling areas, this may include walls, fencing, gates, and other measures to enhance the public health, safety, and welfare.

I. Planting and Maintenance Standards

1. Every required landscape area shall be planted with trees (shade or ornamental), shrubbery and ground cover or grass.
2. Planting plans shall consider the "suggested" and "undesirable" varieties of plantings as included in the Appendix.
3. Landscaping, trees, shrubs and other planting material required by these regulations shall:
   a. Be planted in a growing condition according to accepted horticultural practices.
   b. If adjacent to parking areas, loading areas or driveways be properly protected by curbs, posts or other means to prevent damage from vehicles.
   c. Be maintained in a healthy growing condition.
4. Any landscaping, trees and shrubs proposed by the applicant or approved by the Commission which shall be in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.
5. A screening fence or wall required by these regulations shall be maintained by the property owner in good condition throughout the period of use of the lot.

J. Modification

The Commission may waive or modify any landscaping standards for excellence in landscaping and/or site design elsewhere on the site.

SECTION 6.2. PARKING, LOADING, ACCESS AND STORAGE

A. Purpose

This Section is intended to provide adequate parking and loading facilities to serve all existing and proposed uses.

B. Applicability

1. Motor vehicle parking facilities and loading spaces, together with adequate exits and entrances thereto, shall be installed and permanently maintained as provided in this Section for each building erected, enlarged or altered and for any land or premises hereafter used in any zoning district.
2. For land, structures or permitted uses actually used, occupied or operated on the effective date of this regulation, the number of existing parking spaces shall not be reduced below the minimum number of spaces required under this regulation.
3. For all permitted uses established or placed into operation after the effective date of this regulation, there shall be provided the amount or number of off parking spaces hereinafter set forth.

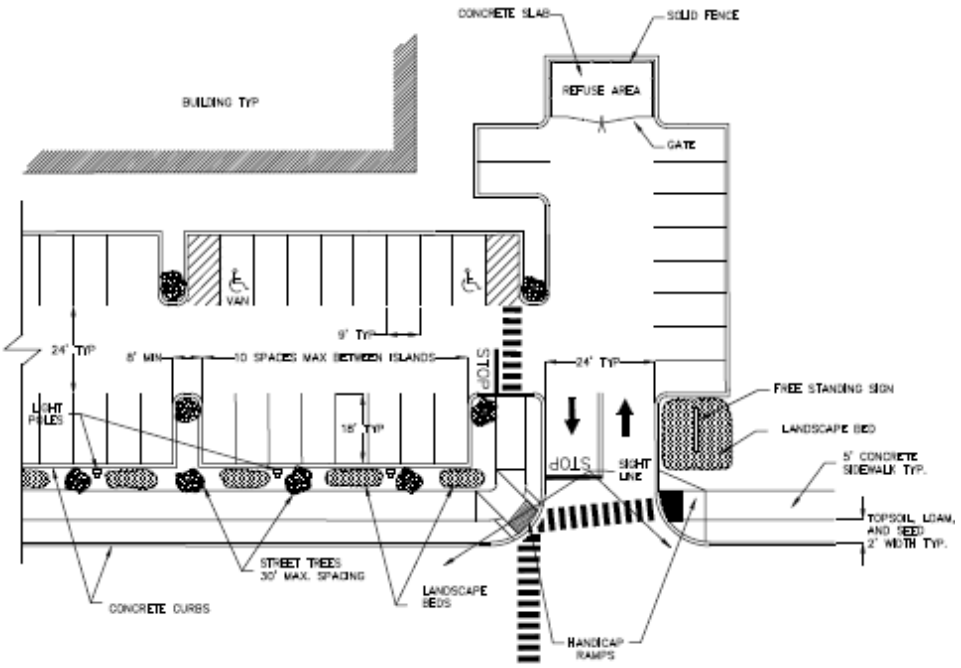
C. Number of Parking Spaces

Each use shall provide parking sufficient to accommodate all vehicles normally associated with that use, except as provided in Subsection 6.2.D regarding shared parking by off-hour uses.

	Minimum Parking Requirements
1. Residential Uses	
a. Single family residential use on a separate lot	Two spaces for the dwelling unit
b. Multi-family building on an individual lot:	
i. Efficiency, one-bedroom, or two-bedroom units	Two spaces per dwelling unit
ii. Three-bedroom units	Three spaces per dwelling unit
iii. Four or more-bedroom units	Three spaces plus 0.5 spaces per bedroom
c. Multi-family development:	
i. Efficiency, one-bedroom, or two-bedroom units	Two spaces per dwelling unit
ii. Three-bedroom units	Three spaces per dwelling unit
iii. Four or more-bedroom units	Three spaces plus 0.5 spaces per bedroom
iv. Visitor parking	0.25 spaces per unit

	Minimum Parking Requirements
Residential Uses (cont.)	
d. Bed-and-breakfast establishments	Two spaces for the dwelling unit plus one space per bedroom used for the bed and breakfast
e. Home-based business	Two spaces for the dwelling unit plus one space per home based business plus one space per non-resident employee plus other spaces as may be necessary, in the opinion of the Commission, for the home based business
2. Institutional-Type Uses	
a. Church, Community center	One space per 150 square feet of useable floor area
b. Club, lodge, fraternal organization	One space provided per 100 SF useable
c. Educational facility	25 spaces, plus: • Two off-street parking spaces per classroom up to grade 8 • 10 off-street parking spaces per classroom above grade 9
d. Places of assembly	One space per 3 seats or one space per 3-person capacity
3. Business Uses	
a. Retail store	One space per 200 SF of gross floor area
b. Personal service establishment	One space per 200 SF of gross floor area
c. General office	One space per 200 SF of gross floor area
d. Financial institution	One space per 200 SF of gross floor area
e. Medical office	One space per 150 SF of gross floor area
f. Gasoline station	One space at each dispenser plus an additional parking space for each dispenser
g. Automobile repair	Two spaces plus one additional space per 200 SF of gross floor area and one space per bay
h. Industrial uses	1.5 spaces per 1,000 SF of gross floor area

	Minimum Parking Requirements
4. Hospitality Use	
a. Sit-down restaurant	One space per 100 SF of public floor area and one space per 200 SF of non-public floor area
b. Fast food restaurant	One space per 100 SF of public floor area and one space per 200 SF of non-public floor area
c. Hotel or motel	One space per habitable unit plus one space per employee on the largest shift
5. Recreational Use	
a. Indoor recreation facility (tennis, ice-skating, etc.)	One space per 150 SF of public floor area
b. Outdoor recreation facility (miniature golf, batting cage, golf driving range, etc.)	One space per station (at full capacity of facility), plus one space per employee
c. Theater	One space per three seats
6. Miscellaneous Uses	
a. Day-care or nursery school	One space provided per 200 SF of GFA
b. Uses not listed	As determined by the Commission



D. Modification of Parking Requirements

1. **Change of Use Exemption** - In the event that no new buildings or structures are being established and the land area, structures or permitted uses are simply being changed from one permitted use to another permitted use allowed under this regulation no additional parking spaces shall be required if:

   a. The new use requires less parking than presently exists.

   b. The parking requirement for the new use(s) is less than 125 percent of the number of spaces that presently exist.

2. **Permanent Shared Use Reduction** - The Commission may, by Special Permit, allow a reduction of the provision of up to 25% of the parking spaces required for the uses on one or more sites due to shared use of parking facilities when:

   a. the parking facilities provided on the site(s) are interconnected with adjacent parking facilities to create a functional parking arrangement,

   b. appropriate access and parking easements are executed between the adjacent properties providing for joint access and parking in perpetuity, and

   c. the Commission is satisfied that the parking needs of the joint users on the sites occur at different hours of the day or that adequate parking will be available for the current and potential future uses.

3. **Permanent Site Use Reduction** - The Commission may, by Special Permit, allow a reduction of the required parking spaces when the Commission is satisfied that:

   a. the parking needs of the uses on the site will occur at different hours of the day and there are adequate spaces provided for the peak parking demand,

   b. adequate parking will be available for the current and potential future uses due to the availability of public parking or other permanent arrangements,

   c. the applicant has, as provided in CGS Section 8-2c, made a payment in lieu of providing parking spaces, and/or

   d. the development will, due to its transit-orientation or similar situation, not require as many parking spaces as required by the regulations.

4. **Temporary Installation Deferral** - The Commission may, by Special Permit, defer the immediate installation of the required parking spaces where:

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

   b. the applicant has shown the complete layout for the full parking requirements, and

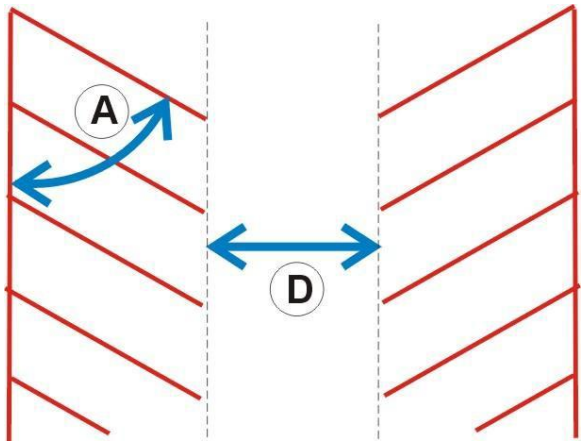
   c. the applicant accepts, in writing, a requirement that the owner will file the Site Development Plan in the Office of the Town Clerk, stipulating that the owner, or the successor and assigns of the owner, will install as many of the deferred parking spaces as the Commission deems necessary within 6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

E. Design of Parking Facilities

1. **Space Dimensions** - Parking spaces shall be at least 9.0 feet in width and 18.0 feet in length except that parallel parking spaces shall be 22 feet in length.

2. **Handicapped Parking** - Where the installation of parking spaces is required by these Regulations, parking spaces for the physically handicapped shall be provided as required by any applicable provisions of CGS Section 14-253a(h), the State Building Code, or the Americans with Disabilities Act (28 CFR Part 36), as they may be amended.

3. **Aisle Dimensions** - Off-street parking spaces shall be accessed from travel aisles of at least the following dimension:



	Vehicular aisle width(D)	
Parking Angle (A)	**One-way circulation**	**Two-way circulation**
0°	12.0′	24.0′
30°	14.0′	24.0′
45°	16.0′	24.0′
60°	18.0′	24.0′
90°	24.0′	24.0′

4. **Location Limitations** - In an Industrial Zone, if the 25 feet abutting the residential property line contains the required screen or landscaped buffer, the remainder of the required 100′ setback may be used for the off-street parking of cars in conformance with the provisions of this Section.

F. Loading Space Requirements

1. **Provision Required** - Loading space shall be provided for each establishment and shall be sufficient in size and arrangement to accommodate trucks of the type servicing the establishment. In the case of hospitals, institutions, hotels, restaurants, retail, wholesale and industrial uses, and wherever required by other uses, each loading space shall be a minimum of five hundred (500) square feet and loading spaces shall be furnished according to the following table:

Required Off-Street Loading Space

Gross Floor Area	Number Of Spaces
Up To 15,000 Sq. Ft.	1
15,000 To 30,000 Sq. Ft.	2
Each Additional 30,000 Sq. Ft.	1

2. Parking space as required in Section 6.2 shall not be considered for loading or unloading space.
3. Aisles in off-street parking areas may be used to maneuver for entry into loading spaces, if the efficient operation of the parking area is not affected thereby.
4. In any case where an off-street loading space or spaces have been established, loading shall thereafter take place in such space or spaces in preference to any public street or sidewalk.

G. Access

1. In a Commercial or an Industrial Zone, access to or from a use shall be permitted only from streets on which the lot frontage of the lot containing such use meets the minimum lot width requirement (in a Commercial Zone) or the minimum lot frontage requirement (in an Industrial Zone) for the zone in which such lot is located.
2. The requirements stated above shall not prevent the following:
    a. The continued use of an existing access in its existing location.
    b. The consolidation of existing access curb cuts or the relocation of an existing access on the same street that will improve traffic safety as determined by the Bethel Police Commission and/or the Town's traffic consultant.
    c. The allowance for access to and from a property where no other street frontage is available.

H. General Provisions

1. **Accessory Activity** - Access to, or parking in connection with, a use shall be considered to be accessory to such use and controlled by the same requirements as such use; but this provision shall not prohibit access across a Commercial Zone to a use lying in an Industrial Zones.
2. **Same Lot** – Except as may be otherwise provided in these Regulations, off-street parking spaces shall be located on the same lot as the permitted use for which they are provided.
3. **Ingress / Egress** - Parking spaces shall be provided with entrances and exits so located as to minimize traffic congestion.
4. **Drainage** - Parking spaces shall be graded for proper drainage.
5. **Surface Treatment** - Parking areas for non-residential uses shall be provided with an all-weather surface of asphalt or asphaltic concrete.
6. **Landscaping** – See Section 6.1 for landscaping and screening requirements for parking areas.
7. **Front Yard Limitations** - Required off-street parking space will be permitted in the required front yard, provided that ingress to and egress from the off-street parking spaces do not cause unsafe traffic conditions, under the following conditions:
   a. For one-family and two-family uses only, a maximum of two off-street parking spaces may be provided in the required front yard. For lots lacking adequate side yards, more parking spaces may be permitted with Commission approval.
   b. At the discretion of the Commission, off-street parking spaces in the VC, C, I and IP Zones may be provided in the required front yard provided the following standards are met:
      i. the required minimum landscaped area for the applicable zone will be provided for;
      ii. such parking will not present a hazard to pedestrians or circulation of vehicles on the site;
      iii. such parking will not affect access to or egress from the site; and
      iv. such parking will not adversely affect required sight distance at driveway entrances or exits or adjacent street intersections.
   c. For corner lots in the RT6 Zone:
      i. No parking is allowed in the required landscaped area as provided for in Subsection 6.1.E on that portion of a lot fronting on Route 6.
      ii. Parking is permitted in the other front yard, provided that there is a minimum ten-foot landscaped area.
8. **Nuisance Avoidance** - Parking spaces shall:
   a. be provided with wheel guards or bumper guards so located that no part of parked vehicles will extend beyond the property line.
   b. Have lighting facilities for parking spaces so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic.
   c. Loudspeaker systems shall not be used.
9. **Attendant Shelter** - Parking spaced areas may not have more than one attendant shelter building, which shall conform to all setback requirements for structures in the zone and which shelter building shall contain no more than 50 square feet of gross floor area.

I. Use and Maintenance [Effective 2/4/2011]

1. **Residential Limitations** - Off-street parking spaces and storage for residential uses on residential zoned property shall be conducted in accordance with the following specifications:

   a. The parking and storage of farm vehicles and related farm equipment used on a bon a fide farm shall be exempt from the requirements of these regulations.

   b. The parking of vehicles shall only be on a driveway surface (see definition) or in an enclosed building unless provided otherwise herein.

   c. The commercial sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies is prohibited.

   d. **Junk Storage** (see definition) must be contained within a 100 square feet area, shall not be located in a front yard, and shall be screened from view in accordance with Section 6.1.F.6 of these regulations.

   e. No more than two (2) vehicles parked on a residential zoned property and registered to the owner of the premises may be offered for sale in a twelve-month period.

   f. The parking of one (1) registered commercial motor vehicle is permitted provided that the vehicle is owned and/or operated by the owner or occupant of the property. Such vehicle shall not exceed a gross vehicle weight rating (GVWR) (see definition) of 11,500 pounds.

   g. Commercial Vehicles, regardless of GVWR, shall met the following standards:

      i. No vehicle shall have more than two (2) axles.

      ii. Such vehicle shall be parked on a driveway or in an enclosed building and shall not obstruct the view of traffic from adjacent driveways or streets.

      iii. Construction and other related mechanized equipment including but not limited to backhoes, skid loaders, bucket loaders, excavators, bulldozers, paving equipment and wood chippers shall not be stored on a residential zoned property unless and only when said vehicles and equipment are being used in connection with a current and valid permit issued by Town agency or is an activity which is exempted from permit requirements under Section 6.4.C or these regulations.

   h. One (1) utility trailer for household use may be kept on a residential property but not in a front yard and it must be screened from view in accordance with Section 6.1.F.6 of these regulations.

   i. One (1) motor vehicle hauling trailer for personal/non-commercial use may be kept on residential zoned property and shall be stored in an enclosed building or screened from view in accordance with Section 6.1.F.6 of these regulations.

   j. Trailers used for carrying registered recreational vehicles including but not limited to boats, jet skis, all terrain vehicles (ATV), and snowmobiles may be kept on residential property but not in a front yard and shall be stored in an enclosed building or screened from view in accordance with Section 6.1.F.6 of these regulations.

2. **Unregistered Vehicles** - Except as permitted in duly authorized zones, motor vehicles or trailers of any kind or type without a current registration to the owner, renter or occupant of the premises shall not be parked/stored on any property other than in completely enclosed buildings. **[8/15/2012]**

3. **Recreational Vehicles** - Including but not limited to a currently registered camping trailer, camping vehicle, motor home, boat, boat with trailer, jet ski, ATV, or snow mobile. One (1) such vehicle may be kept outside on a property but not in a front yard. Additional recreational vehicles may be permitted but shall be kept in an enclosed building or must be screened from view in accordance with Section 6.1.F.6 of these regulations.

J. Access Management [Effective 8/15/2012]

1. Purpose – This Section is intended to control the number, size, and location of driveways and access points, especially those that front on heavily trafficked roads and state highways, while allowing proper and adequate access to and from premises along such thoroughfares in order to promote overall traffic control, public safety, and welfare, provide for safer and more efficient traffic operations along major roadways through the management and reduction of vehicular congestion.
2. Applicability – The provisions of this Section shall apply only to development in Bethel.
3. Review Considerations – In reviewing proposed developments, the Commission and/or its designated agent shall review road layout, parking layout and configuration, traffic circulation within the site, the number and location of access points to and from the site, and the nature and type of traffic circulation on adjacent roadways to ensure that public safety and welfare is promoted with the greatest efficiency.
4. General Provisions
   a. Where street geometry, traffic volumes or traffic patterns warrant, the Commission may limit the number of driveways that serve a specific site, designate the location of any driveway, require the use or provision of a shared driveway with associated easements, and limit access to a major street and require access from a minor street.
   b. As part of an application approval, the Commission or its designated agent may require an applicant or owner to establish mutual driveway or other easements to provide a single point of access for two or more abutting properties in a location acceptable to the Commission and the Traffic Authority, file such easements on the land records in favor of the abutting property owners and/or the Town of Bethel as shall be acceptable to the Commission and Town Attorney, and/or utilize a mutual driveway or other easement that exists on abutting property in lieu of having a separate curb cut onto a road or street.
5. Specific Provisions
   a. Specific curb cut and access management plans may have been adopted by the Commission as follows:
      i. Curb Cut management Plan for Routes 6, 53, 58, and 302 in Bethel, Connecticut (2012); and
      ii. Such other corridors as deemed necessary.
   b. Where specific curb cut and access management plans have been adopted by the Commission, driveways and curb cuts shall, unless modified by the Commission, be brought into conformance with recommendations shown on maps contained in the document if:
      i. The application is for a new development;
      ii. The application is is for an existing development and involves an increase of twenty-five (25) percent or more in floor space or traffic generation; and
      iii. The proposal requires a special permit pursuant to Section 8.5 (Special Permit Application (PZC)) of these regulations or if the alteration or change of use of land or building necessitates the filing of a site plan application under Section 8.4 (Site Plan Application (PZC)) of these regulations.
   c. In reviewing existing and future curb cuts, the following guidelines shall be considered:
      i. Curb Cuts should generally be located opposite existing streets and/or major driveways;

ii. The number of site access points shall be limited;

iii. Driveway closures should not restrict internal site circulation; and

iv. Internal connections between adjacent properties and the combination of access/egress driveways serving adjacent properties shall be required whenever practical. When internal connections and the combination of driveways are proposed, the property owner shall record along with the deed to the property an easement allowing cross access, a joint maintenance agreement, and an agreement to close and eliminate any temporary driveways after construction of the joint-use driveway. The commission may extend incentives where appropriate to property owners who agree to consolidate driveways or provide cross access. These incentives may include reduction in lot dimension, parking or driveway spacing requirements.

SECTION 6.3. SIGNS

A. Purpose

While signs perform important functions in identifying businesses and in general advertising, the control of the number, size location, and design of signs is necessary to lessen hazards to pedestrians and vehicular traffic, avoid the potential for a blighting influence, and ensure sign design and construction which enhances the overall community.

B. Applicability

No sign, except as provided herein shall be erected, or structurally altered or otherwise changed, unless a Zoning Permit has been approved by the Zoning Enforcement Officer. A new name shall be deemed to be a change. Normal maintenance shall not be a change.

C. Sign Measurement

1. **Sign Area** - The sign area is calculated by determining the number of square feet of the smallest rectangle(s) within which a sign face can be enclosed. In determining the area of an individual sign that has more than one face (e.g. a monument or projecting sign), the single sign face with the greatest area shall be used. The total sign area is the sum of all individual sign areas.
2. **Sign Height -** The height of a sign shall be measured from the ground, adjacent to the sign, to the top of the sign and support structure. If the ground under the sign slopes, the height shall be measured from the average grade under the sign itself.

D. Exempt Signs

Provided they meet the listed requirements, the following signs may be installed without a sign permit (although a building permit or encroachment permit may be required under certain circumstances).

	Sign Type	Description
1.	**Address Signs**	Signs installed in compliance with Article 901.4.4 of the 1997 Uniform Fire Code.
2.	**Agriculture/Farm Signs**	One (1) wall sign on a building not to exceed 6 square feet in size and 10 feet in height from the existing grade. One (1) free standing post sign in accordance with Section 6.3.F of these regulations.
3.	**Construction Signs**	While a valid construction permit is active, a maximum of four signs located on construction sites not exceeding 12 square feet per side, if two-sided. For commercial projects, the maximum sign area is 16 square feet per side if two-sided.

	Sign Type	Description
4.	**Government Signs**	Official federal, state or local government signs and notices issued by any court, person or officer in performance of a public duty.
5.	**Political Signs**	Sign shall not be located on public property, within right-of-ways, or be located so as to obstruct sight lines or interfere with pedestrian traffic.
6.	**No Trespassing Signs**	Trespassing warnings that are posted in compliance with the requirements of Federal, State and local laws.
7.	**Real Estate Signs – Residential Zone**	One temporary sign per street frontage indicating that the property on which the sign is located is for sale, rent or lease. Any such sign may be single- or double-faced and is limited in size to 3 square feet or less.
8.	**Real Estate Signs – Non-Residential Zone**	One temporary sign per street frontage indicating that the property on which the sign is located is for sale, rent or lease. Any such sign may be single- or double-faced and is limited in size to 10 square feet or less.
9.	**Tag Sale Signs**	No more than 6 signs are permitted per event. No sign shall exceed 4 square feet in size. Signs may be placed one day in advance of the event and must be removed no later than 1 day after the event. No sign shall obstruct or interfere with pedestrian or vehicular visibility.
10.	**Temporary Window Signs**	Temporary signs painted directly on a window, affixed to the inside of a window, or hung within 12 inches of a window promoting any commercial or non-commercial message, provided the sign or signs do not exceed 10 percent of each window area, or 4 square feet per window, whichever is greater.
11.	**Traffic Safety Signs - Construction**	Signs warning of construction, excavation, or similar hazards if expressly approved by the Public Works Director.
12.	**Traffic Safety Signs - Directional**	Traffic control and safety devices intended to regulate, warn or guide traffic on private property used by the public provided such signs conform to the manual and specifications adopted under CGS Section 14-298.
13.	**Transit Signs**	Signs identifying transit stops, facilities, times, routes, and similar information.
14.	**Utility Signs**	Signs placed by utility companies as part of the normal operation and maintenance of facilities such as public telephones and underground services.
15.	**Vehicle Signs**	Painted signs or decals affixed to the body of any vehicle, unless parked for the primary purpose of displaying the sign.

E. Attached Signs

1. General Provisions -

a. Attached signs are attached to a building face.

b. Such signs shall be located on a building face that has a public entrance.

c. New commercial developments shall have a coordinated sign design. Existing commercial developments shall make every effort to establish a coordinated sign design.

d. Each tenant of a building located above the first floor may display a non-illuminated sign on the inside of one (1) window serving said tenant, provided that such sign shall not exceed six (6) square feet in area.

e. In no case may the maximum number or size of signs exceed the standards provided by these Regulations.

f. In no case may the illumination levels of signs exceed the standards provided by these Regulations.

2. Wall Sign

Signage Guidelines

Wall signs include most types of signage that are attached to the face of a building wall. These include channel letters made out of wood, metal or plastic. Wall signs may be painted on a wall, or on a board that is attached to a wall. Wall signs should be oriented to achieve balanced composition and harmony with other architectural elements of a building façade. Wall signs should be placed on a flat building surface and should not be placed over or otherwise obscure architectural building features.

a.	**Districts**	Allowed by Zoning Permit in the VC, C, RT6, I, IP. and EP zoning districts
b.	**Permitted Location**	Each sign must be attached to the building and located on a building face that has a public entrance. The Planning & Zoning Official may make exceptions to this requirement in circumstances where the purpose and intent of these regulations is maintained and where the orientation of the public entrance to a building is such that the sign would not have sufficient visibility from the public right-of-way to provide for adequate identification of the business or use.
c.	**Maximum Number**	Two (2) wall signs per tenant space.
d.	**Maximum Area**	In the VC Zone, the total area of a wall sign shall not exceed one (1) square feet per linear feet of building frontage for each tenant space. In the C, RT 6, I, IP and ED Park Zones, the total area of a wall sign shall not exceed (2) square feet per linear feet of building frontage for each establishment.
e.	**Maximum Height**	Signs in the VC, C, and ED Park zones shall not exceed (20) feet in height and shall not be located above the lower sill of a second story window. Signs in the RT 6, I and IP Zones shall not exceed (25) feet in height and shall not be located above the highest point of a second story.
f.	**Illumination**	See Section 6.3.I of these Regulations.
g.	**Other Limitations**	Box signs are not permitted in the Village Center (VC) Zone.

3. Awning Sign

Signage Guidelines

Signs on awnings should be minimized and are only appropriate if there are no good alternatives for wall signs, projecting signs or hanging and suspended signs.

a.	**Districts**	Allowed by Zoning Permit in the VC, C, RT6, I, IP, and EP zoning districts.
b.	**Permitted Location**	Signs may be located on awnings subject to size criteria. Awnings must maintain a minimum clearance of 8 feet above any public right-of-way or private sidewalk area.
c.	**Maximum Number**	One (1) awning sign is permitted per tenant space.
d.	**Maximum Area**	Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller.
e.	**Maximum Height**	N/A
f.	**Illumination**	See Section 6.3.I of these Regulations.

4. Projecting Sign

Signage Guidelines

Projecting signs are attached to a building face and project out perpendicular to the building wall. Projecting signs are very effective when oriented to pedestrians on the sidewalk level. Appropriate materials include wood and metal with carved or applied lettering, or any other material that is architecturally compatible with the building that the sign is attached to. Multiple projecting signs should not be installed within 10 feet from projecting signs on adjacent properties by 10 feet to ensure proper visibility.

a.	**Districts**	Allowed by Zoning Permit in the RMO (for an approved office use), VC, C, RT6, I and IP zoning districts.
b.	**Permitted Location**	Projecting signs must be attached to building façades that have a public entrance and must maintain a minimum clearance of 8 feet above the public right-of-way or private sidewalk area.
c.	**Maximum Number**	One (1) projecting sign is allowed per tenant space.
d.	**Maximum Area**	Projecting signs may be a maximum area of 6 square feet in area in the VC Zone and 12 square feet in the C and RT6 Zones.
e.	**Maximum Height**	N/A
f.	**Illumination**	See Section 6.3.I of these Regulations.

5. Hanging Sign

Signage Guidelines

Hanging signs, or suspended signs, are used to help define entries and identify business names to pedestrians. They are small and can hangover a building entry if the appropriate clearance is provided. Hanging signs can be particularly useful for storefronts that have multiple tenants.

a.	**Districts**	Allowed in the RMO (for an approved office use), VC, C, RT6, I and IP zoning districts.
b.	**Permitted Location**	Hanging or suspended signs must be attached to building façades that have a public entrance and must maintain a minimum clearance of 8 feet above any public right-of-way or private sidewalk area.
c.	**Maximum Number**	One (1) hanging or suspended sign is allowed per tenant space.
d.	**Maximum Area**	Hanging signs may be a maximum area of 8 square feet in area.
e.	**Maximum Height**	N/A
f.	**Illumination**	See Section 6.3.I of these Regulations.

6. Mural

Signage Guidelines

Certain building walls present opportunities for murals. Murals should not contain text or any specific commercial message. Murals that do not contain text or any specific commercial message can be considered public art.

a.	**Districts**	Murals may be located in all zones, subject to granting of a Special Permit by the Commission.
b.	**Permitted Location**	Murals may be located on any building wall, subject to a Special Permit.
c.	**Maximum Number**	There is no specific limit on the number of murals permitted, subject to a Special Permit.
d.	**Maximum Area**	Murals may be any size, subject to a Special Permit.
e.	**Maximum Height**	Murals may be any height, subject to a Special Permit.
f.	**Illumination**	See Section 6.3.I of these Regulations.

7. Wall-Mounted Directory Sign

Signage Guidelines

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

a.	**Districts**	Allowed by Zoning Permit in the VC, C, RT6, I, and IP zoning districts.
b.	**Permitted Location**	On a wall by the building entrance.
c.	**Maximum Number**	One directory sign may be permitted per building entrance.
d.	**Maximum Area**	Directory signs may be no larger than 12 square feet in area, and individual letters may not exceed 6 inches in height.
e.	**Maximum Height**	Each sign may have a maximum height of five (5) feet.
f.	**Illumination**	See Section 6.3.I of these Regulations.

8. Window Sign

Signage Guidelines

A window sign is a sign that is painted on or attached to a window and located within 12-inches of the face of a window. Window signs do not include business hours of operation or open/closed signs. Window displays, including merchandise displays, graphics and text, that are located more than 12 inches from the face of a window are not considered signs. Window signs should be scaled to the pedestrian and oriented to window shoppers on the sidewalk, as opposed to vehicles passing by. Window signs should be limited to small graphics and text that serve to frame a window or to provide information. A window sign should not obscure the view into a store or place of business.

a.	**Districts**	Allowed by Zoning Permit in the VC, C, and RT6 zoning districts.
b.	**Permitted Location**	There is no specific location requirement.
c.	**Maximum Number**	There is no limit to the number of window signs allowed.
d.	**Maximum Area**	Window signs are limited to a maximum of 25% of the window area.
e.	**Maximum Height**	N/A
f.	**Illumination**	See Section 6.3.I of these Regulations.

F. Detached Signs

1. General Provisions -

a. Detached signs are signs that are not attached to a building.

b. Such signs may be located in the required setback area provided there is adequate site distance for driveways and streets and that the sign does not interfere with visibility required for safe vehicular and pedestrian circulation.

c. The address of the development shall be placed on all free standing signs, except residential development signs, and shall be exempt from the computation of height and area requirements. The minimum height of address lettering shall be (4) inches and the maximum height of lettering shall be (18) inches.

d. No signage may be placed on the canopy of a gasoline station, whether attached or detached to a building.

e. Unless otherwise stated herein, no more than one (1) free standing sign shall be permitted on a premise.

2. Free-Standing Post Sign

Signage Guidelines

Free-standing post signs are primarily used to identify office uses, especially where a former residence has been converted into an office. They are similar to monument signs, except they do not have a base other than the support posts. The colors and materials used for the sign must be compatible with the associated building design. Lettering should be carved, routed or applied as opposed to painted on a flat board.

a.	**Districts**	Allowed in the VC, C, RT6, I, IP, EP, and RMO zoning districts. May be allowed for Special Permit uses located in residential zones by Special Permit granted by the Commission.
b.	**Permitted Location**	May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way. In the Route 6 Business (RT6) Zone, no such sign shall be located within 75 feet of the road centerline unless approved by the Commission.
c.	**Maximum Number**	One (1) sign is permitted per premises, per street frontage.
d.	**Maximum Area**	The maximum sign area permitted is (20) square feet for a one-sided sign and (40) square feet for a two-sided sign. Where two or more uses are located on the same premises, the sign area for free-standing post signs must be shared.
e.	**Maximum Height**	Signs shall not be taller than (8) feet in height.
f.	**Illumination**	See Section 6.3.I of these Regulations.

3. Free-Standing Single-Establishment Sign

Signage Guidelines

Free-standing single-establishment signs are primarily intended to communicate with people in motor vehicles. The sign structure is typically supported by two poles, but other types of supports may be used.

a.	**Districts**	Allowed in the RT6, I, and IP zoning districts. May be allowed in VC, C, and for Special Permit uses in residential zones by Special Permit granted by the Commission. May be allowed in EP zoning districts by Special Permit granted by the Commission
b.	**Permitted Location**	May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way. In the Route 6 Business (RT6) Zone, no such sign shall be located within 75 feet of the road centerline unless approved by the Commission.
c.	**Maximum Number**	One (1) sign is permitted per premises along an arterial street frontage. One additional free-standing sign may be permitted by Special Permit if the subject property's arterial frontage is in excess of 500 feet.
d.	**Maximum Area**	A free-standing single establishment sign may have a maximum area of 30 square feet per side and 60 square feet if two-sided. 60 square feet of sign area
e.	**Maximum Height**	A free-standing single establishment sign may have a maximum height of sixteen (16) feet
f.	**Illumination**	See Section 6.3.I of these Regulations.

4. Shopping Center Identification Sign

Signage Guidelines

Shopping center identification signs are free-standing signs that identify two or more establishments within a commercial development and should be compatible with the design theme of the development. They may identify multiple tenants, but larger shopping centers with more than 5 tenants should avoid listing individual tenants, other than the project anchors, to avoid sign clutter. The sign structure should contain elements of the design theme of the buildings in the center.

a.	**Districts**	Allowed by Zoning Permit in the RT6 zoning district. May be allowed in the VC and C zones by Special Permit granted by the Commission.
b.	**Permitted Location**	May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way. In the Route 6 Business (RT6) Zone, no such sign shall be located within 75 feet of the road centerline unless approved by the Commission.
c.	**Maximum Number**	One (1) sign is permitted per premises along an arterial street frontage of a development.
d.	**Maximum Area**	A shopping center identification sign may have a maximum area of 100 square feet per side for developments with up to 50,000 square feet of floor area. For developments in excess of 50,000 square feet, signs shall not exceed 150 square feet in area per side.
e.	**Maximum Height**	A shopping center identification sign may have a maximum height of 20 feet
f.	**Illumination**	See Section 6.3.I of these Regulations.

5. Monument Sign

Signage Guidelines

Monument signs are typically used where building setbacks, orientation or design make it difficult to provide other types of signage, such as wall signs, that are plainly visible to people that are trying to identify a use. Monument signs have a solid base that the sign face is installed upon. These signs should be designed so that the style of the sign and its base are consistent with the architecture of the buildings on the site. They are typically oriented perpendicular to the adjacent street and sidewalk and have a maximum of two parallel sign faces. Monument signs provide opportunities for landscaping to enhance their appearance.

a.	**Districts**	Allowed by Zoning Permit in the RT6, I, IP, and EP zoning districts. May be allowed in the VC and C zones by Special Permit granted by the Commission. May be allowed in residential zones for Special Permit uses by Special Permit granted by the Commission.
b.	**Permitted Location**	May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way. In the Route 6 Business (RT6) Zone, no such sign shall be located within 75 feet of the road centerline unless approved by the Commission.
c.	**Maximum Number**	One monument sign is permitted per premises, per street frontage.
d.	**Maximum Area**	Monument signs may be a maximum of 24 square feet.
e.	**Maximum Height**	Monument signs may have a maximum height of 6 feet.
f.	**Illumination**	See Section 6.3.I of these Regulations.

6. Residential Development Sign

Signage Guidelines

The purpose of residential development signs is to identify the name of a development, provided the development is not an in-fill project within an established neighborhood. They are usually monument signs or wall signs placed on a wall feature in a landscaped open space area at the entry of the development.

a.	**Districts**	Residential development signs are allowed in all zones, subject to Special Permit approval by the Commission.
b.	**Permitted Location**	At each major street frontage of a development within a landscaped area that is maintained by a homeowner's association. Sign locations must not impact the line of sight of people in cars to pedestrians or other vehicles in drive-ways or street rights-of-way.
c.	**Maximum Number**	One (1) residential development sign is allowed at each major street frontage of a development.
d.	**Maximum Area**	Each sign may have up to 20 square feet unless modified by the Commission.
e.	**Maximum Height**	Each sign may be up to five (5) feet in height unless modified by the Commission.
f.	**Illumination**	See Section 6.3.I of these Regulations.

7. Free-Standing Directory Sign

Signage Guidelines

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

a.	**Districts**	Allowed in the VC, C, RT6, I, and IP zoning districts by Special Permit granted by the Commission.
b.	**Permitted Location**	May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way.
c.	**Maximum Number**	One detached directory sign may be permitted per premises.
d.	**Maximum Area**	Directory signs may be no larger than 12 square feet in area, and individual letters may not exceed 6 inches in height.
e.	**Maximum Height**	Each sign may have a maximum height of five (5) feet.
f.	**Illumination**	See Section 6.3.I of these Regulations.

8. Home Based Business Sign

Signage Guidelines

The purpose of home-based business signs is to identify the name of a home based business and/or the occupation of a person conducting a home based business. They are typically supported by a single post, may be two-sided and they are usually oriented perpendicular to the sidewalk instead of parallel. The colors and materials used for the sign must be compatible with the associated building design. Lettering should be carved, routed or applied as opposed to painted on a flat board.

a.	**Districts**	By Zoning Permit in all residential zones, including the RMO Zone.
b.	**Permitted Location**	May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way.
c.	**Maximum Number**	One sign may be permitted per premises.
d.	**Maximum Area**	In all residential zones except the RMO Zone, a sign shall not exceed 2 square feet per side. In the RMO Zone, a sign shall not exceed 4 square feet per side. Such signs shall not exceed six (6) feet in height.
e.	**Maximum Height**	Each sign may have a maximum height of six (6) feet.
f.	**Illumination**	See Section 6.3.I of these Regulations.

G. Prohibited Signs

The following signs are prohibited and subject to immediate abatement by the Zoning Enforcement Officer.

	Sign Type	Description
1.	**Signs in the Street Right-of-Way**	Any sign placed in any street right-of-way without a valid encroachment permit or prior approval of the Public Works Director for the purpose of safety or traffic control.
2.	**Signs that Block Ingress or Egress**	Any sign, such as a sandwich-board sign, placed or maintained so as to interfere with free ingress to or egress from any door, window or fire escape, parking lot, or street.
3.	**Signs on Utility Poles or Traffic Control Devices**	Signs attached or placed adjacent to any utility pole, traffic sign post, traffic signal or any other official traffic-control device.
4.	**Signs on Street Trees**	Any sign posted on a street tree.
5.	**Off-Site Signs**	Off-site commercial signs that advertise a business or entity not located on the property where the sign is posted.
6.	**Outdoor Advertising Displays**	Outdoor advertising displays such as billboards.
7.	**Portable Signs**	Such as sandwich board, foldable, or A-frame signs. This shall not include signs used for traffic safety purposes.
8.	**Banner Signs**	Banner signs of any type unless authorized by the Zoning Enforcement Officer in conjunction with a temporary use permit or special event permit.
9.	**Attention Getting Devices**	Pennants, streamers, spinners, balloons, inflatable signs, search lights, beacons, flashing lights or messages and other similar attention-getting devices visible from a public street, unless authorized by the Zoning Enforcement Officer in conjunction with a temporary use permit or special event permit.
10.	**Simulated Traffic Signs**	Any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of words, symbols or characters in such a manner as to interfere with, mislead, or confuse pedestrian or vehicular traffic.
11.	**Highly Reflective/ Fluorescent Signs**	Signs made wholly or partially of highly reflective material and fluorescent or day-glow painted signs.
12.	**Electronic Message Signs**	Electronic message signs come in different shapes and sizes and typically have a changing or scrolling message.
13.	**Backlit Translucent Awning Signs**	Any sign located on an awning that is translucent or semi-transparent and illuminated from a light source under or within the awning.
14.	**Vehicle Signs**	Signs attached or painted to vehicles and parked in a position and location with the primary purpose of displaying the sign.
15.	**Signs Projected By Light**	Signs created by the projection of light onto another surface.

H. Maintenance Standards

1. All signs together with their supports and anchors shall be kept in good repair and in safe condition. The owner or lessee of the premises on which a sign is erected shall be responsible for keeping such sign and premises in a safe and neat condition.
2. Normal wear and tear of aged signs shall be repaired when they detract from the visible quality of the sign, as determined by the Community Development Director.
3. When signs are repaired, they must be done so in a manner (paint colors shall match, etc.) that is consistent with the approved sign permit . When signs are removed, the wall behind the sign shall be repaired and painted to match the rest of the building wall.
4. Any sign, including its supporting structure, which no longer identifies the current occupant after a lapse of 60 days, shall be deemed an abandoned sign and shall be removed by the owner of the property on which it is located upon 30 days written notice by the Community Development Department.
5. Any sign that, in the opinion of the Chief Building Official, is unsafe or insecure, shall be deemed an unsafe sign and shall be corrected or removed, together with any supporting structure, by the owner of the property on which the sign is located, within 72 hours of written notice by the Community Development Department.

I. Illumination Standards

1. All illuminated sign or lighting devices shall employ only lights emitting a light of constant intensity.
2. All illuminated sign or lighting devices shall be designed, located, erected and maintained to confine or direct all illumination to the surface of the subject sign and away from adjoining premises.
3. Self-illuminated signs shall be such that all direct light sources are completely covered.
4. Internal illumination of signage is not permitted:
    a. In the VC district.
    b. For wall signs in the RM-O district.
    c. For projecting signs or hanging signs in any district unless approved by the Commission as a Special Permit.
    d. For free standing post signs.
    e. For residential development signs.
    f. For home based business signs.
5. In the VC district, an illuminated wall sign may be permitted where the Zoning Official determines that the sign will coordinate with the existing wall sign signage of tenants on either side of the proposed location or where it coordinates with a signage theme within a shopping center.
6. For free standing single establishment signs, approval of the lighting design is required.
7. For monument signs, external illumination or halo lighting is preferred. Internally-illuminated cabinet signs must have a dark background with light lettering..
8. Illuminated mural signs may only be permitted with approval of a Special Permit by the Commission

J. Non-Conforming Signs

1. Currently existing signs of a size or type not permitted in the district in which they are situated, or which are located or illuminated contrary to the above regulations, or which do not conform to all provisions of these regulations, will be considered nonconforming structures under this Section.
2. No nonconforming sign shall be altered or changed unless such sign is made to conform to these regulations.
3. A change shall not include a change on a theater marquee sign or a change in name where the size and style of lettering conforms to the previous lettering, and there are no other changes.
4. Normal maintenance activities are not considered to be a change of name or alteration.
5. Any change of a non-conforming sign or increase in size shall be deemed to be an enlargement or extension producing an increase in nonconformity.
6. Any non-conforming sign shall not be relocated to any other location on the premises unless such relocation results in reducing or eliminating the degree of nonconformity.

K. Application Requirements

All applications for a sign permit shall be accompanied by:

1. a plot plan showing he location of the sign.
2. a building elevation and/or sign sketch, drawn to scale with dimensions, showing the location, height, design, materials, colors and illumination of the sign.

SECTION 6.4. EXCAVATION, FILL AND GRADING

A. Purposes

The purpose of this section is to control any excavation and filling operations and to prevent the depreciation of land values, the creation of hazards to life and health and the permanent damage to the beauty and economic usefulness of property which may result from the unregulated and uncontrolled filling, excavation and/or removal of sand, stone, loam, dirt and other earth products from property within the Town of Bethel.

B. Applicability

1. No contours of any land in the Town of Bethel shall be altered by the excavation, removal or relocation of earth, loam, topsoil, sand, gravel, clay, stone or minerals or by the depositing of any material, natural or otherwise, except as provided in this Section.
2. Any person or persons carrying on excavating, filling or earth removal operations in conformance with a valid permit may continue such operations until the termination date of said permit.
3. Any person or persons carrying on excavating, filling or earth removal operations which, except for their status as a valid nonconforming use, would be invalid under this regulation shall be required to obtain a permit to carry on said operations in accordance with the provisions of this regulation.
4. Said nonconforming users shall be required to obtain annual renewals of their permits prior to the expiration of their permits. The provisions of this regulation, shall apply to the application and granting of permits for nonconforming excavation, filling and earth removal operations.

C. Activities Allowed

Notes:
1. No permit required if activity is conducted in accordance with Subsection 6.4.D.
2. Staff may forward any application to the Commission for its review and action.
3. If individual activity or a combination of activities exceeds 1,000 cubic yards.

	Less than 500 CY	500 CY to 999 CY	More than 1,000 CY
1. **Subdivision** - Changes in contour in accordance with subdivision construction plans and contour maps approved by the Commission provided no topsoil is removed from the site.	No permit required [1]	No permit required [1]	No permit required [1]
2. **Foundation Excavation**- Changes in contour directly related to the bona fide construction of a foundation or basement for a building or structure when such construction is authorized by a valid building permit.	No permit required [1]	No permit required [1]	Permit required from Staff [2]
3. **Utility Construction** - Necessary filling, excavation and/or removal of materials in connection with the bona fide construction or installation of sewers, waterlines, electric or gas service.	No permit required [1]	No permit required [1]	Permit required from Staff [2]

(continued)

	Less than 500 CY	500 CY to 999 CY	More than 1,000 CY
4. **Construction Grading** - Changes in contour directly related to the bona fide construction or alteration of a building or structure when such construction or alteration of a building or structure is authorized by a valid zoning permit. The Commission shall retain the right to determine whether any activity is a reasonable adjunct to a valid zoning permit after considering: a. the feasibility of constructing the building or other structure at the existing contour, b. the percent of lot area to be excavated, c. whether or not the difficulty of construction at existing contours was the result of prior acts of the applicant in interest, d. the primary nature of the applicant's business, and e. any additional relevant factors affecting the lot in question.	No permit required [1]	Permit required from Staff [2]	Special Permit [3]
5. **Fences & Walls** - Necessary filling, excavation and/or removal of materials in connection with the bona fide construction or installation of fences or walls (free standing walls or retaining walls).	No permit required [1]	Permit required from Staff [2]	Special Permit [3]
6. **Driveway** - Changes in contour directly related to the bona fide construction of an approved accessway or driveway or a sidewalk.	No permit required [1]	Permit required from Staff [2]	Special Permit [3]
7. **Property Improvement** - The removal by or for the owner from one part of his property to another of topsoil or subsoil when such removal is for the purpose of landscaping, farming, construction of a pond (to the least depth necessary in order to carry out its purpose), or otherwise improving or beautifying the property.	No permit required [1]	Permit required from Staff [2]	Special Permit [3]
8. **Other** - Activities involving less than 1,000 CY which are not in accordance with Subsection 6.4.D.	Permit required from Staff [2]	Special Permit [3]	Not applicable
9. **Other** - Other changes in contour, filling, excavation and/or removal of materials.	Permit required from Staff [2]	Permit required from Staff [2]	Special Permit [3]
10. Other - On a property situated within the in the Route 6 Business Zone, changes in contour may be permitted to prepare a site for development without being directly related to the bona fide construction or alteration of a building or structure. **[Effective 8/15/2012]**	Special Permit	Special Permit	Special Permit
11. **Processing** - Screening, sifting, washing, crushing or other processing of earth materials.			
12. **Blasting** - Blasting of earth materials.	Special Permit	Special Permit	Special Permit

D. Basic Standards When No Permit Required

1. **Hours of Operation** - No operations shall be undertaken on the site except between the hours of 8:00 a.m. and 5:00 p.m. local time, Monday through Friday, no weekends or holidays.
2. **Drainage** - At all stages of operations, proper drainage shall be provided to prevent the collection, stagnation or excessive runoff of water and to prevent harmful effects upon surrounding properties.
3. **Slopes** - Final slopes shall not exceed a slope of two to one (horizontal to vertical) without approval of Staff and/or the Commission.
4. **External Impacts** - All activities shall be conducted in such a way as to not adversely affect adjacent property including, but not limited to;
   a. Not changing elevations at property lines.
   b. Not changing elevations more than two feet within 10 feet of a property line.
   c. Not affecting natural drainage patterns onto or from adjacent property.
5. **Nuisance Abatement** - The operation shall be conducted so as to minimize noise, dust, erosion, sedimentation, and other nuisances by:
   a. Treating access roads and other areas with calcium chloride or similar material.
   b. Containing stockpiled material within a sediment control barrier.
   c. Limiting the stockpiling of excavated materials upon the site.
6. **Protective Fences** - During the period of excavation, removal or filling, proper barricades or fences shall be erected as necessary for the protection of pedestrians and vehicles.
7. **Traffic Issues** -
   a. Truck access shall be so arranged to minimize danger to traffic on adjacent roads and nuisances to surrounding properties.
   b. Truck loads shall be covered with an approved device and shall be so trimmed as to minimize danger to traffic on adjacent roads and nuisances to surrounding properties.
   c. At the point of truck access on a Town road, there shall be a adequate sight line clearance in all directions.
   d. The applicants shall be responsible for cleaning and repairing any state, city, Town or private roads which have been damaged or upon which earth materials have been deposited because of the activities of the applicant or his agent.
   e. The applicant shall provide, at its expense, all necessary special police or traffic control measures deemed necessary by the Commission or its agent.

E. Additional Standards When Permit Required

1. **Phasing Plan** – For excavation, removal or fill operations, the applicant shall submit a phasing plan for the work.
2. **Duration of Permit** - Excavation or fill permits issued by the Commission shall cover operations for a stated period of time, not to exceed 12 months.
3. **Extension of Permit** - The Commission may grant not more than one extension of time within which to complete the proposed work where:
   a. it is demonstrated that the proposed work could not reasonably have been completed within the time originally allocated for reasons beyond the control of the permittee.
   b. The extension shall not exceed six month.
4. **Reporting Requirement** - When deemed necessary by the Commission, monthly reports providing information on the percent of approved excavation or fill materials activity shall be provided by a licensed civil engineer. More frequent reports may be required by the Commission when considered necessary.
5. **Buildings and Structures** - Except for a temporary field office or a temporary shelter for machinery, no building shall be erected on the premises unless specifically approved by the Commission and any temporary building shall be removed upon the completion of the operations.
6. **Fixed Machinery** - No fixed machinery (for rock crushing, sorting, processing, or other purposes) shall be erected or maintained within 300 feet of any property or street line.
7. **Material Processing** - On-site screening, sifting, washing, crushing or other processing of earth materials may be permitted by the Commission, by Special Permit, provided:
   a. the lot is 7.5 acres or larger in size.
   b. the applicant has demonstrated that on-site processing of earth materials will result in a reduction of site-generated truck traffic.
   c. any such processing activity is located at least 300 feet from any property line.
   d. Such activity is limited to on-site earth materials only and there shall be no importation or exportation of materials from the site except as specifically approved by the Commission.
   e. All processing equipment shall use noise reduction or mitigating materials or procedures and engine muffler systems.
8. **Blasting** - There shall be no blasting permitted within 150 feet of any occupied dwelling, unless the Commission is provided with a report from a licensed professional engineer indicating that such blasting can be conducted without damage to such dwelling.

F. Stabilization

Final slopes in excess of 2:1 (horizontal to vertical) may be permitted where the Commission makes a determination, based on a report from a licensed professional engineer, that the final slope of an excavated area can be maintained without causing instability and/or erosion and the following provisions are made:

1. **Setbacks** - The following minimum set backs shall be observed at the top and the toe of the final slope and all such setback areas shall be as flat as possible while providing drainage away from structures:
   a. Ten feet from any public or private road or rights-of-way.
   b. Twenty-five feet from any other property line.
   c. Twenty-five feet from existing and proposed structures, where the excavation is 20 feet in height or less.
   d. Thirty-five feet from existing and proposed structures, where the excavation is in excess of 20 feet.
2. Existing contours within 10 feet from any property line shall not be changed by more than two feet.
3. Existing vegetation and soil shall be cleared from the surface of the top of an excavation for a distance of 10 feet back from the top of the final slope.
4. Fencing shall be provided at the top of any excavation slope higher than five feet as follows:
   a. The fence shall be chain link with diagonal tension bars at the top and bottom of the fence;
   b. The fence shall be able to support lateral loads of at least 300 pounds per six-foot interval;
   c. The fence shall be four feet six inches in height;
   d. The fence shall be set back at least 10 feet from the top of the slope; and
   e. The fence shall terminate in such a way so as to preclude access to the slope face.
5. At any time during the excavation, the Commission may, at the applicant's expense, have the preliminary design reviewed by a professional engineer licensed in the State of Connecticut, specializing in geotechnical sciences, or a geologist licensed in the State of Connecticut, and final design elements shall be implemented based on conditions encountered during construction. Examples of design elements include, but are not limited to rock bolting, rock mesh, scaling and drainage. Such design shall follow commonly accepted local rock mechanics and/or geotechnical engineering practice.
6. Any cut slope that, based on field conditions, will exceed the proposed final slope shown on the approved plans by more than ten degrees (10°) vertical for slopes less than 10 feet in height, or five degrees (5°) vertical for slopes in excess of 10 feet in height, must be reviewed and approved by the Commission.
7. Any cut slope that, based on field conditions, exceeds the maximum cut slope envelope must be reviewed and approved by the Commission. In such instance, all excavation, fill and grading work on the site must immediately cease, until the Commission has reviewed and approved the revised slope.

G. Conformance, Inspection and Revocation

1. **Conform To Permit** – Premises to be excavated, filled or graded shall be excavated, filled or graded only in conformity with the permit as approved by the Commission and any deviation from the plan shall be cause for the Commission to revoke the permit.
2. **Right of Inspection** - As necessary for inspection purposes, any member of the Commission, or its authorized representatives, shall have the right of access to all operations for which excavation or fill permits have been issued or applied for.
3. **Compliance Hearing** – If there is a question as to whether or not any of the conditions of this Section have been or are being violated, the Commission may at any time:
   a. halt the excavation or filling operation until it receives an updated site plan map, including contours and cross sections, completed by and certified by an engineer or land surveyor licensed to practice in the State of Connecticut.
   b. call a hearing upon five days' notice to the holder of an excavation or fill permit.
4. **Findings and Revocation** - If the Commission finds, based on a site inspection, an updated site plan, or a hearing, that there is or has been a violation of the permit, the Commission may immediately revoke such excavation or fill permit and order operations suspended.
5. **Penalties** - For each and every violation of the terms of the permit or of the prescribed conditions under which an excavation or fill permit is issued, as set forth in this Section, the holder of such permit shall be subject to a fine of not in excess of $150 a day for each day for which each violation continues.

SECTION 6.5. FENCES AND WALLS

A. Purposes

This Section is intended to control the size, location, and type of fences and walls in all zoning districts in order to allow for protection of private property while not infringing on the public safety and general welfare or on adjoining properties. In addition, this Section is specifically intended to allow such structures to be located within setbacks to the extent authorized by this Section.

B. Location and Height Standards

1. A fence or wall shall be located inside all lot lines.
2. A fence or wall shall not exceed four feet (4') in height within a front setback or six feet (6') in height within a side or rear setback, except that:
   a. Properties housing horses, ponies or livestock under the provisions of Subsection 6.11 of these Regulations may have a fence up to six feet (6') in height within the front setback.
   b. A residential property abutting a commercial or industrial use may have a fence up to eight feet (8') in height.
3. A fence not located within a required setback may be built to a maximum of eight feet (8') in height.
4. On a corner lot or at the intersection of two streets, the fence or wall shall be located to meet the requirements of Section 6.7 of these Regulations governing corner lot visibility and area.
5. For retaining walls, unless modified by the Commission through granting of a Special Permit:
   a. No retaining wall shall exceed a height of six feet (6').
   b. When used to create terraces, retaining walls shall be a minimum of five feet (5') apart and the terrace area between them shall not exceed a slope of one foot of rise for three feet of horizontal distance (1:3). Landscaping shall be provided where conditions permit at the top and base of walls and on terraces to blend the wall with the surrounding site.
   c. The exposed face of a retaining wall shall be designed of material which will enhance the attractiveness of the site and shall be subject to the approval of the Commission. Smooth faced concrete is not permitted.

C. Other Standards

1. If such fence or wall is located within a required yard and has a finished or more attractive side, such side shall face the neighboring property or street as the case may be.
2. A retaining wall four feet or higher above ground level requires the issuance of a building permit based on a plan prepared by a licensed engineer. Such plans shall address construction design and drainage within 10 feet of the wall.
3. Barbed wire fences and other fences constructed of sharp materials are not permitted within residential zones or along a residential zone boundary line.
4. Electrically charged fencing is not permitted in residential zones except that such fencing shall be permitted on property which qualifies under Subsection 6.11 of these Regulations as related to the keeping of horses, ponies and livestock.

SECTION 6.6. EROSION AND SEDIMENTATION CONTROL

A. Purpose

This Section is intended to prevent accelerated erosion and sedimentation of land during and after development; reduce the danger from storm water runoff; minimize sediment pollution from land being developed; and prevent detrimental impacts to soil and water resources.

B. Overall Requirements

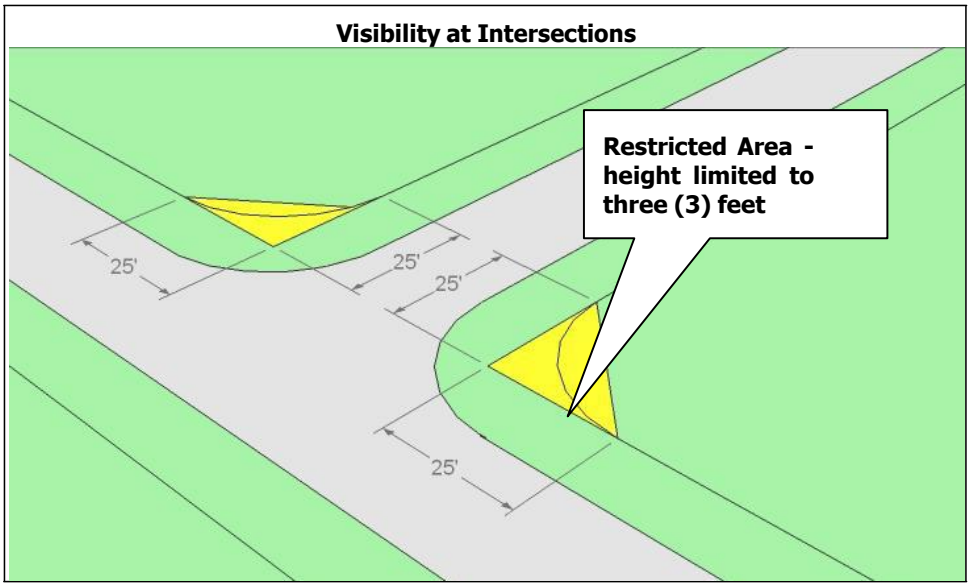
1. All development shall employ proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology in order to result in a development that:
   a. minimizes erosion and sedimentation during construction;
   b. is stabilized and protected from erosion when completed; and
   c. does not cause off-site erosion and/or sedimentation.
2. The Connecticut Guidelines for Soil Erosion and Sediment Control, 2002, as amended, shall be used to determine the best available technology on any site unless alternative principles, methods or practices have been approved by the Commission for use on a particular site.

C. Implementation of Controls

1. Site development shall not begin in any area of the site unless the appropriate soil erosion and sediment control measures and facilities for that area have been installed and are functional.
2. All control measures and facilities shall be maintained in effective condition to ensure compliance with the purpose of this section.
3. The estimated costs of measures required to control soil erosion and sedimentation may be covered in a performance bond or other assurance acceptable to the Commission.
4. Inspections shall be made by the Commission or its designated agent during development to ensure that control measures and facilities are properly performed or installed and maintained.
5. The Commission may require the permittee to verify through progress reports that appropriate soil erosion and sediment control measures and facilities have been installed and are being operated and maintained.

SECTION 6.7. OBSTRUCTIONS AT INTERSECTIONS

On a corner lot in any residential zone, no building, structure, fence, wall or obstruction to vision more than three (3) feet in height above the gutter elevation shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines, each of which points is twenty-five (25) feet distant from the point of intersection.



SECTION 6.8. OUTDOOR LIGHTING

A. Purpose

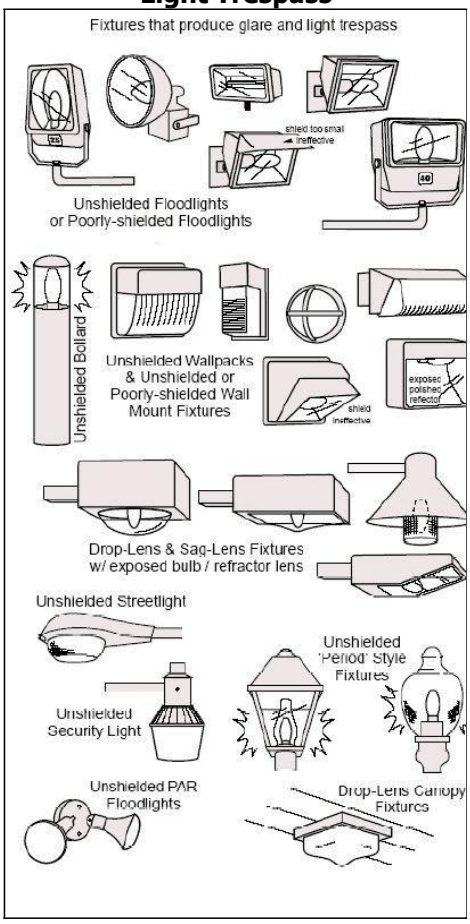
These Regulations are intended to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare.

B. Standards

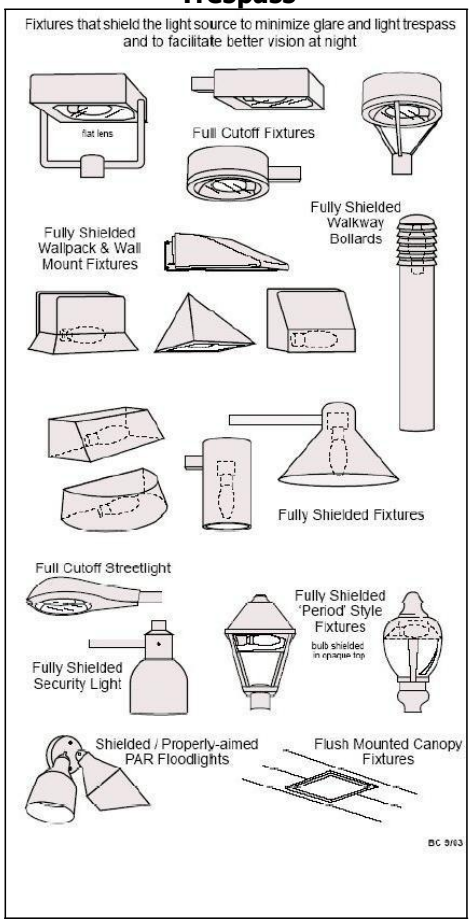
1. All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:
   a. prevent direct or objectionable glare or light trespass,
   b. be shielded to the extent possible,
   c. employ soft, transitional light levels which are consistent from area to area,
   d. minimize contrast between light sources, lit areas and dark surroundings, and
   e. be confined within the target area.
2. Where overall standards have been adopted by the Commission, street lights and poles shall conform to the adopted standards.
3. In all Residential zones and in all areas adjacent to residential property, no externally-mounted, direct light source directed towards the property line shall be visible at the property line at ground level or above.
4. To reduce off-site glare, lighting fixtures for all parking and pedestrian areas shall be:
   a. full cut-off type fixtures, or
   b. fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
5. Lighting fixtures for building security or aesthetics and any display purposes shall, except as may otherwise be approved, be:
   a. top downward (not upward or sideways), and
   b. full cut off or fully shielded/recessed.
6. Where outdoor playing fields or other special outdoor activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that:
   a. their beams fall within the primary playing area and immediate surroundings, and
   b. no direct illumination is directed off the site.
7. Lighting designed to highlight flagpoles shall be low level and shall be targeted directly at the flag.

8. All non-essential lighting (such as display, aesthetic, parking and sign lighting) shall be configured for "photocell on - time clock off" operation.
9. Where necessary, lighting for site security may be configured for motion or infrared sensor operation.
10. The height of luminaires, except streetlights in public right-of-ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of thirty (30) feet.

Fixtures Which <u>Might</u> Produce Glare or Light Trespass



Fixtures Which <u>Might Not</u> Produce Glare or Light Trespass



C. Exemptions and Modifications

1. Lighting maintained by the Town of Bethel or the State of Connecticut is exempt from these Regulations.
2. Traditional seasonal lighting is exempt from these Regulations.
3. Temporary lighting used by the Police Department, Fire Department or Emergency Services is exempt from these Regulations.
4. The Commission may, by Special Permit, allow lighting that does not comply with the requirements of this Section provided the Commission determines, in its sole discretion, that such proposed lighting is consistent with the purpose of these Regulations, in the following cases:
   a. where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists,
   b. where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas,
   c. where a minor change is proposed to an existing non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation,
   d. where special lighting is indicated for historic buildings,
   e. where special consideration is given to maintain a uniformity with similar uses in the immediate vicinity, or
   f. where ornamental up-lighting of sculpture, buildings or landscape features shall enhance the character of the area.
5. The Commission may modify the requirements of this Section for a temporary use approved under these Regulations.

SECTION 6.9. PEDESTRIAN IMPROVEMENTS

A. Purpose

This Section is intended to make provision for pedestrians.

B. Standards

1. Every non-residential development, except in the Industrial Park zone, shall provide sidewalks along the public street frontage unless modified by the Commission.
2. Every multi-family residential development shall provide sidewalks along the public street frontage unless modified by the Commission and within the development as approved by the Commission.
3. Residential subdivisions shall make provision for sidewalks along the public street frontage in accordance with the requirements in the Subdivision Regulations or as required by this Section.
4. Any new or reconstructed sidewalks shall be at least five (5 feet in width along the street frontage or frontages of the parcel or parcels, unless the Commission determines that sidewalks are either impractical or unnecessary at that location, considering prospective pedestrian traffic.
5. The Commission may require additional pedestrian improvements (such as trails) when such improvements will enhance the overall pedestrian environment within the site or the neighborhood.
6. Such sidewalks shall be constructed on private property with an easement to allow for public use except that the Commission may allow such sidewalks to be provided within the road right-of-way when and where feasible.
7. Such sidewalks shall be extended to connect to sidewalks on adjacent property.

SECTION 6.10. ARCHITECTURAL GUIDELINES

A. Purpose

This Section is intended to aid applicants in ensuring that their designs are in harmony with the character of the community, encourage high quality building and site design, and result in development which is compatible with the character of the community.

B. Applicability

Any application to the Commission, unless such requirement is waived by the Commission, shall be reviewed in relation to the design guidelines following.

C. Procedure

1. The Commission shall review an application in relation to the design guidelines of this Section or may request the assistance of a Design Review Committee or similar organization, if available, in evaluating such plans.
2. Any recommendations or suggestions so received from any reviewing agency shall not be binding upon the Commission.

D. Design Guidelines

Since the architectural design, scale and mass of the buildings and other structures are important in determining the visual character of an area, the guidelines listed below are recommended so as to harmonize and be compatible with the neighborhood, to protect property values and to preserve and improve the appearance and the beauty of the community.

1. Relationship of Buildings to Site and Adjoining Areas

a. Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.

b. Buildings shall be organized in a coordinated and functional manner that is compatible with site features and the desirable characteristics of adjoining areas. In particular, exterior building renovations and new construction for properties located within the National Register designated Greenwood Avenue Historic District should take into consideration the architectural style of existing building and the pedestrian orientation of the downtown.

c. A unified design theme for building massing, exterior treatments and signage shall be established where harmony in textures, lines, and masses is provided and monotony is avoided.

d. Parking areas shall be treated appropriately in relation to the building, the neighborhood, and the community.

e. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

f. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

g. A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided.

2. Landscape and Site Treatment

a. The design of the development and the placement of buildings, driveways, walkways, parking facilities and other improvements shall be such that existing trees, watercourses, rock outcrops and similar natural features are preserved to the greatest extent possible.

b. Landscape treatment shall be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.

c. Plant material that is indigenous to the area shall be selected for its ultimate growth and for interest in its shape, texture, and color.

d. Pedestrian walkways shall provide safe and convenient connections within the site and between adjacent sites and shall be constructed of all-weather materials appropriate for the location (such as brick, concrete, or paving blocks but not earth, gravel, or loose stone).

e. Existing trees at four (4) inches or greater caliper shall be incorporated into the site plan.

3. Building Design

a. Architectural designs appropriate to a New England community are generally preferred (pitched roof buildings, colonial facades, etc.).

b. Architectural features shall be evaluated based on the scale of the building(s), the quality of the design, and the relationship to surroundings.

c. Facades and rooflines shall be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.

d. Building materials shall have good architectural character and durable quality and shall be selected for harmony of the building with adjoining buildings.

e. Building textures, colors, and components shall be selected for harmony of the building with adjoining buildings.

f. Utility and service equipment areas shall be screened from public view with materials harmonious with the building.

g. Rooftop mechanical equipment (other than solar energy panels) should be concealed.

4. Signs and Lighting

a. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates and shall be coordinated with the building architecture.

b. Exterior lighting, where used, shall enhance the building design and the adjoining landscape.

c. Lighting shall be restrained in design and excessive brightness avoided.

d. Roof lighting is prohibited.

E. Additional Village District Considerations

1. Design Guidelines

a. Special attention shall be paid to protecting the distinctive character, landscape, and historic structures within any Village District.

b. The removal or disruption of historic, traditional, or significant structures or architectural elements shall be avoided or minimized.

c. The conversion, conservation, and preservation of existing buildings and sites in a manner that maintains the historic or distinctive character of a Village District is encouraged.

d. The exterior of structures or sites shall be consistent with:

   i. the "Connecticut Historical Commission - The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", revised through 1990, as amended; or

   ii. the distinctive characteristics of the district identified in the Bethel Plan of Conservation and Development.

e. Proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, the terrain in the district, and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification.

f. All spaces, structures, and related site improvements visible from public roadways shall be designed to be compatible with the elements of the area of the Village District in and around the proposed building or modification.

g. The color, size, height, location, proportion of openings, roof treatments, building materials, and landscaping of commercial or residential property, and any proposed signs and lighting, shall be evaluated for compatibility with the local architectural motif.

h. Maintenance of views, historic buildings, monuments, and landscaping shall be encouraged.

2. Procedures

a. The Commission shall select and contract with one or more Village District consultants.

b. Such Village District consultant shall be:

   i. a registered architect or an architectural firm,

   ii. a licensed landscape architect, or

   iii. a planner who is a member of the American Institute of Certified Planners.

c. Alternatively, an architectural design review board may be designated as the Village District consultant provided the members shall include at least one (1) architect, landscape architect or planner who is a member of the American Institute of Certified Planners.

d. All applications shall be subject to review and recommendation by the Village District consultant designated by the Commission as the Village District consultant for such application.

e. The Village District consultant shall review an application and report to the Commission within thirty-five (35) days of receipt of the application.

f. Such report and recommendation shall be entered into the public hearing record and considered by the Commission in making its decision.

g. Failure of the Village District consultant to report within the specified time shall not alter or delay any other time limit imposed by these Regulations.

h. The Commission may seek the recommendations of any Town or regional agency or outside specialist including, but not limited to, the regional planning agency, the Bethel Historical Society, the Connecticut Trust for Historic Preservation and The University of Connecticut College of Agriculture and Natural Resources.

i. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.

SECTION 6.11. KEEPING OF ANIMALS

A. Canine / Feline / Rabbits

The following limitations shall apply to the keeping of dogs and cats:

	Permit	Density Limitation	Other Limitations
Canine / Feline / Rabbits	No Permit Required	Up to four (4) dogs, cats and/or rabbits over the age of 12 weeks per property	None specified
	Special Permit Required	More than four (4) dogs, cats, and/or rabbits over the age of twelve weeks per property	None specified
	Special Permit Required	Any type of commercial boarding or day care or similar facility	

B. Horses, Cows and Similar Large Animals

1. The following limitations shall apply to the keeping of horses, cows, and similar large animals:

	Permit	Density Limitation	Other Limitations
Equine	Zoning Permit required	For parcels containing at least one (1) acre, one horse or pony for the first 40,000 square feet of parcel area and one additional horse or pony for each additional 20,000 square feet of parcel area	All horses and ponies shall be kept within a fenced enclosure designed to prevent animals from crossing or overhanging any property line
	No Permit Required	Farming on parcels containing eight (8) acres or more, no limit	Same requirement as above for a fenced enclosure
Bovine and Similar Large Animals	Zoning Permit required	For parcels containing at least three (3) acres, one cow or similar large animal for the first 40,000 square feet of parcel area and one additional cow or similar large animal for each additional 20,000 square feet of parcel area	All livestock shall be kept within a fenced enclosure designed to prevent animals from crossing or overhanging any property line
	No Permit Required	Farming on parcels containing eight (8) acres or more, no limit	Same requirement as above for a fenced enclosure

2. Maintaining horses, cows, and similar large animals in septic or septic reserve areas shall be subject to Health Department approval.
3. For horses, cows, and similar large animals, no manure or dust-producing fertilizer shall be stored in the open within 100 feet of any property line. Manure disposal shall be subject to all Public Health Code regulations.

C. Sheep, Chickens and Other Animals

1. The following limitations shall apply to the keeping of sheep, chickens, and other animals:

	Permit	Density Limitation	Other Limitations
Ovine and Similar Small Animals	Zoning Permit required	For parcels containing at least three (3) acres, one goat or similar small animal for the first 20,000 square feet of parcel area and one additional goat or similar small animal for each additional 10,000 square feet of parcel area	All livestock shall be kept within a fenced enclosure designed to prevent animals from crossing or overhanging any property line
	No Permit Required	Farming on parcels containing eight (8) acres or more, no limit	Same requirement as above for a fenced enclosure
Keeping of chickens and other poultry (except homing pigeons)	Zoning Permit required	For parcels containing at least one (1) acre, 50 birds per 40,000 square feet	All poultry shall be housed within a building or fenced enclosure and no poultry shall be housed within 50 feet of any street or within 75 feet of any other property line.
	No permit required	Farming on parcels containing five (5) acres or more, no limit	Same requirement as above for poultry
Keeping of homing pigeons	Zoning Permit required	For parcels containing at least one-half (0.5) acre, 50 birds per 40,000 square feet	All homing pigeons shall be housed within a building or fenced enclosure and no homing pigeon shall be housed within 30 feet of any street or property line
Keeping of swine	Not permitted	0 per acre	
Raising of fur-bearing animals for commercial purposes	Not permitted	0 per acre	

2. Maintaining sheep, chickens, and other animals in septic or septic reserve areas shall be subject to Health Department approval.

3. For sheep, chickens, and other animals, no manure or dust-producing fertilizer shall be stored in the open within 100 feet of any property line. Manure disposal shall be subject to all Public Health Code regulations.

SECTION 6.12. OUTDOOR WOOD-BURNING FURNACES

A. Intent and Purpose

This section regulates the installation of Outdoor Wood-burning Furnaces, as defined in Section 2.2 (Definitions) of these regulations

B. Standards

1. The installation of Outdoor Wood-burning Furnaces in any zone within the Town of Bethel is prohibited.

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ARTICLE 7 - SPECIAL PROVISIONS

SECTION 7.1. NONCONFORMING CONDITIONS

A. Nonconforming Uses

1. Any nonconforming use of building or land lawfully existing or in use at the time of the adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming use.
2. No nonconforming use and no portion of a building containing a nonconforming use shall be extended or expanded.
3. No nonconforming use may be changed, except to a conforming use or with the granting of a Special Permit by the Commission, to another nonconforming use more consistent with the uses permitted in the zone in which the premises are located.
4. No nonconforming use shall, once changed to a more conforming use, be changed back to a less conforming use.
5. A nonconforming use, if discontinued for a continuous period of six months, shall be deemed terminated unless the property owner can demonstrate to the reasonable satisfaction of the Commission his or her intent to maintain and continue such use.
6. Following damage by fire, explosion accident, force majeure, act of nature, or act of a public enemy, nothing in this section shall prevent the restoration of a building used by a nonconforming use to its form immediately prior to said destruction.

B. Nonconforming Buildings and Structures

1. Any nonconforming structure lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming structure.
2. A nonconforming structure may only be enlarged provided such enlargement complies with applicable parts of these Regulations for the specific use and zone.
3. Following damage by fire, explosion accident, force majeure, act of nature, or act of a public enemy, nothing in this section shall prevent the restoration or reconstruction of a nonconforming building within one year to its form immediately prior to said destruction.
4. Nothing in this regulation shall prevent the restoration of a wall or of a structural member on a nonconforming structure.

C. Nonconforming Parcels

1. Nonconforming single lots in contiguous ownership upon which no building has been erected shall be required to conform to the standards for density and height and setback requirements and lot size for the applicable zone district as specified herein in effect at the time of:

   a. approval of the lot, or

   b. adoption of zoning.

2. The provisions of these regulations relative to required lot area and required lot frontage and required lot width shall not prevent the construction of an otherwise permitted use on a lot which, at the time of the adoption of these Regulations or of any pertinent amendment hereto, was owned separately from any adjoining land, as evidenced by deed recorded in the land records of the Town. Any reduction in the required front, side or rear yard shall be subject to the granting of a variance by the Zoning Board of Appeals.

3. Any nonconforming parcel lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming parcel provided that such parcel has not, once becoming non-conforming, been in the same ownership as an abutting parcel. If such parcel has been in the same ownership as an abutting parcel, such parcels shall, for zoning purposes, be considered to be merged to create a conforming lot or a more conforming parcel

SECTION 7.2. ALCOHOLIC BEVERAGES.

A. Definitions

The following definitions shall apply to this Section of the Regulations:

1. **Cafe** - A place where beer or alcoholic liquor is sold under a cafe permit issued by the State Liquor Control Commission.
2. **Hotel** - A place where beer or alcoholic liquor is sold under a hotel permit issued by the State Liquor Control Commission.
3. **Package Store** - A place where beer or alcoholic liquor is sold under a package store permit issued by the State Liquor Control Commission or any other place where beer or alcoholic liquor is sold at retail in sealed bottles or other containers not to be consumed on the premises under any permit from the State Liquor Control Commission or other authority authorized by law to issue such permit.
4. **Restaurant** - A place where beer or alcoholic liquor is sold under a restaurant permit issued by the State Liquor Control Commission.
5. **Tavern** - A place where beer or alcoholic liquor is sold under a tavern permit issued by the State Liquor Control Commission.

B. Standards

1. Unless located in the Village Center (VC) zone, the Commercial (C) zone, or the Route 6 Business (RT6) zone, no parcel of land or building thereon shall be used for a cafe, hotel, package store or tavern if any part of such parcel of land is situated:
   a. Within 1,500 feet, as measured along the center line of any public street, of any other parcel of land used for the purpose of a cafe, hotel, package store or tavern.
   b. Within 500 feet of any parcel of land used or reserved to be used for the purpose of a public school, a duly organized school other than a public school, a church, a charitable institution, whether supported by public or private funds, a hospital or a library.
2. Unless located in the Village Center (VC) zone, the Commercial (C) zone, or the Route 6 Business (RT6) zone, no parcel of land or building thereon shall be used for a restaurant serving beer or alcoholic liquor if any part of such building or premises is situated within 500 feet of any parcel of land used or reserved to be used for the purpose of a public school, a duly organized school other than a public school, a church, a charitable institution, whether supported by public or private funds, a hospital or a library.
3. The provisions of Subsection 7.2.B.1 and 2 shall not be deemed to be retroactive.

SECTION 7.3. TELECOMMUNICATION FACILITIES

A. Purpose

These regulations are intended to establish guidelines and standards for the siting of antenna facilities in Bethel in order to protect the public safety and general welfare and, through design, siting, and screening, to minimize any adverse visual and operational effects.

B. No Permit Required

1. **Residential Household Antenna** - An antenna used solely for residential household television and radio reception provided any such antenna meets required setbacks and does not exceed the maximum total building height for the zoning district in which it is located.
2. **Residential Satellite Dish Antenna** - A satellite dish antenna in a residential zone provided:
   a. the dish antenna measures 1 meter (3.28 feet) or less in diameter.
   b. a building-mounted installation complies with setback and total building height standards for a principal structure.
   c. a ground-mounted installation is located in the rear yard and complies with setback and total building height standards for an accessory structure.

C. Permitted by Zoning or Other Permit

1. **Commercial Satellite Dish Antenna** - A ground-mounted or roof-mounted satellite dish antenna in a Business or Industrial zone provided:
   a. the dish antenna measures 2 meters (6.56 feet) or less in diameter.
   b. the dish antenna is screened from public view to the extent feasible.
2. **Amateur Radio Antenna** - An amateur radio antenna owned and operated by an amateur radio operator licensed by the FCC provided:
   a. a ground-mounted installation is located in the rear yard.
   b. a building-mounted installation is affixed to the rear of the residential structure.
   c. any tower and antenna combination is less than 40 feet in total height and is erected no nearer to any property line than a distance equal to the vertical height of the tower and antenna.
   d. a suitable safety fence may be required to be erected to preclude unauthorized access.
3. **Existing Tower Repair** - Repair of existing towers and antennas, provided there are no changes in design, height or appearance.

D. Permitted by Site Plan Approval

1. **Other Residential Antenna** - An antenna that does not comply with Subsection 7.3.B. or Subsection 7.3.C. and is:
   a. used solely for residential household television and radio reception,
   b. a satellite dish antenna in a residential zone, or
   c. is an amateur radio antenna owned and operated by an amateur radio operator licensed by the FCC.
2. **Commercial Satellite Dish Antenna** - A ground-mounted or roof-mounted satellite dish antenna in a Business or Industrial zone that does not comply with Subsection 7.3.C.

E. Permitted by Special Permit

1. **Other Antennas on Existing Structures**. Any other antenna which is not attached to a tower, provided:
   a. The antenna complies with all applicable FCC and FAA regulations;
   b. The antenna complies with all applicable building codes;
   c. The antenna does not extend more than 10 feet above the highest point of the structure; and
   d. The antenna is completely screened or designed and installed to be architecturally compatible with the structure in question.
2. **New Public Safety Tower or Antenna** - A new antenna tower intended and used primarily for the purpose of police, fire, ambulance, and/or other emergency services or similar emergency communications.
3. **New Tower or Antenna on Town-Owned Property** - A new antenna located on property owned, leased or otherwise controlled by the Town of Bethel.
4. **New Tower or Antenna** - Any new tower or antenna not regulated by the Connecticut Siting Council.

F. Requirements for Special Permit Applications

1. Application Requirements

a. Each application shall include documentation that a licensed carrier or an authorized emergency services organization is either an applicant or a co-applicant on the application.

b. Each application shall include documentation that the proposed facility will not cause any interference with any emergency or public safety radio system.

c. Each application shall include documentation showing how the proposed facility will accommodate emergency service communications for police, fire and ambulance services or a statement from each organization that such accommodation is not desired.

d. Each application shall include documents indicating that:

e. all towers, antennas, and/or equipment to be installed meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.

f. if such standards and regulations are changed, then the owners of the towers and antennas governed by this regulation shall bring such towers and antennas into compliance.

g. Each application shall include documentation regarding noise emission from equipment and identify appropriate steps to provide soundproofing so that any noise above ambient levels is inaudible at the property line.

h. Each application shall include a written maintenance plan for the site, including, but not limited to, all facilities including landscaping at the site.

2. Visual Considerations

a. Towers and antenna and appurtenances shall be painted a neutral color or other such finish as determined by the Commission so as to minimize visual obtrusiveness.

b. The design of the equipment, buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

c. If an antenna is installed on a structure other than a tower, the antenna and supporting equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.

d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority and specifically authorized by the Commission.

e. No signs shall be allowed on any antenna, facility, or tower unless required by an overriding legal authority, except that a 2 square foot sign is required to be posted showing the emergency contact and telephone number.

3. Equipment Considerations

a. Any equipment cabinets or other appurtenances used in association with the tower or antenna shall be clearly shown as part of the application including how such equipment is designed to blend with the surrounding landscape or be obscured from adjacent properties and streets

b. Security fencing, no more than six feet in height, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.

c. Landscaping, including buffering, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.

SECTION 7.4. ADULT-ORIENTED BUSINESSES

A. Purpose and Intent

1. The intent of this section is to regulate uses which, because of their very nature, are recognized as having potentially serious objectionable characteristics, particularly when several of them are concentrated and thus have deleterious effect upon adjacent areas. Special regulation of adult-orientated businesses is necessary to ensure that these adverse effects will not result in the blighting or downgrading of the neighborhood.
2. Statistics and studies performed by a substantial number of cities and Towns in the United States indicate that:
   a. Large numbers of persons, primarily male, frequent such adult-orientated establishments, especially those which provide closed booths, cubicles, studios and rooms for the private viewing of so-called adult motion pictures and/or video tapes and/or live entertainment; and
   b. Persons under the age of 18 may be attracted to adult-orientated establishments and seek to enter or loiter about them without the knowledge or permission of their parents and guardians; and
   c. Closed booths, cubicles, studios and rooms within adult-orientated establishments have been used by patrons, clients or customers of such adult-orientated establishment for the purpose of engaging in certain sexual acts; and
   d. Male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments with such booths, cubicles, studios and rooms; and
   e. The reasonable regulations and supervision of such adult-orientated establishment tends to discourage such sexual actions and prostitution, and thereby promotes the health, safety and welfare of the patrons, clients and customers of such establishments.
3. These regulations are intended to prevent the over concentration of such uses and to protect the health, safety, general welfare, property values and quality of life in Bethel.

B. Definitions

For the purposes of this section, certain words and phrases used herein are defined as follows:

Accessory Adult Use -- An establishment, other than an adult personal service establishment, having less than 10% of its stock and trade in books, magazines, videotapes, adult materials and devices used for sexual stimulation or display, films for sale, barter or rent or for viewing on premises by use of motion-picture devices, or video players or any coin-operated means and other printed materials which are distinguished or characterized by their emphasis on matters depicting or relating to "specified sexual activities" or "specific anatomical areas." Any such accessory adult use shall be enclosed and controlled so as to restrict exposure and entry to exclude any minor by reason of age. All adult personal service establishments and activities shall be deemed to be a principal activity.

Adult Bookstore -- An establishment having a substantial portion, which shall be considered having 10% or more, of its stock and trade in books, magazines, videotapes, adult materials and devices used for sexual stimulation or display, films for sale or rent or for viewing on premises by use of motion-picture devices, or video players or any coin-operated means and other printed materials and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specific anatomical areas" as defined in this section.

Adult Entertainment -- Businesses, including adult bookstores, adult video store, adult motion-picture theater, adult entertainment cabaret, adult novelty business and adult personal services establishment, that involve viewing or participating in specified sexual activities or viewing specified anatomical areas as described in these regulations.

Adult Entertainment Cabaret -- A public or private establishment which is licensed to serve food and/or beverages, which feature topless dancers, strippers, male or female impersonators or similar entertainers, or acts relating to "specified sexual activities" or "specified anatomical areas," for observations by patrons therein.

Adult-Orientated Establishment -- A public or private establishment which is customarily not open to the general public but only to one or more classes of the public, thereby excluding any minor by reason of age, and whose principal activity includes but is not limited to one or a combination of the following types of businesses: adult bookstore, adult motion-picture theater and adult mini-motion picture theater, as well as any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing "adult entertainment," any premises to which the public, patrons or members are invited or admitted wherein an entertainer provides "adult entertainment" to a member of the public, a patron or a member, when such "adult entertainment" is held, conducted, operated or maintained for a profit, direct or indirect, regardless of how such premises are advertised or represented, but including, without limitation, adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any term of like import, as well as adult cabaret, adult novelty business or adult personal service business.

Adult Mini Motion-Picture Theater -- An enclosed building with a capacity for fewer than 50 persons used regularly and routinely for material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or observation by patrons therein.

Adult Motion-Picture Theater -- An enclosed building with a capacity of 50 or more persons used regularly and routinely for material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or observation by patrons therein.

Adult Novelty Business -- An establishment having 10% or more of its stock and trade in adult materials, toys and other devices designed for sexual stimulation and which excludes minors by virtue of age.

Adult Personal Service Establishment -- An establishment, club or business by whatever name designated which offers or advertises or is equipped or arranged so as to allow a person while clothed, nude or partially nude to provide personal services for a person of the same or other sex on an individual basis in an open or closed room and which excludes minors by virtue of age. Such services or activities include but are not limited to massages, body rubs, baths and other similar treatments, as well as modeling studios, body painting studios, tattoo parlors, body piercing studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Connecticut, nor does it include those uses and activities specifically excluded under Subsection 7.4.D below.

Adult Video Store -- An establishment having a substantial portion, which shall be considered having 10% or more, of its stock and trade in videotapes or films, for barter, sale or rent or for viewing on premises by use of motion-picture devices, or video players or any coin-operated means and other

printed materials and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specific anatomical areas" as defined in this Subsection.

Partially Nude -- Having any part of "specified anatomical areas," as defined below, less than completely and opaquely covered.

Principal Activity -- Means a use accounting for 10% or more of a business' stock and trade, display space or floor space, or movie display time per month.

Specified Anatomical Areas -- Less than completely and opaquely covered:

(1) Human genitals, pubic region;
(2) Buttock; and
(3) Female breast below a point immediately above the top of the areola.
(4) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities

(1) Human genitals in a state of sexual stimulation or arousal.
(2) Acts of human masturbation, sexual intercourse or sodomy.
(3) Fondling or other erotic touching of human genitals, pubic regions, buttock or female breast.

C. Regulated Uses

Regulated uses include all adult uses which include, but are not limited to the following:

1. Adult bookstore.
2. Adult video store.
3. Adult motion-picture theater.
4. Adult mini motion-picture theater.
5. Adult cabaret.
6. Adult novelty business.
7. Adult personal service establishment.

D. Exemption

The provisions of this section shall not apply to nor prohibit the following uses and activities:

1. Treatment by a licensed chiropractor, licensed osteopath, a Connecticut-licensed masseur, a licensed practical nurse or a registered professional nurse;
2. Electrolysis treatment by a licensed operator of electrolysis equipment;
3. Hospitals, nursing homes, medical clinics or medical offices;
4. Barbershops, beauty parlors, nail salons which offer massage to the scalp, the face, the neck or shoulders only;
5. Athletic facilities or an educational institution including alumni club, or a philanthropic or charitable institution; and
6. Health establishment, including commercial and noncommercial clubs, which are equipped and arranged to provide instruction, services or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.

E. Locational Requirements and Standards

1. An adult-orientated establishment may be located in an Industrial Park (IP) Zone subject to the approval of a site plan and in accordance with the following standards and criteria.
   a. No such adult-orientated use shall be located within 200 feet of any residentially zoned areas.
   b. No such adult-oriented establishment shall be located within 500 feet of the property line of any public or private school or other educational facility serving individuals under the age of 17 years, day-care center, senior center, funeral home, park, library, firehouse or other public building, playground, church, convent, monastery, synagogue, mosque or similar place of worship, or cemetery.
   c. No such adult-oriented establishment shall be located within 500 feet of the property line of any lot containing a preexisting establishment which sells alcoholic beverages (other than beer and wine) for on-premises consumption, or within 200 feet of the property line of any lot containing a preexisting restaurant or other food service establishment which does not sell alcoholic beverages (other than beer and wine) for on-premises consumption.
   d. No such adult-oriented establishment shall be located within 1,000 feet of another such establishment.
   e. For purposes of compliance with these separation requirements, distances shall be measured in a straight line, without regard to intervening structures or objects, from the principal entrance of the building containing or proposing to contain an adult-orientated establishments to the nearest boundary of the uses specified in Subsection 7.4.E.1. above.
2. In accordance with CGS Section 8-6, these regulations shall not be varied by the Zoning Board of Appeals to accommodate the location of an adult-orientated establishment.

F. Sign and Exterior Display Limitations

No adult use shall be conducted in a matter that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any property not registered as an adult-orientated establishment. This requirement shall also apply to any display, decoration, sign, show window or other opening.

G. Registration Requirement

1. All existing or proposed adult-orientated establishments shall within 30 days of the effective passage of these regulations or prior to the opening of business register with the Zoning Enforcement Officer and provide the following information concerning the proposed or existing adult-orientated establishment of the type listed in Subsection 7.4.C of this section:
   a. The street address of the premises.
   b. The name of the owner of the premises, or the names of the beneficial owners if the property is a land trust.
   c. The address of the owner or the beneficial owners.
   d. The trade name of the regulated adult-orientated establishment.
   e. The name(s) and address(es) of the owner, beneficial owner, partners, limited partners or the major stockholders of the regulated adult-orientated establishment.
   f. The date of initiation of the regulated adult-orientated establishment.
   g. If the building or premises is leased, a copy of the said lease shall be furnished.
2. Upon filing of this information, the Zoning Enforcement Officer shall automatically issue a certificate of registration within 10 days.
3. The failure of an adult-orientated establishment to obtain a certificate of registration shall be deemed a violation of these regulations entitling the Zoning Enforcement Officer to issue a cease and desist order.
4. Any appeals from the cease and desist order shall be handled in accordance with CGS Section 8-8.
5. No cease and desist order will stay the operation of the establishment unless the Zoning Enforcement Officer seeks and obtains a court-ordered injunction.
6. During any administrative appeal or injunction proceedings, the Zoning Enforcement Officer shall carry the burden of proof.

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ARTICLE 8 - PROCEDURES

SECTION 8.1. ZONING PERMIT (STAFF)

A. Applicability

No building or land shall be occupied or used, the use of an existing building or land shall not be changed, and no building or other structure shall be constructed, reconstructed, altered, extended or enlarged in whole or in part for any purpose until a Zoning Permit shall have been issued by the Zoning Enforcement Officer showing conformance:

1. with these Regulations, or
2. to an approval granted by the Planning and Zoning Commission, or
3. to a variance granted by the Zoning Board of Appeals.

B. Application Procedures

1. An application for a Zoning Permit shall be accompanied by plans and/or other information that comply with the requirements in the Appendix of these Regulations.
2. If all requirements of these regulations are met, the Zoning Permit shall generally be issued within thirty (30) days; otherwise, the permit shall be denied for stated reasons.
3. In the event that any Zoning Permit is issued based on incorrect information or the specific conditions of approval are not adhered to strictly, such Zoning Permit shall be null and void.

C. Notice Provisions

1. In accordance with CGS Section 8-3(f), the recipient of a Zoning Permit may publish notice of issuance of the Zoning Permit in order to establish the appeal period per CGS Section 8-7.
2. Any such notice to be published by the recipient shall contain:
   a. a description of the building, use or structure and its location,
   b. the identity of the applicant, and
   c. a statement that an aggrieved person may appeal to the Board of Appeals in accordance with the provisions of CGS Section 8-7.

SECTION 8.2. CERTIFICATE OF ZONING COMPLIANCE (STAFF)

A. Applicability

No building, structure, land or premises shall be occupied for use or converted to a new use until a certificate of zoning compliance has been issued by the Zoning Enforcement Officer or his designee.

B. Application Procedures

1. An application for a Certificate of Zoning Compliance shall be accompanied by plans and/or other information that comply with the requirements in the Appendix of these Regulations.
2. Within 15 days of such application, the Zoning Enforcement Officer or his designee shall inspect the premises.
3. If all requirements of these regulations are met, including requirements of approved site and plot plans, the certificate shall be issued within 15 days; otherwise, the certificate shall be denied for stated reasons.
4. In the event that any permit or certificate is issued based on incorrect information or the specific conditions of approval are not adhered to strictly, such permit or certificate shall be null and void.
5. A certificate of zoning compliance shall remain in effect as long as the specified uses and conditional requirements are properly maintained but shall cease whenever such conditions and uses are terminated or no longer maintained.

C. Notice Provisions

1. In accordance with CGS Section 8-3(f), the recipient of a certificate of zoning compliance may publish notice of issuance of the certificate of zoning compliance in order to establish the appeal period per CGS Section 8-7.
2. Any such notice to be published by the recipient shall contain:
   a. a description of the building, use or structure,
   b. the location of the building, use or structure,
   c. the identity of the applicant, and
   d. a statement that an aggrieved person may appeal to the Board of Appeals in accordance with the provisions of CGS Section 8-7.

SECTION 8.3. PRELIMINARY CONCEPT PLAN (PZC)

A. Applicability

If an application is of such size or nature that providing a Site Plan or other application may be a significant expense, the applicant may submit a Concept Plan for informal presentation to the Commission.

B. Concept Plan Submission

1. A Concept Plan submission shall be submitted to the Planning and Zoning Office and shall be accompanied by plans and/or other information that comply with the requirements in the Appendix of these Regulations.
2. The Commission may informally review the Concept Plan for general conformance with these Regulations and may request additional information where deemed necessary.
3. A Concept Plan shall be considered only informational and advisory in nature and no development rights shall attach to the review or consideration of any Concept Site Plan.
4. Such review shall not be binding on the applicant or the Commission.
5. In accordance with PA 03-184, such review and any results or information obtained from it may not be appealed under any provision of the Connecticut General Statutes.
6. A Concept Plan shall be placed on file in the Commission's office for continuing reference purposes for any subsequent application.

SECTION 8.4. SITE PLAN APPLICATION (PZC)

A. Applicability

1. A Site Plan application shall be submitted:
   a. for any activity designated in the Regulations as requiring Site Plan approval.
   b. in a Residential zone, for any construction, development, expansion, or major alteration of a multi-family use or any non-residential use.
   c. in any other zone, for any construction, development, expansion, or major alteration of any use including any alteration in site improvements such as parking, pedestrian or vehicle circulation, public utilities or reduction of landscaping.
2. Notwithstanding the above, a site plan shall not be required for:
   a. interior remodeling work, or
   b. minor site plan revisions defined as:
      i. use changes for permitted uses in an existing building or building additions that require up to an additional five parking spaces,
      ii. changes in the layout of a parking lot, excluding changes in driveway locations,
      iii. changes in exterior mechanical equipment, dumpsters or storage structures which occupy less than 200 square feet of floor area, or
      iv. changes in the location of existing fences or new fence locations.

B. Submission Requirements

1. A Site Plan application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
2. A Site Plan application shall be accompanied by detailed plans, signed and sealed by an appropriate professional, for review by the Commission and its designees that comply with the requirements in the Appendix of these Regulations.
3. A Soil Erosion and Sediment Control Plan in accordance with the requirements of Section 6.6 shall be submitted when the disturbed area of any development is more than one-half (1/2) acre.
4. The Commission may, in accordance with the requirements of these Regulations and the Appendix of these Regulations, require the submission of additional information as deemed necessary to make a reasonable review of the application.

C. Proceedings

1. The date of receipt for the Site Plan application shall be determined in accordance with Subsection 8.10.B.
2. An incomplete Site Plan application may be denied in accordance with Subsection 8.10.C.
3. If a Site Plan application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.
4. For new construction or other activity considered to be significant in the sole judgment of the Commission, the Commission:
   a. may hold a public hearing on the application, and
   b. if such hearing is to be held, shall require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.10.G of these Regulations.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.10.H.
6. Notification to water companies may be required in accordance with the requirements of Subsection 8.10.I.
7. Notification to the Department of Environmental Protection may be required in accordance with the requirements of Subsection 8.10.J.
8. Whenever a Site Plan application is required in conjunction with another application requiring a public hearing (such as a Special Permit application or a Zone Change application):
   a. the time period for acting on the Site Plan application shall coincide with the time period for acting on the related application, and
   b. a decision on the application shall be rendered within sixty-five days after the close of the public hearing on such other application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days.
9. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.
10. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth (35th) day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
11. Approval of a site plan shall be presumed unless a decision to deny or modify it is rendered within the applicable time period specified above (approval as a result of failure of the Commission to act).
12. The applicant may, at any time prior to action by the Commission, withdraw such application.

D. Considerations

1. On a Site Plan application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the Commission shall:
   a. wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, and
   b. give due consideration to any report of the Inland Wetlands Commission when making its decision.
2. On a Site Plan application involving notice to adjoining municipalities under Subsection 8.10.H or notice to water companies under Subsection 8.10.I, the Commission shall give due consideration to any report or testimony received.
3. Before the Commission approves a Site Plan application, it shall determine that the application is in conformance with the applicable provisions of these Regulations.
4. In approving a Site Plan application, the Commission may impose conditions deemed necessary to protect the public health, safety, welfare, convenience, and property values.
5. The Zoning Enforcement Officer may require that a bond be posted, in an amount and form acceptable to the Zoning Enforcement Officer, to ensure:
   a. that adequate erosion and sediment control measures are installed and maintained, before any Zoning Permit is issued for activities shown on the approved plan, and
   b. that all of the improvements shown on the approved plan are implemented before a Certificate of Zoning Compliance related to issuance of a Certificate of Occupancy is granted.
6. The Commission shall not approve any Site Plan for any property on which there exists a zoning violation, unless such Site Plan application will remedy such violation.

E. Action Documentation

1. Whenever it grants or denies a Site Plan application, the Commission shall state upon its record the reason(s) for its decision.
2. The Commission shall send, by certified mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.
3. The Commission shall cause notice of the approval or denial of site plans to be published in a newspaper having a substantial circulation in Bethel within fifteen (15) days after such decision is rendered.
4. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.
5. On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within fifteen (15) days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period expires.

F. Following Approval

1. Following approval of a Site Plan application, one (1) fixed-line mylar copy and three (3) paper copies of the approved plan(s) shall be submitted to the Planning and Zoning Office:
   a. bearing the raised seal and signature of the appropriate professionals which prepared the drawing(s),
   b. bearing a copy of the decision letter of the Commission and any other town regulatory agencies authorizing the activity, and
   c. containing a signature block where the Chairman of the Commission can indicate the approval of the Commission.
2. Following signature by the Chairman, such plans shall be filed in the office of the Planning and Zoning Office before any Zoning Permits are issued for the activities shown on the approved plan.
3. Proposed modifications to approved site plans shall be submitted to the Zoning Enforcement Officer for review and such proposed modifications may be:
   a. approved by the Zoning Enforcement Officer if minor in nature, or
   b. submitted to the Commission for additional review if they propose major changes (i.e., additional building floor area, alteration of building location, etc.).
4. The Zoning Enforcement Officer shall submit a monthly report to the Commission summarizing actions taken in connection with Subsection 8.4.F.3.
5. Within a Village District Overlay Zone, no approval shall be effective until a copy thereof, certified by the Commission, containing the name of the owner of record, a description of the premises to which it relates and specifying the reasons for its decision, is recorded by the applicant in the land records, indexed in the grantor's index under the name of the record owner.

G. Expiration and Completion

1. Any Site Plan application under which no work is commenced (a structural portion of a building has not been erected) within twelve (12) months from the date of approval, shall expire unless the Commission shall provide for a longer time period not to exceed twenty-four (24) months from the date of approval.
2. All work in connection with a site plan shall be completed within five (5) years after the date of approval of the plan and failure to complete all work within such five-year period shall result in automatic expiration of the approval of such site plan unless the Commission shall have granted an extension of the time to complete work in connection with such site plan.
3. The Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten (10) years from the date of approval of such site plan.
4. The Commission may condition the approval of such extension on a determination of the adequacy of any bond or other surety.

SECTION 8.5. SPECIAL PERMIT APPLICATION (PZC)

A. Applicability

1. A Special Permit application shall be submitted for any activity designated in the Regulations as requiring Special Permit approval.
2. Notwithstanding the above, a Special Permit shall not be required for interior renovations and modifications for space within a structure previously approved by the Commission as a site plan approval under Section 8.4, or as a Special Permit under these regulations, provided that:
   a. The use is permitted within the zone;
   b. There are no exterior alterations to the structure or the site;
   c. There is no additional requirement for parking under Section 6.2 of the Zoning Regulations.

B. Pre-Submission Requirements

Prior to the submission of a Special Permit application to the Commission, the applicant shall request an informal conference with the Planning and Zoning Official for a pre-application review with appropriate town agents and staff.

C. Submission Requirements

1. A Special Permit application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
2. Each application for a Special Permit shall be accompanied by a Site Plan application unless the Zoning Enforcement Officer finds that there are no physical changes proposed to the site or any building or structure and the submission of a Site Plan application is not necessary for the Commission to evaluate the proposal.
3. A Special Permit application shall be accompanied by appropriate materials for review by the Commission and its designees that comply with the requirements in the Appendix of these Regulations.
4. The Commission may, in accordance with the requirements of these Regulations and the Appendix of these Regulations, require the submission of additional information as deemed necessary to make a reasonable review of the application.
5. The applicant shall bear the burden of demonstrating that the applicable Special Permit Criteria in Subsection 8.5.E of these Regulations are addressed.
6. The Commission shall not be required to hear an application relating to the same request or substantially the same requests, more than twice in a twelve-month period.

D. Proceedings

1. The date of receipt of the Special Permit application shall be determined in accordance with Subsection 8.10.B.
2. An incomplete Special Permit application may be denied in accordance with Subsection 8.10.C.
3. If a Special Permit application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.
4. The Commission shall hold a public hearing on the Special Permit application and:
   a. publish a legal notice in accordance with the requirements of Subsection 8.10.F of these Regulations, and
   b. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.10.G of these Regulations.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.10.H.
6. Notification to water companies may be required in accordance with the requirements of Subsection 8.10.I.
7. The Commission shall process the Special Permit application within the period of time permitted under CGS Section 8-7d:
   a. the public hearing shall commence within sixty-five (65) days after receipt of the application,
   b. the public hearing shall be completed within thirty-five (35) days after such hearing commences,
   c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing, and
   d. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
8. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands Commission , the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
9. The applicant may, at any time prior to action by the Commission, withdraw such application.

E. Special Permit Criteria

In considering an application for a Special Permit, the Commission shall evaluate the merit of the application with respect to the following factors except that the Commission may determine that some factors may not be applicable to certain types of applications:

1. Zoning Purposes

Whether the proposed use or activity conflicts with the purposes of the Regulations.

2. Environmental Protection and Conservation

Whether appropriate consideration has been given to the protection, preservation, and/or enhancement of natural, scenic, historic, and unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features which enhance the character and environment of the area.

3. Overall Neighborhood Compatibility

Whether the proposed use will have a detrimental effect on neighboring properties and residences or the development of the district.

4. Suitable Location For Use

Whether the location and size of the site, the nature and intensity of the operations involved in or conducted in connection with the use, and the location of the site with respect to streets giving access to it are such that the use will be in harmony with the appropriate and orderly development in the district in which it is located and shall promote the welfare of the Town.

5. Appropriate Improvements

a. Whether the design elements of the proposed development will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and probable future character of the neighborhood in which the use is located.

b. Whether the location, nature and height of buildings, walls, and fences, planned activities and the nature and extent of landscaping on the site will be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

c. Whether the proposed use or activity will have an adverse effect upon the neighboring area resulting from the use of signs, exposed artificial lights, colored lights of any nature, flashing lights, loudspeakers or other noisemaking devices.

d. In cases where it is proposed to convert a structure designed and built originally for other uses, whether the structure is adaptable to the proposed use from the point of view of public health and safety.

6. Suitable Transportation Conditions

a. Whether the design, location and specific details of the proposed use or activity will adversely affect safety in the streets nor unreasonably increase traffic congestion in the area nor interfere with the pattern of vehicular circulation in such a manner as to create or augment unsafe traffic conditions.

b. Whether the parking area or areas will be of adequate size for the particular use, shall be suitably screened from adjoining residential uses, and entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.

c. Whether the streets and other rights-of-way are or will be of such size, condition and capacity (in terms of capacity, width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the particular proposed use.

7. Adequate Public Utilities and Services

a. Whether the provisions for water supply, sewage disposal, and storm water drainage conform to accepted engineering practices, comply with all standards of the appropriate regulatory authority, and will not unduly burden the capacity of such facilities.

b. Whether the proposed use or activity will provide easy accessibility for fire apparatus and police protection and is laid out and equipped to further the provision of emergency services.

8. Long Term Viability

Whether adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).

9. Nuisance Avoidance

a. Whether the design and use incorporate measures to control noise, light, parking visibility, erosion, water contamination and stormwater run-off on the site and in relation to the surrounding area.

b. Whether the hours of operation need to be regulated in order to protect public health, safety, convenience and property values.

10. Plan of Conservation and Development

Whether the proposed use or activity is in accordance with or facilitates achievement of one or more of the goals, objectives, policies, and recommendations of the Plan of Conservation and Development, as amended.

F. Decision Considerations

1. Before the Commission approves a Special Permit application, it shall determine that the application:
   a. has, in the sole discretion of the Commission, satisfied the Special Permit criteria in Subsection 8.5.E of these Regulations, and
   b. is in conformance with other applicable provisions of these Regulations, and
   c. is in harmony with the purposes and intent of these Regulations.
2. On a Special Permit application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the Commission shall:
   a. wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, and
   b. give due consideration to any report of the Inland Wetlands Commission when making its decision.
3. On a Special Permit application involving notice to adjoining municipalities under Subsection 8.10.H or notice to water companies under Subsection 8.10.I, the Commission shall give due consideration to any report or testimony received.
4. In granting a Special Permit, the Commission may:
   a. stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety or welfare; property values; the environment; sound planning and zoning principles; improved land use, site planning and land development; or better overall neighborhood compatibility, and
   b. impose additional requirements, conditions or safeguards as a prerequisite to the issuance of the Zoning Permit by the Zoning Enforcement Officer, if it shall be found necessary in order that the spirit of these Regulations may be observed, public safety and welfare secured or substantial justice done.
5. Any or all of the special permit criteria of Section 8.5.E may be waived by the Commission for signs and accessory apartments.
6. Any condition or safeguard attached to the granting of a Special Permit:
   a. shall remain with the property as long as the Special Permit use is still in operation, and
   b. shall continue in force and effect regardless of any change in ownership of the property.
7. The Commission shall not approve any Special Permit for any property on which there exists a zoning violation, unless such Special Permit application will remedy such violation.

G. Action Documentation

1. The Planning and Zoning Commission shall approve, disapprove or approve with conditions the proposed Special Permit.
2. Whenever it acts on a Special Permit application, the Commission shall state upon its record the reason(s) for its decision.
3. The decision to grant a Special Permit shall:
   a. state the name of the owner of record,
   b. contain a description of the premises to which it relates,
   c. identify the Section and/or Subsection of the Regulations under which the Special Permit was granted or denied, and
   d. specify the nature of the Special Permit.
4. The Commission shall send, by certified mail, a copy of any decision on a Special Permit application to the applicant within fifteen (15) days after such decision is rendered.
5. The Commission shall cause notice of the approval or denial of the Special Permit application to be published in a newspaper having a substantial circulation in Bethel within fifteen (15) days after such decision is rendered.
6. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

H. Following Approval

1. A Special Permit granted by the Commission shall only become effective upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS Section 8-3d.
2. A Special Permit shall only authorize the particular use or uses specified in the Commission's approval.
3. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations and the Commission shall have the authority to revoke the permit at any time the operation is found to be in noncompliance with the original permit.
4. A Special Permit may be amended or modified in like manner as provided above for the granting of a Special Permit except that amendments which shall be found to be of a minor nature, result in no significant change in the use or its intensity, or which do not materially alter the Special Permit, as determined by the Commission, may be authorized with Commission approval only, without another public hearing.
5. Any use governed by an existing special permit may be amended by the Commission through the granting of a new special permit in accordance with these Regulations.

SECTION 8.6. TEXT AMENDMENT APPLICATION (PZC)

A. Applicability

A Text Amendment application shall be submitted for any proposal to amend, change, or repeal any Section of these Regulations.

B. Submission Requirements

1. A Text Amendment application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
2. A Text Amendment application shall be accompanied by ten (10) copies of the precise wording of the existing and proposed text and any other supporting information, including reasons for the proposed amendment, that comply with the requirements in the Appendix of these Regulations.
3. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
4. A Text Amendment application shall only be submitted by:
   a. an owner of real property in Bethel,
   b. residents or persons having an interest in land in Town, or
   c. by the Commission on its own initiative.
5. The Commission shall not be required to hear any petition or petitions relating to the same text changes, or substantially the same text changes, more than once in a period of twelve (12) months unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

C. Proceedings

1. The date of receipt for the Text Amendment application shall be determined in accordance with Subsection 8.10.B.
2. An incomplete Text Amendment application may be denied in accordance with Subsection 8.10.C.
3. The Commission shall hold a public hearing on the Text Amendment application and:
   a. shall cause a legal notice to be published in accordance with the requirements of Subsection 8.10.F. of these Regulations.
   b. may publish the full text of such proposed regulation in full in such notice.
4. The Commission shall give written notice to the regional planning agency when any portion of the land affected by a regulation change affecting the use of a zone is located within five hundred (500) feet of the boundary of another municipality and:
   a. such notice shall be made by certified mail, return receipt requested.
   b. such notice shall be made not later than thirty (30) days before the public hearing.
   c. the regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.10.H.
6. Notification to water companies may be required in accordance with the requirements of Subsection 8.10.I.
7. The Commission may refer any application to amend the Zoning Regulations to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.
8. A copy of the proposed regulation shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
9. The Commission shall process the Text Amendment application within the period of time permitted under CGS Section 8-7d:
   a. the public hearing shall commence within sixty-five (65) days after receipt of the application.
   b. the public hearing shall be completed within thirty-five (35) days after such hearing commences.
   c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing.
   d. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
   e. these provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.
10. The applicant may, at any time prior to action by the Commission, withdraw such application.

D. Decision Considerations

1. The Commission shall act upon the changes requested in such Text Amendment application.
2. On a Text Amendment application involving notice to adjoining municipalities, water companies, or a regional planning agency:
   a. any report received from those agencies shall be made a part of the record of such hearing.
   b. the Commission shall give due consideration to any report or testimony received.
3. In making its decision the Commission shall:
   a. consider whether the text amendment will be in accordance with a comprehensive plan (the overall scheme of the zoning map and regulations), and
   b. take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23.
4. In accordance with CGS Section 8-3a(a), the Commission shall state on the record its findings on consistency of a proposed zoning regulation or text change with the Plan of Conservation and Development, as may be amended.
5. Before approving any Text Amendment application, the Commission shall determine that the proposed regulation change will aid in:
   a. protecting the public health, safety, welfare, or property values, and
   b. attaining the purposes of these Regulations.

E. Action Documentation

1. Whenever the Commission acts upon a Text Amendment application, it shall state upon the record the reasons for its decision.
2. In making its decision, the Commission shall state upon the record its findings on consistency of the proposed establishment, change or repeal of such Regulations with the Plan of Conservation and Development, as amended.
3. As part of approving a Text Amendment application:
   a. the Commission shall establish an effective date for the Regulation change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Bethel before such effective date, or
   b. if an effective date is not so specified, the text amendment shall become effective upon publication in a newspaper having a substantial circulation in the Town.
4. The Commission shall send, by certified mail, a copy of any decision on a Text Amendment application to the applicant within fifteen (15) days after such decision is rendered.
5. The Commission shall cause notice of the approval or denial of the Text Amendment application to be published in a newspaper having a substantial circulation in Bethel within fifteen (15) days after such decision is rendered.
6. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

F. Following Approval

A regulation amendment approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

SECTION 8.7. ZONE CHANGE APPLICATION (PZC)

A. Applicability

A Zone Change application shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.

B. Submission Requirements

1. A Zone Change application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
2. A Zone Change application shall be accompanied by ten (10) copies of a map signed and sealed by a land surveyor licensed in the State of Connecticut for review by the Commission and its designees that complies with the requirements in the Appendix of these Regulations.
3. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
4. A Zone Change application shall only be:
   a. submitted by the owner of the real property affected by the zone change,
   b. initiated by petition of residents or persons having an interest in land in Town, or
   c. submitted by the Commission on its own initiative.
5. The Commission shall not be required to hear a Zone Change application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

C. Proceedings

1. The date of receipt for the Zone Change application shall be determined in accordance with Subsection 8.10.B.
2. An incomplete Zone Change application may be denied in accordance with Subsection 8.10.C.
3. The Commission shall hold a public hearing on the Zone Change application and shall:
   a. publish a legal notice in accordance with the requirements of Subsection 8.10.F of these Regulations, and
   b. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.10.G of these Regulations.
4. The Commission shall give written notice to the regional planning agency when any portion of the land affected by a map change is located within five hundred (500) feet of the boundary of another municipality and:
   a. such notice shall be made by certified mail, return receipt requested.
   b. such notice shall be made not later than thirty (30) days before the public hearing.
   c. the regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.10.H.
6. Notification to water companies may be required in accordance with the requirements of Subsection 8.10.I.
7. The Commission may refer any application to amend the zoning map to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.
8. A copy of the proposed zoning map change shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
9. The Commission shall process the Zone Change application within the period of time permitted under CGS Section 8-7d:
   a. the public hearing shall commence within sixty-five (65) days after receipt of the application.
   b. the public hearing shall be completed within thirty-five (35) days after such hearing commences.
   c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing.
   d. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
   e. these provisions shall not apply to any action initiated by the Commission regarding a zoning map change.
10. The applicant may, at any time prior to action by the Commission, withdraw such application.

D. Decision Considerations

1. The Commission shall act upon the changes requested in such Zone Change application.
2. On a Zone Change application involving notice to adjoining municipalities, water companies, or a regional planning agency,:
   a. any report received from those agencies shall be made a part of the record of such hearing.
   b. the Commission shall give due consideration to any report or testimony received.
3. Changes in zone district boundaries:
   a. should be in harmony with the Plan of Conservation and Development for the Town of Bethel, as amended.
   b. shall, where possible, constitute logical extensions of like or compatible districts.
   c. where appropriate, follow property lines or geo-physical features.
4. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23.
5. In accordance with CGS Section 8-3a(a), the Commission shall state on the record its findings on consistency of a proposed zoning map change with the Plan of Conservation and Development, as may be amended.
6. Before approving any Zone Change application, the Commission shall determine that the proposed regulation change:
   a. is in accordance with the Plan of Conservation and Development,
   b. is suitable for the intended location,
   c. will aid in protecting the public health, safety, welfare, or property values, and
   d. will aid in attaining the purposes of these Regulations.
7. Such zone change(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty (20) percent or more of the area of the lots affected by such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

E. Action Documentation

1. Whenever the Commission acts upon a Zone Change application, it shall state upon the record:
   a. the reasons for its decision.
   b. its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.
2. As part of approving a Zone Change application:
   a. the Commission shall establish an effective date for the zoning map change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Bethel before such effective date, or
   b. if an effective date is not so specified, the zoning map change shall become effective upon publication in a newspaper having a substantial circulation in the Town.
3. The Commission shall send, by certified mail, a copy of any decision on a Zone Change application to the applicant within fifteen (15) days after such decision is rendered.
4. The Commission shall cause notice of the approval or denial of the Zone Change application to be published in a newspaper having a substantial circulation in Bethel within fifteen (15) days after such decision is rendered.
5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

F. Following Approval

A zoning map change approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

SECTION 8.8. VARIANCE APPLICATION (ZBA)

A. Applicability

A Variance application shall be submitted for any proposal to vary the application of the zoning regulations with regard to any parcel(s) of land or part thereof.

B. Submission Requirements

1. A Variance application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
2. A Variance application shall be accompanied by five (5) copies of materials that comply with the requirements in the Appendix of these Regulations.
3. The Board shall require the filing of a survey prepared by a licensed land surveyor when the variance is dimensional in nature or such survey is integral to the understanding of the application.
4. As provided by CGS Section 8-6, the Board shall not be required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the Board or by a court on an earlier such application.
5. If a Variance application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.

C. Proceedings

1. The date of receipt for the Variance application shall be determined in accordance with Subsection 8.10.B.
2. The Board shall hold a public hearing on the Variance application and:
   a. publish a legal notice in advance of the hearing in accordance with the requirements of Subsection 8.10.F. of these Regulations, and
   b. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.10.G of these Regulations.
   c. At such hearing, any party may appear in person or may be represented by agent or by attorney.
3. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.10.H.
4. Notification to water companies may be required in accordance with the requirements of Subsection 8.10.I.
5. An incomplete Variance application may be denied in accordance with Subsection 8.10.C.

6. The Board shall process the Variance application within the period of time permitted under CGS Section 8-7d:
   a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
   b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
   c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
   d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
7. The applicant may, at any time prior to action by the Commission, withdraw such application.

D. Decision Consideration

1. Before granting a variance, the Board shall find that a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship:
   a. solely with respect to the parcel of land that is the subject of the application, and
   b. owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated.
2. The Board shall only grant the minimum variance necessary to alleviate the exceptional difficulty or unusual hardship:
   a. in harmony with the general purpose and intent of the Regulations.
   b. with due consideration for conserving the public health, safety, convenience, welfare and property values, and
   c. so that substantial justice shall be done and the public safety and welfare secured.
3. The concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.

E. Additional Considerations for Use Variances

1. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.
2. No use variance for a business use or an industrial use shall be granted in a Residence Zone.
3. A use variance shall only be granted where, without the use variance, the private property would be rendered valueless.

F. Action Documentation

1. Whenever it grants or denies a Variance application, the Board shall state upon its records:
   a. the reason for its decision,
   b. the Regulation which is varied in its application, and
   c. a specific description of the exceptional difficulty or unusual hardship on which its decision is based.
2. Notice of the decision of the Board shall be sent by certified mail to the applicant within fifteen (15) days after such decision has been rendered.
3. Such notice shall:
   a. state the name of the owner of record,
   b. contain a description of the premises to which it relates,
   c. state the nature of the hardship claimed, and
   d. specify the nature of such variance including the Regulation which is varied in its application.
4. Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in Bethel within fifteen (15) days after such decision has been rendered.
5. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

G. Following Approval

1. A variance granted by the Board shall only become effective upon the filing of a copy, certified by the Board, in the land records of the Town, in accordance with the provisions of CGS Section 8-3d.
2. A variance shall only authorize the particular activity specified in the Board's approval.

SECTION 8.9. MOTOR VEHICLE LOCATION APPLICATION

A. Applicability

1. In accordance with CGS Section 14-54, an application for a Certificate of Location Approval shall be submitted to the Zoning Board of Appeals by any person who desires to obtain a license for dealing in or repairing mo- tor vehicles in Bethel except that this requirement shall not apply to:

   a. a transfer of ownership to a spouse, child, brother, sister or parent of a licensee;

   b. a transfer of ownership to or from a corporation in which a spouse, child, brother, sister, or parent of a licensee has a controlling interest; or

   c. a change in ownership involving the withdrawal of one or more partners from a partnership.

2. In accordance with CGS Section 14-321, an application for a Certificate of Location Approval shall be submitted to the Planning and Zoning Commission by any person who desires to obtain a license for the sale of gasoline or any other product, under the provisions of CGS Section 14-319, including the alteration or changing of adjoining physical properties for such purposes, except that this requirement shall not apply:

   a. in the case of a renewal of a license by the holder of the license;

   b. to the transfer of the last issued license from one person to another provided no more than one (1) year has elapsed since the expiration of such license; or

   c. in the case of the addition or discontinuance of pumps.

B. Proceedings

1. In reviewing a Certificate of Location Approval application, the Board and Commission, as applicable, act as agents of the State of Connecticut and the notice provisions and other provisions of CGS Chapter 124 (CGS Section 8-1 et seq.) shall not apply.

2. The Board or Commission, as applicable, may hold a public hearing on the Certificate of Location Approval application and, if such hearing is to be held:

   a. shall cause a legal notice to be published in accordance with the requirements of Subsection 8.10.F of these Regulations; and

   b. may require that the applicant give notice to nearby property owners in accordance with the re- quirements of Subsection 8.10.G of these Regulations.

3. The applicant may withdraw such Certificate of Location Approval Application at any time prior to ac- tion by the Board or Commission, as applicable.

4 The Commission, in reviewing an application subject to Section 8.9(A)(2), amy consider a Certificate of Location Approval Application simultaneously with an application for site plan and/or special permit, and may consolidate the public hearings for the applications.

C. Considerations

As an agent of the State of Connecticut, the Board and Commission serve solely to determine whether a Certificate of
Location Approval should be issued based upon such considerations as:

1. whether the use is permitted in the zoning district;
2. the suitability of the location in view of traffic, intersecting streets, width of highway, effect on public travel, and other conditions;
3. the relationship of the proposed use or operation with respect to schools, churches, theaters, play-houses or other places of public gathering;
4. whether the proposed use of the location would imperil the safety and welfare of the public;
5. whether the proposed use of the location would have a detrimental effect on the value of nearby properties or development thereof; or
6. whether there has been a material change in conditions which might reverse a decision of granting or denying a previous application.

D. Action Documentation

1. Whenever it grants or denies a Motor Vehicle Location application, the Board or Commission, as applicable, shall state upon its records the reason for its decision.

2. Notice of the decision of the Board or Commission, as applicable, shall be sent by certified mail to the applicant within fifteen (15)
days after such decision has been rendered.

3. Such notice shall:
   a. state the name of the owner of record,
   b. contain a description of the premises to which it relates, and
   c. state the reason why the application was approved or denied.

SECTION 8.10. PROCEDURAL REQUIREMENTS

A. Application Submittal Requirements

1. Applications to the Commission or Board shall be submitted to the Planning and Zoning Office.
2. Applications shall be submitted on forms obtained from the Planning and Zoning Office for the type of application being submitted.
3. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town shall be exempt from any application fee.
4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
5. Applications shall be signed by the applicant.
6. Applications shall be signed by the owner of the property affected unless the application is for a text change or is a map change initiated by the Commission.

B. Date of Receipt

For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Commission or the Board shall be:

1. the day of the next regularly scheduled meeting of the Commission or the Board immediately following the day of submission of the application to the Planning and Zoning Office, or
2. thirty-five (35) days after submission, whichever is sooner.

C. Incomplete Applications

1. Each application shall be reviewed by the Planning and Zoning Office to determine whether the application is substantially complete.
2. An application requiring approval from the Commission or Board shall not be considered actually complete until all of the information as required by these Regulations, the Commission, or the Board has been received by the Commission or the Board at a regularly scheduled meeting.
3. An incomplete application or an application submitted without the requisite fee may be denied.

D. Sequence of Hearings

Where a proposed development or activity requires multiple applications, the Commission or the Board may conduct any public hearings simultaneously or in the order they deem appropriate.

E. Consultations

1. On any application, the Commission or Board may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.
2. On any application, the Commission or Board may retain an architect, landscape architect, professional land use planner, or other consultant to review, comment, and guide its deliberations on any application.
3. The Planning and Zoning Official may make a preliminary determination of the need for such technical assistance to be provided by non-town personnel following a review of the application with other Town staff provided that such preliminary determination shall be subject to review by the Commission or the Board.
4. Prior to retaining an outside consultant, the Commission or the Board shall make findings that the nature and intensity of the development may have a significant impact on the Town of Bethel and that:
   a. the Town staff will not be able to complete a technical review of the application in a timely fashion, or
   b. that the project is of such a nature as to require expertise not available from staff.
5. The Planning and Zoning Official shall estimate the cost of such services based upon information received from qualified technical experts.
6. Upon determining the need for such technical assistance, the Commission or the Board shall require that the applicant:
   a. deposit funds with the Town for 150% of the estimated costs of any consulting review fees before review of the application by the Commission or the public hearing, if such hearing is necessary, or
   b. reimburse the Town for the cost of such consulting review.
7. Upon completion of the technical review and final action by the Commission on the application, the Commission shall determine the costs incurred for the review and refund excess funds (if any) to the applicant.
8. The applicant shall not be responsible for costs incurred for technical assistance that exceeds the amount deposited.

F. Notice by Newspaper

1. When a public hearing is required by these Regulations or scheduled by the Commission or Board, the Planning and Zoning Office shall cause notice of the hearing to be published in a newspaper having a substantial circulation in Bethel.
2. Such notice shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before the date of the hearing.

G. Notification to Property Owners

1. When required by these Regulations, the applicant (other than the Commission which is exempt as per PA 06-80) shall notify owners of property within one hundred (100) feet of the subject property (including owners of all condominium units both on and adjacent to the subject property), whether inside or outside Bethel, of a pending application by mailing a notice at least fifteen (15) days prior to the first scheduled hearing.
2. At a minimum, such notice shall consist of:
   a. a description of the proposed activity,
   b. notification of the date, time, and place of the first scheduled hearing, and
   c. a copy of the application form submitted to the Commission or the Board.
3. Notices to such property owners shall be sent via "Certified United States Mail, Return Receipt Requested" except that where any property owner shall have listed with the Assessor an address outside the United States, the requisite notice shall be sent by International Express Mail or equivalent.
4. The most recent Assessor's records on file in the Bethel Assessor's Office shall be utilized to determine the owner of each property for the purpose of this mailing.
5. The applicant shall certify to the Planning and Zoning Commission 15 days prior to the public hearing that the required notices were mailed to all parties identified in Subsection 8.10.G.1.
6. Prior to the first scheduled hearing regarding the application, the applicant shall submit the following to the Planning and Zoning Office or the application shall be considered incomplete:
   a. a copy of the complete package of information sent to abutters,
   b. a list of the abutters to whom the notices were sent, and
   c. proof of mailing such as "Certificates of Mailing" issued by the United States Postal Service, and
   d. return receipts.

H. Notification to Abutting Municipalities

1. In accordance with CGS Section 8-7d(f), the Commission or Board shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
   a. any portion of the property affected by a decision is within five hundred (500) feet of the boundary of the adjoining municipality,
   b. a significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site,
   c. a significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality, or
   d. water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the day of the submission to the Planning and Zoning Office of the application, petition, request or plan.
3. No hearing shall be conducted on any such application unless the adjoining municipality has received the notice required under this Section.
4. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

I. Notification to Water Companies

1. In accordance with CGS Section 8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application is filed with the Commission or Board concerning any project on any site that is within:
   a. an aquifer protection area, provided such area has been delineated in accordance with CGS Section 22a-354c, or
   b. the watershed of a water company, provided such water company or said commissioner has filed a map with the Commission or the Board and on the Bethel land records showing boundaries of the watershed.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven days after the date of the day of the submission to the Planning and Zoning Office.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Planning and Zoning Office or the application shall be considered incomplete:
   a. a copy of the complete package of information, and
   b. proof of mailing.
4. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

J. Notification of DEP

1. If any portion of the property which is the subject of the application is located within a "shaded area" identified on the Natural Diversity Database maps for Bethel (www.ct.gov/dep/endangeredspecies), the applicant shall notify the Connecticut Department of Environmental Protection (DEP) of the pending project.
2. A report from DEP shall be a required for any application for a site plan or a Zoning Permit and any such application submitted without a DEP report shall be considered incomplete (see Subsection 8.10.C).
3. Additional information is available at the following web address (valid as of June 2009): http://www.ct.gov/dep/lib/dep/Permits_and_Licenses/Common_Forms/NDDB_instructions_app.pdf.

K. Beneficiaries of a Trust

Any person who makes an application to the Commission or Board pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner (s) of such real property or the beneficiary(ies) of the trust.

SECTION 8.11. MORATORIUM

1. Uses Subject to Moratorium

[effective 5/12/15]

a. INTENT AND PURPOSE
The Zoning Commission has determined that the following uses have the potential to impair the health, safety and welfare of its citizens, and that a temporary limited moratorium is needed in order to properly develop restrictions anD standards for the implementation of these uses.

b. IDENTIFIED USES SUBJECT TO MORATORIUM
   1. Crematory Facility

c. APPLICATION
   1. No application for a Crematory Facility and no installation or creation of Crematory Facility shall be permitted in any zone within the Town of Bethel during the effective dates specified in Section 8.11.1(d)

d. EFFECTIVE DATE and EXPIRATION
   1. The effective date of the moratorium on the application or creation of any Crematory Facility is the date of adoption of this regulation by the Zoning Commission together with the filing of the Amendment with the Town Clerk (beginning on May 12, 2015), expiring in one calendar year (ending on May 12, 2016.

L. Bonds

1. Where a bond is required by any Section of these Regulations, it shall be in one (1) of the following forms and the Zoning Enforcement Officer shall require evidence of compliance with the following standards before accepting any bond:
   a. Cash deposited with the Town.
   b. Certified bank check to the order of the Town when the amount of the check is fully insured by the FDIC.
   c. Bank deposit (such as a passbook savings account) assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC.
   d. Irrevocable letter of credit naming the Town as sole beneficiary provided that:
      i. such letter of credit shall be issued by, and drafts thereunder presentable at,_a branch of a bank in Connecticut provided that;
         a. such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, "NAIC") as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes; or
         b. the long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service.
      ii. The terms and conditions of such letter of credit shall be acceptable in form and substance to the Town, and
      iii. if and when such letter of credit shall, through the passage of time, have less than thirty (30) days remaining until its expiration or lapse date, and such date shall not have been extended, the Town may draw under said letter of credit the full amount thereof and the proceeds may be retained by the Town as the bond.
   e. Other form of bond (such as a performance bond) acceptable in form and substance to the Town.
2. Any required bond shall not be released by the Commission until:
   a. the release has been requested, in writing, by the applicant,
   b. the Town Engineer has submitted a letter stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied, and
   c. the applicant's engineer or surveyor has certified to the Commission, through submission of a set of detailed "Record" plans on mylar, that all improvements and other work are in accordance with submitted site plans.
3. Any cost of collecting a bond, including without limitation, attorney, bank and other collection fees and expenditures, shall be for account of the applicant and may be deducted from amounts released in Subsection 8.10.L.2.

M. Soil Erosion and Sediment Control Plan

1. A Soil Erosion and Sediment Control Plan shall be submitted with or prior to any application for development requiring a Zoning Permit, Special Permit, or Site Plan when the disturbed area of any such development is more than one-half (1/2) acre.
2. Upon receipt of an application for approval of a Soil Erosion and Sediment Control Plan, the Commission or its agent shall refer the plan to the Northwest Conservation District for action by delivering a copy of the plan to its office.
3. The Commission shall incorporate any action taken by the Northwest Conservation District on the Soil Erosion and Sediment Control Plan into its decision.
4. The Zoning Enforcement Officer shall issue a Soil Erosion and Sediment Control Permit for a plan conforming to the approval granted by the Commission.

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ARTICLE 9 - ADMINISTRATION

SECTION 9.1. ADMINISTRATION

A. Appointment

The Planning and Zoning Commission shall appoint a Zoning Enforcement Officer and may appoint one or more Assistant Zoning Enforcement Officer(s) who shall act as its agent(s) for administration of these Regulations.

B. Duties and Responsibilities

The Commission hereby delegates the following administrative duties and responsibilities to the Zoning Enforcement Officer and any Assistant Zoning Enforcement Officer(s):

1. To issue or withhold zoning permits, as herein provided.
2. To issue or withhold certificates of zoning compliance, as herein provided.
3. To enforce these Regulations in accordance with Section 9.2.
4. To maintain a proper record of all applications, zoning permits, certificates of zoning compliance, site plans and plot plans, complaints, violations, orders, corrections, correspondence, notices, fees levied and collected and such other data and files as are required by these Regulations.
5. To report regularly to the Commission and carry out its directives in all matters pertaining to these Regulations.
6. Any and all duties referred to in these Regulations.
7. Any other duties or responsibilities which the Commission chooses to delegate.

SECTION 9.2. ENFORCEMENT

A. Appointment

The Planning and Zoning Commission shall appoint a Zoning Enforcement Officer and may appoint one or more Assistant Zoning Enforcement Officer(s) who shall act as its agent(s) for enforcement of these Regulations.

B. Powers and Duties

The Commission hereby grants the following enforcement powers and duties to the Zoning Enforcement Officer and any Assistant Zoning Enforcement Officer(s):

1. To enforce these regulations uniformly.
2. To inspect or cause to be inspected any building, structure, land, place or premises wherein:
    a. Work is proceeding under a zoning permit;
    b. Application is made for a certificate of zoning compliance; or
    c. There is filed a complaint alleging a violation of these Regulations or of an approved permit or site plan.
3. To order in writing the correction of any condition found to exist therein or thereat in violation of any provisions of these Regulations.
4. To order the stoppage of any work being done in violation of these Regulations.
5. To take remedial action in all instances wherein a violation of the Regulations or of an approved site plan or permit is found, including:
    a. revocation of permits and certificates,
    b. the issuance of orders for abatement or correction, or
    c. the institution of other measures for relief as may be provided by law.

C. Other Provisions

1. The owner, agent, lessee or tenant of any building or premises or part thereof where a violation of any provision shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation, or who shall maintain any building or premises in which any such violation shall exist shall be guilty of a misdemeanor.
2. Where plans are required to determine conformance with any provision of the zoning regulation, appropriate plans shall be filed which are sufficient in scope and character to determine that all relevant requirements of the zoning regulations have been met.
3. In cases where the particular skill or competence of some other Town department is relevant to an evaluation of the plans under the zoning regulation, the Zoning Enforcement Officer may refer such plans to such department for a report.
4. Any person, persons, party, firm or corporation, whether property owner, lessee or tenant, who or which perpetrates or allows a violation of these regulations shall be liable to the penalties prescribed by law (NOTE: Refer to CGS Section 8-12) and such legal relief as may be available to the Town of Bethel.
5. The Zoning Enforcement Officer or his assistant shall first order the abatement or correction of such violation, allowing 10 days, or such other time as provided by statute, for compliance. (NOTE: Refer to CGS Section 8-12.)
6. Failure to correct such violation after the specified deadline for correction shall constitute a separate offense for each day such condition persists, and legal enforcement remedies shall thereafter be pursued to completion by the Commission and the Zoning Enforcement Officer.

SECTION 9.3. ZONING BOARD OF APPEALS

A. Establishment

There shall be a Zoning Board of Appeals pursuant to the provisions of Chapter 124 of the Connecticut General Statutes (CGS Section 8-1 et seq.).

B. Powers and Duties

The Zoning Board of Appeals shall have the powers and duties set forth in the Connecticut General Statutes, including:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer provided that:
   a. Such appeal shall be made within fifteen (15) days of the order, requirement or decision.
   b. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, or decision of the official charged with the enforcement of the Regulations.
2. To determine and vary the application of the Zoning Regulations (a "variance") solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship and only when such determination or variance shall:
   a. be in harmony with the general purpose and intent of these Regulations,
   b. give due consideration for conserving the public health, safety, convenience, welfare and property values, and
   c. result in substantial justice being done and the public safety and welfare secured.
3. To hear and decide all matters referred to it and upon which it shall be required to pass under any provision of these Regulations.

C. Nature of Variances

1. Any variance granted by the Board shall run with the land and shall not be personal in nature to the person who applies for and receives the variance.
2. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.
3. The application of a regulation affirming a statute shall not be subject to variance.

SECTION 9.4. ADMINISTRATIVE PROVISIONS

A. Severability

Should any provision of these Regulations be declared unconstitutional or beyond the powers granted to the Commission by law, such action shall not affect the validity of any other provision or part hereof.

B. When Effective

These Regulations and any amendments hereto shall be effective from and after the effective date established by the Commission.

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AMENDMENT DATES

Section	Title	Effective Date
	Adoption of Zoning (Chapter 118 of the Town Code).	September 29, 1959
	Comprehensive Reorganization, Redrafting, Review and Update (replaces Town Code Chapter 118).	January 1, 2010
5.1	Adopted New Flood Plain Overlay Zone & Floodplain Management Regulations (replaces Town Code Chapter 57).	June 18, 2010
2.2	Inserted Definitions of Driveway, Gross Vehicle Weight Rating, Junk, Junk Storage, and an Illustration depicting Yard Setback Locations.	February 4, 2011
3.3.B.2	Revised Outside Parking and Storage Requirements in Residential Zones.	
6.1.F	Inserted New Residential Landscape Buffer Standards.	
6.2	Inserted "and STORAGE" to Section Title.	
6.2.I	Revised and Replaced Residential Limitations Language for Parking of Vehicles and Storage of Equipment.	
4.3.A	Defined residential density/mixed use requirements in the Route 6 Business Zone.	March 15, 2012
2.2	Included Licensed Massage Therapy in the definition of Personal Service.	August 15, 2012
3.4.C.1 Notes (1)	Identified setback requirements for cluster subdivisions.	
4.3	Revised the various uses that may be permitted in Commercial Zones.	
6.2.I.2	Added language regarding to whom a vehicle is registered.	
6.2.J	Added a section for Access Management on heavily trafficked roads and state highways.	

Section	Title	Effective Date
4.4.B.4	Clarified the setback requirements in the IP Zone from Residential Property Lines.	November 30, 2012
2.2	Defined "Motor Vehicle"	February 15, 2014
4.3, 4.6, 6.2, & 6.3	Replaced the terms "automobile" and "automotive" with "motor vehicle" throughout the sections.	
4.3.K.4	Distinguished a motor vehicle with three (3) wheels and allowed servicing as a special permitted use in the in the C and I zones.	
5.8.G.3vii	Design Conservation District (DCD) building coverage	May 7, 2014
5.8.G.6.a	DCD developable area	
4.3.C.10.a	Added Crematory and associated requirements as a special Permitted use in the IP Zone.	August 15, 2015
4.4	Moratorium on Medical and Recreational Marijuana Facilities	March 11, 2015
5.5.E	PRD Zone Dimensional Standards	April 21, 2015
8.11	Moratorium for Crematory Facilities	May 12, 2015
4.3.C.10.a	Eliminate all language permitting a Crematory in the IP Zone	
4.3.C.10.a	Eliminate all language permitting a Crematory in the IP Zone	October 1, 2015
4.3.I.4.b	Commercial building size in the RT 6 Zone	October 31,2015
8.9	Certificate of Location Approval by P&Z Commission	April 12, 2016

Technical assistance in the comprehensive revision
of these Regulations provided by

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