

ARTICLE 6 SUPPLEMENTAL REGULATIONS

§6.1 Off-Street Parking and Loading

§6.1.1 Purpose and Applicability of Provisions

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

§6.1.2 Minimum Parking Space Requirements for Specific Uses

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

§6.1.3 Queue Space

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

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

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

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

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

Pharmacy: 5.0 spaces per lane.

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

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

§6.1.4 Loading Spaces

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

§6.1.5 On-Street Parking Not Accepted

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

§6.1.6 Handicap Accessible Parking

- A.** ADA Compliance. Parking areas shall comply with the applicable requirements of the Americans with Disabilities (ADA) Act and the laws and regulations of the State of Connecticut. All handicap accessible parking spaces shall be designed and provided in number accordingly; such spaces shall be included in the total number of spaces required for structures and uses.
- B.** No new structure, addition or use shall receive a Certificate of Zoning Compliance until the required handicap accessible parking, line striping and signs have been provided.

§6.1.7 Multiple Uses

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

§6.1.8 Joint Use of Parking Facility

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

§6.1.9 Shared Use of Parking Facility

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

- A.** The parties involved shall prepare and submit a draft proposed written perpetual reciprocal access and parking easement and maintenance agreement, which, following approval, shall be executed by the parties and recorded in the Land Records of the Town of Monroe.
- B.** The Commission may require the applicant to provide a parking study with all information deemed necessary to its decision-making on a shared parking arrangement. This information includes but is not limited to:
 - (1) The type and hours of operation and parking demand, for each use.
 - (2) A Site Plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot.
 - (3) A description of the character of land use and parking patterns of adjacent land uses, and d) an estimate of anticipated turnover in parking space use over the course of twenty-four (24) hours at the site.
- C.** Parking spaces to be shared shall not be reserved for individuals or groups on a twenty-four (24) hour basis.
- D.** Principal buildings sharing a parking facility do not need to be located on the same lot, but each principal building shall be a maximum of five-hundred (500) feet from the closest parking space in the lot providing the shared spaces. A waiver of the maximum allowable distance between the principal building and associated shared parking may be approved by the Commission with written justification and supporting information provided by the applicant.

- E. Uses sharing a parking facility shall provide for safe, convenient walking between uses and parking, including safe, well-marked pedestrian walks, crossings, signage, and adequate lighting, as approved by the Commission.
- F. If the conditions for shared parking become null and void, or uses change, such that the shared parking is no longer needed, and the shared parking arrangement is discontinued, this will constitute a violation of these Regulations for any use approved expressly with shared parking. The owner must then provide written notification of the change to the Zoning Enforcement Officer and, within sixty (60) days of that notice, provide a remedy satisfactory to the Commission to provide adequate replacement parking. Said remedy might involve the submission of an application to the Commission.

§6.1.10 Reduction in Parking Space Requirements for Shared Parking

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

- A. Up to thirty percent (30%) of the parking spaces required for the predominant use on a site may be shared with other uses with different peak operating periods. The predominant use is considered to be that which requires the most parking of those sharing the parking facilities.
- B. Up to seventy-five percent (75%) of the parking spaces required for uses such as theaters, public auditoriums, bowling alleys, nightclubs, movie theaters, and similar predominantly evening and weekend uses may be shared with uses such as banks, offices, and similar predominantly daytime and weekday uses.
- C. Up to seventy-five percent (75%) of the parking spaces required for uses such as churches and other uses exclusively in operation during the weekend may be shared with uses such as medical offices, banks, and other similar uses predominantly in operation on weekdays.
- D. The final number and layout of parking spaces shall be based on the need to protect public safety and convenience while minimizing harm to the character of the community and to rural, scenic, historic and environmental resources.
- E. Determining the parking requirements for any proposed structure or use, the Commission shall consider the parking standards for similar uses as set forth in these Regulations, together with the following criteria:
 - (1) The number of persons who would be parking at the site as employees, customers, clients, members, students or other users throughout a typical day and week, as well as the maximum number of persons at times of peak daily usage.
 - (2) The size of the structure(s), number and types of mixed land uses, and the site.
 - (3) The rural, environmental, scenic and/or historic sensitivity of the site.

- F. An applicant shall legally assure, to the satisfaction of the Commission in consultation with the Town Attorney, how staggered hours of operation will continue for the life of the uses.

§6.1.11 Deferred Parking

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

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

§6.1.12 Employee Parking

Employee parking is incorporated in the facility computation determined in §6.1.2. The areas of the facility to be used for employee parking shall be those designated and approved by the Commission. In designating employee parking spaces, the Commission shall give primary consideration to spaces located farthest from the main building entrance. The Commission may require that approved employee parking spaces be appropriately marked or signed.

§6.1.13 Design Standards

A. Calculation Rounding

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

B. Space Dimensions

The design dimensions of parking spaces and loading spaces shall be as follows:

- (1) Parking spaces shall have a minimum vertical clearance of seven (7) feet, shall have a dimension of nine (9) feet wide (ten (10) feet if adjacent to an interior or exterior walls and columns) and eighteen (18) feet long; provided overhang does not impact an adjacent sidewalk or landscaping area.
- (2) Loading spaces shall have a minimum vertical clearance of fifteen (15) feet, shall be twelve (12) feet in width and thirty (30) feet in length for small trucks (typically SU30 or smaller) and fifty (50) feet in length for large trucks (typically WB50 or larger).

C. Parallel Parking

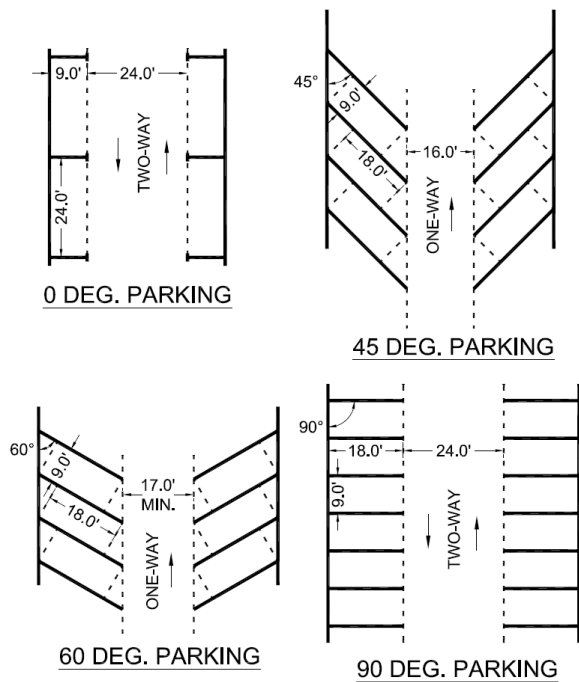
Parallel parking shall not be used for facilities exceeding a cumulative total of twenty (20) spaces.

D. Overall Facility and Bay Specifications

The design of all parking facilities and bays shall conform to the specifications detailed in the following Table. The Table shall be used referencing Figure 1.

Parking Angle	0 deg	45 deg.	60 deg.	90 deg.
Stall width	9'	9'	9'	9'
Stall length	24'	18'	18'	18'
Aisle width	24'	16'	17'	24'

**Figure 1
PARKING MODULE**



E. Surface Treatment; Grade

- (1) All off-street parking and loading facilities, outdoor storage, driveways and site access roadways shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from such or from erosion or surface water flow. Nonresidential and multifamily residential off-street parking and loading facilities shall have a grade of no less than one percent (1%) nor greater than five percent (5%). Refer also to Chapter 260, Driveway Construction of the Monroe Town Code.
- (2) All nonresidential and multifamily residential off-street parking and loading facilities, outdoor storage, driveways and site access roadways shall be paved with bituminous concrete, concrete, or other suitable hard impervious or alternate hard surface pervious pavement system as reviewed by the Town Engineer and ultimately determined appropriate by the Commission. Gravel, crushed stone, asphalt millings or similar shall not be used or deemed suitable for finished pavement surfaces. Facilities shall have a dustless surface capable of maintaining (accommodating) painted line striping as approved by the Commission.
- (3) Notwithstanding Subsection (2) above, the Commission may allow for alternative surface treatments (excluding asphalt millings) in seasonally used parking areas such as parks and at public trail access locations, outdoor storage where the materials to be stored would otherwise damage the integrity of the paved surface, and in non-commercial parking lots of less than 10 spaces, in accordance with the following provisions:
 - (a) The proposed alternative surface treatment is determined to be suitable and adequate for the intended purpose.
 - (b) Engineering details prepared in accordance with §7.3 of these Regulations which depict the typical section of the proposed alternative surface treatment must be submitted and approved by the Commission.
 - (c) The proposed site design and alternative surface treatment must allow for stormwater management collection and runoff control in accordance with §6.5 of these Regulations.
 - (d) The proposed alternative surface treatment, and/or the use thereof and/or materials to be placed or stored thereupon has been adequately demonstrated not to result in or cause a condition resulting in adverse environmental impacts to the immediate and surrounding area (i.e., cause or contribute pollution to surface and/or ground resources).

F. Design Accommodations

- (1) All parking spaces shall have adequate area off the street to accommodate the safe approach, turning and exiting of vehicles utilizing such parking spaces.
- (2) No part of any parking space or area for the turning or maneuvering of automobiles within the facility shall encroach upon the right-of-way of any public or private street or highway.

- (3) All parking spaces shall be designed in such a manner so as not to conflict with another or impede or constrict the turning movements or access of vehicles to other spaces or aisles. Points of entrance and exit from the street or highway shall be located so as to minimize hazards to pedestrian and vehicular traffic on the street or right-of-way.
- (4) Priority consideration shall be given for non-residential parking facilities proposed to be located to the side and/or rear of principal buildings, as opposed to in the front of buildings. The combining and sharing of site entrance driveways and internal service driveway connections serving abutting properties is encouraged and preferred to separate access roads. Pedestrian sidewalks and crosswalks creating connections to shared parking and encouraging walking between abutting properties is encouraged.

G. Circulation

All parking facilities shall provide continuous circulation for its aisles and driveways. Where spaces terminate in a dead-end, the travel lane shall extend a minimum of five (5) feet beyond the end spaces with a transition edge to provide an area for maneuvering of vehicles backing out of the end spaces.

H. Wheel Stops

The use of wheel stops shall be prohibited in areas providing pedestrian access to sidewalks, buildings or other areas.

I. Uses Restricted

No non-residential space designed and approved for the purpose of parking shall be used for any use or activity other than regular vehicle parking; this restriction shall include storage of automobiles, trailers, dumpsters, grease containers, media dispensers, collection or donation containers, snow removal equipment, outdoor display or vending, storage containers, advertising devices or similar. The overnight parking of RVs or similar vehicles is prohibited.

§6.1.14 Striping, Signage and Directional Pavement Markings

Facility striping and directional and use signage for the purpose of delineating parking spaces and management and control of traffic shall be placed as directed by the Commission and/or its agent, both in initial design and as may be required from time to time as conditions may warrant. Such striping and signage shall be regularly maintained by the owners or their authorized agents so that all spaces and traffic controls are readily visible and comprehensible.

§6.1.15 Lighting and Landscaping

Parking facilities shall be landscaped and illuminated with lighting consistent with the standards set forth in §6.2 of these Regulations.

§6.1.16 Maintenance

All parking facilities shall be continuously maintained in satisfactory condition so as to be safe and attractive and free of any hazard, nuisance or other unsafe condition which may create potential for injury or casualty to life or property.

§6.1.17 Change in Use; Additions and Enlargements

When a change in use or an increase in floor area or other unit of measurement specified for calculating required minimum off-street parking and/or loading spaces, as set forth in these Regulations, creates the need for an increase in the number of required minimum off-street parking and/or loading spaces, said additional parking and/or loading spaces shall be provided accordingly.

§6.2 Landscaping and Lighting

§6.2.1 Purpose

These standards are intended to ensure the use and maintenance of quality landscaping and lighting throughout the Town in the protection of property values by preserving existing vegetation, ensuring the adequacy and appropriateness of new landscape plantings, screens and buffers, and minimizing light pollution.

- A.** The Commission finds that quality landscaping and lighting provides many unique services and values to the community. Landscaping softens the edges of buildings, screens undesirable places, makes large buildings appear smaller and more human scale, assists in maintaining biodiversity, and can create places for social gathering. Vegetation recycles the air and water, absorbs pollution and sequesters carbon, buffers noise, and provides shade, air-cooling and windbreak protection. Quality landscaping also helps control flooding and erosion of topsoil, provides habitat for birds and other wildlife species, buffers and screens incompatible uses, provides privacy from visual intrusion, light and noise, moderates microclimate conditions such as that within paved parking facilities by providing vegetative shading, absorption of reflected heat and creation of natural wind breaks, improves the quality of the environment, enhances property values and beautifies the community which ensures the maintenance of existing community character attributes deemed important to the Town.

- B.** Quality lighting minimizes light pollution through use of appropriately designed, installed and maintained light fixtures which are fully and permanently fixed and shielded, which lighting is designed to be shut off when the facility served is closed.

§6.2.2 General Landscaping and Lighting Design Standards

- A.** The Commission is responsible for determining the adequacy of landscaping and lighting during the review of Site Plans, Special Exception Permits and Subdivisions.

- B.** Landscaping and lighting within a site shall be designed to facilitate conservation of the environment and preservation of community character. Site landscaping is to be designed to dominate development plans, integrating the various elements of site design, preserving and enhancing the particular identity of the site, and creating a pleasing site character. Site lighting is to be designed to be subtle and ancillary to the overall site design of buildings and exterior facilities, providing the minimal lighting necessary to carry out the functional aspects of site operations while ensuring safety.
- C.** The installation of new or replacement electric, telephone, television, and other communication lines, both main and service connections, shall be provided by underground wiring within easements of dedicated public rights-of-way, private roads, or common driveways, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services unless waived by the Commission involving minimal changes relating to existing overhead services. Said installation shall be coordinated to preserve existing vegetation and to not hinder the installation, growth and maintenance of proposed landscaping.
- D.** The Commission at its discretion may require or approve an alternative plan, or waive or modify the particular requirements of this Section, provided the intent of these Regulations for providing landscaping and lighting are still otherwise achieved.
- E. Landscaping**

 - (1) Existing vegetation shall be preserved as much as possible by minimizing clearing and grading in new developments and by avoiding the drip-line area of existing trees to remain in order to protect the tree's root system.
 - (2) New landscaping species shall be selected to minimize the need for irrigation, pesticides, herbicides and fertilizers application.
 - (3) A variety of shade tree species to provide visual interest, to protect against same species die-out or disease, and for tolerance of road salt shall be provided. Large-leafed and/or fruiting trees that may be considered a nuisance shall be avoided.
 - (4) Existing trees twenty (20) inches or more in diameter at breast height (dbh), or trees of lesser diameter as determined by the Commission and/or which are deemed to be locally important, shall be preserved to the maximum extent practical. Locally important trees include, but are not limited to, rare or unusual species, trees associated with historic events or persons, or trees that contribute to an identified scenic viewshed.
 - (5) New development shall be generously landscaped to provide visual interest in all four seasons by including deciduous trees, conifers, perennials and annual bulbs. Landscape plans that are limited to deciduous trees and shrubs leave a barren winter landscape which fails to screen new development from the roadway and from neighboring properties. The landscaping of a site shall blend in with the prevailing scale, appearance and neighboring uses, and shall effectively screen incompatible development from its neighbors.

- (6) Landscaping islands shall be used and designed to delineate vehicular and pedestrian patterns, integrated with the use of different colored and textured paving materials, raised or inverted areas, and other techniques used to further direct the flow of both vehicular and pedestrian traffic within a development site. Landscape islands may include raised or depressed areas based on the integration of the landscaping and stormwater management controls. However, stormwater management shall not compromise the need for landscape aesthetics.
- (7) Landscape plantings of shrubs, ground cover, and shade and evergreen trees, as well as perennials and annuals and other materials such as rocks, water, walls, fences, paving materials and street furniture, shall be encouraged to create pedestrian-scale spaces and to maintain landscape continuity within the community. As may be approved by the Commission, sculpture and art may also be integrated into the landscape plan, and is encouraged.
- (8) Landscaping in combination with fencing and walls shall be required to provide all seasons screening and buffering of parking, loading and services areas, as well as site utilities, from view of adjacent properties and roadways.
- (9) Landscaping shall be used and designed to create boundaries, transitions, screens and buffers between areas of differing development intensities, as well as to separate areas of incompatible land uses.
- (10) Landscaping shall be provided generally at the base of and surrounding buildings, structures, refuse enclosures, recycling enclosures, mechanical equipment, free-standing signs and similar site features. Freestanding light fixtures shall be installed in appropriately located, sized and landscaped areas and islands, or integrated with sidewalks and other areas outside of parking areas.
- (11) Irrigation if proposed shall be detailed and the sufficiency of the water source and supply shall be demonstrated.
- (12) Certain landscaping shall be installed with the following minimum sizes:

Deciduous shade trees	3-3½ inches DBH
Ornamental trees	2-2½ inches DBH
Evergreen screen trees	10-12 feet in height
Evergreen trees, general	6-8 feet in height
Shrubs	2-3 feet in height/or 24"-36" spread
- (13) All disturbed areas to be landscaped shall be restored with topsoil, in an amount not less than six (6) inches unless otherwise permitted by the Commission and specified on the landscape plan.

F. Lighting

- (1) Regulation of exterior lighting is intended to avoid excessively bright lighting that would cause direct or indirect glare, up-cast lighting or sky-glow, to avoid excessive contrast between lighted and unlighted sites creating hazardous driving or walking conditions, to avoid nuisance light spillover or glare affecting nearby residential properties or traffic and to distribute light levels more uniformly across a site.
- (2) Exterior lighting shall be controlled in both height and intensity and shall be in conformance with the requirements established in these Regulations. The type, design, location, hours of operation and height of light fixtures and their mounting supports shall be approved by the Commission.
- (3) The Commission may require site lighting levels to be reduced on all or part of the site at different times of the day, either after a facility is closed, or for 24 hour a day operations during period of reduced usage. Such requirement shall be established as part of the review process.
- (4) The Commission shall determine the maximum height of light fixtures on an individual project basis but in no case shall free-standing light fixtures in residential districts exceed fourteen (14) feet in height, twenty (20) feet in height in Business Districts and twenty-four (24) feet in Industrial Districts, except as otherwise may be permitted pursuant to Subsection G below. Wall mounted light fixtures shall include recessed light sources which do not produce horizontal glare. Down lighting shall be required to prevent objectionable side casting of light to neighboring properties and adjacent land uses.
- (5) Light fixtures shall produce low lighting levels targeted to the intended purpose of such lighting, including the use of full-cutoff and fully shielded light fixtures utilizing flat and recessed lenses attached to a pole or building on a fixed arm oriented parallel to the ground that cast little or no light upward, which minimize lighting overlap, reflection, and horizontal glare, as well as are turned off when their use and purpose are not necessary.
- (6) Parking lot, walkway and other site lighting levels shall not exceed an average illumination level of three-quarters (0.75) to five (5) foot-candles at the ground.
- (7) An applicant shall demonstrate to the satisfaction of the Commission, that the light level at any lot line shall not exceed one-quarter (0.25) footcandle measured at ground level and that there shall be no adverse light spillage off the property or over wetland or watercourse resources.
- (8) Foundation. All light poles shall be grounded with a suitable permanent foundation. All building or other structure mounted lighting shall be securely attached thereto.
- (9) Measurement of light pole height. The height of a light pole shall be measured from the finished grade or surface on which the light pole is mounted to the highest point of the light fixture.
- (10) The architectural style of site light fixtures shall be consistent and complementary to the site architecture, or as otherwise required at the discretion of the Commission.

G. School Stadium and Industrial District Sports Field Lighting

- (1) School Stadium lighting may be permitted to exceed the maximum height standards for light fixtures of the underlying zoning district, subject to Special Exception Permit and Site Development Plan approvals, and compliance with the following supplemental performance standards of this Subsection as well as the following location and facility criteria:
 - (a) The stadium shall be owned and operated by a school providing a curriculum under the jurisdiction of the Connecticut State Board of Education.
 - (b) The subject lot area consisting of a single fee-simple lot shall be a minimum area of twenty five (25) acres.
 - (c) The school stadium shall include a minimum capacity of five-hundred (500) fixed spectator seats.
 - (d) The school stadium playing field shall individually or cumulatively exceed 10,000 square feet in area, which area shall include a perimeter area as follows:
 - (i) For baseball/softball fields, the perimeter area shall extend thirty (30) feet in a direction perpendicular to the foul lines and away from the field.
 - (ii) For rectangular playing fields, such as soccer, football, lacrosse and field hockey, the perimeter area shall extend ten (10) feet from the side lines and fifteen (15) feet from the end lines.
 - (iii) For all other playing fields the perimeter area shall extend ten (10) feet beyond the playing field boundary.

- (2) Industrial District sports field lighting may be permitted to exceed the maximum height standards for light fixtures of the underlying zoning district, subject to Special Exception Permit and Site Development Plan approvals, and compliance with the following supplemental performance standards of this Subsection as well as the following location and facility criteria:
 - (a) The light poles shall be a minimum of five hundred (500) feet from a residential zone boundary.
 - (b) The subject lot area consisting of a single fee-simple lot shall be a minimum area of ten (10) acres.
 - (c) The field shall individually or cumulatively exceed 50,000 square feet in area, which area shall include a perimeter area as follows:
 - (i) For baseball / softball fields, the perimeter area shall extend thirty (30) feet in a direction perpendicular to the foul lines and away from the field.

- (ii) For rectangular playing fields, such as soccer, football, lacrosse and field hockey, the perimeter area shall extend ten (10) feet minimum from the side lines and fifteen (15) feet minimum from the end lines.
 - (iii) For all other playing fields, the perimeter area shall extend ten (10) feet beyond the playing field boundary.
- (3) A **Facility Illumination Plan** shall be provided, including at minimum the following:
 - (a) Location, height and construction details (based on manufacturer specifications or cut sheets) of each style of all pole, building, and ground mounted lighting fixtures, including parking lot, walkway and other site lighting as indicated above.
 - (b) Annotated manufacturer specifications or cut sheets for each exterior lighting fixture.
 - (c) A photometric plan, prepared by a lighting professional certified by the National Council on Qualifications for the Lighting Professions (NCQLP), showing predicted maintained lighting levels for the proposed playing field.
- (4) A **Light Visibility Impact Assessment** shall be provided, including at minimum the following:
 - (a) A map of the surrounding area context and locations of potential visual impact.
 - (b) A plan of the photometric spillage demonstrating the control of light trespass upon surrounding area and neighboring properties.
 - (c) A visual evaluation of the potential visibility of light poles and light fixtures during daytime and nighttime, and seasonally. This may include a before and after viewpoint analysis, which viewpoints shall be approved by the Commission.
 - (d) The identification of existing or proposed visual screening and buffering, and long term control and protection thereof.
- (5) Light Standards
 - (a) Maximum height. The maximum height of a light pole shall be eighty (80) feet or as otherwise limited by the Commission, in consideration of the potential visibility and light emission to the surrounding neighborhood and the Light Visibility Impact Assessment as required above.
 - (b) High pressure sodium and flickering or flashing lights are prohibited, except identification lighting as may be required by the Federal Aviation Authority.
 - (c) All light fixtures designed to light the playing field area shall be a full cut-off shielded light fixture, aimed toward the playing field and shielded in directions away from the playing field so as to minimize glare and light trespass onto adjacent properties.

- (d) The lighting system shall have a maintained average illumination (light level) complying with the foot-candle levels indicated for the specific play field type listed in the Table below or as otherwise limited by the Commission.

TABLE OF MAXIMUM AVERAGE ILLUMINATION (LIGHT LEVELS)		
Playing Field Type	Competitive Foot-candles (*)	Non-Competitive Foot-candles (*)
Baseball/Softball Infield	60	50
Baseball/Softball Outfield	40	30
Field Hockey, Football, Soccer, Lacrosse	50	30
Track and Field	30	30
(*) Maximum average light levels within the play field shall not exceed one hundred and five (105%) percent of the listed foot-candle value.		

- (e) Foot-candle measurements shall be measured horizontally three (3) feet above grade level and shall represent maintained lighting levels.
- (f) The Commission shall specify the permitted hours of use:
- Approved school stadium playing field lighting hours shall in no case be permitted between the hours of 11:00 PM and 7:00 AM.
 - Approved Industrial District sports field lighting hours shall in no case be permitted between the hours of 1:00 AM and 7:00 AM.
- (g) Light poles shall be located outside of the of the perimeter fencing or at the mid-point between two adjacent fields if the perimeter area is shared.
- (h) Limited appendages of a relative small size may be allowed to be attached to a light pole at the discretion of the Commission, provided such items are visually subordinate and colored to match the support pole. Such items may include, but are not limited to, Wi-Fi hot spot devices and cameras.
- (i) All lighting systems shall contain provisions for automatic shut off when the fields are unattended.
- (j) Support pole coloring shall be a non-reflective, matte coloring.

§6.2.3 Landscaping and Lighting Plan Requirements

- A. It is recommended, and may be required by the Commission, that a required landscaping plan be prepared by a Connecticut licensed landscape architect. Lighting plans shall be prepared by a qualified professional based on the extent and complexity of the existing and proposed lighting facilities involved.

- B.** Plans for landscaping shall include the following basic information, except as may be waived by the Commission if determined not applicable to the application under review:
 - (1) Location and boundaries of existing natural land features on the property, including exposed ledge and rock outcrops, hedgerows, trees twenty (20) inches or more in diameter at breast height (dbh), mapped significant habitat areas, stonewalls, wetlands and watercourses, and steep slopes in excess of fifteen percent (15%).
 - (2) Identification of all proposed changes to existing natural land features, including existing trees to be removed and existing trees to remain, as well as proposed measures and details thereof for their protection in the field during construction.
 - (3) Location of proposed landscaping keyed to a “Plant Schedule” indicating the proposed variety (common and scientific name), quantity installation size and root conditions, and any specialized planting or maintenance instructions).
 - (4) Landscaping operations and maintenance plan.

- C.** Plans for lighting shall include the following basic information, except as may be waived by the Commission if determined not applicable to the application under review:
 - (1) Identification and description of any existing lighting to remain.
 - (2) Appropriate details and plans as required in Article 7 of these Regulations.
 - (3) Light operations and maintenance plan.

§6.2.4 Landscape Buffers and Screening

Landscape buffers shall be provided and maintained as follows:

- A.** A front yard landscape buffer shall be provided across the width of the street frontage of the lot, except for permitted access driveways, pedestrian walkways or trails which may cross through to the interior portion of the lot, as well as accessory structures such as mailboxes, walls and fences, and signs as otherwise allowed by these Regulations:
 - (1) The minimum depth of the front yard landscape buffer for non-residential uses on lots in RF-1, RF-2 and RF-3 Districts and all uses in other residential districts shall be no less than applicable required front setback.
 - (2) The minimum depth of the front yard landscape buffer for lots in B-1, B-2 and LOR Districts shall be no less than twenty (20) feet.
 - (3) The minimum depth of the front yard landscape buffer for lots in all Industrial Districts shall be no less than the full depth of the required front yard setback.

- B. A side and rear yard landscape buffer of a minimum depth equal to the full depth of the required side and rear yard setbacks, respectively, shall be required for all such yards abutting any property within a Residential and Farming District.
- C. Required landscape buffers shall be consistent with the general landscaping design standards set forth in these Regulations as well as the following standards:
 - (1) Buffer landscaping shall include retention of existing vegetation, supplemented and augmented with new plantings. Where, in the discretion of the Commission, sufficient natural vegetation exists, it may be substituted in total or portions in lieu of required new landscaping, provided said landscape buffer is effective in achieving the intent of these Regulations.
 - (2) Landscape buffers may consist of a combination of deciduous and evergreen trees and shrubs, fencing, walls, as well as constructed planted berms or natural landforms. The species type and combination of plantings shall address long term provisions to maintain an effective buffer and/or screen as the plants grow and age (i.e., selection of evergreen trees and shrubs which remain full to the ground and inclusion of mid-size evergreen plantings combined with tree plantings to maximize understory protection as the trees mature and lower branches thin-out).
 - (3) Screening consisting of evergreen trees and shrubs shall be configured in staggered rows to provide maximized protection.
- D. In its discretion, the Commission may prescribe alternative buffer requirements, and/or waive or modify the particular requirements of these Regulations, in areas where required landscape buffers affect areas of regulated inland wetlands and watercourses in order to preserve and protect said resource areas consistent with the intent of the Connecticut General Statutes and laws and regulations of the Town of Monroe.

§6.2.5 Pedestrian Walkways

- A. Pedestrian walkways, where included or required, shall be a minimum of four (4) feet wide, allowing an additional thirty (30) inches on each side for overhanging of automobiles when included adjacent to parking spaces; a separating landscape bed is preferred.
- B. Pedestrian walkways shall be raised where appropriate, include handicap accessible ramps and preferably constructed of a different paving material than the parking pavement, such as brick, pavers or other porous or pervious decorative materials. Preferred curbing shall consist of durable materials such as granite, stone or block, or concrete.

§6.2.6 Parking and Loading Area Requirements

- A. Off-street parking and loading areas shall be landscaped and suitably drained, graded, surfaced, curbed and maintained to ensure a safe and attractive parking facility as determined appropriate by the Commission.

- B.** Landscaping for parking lots including fifty (50) or more off-street parking spaces shall be designed as follows:
 - (1) A minimum of ten percent (10%) of the area inside the perimeter of the parking area shall be landscaped and maintained with trees, shrubs and other plant materials, including the retention of existing natural landscaping as practicable or required by the Commission.
 - (2) Pedestrian walkways consistent with the standards of §6.2.5 of these Regulations shall be provided where required by the Commission to allow safe movement within the parking area, generally oriented perpendicular to and between parking bays. A combination of trees, shrubs and groundcovers (other than lawn) should be planted adjacent to the walkways.
 - (3) Landscaping shall be designed so not to obstruct driver or pedestrian sight lines.

§6.2.7 Landscaping and Lighting Compliance and Inspections

- A.** The maintenance of all landscaping and lighting shall be the sole responsibility of the property owner. Lack of maintenance in a proper, neat and functional condition shall be construed to be a violation of these Regulations and subject to the penalties provided by law.
- B.** Landscaping shall be maintained in a healthy growing condition. Dead or diseased landscaping shall promptly be replaced by the property owner consistent with the original landscaping requirements of these Regulations or according to the specifications and details of the landscape plan as approved by the Commission, as the case may be.
- C.** Landscaping and lighting required by these Regulations and/or approved by the Commission as part of a Site Plan, Special Exception Permit or subdivision approval shall be subject to inspection by a designated agent of the Town, as well as investigation of complaints made by any official or private citizen concerning the maintenance of such.
- D.** The Commission may require site and project specific inspections and reporting by an appropriate professional at the expense of an applicant to assess the efficacy of installed landscaping prior to and during the initial two (2) years following acceptance by the Zoning Enforcement Officer of completed landscaping.

§6.3 Signs

§6.3.1 Sign Permits

- A.** No sign shall be established, erected, constructed, reconstructed, extended, enlarged or altered without obtaining a Zoning Sign Permit from the Zoning Enforcement Officer, which shall serve as a certificate of zoning compliance, unless otherwise exempted by these Regulations. New signage shall be included as part of a Special Exception Permit / Site Development Plan application and shall be reviewed and approved by the Commission as part of said application.

- B. Where a sign is subject to the provisions of the State of Connecticut Basic Building Code, a building permit shall also be required.
- C. No variance shall be granted by the Zoning Board of Appeals concerning any sign.
- D. If any sign does not conform to these sign standards, whether being preexisting nonconforming or by virtue of a granted Zoning Board of Appeals variance, and is discontinued, altered, reconstructed, enlarged, extended or moved, its replacement or the alterations shall conform to these sign standards. No existing sign shall be altered, reconstructed, enlarged, extended or moved except in accordance with these sign standards. However, the repainting or repair of existing signs and changing of tenant names is permitted.

§6.3.2 Prohibited Signs

- A. All signs not specifically permitted are prohibited. Prohibited signs shall also include roadside signs, animated or moving signs, balloon signs, banners or streamers, beacons or search lights, billboards, festoons, flag signs, inflatable signs, flashing or intermittent signs (including vending machines and those inside a building that are visible from the road, a parking area or an adjacent property), roof signs, vehicular signs not used in the normal course of business, signs for an off-premises location (except an otherwise permitted free-standing sign on a private commercial street as set forth in §6.3.7A(3) of these Regulations. Vehicles with signs painted on or attached thereto shall not be parked in visually conspicuous locations so as to function as a free standing sign.
- B. No vehicle shall be utilized as a sign and no registered vehicles with signs shall be allowed to remain in any given parking space, with the exception of a residential driveway consistent with and where permitted by these Regulations, for longer than a twenty-four (24)-hour period.

§6.3.3 Exemptions

- A. The following signs shall be exempt from the provisions of this Section, except §6.3.4 and §6.3.9: Governmental, Name Plate, Political, Private Sale or Event.
- B. The following signs shall be exempt from the provisions of §6.3.1A, but shall comply in all respects with all other provisions of §6.3: Agricultural, Construction, Home Occupation, Real Estate, Seasonal or Special Event.
- C. Such other signs as may be exempted elsewhere in these Regulations.

§6.3.4 Height, Location and Number of Signs

- A. A single commercial/industrial tenant building may have one (1) sign attached to the building. A multiple commercial/industrial tenant building may have one (1) sign attached to the building per tenant space. However, except any individual retail commercial tenant with a storefront in excess of one-hundred (100) linear feet may allocate its total allowed wall sign area between multiple wall signs provided the cumulative area of all such wall signs does not exceed the total area permitted for said individual tenant.

- B. The length of a tenant wall sign on the front façade of the building may not exceed seventy-five percent (75%) of the length of the tenant's front facade.
- C. A sign composed of a combination of individual characters and/or logos combined in context, shall be considered a single sign.
- D. No sign may be on a side or rear wall unless such wall faces a street or parking area, or is at least seventy-five (75) feet from any other commercial/industrial structure.
- E. Signs attached to a building shall not project above the exposed wall of the building upon which it is attached. No sign shall be displayed, located, mounted or attached to or on a roof.
- F. Signs attached to buildings may project into the area required for setbacks, provided that the sign does not project more than fifteen (15) inches from the building.
- G. A permitted freestanding sign shall be located no closer than ten (10) feet from any property line or street line.
- H. No freestanding ground sign or monument sign shall exceed a height of 20 feet.
- I. On a corner lot of five (5) acres or more, one (1) freestanding sign may be permitted at the discretion of the Commission along each street, provided at minimum an access driveway is also provided from each street, and provided that the distance between the centerline of each driveway at the street line is no less than one-thousand-five-hundred (1,500) linear feet.

§6.3.5 Obstructions

No sign shall be so arranged that it interferes with traffic through glare, lighting arrangement, through blocking of reasonable sight lines for streets, sidewalks, or driveways, through confusion with a traffic control device (by reason of its color, location, shape or other characteristics or through any other means). No sign shall be located or maintained so as to obstruct any door, window or fire escape or to cause any other hazard to the public health or safety.

§6.3.6 Projected and Hanging Signs

No sign shall project over any sidewalk, driveway, walkway, roadway, alley or right-of-way of any public or private street or highway.

§6.3.7 Permitted Total Freestanding Sign Area

A. Freestanding Signs in Nonresidential Districts:

- (1) In the case of nonresidential use of a single lot where the principal building(s) has a total floor area of less than forty-thousand (40,000) square feet, the maximum sign area of a permitted freestanding sign shall not exceed forty (40) square feet in total sign area.

- (2) In the case of nonresidential use of a single lot where the principal building(s) has a total floor area of forty-thousand (40,000) square feet or more, the maximum total sign area of a permitted freestanding sign shall not exceed eighty (80) square feet in total sign area, except no individual user of said lot shall be permitted a sign area greater than forty (40) square feet.
- (3) In addition to that permitted in Subsections (1) or (2) above, one (1) freestanding sign may be permitted within a private commercial street right-of-way at the intersection of a State Highway and an approved private commercial street, subject to the following:
 - (a) Such sign shall be for the sole purpose of identification of a lot(s) or tenant(s) of a lot(s) which meet the following criteria:
 - The lot shall be 10 acres or more;
 - The lot shall front solely of the private commercial street; and
 - The lot shall be at least 350 feet from the midpoint of the intersection.
 - (b) Such sign shall not exceed a total sign area of fifty (50) square feet and no individual user sign panel shall exceed a sign area of twenty five (25) square feet. The total sign area shall be divided equally between the total number of panels to be located on the sign in order to create uniform panel sizes.
 - (c) Such sign shall be a ground sign (no pole signs) as defined in these Regulations.
 - (d) Such sign shall not be internally illuminated.
 - (e) Such sign shall be located within a planted landscaped area measuring a minimum of eight-hundred (800) square feet. Plantings shall provide seasonal variation.
 - (f) Any other freestanding sign on said lot(s) as otherwise permitted by these Regulations shall be a non-internally illuminated ground sign (no pole signs) only.
- (4) No permitted freestanding sign of any size shall display more than eight (8) user names. Any name, whether an individual user or center name, shall count towards the total number of names allowed under these Regulations. However, the Commission prefers that permitted freestanding signs, particularly where multiple users occupy a single lot, display a single center name rather than individual user names.
- (5) The property street number shall be included in all permitted freestanding signs within the body of the total sign area. The street number shall be located at the top of said sign area.
- (6) The following maximum and minimum character heights shall be required for all copy on permitted freestanding signs for the purpose of creating legible graphics which can be seen and responded to within safe distances to maneuver a car:
 - (a) Maximum Character Height – No letter, number, character or other symbol shall exceed a height of three (3) feet for a single line of copy or two (2) feet for multiple lines of copy.

- (b) Minimum Character Height – No letter, number, character or other symbol shall be less than four (4) inches in height.

B. Signs in Residential and Farming Districts:

- (1) One freestanding sign per lot may be permitted. Freestanding signs shall not exceed ten (10) square feet in area. The sign may be double facing.
- (2) The total area of signs on any lot excepting freestanding signs shall not exceed ten (10) square feet in area.
- (3) On premises which are for sale or for rent, not more than two (2) signs which shall advertise only the premises, provided such a sign shall have an area not exceeding ten (10) square feet; however, only one (1) such sign is permitted along any given street frontage where that frontage shall be less than two-hundred (200) feet. All such signs shall be removed within seven (7) days following actual sale or lease of property.

§6.3.8 Measurement of Sign Area

- A.** The area of a sign shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background different from the building, whether painted or applied, when it is designed as an integral part of, and obviously related to the sign; and when the sign consists of individual letters or symbols attached to or painted on a building wall or window, the area shall be considered to be that of the smallest rectangle which encompasses all of the letters or symbols.
- B.** In the case of a freestanding sign or a sign that can be seen from both sides, the area shall be determined by multiplying the outside dimensions of the sign, not including the vertical, horizontal or diagonal supports which affix the sign to the ground, unless such supports are evidently designed to be part of the sign as defined herein.

§6.3.9 Specific Regulations Pertaining to Permitted Signs by Type

Type of Sign	Maximum Area	Maximum Height	Permit Required	Requirements
Agricultural Sign	16 sf	8 feet	No	One permanent freestanding or wall agricultural sign per farm and farm stand is allowed. Sign shall not be illuminated.
Business Identification, Freestanding Ground Sign				A minimum of 10 feet from the property line. For multiple tenant facilities, separate freestanding signs shall not be displayed by individual establishments. The style, design and construction shall be related and compatible with the architectural style and design of site buildings and other site structures and signs. Use of wood and other natural materials as well as external illumination are preferred.
<i>Residential Districts</i> Freestanding Sign	10 sf	8 feet	Yes	Only one type of such sign is permitted.
Pole Sign	10 sf	8 feet	Yes	
Ground Sign	10 sf	8 feet	Yes	
<i>Nonresidential Districts</i> Freestanding Sign	40 sf	20 feet	Yes	Only one type such sign is permitted.
Pole Sign	40 sf	20 feet	Yes	
Ground Sign	40 sf	8 feet	Yes	
Construction Sign, Freestanding <i>Residential Districts</i> <i>Nonresidential Districts</i>	16 sf 32 sf	8 feet 8 feet	No No	Restricted solely to the period of such construction. Shall not be illuminated.
Directional Sign	4 sf, or as required by CTDOT	8 feet	No	Shall not include any advertising or name of establishment.
Gasoline Price Sign, Freestanding	16 sf	8 feet	Yes	Pricing information if provided shall be incorporated into otherwise permitted freestanding signs on the premises. In addition, pricing signage above and attached to an individual fueling station may be permitted provided the area of each such sign does not exceed an area of two square feet each and shall not be internally illuminated.
Home Occupation Sign	2 sf			One sign (freestanding or wall mounted). Shall not be illuminated.
Menu Board Sign	32 sf	7 feet	Yes	May be freestanding or affixed to building. One Menu Board Sign is permitted per drive-thru lane on a lot.
Name Plate Sign	2 sf	N/A	No	Shall not be illuminated.

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Type of Sign	Maximum Area	Maximum Height	Permit Required	Requirements
Political Signs, Freestanding	6 sf	4 feet	No	May be erected no sooner than 45 days prior to election. Must be removed within seven days after election. Shall not be illuminated.
Portable Sign				Refer to §6.3.17 for standards.
Pre-View Menu Board Sign	16 sf	7 feet	Yes	May be freestanding or affixed to building. One Pre-View Menu Board Sign is permitted per associated Menu Board Sign.
Real Estate Sign, Freestanding <i>Residential Districts</i> <i>Nonresidential Districts</i>	5 sf 8 sf	8 feet 8 feet	No No	One sign is permitted. All such signs shall be removed within seven days following actual sale or lease of property. Shall advertise on property only. Shall not be illuminated
Seasonal Sign, Freestanding	32 sf	8 feet	No	One such sign per farm, farmstore, seasonal farmstand and agriculturally related use. Not to exceed 60 days in any given year. Said sign must be removed when the seasonal sale is over. Shall not be illuminated. Sign may be located no closer than 10 feet of a street line.
Special Event Sign, Freestanding	32 sf	8 feet	No	Not to exceed 15 days in any three -month period. To be removed promptly at the end of such period. No sign or device held in the air by balloon or other means and no searchlights shall be permitted. Shall not be illuminated.
Tag Sale Sign	6 sf	6 feet	No	Shall not be illuminated.
Wall Sign <i>Residential Districts</i> <i>Nonresidential Districts</i>	10 sf where permitted 1 sf per 1 linear foot of building frontage*	Attach to Building Façade Attach to Building Façade	YES YES	<i>*Measured as a straight parallel horizontal line across the tenant front façade of the building between exterior walls or between the center point of any shared party walls.</i>

§6.3.10 Hours of Use

Illumination of any business identification sign not providing security lighting shall be extinguished at 11:00 pm or at time of close of business, whichever is later.

§6.3.11 Repair and Maintenance

- A. Signs shall be repaired by repainting, by replacement of lettering, wording and accompanying symbols and by repairing structural supports, and such repair shall not be considered an alteration within the meaning of these Regulations, provided that:
 - (1) The outside dimensions of signs as measured above are not changed;
 - (2) That the location, height and illumination of a sign is not changed; and
 - (3) No substantial change in lettering, wording or symbols is made.
- B. Nothing in this section shall prevent a sign from being altered so as to become more conforming to the existing regulations, provided that a permit where required under §6.3.1 of these Regulations is obtained.
- C. All signs shall be maintained in such a condition so as not to become a nuisance, unsightly or unsafe. If a sign is not so maintained it shall be removed by the owner or tenant upon notice from the Zoning Enforcement Officer.

§6.3.12 Removal

It shall be the responsibility of the property owner to remove or cause to be removed all nonconforming business signs or words, letters, figures, design, symbols and colors of a conforming sign within two months from the time the premises are vacated.

§6.3.13 Replacement, Alteration or Relocation

No sign shall be replaced, altered or relocated without conforming to the then existing requirements of these Regulations, as amended, at the time of such replacement, alteration or relocation, subject to a permit where required under §6.3.1 of these Regulations.

§6.3.14 Uniformity of Signs

In any district where there is more than one sign on a building or more than one sign in a multi-building complex, all signs shall conform to a uniform and coordinated sign program submitted by the owner or tenant and approved by the Commission. The scheme shall be a thematic concept to maintain aesthetic consistency with the architecture of the surrounding structure(s).

§6.3.15 Sign Illumination

- A.** No internally illuminated signs are permitted in the Residential Zones.
- B.** Internal illumination shall be strictly limited to the illumination of text or graphic symbols only, that is, channel letter style or box signs with opaque background materials. Internally illuminated awnings are prohibited. Exposed neon tubing or bare-bulbs are prohibited.
- C.** The face of any sign shall be constructed or colored in such a manner as to prevent glare from the internal illumination. White background materials are prohibited. Materials are to be of an opaque dense or solid character creating “positive contrast” legibility and visibility.
- D.** Lighting fixtures illuminating signs shall be carefully located, aimed and shielded so that light is directed only onto the sign façade and shall not be aimed toward adjacent streets, roads or properties. Integrated external illumination is preferred (e.g. such as bar lighting or other lights concealed at the edges of the sign construction that wash light over the sign as opposed to a protruding light fixture which spots light towards the sign face).
- E.** The light source (bulb) of light fixtures shall not be directly visible from adjacent streets, roads or properties.
- F.** The average level of illumination on the vertical surface of the sign shall not exceed 3.0 foot-candles, and the uniformity ratio shall not exceed 2:1.
- G.** Fixtures used to illuminate signs shall be top mounted, shielded and directed downward to the sign.
- H.** Low lumen and shielded lights and fixtures may be located on the ground with four (4) concurring votes of the Commission.

§6.3.16 Street Numbers

All freestanding signs shall display the street number(s) of the premises. In the case of more than one (1) street number assigned to the premises, the range of numbers shall be displayed. All other street numbers shall be displayed in accordance with town ordinance.

§6.3.17 Special Requirements for Portable Signs

Portable signs shall be permitted in the Nonresidential Districts subject to the following requirements:

A. Design Standards

- (1) Only one (1) portable sign shall be permitted for an individual business or establishment and the sign content must be limited to the business, service, or goods of the establishment immediately adjacent to the sign, or to an establishment located on the upper floors of the building immediately adjacent to the sign. Each property shall be entitled to no more than one (1) portable sign for every seventy-five (75) feet of property frontage on a public street, regardless of the number of businesses on a given property. Properties on corner lots shall only be entitled to count the frontage of the street having the principal building frontage.
- (2) The sign shall not exceed eight (8) square feet in total area based on the dimensions of a single side, and shall not be more than three (3) feet wide nor more than three (3) feet high.
- (3) Signs shall be located on the property adjacent to the front property line, and shall not obstruct a sidewalk, where one exists. Signs shall not impede or obstruct vision of vehicles at intersections or points of egress from the property. Should a sign be so placed, it shall be subject to removal by the Zoning Enforcement Officer.
- (4) Signs shall be located with the message perpendicular to the street.
- (5) Signs may be displayed only when the establishment is open for business and shall be removed when the business is closed.
- (6) Signs must be constructed of durable, weatherproof materials, including wood, metal, or composite wood or synthetic materials. Glass, paper, laminated paper, PVC pipe frames or similar materials; balloons, streamers or similar devices are not permitted.
- (7) Signs may not be illuminated. All portable signs shall be maintained in good repair including the sign frame structure, materials, and lettering and graphics.
- (8) Signs shall be appropriately secured against movement from wind or water, but shall not be affixed, tethered or otherwise attached to any governmental sign or structure, or any utility pole or appurtenance.

B. Permitting and Enforcement

- (1) Anyone wishing to display a portable sign must file an application with the Zoning Enforcement Officer for an annual Portable Sign Permit.
- (2) Anyone applying for a Portable Sign Permit shall provide written/signed consent from the owner of the property.

- (3) Portable Sign Permits shall be issued for an operating period of one (1) calendar year, from January 1 to December 31 or portion thereof.
 - (a) The Zoning Enforcement Officer may issue on an annual basis, subject to a renewal application, a Portable Sign Permit for the following year.
 - (b) Applications for renewals will be accepted between November 30 and December 30 of each year.
 - (c) New applications made after January 1 of each year shall expire December 31 of said year.

- (4) The Town reserves the right, acting through the First Selectman or a designee, to prohibit the use of a portable sign at any time because of anticipated or actual public emergencies, conflicts or similar problems along a highway right-of-way. These situations include but are not limited to festivals, parades, road races, repairs to the street or sidewalk, or hazardous weather conditions or other emergencies occurring in the area. To the extent possible, the permittee shall be given prior written notice of the time period during which the prohibition is in effect, but failure to give notice shall not affect the right of the Town to prohibit portable signs at any time.

§6.3.18 Violations; Removal

Signs lacking permits from the proper authority, which have been placed within any highway or street right-of-way, may be confiscated by the Zoning Enforcement Officer and may result in the issuance of a citation.

§6.4 Excavation and Filling

§6.4.1 Excavations Permit Required; Exemptions

An excavation/filling permit must be secured from the Commission before commencing the excavation or removal of gravel, topsoil, clay, sand, stone, loam, dirt or any other earth material on or from any parcel of land, except when such excavation or removal is limited to:

- A. Necessary foundation and trench excavation in connection with work on the premises for which a valid building permit is in effect.

- B. Removal of unsuitable material and depositing of suitable material, which removal and depositing shall not exceed a total of five-hundred (500) cubic yards of material, for the construction or reconstruction of sewage disposal systems, utility services, accessways, driveways and parking lots.

- C. Changes in contour in accordance with a Site Plan or Special Exception Permit approved by the Commission. Such plan and change in contour shall be performed in accordance with the provisions of this Section, unless otherwise conditioned under the provisions of Site Plan or Special Exception Permit approval.

- D. Necessary excavation and grading for a subdivision road for which plans have been approved by the Commission, provided that such excavation and grading shall be completed within five (5) years of the approval date. If approval was granted over five (5) years prior to the beginning of the aforementioned work, then an approval must be obtained in accordance with all current regulations.
- E. The removal by or for the owner from one part of his property to another of topsoil or subsoil to a maximum of one-hundred (100) cubic yards per acre over a period of time not to exceed one (1) year, when such removal is for the purpose of landscaping and farming.
- F. In the case of exemptions specified in Subsections A through E above, said work shall be subject to the review of the Zoning Enforcement Officer in consultation with the Town Planner and Town Engineer, as deemed appropriate, to assure that appropriate safeguards for the conduct of such work are implemented so that such work will not have any unreasonable immediate or long-term adverse effect on adjoining properties.

§6.4.2 Challenge of Exemption

All exemptions listed in §6.4.1 shall be under the jurisdiction of the Commission or any agent so designated by the Commission. Any individual serving in this capacity has the authority and responsibility of stopping questionable projects and referring them to the Commission.

§6.4.3 Inland Wetland Approval

If any excavation, removal or fill of gravel, topsoil, clay, sand, stone, loam, dirt or any other earth material is proposed on or from any parcel of land and is shown to be subject to regulation in accordance with Monroe Inland Wetland Regulations, the necessary approvals and/or permits must be obtained from the governing wetland authority pursuant to Title 22a of the Connecticut General Statutes, 1958 Revision (current revision), prior to application. This requirement shall also pertain to the exemptions specified in §6.4.1 above.

§6.4.4 Excavation/Filling Permit Application Procedure

Application for a permit to excavate or remove any of said earth materials shall be made to the Commission by the property owner or his authorized agent on forms provided by the Commission. The application shall be accompanied by a fee and by a plan of operation prepared by a Connecticut licensed land surveyor and/or professional engineer, which plan of operation shall include the following maps, plans and specifications, except as may be waived consistent with the standards and procedures as set forth in §7.3.2 of these Regulations:

- A. A locus plan, at a scale of one (1) inch equals one-hundred (100) feet, showing all roads within a one (1) mile radius of the site; all zoning districts and the Town Line, if within five-hundred (500) feet of the subject parcel; erosion and sediment control plan; storm water quality and quantity control plan; restoration/reclamation plan, which may include a potential future site development plan.

- B.** Location and limits of the premises and names of abutting property owners as listed on current town tax assessment records.
- C.** Boundary survey and site topographic plans certified as Class A-2 and T-2 or a better or equal accuracy transit survey, with grading plan showing existing contours in the area to be excavated and proposed contours at two (2) foot intervals for the area after operations. Such plans shall include the area to be excavated, as well as surrounding area, if owned by the applicant, within one-hundred (100) feet of the excavation, and shall be drawn at a scale not to exceed one inch equals fifty (50) feet. Also included shall be north-south and east-west traverse cross-section drawings at equal intervals from the outside extremities. The distance between the traverse cross sections shall be provided in accordance with the following schedule within areas of excavation and deposition of material:
 - (1) Sites less than five (5) acres shall provide sections fifty (50) feet apart along with intermittent cross sections at points of vertical or horizontal changes in topography.
 - (2) Sites greater than five (5) acres but less than twenty (20) acres shall provide sections one-hundred (100) feet apart.
 - (3) All sites shall provide intermittent cross sections at points of vertical or horizontal changes in topography.
- D.** An estimate of the amount of material to be excavated or removed.
- E.** Existing and proposed drainage of the site, together with drainage easements and flowage rights.
- F.** An estimate of the number and types of trucks and other machinery to be used on the site, hours of operation and the locations and types of any buildings to be erected.
- G.** Proposed truck access and egress to and from the site upon any road within the bounds of the Town of Monroe.
- H.** Details of final grading and planting of the site to prevent erosion of the site at the conclusion of operations or at such earlier times as may be required by the Commission.
- I.** Existing ponds and watercourses on or adjacent to the premises.
- J.** The location of wooded areas, all rock outcrops and existing and proposed buildings and structures.
- K.** All dimensions to the hundredth of a foot and all bearings or angles on all property lines, easements and rights-of-way.
- L.** Title, date, scale and North point.
- M.** Dewatering facilities.
- N.** Approval of the governing wetlands authority, if applicable (also see §6.4.3 of these Regulations).

- O. Anti-tracking measures and vehicle inspection and cleaning areas.
- P. Water and dust controls.
- Q. Such additional information as the Commission shall deem necessary in order to decide upon the application.

§6.4.5 Map Preparation

Maps and plans shall be prepared and submitted in accordance with the mapping standards set forth in Article 7 of these Regulations.

§6.4.6 Additional Information Required

The following additional information shall be required:

- A. Proof that written notice of the proposed changes has been given to all mortgage holders.
- B. A written statement from the Tax Collector of Monroe certifying that all current taxes levied against the property have been paid in full and that there are no unreleased tax liens encumbering said property.
- C. An engineering report issued by a professional engineer licensed to practice in the State of Connecticut, stating that any artificial lake or pond has sufficient water flow to maintain the proposed level and to avoid stagnation. An engineering report issued by a professional engineer licensed to practice in the State of Connecticut, stating that the proposed change of contours will not adversely affect the water table. An engineering report issued by a professional engineer licensed to practice in the State of Connecticut stating the volume of earth material (cut and fill) to be relocated, removed or added to the site.
- D. A reclamation plan.
- E. A blasting plan in conformance with related permits that may be required from the Fire Marshal or Building Department.

§6.4.7 Fee for Excavation/Filling Permit

An application fee as specified in Article 9 of these Regulations shall be required.

§6.4.8 Requirements for Approval of Excavation and/or Grading Permit

- A.** Before issuing an excavation/filling permit, the Commission shall hold a public hearing, duly advertised and conducted according to the Connecticut General Statutes. The Commission, in considering and reviewing the application and in arriving at its decision, shall be guided by and take into consideration the public health, safety and general welfare and general effect of the same on the neighborhood, the duration of operations, future usefulness of the premises, the impact on vehicular traffic in the area and such other factors as may bear upon the harmonious physical development of the Town of Monroe.
- B.** In addition thereto, the Commission shall satisfy itself that all conditions as set forth in §6.4.9 of these Regulations will be met and that the premises will be excavated and graded in conformity with the plan as approved. Any deviation from the approved plan shall be a violation and cause for the Zoning Enforcement Officer to revoke the permit.
- C.** When the above standards and conditions meet the satisfaction of the Commission, a permit may be issued pursuant to this Section and shall be valid for a period of two (2) years. The Commission may renew the permit for two additional years provided the applicant submits an updated grading plan and a written report by a Connecticut State licensed land surveyor or professional engineer certifying that the operation is in compliance with the permit approved by the Commission. A written request for the permit renewal shall be submitted to the Commission a minimum of forty-five (45) days prior to the expiration of the initial permit. Notice of an application for renewal shall be published as a legal notice in a newspaper having general circulation in the Town. The Commission may require a public hearing on any renewal application if it determines that there has been a significant change in circumstances.
- D.** The Commission shall render its decision within sixty-five (65) days after a hearing, and said decision regarding issuance of the permit shall be published in a newspaper having substantial circulation in the Town of Monroe within fifteen (15) days of such decision date.
- E.** No map may be signed as being approved until the Commission votes approval and a satisfactory bond is posted, and all applicable conditions of approval have been adequately addressed.
- F.** Approval of the application shall become effective as a permit when the applicant files with the Town Clerk the approved plan signed by the Chairman of the Commission.

§6.4.9 Conditions of Excavation and/or Filling or Grading Operation

The plans as approved by the Commission shall become part of the excavation/filling permit, and the following conditions, except as may be waived by the Commission upon written request by the applicant in accordance with §6.4.23 of these Regulations, shall be met:

- A.** The changes in contour shall conform to the plans approved by the Commission.
- B.** No artificial slope greater than twenty-seven degrees (27°) to the horizontal (or maximum two (2) feet horizontal to one (1) foot vertical) shall be created.
- C.** No change in contour shall be made within twenty-five (25) feet of any property line.

- D.** No artificial slope greater than fourteen degrees (14°) to the horizontal (or maximum four feet horizontal to one foot vertical) shall be created within fifty feet of any property line.
- E.** No artificial slope greater than fourteen degrees (14°) to the horizontal shall be created within fifty feet of any street line.
- F.** At all stages of operations, proper drainage shall be provided to prevent the collection, stagnation or excessive runoff of water and to prevent harmful effects upon surrounding properties and watercourses.
- G.** All artificial ponds and lakes created by any change in land contours shall have sufficient water volume, surface elevation, movement and temperature to maintain the proposed level and to avoid stagnation.
- H.** The entire property, except for ponds and lakes, shall be graded to shed water without erosion and to avoid areas of standing water (ponding or puddles).
- I.** Excavation below the level of an abutting property or street line shall be at a distance from said property or street line to be determined by the Commission in consultation with the Town Engineer in consideration of the proposed plans, which Commission, in establishing said distance, shall take into consideration the same provisions and guidelines as set forth in §6.4.8 of these Regulations.
- J.** During the period of excavation and removal, proper barricades or fences shall be erected for the protection of pedestrians and vehicles.
- K.** Truck ingress and egress to the excavation shall be so arranged and truck loads shall be so trimmed as to minimize danger to traffic on adjacent roads and nuisance to surrounding properties. Limitations may also be placed as to the size and type of equipment used on the promises and as to the maximum axle-loading required to protect town roads.
- L.** Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock and lighting, if permitted.
- M.** No operations shall be undertaken on the site except between the hours of 8:00 am and 5:00 pm Monday through Friday, except with approval of the Commission. There shall be no blasting on the site except between the hours of 9:00 am and 5:00 pm Monday through Friday. No activity of any type shall be conducted on any legal holiday declared by the government of the State of Connecticut or the United States.
- N.** No buildings or structures shall be erected on the premises except as may be permitted in these Regulations or except as temporary shelter for machinery and field office directly related to site operations, subject to approval by the Commission. In any case all such buildings or structures shall be removed from the site within sixty (60) days following the expiration or revocation of the permit or completion of the permitted work or the cessation of site operations, whichever occurs earlier.

- O.** If, as part of an excavation operation, debris or trash or unsuitable material is encountered, the same shall be removed from the site and disposed of in accordance with applicable town regulations.
- P.** No sorting, grading, crushing or other machinery for treatment or processing of material being removed or deposited shall be erected, maintained or operated on the premises for which a permit may be granted, except in an Industrial District or in all other districts where controlled rock crushing, screening and processing may be permitted by the Commission on a limited short duration basis as part of site development and construction preparation, provided:

 - (1) Such controlled activities will reduce construction traffic by use of materials onsite.
 - (2) Such controlled activities will not involve mining or excavation of more than necessary to achieve site preparation of an approved project.

All permitted such activities regardless of permitted location shall not include, permit or involve materials from offsite locations. Appropriate precautions, safeguards and impact abatement measures to address noise, dust and other related impacts from such activities shall be identified and appropriate plans proposed for review and approval by the Commission. No such activities shall be permitted to occur within five-hundred (500) feet of any residential district or residential use.

- Q.** When the approved excavation and removal operations or either of them are completed, or when required by the Commission, the excavation area shall be restored in accordance with the approved plan. In no case will a permit be extended for more than a twelve (12) month period unless a substantial part of the area previously excavated has been properly graded and stabilized with approved landscaping.

 - (1) The top layer of topsoil for a depth of six inches shall be set aside on the premises and shall be re-spread in accordance with the approved contour lines within thirty (30) days following the expiration or revocation of the permit or completion of the work, whichever occurs earlier. In cases where onsite storage of such topsoil is not available, at the request of the applicant the Commission may permit off-site storage of topsoil.
 - (2) Within the sixty (60) days following the expiration or revocation of the permit or the completion of the changes in contour, the entire area disturbed from its natural state, including all truck access and other service roads, shall be suitably graded with suitable topsoil and landscaping as approved by the Commission so as to prevent soil erosion.
 - (3) All finished contours shall be established in accordance with the approved reclamation plan, or shall be a minimum of six (6) feet above any ledge or the natural water table, except in such cases where the original land condition showed ledge or water table at a depth of less than six (6) feet, in which case the existing conditions shall be maintained as a minimum or in a case where a pond or a lake has been approved.
- R.** No sign of any nature, other than customary traffic control, safety and trespassing signs, shall be posted or erected in connection with the operation granted approval under these Regulations.

- S. The permittee shall provide engineering progress reports prepared by a Connecticut State licensed civil engineer on a quarterly basis. Additionally, the Commission may at any time during the permit duration require an engineering progress report from the permittee, to be made by a licensed civil engineer. If such report is not received by the Commission within thirty (30) days from the date of such request, the Commission may engage a professional engineer or land surveyor to determine compliance with the terms of this regulation and all expenses in connection therewith shall be paid by the permittee.

§6.4.10 Responsibilities of Permittee

The permittee shall be responsible to the Town of Monroe through the Commission for compliance with all provisions of the excavation/filling permit and to the Town of Monroe for the following, as such responsibilities shall be reflected in the bond of §6.4.11.

- A. Damage caused to town roads by any equipment used in performance of the operations covered by an excavation/filling permit issued pursuant to these Regulations. All necessary road repairs are to be made to the satisfaction of the Town Engineer and Public Works Director.
- B. Supplying, placing and removing all highway warning signs and other safety devices as may be deemed necessary by the Monroe Police Department and/or the Commission.
- C. Removing all spillage by the permittee that may accumulate on the roadways in the Town of Monroe as it occurs.

§6.4.11 Bond

The applicant shall file with the Commission a bond posted with/to the Town of Monroe in the form and with surety acceptable to the Commission, in such amount as the Commission shall deem sufficient to ensure faithful performance of the work to be undertaken pursuant to the conditions of approval (§6.4.9), the responsibilities of the permittee (§6.4.10) and revocation and suspension (§6.4.13). The applicant must comply with all Town requirements with regard to the provision of an official bonding agreement and other posting requirements as described in Article 9 of these Regulations.

- A. The term of such bond shall not extend more than sixty (60) days beyond the date of satisfactory completion of the work as may be determined by the Commission.
- B. No such bond shall be released nor shall the permittee be deemed to have complied with the conditions provided for herein until a written statement bearing the seal of a land surveyor or civil engineer licensed to practice in the State of Connecticut, certifying that the final contours meet the requirements of the permit has been submitted to the Commission, and until an inspection of the premises by an agent of the Commission has been completed to assure that all other conditions have been met.

- C. The Commission shall take steps to initiate action for the calling of the performance bond as soon as practical following the sixty (60) day restoration period allowed after completion of the project or expiration or revocation of the permit, unless all work has been satisfactorily completed or the Commission deems that extenuating circumstances warrant a limited extension of the restoration period, in which case the bond must be renewed for the same limited period.

§6.4.12 Enforcement of Excavation/Filling Permit

The Zoning Enforcement Officer or any special agent appointed by the Commission shall have the authority to enforce the provisions of any excavation/filling permit.

§6.4.13 Duration, Renewal and Revocation of Excavation/Filling Permit

- A. Any permit issued by the Planning and Zoning Commission in accordance with §6.4.9 of these Regulations shall cover operations for a stated period of time not to exceed two (2) years, and such permit shall be renewable for successive stated periods of time, none of which shall exceed two (2) years.
- B. The Commission shall not renew or extend any permit unless the operator is able to show, through the report of a Connecticut State licensed land surveyor and professional engineer that the excavation already completed conforms to the plan of operations as approved.
 - (1) If for any reason the operation of work on the promises ceases for six months, the permit shall be void and the owner or his agent must apply for a new permit and furnish such engineering data and bond as may be required by the Planning and Zoning Commission.
 - (2) If there is a question as to whether or not any of the conditions of any portion of this Section have been or are being violated, the Commission may at any time, upon at least five days written notice to the holder of any excavation/filling permit, require such holder to appear before the Commission on a day certain to be heard as to the alleged violations. If evidence that any of such conditions have been or are being violated is presented at such hearing and if the Commission finds that violations do in fact exist, the Commission may immediately revoke such permit and order operations suspended and direct appropriate action to remedy the violations.
 - (3) A permit may at the discretion of the Commission be suspended twenty-four (24) hours after the postmark of the above-stated written notice.
 - (4) Upon revocation of the permit, the entire area disturbed during the operation shall be made to conform to the provisions of §6.4.9B through H, N, O and Q(1) through (3) of these Regulations.
 - (5) Upon revocation of the permit, all time periods for completion of restoration, as provided in the sections referenced in Subsection B(4) above, shall commence on what would have been the first permitted day of operation if the permit had not been revoked.

- (6) For each and every violation of the terms of the permit or if the prescribed conditions under which an excavation/filling permit is issued, the holder of such permit shall be subject to a fine in accordance with the Connecticut General Statutes.
- (7) As necessary for inspection purposes, the Zoning Enforcement Officer or other Town agent shall have the right of access to all areas and operations for which excavation/filling permits have been issued or applied for.

§6.4.14 Applicability to Existing Operations

Any renewal permit shall be subject to the regulations in effect at the time said renewal permit is issued.

- A. Any existing excavation operation which was commenced prior to any regulation relating thereto and is presently being conducted without a permit may be continued, provided that said continued operation is carried on in accordance with these Regulations relating to grading, drainage, slopes and restoration provisions, and be subject to issuance of a permit under the requirements of this Section.
- B. In order to promote the health, safety and welfare of the residents of the Town of Monroe, any person or persons carrying on an existing excavation operation not covered by a permit issued by the Commission, which operations do not conform to the requirements set forth in Subsection A above, shall either correct such nonconformance within sixty (60) days of receipt of written notice of the same by the Zoning Enforcement Officer or shall terminate said excavation operations.

§6.4.15 Fill Exemptions

Any operation for clean land filling shall be carried on only pursuant to a permit from the Commission except as follows:

- A. Fill by or for the owner on part of his property may be allowed without such permit if the fill does not exceed five-hundred (500) cubic yards of earth material, or change of contour or elevation of two (2) feet or greater and such filling does not restrict any watercourse or drainage on the premises being filled or have an adverse effect on drainage on adjacent or surrounding property.
- B. Creating of stockpiles of material and removal of the same shall not be considered as a fill or excavation operation requiring a separate permit. However, the stockpiling of material is prohibited without a permit approval by the Commission.

§6.4.16 Fill Permit Application Procedure

Application for a permit to fill shall be made to the Commission by the property owner or his authorized agent on forms prescribed by the Commission. Applications for permits to fill shall be accompanied by copies of any necessary State permits required pursuant to Public Act 72-155 or amendments thereto. All such applications shall be accompanied by the same engineering data and information applicable to an excavation operation as are set forth in §6.4.4 of these Regulations.

§6.4.17 Requirements for Approval of Fill Permit

Before issuing an excavation/filling permit, the Commission shall hold a public hearing in accordance with the provisions of §6.4.8 of these Regulations. Prior to such hearing the applicant must submit an official bonding agreement to the Town.

§6.4.18 Performance Bond for Fill Permit

When a fill permit is granted, the applicant shall post a bond in accordance with the provisions in §6.4.11 of these Regulations.

§6.4.19 Conditions of Fill Operation

The Commission may approve the application and issue an excavation/filling permit for a period of stated duration, subject to compliance with the following conditions:

- A. Filling where the resulting grade shall be higher than an abutting property line or street line or have an effect on any existing watercourse or established floodplain shall be kept at a distance from said property or street line to be determined by the Commission, which Commission, in establishing said distance, shall take into consideration the same provisions and guidelines as set forth in §6.4.8 of these Regulations.
- B. All provisions of §6.4.8 of these Regulations relating to fixed equipment, temporary structures, drainage, barricading and fencing, truck access, stockpiling, noise and dust control, hours of operation and seeding and landscaping shall, to the extent that they are applicable, also apply to any filling operation conducted pursuant to a permit issued by the Commission.

§6.4.20 Duration, Renewal and Revocation of Fill Permit

All of the provisions as set forth in §6.4.13 of these Regulations shall be applicable to the duration, renewal and revocation of any excavation/filling permit.

§6.4.21 Fee for Fill Permit

A permit fee for an excavation/filling permit shall be required in accordance with the same provisions as contained in §6.4.7 of these Regulations.

§6.4.22 Administrative Permit: Test Holes, Pits, Trenches

- A.** In certain cases where test holes, pits and trenches are to be excavated and backfilled for the purpose of sewage disposal design, road design, building design, etc., a limited testing permit must be obtained from the Zoning Enforcement Officer; Inland Wetlands Agent in cases that involve activities within areas subject to regulation in accordance with the Town of Monroe Inland Wetlands and Watercourses Regulations; and/or Sanitarian or Public Health District prior to excavation. The purpose of the limited testing permit is to ensure testing is conducted in a manner protective of the environment, inland wetlands and watercourses, and of the public health, safety and welfare, as well as to assure the proper restoration of the affected area.
- B.** Said permit will be issued for a period not to exceed one (1) month. An individual permit is necessary for each lot or parcel, including those of a proposed subdivision.
- C.** The permittee is responsible for all work under the permit, and inspection of the work will be conducted by the Zoning Enforcement Officer, Town Engineer or Public Health District to assure compliance with accepted standards for such work.
- D.** Limited testing exemptions. The following site investigatory analysis and testing activities shall be exempt:
 - (1) Individual residential lot test holes, pits and trenches to be excavated and backfilled for purposes of sewage disposal design under the auspices of the Public Health District.
 - (2) Driveway design, building design or other repair and maintenance related activities associated with a developed individual residential lot as otherwise authorized by a Zoning Permit, except areas subject to the Inland Wetlands and Watercourses Regulations.
 - (3) Site investigatory analysis and testing of a non-invasive nature not involving any land alteration or disturbances.
 - (4) Minor disturbances limited to manual shovel tests, cores or other limited disturbances conducted by hand and manual shovel.
 - (5) Site investigation and testing of a non-physical nature, not involving any land alteration or disturbances, such as traffic studies; wetland delineations; flora and fauna inventories and observations; wildlife trapping pursuant to State and/or Federal authorized licensing; surface water sampling; or similar as determined by the Zoning Enforcement Officer.

§6.4.23 Waiver

The Commission may waive the application and permit standards of this section on a case by case basis, based on a written request by an applicant and provided said waiver would be no less protective of the environment or inconsistent with the intent and purposes of the regulations pertaining to excavation and filling activities.

§6.5 Soil Erosion and Sediment Control

§6.5.1 Activities Requiring a Certified Erosion and Sediment Control Plan

A soil erosion and sediment control plan shall be submitted with any application for development.

§6.5.2 Erosion and Sediment Control Plan

- A.** To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended, including the Low Impact Development Appendix to Connecticut Guidelines for Soil Erosion (June 2011). Alternative principles, methods and practices may be used with prior approval of the Commission.
- B.** Said plan shall contain, but not be limited to:
 - (1) A narrative describing:
 - (a) The development.
 - (b) The schedule for grading and construction activities including:
 - (iv) Start and completion dates.
 - (v) Sequence of grading and construction activities.
 - (vi) Sequence for installation and/or application of soil erosion and sediment control measures.
 - (vii) Sequence for final stabilization of the project site.
 - (c) The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
 - (d) The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
 - (e) The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;
 - (f) The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
 - (2) A Site Plan map at a sufficient scale to show:
 - (a) The location of the proposed development and adjacent properties.

- (b) The existing and proposed topography including soil types, wetlands, watercourses and water bodies.
- (c) The existing structures on the project site, if any.
- (d) The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, road and, if applicable, new property lines.
- (e) The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities.
- (f) The sequence of grading and construction activities.
- (g) The sequence for installation and/or application of soil erosion and sediment control measures.
- (h) The sequence for final stabilization of the development site.
- (i) The protection of dewatering, soil storage, stockpiling and staging areas.
- (j) Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent(s).

§6.5.3 Minimum Acceptable Standards

- A.** Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- B.** The minimum standards for individual measures are those in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. The Commission, the Planning Administrator, or the County Soil and Water Conservation District (when authorized by the Commission or its agent), may grant exceptions when requested by the applicant if technically sound reasons are presented.
- C.** The appropriate method from the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.
- D.** Other resource documents to be followed include the 2011 Low Impact Development Appendix to the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control; the 2004 Connecticut Stormwater Quality Manual; and the 2011 Low Impact Development Appendix to the Connecticut Stormwater Quality Manual.

§6.5.4 Issuance or Denial of Certification

- A. The Commission, the Zoning Enforcement Officer, or the Fairfield County Soil and Water Conservation District (when authorized by the Commission or its agent), shall either find, verify or accept that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation, advise or deny when the development proposal does not comply with these Regulations, or in the case of the Commission or Agent, deny the application.
- B. Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the Connecticut General Statutes.
- C. Prior to an approval, any plan submitted to the municipality may be reviewed by the Fairfield County Soil and Water Conservation District and/or the Southwest Connecticut Conservation District, which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan.

§6.5.5 Conditions Relating to Soil Erosion and Sediment Control

- A. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of any Site Plan, Special Exception Permit, plan of improvements, grading plan, plan/ profile for road construction may be required to be covered in a performance bond, site restoration and stabilization bond or other assurance acceptable to the Commission in accordance with the provisions specified in the appropriate sections of the Zoning and Subdivision Regulations of the Town of Monroe, as amended.
- B. Site development shall not begin unless the soil erosion and sediment control plan is certified and approved and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- C. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified and approved plan.
- D. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the approved plan.
- E. Revisions in control measures and facilities may be required and authorized in the field from time to time as conditions on or off site may dictate. Written confirmation of such revisions shall be appended to the certified plan of record within forty-eight (48) hours of authorization by the inspection/enforcement authority.
- F. Any person engaged in development activities who fails to obtain approval of a soil erosion and sediment control plan in accordance with these Regulations, or who conducts a development activity except in accordance with provisions of a certified plan shall be deemed in violation of these Regulations and enforceable under the provisions of Article 9 of these Regulations.

- G.** Written verification of the obtainment of all applicable State and/or Federal approvals pertaining to Soil Erosion and Sediment Control, as well as Connecticut Department of Energy and Environmental Protection (CTDEEP)/NPDES permits for sites of one acre or larger shall be provided.
- H.** Provide verification of all State and/or Federal erosion and soil control plans/permits and/or CTDEEP/NPDES permits for sites of one (1) acre or larger.

§6.5.6 Inspection

Inspections shall be made by the Zoning Enforcement Officer, Inland Wetlands Agent or Town Engineer during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the approved plan and are being operated and maintained.

§6.6 Flood Damage Control

§6.6.1 Findings of Fact, Purpose and Objectives

A. Finding of Fact - Cause and Effect

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

These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

B. Statement of Purpose

(1) Objectives

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

- (a) To protect human life and health;
- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (f) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (g) To insure that potential buyers are notified that property is in an area of special flood hazard; and
- (h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(2) Methods of Reducing Flood Losses

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

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging, and other development which may increase flood drainage; and
- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

§6.6.2 Applicability

- A. This Section shall apply to all areas of special flood hazards within the jurisdiction of the Town of Monroe.

B. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated June 18, 2010, and accompanying Flood Insurance Rate Maps (FIRM), dated June 18, 2010, and other supporting data applicable to the Town of Monroe, and any subsequent revisions thereto, are adopted by reference and are declared to be part of this Section. Since mapping is legally adopted by reference into this Section it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The areas of special flood hazard include any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The Flood Insurance Study is on file in the office of the Monroe Town Clerk, Town Hall, 7 Fan Hill Road, Monroe, Connecticut.

C. Compliance

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

D. Abrogation and Greater Restrictions

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

E. Interpretation

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

- (1) Considered as minimum requirements; and
- (2) Liberally construed in favor of the governing body; and, deemed neither to limit nor repeal any other powers granted under the Connecticut General Statutes.

F. Warning and Disclaimer of Liability

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

§6.6.3 Administration

A. Establishment of Development Permit

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in §6.6.2B. Application for a Development Permit shall be made on forms furnished by the Zoning Enforcement Officer or Town Planner, and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in §6.6.4B(2), and
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Designation of Administrators

The Zoning Enforcement Officer and the Town Planner are hereby appointed to administer and implement this Section by granting or denying development permit applications in accordance with its provisions.

C. Duties and Responsibilities of Administrators

Duties of the Zoning Enforcement Officer and the Town Planner shall include, but not be limited to:

- (1) **Permit Review**
 - (a) Review all development permits to determine that the permit requirements of this Section have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding.
 - (b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

- (c) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this Section, “adversely affects” means that the cumulative effects of proposed development when combined with all other existing and anticipated development, increases the water surface elevation of the base flood more than one foot at any point.

(2) Use of Other Base Flood Data

When base flood elevation data and or floodway data has not been provided in accordance with §6.6.2B, the Zoning Enforcement Officer or Town Planner shall obtain, review, and reasonably utilize any base flood elevation data and or floodway data available from a Federal, State or other source in order to administer §6.6.4B(1).

- (a) In “A” zones where base flood elevations have been determined, but before a floodway is designated, require that no new construction, substantial improvement, or other development (including fill) be permitted which will increase base flood elevations more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
- (b) Should data be requested and/ or provided, adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one foot at any point along the watercourse.

(3) Information to be Obtained and Maintained

- (a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
- (b) For all new or substantially improved floodproofed structures:
 - (i) Verify and record the actual elevation (in relation to mean sea level), and
 - (ii) Maintain the floodproofing certifications required in §6.6.3A(3) of these Regulations.
- (c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

(4) Alteration of Watercourse

- (a) Notify adjacent communities and the Connecticut Department of Environmental Protection prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (b) Require that maintenance is provided within the altered area or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(5) Interpretation of FIRM Boundaries

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in §6.6.3D.

D. Variance Procedure

(1) Appeal Board

- (a) The Zoning Board of Appeals, as established by the Town of Monroe, shall hear and decide appeals and requests for variances from the requirements of this Section.
- (b) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Enforcement Officer or Town Planner in the enforcement or administration of this Section.
- (c) Those aggrieved by the decision of the Zoning Board of Appeals or any taxpayer may appeal such decision to the Superior Court, as provided in the Connecticut General Statutes.
- (d) In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Section, and:
 - (i) Danger that materials may be swept onto other lands to the injury of others;
 - (ii) Danger to life and property due to flooding and erosion damage;
 - (iii) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) Importance of the services provided by the proposed facility to the community;
 - (v) Necessity to the facility of a waterfront location, where applicable;
 - (vi) Availability of alternative locations, for the proposed use which are not subject to flooding or erosion damages;
 - (vii) Compatibility of the proposed use with existing and anticipated development;
 - (viii) Relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (ix) Safety of access to the property in times of flood for ordinary and emergency vehicles;

- (x) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xi) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (e) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in §6.6.3D(1)(d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - (f) Upon consideration of the factors of §6.6. 3D(1)(d) and the purposes of this Section, the Zoning Board of Appeals deems necessary to further the purposes of this Section.
 - (g) The Zoning Enforcement Officer or Town Planner shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(2) Conditions for Variances

- (a) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (d) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in §6.6.3D(1)(d) or conflict with existing local laws or ordinances.

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

§6.6.4 Provisions for Flood Hazard Reduction

A. General Standards

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

(1) Anchoring

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) All manufactured (mobile) homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - (i) Over-the-top ties be provided at each of the four (4) corners of the manufactured (mobile) home, with two additional ties per side at intermediate locations with mobile homes less than fifty (50) feet long requiring one (1) additional tie per side;
 - (ii) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points with manufactured (mobile) homes less than fifty (50) feet long requiring four additional ties per side;
 - (iii) All components of the anchoring system be capable of carrying a force of four-thousand-eight-hundred (4,800) pounds; and
 - (iv) Any additions to the manufactured (mobile) home be similarly anchored.

(2) Construction Materials and Methods

- (a) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
- (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (c) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/ or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivision Proposals

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least ten (10) lots or five (5) acres, whichever is less.

B. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in §6.6.2B or §6.6.3C(2) of these Regulations, the following provisions are required:

(1) Residential Construction

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

(2) Nonresidential Construction

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

- (a) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

- (c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in §6.6.3C(3)(b) of these Regulations.

(3) Manufactured (Mobile) Homes

Manufactured (Mobile) homes shall be anchored on a securely anchored permanent foundation in accordance with paragraph A above. All manufactured (mobile) homes to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at or above the base flood elevation (BFE). This includes manufactured (mobile) homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. All manufactured (mobile) homes within a SFHA shall be installed using methods and practices which minimize flood damage with adequate access and drainage provided.

(4) Recreational Vehicles

Recreational vehicles placed on sites within areas of special flood hazard shall either be on the site for fewer than one-hundred-eighty (180) consecutive days and be fully licensed and ready for highway use, or meet all the elevation and anchoring requirements of §6.6.4A(1) of these Regulations. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

C. Floodways

Located within areas of special flood hazard established in §6.6.2B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
- (2) If the provisions of §6.6.4C(1) of these Regulations are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §6.6.4 of these Regulations.
- (3) Prohibit the placement of any manufactured (mobile) homes.

D. Equal Conveyance

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

E. Compensatory Storage

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

F. Aboveground Storage Tanks

Aboveground storage tanks (oil, propane, etc.) which are located outside or inside of the structure if and where permitted elsewhere in these Regulations must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

G. Portion of Structure in Flood Zone

If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

H. Structures in Two Flood Zones

If a structure lies within two or more flood zones, the construction standards of the more restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)

I. No Structures Entirely or Partially Over Water

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

J. No Enclosed Areas Below Base Flood Elevation

Fully enclosed areas below the Base Flood Elevation (BFE) (including floodable areas utilizing flood vents) are not permitted to be constructed.

§6.7 Alcoholic Beverages

§6.7.1 Regulation

The sale of alcoholic beverages associated with any use permitted in these Regulations shall be regulated in accordance with State of Connecticut General Statutes. Permits for such sale are regulated and issued by the State of Connecticut Department of Consumer Protection pursuant to Connecticut General Statutes.

§6.7.2 Location of Sale Limited

The location of the sale of alcoholic beverages for consumption on or off the premises shall be subject to the standards outlined below, which shall be considered as part of the Site Plan application and/or Special Exception Permit application, as applicable.

- A.** The Commission shall find that the proximity of the premises to churches, schools or any places frequented by minors shall not be such as to constitute a hazard to the health, safety and welfare of the neighborhood
- B.** Any premises or establishment having an appropriate State of Connecticut license for the sale of alcoholic beverages of any type for consumption on the premises shall be limited to premises where food (including the offering of hot meals from an on premises commercial kitchen) and beverage full service is provided to persons seated at tables by persons employed by the following specific lawful establishments as otherwise permitted and defined in these Regulations:

- On-Premises Caterer

- Full Service Restaurant
 - Cafe
- C. Any premises or establishment having an appropriate State of Connecticut license for the sale of alcoholic beverages of any type for consumption off the premises shall have its location determined appropriate by the Commission. A grocery store beer permit from the State of Connecticut shall be limited to a Grocery Store as defined in these Regulations. Limited on premises consumption may be authorized based on the particular associated State of Connecticut license where same is otherwise permitted by the State license (i.e., tasting as may be permitted with a Package Store license).
- D. Brew pubs are exempt from the provisions of §6.7.2(B) above.

§6.8 Wireless Communication Facilities

§6.8.1 Purpose

The purpose of this Section is to make provisions to permit the location of wireless communication facilities within the town of Monroe while protecting the public, protecting neighborhoods, and minimizing the adverse visual and operational effects of wireless communication facilities. More specifically, the purposes are:

- A. To accommodate the need for wireless communications towers and antennas while not unreasonably regulating their location and number;
- B. To encourage the joint use of any existing or new towers;
- C. To encourage creative design measures to minimize adverse visual effects;
- D. To provide standards for design, siting and vegetative screening to minimize adverse visual effects;
- E. To reduce the number of antennas and towers needed in the future.

§6.8.2 Location Preferences

The order of preferential ranking for siting the equipment associated with wireless communication facilities shall range from one (1) as the most desired to seven (7) as the least desired as listed below:

- A. On existing structures such as buildings, water towers, and utility poles.
- B. On existing approved towers.
- C. On towers proposed to replace existing towers.
- D. On new towers less than eighty (80) feet in height located in Non-Residential Districts.

- E. On new towers eighty (80) feet or greater in height located in Non-Residential Districts.
- F. On new towers less than eighty (80) feet in height located in Residential Districts.
- G. On new towers eighty (80) feet or greater in height located in Residential Districts.

§6.8.3 Location Restrictions

- A. Siting on the following properties is specifically prohibited: Wolfe Park, Great Hollow Lake, Lanes Mines Park, Webb Mountain Park, and the Discovery Zone, including all associated parcels and open space designated lands to these properties as well as any other property classified or designated as park or open space lands.
- B. No land or structure in a Historic District shall be used for wireless communication facility siting with the exception of a Town of Monroe owned structure or facility.

§6.8.4 Special Standards

- A. No lights shall be mounted on towers unless required by the FAA. Strobe lighting shall be avoided where possible.
- B. Towers not requiring special FAA painting or marking may be galvanized, painted a non-contrasting blue, gray, or other neutral color, or other such color as needed to blend into its location.
- C. Towers may not be used to exhibit any signage or advertising.
- D. Towers shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for two additional users if the proposed antenna is over one-hundred (100) feet in height; if over fifty (50) feet in height, it shall be designed to accommodate one additional comparable antenna.
- E. Towers shall be set back from all property lines a distance equal to their height. The Commission may waive this requirement when there is adequate documentation that the tower structure has been designed to collapse in a manner which will not impact adjacent properties.
- F. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and/or design of such structure/building.
- G. Unless waived by the Commission, dish antenna shall comply with the following:
 - (1) All dish antenna shall be of a mesh design.
 - (2) Dish antennas shall not exceed two (2) feet in diameter in Residential Districts.
 - (3) Dish antennas shall not exceed six (6) feet in diameter in Non-Residential Districts.

The Commission may waive the above requirements when there is satisfactory documentation that such antennas are screened from view from adjacent lots and from public streets.

- H.** Accessory buildings, to be used for housing telecommunications equipment only are permitted. Such buildings shall not exceed seven-hundred-fifty (750) square feet in area and shall be architecturally designed to blend into the neighborhood. Such buildings shall not exceed a height of twelve (12) feet.
- (1) A fence of appropriate design and height shall enclose the ground equipment and any support tower. This requirement may be waived when the design of the facility does not warrant a fence, e.g., a flag pole design or a similar stealth design. Landscape buffers shall be provided around the perimeter of the facility as provided for in §6.2 of these Regulations, except when determined by the Commission that existing suitable vegetative cover will remain.
 - (2) No proposed wireless communications facility shall be designed, located, or operated so as to interfere with existing or proposed public safety communications.
 - (3) The design and operation of the wireless communication facility shall comply with the FCC standards regulating non-ionizing electromagnetic emissions.
 - (4) All utilities to serve the facility shall be installed underground unless otherwise approved by the Commission.
 - (5) Generators, if utilized, shall comply with all State and local noise regulations.

§6.8.5 Permits

Wireless Communications Facilities shall be permitted in all Zoning Districts subject to the following:

A. Use Permits

Where the Commission determines that an antenna proposed on an existing structure or building meets the criteria of Subsections (1), (2) and (3) below, such antenna and wireless facilities shall be allowed when issued a Use Permit by the Commission and subject to submission of Site Plan in accord with the requirements of Article 7 of these Regulations.

- (1) An omni-directional or whip antenna with a length of twenty (20) feet or less and Seven (7) inches or less in diameter, provided its material and/or color blends with the exterior of the structure.
- (2) A directional or panel antenna six (6) feet in height and two (2) feet or less in width provided its location and appearance blends with the exterior of the structure.
- (3) A satellite and microwave dish antenna six (6) feet or less in diameter provided the building or rooftop mount is located or screened so it is not visible from abutting public streets.

B. Special Exceptions

Wireless Communication Facilities which do not qualify for Use Permits under §6.8.5A above may be permitted only after the approval of a Special Exception Permit as provided for in Article 8 of these Regulations. Such use may be approved only after a finding that the use will comply with the standards of §8.2, and the special standards of this Section.

§6.8.6 Application Requirements

In addition to complying with other application requirements of these Regulations, all applications for Wireless Communication Facilities shall include the following:

- A.** A map showing the extent of planned coverage within the town and adjacent communities, and the location and service area of the proposed facility. This map shall be accompanied by a report which documents the need for the wireless communications facility. At the minimum, this report will document that the facility is needed to provide acceptable capacity and coverage for wireless communication.
- B.** A statement containing a description of the siting criteria and the process by which other possible sites were considered. Where applicable, said statement shall explain in detail why the most preferred locations ranked in §6.8.2 above should be eliminated from consideration.
- C.** Architectural renderings and/or photo simulations of views of the tower from nearby properties, including alternatives to minimize visual impacts such as monopoles containing all antennas and cabling to the interior of the monopole, simulated trees and other stealth techniques as deemed appropriate by the Commission.
- D.** A report from a qualified radio frequency engineer that the proposed facility will meet the Federal Communication Commission requirements for radio frequency radiation at the time that the facility will be operating at maximum capacity.
- E.** A report from a qualified radio frequency engineer that the proposed facility will not interfere with existing or proposed public safety communications.
- F.** When required by the Commission, additional reports from independent technical experts on the potential impacts from the proposed wireless communication facility shall be submitted. The cost of such reports shall be the applicant's responsibility.

§6.8.7 Removal

A Wireless Communication Facility not in use for twelve (12) consecutive months shall be removed by the owner. This removal shall occur within ninety (90) days of the end of such twelve (12) month period. Upon removal, the site shall be restored to its previous appearance and, where appropriate, re-vegetated to blend with the surrounding area. The Commission may require that a bond be submitted as surety.

§6.9 Accessory Apartments

§6.9.1 Standards

- A.** An apartment may be established only accessory to a permitted dwelling. The apartment unit shall have common wall(s) and/ or floor(s) to the livable floor area of the principal dwelling. The outward appearance of the accessory dwelling shall be consistent with the design and character of the principal dwelling in its construction, materials and finish treatment. The outward appearance shall not change the single-family character in any visible manner. There shall be no more than one (1) apartment accessory to a permitted dwelling.
- B.** Living area of an accessory apartment shall contain a minimum of four-hundred (400) square feet and shall not exceed a maximum of eight-hundred (800) square feet; there shall be no more than one (1) bedroom in such apartment. In no case shall the floor area exceed twenty-five (25%) percent of the gross livable floor area of the total structure.
- C.** An accessory apartment shall be so located upon a lot to comply with all dimensional requirements of the zoning district for new construction. An apartment located within the perimeter of an existing nonconforming dwelling, shall not be subject to such requirement. No apartment shall be located in a basement or cellar unless such basement or cellar constitutes a walk-out basement that is not below an established flood plain elevation. Additions for the purpose of an accessory apartment shall be made only above or to the side or rear of the principal dwelling.
- D.** An accessory apartment shall have a minimum of one (1) separate external door access from the principal dwelling.
- E.** An accessory apartment shall contain separate from the principal dwelling: kitchen facilities, full bath and electric panel with separate disconnect and separate access to same.
- F.** The provisions of §6.1 of these Regulations notwithstanding, two (2) off-street parking spaces shall be provided for an accessory apartment in a designated location on the premises. Such spaces shall be on an area prepared to accommodate vehicle parking. Such spaces shall be an area constructed for such purpose with a surface treatment equal to the driveway, shall provide suitable vehicle turnaround onsite and shall not conflict with access or parking for the principal dwelling.

§6.9.2 General Provisions

- A.** Either the principal dwelling or accessory apartment shall be occupied by the owner of the premises at all times.
- B.** Nothing shall prevent the owner of the premises from deed restricting aspects of the use of the apartment as long as such restrictions legally conform to any local, State or Federal law or regulation.
- C.** There shall be no limitation on age of structure, time of ownership, or construction of additions to establish an accessory apartment, except as provided in this Section.

- D. All provisions of the State of Connecticut Basic Building Code (as amended), including the securing of requisite building permits and certificates of occupancy, together with the requirements of all other applicable construction codes or regulations, shall be met to establish an accessory apartment.
- E. The Fire Marshal shall review and approve any proposal to establish an accessory apartment to assure adequate fire safety.
- F. The Sanitarian shall review and approve any proposal to establish an accessory apartment to assure the premises conforms to the minimum requirements of the Public Health Code for sewage disposal.
- G. Written rental agreements (leases) shall be provided to tenants.
- H. The following provisions shall apply to the establishment of an accessory apartment.
 - (1) A person seeking to establish an accessory apartment shall file an application for zoning compliance certificate together with a request for "Certificate of Use of Accessory Apartment" (Certificate) on a form prescribed by the Commission. Such request shall be accompanied by complete floor plans, elevations, and interior layout drawn to scale; including alterations to be made to the exterior of the existing dwelling; photographs of the exterior of the existing dwelling. The request shall be reviewed for conformance and bear the signatures of approval of the Zoning Enforcement Officer, Building Inspector, Sanitarian, and Fire Marshal.
 - (2) Upon the completion of improvements, the Zoning Enforcement Officer shall inspect the premises and shall indicate his/her approval by issuance of a Certificate of Compliance.
 - (3) The owner shall file upon the Land Records of the town, the Certificate which shall cause the approval of such accessory apartment to become effective. Such Certificate shall run with the title unless invalidated at some future date by the action of the then current property owner placing a notice on the Land Records to formally abandon the use.
- I. In the interest of furthering the goals of providing increased affordable housing stock, it is desirable that accessory apartments be established meeting the affordability guidelines established by "The Greater Bridgeport Region Affordable Housing Compact." Owners are encouraged to establish units in consideration of such guidelines.
- J. Any accessory apartment type unit remaining uncertified after July 1, 1992 shall be deemed to be illegal and in violation of these Regulations and subject to such enforcement action and penalties which the law may prescribe.

§6.10 Site Appearance Requirements

§6.10.1 General Requirements

- A. All principal use activities, unless otherwise permitted, shall be conducted within completely enclosed buildings.
- B. Satellite dishes shall be screened so they are not visible from public streets or adjacent residential zoned properties. Neon tubing or similar lighting shall not be allowed.

§6.10.2 Facades and Exterior Walls of Principal Nonresidential and Residential Multifamily Buildings

- A. Principal building facades shall include a repeating pattern of at least two (2) of the following elements or transition by some other architectural features. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet. The Commission may also require same on accessory buildings to ensure continuity and to minimize expanse of plain facades.

- (1) Color change.

- (2) Texture change.

- (3) Material module change.

- (4) Expression of architectural or structural bay through a change in plane no less than twelve (12) inches in width, such as an offset or reveal.

- B. Materials and Colors:

- (1) Predominant exterior building materials shall be high quality materials such as brick, wood, native stone, textured concrete masonry units or clapboard type boards, glass.

- (2) Façade colors shall be low reflectance. The use of high intensity colors, sharp contrasting or fluorescent colors are prohibited.

- C. Shopping Cart Management

Any business that uses shopping carts outside of the building shall have a cart management plan. The management plan must specify the operation's cart management program, which may include cart corrals, to prevent accumulation of carts in the parking lot. Shopping carts shall not be stored outside overnight, except in designated corrals.

- D. Outdoor Storage, Trash Collection, and Loading Areas:

- (1) Areas for truck parking, trash collection or compaction, loading docks/doors, or other such uses shall not be visible from abutting streets or adjacent residential zoned properties.

- (2) No part of a loading dock zone or space shall be located within one-hundred (100) feet of a residential zone boundary.
- (3) Loading docks, receiving areas, truck parking, trash/recycling collection, trash/recycling compaction, and other service functions shall be designed as an integral part of the building suitably screened with walls, fencing, landscaping or a combination thereof to address visual and acoustic impacts of these functions, out of view from adjacent properties, public streets, and pedestrian sidewalks.
- (4) All dumpsters shall be placed on a concrete pad, contained within a gated enclosure and suitably screened with trees, shrubs, fencing, or by other appropriate means.

§6.11 Community-Wide Event

§6.11.1 Community-Wide Event Permit

- A. A Community-Wide Event Permit may be issued by the Zoning Enforcement Officer, subject to the following:
 - (1) An application for a Community-Wide Event shall be in a form as prescribed by the Planning and Zoning Department together with the supporting materials as listed below. All materials shall be submitted to the Zoning Enforcement Officer in a timely manner to provide sufficient time for their evaluation prior to the date of the event.
 - (a) Site plan sketch including:
 - Site location and containment of event, including identification of entrances and exits to the temporary event grounds and facilities.
 - General layout of the temporary event vendors and activities.
 - Location of any stage, tents or other temporary structures.
 - Location of event management and public safety / first aid station.
 - Emergency access provisions.
 - Location and type of any temporary exterior lighting.
 - Vendor and event parking areas.
 - Provision and location for adequate sanitary facilities and refuse disposal.
 - (b) Plan for traffic, crowd and parking control, which shall include security personnel or police officers as needed.
 - (c) Sign off on permit application indicating review and approval, as necessary by the First Selectman (if on Town owned land), Fire Marshal, Health Department, Parks and Recreation Director (if on Town owned parkland), Police Department and Building Official.

- (2) The following conditions must be met:
 - (a) The Community-Wide Event Permit shall be prominently posted near the main entrance of the event premises.
 - (b) Event Duration and Hours of Operation.
 - Maximum of twelve (12) events within any twelve (12) month span for the same property.
 - Maximum duration of ten (10) days per event.
 - Event hours limited to 8:00 am to 12:00 am (midnight).
 - (c) The event shall provide for adequate off-street parking on site or shall demonstrate an alternative method of accommodating event parking demands. All event-related vehicles shall be safely and adequately accommodated on the premises or within the designated off-street parking provisions for the event.
 - (d) The event shall not emanate objectionable light, noise, odor or other nuisances.
 - (e) Temporary structures such as tents shall not extend into a street right-of-way or interfere with the visibility of street sight lines. All such structures shall be safely anchored to the ground, subject to the acceptance and inspection of the Fire Marshal and Building Inspector.
 - (f) Temporary signs related specific to the event may be permitted but shall not extend into a street right-of-way or otherwise conflict, block or hinder the visibility of street lines and official street control signs.
 - (g) Adequate provisions for refuse containment and disposal shall be addressed.
 - (h) Any participating Mobile Food Vendor shall also comply with supplemental standards set forth in §6.12 of these Regulations.
- (3) No Community-Wide Event shall commence prior to the issuance of a Community-Wide Event Permit by the Zoning Enforcement Officer. The Zoning Enforcement Officer shall approve the Community-Wide Event Permit application if it meets all of the following standards and criteria:
 - (a) The proposed temporary event shall be located, operated, and maintained in a manner consistent with the provisions of these Regulations.
 - (b) The specific location reasonably accommodates the temporary event, given the particular nature, size, and duration of the event.
 - (c) No permanent building or site alterations or permanent signs shall be authorized or installed unless a separate permit approval as may be authorized by these Regulations is obtained.

- (d) No aspect of the temporary event shall violate any applicable condition of approval that applies to the principal use(s) on the site.
 - (e) The operation of the event at the location proposed and within the time period specified shall not create significant adverse impacts, including but not limited to environmental, visual, glare, traffic, noise, or odor impacts, on adjacent properties, or improvements on adjacent properties, or in the surrounding area.
 - (f) The operator provides and/or mitigates for any needed police, fire, trash removal, maintenance or other public services demands.
- (4) Authority for Reasonable Conditions of Approval.
- (a) The Zoning Enforcement Officer shall consult and coordinate with the Planning and Zoning Administrator prior to issuance of any Community-Wide Event Permit.
 - (b) A Community-Wide Event Permit shall state the specific permitted duration and hours of operation authorized for a specific event, location and date. All structures and materials related to the temporary event shall be appropriately removed and disposed of in a proper manner within the authorized time period as set forth herein above.
 - (c) The Zoning Enforcement Officer may impose conditions reasonably necessary to assure compliance with the standards in this Subsection, to ensure that operation and maintenance of the Community-Wide Event mitigate potential adverse impacts on existing uses and adjoining properties and in the surrounding area, and to protect the public health, safety and general welfare. Conditions may address, but are not limited to, provisions for adequate parking, storage, and lighting; provisions for security, traffic safety, fire and life safety; conditions limiting hours of operation; provision for adequate sewage disposal; and any other health and safety concerns the Zoning Enforcement Officer may deem necessary to comply with the standards set forth herein above.

§6.12 Mobile Food Vendor Permits Required

§6.12.1 Community-Wide Event

A mobile food vendor participating in a community-wide event (such as a carnival, festival or other short term, single special event which may span a few hours, one day or over the course of several consecutive days) may be permitted subject to the supplemental standards set forth in §6.11, §6.12.5 and §6.12.6 of these Regulations, and the prior issuance of a Community-Wide Event Permit as issued by the Zoning Enforcement Officer.

§6.12.2 Resident Private Function

A mobile food vendor participating at a private function on private residential property within a RF-1, RF-2 or RF-3 District not open to the general public and where the food and/or beverages served are not sold directly or indirectly to function participants, shall be permitted without a Mobile Food Vendor Permit, provided such mobile food vendor complies with §6.12.5 and §6.12.6 below.

§6.12.3 Single-Day Event Associated with a Non-Residential Use

A mobile food vendor on a non-residential zoned property may be permitted for a Single-Day Event related specifically to the subject premises, subject to the supplemental standards set forth in §6.12.5 and §6.12.6, and the prior issuance of a Mobile Food Vendor Permit as issued by the Zoning Enforcement Officer.

§6.12.4 Accessory to a Principal Brew Pub Use

A mobile food vendor may be permitted as a temporary accessory use to a principal brew pub use, subject to the supplemental standards set forth in §6.12.5 and §6.12.6, and the prior issuance of Site Development Plan Approval as issued by the Commission and a Zoning Permit by the Zoning Enforcement Officer for the implementation of such. Subsequent use or uses of such shall require the prior issuance of a Mobile Food Vendor Permit as issued by the Zoning Enforcement Officer.

§6.12.5 Other Required Permits

All mobile food vendors shall be responsible for obtaining and maintaining compliance with all permits, licenses or approvals required by the Town of Monroe and the State of Connecticut. At the time of application, the applicant shall provide verification of a current Monroe Health Department approval. The Zoning Enforcement Officer may refuse or deny an application as incomplete if the applicant has not first obtained all other requisite municipal licenses, permits and/or approvals. A copy of all related approvals shall be maintained with the mobile food vendor and proof of compliance shall be presented to the Zoning Enforcement Officer or other duly authorized Town agent upon request.

§6.12.6 Supplemental Standards

A. Operational Use

- (1) Written permission from the property owner shall be included in all applications for a mobile food vendor location and use.
- (2) The mobile food vendor operator or designee shall be present at all times, except in cases of an emergency.
- (3) Drive-up service to the mobile food vendor shall be expressly prohibited.
- (4) Offerings shall be limited to food and/or non-alcohol beverages only; no general merchandise, goods or other services shall be provided or offered.

- (5) The mobile food vendor location shall be maintained and kept clean of waste at all times. Adequate waste receptacles shall be provided, which shall be maintained during operations and removed following use. Collected waste, including excess liquids, shall be disposed of in a proper and legal manner.

B. Location

- (1) Shall not be sited or parked within a public or private street right-of-way or within any travel lane of the site; nor shall be operated in manner that impedes, endangers, or interferes with pedestrian or vehicular traffic.
- (2) Shall not be located within a required setback yard or landscape buffer as required elsewhere in these Regulations.
- (3) Mobile food vendors at a Brew Pub site shall not occupy parking spaces which are required to fulfill the minimum requirements of the principal use(s) of the subject lot, except where the use of parking spaces is demonstrated that the hours of operation of other principal uses of the subject lot do not coincide with the times and duration for which the mobile food vendor would be present. In the event the hours of use of the other principal use(s) change so as to coincide with the permitted hours of operation by the mobile food vendor, the mobile food vendor shall no longer be permitted to occupy said spaces and shall be required to obtain approval of an alternative location to continue operations at the property.

C. Duration

Each issued Mobile Food Vendor Permit shall state the specific permitted duration and hours of operation authorized for a specific location and date, subject to the following:

- (1) Community-Wide Event – Permitted duration and hours of operation shall coincide with that allowed for the associated Community-Wide Event.
- (2) Single-Day Event Associated with a Non-Residential Use
 - (a) There shall be no more than two (2) single day events at one location in any consecutive twelve (12) month period.
 - (b) Permissible hours of operation (including setup and takedown) shall be limited to the hours between 9:00 am to 10:00 pm.
- (3) Accessory to a Principal Brew Pub Use
 - (a) Hours of operation shall occur during the permissible hours of the associated principal brew pub.
 - (b) The mobile food vendor shall be removed during impermissible hours of operation and shall not otherwise be stored, parked or left overnight on the premises.

D. Prohibited External Apparatus

- (1) A mobile food vendor shall be self contained, with no external connection to any power, water, sewer or other utility source, not including self contained generators temporarily used by the mobile food vendor, provided same is contained and controlled to prevent unauthorized access thereto.
- (2) The mobile food vendor shall not include any exterior lights which are not otherwise integral to the mobile food vendor. Permitted lights shall project light downward and shall be compliant with the light standards set forth on Article 6 of these Regulations.
- (3) The mobile food vendor shall not include any audio amplification system.
- (4) The mobile food vendor shall not setup or provide exterior seating (this does not include outdoor seating as may otherwise be permitted and approved by the Commission separately under these Regulations).
- (5) No external signage, including temporary or portable signs per Article 6 of these Regulations, except that which is duly affixed to the mobile food vendor shall be permitted.
- (6) There shall be no outside or external storage, display or presentation of items associated with the mobile food vendor, except appropriate waste receptacles as required herein above.

§6.13 Accessory Outdoor Dining

§6.13.1 Purpose and Intent

The purpose and intent of this section is to permit and regulate outdoor dining, as an accessory use, in conjunction with and adjacent to a principal building containing a restaurant or other use serving food and beverages for the consumption on the premises.

§6.13.2 Applicability

This section shall apply to any principal or accessory restaurant use, or other use approved to serve food and beverages for consumption on the premises, located in any zoning district, notwithstanding any inconsistent provisions of Article 1, Non-Conforming Uses of these Regulations. An application for Site Development Plan approval shall be required for all proposals for, or amendments and alterations to, outdoor dining facilities.

§6.13.3 Operational Use

An outdoor dining facility shall be operated by the related principal or accessory restaurant or other food service use; shall be utilized solely for the consumption of food and beverages prepared, served and sold on the premises.

§6.13.4 Location

- A. Permitted locations.** Areas devoted to outdoor dining shall be designed in compliance with the requirements of applicable local and state codes.
- B. Prohibited locations.** All outdoor dining facilities shall be prohibited in the following site areas:
 - (1) Minimum landscape buffer areas pursuant to the requirements of the underlying zoning district and that applicable to the related principal or accessory restaurant or other food service use, whichever is more restrictive.
 - (2) Minimum required yard setback areas pursuant to the requirements of the underlying zoning district and that applicable to the related principal or accessory restaurant or other food service use, whichever is more restrictive.
 - (3) Required landscaping areas, areas devoted to septic disposal or water supply, or as otherwise determined inappropriate by the Commission.

§6.13.5 Containment, Separation and Protection

All related outdoor dining facilities shall be contained, separated and protected from parking and site driveways by a combination of decorative fencing, stone walls, structured landscaping, and/or building and architectural features (trellises, awnings). Protective structural elements shall be incorporated to adequately and suitably provide appropriate protection from traffic and other identifiable hazards for the specific location. The above design features and architectural improvements shall be integrated with site buildings and that of the surrounding community. Additional structural and landscape screening may be required to buffer adjacent properties and streets from visual, lighting, noise, odor and other potential associated environmental/site impacts as deemed warranted by Staff.

§6.13.6 Accessory Components

- A. Associated apparatus.** The use of portable umbrellas, heating units and other similar elements for the purpose of weather protection may be permitted but shall be properly maintained in a neat and good working condition and compliant with all applicable building, fire and health code standards and laws. Said features shall be shown to be adequately stored when not in use with appropriate containment.
- B. Utilities.** Outdoor dining facilities shall be permitted only where evidence of sufficient water supply and sewage disposal capacity for all indoor and outside facilities at full occupancy can be provided.
- C. Entertainment.** Any music or ancillary entertainment activities shall not be conducted which creates a public disturbance.
- D. Lighting.** Lighting shall be dark sky compliant, horizontally and/or across property lines. Notwithstanding the above, low wattage ambient accent lighting which may be visible on the

horizontal plane may be permitted by the Commission as determined suitable for the specific location and setting.

§6.13.7 Off-Street Parking

Facilities with more than ten (10) seats shall provide off-street parking spaces proportionally to the total gross floor area and maximum permitted outdoor seating capacity as set forth in Article 6 of these Regulations, and which may be subject to shared or joint use parking as determined appropriate by Staff.

§6.13.8 Hours of Operation

Permissible hours of operation and use of permitted outdoor dining facilities shall be in accordance with local and state regulations.