



# ZONING REGULATIONS TOWN OF COVENTRY CONNECTICUT

*Adopted by the Coventry Planning and Zoning Commission*

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**07/30/97 – Section 6.10.02.j.**

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**09/27/10 – Section 6.03.01a3.i, 6.05.01.a.2.i, 6.06.02.a.1.i (Ag Accessory Structure)**

**10/12/10 - Section 6.06.03, 6.07.03, 6.08.3, 6.12.03, 6.13.03 (Design Guidelines)**

**10/12/10 - Section 6.03.02n (Specially Permit Uses) and Section 2.02 (definitions)**

**04/01/11 - Section 6.06, 6.07, 6.08, 6.09, 6.10, 6.11, 6.12, 6.13**

**06/01/11 - Section 6.03.02.o (GR40/80 Specially Permitted Uses) Wineries & Social Gatherings Accessory; 6.03.02.p 'Agriculture and Accessory Retail Uses not to Exceed 2,500 s.f. in area'**

**08/01/11 - Section 2.02, 4.02.01.iii, 4.03.03.b, 4.06.05, 4.11.c, 4.12.05.b.6, 4.12.06.f, 4.14.02.b, 5.01.03, 5.04.02, 5.04.03, 5.05.01, 6.03.01, 7.02.01, 7.02.03, 7.04**

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**04/22/16 - Section 4.06.01.e**

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## **ARTICLE I - PREAMBLE**

### **Section 1.01 Purpose and Authority**

These Zoning Regulations for the Town of Coventry have been adopted in accordance with, and for the purposes set forth in, Chapter 124 of the Connecticut General Statutes, and more specifically for the following purposes:

To protect and promote the public health, safety, welfare, convenience, and property values; to lessen congestion in the streets; to secure safety from fire, panic, flood, environmental damage, and other dangers; to provide adequate light, air, and water, to prevent overcrowding of land; to avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other public requirements; to preserve and protect the unique character of the Town of Coventry; to protect sites and features of historic and archaeological significance; to conserve and protect existing and potential surface-water and groundwater drinking supplies, inland wetlands and watercourses, and other valuable natural resources; to prevent unnecessary soil erosion and sedimentation; and to provide adequate housing opportunities for all citizens of Coventry consistent with soil types, terrain, infrastructure capacity, and the rural character of the Town.

### **Section 1.02 Comprehensive Plan**

The Zoning Regulations established hereunder, including the official Zoning Map, are in accordance with, and are hereby declared to embody, the comprehensive zoning plan of the Town of Coventry. In adopting these Regulations, the Commission has considered the Town's Plan of Conservation and Development prepared pursuant to Conn. Gen. Stat. Section 8-23.

## **ARTICLE II - INTERPRETATION OF REGULATIONS**

### **Section 2.01 Construction of Language**

For the purposes of these Zoning Regulations, the following terms, phrases, words, and their derivations shall have the meanings given below. When not inconsistent with the content, words used in the present tense include the future, and the singular includes the plural. The words "shall" and "must" are always mandatory and not merely directory, and the word "may" is permissive. In case of any difference of meaning or implication between the text of these Regulations and any caption, illustration, summary, table, or illustrative table, the text shall control. Whenever any statute, regulation, or ordinance is referred to by number (for example, Conn. Gen. Stat. Section 8-2) in these Regulations, the reference shall be deemed to be to the most recently amended version, and if the statute, regulation, or ordinance has been renumbered or otherwise recodified after the effective date of these Regulations, the reference shall be deemed to be to the most recently amended version as so renumbered or recodified.

### **Section 2.02 Definitions**

For the purposes of these Regulations, the terms, phrases, and words listed below shall have the meanings set forth immediately following them. (Note: definitions of certain terms that are specifically relevant to the Town's flood hazard regulations are contained in Section 5.06.02 of these Regulations.) The definitions in this Section 2.02 may include certain types of uses that are not permitted in any zoning district within the Town of Coventry.

**Abutting:** A term describing lots or parcels of land that either have a common boundary or are separated only by a street or other existing or proposed public or private right of way.

**Accessory Building or Structure:** A building or structure that is both (i) located on the same lot as the principal building or structure or, to the extent expressly allowed by these Regulations, on an adjoining lot under the same ownership, and not separated by a street or right of way, and (ii) used in a manner subordinate or incidental to the use of the principal building or structure. The main dairy, livestock, poultry, nursery, or other barn on a farm shall not be deemed to be an accessory building or structure.

**Accessory Dwelling Unit:** A dwelling unit that is both (i) located on the same lot as the principal dwelling unit, and (ii) used in a manner subordinate or incidental to the use of the principal dwelling unit.

**Accessory Use:** A use of land, or of all or a portion of a building or structure, that is both (i) located on the same lot as the principal use or, to the extent expressly allowed by these Regulations, on an adjoining lot under the same ownership, and not separated by a street or right of way, and (ii) subordinate or incidental to the principal use of the land, building or structure.

**Accessway:** Any portion of a lot that provides access to and from a street but that has a width (measured in the direction of lot width) of fifty (50) feet or less.

**Active Recreation:** See "Recreation, Active."

**Adaptive Re-use:** Renovation and repair of existing buildings to allow new or additional uses in order to preserve, to the extent practicable, historic architectural features and original site details. **(Added – Effective 06/07/07)**

**Adjoining:** Same as “abutting.”

**Agricultural Buildings and Structures:** Buildings or structures used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment, and supplies and other products incidental to the farm use.

**Agriculture:** Includes dairying; the cultivation of land, including planting, propagation, and harvesting of crops, flowers, nursery stock and berries; tillage; horticulture; forestry; greenhouses; nurseries; vineyards; the raising and management of livestock; aquaculture; and commercial livery and boarding stables; but excluding commercial dog kennels; veterinary hospitals; slaughterhouses; packing houses; rendering plants; and the processing of agricultural products that were not grown or raised on the same lot. In some zoning districts, certain agricultural uses may be expressly prohibited or allowed only by special permit, while others may be generally permitted.

**Apartment House:** A single building containing three or more dwelling units.

**Aquifer:** A geological formation, such as bedrock, stratified sand and gravel deposits, or glacial till, capable of yielding useable amounts of groundwater.

**Barn:** An agricultural building in which feed, bedding, tools, vehicles and equipment may be kept and livestock may be sheltered.

**Basement:** A portion of a building partially or completely below finished grade, and having at least three (3) feet of its wall height, as measured from the floor of the lowest floor level, below grade plane for at least one half (1/2) of its perimeter.



**Bed and Breakfast:** A dwelling, part of which is occupied by the owner of the building as a permanent residence, in which no more than four (4) rooms and breakfast meals only are provided on a daily basis to transients for compensation.

**Buildable Land:** Land that does not have any of the following physical characteristics: (i) slopes in excess of twenty percent (20%); (ii) bedrock observed, known or reasonably anticipated to be within four feet (4') of the surface; (iii) a seasonally high water table observed, known or reasonably anticipated to be within eighteen inches (18") of the ground surface; (iv) inland wetland soils, as defined by Conn. Gen. Stat. Section 22a-38.; or (v) land that is submerged during the mean annual high water level of watercourses, as defined by Conn. Gen. Stat. Section 22a-38. For the purposes of this definition, a physical condition will be deemed to be "reasonably anticipated" if available soils mapping has designated the underlying soils as being likely to have such characteristic.

**Building:** Any structure having a roof, supported by columns or walls, and intended for the shelter, housing, or enclosure of persons, animals, or materials. The word "building" shall also refer to any modification, addition, or alteration to an existing building.

**Building, Accessory:** See "Accessory Building or Structure".

**Building Area:** The ground area enclosed by the walls of a building, together with the area of all covered porches and other roofed portions.

**Building Height:** The vertical distance from the average finished ground level at the building wall to the highest point of the roof.

**Building Line:** The line that establishes the minimum setback that structures must maintain both from the street providing frontage or access to a lot and from any accessway in order to achieve the minimum required front yard.

**Building Permit:** A permit that must be obtained from the Building Official before construction starts.

**Building, Principal:** See "Principal Use."

**Business Services:** A service performed for one or more business enterprises. Such services may include, but are not limited to, data processing, photocopying, faxing, and courier services.

**Café:** A commercial establishment at which alcoholic beverages may be served to customers, but which also regularly offers prepared sandwiches, soups or other foods, whether made from fresh, processed, precooked, or frozen ingredients, for consumption on the premises.

**Cellar:** Same as "Basement".

**Certificate of Zoning Compliance:** See "Zoning Compliance Certificate."

**Certificate of Occupancy/Use:** A certificate granting the right to occupy or use a building, structure, or land and attesting that such use meets all the requirements of these Regulations and other applicable laws. Such certificate may be issued only after a final inspection by the Building Official.

**Certified Soil Scientist:** See "Soil Scientist, Certified".

**Commission:** The Coventry Planning and Zoning Commission.

**Common Interest Community:** Real property on which multiple dwelling units are located, and with respect to which a person, by virtue of his or her ownership of a unit, is obligated to pay for (A) real

property taxes on, (B) insurance premiums on, (C) maintenance of, or (D) improvement of, any real property other than that unit.

**Conditions:** Necessary requirements or stipulations to ensure compliance with the objectives of these Zoning Regulations.

**Condominium:** A common interest community in which dwelling units are designated for separate ownership and the remainder of the real property is designated for common ownership solely by the owners of those units.

**Conservation Area:** A parcel of land designated for open space use or conservation by the Commission or another appropriate Town agency or official.

**Convalescent Home:** A home for the aged, or any establishment, other than a hospital, where three (3) or more persons suffering from, afflicted with, or convalescing from any infirmity, disease, or ailment are kept, boarded, or housed for compensation, including long-term care and assisted-living facilities.

**Conventional Subdivision:** See "Subdivision, Conventional."

**Corner Lot:** See "Lot, Corner".

**Coverage:** See "Lot Coverage."

**Current:** When used in reference to a periodically amended or updated document, such as a map, set of ordinances or regulations, or other written, printed or graphic material, the term "current" shall mean the most recently amended and up-to-date version of the document at the time the relevant zoning regulation is applied.

**Driveway:** A strip of land that has been altered or improved to provide vehicular access to or from a street.

**Dwelling:** A single building designed and used exclusively as living quarters. The term "dwelling" shall not be deemed to include hotel, motel, inn, boarding or rooming house, convalescent or nursing home, mobile home trailer, tourist home, or tent, except as these Regulations may otherwise specifically provide. In the case of buildings having two (2) or more portions divided by party walls forming a complete separation above the basement, each such portion shall be considered to be a separate principal dwelling unit.

**Dwelling, Two-Family:** A dwelling designed for use by two (2) families only.

**Dwelling(s), Multi-Family:** A dwelling (including an apartment house or condominium) or group of dwellings on one lot, containing dwelling units for three (3) or more families and having separate or joint entrances, services, and facilities.

**Dwelling, Single-Family:** A dwelling designed for use by one (1) family only.

**Dwelling Unit:** One (1) or more rooms in a residential building that are collectively arranged, designed, or intended for use by one (1) family, and that include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof. The term "dwelling unit" shall not be deemed to include hotel, motel, inn, boarding or rooming house, convalescent or nursing home, mobile home trailer, tourist home, or tent, except as these Regulations may otherwise specifically provide.

**Earth Removal:** Removal of any kind of soil or earth material, including topsoil, sand, gravel, clay, rock, or similar material, or combinations thereof.

**Family:** One (1) person, or two (2) or more persons related by blood, adoption, marriage, civil union, or legal guardianship; living, sleeping, cooking, and eating as a single housekeeping unit on the same premises. The term "family" shall also be deemed to include (i) up to four (4) persons living and cooking together as a single housekeeping unit on the same premises, even though not all are related by blood, adoption, or marriage; and (ii) domestic servants. Roomers, boarders, and other paying guests shall not be deemed to be a part of any family as defined herein.

**Farm:** A tract of land containing two (2) acres or more and used principally for agriculture, with or without an associated single-family dwelling. In zoning districts in which a farm is allowed, both the agricultural activities and any single-family dwelling that may exist shall be deemed to be permitted principal uses.

**Finished Grade:** See "Grade, Finished".

**Floor Area:** The floor area for a dwelling unit shall be measured by the outside dimensions of the walls enclosing the dwelling unit, but it shall not include porches, entries or breezeways, basements, garages, heater rooms, uninhabitable or unfinished attic space, or any common areas serving several dwelling units. Party walls serving two (2) dwelling units shall be equally divided between the dwelling units for the purpose of determining the floor area. Only that portion of the floor area which is finished for living purposes shall be counted in meeting the above requirements.

**Frontage:** Same as "Lot Frontage".

**Front Lot Line:** See "Lot Line, Front".

**Garage, Private:** An accessory building, or a portion of a primary building, providing for the storage of motor vehicles and other personal property belonging to the occupants of the premises.

**Garage, Public:** A building, other than a private garage, used for storing or sheltering motor vehicles.

**Golf Course:** A par-three or regulation golf course containing nine (9) or more holes, and expressly excluding miniature golf courses.

**Grade, Finished:** The completed surfaces of lawns, walks, and roads. If proposed final grades are shown on approved official plans or designs relating thereto, such grades shall be deemed to be the finished grades for purposes of these Regulations.

**Greenhouse:** A structure devoted to the production of plants and flowers, including the retail sale of such products and other related items.

**Gross Floor Area:** The sum of the horizontal areas of all floors of a building, measured by exterior dimensions.

**Groundwater:** All water beneath the surface of the ground. The maximum groundwater level is defined as the level to which the water table rises for duration of one (1) month or longer during the wettest season of the year.

**Hazardous Materials or Wastes:** Any substance or combination of substances that because of quantity, concentration, or physical, chemical, or infectious characteristics, could pose a significant present or potential hazard to land, water supplies, or human health if disposed of into or on any land or water in the Town of Coventry. "Hazardous materials or wastes" include, but are not limited to, the following: (1) any chemical, substance, or material identified as a "hazardous waste" in Connecticut General Statutes Section 22a-448 or any regulations promulgated pursuant to Connecticut General Statutes Sections 22a-

448 through 22a-457; (2) any chemical, substance, or material identified as a "hazardous chemical" in Connecticut General Statutes Section 29-336 or any regulations promulgated under Connecticut General Statutes Sections 29-336 through 29-341; (3) any chemical, substance, or material identified as a "hazardous waste" in 42 United States Code Section 2903 or in any regulations (including, but not limited to, 40 Code of Federal Regulations, Part 261) promulgated under the Federal Resource Conservation and Recovery Act of 1976 (42 United States Code Sections 6901, et seq.), as amended.

**Home Occupation:** Any use that meets the criteria set forth in Section 5.05 of these Regulations and that is customarily carried on by the residents of a dwelling on the lot.

**Hotel, Inn, or Motel:** A building or group of buildings used primarily as a temporary rooming place and having five (5) or more sleeping rooms in which lodging is provided for compensation with or without meals.

**Impervious:** Not capable of being penetrated by water. See "Lot Coverage".  
(Revised - Effective 08/01/11)

**Inland Wetland:** See "Wetland, Inland".

**In-Law Apartment:** Space (which may include a kitchen) within a single-family dwelling that is designed or intended for separate use by family members of one or more persons occupying the remainder of the dwelling.

**Inn:** See "Hotel".

**Junk:** Any worn out, cast off, or discarded article or material that is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material that, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

**Junkyard, or Junk Yard:** A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded materials, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or discarded solid materials including garbage, scrap metal, junk, and refuse materials including inert matter and landscape refuse.

**Kennel, Commercial:** Any premises on which dogs and/or cats are either (i) boarded for compensation; (ii) bred for the purpose of producing offspring for sale; or (iii) acquired and raised for the purpose of later sales.

**Livestock:** Domesticated animals, other than household pets. Includes, without limitation, alpaca, bison, cattle, goats, horses, llamas, poultry, sheep, and swine.

**Lot:** A plot or parcel of land, all parts of which are under the same ownership, that (i) was created before the adoption of Zoning Regulations in the Town of Coventry or that, when created, met all applicable zoning requirements for occupation by a lawful principal building and use; and (ii) is occupied or capable of being occupied by one (1) principal use, including one (1) principal building and the accessory buildings or uses customarily incidental to it.

**Lot Area:** The actual area, in square feet, enclosed by the boundaries of a lot. NOTE: Minimum lot area requirements under these Regulations are measured exclusive of certain types of land; see Section 4.04.03.

**Lot, Corner:** A lot located at the intersection of and abutting two streets.

**Lot Coverage:** The percentage of the total lot area occupied by buildings, surface structures (i.e., any structure that does not lie entirely below the surface of the ground), and paved parking lots and other impervious surfaces. Decks that allow for the passage of water shall not be counted in the calculations of lot coverage. (Revised - Effective 08/01/11)

**Lot Frontage:** The distance between the side lines of a lot, measured in a straight line between the two points of intersection of the side lot lines with the street line. On corner lots, lot frontage along each street shall be measured in a straight line between (i) the point of intersection of the side lot line with such street and (ii) the point of intersection of the two street lines or, when the street lines intersect in a curve, the point at which the tangent lines at the two ends of the curve would intersect if those lines were continued.

**Lot Line:** The established division line between lots, or between a lot and a street or other proposed or dedicated public right-of-way.

**Lot Line, Front:** Any line separating a lot from a street right-of-way. Corner lots shall be deemed to have a front lot line along each adjacent street. If street right-of-way boundaries have not been established, the boundaries shall be deemed to be twenty-five (25) feet distant from the center line of the existing traveled way, or such other distance from the center line as may have been established by the Commission or the Town.

**Lot Line, Rear:** Except with respect to corner lots, any lot line or portion of a lot line that is parallel to, or within 45 degrees of being parallel to, the line along which lot frontage is measured shall be deemed to be a rear lot line. Corner lots shall be deemed to have no rear lot lines.

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

**Lot, New Rear:** A rear lot that was created on or after the effective date of these Regulations.

**Lot of Record:** A lawfully created lot, a description of which (either by metes and bounds or as shown on a map or plan) has been filed in the office of the Town Clerk.

**Lot, Preexisting Rear:** A rear lot that was created before the effective date of these Regulations.

**Lot, Rear:** A lot having the required lot area and having lawful access onto a street by an accessway, but not having the required lot frontage.

**Lot, Through:** A lot abutting two generally parallel streets.

**Lot Width:** The distance between side lot lines on opposite sides of a lot or, on corner lots, the distance between a side lot line and the street line (front lot line) that is opposite or most nearly opposite to it. Where the opposing side lot lines (or, on corner lots, the opposing side and front lot lines) are parallel, lot width is measured at right angles to the two opposing lot lines. Where the two opposing lot lines are not parallel, lot width is measured perpendicular to the compass bearing that is midway between the compass bearings of the two opposing lot lines at their respective points of intersection with the measuring line. In rear lots, lot width shall be measured exclusive of the accessway.

**Mixed-Use:** Allowance of more than one type of permitted use on a single property or within a single building. (Added – Effective 06/06/07)

**Mobile Home:** Same as "Trailer".

**Motel:** See "Hotel".

**New Rear Lot:** See “Lot, New Rear.”

**Nonconforming Building:** An existing building that was lawfully erected but does not conform to all of the currently applicable requirements of these Regulations.

**Nonconforming Lot:** A lot that does not conform to all of the current requirements of these Regulations but that conformed fully, when it was created, to all zoning regulations and other legal requirements, if any, existing at that time.

**Nonconforming Use:** A use of any land, building, or structure that does not conform to all of the currently applicable requirements of these Regulations but that conformed fully, when it was commenced, to all zoning regulations and other legal requirements, if any, existing at that time.

**Nursing Home:** See "Convalescent Home".

**Occupied:** Arranged, designed, or intended to be occupied, or actually occupied.

**Open Space:** Undeveloped land not in active use, or land used primarily for conservation or recreational purposes.

**Open Space Subdivision:** See "Subdivision, Open Space."

**Overlay District:** A zoning district that, when established, supersedes some, but not all, of the regulations that were applicable to the zoning district in which the affected properties were previously classified; i.e., the regulations of the previous zoning district except as specifically modified by the overlay district regulations. (Added – Effective 06/07/07)

**Owner of Record:** The person(s) currently listed as the owner(s) of property in the official records maintained by the office of the Assessor.

**Park:** An area of land and/or water primarily in its natural state, except for man-made recreational facilities or other improvements related to the purposes hereafter stated, and dedicated and used for recreation, scenic, leisure, conservation, historic, or ornamental purposes. A park, as used herein, does not include an "amusement park" or any type of park with mechanized rides, games, arcades, or similar amusements.

**Parking Area:** A space used or intended to be used primarily for parking motor vehicles.

**Passive Geothermal:** A dwelling specifically designed to use natural and architectural components to collect and store the heat of the earth's interior without using any external mechanical power.

**Passive Recreation:** See "Recreation, Passive."

**Passive Solar:** A dwelling specifically designed to use natural and architectural components to collect and store solar energy without using any external mechanical power.

**Person:** Any legal entity, including, but not limited to, a natural person, partnership, corporation, organization, association, or syndicate.

**Personal Service:** A service providing personal care to individuals. For the purposes of these Regulations, the term “personal service” shall be limited to barbering, hairstyling, manicure, pedicure, therapeutic massage, and shoe shining and repair, hypnosis, piercing studio, yoga, hyperbaric care, reiki, acupuncture, herbal treatments, aromatherapy, personal training, martial arts studio, day spa, tailoring, garment repair, tanning studio, diaper service, health club. However, the Commission shall have the

discretion to determine if a use is not listed is considered consistent with the definition and therefore would be allowed.

**Preexisting Rear Lot:** See "Lot, Preexisting Rear."

**Principal Dwelling Unit:** A dwelling unit in which the principal users of the lot reside.

**Principal Use:** The primary purpose for which land, water, or a building or structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

**Private Garage:** See "Garage, Private".

**Processing of Materials:** Operations that change the form or structure of materials, whether by

**Professional Service:** The provision of professional advice, counseling, representation, or assistance to individuals or businesses. The term includes, but is not limited to, accountants, financial advisers, dentists, physicians, chiropractors, optometrists, lawyers, tax consultants, real estate appraisers, engineers, scientists, and surveyors.

**Property Line:** The boundary of a lot or other parcel of land.

**Public Garage:** See "Garage, Public".

**Rear Lot:** See "Lot, Rear".

**Rear Lot, New:** See "Lot, New Rear."

**Rear Lot Line:** See "Lot Line, Rear".

**Rear Lot, Preexisting:** See "Lot, Preexisting Rear."

**Rear Yard:** See "Yard, Rear".

**Recreation, Active:** Recreational activities that require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land.

**Recreation, Commercial:** Recreational activities that require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land; (4) the collection of fees/generation of business revenue. (Added– Effective 10/12/10)

**Recreation, Passive:** Recreational activities that do not require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land. The installation of a building or structure in connection with a particular recreational activity shall not, in and of itself, cause the activity to be classified as "active" if the building or structure was not necessary to allow the activity to occur. For example, the installation of posts, signs, or water fountains along a hiking trail will not cause hiking to be deemed an active recreational use.

**Recreational Vehicle:** Any vehicle that can be registered for highway use and is capable of being occupied with sleeping and/or cooking accommodations on a temporary basis, whether or not such vehicle contains toilet facilities.

**Regulations:** The term "Regulations" means these Zoning Regulations unless otherwise indicated.

**Restaurants:** A commercial establishment used primarily for the preparation, sale, and service of meals or other prepared foods to the public for consumption on or off the premises. The sale of prepackaged or unprepared food shall not, in and of itself, cause an establishment to be deemed a restaurant.

**Resubdivision:** A change in a map of an approved or recorded subdivision or resubdivision if such change (i) affects any street layout shown on such map, (ii) affects any area reserved thereon for public use, or (iii) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

**Road:** Same as "Street".

**Screening:** Natural or man-made materials used to limit the visibility of a structure or land use from a street or from nearby property.

**Senior Housing:** Housing in which at least one member of the household is at least fifty-five years of age; and in which no more than one member of the household may be less than fifty-five years, provided that said member must not be less than twenty-one years of age. A deed restriction related to the age requirement must be approved by the Commission and Town Attorney, and recorded on the land records of the Town.

**Septage:** Domestic wastes pumped from septic tanks.

**Septage Lagoon:** An open pit, depression, or pond used to hold septage.

**Setback:** The minimum distance that must be maintained between a structure and a street right-of-way or lot line in order to meet the yard requirements of these Regulations.

**Side Lot Line:** See "Lot Line, Side".

**Side Yard:** See "Yard, Side".

**Sign:** Any device for visual communication used to announce, advertise, identify, or attract attention to any object, project, place, person, activity, institution, organization, or business. The term "sign" includes any structure or natural object, such as a tree or rock, utilized as a visual communication device. For the purposes of these Regulations, the term "sign" shall also include interior signs, if located on a window or within three (3) feet from a window and if obviously intended for viewing from the exterior, but shall not include the flag, pennant, badge, or insignia of any government, governmental agency, school or religious organization; decorative flags or banners on residential property; signs directing or guiding traffic and parking on private property but bearing no advertising matter; official traffic signs; or notices required by law.

**Site Plan:** A drawing or series of drawings by which proposed or existing uses, dimensions, or conditions of land or any building or structure are graphically illustrated. A "zoning permit plan" and a "special permit plan" are two different types of site plans.

**Site Plan Review/Site Plan Approval:** Whenever the term "site plan review" or "site plan approval" is used in these Regulations, the term is intended to refer to a formal process in which the Commission itself, rather than professional staff designated by these Regulations, reviews, and decides upon a zoning site plan.

**Soil Scientist, Certified:** An individual who is duly qualified in accordance with standards set by the Office of Personnel Management (formerly the U.S. Civil Service Commission).



**Special Permit:** The type of permit required for a specially permitted use. As used in these Regulations, a "special permit" is not a "zoning permit."

**Special Permit Plan:** The type of site plan required to be submitted with an application for a special permit.

**Specially Permitted Use:** A use of property that would not be appropriate generally or without restriction throughout the zoning district, but that may be allowed by the Commission upon issuance of a special permit in accordance with applicable statutory and regulatory procedures and upon determination that all requirements and standards set forth in these Zoning Regulations would be met and that such specific use would be in harmony with the neighborhood and the Town as a whole.

**Stable:** A building in which equine animals are sheltered.

**Storage Trailer:** A vehicle without means of propulsion that can be used for hauling or storing materials or goods and that is capable of being readily moved by a tractor or other vehicle, including shipping containers such as those transported by trucks or rail.

**Street:** Any thoroughfare intended for public travel, including any street, avenue, boulevard, road, lane, or highway, and any land dedicated as a public right of way, that affords a principal means of access to abutting property and that is dedicated and accepted by the Town or the State for such purposes.

**Street Line:** The line separating a parcel of land from the street right-of-way.

**Structure:** Anything constructed, erected, or assembled that requires a location on or within the ground, or attachment to something having a location on or within the ground. The term "structure" includes, but is not limited to, any building, manufactured home, paved area, storage tank, sign, wall (retaining or otherwise), swimming pool, fence, satellite dish, ham radio antenna, cellular or radio transmission tower, or other man-made utility and infrastructure. The term "structure" excludes public utilities, water-supply wells, poles, flagpoles, transmission lines, generators, utility transformers, propane tanks, television antennas used to improve reception on the lots on which they are located, highway and railroad bridges, landscape furniture and decorations, dog houses, playscapes, mailboxes, lamp posts, and seasonal decorations. Where the phrase "building or structure" appears in these Regulations, it shall be deemed to mean "building or other structure." (Revised - Effective 08/01/11)

**Structure, Accessory:** See "Accessory Building or Structure".

**Structure, Surface:** Any structure that does not lie entirely below the surface of the ground.

**Subdivision:** The division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation, or agricultural purposes. The term "subdivision" includes "resubdivision".

**Subdivision, Conventional:** A subdivision design that is consistent with the provisions of the Coventry Zoning and Subdivision Regulations that would be applicable in the absence of this Chapter XIII and Section 20 of the Coventry Zoning Regulations.

**Subdivision, Open Space:** A cluster development, as defined by Section 8-25 of the Connecticut General Statutes, in which the dimensions that would otherwise be required for lots under the Coventry Zoning and Subdivision Regulations may be reduced for the purposes of encouraging the dedication and preservation of additional open space.

**Surface Structure:** See "Structure, Surface."

**Tag Sale:** The sale on residential property of personal property, such as furniture, home appliances, and clothing.

**Tavern/Inn:** A structure designated for combined use as a restaurant and inn and containing sleeping rooms offered for compensation.

**Through Lot:** See "Lot, Through".

**Town:** The Town of Coventry, Tolland County, in the State of Connecticut.

**Trailer:** Any vehicle or similar movable structure that is or can be used for sleeping, living or working quarters and that is, has been, or can be mounted on wheels, whether or not resting upon a temporary or permanent foundation. The term "trailer" expressly excludes manufactured homes having as their narrowest dimension twenty-two (22) feet or more and built in accordance with federal manufactured home construction and safety standards. As used in these Regulations, the term includes, but is not limited to, park trailers, travel trailers, camper-trailers, and mobile homes. See also "Storage Trailer".

**Travelway:** A route or path, whether improved or unimproved, used for vehicular access to and from a street. The term includes, but is not limited to, "driveways", as defined in these Regulations.

**Underlying District:** See definition of "Overlay District". (Added – Effective 06/07/07)

**Unit of Occupancy:** Any structure or part thereof, used to house one (1) family, business, industry, or corporate entity for the purpose of carrying out the business appurtenant thereto.

**Use:** Any purpose for which land, water or a building or other structure may be designed, arranged, intended, maintained, or occupied; and any activity, business, occupation, or operation carried on in a building or other structure or on water or a lot or parcel of land. The establishment or existence of any structure on a parcel of land is a "use" of that land under these Regulations.

**Use, Accessory:** See "Accessory Use."

**Use, Principal:** See "Principal Use."

**Used:** Intended, arranged, or designed to be used, or actually used.

**Variance:** A relaxation or modification of the terms of these Regulations by the Coventry Zoning Board of Appeals pursuant to Conn. Gen. Stat. Sections 8-6 and 8-7, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Regulations would result in exceptional difficulty or unusual hardship.

**Visual Buffer Area:** A strip or strips of land that are both (i) densely planted (or having equal natural growth) with shrubs and/or trees at least four (4) feet high at the time of planting, of a type that will form year-round dense screening; and (ii) free of buildings, structures, parking, or other accessory uses.

**Watercourse:** Any river, stream, brook, waterway, lake, pond, marsh, swamp, bog, or other body of water, natural or artificial, public or private, vernal or intermittent, that is contained within, flows through, or borders upon the Town or any portion thereof, and is not regulated pursuant to Section 22a-28 through 22a-35 of the General Statutes, as amended.

**Water Table:** The level in the ground below which all voids and pore spaces are filled with water.

**Wetland, Inland:** Any land, including submerged land, not regulated pursuant to Section 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, as amended, and consisting of any of the soil types designated as poorly drained, very poorly drained, alluvial, and flood plain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites that possess an aquic (saturated) soil moisture regime as defined by the USDA.

**Yard:** A portion of a lot lying between a building or structure and a lot line, and containing no surface structures except as may be specifically authorized in these Regulations. In measuring a yard, as hereafter provided, the line of a structure shall be deemed to mean a line parallel to the relevant lot line, drawn from the point of the structure nearest to such lot line. Where two different yards (e.g., a front yard and a side yard) overlap, the minimum yard requirement shall be deemed to be the greater of the two applicable yard requirements.

**Yard, Front:** A yard between any front lot line and the nearest line of any surface structure, and between any accessway and the nearest line of any structure.

**Yard, Rear:** A yard between any rear lot line and the nearest line of any surface structure.

**Yard, Side:** A yard between any side lot line and the nearest line of any surface structure.

**Zone:** One of the different zoning districts into which the Town has been divided for the purposes set forth in Section 1.01 of these Regulations.

**Zoning Agent or Zoning Enforcement Officer:** A person officially designated by the Commission to enforce the provisions of these Regulations in accordance with Conn. Gen. Stat. Section 8-12.

**Zoning Compliance Certificate:** A written notice issued by the Commission or its designated agent upon application, certifying that a land use or any extension or alteration thereof, as built or established, conforms with requirements of the Zoning Regulations and of any zoning permit or special permit issued to allow such use, extension, or alteration. A zoning compliance certificate is required prior to the issuance of a certificate of occupancy.

**Zoning Permit:** The type of permit required for a generally permitted use. As used in these regulations, a "special permit" is not a "zoning permit."

**Zoning Permit Plan:** The type of site plan required to be submitted with an application for a zoning permit. For some specified uses, such plans are reviewed by the Zoning Agent, while for others the plans must be reviewed by the Commission itself in a formal site plan review process.

## **ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS (ZONES)**

### **Section 3.01 Division of Town into Zones**

For the purposes of these Regulations, the Town of Coventry is hereby divided into the following zones:

	Name	Symbol	Previous Zone Designation (If Any)
a.	General Residential 40	GR-40	(RU-40)
b.	General Residential 80	GR-80	(RU-80)
c.	Lake Residential	LR	(LZ-40)
d.	River/Aquifer	R/A	(RAZ)
e.	Commercial/Agricultural	C/A	(new zone)
f.	Commercial	C	(C-1 and C-2)
g.	Rural Development	RD	(new zone)
h.	Village Residence	VR	(new zone)
i.	Gateway	G	(new zone)
j.	Village Center	VC	(new zone)
k.	Neighborhood Commercial	NC	(new zone)
l.	Professional Office	PO	(new zone)

### **Section 3.02 Zoning Map**

The boundaries of the zones established hereunder are indicated on the official map, dated as of November 13, 2006, as may from time to time be amended; signed by the chairman and secretary of the Commission; and on file in the Office of the Coventry Town Clerk. The Zoning Map and any amendments thereto are hereby made a part of these Regulations.

### **Section 3.03 Zone and Town Boundaries**

Unless otherwise indicated on the Zoning Map, the zone boundary lines are lot lines; or the center lines of streets, rights-of-way, or watercourses; or the mean high water line of a body of water. Where a zone boundary is located along a body of water, the regulations of the most restrictive zone bordering such body of water shall be deemed to apply to the land below mean high water and to the body of water itself. Where a zone boundary is shown parallel to a street, such boundary shall be interpreted as being parallel to the nearest street line and at such a distance from the street line as indicated on the Zoning Map. In case of uncertainty as to the location of any zone boundary line, the determination shall be made by the Commission. Where a Town or zone boundary line runs through or borders a lot or a proposed subdivision, that line shall be shown on all required maps and plans.

### **Section 3.04 Lots in More Than One Zone**

Except as provided hereafter, if a lot of record is located within two or more zoning districts, the regulations to be applied to any proposed or existing use, building, or structure shall be those of the district in which such use, building or structure is, or is proposed to be, located.

**ARTICLE IV - REQUIREMENTS AND LIMITATIONS APPLICABLE IN  
ALL ZONES**

**Section 4.01 Conformity with Regulations**

No land, building, structure, or premises shall be used and no building, structure or part thereof shall be erected, altered, enlarged, or moved except in conformity with these Regulations. No lot shall contain less than the minimum dimensional requirements specified in these Regulations for the zone in which it is located. No buildings or structures shall collectively occupy a greater percentage of the lot area, accommodate a greater number of families, contain less livable floor area, or be greater in height than as prescribed by the Regulations for the zone in which such building or structure is located. No lot or parcel of land containing any existing structure or other active use shall be divided or otherwise diminished in area, width, or length, nor shall any yard or required open space be reduced, except in conformity with these Regulations.

**Section 4.02 Nonconforming Lots**

**Section 4.02.01 Use of Existing Nonconforming Lots**

a. The lot area, frontage and width requirements of these Regulations shall not prevent the establishment of a permitted principal use, building or structure on any lawfully established nonconforming lot, provided (i) that such lot has an area of at least 30,000 square feet and a lot width of at least 75 feet, and has not previously been deemed to have merged with an adjoining lot pursuant to the current provisions, or any previously applicable provisions, of the Coventry Zoning Regulations; (ii) that such lot has frontage on, or legal access to, a public highway; and (iii) that the landowner demonstrates access to public sewer and approval of the WPCA or, in the event public sewer is not available, the availability of both a suitable sewage-disposal facility and an adequate potable water supply by obtaining written confirmation of the availability and adequacy of such facilities from the Director of Health or other qualified public official. (Section 4.02.01.a.iii Revised - Effective 08/01/11)

b. In addition to the provisions of subsection 4.02.01.a, a nonconforming lot may be developed in accordance with the provisions of Conn. Gen. Stat. Section 8-26a, as amended, if such lot was created as part of a subdivision plan approved by the Commission and filed or recorded in the Coventry Land Records.

c. If a nonconforming lot meeting the requirements of subsection 4.02.01.a is not shown on an approved subdivision plan filed or recorded in the Coventry Land Records, the yard requirements for the lot shall be the lesser of (1) those required in the relevant zoning district, or (2) those required in accordance with the following tables:

1) Front and Rear Yards

<u>If lot area is less than</u>	<u>but equal to or greater than</u>	<u>Minimum front and rear yards are:</u>
80,000 square feet	40,000 square feet	50 feet
40,000 square feet	30,000 square feet	25 feet
30,000 square feet	10,000 square feet	20 feet

10,000 square feet                      ---                      15 feet

2) Side Yards

<u>If lot width is less than</u>	<u>but equal to or greater than</u>	<u>Minimum side yards are:</u>
225 feet	200 feet	30 feet
200 feet	175 feet	25 feet
175 feet	150 feet	20 feet
150 feet	100 feet	15 feet
100 feet	75 feet	12 feet
75 feet	---	10 feet

d. Notwithstanding the provisions of subsection 4.02.01.a, the Commission may issue a special permit for a principal use, building, or structure on any lawfully established nonconforming lot that does not meet all of the criteria set forth in subsection 4.02.01.a. The minimum front and rear yards for such uses shall not be less than 20 feet and the minimum side yards shall not be less than 12.5 feet unless the Commission determines that a lesser setback is necessary to permit the reasonable use of the lot and that such reduced setback will not unreasonably affect the use or value of adjacent properties. Whenever any application for a special permit is made pursuant to this subsection d, the applicant shall, in addition to any other notices required by these Regulations, send written notice to the owners of each abutting lot of the filing of such application and the date and time at which the public hearing will be commenced on such application. Such notices shall be mailed by certified mail, return receipt requested, at least ten days before the commencement of the public hearing, and proof of mailing shall be provided to the Commission before the conclusion of the public hearing.

**Section 4.02.02 Prohibition of Creation of Nonconforming Lots or Parcels**

Except as provided hereafter, the creation of any nonconforming lot or parcel by division of preexisting lots or parcels is prohibited. Nothing in these Regulations shall be deemed to prohibit the adjustment of the boundary between two lots shown on an approved subdivision plan, so long as the adjustment does not (1) reduce the size of any lot below the minimum lot acreage that was required at the time of subdivision approval, or (2) create an additional, buildable lot. In addition, notwithstanding any other provisions of these Regulations, the Commission may grant a special permit to allow the division of any lot of record that was existing as of November 13, 2006, and that contained two separate single-family or two-family dwellings on that date, provided: (i) that each resulting lot would contain an area of at least 30,000 square feet and a lot width of at least 75 feet; (ii) that each resulting lot would contain no more than one single-family or two-family dwelling, and that all accessory structures would be on the same lot as the dwelling to which they are accessory; (iii) that each lot would have frontage on, or legal access to, a public highway; and (iv) that each lot would support both a suitable sewage-disposal facility and an adequate potable water supply, such facts to be demonstrated by written confirmation of the availability and adequacy of such facilities from the Director of Health or other qualified public official.

**Section 4.02.03 Merger**

Except as provided below, when any two or more contiguous lots or parcels are owned by the same person(s), and either lot or parcel does not meet current lot frontage or lot area requirements under these Regulations, the contiguous lots or parcels shall be deemed to have merged and shall be considered a single lot or parcel for purposes of these Regulations. The provisions of this section shall not apply to lots or parcels separated by a street, a public right-of-way, or a recorded private easement of travel or access existing as of the effective date of these Regulations, nor shall it apply to adjacent lots on each of

which a dwelling or other principal structure was erected before the lots became nonconforming. The provisions of this section shall also not apply to lots in subdivisions that have been approved by the Commission and recorded in the Coventry Land Records unless the subdivision approval has lapsed or otherwise become null and void. Where a series of contiguous lots owned by the same person or persons may be combined, in more than one manner, into two or more conforming lots without the alteration of lot lines or the creation of new lot lines, the owner(s) shall be permitted to specify the manner in which such combination shall occur by filing a deed, survey or other legal instrument in the office of the Town Clerk showing or describing such combination. The combination of nonconforming lots in the foregoing manner shall not be deemed to constitute a subdivision or resubdivision.

### **Section 4.03 Rear Lots**

#### **Section 4.03.01 “New Rear Lot” and “Preexisting Rear Lot” Defined**

The terms “new rear lot” and “preexisting rear lot” shall have the respective meanings set forth in Section 2.02 of these Regulations.

#### **Section 4.03.02 When Permitted**

The Commission may approve the creation or use of new rear lots under two circumstances. When a new rear lot is created by the first division of a parcel of land subsequent to the date of adoption of subdivision regulations in the Town of Coventry, the Commission may approve the use of such lot by the issuance of a special permit. The Commission may also approve the creation and use of a new rear lot as part of a subdivision approval. In either instance, the Commission, in determining whether to grant approval for the creation or use of a new rear lot, shall apply the criteria for the issuance of a special permit, as well as the standards and criteria in Section 4.03.03 of these Regulations. The Commission may approve the creation or use of a new rear lot only if it finds that the lot would help provide a more appropriate development of the land (compared to a development without such lots) by better protecting or utilizing the natural resources of the site or of surrounding property; allowing better traffic sight lines at driveway entrances and exits; facilitating control of drainage, erosion, or sedimentation; or allowing visual buffering that better protects the character of or improves privacy in the neighborhood. In making this determination, the Commission may consider the topography of the land, natural resource conditions and characteristics, drainage and traffic impacts, the configuration of the lot and surrounding lots or parcels, driveway sightlines and utility service capabilities, and other factors that may potentially affect the public health, safety, welfare and property values.

#### **Section 4.03.03 Rear Lot Standards and Criteria**

Each new rear lot must have the following characteristics:

a. Public utilities must be installed underground within the lot unless the Commission determines that soil, bedrock, or groundwater conditions are such that installation would not be feasible or appropriate. Such utilities shall not be installed under a travelway unless necessary, and shall be installed after the travelway has been graded but before the base material or pavement is installed.

b. The accessway must be at least twenty-five (25) feet in width, and the applicant must demonstrate, to the Commission’s satisfaction, that a driveway could be feasibly designed and constructed in the accessway. When the construction of such a driveway would require one or more activities regulated by the Coventry Inland Wetlands and Watercourses Agency, the applicant must demonstrate to the Commission’s satisfaction that such a driveway could be feasibly designed and

constructed within the accessway. Any person wishing to reserve the right to subdivide or resubdivide a rear lot must provide an accessway at least fifty (50) feet in width in order to assure that sufficient land is available to create a highway right-of-way to provide access to the additional lots. Any applicant proposing to create or use a new rear lot having an accessway less than fifty (50) feet in width must submit a written waiver signed by both the applicant and the owner of the affected property containing the following language: (Revised -Effective 08/01/11)

The undersigned applicant acknowledges that a rear lot having an accessway less than fifty (50) feet wide may not be capable of further subdivision or resubdivision under the Coventry Zoning and Subdivision Regulations (the “Regulations”). The applicant further acknowledges that his/her/its [as appropriate] application to create such a rear lot is voluntary, and the applicant waives any right to demand to be allowed to divide the rear lot in the future unless such division can be made in conformance with the Regulations.

c. The accessway must be an integral part of the lot and may not be owned separately from the remainder of the lot, except as provided below. No accessway may be used for vehicular access to more than three lots.

d. Each driveway or other interior travelway must be laid out and designed to provide suitable access to emergency vehicles, including but not limited to fire trucks and ambulances (see driveway regulations in Section 4.14). The layout and design of the rear lots should occur in a manner to avoid excessive “stacking” of rear lot driveways, where numerous abutting rear lot driveways are created in succession. The applicant shall have the burden of demonstrating such suitability by sufficient evidence from appropriately trained persons, who may include, but are not limited to, the Coventry Fire Marshal. However, any applicant proposing a rear lot shall do so at his or her own risk and shall assume all responsibilities and liabilities for the design, construction, maintenance, and repair of such driveway or travelway. Neither the Town, the Commission, nor or any Town official or employee shall be responsible or liable in any manner for such driveway or travelway. (Revised – Effective 06/08/15)

e. The area of the accessway and of any other portion of the lot not meeting the minimum width requirements set forth in Table 4.04A shall not be counted as part of the required minimum lot area.

#### **Section 4.03.04 Conditions of Approval**

In addition to such other conditions as may be allowed under these Regulations, the Commission is authorized to condition the approval of a new rear lot on a fixed designation of the specific areas in which the house, septic system, and driveway or other interior travelway will be located and on the details of construction of such travelway.

#### **Section 4.03.05 Preexisting Rear Lots**

Rear lots that are not defined as “new rear lots” pursuant to Section 4.03.01 may be used in accordance with the provisions of Section 4.02 of these Regulations.



## **Section 4.04 Dimensional Standards**

### **Section 4.04.01 General Requirements**

Except as these Regulations may otherwise expressly provide, all uses and structures shall comply with the standards set forth in Table 4.04A.

### **Section 4.04.02 Lot Frontage and Width**

Except as may otherwise be expressly provided in these Regulations, no building permit or zoning permit shall be issued for any building, structure, or use unless the lot for which the permit is sought has the required lot frontage and width. Lot frontage shall be measured on an existing street or a street under construction as shown on a properly approved and filed subdivision plan or other plan approved by the Commission. Corner lots shall be deemed to have two front yards, and lot frontage requirements must be met along or in the direction of all street lines. The minimum lot width shall be maintained from the building line to the rear setback line on lots other than corner lots. On corner lots, the minimum lot width shall be maintained from the building lines on each street to the side setback lines.

### **Section 4.04.03 Lot Area**

a. Basic Requirements: The required minimum area of a lot as established by these Regulations must be in contiguous land and shall be measured exclusive of any accessway.

In addition, for the purpose of determining minimum lot area or parcel size and maximum lot coverage in all zones and districts, all of the following shall be excluded:

1. Areas that are submerged during the mean annual high water level of watercourses, as defined by Conn. Gen. Stat. Section 22a-38.
2. In zoning districts for which the minimum lot area requirement pursuant to Section 10 is 40,000 square feet or less, fifty percent (50%) of the areas defined as inland wetlands or watercourses by Conn. Gen. Stat. Section 22a-38.
3. In zoning districts for which the minimum lot area requirement pursuant to Section 10 is greater than 40,000 square feet, twenty-five percent (25%) of the areas defined as inland wetlands or watercourses by Conn. Gen. Stat. Section 22a-38.

b. Multiplication Factors for Property on Substandard Roads: The Commission finds that the maximum densities of development (i.e., minimum lot sizes) otherwise permitted under these Regulations are appropriate only for property abutting roads that meet current Town standards for width, pavement and drainage. Since those standards are intended to protect public health and safety, and since greater development densities both cause and allow greater traffic volumes, the Commission further finds that the maximum allowable densities should be reduced (i.e., that minimum lot sizes should be increased) along existing roads that do not meet the current Town standards. Therefore, the minimum lot areas shown in Table 4.04A must be multiplied by the following adjustment factors for each of the following circumstances:

<u>Circumstances</u>	<u>Adjustment Factor</u>
Lots having frontage on unpaved streets	1.3
Lots having frontage on streets that do not meet current Town standards for drainage improvements	1.3
Lots having frontage on streets that do not meet current Town standards for the width of the travelway (the portion of the street actually used for travel)	1.3

The foregoing adjustment factors shall be applied cumulatively. For example, a lot having frontage on an unpaved Town street that lacks proper drainage must have a minimum lot size that is (1.3 x 1.3 =) 1.69 times greater than the minimum lot size shown in Table 4.04A.

c. Applicant’s Option to Improve Road: An applicant for subdivision or development of property having frontage on a road that does not meet current Town standards for width, pavement, or drainage may, at his or her option, propose to improve that portion of the road abutting that property as a condition of subdivision or development approval. Any proposal to improve an existing road must be presented to the Public Works Director for review and possible approval prior to the filing of the subdivision or development application. Upon the approval of the Public Works Director of any such proposal for improvement to the portion of the road abutting the property to be subdivided or developed, the applicant shall be entitled to propose minimum lot sizes as though the road were already improved. To the extent permitted by the Connecticut General Statutes and the Town subdivision regulations, the Commission may require, as a condition of approval of any such subdivision or development, that a bond or other surety be provided to ensure that the road improvements are completed as proposed.

d. Increased Lot Size for Two-Family, Multi-Family and Farm Uses: Lots used for two-family or multi-family dwellings in the GR and VR zones must have 1.5 times the minimum lot area otherwise required by these Regulations. Lots used for two-family dwellings in other zones must have twice the minimum lot area otherwise required by these Regulations. Lots used for farms in the C/A Zone must have twice the minimum lot area otherwise required by these Regulations.

**Section 4.04.04 Buildable Land Requirements**

In order to facilitate lot development and lessen the risk of post-development problems, such as septic system failures, poor drainage, and erosion, each lot must contain a minimum amount of contiguous “buildable land,” as defined in Section 2.02 of these Regulations. The principal building shall be located on land that is either (1) “buildable land” or (2) land that fails to qualify as buildable land solely because bedrock is located with four feet of the surface. Any septic system to be used in connection with the principal building shall be located entirely within the minimum buildable land area. Any well serving such principal building need not be located within the minimum buildable land area. The required amount of buildable land for a lot in any zone shall be equivalent to 25,000 square feet.

**Section 4.04.05 Height Limitations**

The height limitations of these Regulations shall not apply to spires, belfries, or domes that are located on buildings used primarily for religious services; nor to cupolas, flagpoles, chimneys, silos, heating or cooling equipment, ventilating equipment, water tanks, skylights, antennas (excluding satellite dishes more than five (5) feet in diameter), and similar features that are accessory to a permitted building,

such as gable peaks, towers, parapets and cornices, except as may be otherwise specifically provided in these Regulations. Such features shall serve only the primary structure, must occupy in the aggregate no more than ten percent (10%) of the building area, must not be used for human occupancy, and may be erected only to such heights as are reasonable and necessary to accomplish the purposes they are intended to serve.

#### **Section 4.04.06 Lot Coverage**

Maximum lot coverage shall be as shown in Table 4.04A. Lot coverage may be increased to fifteen percent (15 %) in the Lake Residential (LR) Zone if the applicant demonstrates that the surface runoff that would be generated by the area of impervious surface in excess of ten percent (10%) of the total lot area during the first one inch (1”) of rainfall from any precipitation event will be collected and returned to the ground by an appropriate device or devices, such as, but not limited to, infiltration basins or trenches, rain gardens, or in-ground perforated chambers. The approval of any such increase in lot coverage shall be deemed to be conditioned on the maintenance of such structures. In the event that the applicant fails to maintain such structures after approval of any such increase in lot coverage, the Commission or Zoning Enforcement Officer, in addition to any other remedies provided by law, may issue an order to the landowner(s) requiring, without limitation, (1) that the structures be maintained, repaired or replaced; or (2) that the landowner(s) reduce lot coverage to no more than 10%.

As an example of the implementation of the foregoing provisions, and for purposes of additional clarity only, the following scenario is given:

- Lot Area: 40,000 square feet
- 10% maximum lot coverage allowed as of right under Table 4.04A: 4,000 square feet
- 15% maximum lot coverage allowed under this Section 4.04.06: 6,000 square feet
- Area of impervious surface in excess of 10%: 2,000 square feet
- Volume of surface runoff expected to be generated by first inch of rainfall on 2,000 square feet of impervious surface: 166.6 cubic feet (1,240 gallons)

In order to increase lot coverage to 15%, applicant must demonstrate that the lot has been equipped with devices sufficient to return at least 1,240 gallons of water to the ground during any one precipitation event.

The foregoing determination may be made by either the Commission or the Zoning Enforcement Officer upon advice of the Town Engineer.

In the event the Commission or Zoning Enforcement Officer issues any permit or approval allowing lot coverage to be greater than 10% in the Lake Residential (LR) Zone, such permit or approval shall not become effective until a notice of such approval or permit is filed in the Coventry Land Records in the following form:

#### NOTICE

Location of Property: \_\_\_\_\_ Owner’s Name(s): \_\_\_\_\_

A zoning permit was issued on [*specify the date of issuance*] to allow the lot coverage on the property referenced above to exceed 10% (ten percent). The permit is conditioned upon the landowner’s continued compliance with Section 4.04.06 of the Coventry Zoning Regulations, which requires the landowner to maintain certain drainage/infiltration structures on the property. The failure to maintain such structures may result in the issuance of zoning enforcement orders and/or other zoning enforcement proceedings, including an action for civil penalties and/or injunctive relief in the Superior Court.

**Table 4.04A. Dimensional Requirements**

	Min. Lot Area (square feet) <sup>1</sup>	Min. Lot Frontage/Width	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Bldg. Height	Min. Setback from river	Max. Lot Coverage (%)
a. GR-40	40,000	150	50	20	50	40	N/A	20
b. GR-80	80,000	200	50	20	50	40	N/A	15
c. LR	40,000	150	20	15	20	40	N/A	10 <sup>3</sup>
d. R/A	80,000	200	50	30	100	40	150	10
e. VR	10,000	100	10*	10*	10*	40	N/A	30
f. VG	7,000	75	10*	10*	10*	--	N/A	80
g. VC	3,000	30	0 min 10 max.	0	0	--	N/A	90
h. C/A	40,000	150	50	15	30	40	N/A	60
i. C	See fn.2	See fn. 2	50	15	30	40	N/A	60
j. RD	40,000	200	50	25	50	60	N/A	60
k. NC	40,000	150	50	25	30	40	N/A	60
l. PO	40,000	150	50	15	30	40	N/A	60

1 Minimum lot areas shown in this table must be increased in accordance with Section 4.04.03 for lots that do not have frontage on a road meeting current Town standards. In addition, lots used for two-family or multi-family dwellings in the GR and VR zones must have 1.5 times the minimum lot area shown above, and lots used for two-family dwellings in other zones must have twice the minimum lot area shown above. Lots used for farms in the C/A Zone must have twice the minimum lot area shown above.

2. Minimum lot area and frontage for lots abutting Connecticut Route 44 (Boston Turnpike) shall be 200,000 square feet and 500 feet, respectively, except as provided in Sections 4.04.02 and 4.04.03. Minimum lot area and frontage for all other lots shall be 40,000 square feet and 150 feet, respectively.

3. May be increased to 15% in accordance with Section 4.04.06.

\* May be further reduced to the average applicable yard or setback of adjoining lots with existing structures.

## **Section 4.05 Limitations on Number of Principal Uses, Buildings and Structures**

Except as hereinafter provided, or as specifically provided elsewhere in these Regulations, no more than one (1) principal use and one (1) principal building or structure shall be permitted on a lot in the GR-40, GR-80, LR, and R/A zones. The main dairy, livestock, poultry, or other barn on a farm shall be allowed as and deemed to be a second principal building. The Commission may grant a special permit to allow more than one (1) use or principal building or structure on a lot in the VR, G, VC, C/A, C, NC, RD, and PO zones if the buildings or structures and land otherwise comply with all other requirements of the zone in which they are located.

## **Section 4.06 Accessory Uses, Buildings, and Structures**

### **Section 4.06.01 Buildings and Structures Generally**

- a. Accessory structures customarily incidental to any use permitted herein are allowed, provided that such accessory structures shall not include any signs except as allowed under Section 5.01. Unless otherwise provided in these Regulations, a special permit shall be required for any accessory use, building, or structure on any lot or parcel on which the principal use is a specially permitted use.
- b. An accessory building shall not be used as a dwelling unit unless specifically allowed elsewhere in these Regulations.
- c. A barn or stable may be erected to a greater height than the principal residential structure on a lot, provided the height restrictions of Section 4.04.05 are met.
- d. Accessory buildings on a residential lot may include private garages in which not more than three (3) spaces may be occupied by a commercial vehicle. Private garages may not be used for the conduct of any commercial occupation or business, other than home occupations to the extent permitted by these Regulations.
- e. Accessory buildings, other than residential motor vehicle garages, shall not occupy, in the aggregate, more than three percent (3%) of the area of the lot on which they are located. Residential motor vehicle garages may occupy no more than 3,000 square feet on the lot on which they are located; provided, however, that residential motor vehicle garages may occupy more than 3,000 square feet but not more than 5,000 square feet of the area of the lot on which they are located upon the issuance of a special permit. The granting of such a special permit shall require that the proposed motor vehicle garage:
  1. Be located on a lot of at least five (5) acres.
  2. Have a footprint no greater than three (3) times the size of the residential primary structure of the lot.
  3. If determined reasonable and necessary by the Commission, have such vegetative or other types of screening as necessary to provide a visual barrier to off-site residences.

f. Accessory structures shall observe the same yard requirements as principal structures, except as otherwise provided in subsection g, below, Section 4.11.d, or other applicable provisions of these Regulations.

g. Notwithstanding the yard requirements set forth elsewhere in these Regulations, detached accessory buildings that are not more than thirteen feet (13') in height may be located:

1. In the rear half of any lot, but not nearer than 75 feet to any street (except for roadside shelters).

2. Up to, but not nearer than, five feet (5') from any side or rear lot line, except that any building used to keep poultry, horses or livestock shall not be located closer than fifty (50) feet from any street or lot line.

3. Roadside shelters for the use of school children may be permitted as accessory uses in any zone. Such shelters may not be more than fifty (50) square feet in area nor ten feet (10') in height, and may be located up to, but not closer than, one foot (1') from any front or side lot line, unless the governmental authority responsible for the adjacent street allows the use of the right-of-way in writing. In no case shall the shelter be nearer than ten feet (10') from the pavement or other portion of the street used by motor vehicles. The shelter must be removed if not used for a consecutive period of twelve months.

4. Notwithstanding anything in these Regulations to the contrary, one detached accessory building that is not more than thirteen feet (13') in height may be located on any non-conforming lot, provided that the following conditions are satisfied; (Revised – Effective 06/08/15)

i) the structure is located not less than five feet (5') from any property line;

ii) the structure is used only for the storage of personal property and not, for example, for the keeping of livestock or pets;

iii) no more than one such structure may be located on any lot, provided that such lot may have a garage if such garage is either non-conforming or otherwise permitted under these Regulations;

iv) the structure is no more than 100 hundred (100) square feet in size;

v) the structure does not violate the lot coverage provisions set forth in Section 4.06.01.e (Revised Effective 06/15/12)

5. On nonconforming corner lots, not closer to either of the streets than the front of the principal building. (Revised Effective 06/15/12)

h. Structures providing swimming, boating, or other forms of riparian access to a river or lake, such as piers, docks, and moorings, shall be deemed to be accessory to all uses of property abutting a river or lake and shall be permitted as of right, provided that nothing in these Regulations shall be deemed to convey any such riparian rights.

### **Section 4.06.02 Swimming Pools**

Swimming pools shall meet the front and side yard requirements of the applicable zone. The rear yard requirements of Table 4.04A shall not apply to swimming pools except in those zones in which the required rear yard is 20 feet or less. In all other zones, the rear yard requirement for swimming pools shall be deemed to be 20 feet. The required yards (setbacks) for swimming pools shall be measured from the water-retaining wall in the case of an in-ground pool, and from the outer edge and any above-ground deck of an above-ground pool.

### **Section 4.06.03 Attached Accessory Buildings**

If any accessory building is attached to a main building, including attachment by means of a breezeway or a roofed passageway with open or latticed sides, it shall comply in all respects to the requirements of these Regulations applicable to the main building.

### **Section 4.06.04 Home Occupations as Accessory Uses**

Home occupations shall be permitted as an accessory use to any single-family or two-family dwelling, subject to the standards and conditions set forth in Section 5.05 of these Regulations.

### **Section 4.06.05 Agricultural Accessory Uses**

Agricultural activities are permitted on property on which one or more dwellings are located provided such activities are clearly accessory in nature to the residential use; i.e., the activities must be subordinate or incidental to the residential use. In no event shall the conduct of agricultural activities on a contiguous land area of 80,000 square feet or more be deemed to be a residential accessory use unless the Commission, upon application, expressly finds that such activities are accessory in nature. The foregoing reference to a contiguous land area of 80,000 square feet or more means the area being actively used for agriculture and not the size of the lot; for example, agricultural activities that occur on only one acre of a five-acre residential lot may be deemed to be accessory without an express finding by the Commission. However, nothing in this Section 4.06.05 shall be deemed to prohibit the Zoning Agent or the Commission from finding, in appropriate circumstances, that agricultural activities occurring on areas smaller than 80,000 square feet are principal, rather than accessory, uses. The Commission may grant a special permit for the raising or sheltering of livestock on lots that are less than 80,000 square feet, but no less than 40,000 square feet, in size. The raising or sheltering of livestock on lots that are less than 40,000 square feet in size shall not be permitted as an accessory use. (Revised - Effective 08/01/11)

### **Section 4.06.06 In-Law Apartments**

The Commission recognizes that many families need, on a temporary basis, to provide housing for members of their extended families. In-law apartments, as defined in section 2.02, may therefore be permitted as accessory uses to single-family dwellings and allowed by zoning permit, but only under the following conditions:

- a. The space devoted to the in-law apartment within a single-family dwelling must be interconnected by at least one (1) interior doorway to the remainder of the dwelling, so that a person could gain access to the in-law apartment from an exterior doorway serving the remainder of the house, and vice versa.

- b. The in-law apartment may only be occupied by parents, siblings, grandparents, great grandparents, children, grandchildren, great grandchildren, aunts, uncles, nieces, nephews, or first cousins of one or more persons who occupy the remainder of the dwelling.
- c. The Director of Health or his or her designee must issue a written determination that the in-law apartment does or would not violate any applicable provisions of the Public Health Code.
- d. A standard notice, approved by the Town Attorney, shall be filed on the land records of the Town stating that the property contains an in-law apartment and that it is not approved for use as a two-family dwelling.

**Section 4.06.07 Musical Entertainment**

Musical entertainment shall be allowed as an accessory use to a restaurant, café, or other commercial establishment that serves food or beverages, but only upon the issuance of a special permit. In addition to the special permit criteria in Section 7.03 of these regulations, any such musical entertainment must meet the following criteria:

- a. Musical entertainment shall not be permitted between the hours of 1:00 a.m. through 9:00 a.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday; nor shall it be permitted between the hours of 2:00 a.m. through 9:00 a.m. on any Friday or Saturday. The Commission may further restrict such hours as a condition of any special permit if the Commission finds that such restrictions are reasonably necessary to minimize harm or nuisance to surrounding properties.
- b. Musical entertainment shall be allowed only inside the principal building unless the special permit expressly provides otherwise.
- c. The musical entertainment shall not be unreasonably loud at the property line. The Commission may require the installation of physical sound buffers or barriers or other methods to reduce sound volume or vibration if the sound levels or vibration would cause a nuisance or otherwise interfere with the reasonable use of nearby property.
- d. All special permits issued under this Section 4.06.07 shall be limited to a period of three years and shall be conditioned upon continuous satisfaction of the foregoing criteria and standards. The Commission may revoke, refuse to renew, or place additional conditions on renewal of the special permit if it finds that the applicant has failed to comply with the terms and provisions of the permit or that circumstances in the neighborhood have changed, requiring additional protection of nearby uses.

**Section 4.06.08 Farm Labor Living Quarters (Added – Effective 05/11/09)**

A zoning permit or site plan approval may be issued for one or more dwellings serving as accessory uses to a principal agricultural use on a lot, but only under the following conditions:

- a. The dwelling(s) shall be used solely to house persons, and the immediate families of persons, whose principal labor during the time of such occupation involves the planting, tending, or harvesting of crops on, or the care of farm animals housed on, the premises on which the dwelling(s)



would be established. For the purposes of this regulation, “immediate families” includes only children, grandchildren, parents, grandparents, aunts, uncles, nieces, and nephews.

b. In the event that the applicant proposes to create one or more new dwellings (i.e., independent buildings to be used solely for dwelling purposes), site plan approval by the Commission shall be required. In addition, the applicant must submit, and the Commission must approve, a feasibility plan containing sufficient information for the Commission to find that, if the principal agricultural activities were to cease, the property could be subdivided or otherwise configured in such a manner that each single-family dwelling would be on a separate, conforming lot, and each multi-family dwelling would become a conforming principal use. Such information must include, but shall not necessarily be limited to, proof that an adequate water supply and sewage disposal facilities would be available to each potential lot and that an adequate amount of open space or recreational land could be set aside to meet the requirements of the Subdivision Regulations. In order to help ensure adequacy of lot area, the feasibility plan must demonstrate that the lots are equal to at least 1.5 times the minimum lot size required in the zone where the property is located. The purpose of this condition is to avoid the necessity, and potential financial hardship, of requiring that any dwellings be removed in the event the principal agricultural activities were to cease.

c. A zoning permit may be issued for accessory farm labor living quarters when the proposed new dwelling unit(s) would be created either (i) within an existing principal or accessory building, either by changing the existing use or by increasing the size of such building, or (ii) in a proposed new building (such as, but not limited to, a barn or storage building) that would be used for agricultural accessory purposes other than, and in addition to, the dwelling unit(s). The applicant must provide sufficient information for the Zoning Agent to find that, if the principal agricultural activities were to cease, the property could still be used in full conformance with the Zoning Regulations. In lieu of such proof, the applicant may provide an affidavit, in a form to be provided by the Coventry Land Use Office, acknowledging that, in the event the property is no longer used for agricultural purposes, the dwelling units will have to be removed, and that the Commission or its authorized agent may order such removal, if the dwelling units no longer comply with the Zoning Regulations. The removal of a dwelling unit in a building that is also used for other purposes may be accomplished by the removal of the separate kitchen facilities for such dwelling unit. The affidavit shall be filed in the Coventry Land Records. The applicant must also provide proof that an adequate water supply and sewage disposal facilities would be available to each proposed dwelling unit.

d. If the property ceases to be used for agricultural purposes, the landowner must, by January 1 of the calendar year following such cessation, file all such applications as may be required to subdivide or otherwise reconfigure the property in accordance with the terms of subparagraph 2, above, or to bring the property, in some other manner, into full compliance with the Zoning Regulations as they may then have been revised. The landowner must submit an affidavit, acknowledging that, in the event the property is no longer used for agricultural purposes, the dwellings will have to be removed, and that the Commission or its authorized agent may order such removal, if the dwellings no longer comply with the Zoning Regulations. The affidavit shall be filed in the Coventry Land Records. This paragraph shall not be deemed to apply to dwelling units permitted pursuant to subparagraph 3.

e. The principal agricultural activities shall be deemed not to have ceased if conducted for a continuous period of at least 60 days during the course of any calendar year.

f. All applicable provisions of the Public Health Code and Building Code must be satisfied. Proof of satisfaction of these provisions must be provided by the Town’s Health Official and Building Official or their respective designees before any certificate of occupancy will be issued.

#### **Section 4.07 Building Drainage**

Whenever a new building, or a lateral addition to an existing building, is to be constructed, adequate grades should be maintained around the building, or sufficient subsurface drainage should be provided, in such a manner as to prevent surface water from flowing against the walls of the building.

#### **Section 4.08 Building Restoration**

Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of any part of a building or structure declared unsafe by the Building Official or where required by any lawful order.

#### **Section 4.09 Building Lines**

No structure shall be erected between the building line and the street line, except (i) an open agricultural fence; (ii) any other wall or fence not over four (4) feet in height; (iii) signs as permitted under these Regulations; (iv) an appropriate driveway. See Section 7.08 of these Regulations as to when a permit is required for erection of a wall or fence.

#### **Section 4.10 Traffic Sightlines**

No obstruction, such as vehicles, machinery, materials, signs, hedges, trees, shrubs, or other growth, shall be created, placed, established, or erected in such a way that it interferes with a clear view of drivers of vehicles on a curve or at any street intersection and endangers the safety of those traveling upon any street. The Commission or its authorized agent may order the removal of any object that unreasonably obstructs the clear view of drivers or otherwise endangers the safety of those traveling on a street. For minimum vision clearance, no structure or other object shall be created, established, or erected to a height exceeding three (3) feet above the street grade within a radius of fifty (50) feet from the point of intersection of any two street lines. A greater distance may be required upon higher volume roads.

#### **Section 4.11 Projections and Accessory Structures in Required Yards**

No structures or projections from structures shall be permitted in any required yard except as follows:

a. Minor projections of structures, such as window or door frames and sills, cornices, or other architectural features may project not more than three (3) feet into any required yard.

b. In residential zones, major projections of structures such as chimneys, bay windows, eaves, roofs over doorways, hatchways, steps, and fire escapes may project not more than five (5) feet into any required yard.

c. The yard requirements of these Regulations shall not apply to driveways, walls or fences, generators, utility transformers, propane tanks, playscapes and dog houses. However, in any residential zone, no wall or fence shall exceed eight (8) feet in height, measured above the natural grade. See Section 7.08 of these Regulations as to when a permit is required for erection of a wall or fence. (Revised - Effective 08/11/11)

d. The Commission may, by special permit, reduce the yard requirements for any accessory structure other than a garage, barn, or other structure intended for human occupancy or the enclosure of animals or motor vehicles, provided (i) that adequate screening and/or other buffering is provided to minimize any potential adverse impacts on abutting properties; (ii) that the structure would not unreasonably interfere with the use or enjoyment of any existing uses on any adjacent lot or parcel ; (iii) that the Commission finds the reduction to be necessary or appropriate to allow the most reasonable use of the parcel, taking into consideration such factors as the geometry of the parcel, the visibility of the proposed structure from adjoining streets or from existing uses on adjacent properties, the location of other structures, and the location of significant natural or historical resources, such as monuments, burial grounds, mature trees, stone walls and stone fences, wetlands, watercourses, prominent rock outcrops and large boulders; and (iv) that no yard requirement may be reduced to less than five (5) feet. The Commission may condition any Special Permit for the reduction of required yards under this section on the installation and/or maintenance of appropriate screening.

e. Ramps for handicapped access may be constructed within required yard areas, provided the Zoning Agent determines that (i) the ramp may not reasonably be located in any area that is not within the required yard; and (ii) the proposed intrusion into the required yard is the minimum reasonably necessary to accomplish the desired access objectives.

## **Section 4.12 Open Space Subdivisions**

### **Section 4.12.01 Statement of Purpose**

The purpose of this Section 4.12 is to (1) maintain and enhance the conservation of natural or scenic resources, (2) protect natural streams and water supplies, (3) promote conservation of soils, wetlands, and other significant natural features and landmarks, (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, (5) enhance public recreation opportunities, (6) preserve historic sites, and (7) promote orderly urban or suburban development. These regulations are intended to provide for increased flexibility, balanced by increased control, in the development of land so as to facilitate the preservation of open space, natural resources, recreational uses, and community character.

### **Section 4.12.02 General Density Limitations**

Except as otherwise provided in these Regulations, the maximum number of units for an open space subdivision shall be determined, at the applicant's option, by either the Formula Method or the Yield Plan Method.

a. Formula Method: If the applicant chooses the Formula Method, the maximum number of lots shall not exceed the number resulting from dividing the total area of the parcel, subject to the exclusions stated hereafter, by the minimum lot size that would be permitted for a conventional subdivision in the applicable zoning district. The total area of the parcel, as measured for purposes of this section, shall exclude the following: (i) land that is not "buildable land," as defined in Section 2.02 of the Zoning Regulations, and (ii) existing and proposed streets and highways, easements and rights-of-way for vehicular access and utilities.

b. Yield Plan Method: If the applicant chooses the Yield Plan Method, the applicant must provide a preliminary conceptual subdivision plan consisting of lot and street layouts conforming to the Zoning and Subdivision Regulations governing conventional subdivision lots. Although such yield plans shall be conceptual in nature, and are not intended to involve significant engineering costs, they must be realistic and must not show potential house sites or streets in areas that would not ordinarily be legally permitted in a conventional subdivision layout. Consequently, yield plans must identify physical and other features that would limit or restrict the use of the parcel for development, including, but not limited to, topographic contours, at a contour interval of no more than ten (10) feet; wetlands and watercourses; 100-year floodplains (Flood Zones A, as shown on FEMA maps); slopes exceeding twenty-five percent (25%); rock outcrops; and easements and rights-of-way affecting the parcel.

On lots that would not be served by public sewerage or a centralized private sewage treatment facility, soil suitability for individual septic systems must be demonstrated. The Commission may select a small percentage of lots (10 to 15%) to be tested, in areas considered to be marginal. If all tests on the sample lots meet applicable Public Health Code requirements, the applicant's other lots shall also be deemed suitable for septic systems, for the purpose of calculating total lot yield. However, if any of the sample lots fail, several others (of the Commission's choosing) shall be tested, until all the lots in a given sample pass.

#### **Section 4.12.03 Density Bonuses**

The maximum number of lots allowed under Section 4.12 may be increased in one of the following ways:

a. Open Space Maintenance Fund: The Commission may allow a density bonus to generate additional income to the applicant for the express and sole purpose of endowing a permanent fund to offset continuing open space maintenance costs. The density bonus granted under this subsection shall be limited to fifteen percent (15%) of the total number of lots that would otherwise be allowed under Section 4.12.02. Any such density bonus shall be conditioned upon the provision by the owner of the parcel to be subdivided of an agreement to pay a fee into an open space maintenance fund to be established and maintained by either (i) the Town of Coventry or (ii) the organization to be charged with the maintenance of the open space provided in the applicable subdivision plan. The amount of the fee shall be set by the following formula:  $[(CFMV/N) \times (0.5 XL)]$ , where CFMV is the cumulative fair market value of all of the buildable lots or parts resulting from the subdivision, N is the total number of buildable lots or parts resulting from the subdivision, and XL is the number of additional lots allowed by the density bonus. The value of CFMV shall, at the option of the applicant, be (i) the 100% value of all of the buildable lots or parts as determined by the Town Assessor for tax purposes as of the effective date of the subdivision approval, or (ii) determined by a licensed Connecticut real estate appraiser chosen jointly by the applicant and the Commission, in which case the applicant shall be responsible for any appraisal fees.

b. Other Open Space Dedications: A density bonus may be granted for the provision of excess open space, meaning the amount of any open space acreage that is greater than the minimum amount that would be required under this Section 4.12.02. The additional open space may be within the parcel to be subdivided or elsewhere within the Town of Coventry. For each five acres of excess open space accepted by the Commission, one additional building lot shall be allowed, up to a maximum of fifteen percent (15%) of the total number of lots that would otherwise be allowed under Section 4.12.02. The decision whether to accept an applicant's offer to dedicate excess open space shall be at the discretion of the Commission, which shall be guided by the recommendations contained in the Town's Plan of Conservation and Development and its determination as to the value of the excess land for any of the purposes described in Section 4.12.01.

c. Encouraging Affordable Housing: A density bonus shall be allowed for open space subdivisions that provide affordable housing, as defined in Section 8-30g of the Connecticut General Statutes. For each affordable housing unit provided under this section, one additional lot shall be permitted, up to a maximum of fifteen percent (15%) of the total number of lots that would otherwise be allowed under Section 4.12.02. Affordable housing is herein defined as units to be sold or rented to families earning 70-120 percent of the county median income, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development.

#### **Section 4.12.04 Open Space Percentage and Use Limitations**

a. Minimum Percentage of Open Space: The minimum area of open space to be dedicated within an open space subdivision shall be forty percent (40%) of the total area of the parcel being subdivided. In addition, the area of open space to be dedicated must contain at least forty percent (40%) of the total area of the parcel that does not comprise wetlands, watercourses or floodplain areas. As an example, if a parcel containing 100 acres is subdivided, and 30 acres of the parcel consists of wetlands, watercourses, or flood plain areas, the minimum open-space dedication will be 40 acres (100 acres x .40), and at least 28 acres (70 acres x .40) of the dedicated area must not be wetlands, watercourses or flood plain areas. Nothing in this section shall prohibit a subdivider from dedicating additional land consisting of wetlands, watercourses or flood plain areas, so long as the minimum amount of other types of land is also provided. For instance, in the example given above, the subdivider could dedicate 20 acres (not just 12 acres) of wetlands, so long as the dedication also included the minimum 28 acres of land that did not consist of wetlands, watercourses or floodplain areas. The Commission encourages subdividers to dedicate or otherwise preserve as much of the wetlands, watercourses and floodplain areas as possible.

b. Use of Open Space Areas: The purposes for which open space areas are proposed shall be documented by the applicant. The required open space may be used, without restriction, for underground drainage fields for individual or community septic systems, provided that no portion of such systems protrudes above grade. Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground utility lines. However, land within the rights-of way of overhead power lines or other surface utility lines shall not be included in the minimum required open space.

#### **Section 4.12.05 Design Standards**

a. Dimensional Requirements: The dimensional requirements for lots in an open space subdivision shall be as follows:

Minimum Lot Area	25,000 square feet
Minimum Lot Frontage	100 feet (25 feet for rear lots)
Minimum Front Yard	50 feet
Minimum Side Yard	20 feet
Minimum Rear Yard	50 feet
Maximum Lot Coverage	15%

Rear lots shall contain no less than 35,000 square feet, excluding the area of the accessway, and shall have a minimum driveway access width of twenty-five (25') feet. All lots in an open space subdivision shall comply with the minimum buildable area requirements set forth in Section 4.04.04

except where the lot(s) is/are to be served by a community septic system in conformance with all Department of Environmental Protection and State Public Health Code regulations and requirements.

b. Other Design Standards: In designing an open space subdivision, the applicant should consider the purposes set forth in Section 4.12.01 and the following factors:

1. Dwelling units shall be grouped allowing a portion of the parcel to remain open.
2. The open space in any open space subdivision shall be located entirely within the subdivision and shall be in one contiguous piece, unless the Commission finds that the purposes of Section 4.12.01 would be more effectively served by separated parcels. The open space shall have suitable shape, dimension, character and location to promote the purposes specified in Section 4.12.01.
3. When designing an open space subdivision the applicant must refer to the Town's Open Space Plan and plan the development in relation to the open space by first (1) locating the proposed open space; second, locating houses; third, locating roads; and, fourth, laying out lot configurations.
4. Lots shall be laid out to the greatest extent feasible, to achieve the following objectives (listed below in order of priority, as it is recognized that some may conflict with others on any given site):
  - a. to place septic systems on the most suitable soils for subsurface wastewater disposal (in unsewered areas only);
  - b. within any woodland contained in the parcel, or along the far edges of the open fields adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);
  - c. in locations least likely to block or interrupt scenic vistas, as seen from the public roadway(s);
  - d. on the least fertile soils for agricultural uses, and in a manner that maximizes the usable area remaining for such agricultural use;
  - e. in locations where the greatest number of units could be designed to take maximum advantage of solar heating opportunities.
5. Wherever possible, wetlands should be adjacent, contiguous or included in the Open Space.
6. Along any part of the parcel perimeter where down-sized lots abut normal-sized lots a fifty-foot buffer zone, thickly planted with fast-growing native shrubs and trees may all be required, or an already forested strip or natural vegetation may be accepted at the discretion of the Commission. (Revised - Effective 08/01/11)
7. Unless prevented by ledge or other natural restraints, underground utilities shall be required in open space subdivisions.

8. Proposed lots and improvements should be designed and situated to minimize alteration of the natural site features to be preserved.
9. Proposed open space areas should include irreplaceable natural features located in the tract (such as, but not limited to stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
10. Open space intended for recreation or other active public use should be easily accessible to pedestrians, including, to the extent feasible, the handicapped and elderly.
11. Individual lots should be arranged and situated to relate to surrounding properties, to improve the view from and the view of prospective home sites, and to minimize the area devoted to motor vehicle access and travel.

The Commission may require the subdivider to refer any proposed open space subdivision to a professional landscape architect for review, comment and modification. The Commission may modify any application so as to designate open space in locations other than those proposed, if it determines that such modified location(s) will better serve the purposes and satisfy the applicable criteria and standards of these Regulations and the Subdivision Regulations. In making such determination, the Commission may also consider: (i) the ownership of any existing open space on adjacent properties, or the proximity to non-adjacent open space which might reasonably interconnect with the proposed open space in the future; (ii) the proposed use of the open space for active or passive uses, and the extent of maintenance, supervision, or management required; (iii) the potential benefits which the open space might provide to residents of the Town or the State, if it were accessible to them; (iv) the size shape, topography, and character of the open space; (v) the recommendations of the Coventry Plan of Development and the Coventry Open Space Plan; and (vi) the reports or recommendations of any State, regional or Town agencies and officials.

#### **Section 4.12.06 Dedication of Open Space**

a. Method of Dedication: The Commission shall determine the most appropriate method of disposition after considering, among other things, the relationship of the subject area(s) and its specific characteristics to the Plan of Conservation and Development and the objectives cited in Chapter VIII, Section 1; the desirability and suitability of public access and use and the scope of the subdivision proposal. The following disposition options may, be utilized by the Commission:

1. Perpetual dedication to the Town.
2. Perpetual dedication to the State of Connecticut for open space or recreational purposes.
3. Perpetual dedication to a land trust (at the option of the subdivider), as long as the land trust has agreed to accept the dedication.
4. Dedication to a homeowners' association for open space or recreational purposes.
5. Utilization of conservation easement(s), with or without public access.
6. Utilization of a recreation easement, to the Town, State, or a private non-profit entity.

7. Utilization of an agricultural use restriction easement, to the Town, State, or a private, non-profit entity.
8. Private ownership for open space purposes with the appropriate taking of development rights.
9. Any combination of the above or any suitable alternative approved by the Commission.

Any conservation easements or other open space covenants or restrictions shall be subject to the approval of the Commission in form and content.

b. Agreement to Accept Ownership and Responsibility: If open space is to be owned by a private, not-for-profit conservation trust or corporation, the State of Connecticut, the Town of Coventry, or another entity, the application shall contain written evidence from the proposed entity satisfactory to the Commission, stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the open space. Regardless of the manner of ownership of the open space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to ensure:

1. The continued use of such land for the intended purposes;
2. The continuity of proper maintenance for those portions of the open space requiring maintenance;
3. When appropriate, the availability of funds required for such maintenance;
4. Adequate insurance protection; and
5. Recovery for loss sustained by casualty, condemnation or otherwise.

c. Boundary Markings: The boundary lines of all open space shall be set in the field and marked by permanent, readily-visible markers where such lines intersect any lot line, road or perimeter line within the proposed open space subdivision and at such other points as may be required by the Commission to insure identification in the field.

d. Recording of Documents: At the time the approved open space subdivision plan is filed, the applicant shall record on the Coventry Land Records all legal documents required to ensure the aforesaid guarantees.

e. Right to Enforce: A right to enforce the Development Restriction shall be conveyed to:

1. The Town of Coventry, the State of Connecticut, or a private, not-for-profit conservation trust or corporation dedicated to conservation or preservation purposes in cases where the open space is dedicated to an association or corporation of lot owners, or a private or governmental entity; or
2. To the association or corporation of lot owners in cases where open space is dedicated to the Town of Coventry, the State of Connecticut, or a private, not-for-profit conservation trust or corporation.



Any deed of conveyance shall contain language providing the holder of the Development Restriction with the right to obtain reimbursement for all costs it reasonably incurs, including attorney's fees, in any action to enforce the Development Restriction, in which it is the prevailing party.

f. Association Requirements: If the open space is to be dedicated to an association or corporation of lot owners, then the Commission shall consider the following additional issues in determining whether to approve such proposal: (Revised - Effective 08/01/11)

1. The increase in the burden imposed by the proposed open space subdivision on existing and proposed areas of open space.
2. Any relevant recommendations of the Town Council, the Inland Wetlands Agency, the Parks and Recreation Commission, the Board of Finance, the Conservation Commission, or any other public or private agencies or authorities regarding the most appropriate disposition and management of the open space.
3. The level of access to the areas of open space proposed to be afforded to members of the general public.
4. The manner in which the association would manage the open space, and the extent to which proper management would be assured.

In approving any proposed dedication of open space to an association or corporation, the Commission, may set additional requirements to assure the proper and continuing management and oversight of the open space, including, but not limited to, the following,

5. Creation of the association or corporation prior to the sale of any lot;
6. Mandatory membership in the association or corporation by all original lot owners and any subsequent owner; and
7. Requiring the association or corporation to have the power to assess and collect from each lot owner a specified share of, and, where necessary, provide reserves for the costs associated with maintenance, repair, upkeep, and insurance of the open space.

#### **Section 4.12.07 Procedures for Approval**

Except as otherwise provided in this Section 4.12, all open space subdivision plans and applications must meet the procedural and substantive requirements of the Subdivision Regulations and these Zoning Regulations.

#### **Section 4.12.08 Lots Deemed to Be Conforming**

Any lot with reduced area approved under the provisions of this Section 4.12 shall be deemed to be a conforming lot notwithstanding the provisions of Section 4.04; provided, however, that such lot meets the requirements of the other applicable sections of these Regulations.

## **Section 4.13 Health and Environmental Standards**

### **Section 4.13.01 Statement of Purpose**

In accordance with the purposes described in Section 1.01 of these Regulations, and more specifically to promote and protect the public health, safety, and welfare by minimizing noise, glare, odors, heat, and vibrations, and by minimizing the discharge of toxic substances and other pollutants into the air, surface water, soil, and groundwater, the following Performance and Environmental Standards are hereby established to apply to all buildings, structures, and uses in all zones within the Town of Coventry. No permit shall be issued for a building, structure, or use under these Regulations if the Commission determines that such building, structure, or use would not comply with these standards. If the Commission determines that any building, structure, or use established after the effective date of these Regulations is or has been in violation of these standards, the Commission may issue any order or seek any remedy or penalty provided by state or municipal law for the violation of zoning regulations.

### **Section 4.13.02 Sewage and Other Waste Disposal**

All methods of sewage and waste treatment and disposal shall comply with regulations of the State of Connecticut for maximum protection of groundwater.

### **Section 4.13.03 Wells**

All wells shall comply with regulations of the State of Connecticut.

### **Section 4.13.04 Nuisances; Unreasonable Physical Impacts on Nearby Property**

No use of any lot or parcel shall be conducted in such a way as to create a nuisance to adjacent or nearby property as a result of unreasonable or excessive noise, glare, heat, smoke, fumes, vibrations, drainage, radiation, electromagnetic emissions, attraction of vermin, or other physical impacts. In general, heat, smoke, fumes, and offensive odors (other than odors associated with customary farming and agricultural uses) should not be perceptible beyond the property line of the lot on which the use is located unless the person(s) conducting such use demonstrates, to the satisfaction of the Commission, that such impacts are reasonable under all of the attendant circumstances, including the nature of nearby uses and the time and duration of the impacts. All uses shall comply with the terms of all applicable federal, state, and Town statutes, regulations, and ordinances regarding noise, odor, and other environmental and health concerns. Any outdoor lighting for illumination of signs, spotlighting, or floodlighting shall be so shielded that the light source cannot be seen beyond the property line of the lot or parcel on which it is located. Light shall be directed downward, when reasonably possible, in such a manner as to minimize the scatter of light onto adjacent or nearby properties or into the night sky.

### **Section 4.13.05 Fire or Other Emergency**

All uses shall provide for adequate access and movement of firefighting and other emergency vehicles, equipment, and personnel. In addition, proper safeguards must be employed to minimize any risk of fire, explosion, flooding, discharge of hazardous materials, and other threats to public safety. The

Commission may delegate to the Coventry Fire Marshal the power to review and decide upon the adequacy of all such emergency provisions.

## **Section 4.14 Driveways**

### **Section 4.14.01 Permit Requirements**

a. General: A driveway or access road serving private property and intersecting with a Town or State road shall be constructed in such a manner that it does not interfere with the existing drainage, movement of traffic, or removal of snow from the Town or State road. No person, firm or corporation shall conduct work or make improvements of any kind within a Town road or associated right-of-way, including but not limited to clearing, excavating or grading, until a permit has been obtained from the Director of Public Works or his authorized agent at least seventy-two (72) hours prior to the commencement of any work. A driveway or access road serving private property and intersecting with a State road or a road within an adjacent town shall meet the standards of the applicable governing authority. Driveways serving more than one lot shall conform to the standards established in this section, except as may otherwise be required by the Coventry Subdivision Regulations. Common driveways shall not be permitted to serve more than three (3) dwelling units.

b. Application: Application for a permit shall be made on forms provided by the Director of Public Works and shall be accompanied by a sketch or drawing showing the proposed work to be done. The sketch or drawing shall be in sufficient detail to facilitate an inspection of the work by Town personnel. The Director of Public Works may require the submission of detailed plans, specifications, and other engineering data with the application when he shall deem it to be necessary. No permits shall be issued unless all proposed work conforms to the requirements outlined in this section and the attached Driveway Detail Drawings.

c. Application Fees; Certificate of Insurance and Performance Bond: Required application fees shall be submitted with all applications. In addition, a Certificate of Insurance conforming to current town requirements with respect to the types of coverage and limits of liability, and a Performance Bond in the amount determined by the Director of Public Works, shall also be submitted. No permits shall be issued until the application fee has been paid, and the Certificate of Insurance and Performance Bond received.

d. Inspection: All construction work covered by a Driveway Permit shall be subject to the inspection and approval of the Director of Public Works or his authorized representative. It is the responsibility of the owner to notify the Director of Public Works at least seventy-two (72) hours prior to any paving of a driveway or driveway apron so that an inspection can be made of the gravel base and driveway or driveway apron grade. If, in the opinion of the Director of Public Works or his or her authorized representative, there is some question if the driveway or driveway apron exceeds the maximum grades permitted in this section, then it is the responsibility of the owner to retain the services of a licensed land surveyor to prepare a profile based on actual field survey. Any driveway or driveway apron that is not found to be in conformance with the requirements in this section shall be reconstructed as required to conform.

e. Completion Time: All proposed construction work shall be completed within one hundred eighty (180) calendar days after issuance of the Driveway Permit unless a one hundred eighty (180) calendar day extension of time is granted by the Director of Public Works upon written request by the owner for such extension and for good cause shown. If a proposed driveway is not constructed within three hundred sixty (360) calendar days from the date of issuance of a permit from the Director of Public Works, the permit shall be null and void.

f. Final Approval: No certificate of occupancy shall be issued until the Director of Public Works or his or her authorized representative approves the driveway or, if due to the time of year the bituminous concrete mix plants are closed, a Driveway Completion Bond is provided to the Town of Coventry to ensure that all work is completed within a six (6) month period. Driveway Completion Bonds shall be in the form of a certified check in an amount determined as follows:

Driveway Aprons: \$700.00

Additional Required Driveway Length to High Point: \$10.00 per lineal foot

Driveway Repairs: No bond required

Should the owner fail to complete the driveway improvements within the six (6) month time period beginning on the date the bond was provided to the Town of Coventry, the bond shall be forfeited, and the Town shall utilize the funds to complete the required work.

#### **Section 4.14.02 Driveway Criteria**

a. Driveway Aprons: Driveway aprons, consisting of bituminous concrete pavement or concrete pavement, shall be provided at each intersection of a driveway with an abutting town road. The driveway apron is that portion of the driveway extending from the town road pavement to the right-of-way line of the town road or to a distance of ten (10) feet in from the edge of the town road pavement, whichever is greater. In the case of uncertainty as to the true location of a town road right-of-way line, for the purposes of this section a reference right-of-way line shall be established by measuring twenty-five (25) feet from the centerline of the existing road pavement for a Minor Local Street and a Secondary Local Street, and thirty (30) feet from the centerline of the existing road pavement for a Major Local Street. However, this clause shall not be construed as establishing any rights in ownership of land, its purpose being merely to establish a reference line for driveway improvement purposes. Where a town road adjacent to a proposed driveway does not have any type of bituminous surface course, the Director of Public Works may waive the requirement for a bituminous concrete driveway apron.

All driveway aprons shall be constructed with a minimum lip of one and one-half (1½) inches at the town road gutter line. If a driveway apron is constructed prior to the placement of the top or surface course of a subdivision road to be dedicated to the Town of Coventry at some future date, then the driveway lip shall be increased in height so that after completion of the road construction, a minimum lip of one and one-half (1½) inches is maintained.

b. Driveway Surfaces (Revised - Effective 08/01/11): Individual driveways for single-family homes need not be paved but shall have a compact, non-erosive surface. For all other types of residential uses, including two-family dwellings and common driveways for two or more single-family homes, driveways and driveway aprons shall have paved surfaces consisting of a minimum of two (2) inches, after compaction, of Class II bituminous concrete placed on a minimum of eight (8) inches, after compaction, of processed aggregate base or eight (8) inches of bank run gravel and four (4) inches of

processed gravel, unless the Commission expressly allows the use of alternative materials. Class II "Bituminous Concrete" and "Processed Aggregate Base" materials shall conform to the State of Connecticut Standard Specifications Sections M.04.01, M.04.03, and M.05.01 respectively. The Commission may also, upon request, approve the use of alternative driveway surfaces, which shall consist of a non-erodible, all-weather surface including, but not necessarily limited to, bituminous concrete pavement; concrete pavement; brick, concrete or stone pavers; penetration macadam or chip seal; and porous paving systems using concrete or plastic grid structures.

c. Driveway Width:

1. Unpaved driveways are required to be a minimum of ten (10) feet in width and a maximum of twenty (20) feet in width. When driveways are required to be paved in accordance with these Regulations or any permits issued under these Regulations, the driveways shall have a minimum pavement width of ten (10) feet, and a maximum pavement width of twenty (20) feet. The minimum corner or curb radius at the intersection of a town road and driveway shall be five (5) feet. All brush, trees, and any other obstructions shall be cleared and removed for a distance of three (3) feet beyond the edge of pavement along both sides of the entire length of the driveway.

2. Except as hereafter provided, common driveways shall have a paved surface no less than twelve (12) feet wide with load-bearing shoulders at least four (4) feet wide on each side. The Commission may allow a reduction in these widths if the applicant demonstrates that physical constraints, such as wetlands or steep slopes, would make it exceptionally difficult to construct a driveway having such widths. Examples of "exceptional difficulty" include possible negative environmental impacts, such as wetlands degradation and erosion/sedimentation hazards. (Revised – Effective 06/08/15)

d. Side Line Setback: The side or edge of a driveway shall not be located any closer than five (5) feet from an adjacent property line, except where a common driveway or curb cut is provided to serve more than one lot, in which case such setback shall only apply to a property line of an adjacent lot which is not served by the common driveway or curb cut. In addition, the point at which the driveway curb radius intersects the edge of pavement or curb line of a town road shall not encroach beyond the point where the extension of the property line meets the town road, except in the case of a common driveway or curb cut, where such requirements shall only apply to an adjacent lot which is not served by the common driveway or curb cut.

e. Sight Distance: The visibility at driveway intersections with town roads shall be such as to allow a stopped vehicle on the driveway, located six (6) feet back from the gutter line, to see, and to be seen from, a vehicle approaching from either direction along the town road, a distance of not less than one hundred seventy-five (175) feet, based on a height of eye and object of 3.5 feet. The Director of Public Works may require the removal of sight obstructions including but not limited to trees, bushes, shrubs, boulders, rocks, and stone walls, or adjustments of cut slopes, adjacent to intersections of a private driveway with a town road in order to assure an adequate sight distance and to ensure a safe and efficient means of access for emergency vehicles.

f. Gradient: Driveway grades within the street right-of-way shall not exceed eight (8) percent, and within private property shall not exceed fifteen (15) percent.

g. Ascending Driveways: Driveways that ascend into private property shall be surfaced and maintained with a suitable material from the driveway apron to the high point in the driveway to prevent and disallow erosion and sedimentation. Unless otherwise approved by the Director of Public Works,

driveways shall be cross sloped so as to establish sheet flow drainage and avoid the discharge of concentrated runoff into town roads.

h. Descending Driveways: For driveways that descend into private property, driveway aprons shall rise in elevation from the town road gutter line to the town road right-of-way line a minimum of six (6) inches before descending into the property.

i. Turnouts: On driveways exceeding a total length of three hundred (300) feet, turnouts with a minimum width of ten (10) feet and a minimum length of (30) feet shall be provided for each three hundred (300) feet of driveway length to permit a vehicle to pull off the driveway so that another vehicle may safely pass without leaving the driveway surface. A common driveway that possesses a minimum travel surface width of twenty (20) feet is not required to have turnouts.

j. Drainage: Driveways shall be constructed in such a manner that they do not permit the runoff of water from the abutting town road to enter into the property of the owner, or adjacent properties, thereby creating a nuisance to the Town and the property owner, unless an easement in a form satisfactory to the Town of Coventry is granted by such owner to the Town for such runoff. Under no circumstances shall a driveway apron be constructed so as to obstruct or alter the free flow of water in the road gutter line or other drainage ways of the Town of Coventry.

k. Driveway Culverts: Where culverts under driveways are required by the Director of Public Works within the Town road right-of-way, such culverts shall be constructed of reinforced concrete pipe or high density corrugated polyethylene smooth interior pipe, and shall be of such size, not less than fifteen (15) inches in diameter, as to adequately convey under the driveway all surface runoff that may reasonably be expected to reach the culvert inlet during a storm with a 10-year recurrence interval. All culverts shall be of such design to withstand AASHTO H-20 loadings and shall have a minimum cover over the top of the culvert of one (1) foot, unless otherwise approved by the Director of Public Works or his or her duly authorized representative. Culverts shall be placed on a minimum eight (8) inch depth bed of 1/2-inch crushed stone, and, shall be backfilled with 1/2inch crushed stone to a minimum dimension of six (6) inches around the outside perimeter of the pipe with a layer of filter fabric placed on top of the crushed stone. Inlet and outlet ends of culverts shall have flared end sections.

l. Removal of Guide Rails: Any driveway installation that requires the removal of a portion of a guide rail shall be secured with concrete end anchorages on each side of the driveway. All such work shall be the responsibility, and at the expense of, the applicant.

m. Disturbance of Monuments: Driveways shall be located and constructed such that no disturbance of road right-of-way monumentation occurs. In the event of accidental disturbance of a monument, the owner of the property served by the driveway shall be responsible for retaining and paying for the services of a land surveyor licensed in the State of Connecticut to reset the monument and to provide a Letter of Certification to the Director of Public Works. Where driveways are constructed on new roads which have not yet been monumented, they shall be located so as not to interfere with the future placement of monuments.

n. Final Grading and Stabilization: Where grading is required in a Town road right-of-way, slopes shall not be steeper than one (1) unit vertical to two (2) units horizontal, and shall be covered with a minimum of six (6) inches of topsoil, and limed, fertilized, seeded and mulched.

### **Section 4.14.03 Certification of Certain Driveways**

No final certificate of zoning compliance or building permit shall be issued for any lot on which a driveway has been constructed after November 13, 2006, to serve either (1) a rear lot, or (2) two or more lots (i.e., a common driveway) unless a licensed professional engineer certifies that the driveway has been constructed in full compliance with this Section 4.14.

## **ARTICLE V - REGULATIONS APPLICABLE TO SPECIFIC USES**

### **Section 5.01 Signs**

#### **Section 5.01.01 Definition of Sign Area**

For purposes of Section 5.01 of these Regulations, the area of a sign shall be considered to be that of the entire communication device exclusive of supports, unless the supports are also used to advertise. Signs having two faces (sides) are entitled to have up to the maximum permitted area on each face (side). Signs having more than two faces shall be permitted to have no more than twice the maximum area that would be allowed under these Regulations for a sign with one face.

#### **Section 5.01.02 General Provisions**

- a. Except as otherwise provided in these Regulations, signs shall only be allowed on the same lot as the associated use.
- b. Exterior illumination of signs is permitted only if the illumination is confined or directed solely to the surface of the sign. Internally lit signs are not permitted except on lots used for nonresidential purposes in the C and CA zones.
- c. Except as these Regulations may otherwise expressly allow, no sign or any part thereof shall be electronically or mechanically rotated or moved, or to have any visible electronic or mechanical movement of any description. Barber poles, clocks, and time and/or temperature displays are exempt from this subsection and may be permitted in accordance with the other applicable provisions of Section 5.01.
- d. No sign shall be placed within ten feet of the paved portion of any street, or within ten feet of the traveled portion of any unpaved street.
- e. Ground signs, including supports, shall not exceed a height of twelve (12) feet in the GR-40, GR-80, LR, R/A, and VR zones, or fifteen (15) feet in any other zone. The height of a sign shall be measured above the average surface elevation of the ground where the supporting structure(s) or bottom of the sign is located.
- f. No sign attached to a structure shall project more than six (6) feet over the highest point of the roof of such structure.

g. All signs shall be properly maintained and shall not be allowed to fall into disrepair. Signs that are not properly maintained and fall into disrepair shall be removed by the property owner.

h. Town-owned property shall be exempt from the provisions of Section 5.01 of these Regulations.

### **Section 5.01.03 Signs that Do Not Require a Permit**

The following signs do not require a sign permit, provided that they comply with the applicable provisions of these Regulations:

a. Governmental Signs: Signs erected by a Town, State or federal official or agency on property owned by or within the control of the Town, State or federal government.

b. Small Signs: Two (2) signs per lot, one not exceeding four (4) square feet in area and the other not exceeding one (1) square foot in area, may be attached flat against any building. Two (2) additional signs, one not exceeding four (4) square feet in area and the other not exceeding one (1) square foot in area, may be installed at any other location on the lot, subject to the provisions of Section 5.01.02.

c. Legally Required Signs: Signs required by any applicable law, or required to protect property owners from potential legal liabilities, such as “no trespassing” signs, may be placed in such locations as may be necessary to satisfy the applicable legal requirements.

d. Temporary Signs for Events: One sign, no greater than forty (40) square feet in area, may be erected on any lot for a period of up to sixty (60) days prior to any election, referendum, or political, public, charitable, educational, sporting, recreational, or religious event. Such signs must be removed within five (5) days after the election, referendum, or event.

e. Signs regarding Property for Sale or Rent: One (1) sign, not exceeding four (4) square feet in area, may be placed on residential property that is for sale or rent. One (1) sign, not exceeding twenty (20) square feet in area, may be placed on a condominium, commercial and industrial property that is for sale or rent. In addition to the foregoing signs, one additional sign shall be allowed off-site for each parcel to be sold or rented, provided such signs (i) are used solely for directional purposes and/or for advertisement of the property for sale or rental; (ii) are located at intersections; (iii) are not located on Town or State property or rights-of-way; (iv) do not interfere with sight lines; and (v) do not exceed four (4) square feet in area. (Revised - Effective 08/01/11)

f. Window Signs: Signs may be located on the inside of the windows of commercial buildings, provided that such signs do not cover more than thirty (30%) percent of any single window.

g. Agricultural Signs: One (1) or two (2) signs may be placed on a lot used for farming, not exceeding twelve (12) square feet in area per sign, during times when the farm is selling agricultural products produced on the farm.

h. Tag/Yard/Garage Sale Signs: One (1) sign, not exceeding four (4) square feet in area, is allowed for a period not to exceed seven (7) days. Such signs must be removed no later than seven (7) days after the relevant event.



i. Art Form: Artistic paintings, sculptures, and similar works of art shall not be deemed to be signs provided that such works contain no commercial message, motif, or image and are not expressly intended to draw attention to any business, service, or other commercial or industrial enterprise, or to any product for sale; and that they comply with the height, location, size, and other requirements of these Regulations. However, any art work that is eight feet (8') or larger in any dimension shall be deemed to be a structure and shall be subject to the applicable yard and setback requirements of these Regulations.

j. Gasoline Stations: Signs affixed to gasoline and diesel fuel pumps.

#### **Section 5.01.04 Signs that Require a Permit**

Except for those signs enumerated in Section 5.01.03 of these Regulations, no sign shall be erected or established until the issuance of a sign permit by the Commission or its authorized agent. The following signs may be permitted in addition to those specified in Section 5.01.03. A change in the text or content of a sign, with no other change in size, location, illumination, or any other aspect of the sign, shall not require the issuance of a new sign permit.

#### **Section 5.01.05 Residential Signs**

The following signs are permitted in connection with residential uses:

a. Apartment/Condominium Developments: One (1) sign per development, not exceeding twenty-four (24) square feet, plus one (1) sign per building not exceeding four (4) square feet. (Amended – Effective 03/31/09)

b. Subdivisions: For any residential subdivision of ten (10) lots or more, one (1) sign not to exceed thirty-two (32) square feet in area may be placed at a location to be approved by the Commission at the time of subdivision approval, or thereafter. Such sign may be maintained for a period of one (1) year from the date of subdivision approval, after which it shall be removed by the subdivision applicant or the applicant's successor or assign. Upon application, the Commission may grant extensions for up to one (1) additional year each.

#### **Section 5.01.06 Non-Residential Signs**

The following signs are permitted in connection with non-residential uses:

a. Exterior Signs: When painted on or applied to the principal building wall, such signs shall not exceed a total area of one and one-half (1 1/2) square feet for each lineal foot of building facing the street, or three hundred (300) square feet, whichever is less. For buildings having multiple occupancy, linear footage shall be divided based on each occupant's share of the building.

b. Free-Standing Signs: Free-standing signs on properties used as gasoline stations shall not exceed sixty (60) square feet. Other free-standing signs shall not exceed fifty (50) square feet, or six (6) square feet per tenant, in area, whichever is greater. Free-standing signs shall be within the property lines and shall be set back at least twenty (20) feet from the paved portion of any street and from the traveled portion of any unpaved street, except that in the VR, G, and VC Zones, the setback shall be at least ten (10) feet. Free-standing signs shall not be located less than ten (10) feet from the lot side lines in the VR,

G, and VC Zones, and not less than fifteen (15) feet from the lot side lines in all other zones, except that such signs shall be located no less than fifty (50) feet from any abutting portion of a residential zone. Lots having frontage of less than two hundred (200) feet may place a free-standing sign in the center of the property. For buildings having multiple occupancy, the allowable sign area shall be divided among the occupants by the owner of the property. There shall be no more than one (1) free-standing sign per lot. Such sign shall be supported by one or more columns or uprights that are firmly embedded in the ground.

c. Directional Signs: Directional signs may be located at the access driveways for sites, outside of any public road right-of-way. Such signs shall not exceed four (4) square feet in area, and there shall be no more than one (1) such sign per driveway.

d. Unified Commercial, Industrial, or Office Complexes: In the case of shopping centers, industrial parks, office parks, and other non-residential developments of five (5) acres or more, served by a common street or set of driveways, and approved by the Commission as a single special permit and/or non-residential subdivision, one (1) additional sign, either free-standing or exterior, and not exceeding twenty (20) square feet in area, may be authorized by special permit.

### **Section 5.01.07 Applications and Permits**

Applications for any signs requiring a permit shall be made on a form to be provided by the Commission. The application shall be accompanied by (i) a site plan showing the shape and dimensions of the lot, the location of the proposed sign(s) on the lot, distances from roads and property lines, and distances from buildings and structures on the lot; and (ii) an illustration of the proposed sign(s), including dimensions, materials, illumination, and structural support. A permit may be issued by the Commission or its authorized agent if all of the pertinent provisions of these Regulations are satisfied.

## **Section 5.02 Off-Street Parking and Loading**

### **Section 5.02.01 General Statement**

a. Parking Areas: All buildings, structures, and uses of land shall be provided with a sufficient number of off-street motor vehicle parking spaces to meet the needs of persons who may reasonably be expected to use such buildings or structures or to make such uses of land. For the specific uses identified in Section 5.02.04, the minimum number of required parking spaces shall be as set forth in that section. However, the Commission may require additional parking spaces if it finds, based on information in the record that it is reasonable to expect such spaces to be required to accommodate the specific use or uses proposed or existing on the lot. Parking areas and spaces shall be constructed with suitable all-weather materials to minimize the generation and movement of dust and earth materials. Sufficient provisions must also be made for access to the buildings, structures, or uses by emergency vehicles, such as police, fire, and medical vehicles. No business activities may be conducted in any parking area.

b. Loading Areas: For all non-residential uses, adequate space shall be provided in suitable locations for the loading and unloading of goods and materials. In determining the adequacy and suitability of such space, the Commission shall be guided by the nature and intensity of the use, the volume, and nature of traffic expected to use such space, and the location of buildings and structures in relation to the street.

### **Section 5.02.02 Restrictions on Unregistered Motor Vehicles**

Parking or storage of more than two (2) unregistered motor vehicles shall not be permitted on any residential property except within a building. Vehicles used on a farm are exempted, but such vehicles shall not be kept in any front yard. Unregistered motor vehicles may not be parked or stored on residential property for purposes of private sale, except that parking or storage for one such sale may be allowed every six (6) months. Such parking or storage shall not exceed a period of thirty (30) consecutive days. The six-month period described above shall commence on the last day of the most recently allowed parking or storage of a vehicle for sale.

### **Section 5.02.03 Location of Parking Facilities**

a. General Rule: Except as provided hereafter, the parking and loading facilities required by these Regulations shall be provided on the same lot or premises with the structure or land use they are to serve. This requirement shall not apply to the temporary use of land for special events authorized or sponsored by the Town of Coventry. Whenever a formula for the minimum number of parking spaces under these Regulations would produce a fractional number, the number shall be rounded to the next highest whole number.

b. Collective Parking Areas: The Commission may, by site plan review and approval, allow the provision of a collective off-street parking area, or a group of such areas, on one or both of two or more adjacent or nearby lots. The total number of parking spaces in any such collective area or areas shall not be less than the sum of the requirements for the various buildings or uses computed separately. If the subject lots are not under unified ownership or control, the Commission may require that a suitable notice of lease be filed in the Coventry Land Records and in the Zoning Office as a condition precedent to the issuance of the special permit. The leases must bind each of the owners of the affected lots to permit access and parking and to provide for the maintenance of all parking areas, and shall provide sufficient parking spaces to meet the parking requirements for the use of the subject property.

c. Shared Use of Parking Spaces: The Commission may, by special permit, allow a specific number of parking spaces to be shared by more than one (1) building or use where evidence is provided to indicate that such buildings or uses will have peak occupancy or parking demand during different times of the day or week. In no event shall such joint use reduce the required parking for any building or use by more than twenty-five percent (25%).

d. Multiple Uses and Facilities: When two or more different uses are located on a single lot, the total amount of parking and/or loading spaces to be provided shall be the sum of the requirements for each individual use on the lot. The Commission may, subject to Site Plan Review in accordance with Section 7.02.06, herein, approve the joint use of space by two or more establishments on the same or on contiguous lots where the total capacity of such space is less than the sum of the spaces required for each use; provided that the Commission finds that the capacity to be provided will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees among such establishments, and further provided that such approval of such joint shall be automatically terminated upon the termination of any such establishments.

### Section 5.02.04 Off-Street Parking Requirements

The following schedule of parking requirements shall apply (singularly for a single use and in combinations for more than one use) to the uses listed (not all of which may presently be permitted in any zone under these Regulations). Permitted uses not listed below shall be subject to individual review by the Commission for determination of necessary parking facilities.

Use	Spaces Required*
a. Dwelling	2 per dwelling unit
b. Dwelling with home occupation	2 per dwelling unit plus 1 per employee working on site, (also, see Section 5.05)
c. Senior housing	2 per dwelling unit
d. Lodging facilities, including bed and breakfast facilities	1 per guest sleeping room
e. Theatre, assembly space, or auditorium with fixed seats	1 per 3 seats
f. Food service uses	1 per 3 seats or 1 per 30 square feet of gross floor area, whichever is greater
g. Churches	1 per 3 persons (design capacity)
h. Meeting or conference rooms	1 per 3 persons (design capacity)
i. Convalescent or nursing home	2 per 3 beds, plus 1 per 3 employees
j. Business and professional offices and banks	1 per 250 square feet of gross building floor area, excluding basement storage, utility areas, stairs, and halls. Bank drive-in windows shall have at least five (5) off-street waiting positions
k. Retail and personal service stores	1 per 250 square feet of gross building floor area, excluding basement storage, utility areas, stairs, and halls
l. Industrial uses excluding storage	1 per 500 square feet of gross building floor area or 1 per employee, whichever is greater
m. Warehouses and storage	1 per 5,000 square feet of gross building floor area, or 1 per employee, whichever is greater
n. Day care facilities	1 per 6 children (design capacity)
o. Museum	1 per 500 square feet of gross floor area
p. Commercial kennel	1 per 500 square feet of gross floor area

\*The Commission may waive the number of spaces required by an affirmative vote of four members upon good cause shown by the applicant. (Added – Effective 06/15/12)

**Section 5.02.05 Off-Street Loading Space Requirements**

Loading spaces shall not be less than fifteen (15) feet wide, twenty-five (25) feet long, and fourteen (14) feet high. Each loading space shall contain an area sufficient in size and arrangement to accommodate trucks of the type servicing the establishment. All building areas listed in the following table are gross floor areas. Non-residential uses not specifically listed in the following table shall be subject to individual review by the Commission for determination of necessary loading facilities. The requirements listed in the following table are minimum requirements, which may be increased by the Commission if it deems it necessary.

<u>Use Classification and Building Size</u>	<u>Number of Spaces</u>
a. Retail Store Buildings:	
Zero to 15,000 square feet	1 space
15,001 to 50,000 square feet	2 spaces
More than 50,000 square feet	3 spaces
b. Office, Institution, Theatre, and Public Assembly Buildings:	
Zero to 30,000 square feet	1 space
30,001 to 50,000 square feet	2 spaces
More than 50,000 square feet	3 spaces
c. Industrial and Warehousing Buildings:	
Zero to 50,000 square feet	2 spaces
More than 50,000 square feet	3 spaces

**Section 5.02.06 Submission and Approval of Plans for Parking**

Applications for zoning permits or special permits for all uses other than single-family or two-family residential accessory uses shall be accompanied by a certified plot plan, drawn to scale and prepared by a licensed civil engineer or land surveyor, showing the location, size, and arrangement of off-street parking and loading facilities required by these Regulations, the means of access to such facilities from the public street, and any separate egress from such facilities. The parking plan shall also show proposed surface materials, screening, landscaping, lighting, drainage, and other improvements. The parking plan shall be evaluated by the Commission for compliance with these Regulations, and for adequate relationship of entrances and exits to the flow of traffic on the public streets, safeguarding of pedestrians in the public way and in the parking facility itself, and adequacy of vehicular and pedestrian circulation.

**Section 5.02.07 Parking Specifications**

a. Dimensions: Dimensions of parking spaces and aisles shall be at least as follows:

1. Width of Space - 9 feet; or 10 feet if adjacent to a wall or column.
2. Length of Space - 18 feet.
3. Width of Aisle

	<u>Two-Way</u>	<u>One-Way</u>
Space angle 80 degrees or greater to aisle	24 feet	24 feet
Space angle 70 to 79 degrees to aisle	20 feet	19 feet
Space angle 60 to 69 degrees to aisle	20 feet	18 feet
Space angle 40 to 59 degrees to aisle	20 feet	13 feet
Space angle 39 degrees or less to aisle	20 feet	12 feet

b. Surface: Parking and loading facilities shall have an all-weather surface adequate for the intended use. Typically, an adequate parking surface for uses other than single-family or two-family residential dwellings shall consist of no less than four (4") inches of processed stone or gravel and a minimum of two (2") inches of bituminous pavement. The Commission may require a greater thickness or higher specification of surfacing materials if high traffic volumes or heavy vehicle weights are anticipated. Owners of property used for nonresidential and multifamily residential purposes shall be responsible for regular maintenance of parking and loading areas so that the surface of such areas remains free of puddles, icing, potholes, erosion, dust, and similar defects, and is usable during all weather Conditions.

c. Circulation: Parking and loading facilities for nonresidential and multifamily residential purposes shall be designed to provide for safe circulation of vehicular and pedestrian traffic within the parking area and in relation to adjacent streets. Such facilities shall be laid out in such a way that vehicles may enter and leave the facilities only at the approved entrances and exits. Parking spaces shall not be directly accessible from a street or other public way. Where trucks are to be admitted to parking lots, suitable turning and maneuvering geometry shall be provided. The Commission may require sidewalks if, and in such locations as, circumstances may warrant. No sales, dead storage, repair work, dismantling, or servicing of any kind shall be carried on in non-residential parking spaces or lots. All parking spaces and all loading spaces shall be so located that vehicles entering or leaving such spaces do not block any entrance drive to the parking facility within twenty (20) feet of any street line. Driveways entering a State highway shall be provided with a turning area so that motor vehicles may enter the highway in a forward direction.

d. Landscaping: In each parking lot, any contiguous area of one hundred (100) square feet or more not required for a parking space, loading space, aisle, driveway, or walkway shall be landscaped. In every parking facility at least one healthy, living tree shall be provided for each ten (10) parking spaces

provided. The trees shall be distributed over the entire parking lot. At the time of planting, deciduous trees shall have a diameter of at least two and one-half (2.5) inches when measured at a height of four (4) feet from the ground. Evergreen trees shall have a height of no less than six (6) feet at the time of planting. All parking and loading areas shall utilize landscaped islands to define and separate parking rows, maneuvering lanes, and access driveways to prevent random vehicular movement and the appearance of large areas of uninterrupted pavement. The capacity of any parking area shall not exceed seventy-five (75) spaces, and where more parking is required, two (2) or more parking areas shall be provided, separated by a minimum of ten (10') feet of landscaped area.

e. Screening: Loading areas and dumpster/recycling areas shall be screened by fences, walls, or landscaped screens. Non-residential parking and loading areas shall be screened from adjacent residential uses; provided, however, that required screening along streets may be modified where required to provide safe sight lines. Provisions shall be made to prevent vehicles from overhanging any walkway and from damaging trees or other landscaping materials; however, use of concrete wheel stops shall be prohibited in the direct path of pedestrians. If a parking lot abuts a street line, a landscaped strip at least ten (10) feet wide shall be provided on the interior side of the property line to prevent encroachment on the street or any sidewalk.

f. Drainage: All parking areas for principal uses other than single-family or two-family dwellings shall provide for proper drainage and snow removal. All stormwater drainage systems shall provide for the trapping and removal of road sand and other water-borne debris. All drainage systems shall be designed to prevent the flow of stormwater onto public roads.

g. Lighting: All portions of parking areas for principal uses other than single-family or two-family dwellings shall be illuminated to a minimum level of one-half (0.5) foot-candle and an average level of two (2) foot-candles per square foot, except that light levels at all property lines must be no greater than one-tenth (0.1) foot-candle. Lighting standards in parking areas shall not exceed sixteen (16) feet in height. No lighting shall create glare, nor shall the unshielded light source be visible from any property line of the site. The same standards shall apply to maneuvering lanes and access drives. Pedestrian ways shall be illuminated by light bollards or other low-level standards with shielded light sources. All loading areas and rear entries shall be illuminated to the level of parking areas.

h. Maintenance: The provision and maintenance of off-street parking and loading facilities in accordance with these Regulations shall be a permanent condition of the continuation of the use for which they were provided. It shall be a violation of these Regulations for any owner or person in possession of any property to discontinue, obstruct, alter, and fail to maintain or plow, or otherwise render unusable any parking or loading area, maneuvering lane, access drive, or other facility required by this Section 5.02.

## **Section 5.03 Earth Removal and Filling**

### **Section 5.03.01 Statement of Purpose**

The purposes of this Section are to preserve a vegetative cover on the land, to prevent unnecessary erosion and sedimentation, and to control any excavation or filling operations that may create a safety or health hazard to the public or to nearby property owners or that may be otherwise detrimental to the immediate neighborhood or the Town.

### **Section 5.03.02 General Provisions**

Except as provided in Section 5.03.03 of these Regulations, earth removal, and filling as a separate, for-profit use of land may be allowed only upon the issuance of a special permit. Earth removal and filling may also be allowed as of right, but only where such activities are incidental to and necessary for the conduct of another use otherwise permitted in the zone, and only in accordance with these Regulations.

### **Section 5.03.03 Exemptions; Administrative Review**

A special permit shall not be required for the necessary and incidental excavation or removal of three hundred (300) cubic yards or less per year of material on or from a lot or parcel, or for any filling activity, only if such activity occurs in connection with one of the following items a through f.

For activities involving the excavation or removal of three hundred (300) cubic yards per year or less [and not otherwise exempt under a through f below], the property owner shall provide the Zoning Enforcement Officer with such information described in Section 5.03.04 below as such officer shall deem necessary to make an administrative determination that the proposed activity will not result in any adverse erosion, sedimentation, runoff or other negative on-site or off-site impacts. If the Zoning Enforcement Officer is unable to conclude that no such impacts will exist, the property owner may apply to the Commission for a special permit as provided herein. In addition, the Zoning Enforcement Officer (or his/her designee) shall have the right to inspect the premises on which the activity is taking place in order to ensure that no erosion or sedimentation control hazards or other threats to the environment exist. If any such hazards or threats or other issues deemed significant arise during or after the each excavation activities, the Zoning Enforcement Officer may require the submission of a site plan substantially in the form required under Section 5.03.04.

In all instances, the property owner shall apply all necessary erosion and sedimentation control measures as per the current versions of the Connecticut Guidelines for Erosion and Sediment Control.  
(Revised – Effective 06/15/12)

a. The bona-fide construction or alteration of a structure for which a zoning permit or special permit has been issued, provided that the application materials specified the amount of material to be removed or filled. Earth materials may only be excavated to the extent necessary to allow the permitted building or other construction activities. All such materials shall be retained on the property unless the property owner demonstrates to the Commission or its authorized agent that such materials cannot be practically reused on the property.

b. Normal agricultural operations.

c. The construction of ponds for agricultural or conservation, fire protection, or recreation purposes, provided the Commission finds that (i) the material removed is left on the site unless the applicant proves to the Commission that such materials cannot be practically reused; and (ii) the excavation or construction does not affect any watercourse or wetlands drainage or flow and will not cause soil erosion or sedimentation problems.



d. A bonded or otherwise secured subdivision or resubdivision approved by the Commission in which such excavation or filling has been determined by the Commission to be necessary for proper subdivision of the parcel.

e. Construction or alteration of a septic system.

#### **Section 5.03.04 Additional Site Plan Requirements**

In addition to any other requirements for site plans under these Regulations, the site plan for an excavation, removal, or filling activity shall include the following information:

a. Location of the area to be excavated or filled and proposed commencement and completion dates.

b. A detailed statement of the nature, extent, timing, and purpose of the activity.

c. Depth of existing top soil at various locations.

d. Depths to water table before and after the activity.

e. Proposed truck routes and access to and from the property.

f. Proposed truck circulation within the property.

g. Existing and proposed drainage measures on the premises.

h. Proposed measures for control of runoff, soil erosion, and sedimentation.

i. Existing topographic contour lines on the premises and proposed final contour lines resulting from the intended excavation, removal, or filling, shown on a map drawn to scale of not more than forty (40) feet to the inch, and with contour intervals no greater than five (5) feet. Where feasible, contour lines must be shown for all areas within, and within fifty (50) feet of, the site of the proposed excavation, removal, or filling.

j. All existing buildings or structures on the site and any proposed buildings, structures, or uses.

k. Surrounding properties and streets.

l. A restoration and re-use plan, indicating the proposed final topographic configuration of the parcel. For purposes of land aesthetics, the proposed final slopes may range from ratios of 2:1 to 4:1. The plan shall include provisions for ground cover, including top soil, reforestation and seeding. The Commission may modify the plan in order to encourage and permit the reasonable re-use of the parcel at the conclusion of the excavation activities.

### **Section 5.03.05 Limit of Permit and Findings**

a. The expiration date for any special permit for earth excavation or filling shall be two (2) years from the date of issuance. The special permit shall be filed in accordance with Section 7.03.08.f of these Regulations prior to commencement of any operations. Any permittee seeking to renew a special permit for earth excavation or filling must submit an application for renewal no less than thirty (30) days prior to the expiration date or the activity will be considered suspended until a decision is rendered. Each such special permit shall be renewed by the Commission, without need for any public hearing, for an additional period of two years provided both of the following conditions are met: (i) the permitted activity must be in compliance with all terms and conditions of the special permit, as initially issued or subsequently modified by the Commission, and of these Regulations; and (ii) the Zoning Enforcement Officer or other authorized agent of the Commission must provide a written report to the Commission that he or she has inspected the property no more than ninety (90) days prior to the expiration date of the special permit, as it may have been previously renewed, and has found no violations of any terms and conditions of the special permit or of these Regulations.

b. In the event that one or both of the conditions set forth in subsection 5.03.05.a for the renewal of a special permit for earth excavation or filling are not met, the Commission shall schedule the application for renewal for a public hearing. The special permit shall be deemed to be effective until the Commission has made a decision on the application following the public hearing. Whenever such a hearing must be held under this Section 5.03.05.b, the Commission shall not renew the special permit unless the applicant demonstrates to the Commission's satisfaction that all violations of the terms and conditions of the special permit, as previously issued, and of these Regulations shall be promptly corrected and that the standards for the issuance of a special permit, as set forth in Section 7.03 of these Regulations, will be met. The Commission may place conditions on the renewal of any special permit in accordance with Section 7.03 of these Regulations.

c. A project may be divided into stages, and approval shall be required by the Commission before each stage is undertaken if deemed necessary or desirable by the Commission. No special permit shall be issued or renewed unless the following conditions are met:

1. The activity shall not result in the creation of any sharp declivities, pits or depressions, unnecessary soil erosion, soil fertility problems, or permanently depressed land values, or create any drainage or sewage problems or other conditions that would impair the use or reuse of the property or neighboring property in accordance with these Regulations or that would create a nuisance.

2. The activity shall be in harmony with the general purpose and intent of these Regulations and shall not have an adverse effect on any existing or potential surface-water or groundwater supplies.

3. The premises shall be excavated and graded in conformity with the proposed plans as approved.

4. During the period of excavation and removal, adequate barricades shall be erected for protection of vehicles and pedestrians.

5. No heavy equipment other than for digging, leveling, loading, and carting excavated material shall be used on the site, and no material shall be processed on the site, unless written permission is first obtained from the Commission.

6. At all stages of operation, proper drainage will be provided to avoid the occurrence of stagnant water and to prevent interference with and contamination of surface water and groundwater.

7. During and after the excavation, removal, or filling, the site shall be cleared of debris.

8. Silt and sediment shall not be permitted to run off the site and settlement basins shall be used to control sedimentation.

9. Adequate arable soil from any excavation or fill area shall be set aside and retained on the premises, and shall be respread over the affected area and permanently seeded upon completion of the entire operation or any part thereof. At least four (4) inches of topsoil must be placed on the entire excavation or fill area at the conclusion of the operation or any approved phase thereof. The soil shall then be seeded with a suitable cover crop. Plans for regrading and revegetating the completed site shall be referred to the North Central Conservation District for recommendations prior to the issuance of the required special permit.

10. No excavation or removal shall be made nearer than twenty-five (25) feet to any property line or, if the final grade will be below the established elevation of an abutting street, one hundred (100) feet from the abutting street line unless the Commission expressly authorizes a shorter distance upon determining that such a distance will have no adverse impact on the abutting or nearby properties. No excavation or removal shall be made within three hundred (300) feet of any residence unless the Commission expressly authorizes a shorter distance upon determining that such distance will have no adverse impact on the abutting or nearby properties. The measurement of distance shall be made from the top of the slope. Examples of “adverse impact” include: decreased vegetative buffering to residence, potential of erosion and sedimentation hazards, effect on enjoyment, use or value of the residential property. (Revised – Effective 06/08/15)

11. Proper measures shall be taken to minimize the generation of dust on access roads and driveways, and to minimize the nuisance of noise, flying dust, and rocks, both on and off the premises, including any nuisance created by trucks hauling away or delivering material. If considered necessary by the Commission, a limitation may be placed upon the stockpiling of excavated or fill material. The permittee shall be responsible for cleaning and repairing any Town street that is dirtied or damaged by the permittee’s vehicles and equipment.

12. Upon completion of an approved operation, the final grades in any area excavated or filled shall not be steeper than three to one (3:1) horizontal to vertical or whatever lesser slope is necessary to maintain stability under the site's particular soil Conditions. The site shall be subject to, and must continuously conform to, the State of Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

13. Machines and trucks working and moving in, to, and from the pit area shall be properly muffled and covered at all times.

14. No stone crusher or other machinery that is not required for actual removal of the material shall be used, except that the Commission may, as a specific provision of a special permit, allow the temporary use of such machinery for a specified duration.

15. There shall be no commercial quarrying of stone or rock.

#### **Section 5.03.06 Additional Restrictions**

a. Blasting for the removal of earth products shall not be allowed unless written approval is granted by the Commission and any other local or state agency having jurisdiction over blasting operations. An applicant for any activities involving blasting shall be required to show that the blasting will not cause a nuisance or damage to nearby property. The Commission may require a pre-blasting survey.

b. At no time shall more than one undivided area, which area shall not exceed four (4) acres in size, be opened within the lot, it being the intent of these Regulations that the remainder of the lot either shall be undisturbed land or shall have been restored or stabilized in accordance with Section 5.03.05. Boundary stakes shall be maintained at all times for the purpose of inspection for compliance.

c. No activity connected with any excavation, removal, or filling operation may be undertaken (i) on any Sunday or any legal holiday; or (ii) earlier than 7:30 a.m. or after 5:30 p.m. Monday through Friday; or (iii) earlier than 8:00 a.m. or after 12:00 noon on a Saturday. No processing of earth products shall take place on Saturdays.

d. As a condition for granting a special permit, the Commission may limit the total number of acres to be excavated, the depth of the operation, the hours and days of operation (which restrictions may be more stringent than those set forth in subsection (c), above), and the volume, type and routes of truck traffic.

e. Filling operations shall be carried on in such a manner as to prevent the breeding or harboring of insects, rats, or other vectors or vermin, and to prevent the transport of fill or excavated material, or any waste or debris, off the premises by wind, water, or other causes.

f. Failure to meet any of the foregoing requirements shall bar the issuance of a permit until all activities and conditions are brought into compliance. This prohibition shall exist regardless of whether such failure was caused by the applicant, any predecessor in title, or any other person.

#### **Section 5.03.07 Performance Security Standards**

The applicant shall file with the Commission a detailed estimate of the cost of the work to be performed as part of the special permit, including, but not limited to, all excavation, removal and filling, as well as all sedimentation and erosion control measures to be installed and continuously maintained, and all work necessary to completely restore the site as required by these Regulations. As a condition of the special permit, the applicant shall post security in a form acceptable to the Commission. In order to insure the faithful performance and completion of the work pursuant to the conditions of the special permit, any security provided under this section shall be filed with the Town Treasurer in a sum and form satisfactory to the Treasurer and the Commission and shall be in force until canceled by the Commission. Such security may be reduced or canceled only with the approval of the Commission and only if a written request for such reduction or cancellation is provided to the Commission at least thirty (30) days in advance.

### **Section 5.03.08 Revocation of Permit**

If it appears to the Commission or its authorized agent at any time after the issuance of a special permit under the provisions of Section 5.03 of these Regulations, and prior to the completion of the work thereunder, that any of the work is not in accordance with these Regulations or the terms of the special permit, the Commission or its authorized agent may serve a notice on the violator stating the nature of the violation and giving not more than thirty (30) days for the violation to be corrected. If the violation is not corrected within the time specified in the notice, the Commission may revoke the permit and take such other actions as it may reasonably deem necessary to bring the work into compliance with these Regulations and the terms of the special permit, including, but not limited to, utilizing the performance security specified in Section 5.03.07. These provisions are in addition to, and not in lieu of, any other enforcement provisions set forth in these Regulations.

### **Section 5.03.09 Existing Operations**

An existing excavation, removal, or filling operation may continue as a nonconforming use until the expiration of the permit under which the use was authorized, but the operator must file with the Commission a statement setting forth the area included in the operation as permitted and the nature, extent, and purpose of the operation now being carried on. After such a statement is filed with and approved by the Commission, any extension, change, or renewal of the operation shall be considered a new operation and shall require compliance with these Regulations.

## **Section 5.04 Soil Erosion and Sediment Control Regulations**

### **Section 5.04.01 Definitions**

For the purposes of Section 5.04, the following terms, phrases, and words shall have the meanings thereafter stated:

- a. "Certification" means a signed, written approval by the Commission, its designated agent or the North Central Conservation District that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.
- b. "Development" means any construction or grading activities to improved or unimproved real estate.
- c. "Disturbed area" means an area where the ground cover is altered, destroyed or removed leaving the land subject to accelerated erosion.
- d. "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.
- e. "Grading" means any excavating, grubbing, filling (including hydraulic fill), or stockpiling of earth materials, or any combination thereof, including the land in its excavated or filled condition.

f. "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.

g. "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

h. "Soil" means any unconsolidated mineral or organic material of any origin.

i. "Soil erosion and sediment control plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

#### **Section 5.04.02 Activities Requiring a Soil Erosion and Sediment Control Plan**

A soil erosion and sediment control plan shall be submitted (i) whenever any proposed or planned use or uses on a lot or parcel would create, cause or result in a cumulative disturbed area of more than one-half acre; however, the Zoning Enforcement Officer may determine that erosion control measures are warranted based upon the nature of the site, proximity of wetlands, or topography and not require a full erosion control plan to ensure that the site will not create an erosion control hazard and (ii) whenever any other provision within these Regulations specifically requires the submission of such a plan. (Revised - Effective 08/01/11)

#### **Section 5.04.03 Exemptions**

A single-family residence constructed on a lot that is not part of a subdivision of land shall be exempt from the provisions of Section 5.04, except as these Regulations may specifically provide otherwise. (Revised Effective 08/01/11)

#### **Section 5.04.04 Contents of Plan**

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 stormwater runoff on the site based on the best available technology. For methods and practices necessary for certification refer to the current edition of the "Connecticut Guidelines for Soil Erosion and Sediment Control," presently published by the Connecticut Council on Soil and Water Conservation. Alternative principles, methods, and practices may be used with prior approval of the Commission. The soil erosion and sediment control plan shall be prepared by a properly qualified professional.

The plan shall contain, but shall not be limited to:

- a. A narrative describing:
  1. the development;
  2. the schedule for grading and construction activities including:
    - a. the start and completion dates;

- b. the sequence of grading and construction activities;
  - c. the sequence for installation and/or application of soil erosion and sediment control measures; and
  - d. the sequence for final stabilization of the project site; and
- 3. the design criteria, construction details, installation and/or application procedures, and operation and maintenance program for proposed soil erosion and sediment control measures and stormwater management facilities.
- b. A site plan at a scale of one inch equal to no more than forty feet on sheets either 18" x 24" or 24" x 36" in size. The site plan must show:
  - 1. the location of the proposed development and adjacent properties;
  - 2. the existing and proposed topography, including soil types, wetlands, watercourses, and water bodies. Contour intervals for all areas within twenty-five feet (25') of any disturbed area shall be no greater than two feet (2') unless the Commission expressly allows a greater contour interval;
  - 3. the proposed area alterations, including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
  - 4. any existing structures on the project site;
  - 5. the location and details of all proposed soil erosion and sediment control measures and stormwater management facilities;
  - 6. the sequence of grading and construction activities;
  - 7. the sequence and installation and/or application of soil erosion and sediment control measures; and
  - 8. the sequence for final stabilization of the development site;
- c. A certification, signed, sealed, and dated by the professional engineer responsible for preparing the soil erosion and sediment control plan, that the plan is in conformance with the provisions of these Regulations; and
- d. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

**Section 5.04.05 Minimum Standards for Soil Erosion and Sediment Control**

- a. Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles outlined in the current edition of the "Connecticut Guidelines for Soil Erosion and Sediment Control." 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 current edition of the "Connecticut Guidelines for Soil Erosion and Sediment Control." The Commission or its authorized agent may grant exceptions when requested by the applicant if technically sound reasons are presented.

c. The appropriate method from the current edition of the "Connecticut Guidelines for Soil Erosion and Sediment Control" shall be used in determining the peak flow rates and volumes of runoff unless an alternate method is approved by the Commission.

#### **Section 5.04.06 Issuance or Denial of Certification**

a. The Commission or its authorized agent shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of these Regulations or shall deny certification when the development proposal does not comply with these Regulations.

b. Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124 or 126 of the Connecticut General Statutes.

c. Prior to certification, any plan submitted to the Commission may be reviewed by the North Central 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. When determined by the Commission to be necessary or desirable, the Commission may require that the soil erosion and sediment control plan be certified by the North Central Conservation District. Any costs related to such certification by the District shall be borne by the applicant.

d. The Commission may forward a copy of the development proposal to other agencies and/or advisors for review and comment.

#### **Section 5.04.07 Application of Controls; Bond or Other Security**

a. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be covered by a completion and maintenance bond or other security acceptable to the Commission for the completion and maintenance of the required soil erosion and sediment control measures. A cost breakdown forming the basis of the amount of the bond or other security to be posted may be prepared by and submitted to the Commission by the applicant with the application for soil erosion and sediment control plan approval.

b. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional and/or a bond or other security assuring completion and maintenance of such measures and facilities has been posted in a form and in an amount acceptable to and approved by the Commission.

c. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

d. All control measures and facilities shall be maintained in effective condition to ensure compliance with the certified plan.



### **Section 5.04.08 Inspection**

Inspections may be made by the Commission or its authorized agent during the development to ensure that there is 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 certified plan and are being operated and maintained.

### **Section 5.04.09 Release of Bond or Security**

Upon completion of all work specified in the certified plan, the applicant shall notify the Commission thereof and submit a report, including maps as necessary, certifying that the soil erosion and sediment control measures have been completed as approved by the Commission. Upon receipt of the report and inspection of the site by the Commission or its designated agent, the Commission may release the portion of the bond or other security posted for the installation of the required measures upon finding that the provisions of the certified plan have been complied with. The portion of the bond or other security posted for assurance that the installed measures shall be adequately maintained with respect to any improvements which have been dedicated or deeded to the Town may be released, subject to the above inspection and reporting requirements, upon termination of a one (1) year the maintenance period, normally one (1) year.

## **Section 5.05 Home Occupations**

### **Section 5.05.01 Standards (Revised Effective 08/01/11)**

Home occupations shall be classified into three separate categories: Low Impact (“LIHO”), Moderate Impact (“MIHO”), and High Impact (“HIHO”). The following standards shall be applied to home occupations in all three categories: (i) the use must be clearly incidental and secondary to the use of the principal building as the residence of one or more persons conducting the use; (ii) no more than two home occupations are permitted per dwelling unit; (iii) the use must not change the residential character of the dwelling; (iv) no more than ten (10) non-residents may be employed on the premises; (v) accessory buildings and structures may be used for home occupations, provided that the other requirements of Section 5.05 are met; (vi) the total floor area used for the home occupations may not exceed thirty-five percent (35%) of the total finished floor area of the dwelling unit used by the person(s) conducting the home occupation or three thousand (3,000) square feet, whichever is less; (vii) persons who offer professional or personal services on site, including but not limited to doctors, dentists, lawyers, accountants, barbers and beauticians, shall conduct business on an appointment-only basis in order to manage parking requirements and minimize traffic conflicts; no clients or patients shall be housed overnight; (viii) no more than three (3) commercial-type vehicles, not to exceed 11,000 pounds gross weight per vehicle, may be parked on the site (for purposes of this section, “commercial-type vehicle” shall mean any motor vehicle other than an automobile, sport utility vehicle, motorcycle, mini-van, pick-up truck, or similar vehicle customarily used for personal transportation, or a farm, lawn or garden tractor); and (ix) except for fruits, vegetables, and other produce grown on the premises, no merchandise may be displayed so as to be visible from the street.

- a. Low Impact Home Occupations (LIHOs)

The Zoning Agent may issue a Certificate of Zoning Compliance for any home occupation that satisfies the requirements of Section 5.05.01 and other pertinent provisions of these Regulations, provided the following additional standards are met:

- 1) No more than one (1) commercial-type vehicle for the home occupation, not to exceed 11,000 pounds gross vehicle weight, will be parked on the premises.
- 2) The home occupation is one that does not involve on-site sales, classes, personal services, or other nonresidential activities likely to attract or require visits by persons who do not reside on the premises.
- 3) No portion of the home occupation will be conducted outside of the principal or accessory buildings and, except for permitted signs, there shall be no visible evidence or indication of the operation from outside any building or structure used for the home occupation.
- 4) No more than two (2) persons may be employed in the home occupation who does not reside on the premises.
- 5) The total floor area for all home occupations permitted on the lot would not exceed one thousand (1,000) square feet.

LIHOs include, but are not limited to, the production (but not the on-site sale) of arts, crafts, home preserves, and knitted, sewn or baked goods; as well as the offices of plumbers, house painters, electricians, and other persons whose services are not performed on the residential parcel. LIHOs are not required to provide additional off-street parking spaces for visitors, as required for MIHOs and HIHOs. Each LIHO may place one free-standing identification sign, not to exceed four (4) square feet in total sign area, on a mailbox or a light post at the site of the home occupation; plus one identification sign, not to exceed two (2) square feet in total sign area, on or near the entrance to the building in which the home occupation is conducted. LIHOs shall be deemed to be accessory uses to a primary residential use. A home occupation that exists on a state highway is permitted to have one (1) free-standing identification sign, not to exceed (8) square feet in total sign area, on a mailbox or a light post at the site at the site of the home occupation. (Revised Effective 06/15/12)

b. Moderate Impact Home Occupations (MIHOs)

The Zoning Agent may issue a Certificate of Zoning Compliance for any home occupation that would satisfy the standards for a LIHO, as set forth in subsection a, above, except that the use either (i) involves minor on-site sales, classes, or services; and/or (ii) involves the parking of no more than two commercial-type vehicles, each not to exceed 11,000 pounds gross vehicle weight; and/or (iii) would employ up to, but not more than, two (2) persons who do not reside on the premises. However, the following additional requirements must be met by any such home occupation:

- 1) The applicant must submit to the Zoning Agent a written estimation of the average and peak number of vehicles likely to enter and exit the site on both an hourly and daily basis, as well as a written explanation of how the numbers were estimated.
- 2) The estimated vehicle numbers must not exceed either (i) an average of two vehicles per hour in any one day or ten vehicles per day in one week (Sunday through Saturday), or (ii) a peak of four vehicles in any hour or fifteen vehicles in any day.

3) The Zoning Agent must determine, based upon all available information, that the applicant's estimates are reasonable. A Certificate of Zoning Compliance issued under this section may be revoked if the home occupation is later found to have generated vehicle trips in excess of the limits estimated by the applicant.

4) Enough additional parking spaces must be provided to alleviate the need to use Town roads for customer or employee parking. MIHOs shall provide at least two (2) off-street parking spaces for visitors and one (1) off-street parking space for each non-resident-employee.

Each MIHO shall be allowed the same type and number of signs as permitted for LIHOs pursuant to subsection a, above. MIHOs shall be deemed to be accessory uses to a primary residential use.

c. High Impact Home Occupations (HIHOs)

The Commission may grant a special permit for home occupations that satisfy the general standards of this Section 5.05.01 but do not satisfy the standards for a LIHO or a MIHO. In addition to the requirements for a special permit, HIHOs must also satisfy the following standards:

1) No such home occupation shall be permitted on a lot having an area of less than 220,000 square feet (five (5) acres).

2) The Commission shall require such screening as it may determine, in its sole discretion, to be necessary to preserve the residential character of the lot and neighborhood. Such screening shall always include, but shall not be limited to, vegetative buffers to fully screen commercial-type vehicles and parking areas serving five or more vehicles from abutting roads and properties.

3) Enough additional parking spaces shall be provided to alleviate the need to use Town roads for customer or employee parking. A minimum of two (2) off-street parking spaces shall be provided for visitors and one (1) off-street parking space for each non-resident-employee. However, the Commission may require additional off-street parking spaces if the record indicates that there may be a need for such spaces.

4) The Commission may allow the parking of vehicles in excess of 11,000 pounds gross weight per vehicle.

Each HIHO shall be allowed the same type and number of signs as permitted for LIHOs and MIHOs pursuant to subsections a. and b. above.

d. Multiple Home Occupations

The Zoning Agent may issue a Certificate of Zoning Compliance for two home occupations on any one lot, provided the home occupations would individually and collectively satisfy the standards for a combination of LIHOs or MIHOs, as set forth in subsection a, above. The Commission may grant a special permit to allow two home occupations on any one lot when at least one of the home occupations is a MIHO or HIHO, as specified in subsections b and c, above, and the home occupations would individually and collectively satisfy all of the other standards of Section 5.05.

### **Section 5.05.02 Revocation of Permit**

Any permit issued by the Zoning Agent or the Commission for a home occupation under these Regulations shall be limited to the specific use described in the application and shall be contingent upon continuous satisfaction of the standards and criteria set forth in this Section 5.05 and all other relevant provisions of these Regulations. The Zoning Agent may revoke a permit for a home occupation only if such permit was issued by the Zoning Agent and only if the Zoning Agent determines that there has been a substantial or material change in the nature of the permitted use or that the permittee has failed to comply with any applicable provision of these Regulations. Any such revocation by the Zoning Agent shall be subject to an appeal to the Zoning Board of Appeals. The Commission may revoke any permit issued for a home occupation if the Commission determines, after a hearing for which the property owner has been given at least ten (10) days advance written notice, that there has been a substantial or material change in the nature of the permitted use or that the permittee has failed to comply with any applicable provision of these Regulations. Any such revocation by the Commission shall be subject to appeal to the Superior Court only.

## **Section 5.06 Flood Hazard Regulations**

### **Section 5.06.01 Purpose**

To protect the public's health, welfare and safety by preventing or minimizing flood damages in conjunction with the requirements of the National Flood Insurance Program, all proposed development within designated Flood Hazard Zones A-1 through A-15 and unnumbered A Zones (see Section 5.06.04) shall require prior authorization from the Planning and Zoning Commission. Dependent on the nature and location of the proposed development, minor land disturbing activities, proposed accessory structures and minor additions may be authorized through the issuance of zoning permits, while major land disturbing activities, proposed primary structures, and major additions shall necessitate special permit approval of the Commission. This Section 5.06 also formally recognizes the Town's Flood Insurance Study, Flood Insurance Rate Maps (as amended June 11, 1982), and Flood Boundary and Floodway Maps.

### **Section 5.06.02 Definitions.**

a. General Provisions: Unless specifically defined below or in Section 2.02, words or phrases used in this Section 5.06 shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application. For the purposes of this Section 5.06, all definitions shall be in accordance with those contained in the current National Flood Insurance Rules and Regulations, which are available in the Coventry Planning Office.

b. Specific Terms: The following definitions, in addition to the definitions set forth in Section 2.02 of these Regulations, are applicable to this Section 5.06, except that, where this Section 5.06.02 and Section 2.02 have different definitions of a word, the definitions in this Section 5.06.02 shall control for purposes of Section 5.06:

1. Aboveground Storage Tanks - Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent 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. (Added - Effective 06/15/12)

2. Addition to an Existing Building – Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

3. Appeal – A request for a review of the Zoning Agent’s interpretation of any provision of this Regulation or a request for a variance.

4. Area of Shallow Flooding – A designated AO or VO Zone of the Coventry Flood Insurance Rate Map (FIRM) with base flood depths from one (1’) to three (3’) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

5. Area of Special Flood Hazard – The land in the floodplain subject to one (1%) percent or greater chance of flooding in any given year.

6. Base Flood – The flood having a one (1%) percent chance of being equaled or exceeded in any given year.

7. Base Flood Elevation (BFE) - The elevation of the crest of the base flood or 100-year flood. The height in relation to mean seal level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. (Revised Effective 06/15/12)

8. Basement – That portion of a building having its floor subgrade (below ground level) on all sides.

9. Breakaway Wall – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

10. Building – Any structure built for support, shelter, or enclosure for any occupancy or storage.

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

12. Development – Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of

buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities. (Revised - Effective 06/15/12).

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

14. Existing Manufactured Home Park or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 4, 1980, the effective date of the floodplain management regulations adopted by the community. (Revised Effective 06/15/12)

15. Expansion to an Existing Manufactured Home Park or Subdivision – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). (Revised Effective 06/15/12)

16. Federal Emergency Management Agency – The federal agency that administers the National Flood Insurance Program (NFIP). (Revised Effective 06/15/12)

17. Finished Living Space – As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. (Revised - Effective 06/15/12)

18. Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal water.
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

19. Flood Boundary and Floodway Map (FBHM) – The official map on which the Federal Emergency Management Agency has delineated the floodway, 100-year floodplain and 500-year floodplain boundaries, as on file in the Office of the Town Clerk.

20. Flood Insurance Rate Map (FIRM) – The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk-premium zones applicable to the community, as on file in the Office of the Town Clerk.

21. Flood Insurance Study – The official report by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood Boundary Floodway Map and the water surface elevation of the base flood.

22. Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1’).

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

24. Functionally Dependent Use or Facility – A use or facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood process facilities, long-term storage, manufacturing, sales or service facilities. (Revised - Effective 06/15/12)

25. Highest Adjacent Grade – The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

26. Historic Structure – Any structure that is (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs. (Revised Effective 06/15/12)

27. Lowest Floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement is not considered a building’s lowest floor, provided that such an enclosure is built in compliance with the provisions in Section 5.06.07.e of these Regulations.

28. Manufactured Home – A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

29. Manufactured Home Park or Subdivision – A parcel, or contiguous parcels, of land divided into two (2) or more manufactured home lots for rent or sale.

30. Market Value – The value of the structure as determined by the appraised value using the cost approach value prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring. (Revised – Effective 06/15/12)

31. Mean Sea-Level – For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD of 1929) or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

32. National Geodetic Vertical Datum (NGVD) – As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

33. New Construction – Structures for which the “start of construction” commenced on or after June 4, 1980, the effective date of these Regulations (not the revision date) and includes any subsequent improvements to such structures. (Revised - Effective 06/15/12)

34. New Manufactured Home Park or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or about June 4, 1980, the effective date of the floodplain management regulation adopted by the community. (Revised Effective 06/15/12)

35. 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. (Added – Effective 06/15/12).

36. 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. (Added - Effective 06/15/12)

37. Recreational Vehicles – A vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

38. Special Flood Hazard Area – The area within a community subject to one (1%) or greater chance of flooding in any given year, as identified on the community’s FIRM.

39. Start of Construction – [For other than “new construction” or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)]. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement, was within one hundred eighty (180) days of the permit date. Should the permittee fail to commence work within this time frame a new permit shall be required. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property



of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

41. Structures in Two Flood Zones - If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone. (Added – Effective 06/15/12)

42. Substantial Improvement – Any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a structure, the cumulative cost of which equals or exceeds fifty (50%) percent of the market value of the structure. The market value of the structure should be: 1) The appraised value of the structure using the cost approach value prior to the start of the initial repair or improvement; or 2) In the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

43. Substantial Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

44. Variance – A grant of relief from the requirements of these Regulations which permits construction in a manner otherwise prohibited by these Regulations, where specific enforcement would result in unnecessary hardship, and where the granting of such relief would be in harmony with the purposes of these Regulations. The definition of this term, the criteria for the grant or denial of a variance hereunder, shall be in accordance with Connecticut law, as construed by the courts of this State, as well as in accordance with the criteria and requirements of this Section 5.06.

45. Violation – Failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that document is provided. (Revised Effective 06/15/12)

46. Water Surface Elevation – The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified), of flood of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

### **Section 5.06.03 General Provisions**

a. Lands to Which This Regulation Applies: This Section 5.06 shall apply to all areas of special flood hazard within the Town of Coventry.

b. Basis for Establishing the Areas of Special Flood Hazard: The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for the Town of Coventry, Connecticut, dated December 4, 1979 and accompanying Boundary and Floodway Map (FBFM), dated June 11, 1982, and Flood Insurance Rate Map (FIRM), dated June 11, 1982, and other supporting data applicable to the Town of Coventry, and any subsequent revisions thereto, are adopted by reference and declared to be part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A and A1-A30 including areas designated as a floodway on a FBFM or FIRM. SFHA 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. (Revised - Effective 06/15/12)

c. Establishment of the Floodplain Management Program: A special permit or Certificate of Zoning Compliance, as hereinafter provided, shall be required in conformance with the provisions of these Regulations prior to the commencement of any development activities.

d. Compliance: No structure, manufactured home, or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this Section 5.06 and other applicable regulations.

e. Warning and Disclaimer of Liability: The degree of flood protection required by this Section 5.06 is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section 5.06 does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Section 5.06 shall not create liability on the part of the Town of Coventry or any officer or employee thereof for any flood damages that result from reliance on this Section 5.06 or any administrative decision lawfully made thereunder.

f. Abrogation and Greater Restrictions: This regulation is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Added - Effective 06/15/12)

### **Section 5.06.04 Procedure**

a. Prior to the commencement of any development in designated Flood Hazard Zones A-1 through A-30 and unnumbered A Zones, an application with accompanying information shall be submitted to the Commission for its review. To promote expedient review, applications should be filed in the Planning Office at least seven (7) days prior to a regular meeting for analysis and placement on the Agenda. Upon receipt of the application, the Commission shall review the proposal and determine whether special permit approval or a Certificate of Zoning Compliance authorization is appropriate. Prior

to this determination, all proposals under these Regulations shall be considered special permit applications. (Revised - Effective 06/15/12)

b. If the proposal involves a minor land disturbing activity, accessory structure, or minor addition that is clearly consistent with the approval criteria contained in these Regulations, the Commission may authorize the Zoning Agent to issue a Certificate of Zoning Compliance. All other proposed activities shall require special permit approval and a public hearing date shall be established. After conducting the public hearing, the Commission shall complete its review and approve, approve with modifications, or disapprove the application.

c. The Commission shall notify adjacent communities and the Department of Environmental Protection prior to any alteration of the course or location of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

d. A permit may be given that allows encroachments resulting in increases in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirements of C.F.R. 44, Chapter 1, Subsection 65.12.

#### **Section 5.06.05 Application Requirements**

It is recommended that the planning staff be contacted for assistance in determining what information may be required by the Commission. Whereas all applications are initially considered special permits, the application requirements of Section 7 for special permits shall be followed. At a minimum, all applications shall include a site plan showing property lines, existing and proposed contours, existing and proposed structures and floor elevations, base flood information, appropriate engineering certifications, appropriate construction plans and other data necessary to accurately review the proposal with respect to approval criteria. Specific base flood elevation data shall be provided for proposals greater than fifty (50) lots or five (5) acres, whichever is the lesser, for that portion within the Special Flood Hazard Area.

#### **Section 5.06.06 Flood Hazard Zones/Base Flood Information**

When base flood elevation data or floodway data have not been provided in accordance with this Section 5.06, then the Zoning Agent shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in requiring that new construction, substantial improvements, or other development in any area of potential, demonstrable or historical flooding within the community comply with these Regulations.

Where base flood elevation data are utilized, the Town shall obtain and maintain records of lowest floor and flood proofing elevations for new construction and substantial improvements.

#### **Section 5.06.07 Approval Criteria**

The permittee is hereby advised that federal or state permits may be required in addition to any permits or approvals required under these Regulations.

In reviewing and authorizing any development in any Special Flood Hazard Area, the Commission must determine that the public's health, welfare and general safety have been protected and that the following specific procedures and criteria have been followed or met to the Commission's satisfaction:

a. If specific federal or state permit requirements are known, the Commission may require that copies of such permits be provided and maintained on file with the (development/ building/zoning) permit. Such additional permit requirements may include, but are not necessarily limited to: Stream Channel Encroachment Line Permit, Coastal Area Management Permit, Water Diversion Permit, Dam Safety Permit, Corps of Engineers 401 and 404 Permits.

b. All appropriate procedures from Section 5.06.04 must have been followed.

c. All new construction and substantial improvements of residential structures, including prefabricated buildings and manufactured homes, shall have the lowest floor, including the basement, elevated to or above the base flood level (100-year flood level).

d. New construction or substantial improvement of any commercial, industrial, or non-residential structure located in Zone A1-30, AO and AH shall have the lowest floor, including basement, elevated at least to or above the level of the base flood elevation. Non-residential structures located in all A-Zones may be flood-proofed in lieu of being elevated provided that, together with all attendant utilities and sanitary facilities, the areas of the structure below the required elevation are watertight, with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this Section 5.06. Such certification shall be provided to the Zoning Agent. (Revised – Effective 06/15/12)

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

1) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2) The bottom of all openings shall be no higher than one (1) foot above grade; and

3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

f. All development proposals, including utilities and drainage, must be located and designed to be consistent with the need to minimize flood damage. More specifically:

1) All public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage.

2) New or replacement water supply systems and/or sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

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

4) Adequate drainage shall be provided to reduce exposure to flood hazards and access to proposed developments shall not be impaired due to flood hazards.

5) 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.

6) New construction or substantial improvements shall be constructed using methods and practices that minimize flood damage and with materials resistant to flood damage; (Added – Effective 06/15/12)

7) Anchoring shall be provided as necessary to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. (Added – Effective 06/15/12)

g. The flood carrying capacity must be maintained within any altered or relocated portion of any watercourse. Engineering certification shall be submitted with the application.

h. New construction, including prefabricated buildings and manufactured homes, and substantial improvements must be designed and anchored to prevent flotation collapse or lateral movement and constructed with flood-resistant materials and methods. The placement of manufactured homes and subdivisions shall meet the location, anchoring, and other construction standards, and evacuation requirements contained in the National Flood Insurance Program Rules and Regulations.

i. Located within Special Flood Hazard Areas (SFHA) are areas designated as floodways on the community's Flood Boundary and Floodway Maps (FBFM). Encroachments, including fill, new construction, substantial improvements and any other development, are prohibited in the Floodway unless certification (with supporting technical data) is provided by a registered licensed professional engineer demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, through that such encroachments will not result in any (0.00 feet increase in flood levels during occurrence of the base flood discharge. Fences located in the floodway must be aligned with the flow and be of an open design. A permit may be given which allows encroachments resulting in increases in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirements of C.F.R. 44, Chapter 1, Subsection 65.12. (Revised – Effective 06/15/12)

The Zoning Agent may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall 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 (1.0) foot at any point within the community. (Added – Effective 06/15/12)

j. If the proposal involves development within Zones A-1 through A-30, and a floodway has not been identified, no new construction, substantial improvements, or other development (including

fill) shall be permitted unless the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community. (Revised – Effective 06/15/12)

k. All manufactured homes (including "mobile" homes and recreational vehicles placed on a site for one hundred eighty (180) consecutive days or longer) to be placed, or substantially improved, in a Special Flood Hazard Area shall be elevated so that the lowest floor is above the base flood elevation; and shall be placed on a permanent foundation that itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but are not limited to, the use of over-the-top or frame ties to ground anchors. Elevation construction standards include piling foundations placed no more than 10 feet apart, and the provision of reinforcement for piers more than six (6') feet above ground level. Adequate access and drainage should be provided. This includes manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. (Revised - Effective 06/15/12)

Recreational vehicles placed in any Special Flood Hazard Area must meet the foregoing requirements unless they are fully licensed and ready for highway use, as defined below, and are moved out of the Special Flood Hazard Area within 180 days after first being placed there. A recreational vehicle shall be deemed to be ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

#### **Section 5.06.08 As-Built Plans Required**

Prior to issuance of any Certificate of Zoning Compliance for any approved development activities in any Special Flood Hazard Area, the Zoning Agent shall determine that approved plans and elevation requirements have been met. To verify compliance, "as built" first floor and basement elevations and final ground elevations certified by a properly licensed professional engineer or land surveyor shall be submitted to the Zoning Agent for authorized primary structures, major additions, major land disturbing activities or any other development activity where, in the opinion of the Zoning Agent, certifications are necessary. Where flood proofing measures have been utilized or watercourses altered, appropriate "as built" or "as constructed" certifications from a professional engineer or architect shall be submitted to the Zoning Agent.

#### **Section 5.06.09 Variance Procedures**

Any applicant may request a variance of these standards from the Coventry Zoning Board of Appeals. Variance applicants are hereby notified that approval to construct a structure below base flood levels will increase risks to life and property and will result in greatly increased premium rates for flood insurance. A record of all variance actions shall be maintained in the Planning Office and reported annually to the Federal Insurance Administrator. All variances shall meet the following standards:

a. Variances may be issued without regard to the standards of this section for the reconstruction, restoration, and rehabilitation of structures on the National Register of Historic Places or the State Inventory of Historic Places.

b. Variances shall not be granted within any designated regulatory 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; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and result in the loss of historic designation of the building.

d. Variances shall be granted only upon:

1. A showing of good and sufficient cause.

2. A determination that failure to grant the variance would result in undue hardship to the applicant. Only hardships that are based on unusual physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify for a variance. Claims of hardship based on the structure, or on economic or personal circumstances, are not sufficient cause for the granting of a variance under these Regulations.

3. A determination that the granting of a variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public.

e. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for each \$100 of insurance coverage.

f. The Zoning Agent shall maintain the records of all appeal actions and report any variance to the Federal Emergency Management Agency in its biennial report. (Revised - Effective 06/15/12)

## **Section 5.07 Nonconforming Uses, Buildings, and Structures**

### **Section 5.07.01 Continuance of Nonconforming Uses and Structures**

Any nonconforming use, building, or structure, lawfully existing as of the effective date of these Regulations or any amendment thereof, shall be permitted to continue notwithstanding any other provision of these Regulations or any amendment thereof.

### **Section 5.07.02 Change of Use**

Any use that conforms to these Regulations may not be changed to a nonconforming use. Except as provided below, a nonconforming use may be changed only to a conforming use. Whenever a

nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a use that does not conform to these Regulations.

The Commission may grant a special permit for a change in one nonconforming use to another nonconforming use, but only in the unusual and limited circumstances described in this Section 5.07.02. In addition to all of the standards and requirements for special permits set forth in Section 7.03 of these Regulations, the applicant must prove, to the satisfaction of the Commission:

a. That no conforming use can reasonably be made of the parcel due to conditions especially affecting the parcel, but not generally affecting other land in the zoning district in which the parcel is situated.

b. That the proposed new nonconforming use is consistent with the protection of the public health, safety, and welfare and with the character and the appropriate and orderly development of the neighborhood, adjacent properties, and zoning districts;

c. That the proposed new nonconforming use will create no greater impact on the property, the neighborhood, adjacent properties and zoning districts in terms of parking, volumes and types of traffic, property values, hours of operation, exterior appearance of the building, structure or lot, or any other factors that may properly be considered by the Commission pursuant to Section 7.03.

#### **Section 5.07.03 Extension or Enlargement of Nonconforming Uses**

a. General Prohibition: No nonconforming use shall be extended or enlarged inside or outside any building or structure except as otherwise provided herein. The addition of one or more dwelling or nonresidential units within or to a building shall be considered to be an unlawful extension or expansion if the resulting number of dwelling or nonresidential units would exceed the number of such units permissible under these current Regulations.

b. Exception for Long-Established Uses: The Commission may grant a special permit for the enlargement or extension of a nonconforming use that has existed continuously for no less than twenty-five (25) years prior to the date of approval of such special permit, provided that the area of such enlargement or extension shall not be greater than fifty percent (50%) of the total area (including all floor areas and outside areas) that are lawfully being utilized for the nonconforming use immediately prior to the time the special permit is granted. The Commission's intention in establishing this exception is to recognize that uses that have existed continuously for very long periods of time may often form an integral part of the intrinsic character of the neighborhood in which they are located, even though the use may not be consistent with the current zoning district. Nonetheless, nothing in this subsection shall be deemed to require the Commission to issue a special permit for any such extension or expansion or to find that an existing nonconforming use is integral to the character of its neighborhood.

c. Nonconforming Single-Family Dwellings: When an existing single-family dwelling is nonconforming because it is located in a zone in which single-family dwellings are not otherwise permitted, or are permitted (as, for example, in the Professional Office Zone) only on lots that also have a nonresidential use, the gross floor area of such dwellings may be increased by up to 15 percent above the amount of gross floor area that existed on the later of (1) the date such dwelling became nonconforming or (2) November 13, 2006.



#### **Section 5.07.04 Extension or Enlargement of Nonconforming Structures**

Except as provided below, no nonconforming building or structure shall be enlarged or altered in such manner as to increase the nonconformity of such building or structure. In the event a residential dwelling is lawfully nonconforming with respect to a required yard or setback, the nonconforming portion of such dwelling may be increased in height or area, provided (i) the expanded portion of the building does not extend further into the side or rear yards or setback areas, and is not closer to the front lot line, than the original nonconforming portion of the building; and (ii) the distance between any portion of the nonconforming dwelling and the nearest existing residential dwelling on any adjoining lot is not less than the sum of the two minimum yards that would otherwise be required by the Regulations on either side of the mutual property line. Nothing in this section of the Regulations shall be deemed to allow a nonconforming building or structure to be expanded in such a manner as to exceed the maximum height allowable in the relevant zoning district. Notwithstanding the foregoing provisions, no extension or enlargement of any building or structure containing a nonconforming use shall be permitted.

#### **Section 5.07.05 Moving**

No nonconforming use shall be moved in whole or in part to any other portion of the lot on which it was located on the effective date of adoption or amendment of the relevant provisions of these Regulations.

#### **Section 5.07.06 Alterations and Repairs**

A building or structure containing a nonconforming use may be altered or improved, but not extended or enlarged, and may be repaired or reconstructed as made necessary by wear and tear or deterioration. The alteration or repair of any structure within a special flood hazard area shall comply with the flood damage prevention regulations set forth in Section 5.06.

#### **Section 5.07.07 Restoration**

Any nonconforming building or structure which has been destroyed or damaged by fire, explosion, flood, or any act of God or act of public enemy may be restored to the same dimensions, floor area, cubic volume, density, and site location as existing immediately prior to such damage or destruction, provided such restoration is commenced within one (1) year, and completed within two (2) years of such damage or destruction.

#### **Section 5.07.08 Discontinuance or Abandonment**

Any nonconforming use that has ceased by voluntary discontinuance or abandonment for a period of one (1) year shall thereafter conform to the provisions of these Regulations. Any landowner who intends to resume a nonconforming use that has previously ceased or been discontinued must, within one (1) year of the cessation or discontinuance of the use or within one (1) year after the effective date of this provision, whichever is later, file a notice of such intent with the Commission. Any landowner who has not filed such a notice and who wishes to recommence a nonconforming use must demonstrate to the satisfaction of the Commission that he or she did not intend to abandon such use.

### **Section 5.07.09 Illegal Use**

Nothing in these Regulations shall be interpreted as authorization for, or approval of, the continuation of any use of land, building, structure, or premises that, when commenced or first established, was in violation of the Zoning Regulations then in effect and that has never been legally validated by any amendment to such Regulations or by any provision of State law.

### **Section 5.07.10 Safety**

Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority, or determined to be unsafe by the Town Engineer or Building Official.

### **Section 5.07.11 Construction Begun and/or Permits or Variances Issued Prior to Adoption or Amendment of Regulations or Zone Change**

Nothing in these Regulations, or any amendment thereof, or in any subsequent change in zoning classification, shall be deemed to require any alteration in the plans, construction, or designated use of a building, structure, or premises for which (i) a zoning permit has been issued before the effective date of the relevant Regulations, amendment, or change in zoning classification; and (ii) construction has been commenced, provided the entire building or structure is completed within two (2) years from such effective date. If any of the foregoing provisions are not met, the zoning permit shall become null and void.

Nothing in these Regulations, or any amendment thereof, or in any subsequent change in zoning classification, shall be deemed to require any change in plans, construction, or designated use of a building, structure, or premises for which a special permit has been issued prior to the effective date of the relevant Regulations, amendment, or change in zoning classification, provided (i) a building permit is obtained within two (2) years from such effective date; (ii) substantial construction is commenced within two (2) years of the date of issuance of such building permit; and (iii) the entire building or structure is completed according to the approved plans within three (3) years from the date of issuance of the building permit. If any of the foregoing provisions are not met, the special permit shall become null and void.

Notwithstanding the foregoing provisions, no improvements, or proposed improvements shown on a site plan for residential property that has been approved prior to the effective date of a change in the Zoning Regulations or zoning classification and has been filed or recorded with the Coventry Town Clerk shall be required to conform to such change.

### **Section 5.07.12 Procedure for Determining Status of Nonconforming Uses**

a. **Reservation of Power to Determine Status.** The Commission hereby reserves the power to determine, by declaratory ruling, whether any building, structure, or use is lawfully nonconforming. However, this power may be exercised only in the manner and under the circumstances set forth in this Section 5.07.12.

b. **Authority of Zoning Enforcement Officer.** The reservation of power set forth in Section 5.07.12.a shall not preclude, nor be deemed to prevent, the Zoning Agent from issuing an enforcement

order against any person who is erecting, constructing, establishing, maintaining or conducting any building, structure or use that is not in conformance with these Regulations and that has not previously been determined to be a lawful nonconforming use by declaratory ruling pursuant to this Section 5.07.12.

c. Conditions for Issuance of Declaratory Ruling. The Commission may issue a declaratory ruling pursuant to the power reserved under Section 5.07.12.a only upon application for such ruling by an owner or user of the building, structure, or land in question, or by a person authorized in writing by the owner or user to file such application. No such application shall be accepted or processed if the Zoning Agent has issued an enforcement order against the erection, construction, establishment, maintenance, or conduct of the building, structure, or use in question and the order is still pending. In such circumstances, the person subject to the order shall be entitled to have the matter considered only by proper appeal to the Zoning Board of Appeals pursuant to Section 8.02 of these Regulations.

d. Procedure for Issuance of Declaratory Ruling. Upon submission of a proper application for a declaratory ruling, and subject to the conditions set forth in Section 5.07.12.c, the Commission shall schedule a public hearing on such application. Notice of the time and place of such hearing shall be published in a newspaper having substantial circulation in the Town of Coventry at least twice at intervals of not less than two days, the first not more than fifteen nor less than ten days before the hearing, and the second no less than two days before the hearing. Due notice of the time and place of the hearing shall be given to the applicant. The time limits for action upon such application shall be the same as the time limits established for action upon an application for a special permit pursuant to Section 7.03 of these Regulations. Notice of the Commission's decision shall be published and sent to the applicant in the same manner as notice of the decision on an application for a special permit pursuant to Section 7.03 of these Regulations.

e. Criteria for Determination of Status - Uses. A use shall be determined to be nonconforming only if the Commission finds that the use meets all of the following criteria:

1. That the use is not presently in conformance with all requirements of these Regulations.

2. That, at the time it commenced, the use was otherwise lawful and was in conformance with all requirements of the Zoning Regulations then in force, if any.

3. That the use was not abandoned discontinued or changed to a conforming use after it commenced or, if it was abandoned, discontinued or changed and later resumed, the use was otherwise lawful and was in conformance with all requirements of the Zoning Regulations in force, if any, when the use was resumed.

4. That the character of the use has not been substantially changed, and the use has not been extended or expanded, since the effective date of any provisions of those Regulations with which the use does not presently comply. An intensification of a lawful nonconforming use, such as an increase in the volume of business conducted, shall not be considered to be an extension or expansion provided the intensification does not substantially change the character of the use, does not involve any structural alterations to buildings or structures, and does not involve the dedication to such use of a greater area of the lot or parcel on which it is located.

f. Criteria for Determination of Status - Buildings and Structures. A building or structure shall be determined to be nonconforming only if Commission finds that the building or structure meets all of the following criteria:

1. That the building or structure is not presently in conformance with all requirements of these Regulations.

2. That, at the time it was erected, constructed, or altered, the building or structure, was otherwise lawful and was in conformance with all requirements of the Zoning Regulations then in force, if any; or, if a building is situated on a lot that does not meet the present minimum area requirements of these Regulations, or is situated on a lot in such a way that it does not comply with the provisions of these Regulations concerning the location of such a building in relation to the boundaries of the lot, the building was so situated for at least three years without the institution of an action to enforce such requirements or provisions of the Regulations.

g. Appeal. An appeal from the Commission's decision may be taken to the Superior Court in the manner provided by Section 8-8 of the Connecticut General Statutes.

## **Section 5.08 Alcoholic Liquor**

### **Section 5.08.01 Definition of Terms**

All words used in this Section 5.08 that are not defined in these Regulations, but are defined in Chapter 545 of the Connecticut General Statutes, known as the Liquor Control Act, shall be deemed to have the same definitions for purposes of Section 5.08.

### **Section 5.08.02 Classes of Permits**

The classes of permits are established as follows:

a. Class 1: Cafe permit; hotel permit or hotel permit for beer only; restaurant permit, restaurant permit for beer only, restaurant permit for wine and beer only, restaurant permit for catering establishment; resort permit; special sporting facility bar permit, special sporting facility concession permit, special sporting facility employee recreational permit, special sporting facility guest permit, special sporting facility restaurant permit; tavern permit; bowling establishment permit, bowling establishment permit for beer only, racquetball facility permit.

b. Class 2: Manufacturer permit, manufacturer permit for apple brandy, manufacturer permit for cider, manufacturer permit for beer only, manufacturer permit for farm winery; out-of-state shipper's permit for alcoholic liquors, out-of-state permit for beer only; warehouse bottling permit, warehouse storage permit; wholesale permit, wholesale permit for beer only.

c. Class 3: Druggist permit; package store permit, grocery store permit.

d. Class 4: Charitable organization permit; club permit, non-profit club permit; golf country Club permit; non-profit public art museum permit; non-profit theater permit; university permit, university liquor permit; special outing facility permit, special outing facility permit for beer only; non-profit public television corporation permit; non-profit golf tournament permit.

e. Class 5: All other types of permits presently authorized by Section 30-15 of the Connecticut General Statutes.

f. Wine Gift Basket Retailer Permit authorized by P.A. 11-250 shall require a Zoning Permit issued by the Zoning Enforcement Officer. (Added - Effective 06/15/12)

In cases of question about the category in which any particular permit shall be classified, the Commission shall utilize that category within which the most similar types of permits are found.

#### **Section 5.08.03 Zone Restrictions for Certain Classes of Permits**

Class 1, 2, 3 and 5 shall be prohibited in the GR, LR, and River/Aquifer Zones.

#### **Section 5.08.04 Special Permit Required**

No building, lot, or permit premises shall be used, or altered, extended or enlarged for use, for the sale or exchange of alcoholic or spirituous liquors at wholesale or retail, whether for consumption on the premises or otherwise, or for the storage of spirituous or alcoholic liquors for purposes of sale or exchange, unless and until a special permit for such use has been approved by the Commission.

### **Section 5.09 Telecommunications Facilities**

#### **Section 5.09.01 Definitions**

As used in this Section 5.09 of these Regulations, the following terms shall have the following meanings:

"Antenna" means any device used to receive or to transmit electromagnetic waves, and includes, without limitation, whip antennas, dish antennas, and panel antennas.

"Relay facility" means any device used to receive electromagnetic waves from one or more points and to transmit those waves to one or more other points.

"Telecommunications facility" means any building, structure, or equipment used to receive or transmit electromagnetic waves.

"Tower" means a structure that is intended to support equipment used to receive or transmit electromagnetic waves, and that would be either (i) greater than sixty (60) feet in height if not affixed to a building, or more than twenty (20) feet higher in elevation than the highest point of the building to which it would be affixed.

#### **Section 5.09.02 Purpose**

Telecommunications facilities are regulated under a complex variety of federal, state, and local laws. The operation of certain federal and state laws and regulations supersedes local zoning requirements in some instances, but allows for municipal regulation in others.

Telecommunications facilities, including towers, antennas, and associated structures and equipment, can have profound effects on the character of communities such as Coventry. The Commission has therefore determined that such facilities should be carefully and thoughtfully managed pursuant to these Regulations to the extent not preempted or otherwise prohibited by state or federal laws or regulations.

### **Section 5.09.03 Application of Regulations**

The provisions of Section 5.09 of these Regulations shall be used in evaluating all telecommunications facilities, with the understanding that the Commission's determination may be only advisory in some instances and may be superseded by a decision of a state or federal agency or official. In those instances, the Commission shall apply the provisions of Section 5.09 of these Regulations to the extent possible to propose to the controlling agency the decision that should be made and, as appropriate, any Conditions that should be applied to the proposed facilities. To the extent state and federal law allows the Commission to exercise full or partial zoning authority over a proposed telecommunications facility or facilities, the standards and procedures set forth in Section 5.09 of these Regulations shall be used in determining whether to approve such facilities and, as appropriate, the extent to which any permit should be conditioned or restricted. Nothing in these regulations shall be deemed to allow the Commission to regulate any telecommunications facility in any manner that is not authorized by, or is in conflict with, any applicable federal or state laws, or regulations.

### **Section 5.09.04 Type of Permit Required**

Except as provided below, all telecommunications facilities that are, or are intended to be, the principal use of any lot or parcel of land shall be deemed to be uses allowed only by special permit. Such uses shall be specially permissible in any zone, but in order to minimize the detriment such facilities are likely to cause to the character and property values within residential neighborhoods and areas in Coventry, and to help preserve Coventry's rural nature and the tranquility of its residents, applicants are encouraged to locate towers in the C and C/A zones only. Telecommunications facilities that are accessory and subordinate uses to a principal or Accessory Use permitted under Article VI of these Regulations, and that do not require the construction or erection of a tower shall be permissible as of right without need for any separate permit, provided such principal or Accessory Use has been lawfully permitted or established.

### **Section 5.09.05 Application Procedure**

The Commission shall not approve or recommend approval to any state or federal agency of any telecommunications facility unless the applicant for such facility submits one the following to the Commission or its authorized agent:

a. An application for a Special Permit or a Zoning Permit for such facility, whichever is appropriate; or

b. A written application for the Commission's review of such facility setting forth all applicable federal and state laws or regulations under which the Commission may review the application and under which the Commission's exercise of zoning powers is limited with respect to such facility. The applicant shall submit copies of all state and federal licenses necessary to operate such facility. The applicant shall also submit to the Commission the same types of information and materials as would be required by these Regulations if the Commission were authorized under state and federal law to exercise

its full zoning authority over such facility. The applicant's failure to submit any such information and materials shall be grounds for the Commission to recommend denial of the proposed facility to such state or federal agencies as may have jurisdiction.

Except as may be otherwise provided below, all applications must be accompanied, at a minimum, and in addition to any other documents and materials required by these Regulations, by the following:

1. A detailed site development plan based upon an A-2 survey. Plans for any tower shall include field developed topographic details, at a contour interval no greater than five feet, of the proposed tower location and all land within a horizontal distance equivalent to one hundred fifty percent (150%) of the height of the tower. The plan must include, among other appropriate items, the proposed locations within the site of all proposed telecommunications facilities, including, to the extent applicable, any proposed locations of such facilities on towers, buildings or other structures;
2. Detailed architectural, engineering and construction plans, drawings and elevations, including cross-sections and elevations of any proposed tower, and written descriptions of all towers, antennas and mounting equipment, including size, design and color;
3. A detailed soil and erosion control plan;
4. Detailed driveway access construction plans including, among other items, drainage and utility plans;
5. Detailed landscaping and screening plans prepared by a licensed landscape designer;
6. The location of the fall zone of any proposed tower;
7. Details of proposed antenna and mounting equipment, including size and color;
8. Details of all proposed fencing, including color.
9. A description of the tower's capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas.
10. A structural analysis of any proposed tower certified by a registered professional engineer demonstrating the adequacy of the design to support the required load and indicate any additional capacity provided for co-located antennas. If a pre-designed breakpoint has been incorporated, an illustration of how the tower will collapse shall be provided as well.
11. A report from a licensed engineer certifying that the installation of the proposed telecommunications facilities will not interfere with public safety communications.
12. Any additional information reasonably required by the Commission including, but not limited to:
  - a) an environmental assessment of the facility and/or access road;

- b) radio frequency power density modeling and/or testing data;
- c) a structural analysis of tower capacity.

13. Documentation regarding the availability of any existing or approved telecommunication tower or other structure within one mile of the proposed parcel that may meet the needs of the applicant, with particular regard to proposed towers.

14. A map depicting the extent of the provider's planned coverage within the Town of Coventry and the service area of the proposed facility.

15. Upon request of the Commission, the applicant shall provide a simulation of the proposed telecommunication facility in order to help the Commission ascertain the visual impacts associated with such proposal. If such a simulation is required, public notice of the time and place of such balloon elevation, and an alternate date in the case of unfavorable weather conditions, shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in Coventry at least seven (7) days before the elevation of such balloon.

The Commission may waive any of the requirements of this section if, and only if, the Commission determines that the requirements sought to be waived are not reasonably necessary to a proper disposition of the application. No waiver under this section shall be granted unless the applicant submits to the Commission, in writing, at the time of and together with the submission of the application, a request for a waiver specifying the requirements the applicant seeks to have waived and the reasons why the applicant believes those requirements should be waived. The Commission shall render a decision on any timely filed request for waiver within 35 days after the day of receipt of the application to which it pertains. If the Commission fails to act on any request for a waiver within such 35 days, the request for waiver shall be deemed to be denied.

#### **Section 5.09.06 Criteria for Evaluation**

The following criteria shall be used to evaluate the propriety of any proposed telecommunications facility and shall be supplemental to all other applicable criteria and standards set forth elsewhere in these Regulations, including, without limitation, Section 4.04 Dimensional Standards and Section 7.03 Special Permits.

##### **a. Towers**

1. Height: Towers shall be no taller than necessary to reasonably accommodate the proposed use of the tower. If the tower is proposed to be part of a telecommunications transmission network, such as a personal communications service network, but not including towers used solely for amateur radio communications, the applicant shall be required to provide adequate evidence that the height of the tower is no greater than reasonably necessary to accommodate the reception and transmission needs of the network. Such evidence shall include, without limitation, information on the current status of the network; the location(s) within the Town of Coventry or any Adjoining towns of all existing or proposed towers or other relay facilities within the network; the reception and transmission range of all such towers or relay facilities; and any alternative tower locations and heights reviewed by the applicant and the reasons such alternatives were not selected.



2. Location: The applicant shall be required to provide adequate information as to the reason for selecting the proposed tower location, including information on all alternative locations reviewed, the reasons such alternative locations were not selected, and why the tower is necessary to provide adequate telecommunications service. The applicant must also demonstrate that consideration has been given to placing the telecommunications equipment on existing buildings or structures, including existing towers, as opposed to constructing or erecting a new tower. The applicant must demonstrate that it has made reasonable efforts to minimize any negative impacts on the character of residential neighborhoods and areas and, if the tower is to be located in a residential zone, that the applicant has reasonably determined, based upon a specific and thorough investigation of potential alternative locations, that the applicant cannot provide adequate service without establishing a tower at the proposed location. Notwithstanding the foregoing provisions, an applicant for the construction or erection of a tower to be used for amateur radio communications originating from the parcel on which the tower is to be located shall only be required to demonstrate that the location of the tower on the parcel is reasonable and is designed to minimize negative impacts on other properties in the vicinity.

3. Fall Zone: The applicant shall provide an analysis by a licensed engineer of the potential fall zone of the proposed tower. The potential fall zone must be located entirely within any combination of (i) the lot on which the tower is to be located, (ii) adjoining property owned by the same person(s), or (iii) property owned by a person or persons who have each consented to the location of the tower by a written, notarized consent form that must be addressed and provided to the Commission. Under no circumstances shall the proposed fall zone encompass any existing buildings intended for human occupancy.

4. Co-Location: An applicant for any proposed new telecommunications tower, with the exception of towers intended solely for amateur radio communications, shall demonstrate that the tower is capable of accommodating both the applicant's proposed antennas and comparable antennas for at least two additional users if the tower is 100 feet or more in height or at least one additional user if the tower is 50 feet or more in height.

b. General Criteria for All Telecommunications Facilities

1. Visibility: The applicant shall be required to provide adequate evidence that the visibility of the proposed telecommunications facilities from surrounding areas has been minimized to the extent possible. Such evidence shall include a "viewshed" analysis showing all areas from which the facilities would be visible. The Commission may require the applicant to fly a balloon or to employ another appropriate method to simulate the visibility of the tower or other facilities at the proposed location from other sites within the Town. No lights shall be mounted on any telecommunications towers unless required by state or federal laws or regulations. The color and shape of the tower must be designed to blend with its natural surroundings to the extent possible.

2. Safety: The applicant shall provide adequate evidence that the proposed telecommunications facilities will comply with all applicable state and federal laws and regulations regarding electromagnetic emissions and aviation safety, and that the facilities will not unreasonably interfere with existing or currently proposed public safety communications.

3. Protection of Natural and Historic Resources: The Commission shall consider the extent to which the proposed telecommunications facility may unreasonably harm or otherwise affect any natural or historic resources, including scenic views, on or near the lot on

which the facility has been proposed. The applicant shall demonstrate the extent to which such resources have been considered in formulating the proposal for the facility.

#### **Section 5.09.07 Cessation of Use of Tower**

Any telecommunications tower that has not been used for a period of one year must be completely removed from the site unless the owner or operator of the facility submits to the Commission a written statement indicating that the use has not been abandoned and adequately specifying how and when the use will be recommenced. The Commission may require that additional information be submitted to prove any such statement. If the Commission determines that the statement or the information submitted in support of the statement is not credible, it may determine that the use of the tower has been abandoned and may order the immediate removal of the tower.

### **Section 5.10 Recreational Conveyances and Trailers**

#### **Section 5.10.01 Recreational and Utility Conveyances**

No recreational vehicle, boat, and/or recreational or utility trailer may be used for sleeping, living, cooking, or for carrying on a business in any district except as may be provided elsewhere in these Regulations.

#### **Section 5.10.02 Trailers**

Trailers are permitted in the Town of Coventry only under the following Conditions:

a. No trailer may be used for human habitation or commercial purposes when parked upon a public highway.

b. Trailer occupancy for residential purposes is restricted to temporary living quarters on a lot owned by the occupant while a permanent dwelling is being constructed on the premises or for farm labor purposes, as provided in subsection 5.10.02.d. Trailer occupancy for non-residential purposes is restricted to temporary field-office uses. A permit must be obtained from the Zoning Agent to allow the trailer to be used for any such residential or non-residential occupancy. The permit shall be valid for no more than one year, but may be extended for successive periods of six (6) months if construction is ongoing at the time of such extension. No such permit may be issued unless and until the Town Sanitarian or Director of Health or his or her authorized agent certifies in writing that the water supply and sewage disposal system (which may be a portable chemical toilet) comply with applicable state and local regulations. The permit shall at all times be posted in a conspicuous place on the premises at which any trailer is operated.

c. With the exception of a trailer that is clearly designed or intended for use as a temporary field office, each trailer shall be considered a temporary dwelling occupying a lot and shall be subject to the same lot area, yard, and setback requirements applicable to dwellings in the zone in which such trailer is located.

d. Farm Labor Quarters: The Zoning Agent may issue a Certificate of Zoning Compliance to the owner or operator of a farm for occupancy of a trailer by one (1) or more farm laborer(s) employed

on the premises. Such Certificate of Zoning Compliance shall be valid for three (3) years from the effective date thereof and shall be renewed provided that the property owner meets the following conditions:

1. The farm shall be a bona-fide farming operation, and the owner or operator shall reside in a permanent dwelling on the farm.
2. The trailer shall be occupied only by persons who are employed full-time in farming work on the premises, and by the families of such persons.
3. There shall be not more than one (1) trailer for each twenty (20) acres of land under active cultivation during the period of the Certificate of Zoning Compliance.
4. The number, size, occupancy, and other characteristics of the trailer(s) allowable under this Section shall be such as to constitute an Accessory Use, as that term is defined in these Regulations, to the principal farming use.
5. Housing quarters must meet Public Health and Housing Code criteria as applicable.

### **Section 5.11 Storage and Display of Goods and Merchandise**

If any goods or merchandise are stored or displayed in connection with a nonresidential use, such goods or merchandise shall be stored or displayed behind the established building line, except that a permitted roadside stand may be located behind the established street lines. The foregoing regulation shall be applicable in all zones other than the Village Center Zone and the Gateway Zone.

### **Section 5.12 Stormwater Management Regulations**

#### **Section 5.12.01 Purpose and Applicability**

a. The watercourses and water bodies of the Town of Coventry are valuable natural, economic, recreational, cultural, and aesthetic resources. The preservation and protection of these waters is essential to the health, welfare, and safety of the citizens of the Town. The purpose of this section is, therefore, to protect the water resources of the Town of Coventry from pollution through management of stormwater flows and minimizing the input of suspended solids, pathogens, toxic contaminants, nitrogen and floatable debris as well as thermal impacts to these flows.

b. The provisions of this section shall apply to all development occurring within the Town of Coventry. The requirements of this section shall be deemed to be the minimum stormwater management requirements and shall not be deemed to limit the application of any other provisions of these Regulations.

### **Section 5.12.02 Objectives**

a. Stormwater management systems and plans shall be designed and implemented to meet the following objectives:

1. Minimize the increase in stormwater runoff emanating from the subject property through the use of best management practices (BMPs) to prevent down gradient flooding. In approving any application for development of property, the Commission may require that there be no increase in runoff peak flows from the relevant lot for storms of designated frequencies (for example, the 25-year, 50-year, or 100-year storm frequency) if it deems such requirement reasonably necessary or appropriate to protect down gradient properties.

2. Maximize the quality of stormwater runoff into wetlands and watercourses through the use of such techniques and devices as sediment and oil-water separators, expeditious and efficient sweeping of roads to collect sand and salt, minimizing impervious surface areas and favoring the use of sheet flow, in order to prevent pollution and contamination of these resources and preserve their condition and character.

3. Minimize stormwater runoff velocity through the implementation of BMPs to prevent scour, erosion, and negative impacts to existing watercourses and wetlands.

4. Encourage the use of groundwater infiltration and the preservation of groundwater recharge capacity.

5. Minimize the alteration of existing hydrologic conditions, both on-site and in watershed and sub-watershed basins, caused by proposed activities and development.

6. Ensure proper operations and maintenance of all stormwater management systems.

### **Section 5.12.03 Criteria for Review**

Any application meeting one or both of the following criteria shall include submission of a hydrologic report and a stormwater management plan to the Commission:

a. The application involves the disruption, clearing or removal of ground cover or soil materials in an area greater than one (1) acre, or one-half (1/2) acre if located in the Lake Residential Zone or River/Aquifer Zone.

b. The application involves or proposes to create impervious surfaces greater than one (1) acre, or one-half (1/2) acre if located in the Lake Residential Zone or River/Aquifer Zone.

### **Section 5.12.04 Application Requirements**

a. The contents of all hydrologic reports and stormwater management plans submitted to the Commission shall include the following items:

1. U.S. Department of Agriculture soil type classifications for all soils on the site.
2. Locations of all wetlands and watercourses on and within 100 feet of the site. If adjacent properties are not accessible to the applicant, the location of watercourses and wetlands within 100 feet of the site may be determined by reference to the best available sources, including but not limited to the official Inland Wetlands and Watercourses Map of the Town of Coventry or more detailed on-site soils mapping.
3. DEP groundwater and surface water quality classifications for all bodies of water on and adjacent to the site.
4. Locations and total area of all existing and proposed impervious surfaces.
5. A hydrologic report, which shall address pollution reduction, runoff volume reduction, and groundwater recharge, stream channel protection, and peak flow control.
6. Proposed locations, descriptions, and drawings of all stormwater management structures and BMPs.
7. Locations of all easements and rights-of-way pertaining to the installation, access to or maintenance of stormwater management structures.
8. An Operations and Management Plan for the use and upkeep of all stormwater management structures and BMPs, both during construction and subsequent to the completion of development.
9. Such additional technical, design or other relevant information as the Commission may request.

### **Section 5.12.05 Standards**

a. Stormwater management systems and plans shall be developed in accordance with these regulations and using the principles outlined in the latest edition (and latest revisions) of the Connecticut Stormwater Quality Manual, published by the Connecticut Department of Environmental Protection.

b. The minimum standards for individual measures are those in the latest edition (and latest revisions) of the Connecticut Stormwater Quality Manual. The Commission or its authorized agent may grant exceptions when requested by the applicant if technically sound reasons are presented.

c. The Commission may forward a copy of the proposed stormwater management plan to other agencies and/or advisors for review and comment.

#### **Section 5.12.06 Maintenance**

a. All stormwater management systems and structures shall be maintained by the owner. The Commission shall require that an operations and maintenance plan, for use by the owner or others responsible for maintenance of the system, be submitted to them for approval to ensure that all components function properly. This plan shall be prepared and submitted prior to the installation of the system. The Commission may require that a bond be posted for a period of one (1) year after the completion with respect to any such systems or structures that are to be dedicated or conveyed to the Town and/or that periodic reports be filed with the Commission or its Agent to ensure that the required maintenance has been performed.

b. The Operations and Maintenance plan for stormwater management systems and structures shall include, at a minimum, the procedures, guidelines and recommendations outlined and described in the latest edition (and latest revisions) of the Connecticut Stormwater Quality Manual.

#### **Section 5.12.07 Waiver/Exemptions**

a. The Commission may waive one or more of these requirements if it expressly finds, based upon evidence submitted or otherwise available to it, that the proposed activity will not adversely affect any person's health, safety or welfare or any wetlands, watercourses, groundwater or other natural resources of the Town. The Commission shall state on the record its reasons for granting the waiver or exemption.

### **Section 5.13 Designed Apartment/Condominium Developments**

#### **Section 5.13.01 Intent**

The intent of this section is to provide an opportunity for the construction of a variety of housing types in Coventry to meet varying life styles, family sizes and income levels; to provide for apartment developments which are compatible with the character of the town and existing neighborhoods; to allow apartment developments on those tracts of land which, by reason of topography, favorable soil conditions, adequate road access and neighborhood character, are favorable to accommodating such clusters; and to encourage an aesthetically pleasing complex of multi-family units. Designed Apartment/Condominium Developments may be approved by special permit in the zones specified in Article VI, provided, however, that no such permit shall be issued for any such development in the drainage basin (watershed area) of Coventry Lake (Wangumbaug Lake).

### **Section 5.13.02 Minimum Area, Density, Coverage and Frontage**

A minimum of 7.5 contiguous acres on a single lot, having at least 50 feet of frontage on a State highway or a Town road meeting current Town road specifications, shall be required for a designed apartment/condominium development. Each development shall have a maximum density of two (2) dwelling units per acre, except for senior housing which shall have a maximum density of four (4) dwelling units per acre when served by public sewer. No single building shall contain more than four (4) dwelling units. No dwelling unit in senior housing may contain more than three (3) bedrooms. Total land coverage, including all impervious surfaces, shall not exceed twenty-five percent.

### **Section 5.13.03 Caretaker Unit for Senior Housing**

One dwelling unit in a senior housing development may be occupied without regard to the age of the occupants, if that unit is occupied by at least one person serving as maintenance manager or superintendent who is responsible for the maintenance and/or management of the senior housing project.

### **Section 5.13.04 Application Procedures.**

Designed Apartment/Condominium Developments shall be subject to a modified special permit/site plan approval process. The applicant shall submit with the application such fees as may be required for a special permit. The applicant shall also submit such information as is required for a special permit pursuant to Section 7.03, except as provided herein. In lieu of detailed design plans showing specific locations of buildings, structures, drainage and parking facilities and utilities, and open spaces, the applicant may provide a preliminary, conceptual site plan showing the potential, generalized locations of such features. The conceptual site plan shall be designed to assist the Commission in determining the appropriateness of issuing a special permit but shall not be deemed to be the final site plan. If a special permit is granted, the applicant shall file with the Commission within six months a detailed final site plan containing all of the information required by Section 7.02 and 7.03, plus appropriate fees and other data as may be required by the Commission. The final site plan shall substantially comply with the conceptual site plan submitted for the special permit approval. All final site plans shall be prepared, stamped, and signed by a registered and licensed engineer, land surveyor, and/or landscape architect, as appropriate. The Commission shall approve, or approve with modifications and conditions, the final site plan as provided in Section 7.02 and 7.03 of these Regulations. In considering the application for special permit, the Commission shall make specific findings on the following:

a. That the proposed type, design and size of the complex is in harmony with the surrounding neighborhood and existing land uses, with particular emphasis on the potential impact on nearby historic structures and properties.

b. That the proposed site is adequately screened from adjacent streets and properties, thereby providing for a transition from adjacent land uses of a different character. Any site which cannot be adequately screened shall be considered inappropriate for a designed apartment/condominium development.

c. That the applicant has given full consideration to the aesthetic quality of the project, including architectural design, landscaping, and proper use of the land's natural features.

d. That the proposal will not hinder nor discourage the appropriate development and use of adjoining lands and buildings.

e. That the proposal incorporates a safe and suitable access, which will not create traffic hazards on existing town roads.

f. That adequate provision has been made for sewage disposal, water supply, fire Protection and storm drainage systems.

#### **Section 5.13.05 Additional Requirements.**

a. Underground utilities are required unless specifically waived by the Commission.

b. All access drives shall, where feasible, be a minimum of 50 feet from side property lines and, except as noted below, shall be built to conform to standards for Town roads. Roadway widths shall be no less than 22 feet. Curbing and catch basin storm drainage shall not be required if the Commission finds that proposed alternatives will be equally effective. Where deemed necessary by the Commission, drainage easements shall be obtained by the applicant. Common driveways up to 18 feet in width shall be permitted.

c. All buildings, structures, and parking areas shall be set back a minimum of 50 feet from all property lines.

d. The minimum distance between structures should generally be at least five (5) feet greater than the height of the taller of the two adjacent structures. The Commission may allow a smaller distance if the applicant demonstrates that such smaller distance is compatible with the overall architectural design and site layout and that such design satisfies concerns regarding the health, safety and welfare of future residents.

e. Proof of adequate water supplies and waste-disposal facilities, including reports by any local, regional or state officials and agencies having regulatory permitting authority with regard to such facilities.

f. A minimum of two (2) parking spaces per dwelling unit shall be provided.

g. A fire control plan, based on recommendations and comments of the Coventry Fire Marshal, which may include fire suppression systems involving water storage tanks or other measures at the discretion of the Fire Marshal (Revised – Effective 06/08/15)

h. Sidewalk and pedestrian walkways between buildings and Town or State roads, as may be required by the Commission.

i. The applicant shall dedicate conservation easements to the Town for any areas within 20 feet of any watercourses and for all areas within 50 feet of the front, side and rear lot lines. The Commission may authorize the use of conservation easement areas to permit necessary driveways or emergency access entrances and exits. The Commission's approval of a plan showing driveways or emergency access entrances and exits within the conservation easement areas shall be deemed to constitute approval of such uses in the designated areas.



j. To insure and protect the health, welfare and safety of the future residents and to protect the Town of Coventry from any potential obligation to correct health or safety hazards, the Commission may require a bond or other security for all improvements associated with the proposed development to the extent permitted under the Connecticut General Statutes. Such improvements shall include but not be limited to the following: roadway, drainage, public sewer, public water, parking areas, recreation facilities and landscaping. The required security shall be in an amount equal to 100% of the estimated cost of such improvements. The Commission shall set the amount of the security after consulting with the Town Engineer. The security shall be in a form acceptable to the Commission upon the advice of the Town Attorney. The Commission may allow the security to be renewed. The required security shall be reduced or released by the Commission upon completion of an entire system or improvement.

k. The Commission shall require a maintenance bond or other security with respect to any such systems or structures that are to be dedicated or conveyed to the Town for a one-year period after the completion of the improvements. The Commission may partially release any such security upon partial completion of the improvements.

l. The Commission may allow the development to be bonded in stages provided the first stage has a minimum of eight (8) dwelling units and provided that each stage can function as a separate entity.

m. No zoning permit shall be issued on the development until the required security is posted and accepted by the Town Attorney.

n. All outdoor lighting shall be screened from adjoining property.

o. Best management practices and non-point-source stormwater management methodology are required in the project design.

p. The proposed landscaping and screening shall be shown on the proposed plans.

#### **Section 5.13.06 Issuance of Certificates of Use, Compliance and Occupancy.**

No Certificate of Use, Compliance or Occupancy shall be issued until all the requirements of the Commission and these Regulations have been met, and as-built plans of the project have been filed with the town. A bond may serve in lieu of meeting these requirements, if approved by the Commission.

## **ARTICLE VI - ZONING DISTRICT REGULATIONS**

### **Section 6.01 Prohibition of Unlisted Uses**

The specific uses listed as generally permitted uses and specially permitted uses in this Article VI are principal uses. Uses that are not specifically listed in this Article VI may nonetheless be permitted as accessory uses if they are both (i) located on the same lot as a permitted principal use or, to the extent expressly allowed by these Regulations, on an adjoining lot under the same ownership, and (ii) subordinate or incidental to the principal use of the land, building or structure.

Any principal use that is not specifically listed as a generally permitted or specially permitted use in any zoning district pursuant to the relevant sections of this Article VI shall be deemed to be prohibited in that zone. In addition, the following buildings, structures, and uses are expressly prohibited in all zoning districts and shall not be deemed to be either lawful accessory uses or within any of the categories of generally permitted or specially permitted principal uses set forth in Article VI:

- a. The production, use, storage, or disposal of hazardous or radioactive materials or wastes, except for small amounts of cleaning products or other materials that are typically sold to and used by residential or business consumers for ordinary building maintenance.
- b. The following uses involving commercial processing or incineration of animal and vegetable products: slaughterhouses; distillation of bones, rendering or dumping of offal, fat or dead animals; refining or recovery of products from fish, animal refuse or offal; soap manufacturing or processing (except as a home occupation); glue manufacturing; tanneries; paint and varnish manufacturing; and creosote and creosote products manufacturing. This prohibition does not apply to crematories.
- c. Drop forges, blast furnaces or smelting of copper, iron, lead, tin or zinc.
- d. Coal or petroleum distillation or derivation of byproducts.
- e. Manufacture of cement, lime, gypsum, or plaster of paris, or chlorine, or carbolic, hydrochloric, nitric, picric or sulphuric acid.
- f. Manufacture of explosives or chemical fertilizers, or storage of explosives.
- g. Junk yards.

### **Section 6.02 Uses Allowed Under State or Federal Law**

Certain uses not expressly permitted under these Regulations may nonetheless be allowed under certain provisions of State or Federal law. Such uses shall be permitted only under the specific circumstances described in the applicable provisions of State or Federal law and only if the applicant for such use specifies in the application the particular provisions of State or Federal law the applicant believes are relevant to the use. The Commission may deny any such application if it finds that the provisions of State or Federal law cited by the applicant do not require such use to be permitted.

## **Section 6.03 General Residential (GR-40 and GR-80) Zones**

### **Section 6.03.01 Generally Permitted Uses (Amended - Effective 09/27/10)**

#### a. Uses Not Requiring Site Plan Review by the Commission

The following uses are permitted in the General Residential Zones upon the issuance of a zoning permit by the Zoning Agent:

1. Single-family dwellings.
2. Two-family dwellings, subject to the increased lot-size requirements of Section 4.04.03 and Table 4.04 of these Regulations.
3. Agriculture, including a farm, but not including nurseries and greenhouses, and further provided (i) that any parcel for the raising of animals other than common domestic household pets shall be no less than two (2) acres in size, except with a special permit pursuant to Section 6.03.02.j; (ii) that any structure for the sheltering or feeding of livestock, which is not intended or designed for the purpose of storing animal waste are located no less than 50 feet from any property line; (iii) that any structures or open areas for the storage of manure or other animal waste products are located no less than 100 feet from any property line and are adequately and permanently screened from dwellings on adjacent properties, except that fully composted manure may be applied within 100 feet of a property line for soil restoration and fortification; (iv) the application of Best Management Practices shall be implemented for manure storage or plant fertilizer to mitigate runoff of agricultural contaminants; (v) any structure for the enclosure and feeding of swine must be no less than 100 feet from any property line; (vi) that any structure for the enclosure of poultry that is less than 100 square feet in area and less than 10 feet in height may be located no less than 25 feet to a property line and no less than 50 feet to a neighboring residence. The setbacks specified in this subsection shall not apply to fences associated with an agricultural use. **(Revised - Effective 06/08/2015)**
4. Public parks, playgrounds, schools, museums and libraries.
5. Governmental services.
6. Historic sites and monuments that are open to the public, with or without an entrance fee.
7. Residential tag sales and auctions, including estate sales, provided they are conducted solely by or for the benefit of the residents of the dwelling at which they are conducted. Such sales and auctions shall be conducted no more than four times at any one residence in any period of 365 days and shall be no longer than three days in duration. Neighborhood or multifamily tag sales are permitted at a single residence. Tag sale merchandise shall be stored inside a building before, between, and after sales.
8. Roadside stands not to exceed 150 square feet for the sale of farm produce, home cooking, homemade crafts, and similar items produced on the same premises.

#### b. Uses Requiring Site Plan Review by the Commission

The following uses are permitted in the General Residential Zones upon the issuance of site plan approval by the Commission:

1. Nurseries that do not sell products on site.
2. Greenhouses that do not sell products on site.
3. Tourist homes or bed and breakfast facilities.
4. Commercial livery and boarding stables on lots greater than five (5) acres in size, provided that all structures used for livery or stables shall be no less than 100 feet from any property line.
5. Nurseries that do not sell products at retail on site and which are accessory to a primary residential use. (Effective 08/01/11)
6. Greenhouse that do not sell products at retail on site and which are accessory to a primary residential use. (Effective 08/01/11)

#### **Section 6.03.02 Specially Permitted Uses**

The Commission may issue a special permit in accordance with Section 7.03 of these Regulations for the following uses in the General Residential Zones:

- a. Philanthropic, educational, religious, cemetery and eleemosynary uses by non-profit organizations.
- b. Golf courses, which may include as accessory uses clubhouses, retail golf pro shops, restaurants, banquet facilities, and other athletic recreational facilities, such as tennis courts and swimming pools.
- c. Taverns, inns and boarding houses.
- d. Designed Apartment/Condominium Developments, including, but not limited to senior housing, in accordance with Section 5.13 of these Regulations.
- e. Hospitals, sanitariums, rest homes and convalescent homes.
- f. Veterinary hospitals on lots greater than five (5) acres in size, provided that all structures or fenced areas within which animals are enclosed, fed or maintained shall be no less than 200 feet from any property line.
- g. Parking garages for more than two commercial vehicles.
- h. Studios for the creation, preparation, exhibition, demonstration and/or sale of photography, sculptures, paintings or other artwork, and/or crafts. Artistic instruction and lectures may be permitted in such studios, but no such studio shall be used for the presentation of musical, theatrical, or similar “live” performances.
- i. Power-generating facilities, substations or offices.

- j. The raising of animals other than common domestic household pets on a lot less than two (2) acres, but no less than one (1) acre, in size.
- k. Child and adult day-care facilities.
- l. Nurseries having on-site sales of products.
- m. Greenhouses having on-site sales of products.
- n. Commercial recreation.
- o. Wineries and Accessory Assembly Uses. (Added - Effective 06/01/11)
- p. Agriculture and Accessory Retail Uses not to exceed 2,500 s.f. in area. (Added - Effective 06/01/11)
- q. Public Utility Stations and Buildings essential to Public Convenience or Welfare. (**Added – Effective 06/08/15**)

## **Section 6.04 Lake Residential (LR) Zone**

### **Section 6.04.01 Generally Permitted Uses**

- a. Uses Not Requiring Site Plan Review by the Commission

The following uses are permitted in the Lake Residential Zone upon the issuance of a zoning permit by the Zoning Agent:

- 1. Any use, other than agriculture and two-family dwellings, that is generally permitted without the necessity of site plan approval in the GR Zones.

- b. Uses Requiring Site Plan Review by the Commission

At this time, no additional uses are permitted in the Lake Residential Zone by site plan approval.

### **Section 6.04.02 Specially Permitted Uses**

The Commission may issue a special permit in accordance with Section 7.03 of these Regulations for the following uses in the Lake Residential Zone:

- a. Philanthropic, educational, religious, cemetery and eleemosynary uses by non-profit organizations.

- b. Agriculture, including a farm, but not including nurseries and greenhouses, and further provided (i) that any parcel for the raising of animals other than common domestic household pets shall be no less than two (2) acres in size; (ii) that any structure for the sheltering or feeding of livestock, which is not intended or designed for the purpose of storing animal waste are located no less than 50 feet from any property line; (iii) that any structures or open areas for the storage of manure or other animal waste products are located no less than 100 feet from any property line and are adequately and permanently

screened from dwellings on adjacent properties, except that fully composted manure may be applied within 100 feet of a property line for soil restoration and fortification; (iv) the application of Best Management Practices shall be implemented for manure storage or plant fertilizer to mitigate runoff of agricultural contaminants; (v) any structure for the enclosure and feeding of swine must be no less than 100 feet from any property line; (vi) that any structure for the enclosure of poultry that is less than 100 square feet in area and less than 10 feet in height may be located no less than 25 feet to a property line and no less than 50 feet to a neighboring residence. The setbacks specified in this subsection shall not apply to fences associated with an agricultural use. **(Revised - Effective 06/08/2015)**

- c. Power-generating facilities, substations, or offices.
- d. Public Utility Stations and Buildings essential to Public Convenience or Welfare. **(Added – Effective 06/08/15)**

### **Section 6.05 River/Aquifer (R/A) Zone**

#### **Section 6.05.01 Generally Permitted Uses**

(Amended – Effective November 23, 2009, September 27, 2010)

- a. Uses Not Requiring Site Plan Review by the Commission

The following uses are permitted in the River/Aquifer Zone upon the issuance of a zoning permit by the Zoning Agent:

1. Any use, other than agriculture, that is generally permitted without the necessity of site plan approval in the GR Zones.

2. Agriculture, including a farm, but not including nurseries and greenhouses, and further provided (i) that any parcel for the raising of animals other than common domestic household pets shall be no less than two (2) acres in size, (ii) that any structure for the sheltering or feeding of livestock, which is not intended or designed for the purpose of storing animal waste are located no less than 50 feet from any property line; (iii) that any structures or open areas for the storage of manure or other animal waste products are located no less than 100 feet from any property line and are adequately and permanently screened from dwellings on adjacent properties, except that fully composted manure may be applied within 100 feet of a property line for soil restoration and fortification; (iv) the application of Best Management Practices shall be implemented for manure storage or plant fertilizer to mitigate runoff of agricultural contaminants; (v) any structure for the enclosure and feeding of swine must be no less than 100 feet from any property line; (vi) that any structure for the enclosure of poultry that is less than 100 square feet in area and less than 10 feet in height may be located no less than 25 feet to a property line and no less than 50 feet to a neighboring residence. The setbacks specified in this subsection shall not apply to fences associated with an agricultural use. **(Revised - Effective 06/08/2015)**

- b. Uses Requiring Site Plan Review by the Commission.

The following uses are permitted in the River/Aquifer Zone upon the issuance of site plan approval by the Commission:

- 1. Any use that may be permitted by site plan approval in the GR Zones.

### **Section 6.05.02 Specially Permitted Uses**

The Commission may issue a special permit in accordance with Section 7.03 of these Regulations for the following uses in the River/Aquifer Zone:

- a. Philanthropic, educational, religious, cemetery and eleemosynary use by a duly incorporated, non-profit organization.
- b. Agriculture, including a farm, provided (i) that any structures for the enclosure or feeding of poultry or swine are located no less than 100 feet from any property line; (ii) that any structures for the enclosure or feeding of animals other than poultry, swine, or common domestic household pets such as cats or dogs, are located no less than 50 feet from any property line; (iii) that any structures or open areas for the storage of manure or other animal waste products are located no less than 100 feet from any property line and are screened from dwellings on adjacent properties, except that fully composted manure may be applied within 100 feet of a property line for soil restoration and fortification; and (iv) that any parcel for the raising of animals other than common domestic household pets shall be no less than one (1) acre in size. The special permit requirement does not apply to nurseries and greenhouses that do not sell products on site, as such uses are permissible with site plan approval under Section 6.05.01.b.
- c. Water-dependent, riparian recreational uses.

### **Section 6.06 Commercial/Agricultural (C/A) Zone**

#### **Section 6.06.01 Generally Permitted Uses**

- a. Uses Not Requiring Site Plan Review by the Commission

The following uses are permitted in the Commercial/Agricultural Zone upon the issuance of a zoning permit by the Zoning Agent:

1. Agriculture, including a farm, but not including nurseries and greenhouses, and further provided (i) that any parcel for the raising of animals other than common domestic household pets shall be no less than two (2) acres in size, except with a special permit pursuant to Section 6.06.02.g; (ii) that any structure for the sheltering or feeding of livestock, which is not intended or designed for the purpose of storing animal waste are located no less than 50 feet from any property line; (iii) that any structures or open areas for the storage of manure or other animal waste products are located no less than 100 feet from any property line and are adequately and permanently screened from dwellings on adjacent properties, except that fully composted manure may be applied within 100 feet of a property line for soil restoration and fortification; (iv) the application of Best Management Practices shall be implemented for manure storage or plant fertilizer to mitigate runoff of agricultural contaminants; (v) any structure for the enclosure and feeding of swine must be no less than 100 feet from any property line; (vi) that any structure for the enclosure of poultry that is less than 100 square feet in area and less than 10 feet in height may be located no less than 25 feet to a property line and no less than 50 feet to a neighboring residence. The setbacks specified in this subsection shall not apply to fences associated with an agricultural use. **(Revised - Effective 06/08/2015)**
2. Sales of agricultural products grown on the premises.

b. Uses Requiring Site Plan Review by the Commission

The following uses are permitted in the Commercial/Agricultural Zone upon the issuance of site plan approval by the Commission:

1. Historic sites and monuments that are open to the public, with or without an entrance fee.
2. Tourist homes or bed-and-breakfast facilities.
3. Agricultural show areas. (Added - Effective 04/01/11)
4. Riding; carriage, wagon and sleigh rides; boarding and instructional activities related to the keeping of horses. (Added - Effective 04/01/11)
5. Storage and repair of farm vehicles and similar agricultural equipment, not to include operation of a repair garage for other motor vehicles. (Added - Effective 04/01/11)
6. Greenhouse/Nursery (Added - Effective 04/01/11)

**Section 6.06.02 Specially Permitted Uses**

The Commission may issue a special permit in accordance with Section 7.03 of these Regulations for the following uses in the Commercial/Agricultural Zone:

- a. Philanthropic, educational, religious, cemetery and eleemosynary uses by a duly incorporated non-profit body or governmental unit
- b. Fairgrounds
- c. Bazaars, festivals, auctions, carnivals, circuses and other, similar, temporary activities
- d. Housing, camps and dormitories for seasonal farm workers, not to exceed the ratio of two workers per cultivated acre. A group of farm owners or an association representing farm owners may seek a special permit jointly to provide housing for farm workers, not to exceed the ratio of two workers per cultivated acre. Special permits for this purpose must be renewed annually
- e. Storage, packaging, processing and bottling of farm products
- f. Retail trade, up to 7,500 square feet of gross building floor area per lot
- g. The raising of animals other than common domestic household pets on a lot less than two (2) acres, but no less than one (1) acre, in size
- h. Feed and grain stores and tack shops (Added – Effective 04/01/11)
- i. Retail sales of farm products (Added-Effective 04/01/11)



- j. Farm stores, provided the majority of the products sold are agricultural and not including manufacture of farm equipment (Added – Effective 04/01/11)
- k. Veterinary clinics (Added – Effective 04/01/11)
- l. Construction and sale of agricultural and livestock-related products, including but not limited to troughs and jumps (Added – Effective 04/01/11)
- m. Wineries (Added – Effective 04/01/11)

**Section 6.06.03 Design Guidelines** (Added – Effective 10/12/10)

In addition to the standards provided elsewhere in these Regulations, the Commission shall consider, when reviewing site plans and special permit applications for property within the Commercial/Agricultural Zone, the “Coventry Design Guidelines for Commercial Development”, developed by the Green Valley Institute and dated September 24, 2010 and effective October 12, 2010, in rendering its decision on an application for either (i) new construction; (ii) modifications to an existing building that would result in an increase of 25% or more in the surface area of the exterior of the building; or (iii) modifications to an existing structure that would result in an increase 25% or more in the footprint area of the structure. The foregoing Design Guidelines are hereby incorporated into these Regulations by reference.

**Section 6.07 Commercial (C) Zone**

**Section 6.07.01 Generally Permitted Uses**

- a. Uses Not Requiring Site Plan Review by the Commission

The following uses are permitted in the Commercial Zone upon the issuance of a zoning permit by the Zoning Agent:

- 1. Finance, insurance and real estate services.
- 2. Governmental services.
- 3. Historic sites and monuments that are open to the public, with or without an entrance fee.
- 4. Public parks, playgrounds, schools, museums and libraries.
- 5. Offices.
- 6. Personal services.
- 7. Professional services.

8. Studios for the creation, preparation, exhibition, demonstration and/or sale of photography, sculptures, paintings or other artwork, and/or crafts, but without artistic instruction or lectures.

9. Agriculture, including a farm, but not including nurseries and greenhouses, and further provided (i) that any parcel for the raising of animals other than common domestic household pets shall be no less than two (2) acres in size, except with a special permit pursuant to Section 6.07.02.z; (ii) that any structure for the sheltering or feeding of livestock, which is not intended or designed for the purpose of storing animal waste are located no less than 50 feet from any property line; (iii) that any structures or open areas for the storage of manure or other animal waste products are located no less than 100 feet from any property line and are adequately and permanently screened from dwellings on adjacent properties, except that fully composted manure may be applied within 100 feet of a property line for soil restoration and fortification; (iv) the application of Best Management Practices shall be implemented for manure storage or plant fertilizer to mitigate runoff of agricultural contaminants; (v) any structure for the enclosure and feeding of swine must be no less than 100 feet from any property line; (vi) that any structure for the enclosure of poultry that is less than 100 square feet in area and less than 10 feet in height may be located no less than 25 feet to a property line and no less than 50 feet to a neighboring residence. The setbacks specified in this subsection shall not apply to fences associated with an agricultural use. **(Revised - Effective 06/08/2015)**

10. Retail sales of farm products.

b. Uses Requiring Site Plan Review by the Commission

The following uses are permitted in the Commercial Zone upon the issuance of site plan approval by the Commission:

1. Artistic instruction and lectures, given in studios for the creation, preparation, exhibition, demonstration and/or sale of photography, sculptures, paintings or other artwork, and/or crafts. No such studio shall be used for the presentation of musical, theatrical or similar “live” performances without a special permit.

2. Philanthropic, educational, religious, cemetery and eleemosynary uses by non-profit organizations. (Added – Effective 04/01/11)

3. Tourist homes and bed-and-breakfast facilities. (Added-Effective 04/01/11)

#### **Section 6.07.02 Specially Permitted Uses (Amended – Effective 02/12/10)**

The Commission may issue a special permit in accordance with Section 7.03 of these Regulations for the following uses in the Commercial Zones:

a. Golf courses, which may include as accessory uses clubhouses, retail golf pro shops, restaurants, banquet facilities, and other athletic recreational facilities, such as tennis courts and swimming pools.

b. Taverns and inns.

c. Hospitals, sanitariums, rest homes, convalescent homes, and long-term care and assisted living facilities.

- d. Amusement centers, including video, arcade (electric with mechanical operation), and pool/billiard hall and bowling alley.
- e. Hotels, motels, and conference and convention centers.
- f. Mortuaries and funeral homes.
- g. Motor vehicle gasoline and service stations.
- h. Motor vehicle repair and services.
- i. Motor equipment storage and sales operations, excluding the display or sale of heavy machinery, trucks, motor homes, or motor vehicles.
- j. Retail trade, greater than 5,000 square feet of gross building floor area per lot.
- k. Restaurants and cafés.
- l. Catering facilities.
- m. Dance halls.
- n. Movie and performing arts centers and theaters.
- o. Railroad/rapid rail transit lines.
- p. Automobile parking lots.
- q. Motor vehicle transportation terminals.
- r. Power-generating facilities, substations or offices and other public utilities or similar, privately operated facilities.
- s. Nursery schools, and child and adult day care facilities.
- t. Private schools and colleges.
- u. Veterinary hospitals.
- v. Enclosed storage and warehouse facilities, excluding storage of hazardous chemicals, fuels or radioactive materials.
- w. Assembly, processing or machine operations on materials such as wood, metal, glass, fabrics, clay, stone, synthetics, plastics, and electronic components and appliances, including retail sales of products produced at the site and wholesale storage yards for such materials, but excluding motor vehicle wrecking areas and junkyards.
- x. Manufacturing and processing of foods; textiles, knitted goods, apparel and other fabric products; and lumber and wood products, including furniture; and retail sales of products produced at the site.

- y. Car wash facilities.
- z. The raising of animals other than common domestic household pets on a lot less than two (2) acres, but no less than one (1) acre, in size.
- aa. Finance, insurance, and real estate services (Added – Effective 04/01/11)
- bb. Public parks, playgrounds, schools, museums and libraries (Added – Effective 04/01/11)
- cc. Offices (Added – Effective 04/01/11)
- dd. Personal services (Added – Effective 04/01/11)
- ee. Professional services (Added – Effective 04/01/11)
- ff. Studios for the creation, preparation, exhibition, demonstration and/or sale of photography, sculptures, paintings or other artwork, and/or crafts, but without artistic instruction or lectures. (Added – Effective 04/01/11)
- gg. Retail sales of farm products (Added – Effective 04/01/11)
- hh. Business services that are not listed under subsection a of this section. (Added – Effective 04/01/11)
- ii. Commercial printing (including on-site sales), up to 10,000 square feet of gross-building floor area per lot. (Added – Effective 4/1/11)
- jj. Retail trade (Added – Effective 04/01/11)
- kk. Public Utility Stations and Buildings essential to Public Convenience or Welfare (**Added – Effective 06/08/15**)

**Section 6.07.03 Design Guidelines** (Added – Effective 10/12/10)

In addition to the standards provided elsewhere in these Regulations, the Commission shall consider, when reviewing site plans and special permit applications for property within the Commercial Zone, the “Coventry Design Guidelines for Commercial Development”, developed by the Green Valley Institute and dated September 24, 2010 and effective October 12, 2010, in rendering it’s decision on an application for either (i) new construction; (ii) modifications to an existing building that would result in an increase of 25% or more in the surface area of the exterior of the building; or (iii) modifications to an existing structure that would result in an increase 25% or more in the footprint area of the structure. The foregoing Design Guidelines are hereby incorporated into these Regulations by reference.

**Section 6.08 Rural Development (RD) Zone**

**Section 6.08.01 Generally Permitted Uses**

The following uses are permitted in the RD Zone with site plan approval by the Commission:

- a. Business services, including data processing and other electronic processing facilities.
- b. Printing, binding and other and publishing facilities.
- c. Research and development facilities.
- d. Manufacturing and processing of foods; textiles, knitted goods, apparel and other fabric products; and lumber and wood products, including furniture.
- e. Assembly, processing or machine operations on materials such as wood, metal, glass, fabrics, clay, stone, synthetics, plastics, and electronic components and appliances, including retail sales of products produced at the site and wholesale storage yards for such materials, but excluding motor vehicle wrecking areas and junkyards.
- f. Enclosed storage and warehouse facilities, excluding storage of hazardous chemicals, fuels or radioactive materials.
- g. Bottling and distribution of beverages.
- h. Storage yard for vehicles used in public transportation (livery).
- i. Retail sales of products produced on the site.
- j. Communication and broadcasting facilities.
- k. Child and adult day care facilities.
- l. Residences for caretakers or security personnel.
- m. Offices accessory to a principal use in the RD Zone.

#### **Section 6.08.02 Specially Permitted Uses**

The Commission may issue a special permit in accordance with Section 7.03 of these Regulations for the following uses in the RD Zone.

- a. Laundry and rug cleaning services.
- b. Motor vehicle transportation terminals.
- c. Power generating facilities, substations or offices.
- d. Commercial recreation facilities.
- e. Sand blasting operations.
- f. Yards for outdoor storage of lumber, stone, building materials, and/or fuel
- g. Storage and sales of heavy machinery, trucks, motor homes and trailers.

- h. Retail sales, occupying a gross floor area of 5,000 square feet or less.
- i. Commercial kennels on lots greater than eight (8) acres in size, provided that all structures other than residences, and all fenced areas within which dogs shall be enclosed or confined, shall be no less than 200 feet from any property line.
- j. Business services, including data processing and other electronic processing facilities.  
(Added – Effective 04/01/11)
- j. Printing, bind and other and publishing facilities. (Added – Effective 04/01/11)
- k. Research and development facilities. (Added – Effective 04/01/11)

**Section 6.08.03 Design Guidelines** (Added – Effective 10/12/10)

In addition to the standards provided elsewhere in these Regulations, the Commission shall consider, when reviewing site plans and special permit applications for property within the Rural Development Zone, the “Coventry Design Guidelines for Commercial Development”, developed by the Green Valley Institute and dated September 24, 2010 and effective October 12, 2010, in rendering it’s decision on an application for either (i) new construction; (ii) modifications to an existing building that would result in an increase of 25% or more in the surface area of the exterior of the building; or (iii) modifications to an existing structure that would result in an increase 25% or more in the footprint area of the structure. The foregoing Design Guidelines are hereby incorporated into these Regulations by reference.

**Section 6.09 Village Residence Zone**

**Section 6.09.01 Generally Permitted Uses**

- a. Uses Not Requiring Site Plan Review by the Commission

The following uses are permitted in the Village Residence Zone upon the issuance of a zoning permit by the Zoning Agent:

- 1. Single family dwelling.
- 2. Multi-family dwelling – up to four units.
- 3. Public parks and playgrounds.
- 4. Governmental services.
- 5. Historic sites and monuments.
- b. Uses Requiring Site Plan Review by the Commission

The following uses are permitted in the Village Residence Zone upon the issuance of site plan approval by the Commission:

1. Tourist home, bed and breakfast.
2. Home occupations that are classified as MIHOs (see Section 5.05).

### **Section 6.09.02 Specially Permitted Uses**

The Commission may issue a special permit in accordance with Section 7.03 of these Regulations for the following uses in the Village Residence Zone:

a. Structures providing or requiring direct access to a lake, such as piers, docks, moorings, boathouses and cabanas

b. Philanthropic, educational, religious, and eleemosynary uses conducted by a non-profit organization or governmental body

c. In a mill structure existing as of January 1, 2005, or in an expansion thereof, the following uses may be permitted: (Revised - Effective 06/15/12)

1. light manufacturing
2. storage (enclosed)
3. food service establishment (with or without outdoor seating)
4. tavern, inn
5. public assembly
6. business services
7. retail services

d. Designed Apartment/Condominium Developments, including, but not limited to senior housing, in accordance with Section 5.13 of these Regulations

e. Offices

f. Public Utility Stations and Buildings essential to Public Convenience or Welfare (**Added – Effective 06/08/15**)

## **Section 6.10 Gateway Zone**

### **Section 6.10.01 Generally Permitted Uses**

#### a. Uses Not Requiring Site Plan Review by the Commission

The following uses are permitted in the Gateway Zone upon the issuance of a zoning permit by the Zoning Agent:

1. Finance, insurance, real estate services
2. Offices
3. Personal services
4. Professional services
5. Art studios/galleries
6. Residential apartment (not on primary street level)
7. Public museums
8. Government services
9. Contract construction services
10. Tattoo studios (Added – Effective 3/7/13)

#### b. Uses Requiring Site Plan Review by the Commission

The following uses are permitted in the Gateway Zone upon the issuance of site plan approval by the Commission:

1. Business services – data processing
2. Retail trade – up to 5,000 square feet of gross building floor area per lot
3. Municipal public parking
4. Churches and other places of religious worship

### **Section 6.10.02 Specially Permitted Uses**

The Commission may issue a special permit in accordance with Section 7.03 of these Regulations for the following uses in the Gateway Zone:

#### a. Taverns and inns



- b. Recreational activities
- c. Educational institutions and services
- d. Retail trade – over 5,000 square feet of gross building floor area per lot
- e. Food service establishment (with or without outdoor seating)
- f. Child and adult day care facilities and nursery schools
- g. Theatres
- h. In a mill structure existing as of January 1, 2005, or in an expansion thereof, the following uses may be permitted: (Revised - Effective 06/15/12)
  - 1. assembly
  - 2. factory outlet
  - 3. light manufacturing
  - 4. office
  - 5. residential uses
  - 6. business services
  - 7. retail services
- i. Designed Apartment/Condominium Developments, including, but not limited to senior housing, in accordance with Section 5.13 of these Regulations.
- j. Car washes (Added – Effective 07/30/07)
- k. Public Utility Stations and Buildings essential to Public Convenience or Welfare. (**Added – Effective 06/08/15**)

#### **Section 6.10.03 Design Guidelines**

In addition to the standards provided elsewhere in these Regulations, the Commission shall consider, when reviewing site plans and special permit applications for property within the Gateway Zone, the “Design Guidelines, Village and Gateway Districts, Town of Coventry,” developed by the Green Valley Institute and dated September 2003, in rendering its decision on application for either (i) new construction; (ii) modifications to an existing building that would result in an increase of 25% or more in the surface area of the exterior of the building; or (iii) modifications to an existing structure that would result in an increase of 25% or more in the footprint area of the structure. The foregoing Design Guidelines are hereby incorporated into these Regulations by reference.

## **Section 6.11 Village Center Zone**

### **Section 6.11.01 Generally Permitted Uses**

a. Uses Not Requiring Site Plan Review by the Commission

The following uses are permitted in the Village Center Zone upon the issuance of a zoning permit by the Zoning Agent:

1. Finance, insurance, real estate services
2. Offices
3. Personal services
4. Professional services
5. Art studios/galleries
6. Residential apartment (not on primary street level)
7. Public museums
8. Government services
9. Tattoo studios (Added – Effective 3/7/13)

b. Uses Requiring Site Plan Review by the Commission

The following uses are permitted in the Village Center Zone upon the issuance of site plan approval by the Commission:

1. Business services – data processing
2. Retail trade – up to 5,000 square feet of gross building floor area per lot
3. Municipal public parking
4. Churches and other places of religious worship

### **Section 6.11.02 Specially Permitted Uses**

The Commission may issue a special permit in accordance with Section 7.03 of these Regulations for the following uses in the Village Center Zone:

- a. Taverns and inns
- b. Recreational activities

- c. Educational institutions and services
- d. Retail trade – over 5,000 square feet of gross building floor area per lot
- e. Food service establishment (with or without outdoor seating)
- f. Child and adult day care facilities and nursery schools
- g. Theatres
- h. In a mill structure existing as of January 1, 2005, or in an expansion thereof, the following uses may be permitted: (Revised - Effective 06/15/12)
  - 1. assembly
  - 2. factory outlet
  - 3. light manufacturing
  - 4. office
  - 5. residential uses
  - 6. business services
  - 7. retail services
- i. Designed Apartment/Condominium Developments, including, but not limited to senior housing, in accordance with Section 5.13 of these Regulations
- j. Public Utility Stations and Buildings essential to Public Convenience or Welfare (**Added – Effective 06/08/15**)

**Section 6.11.03 Design Guidelines** (Added – Effective 10/12/10)

In addition to the standards provided elsewhere in these Regulations, the Commission shall consider, when reviewing site plans and special permit applications for property within the Village Center Zone, the “Design Guidelines, Village and Gateway Districts, Town of Coventry,” developed by the Green Valley Institute and dated September 2003, in rendering its decision on application for either (i) new construction; (ii) modifications to an existing building that would result in an increase of 25% or more in the surface area of the exterior of the building; or (iii) modifications to an existing structure that would result in an increase of 25% or more in the footprint area of the structure. The foregoing Design Guidelines are hereby incorporated into these Regulations by reference.

## **Section 6.12 Neighborhood Commercial Zone (NC) Zone**

### **Section 6.12.01 Generally Permitted Uses**

- a. Uses Not Requiring Site Plan Review by the Commission

The following uses are permitted in the Neighborhood Commercial Zone upon the issuance of a zoning permit by the Zoning Agent:

1. Single-family dwellings

- b. Uses Requiring Site Plan Review by the Commission

The following uses are permitted in the Neighborhood Commercial Zone upon the issuance of site plan approval by the Commission:

1. Retail trade, with less than 5,000 square feet of gross building floor area per lot
2. Personal services

### **Section 6.12.02 Specially Permitted Uses**

The following uses are allowed by special permit in the Neighborhood Commercial Zone:

1. Retail trade, with 5,000 or more square feet of gross building floor area per lot
2. Professional services
3. Offices
4. Restaurants
5. Studios for the creation, preparation, exhibition, demonstration and/or sale of photography, sculptures, paintings or other artwork, and/or crafts, but without artistic instruction or lectures

### **Section 6.12.03 Design Guidelines (Added – Effective 10/12/10)**

In addition to the standards provided elsewhere in these Regulations, the Commission shall consider, when reviewing site plans and special permit applications for property within the Neighborhood Commercial Zone, the “Coventry Design Guidelines for Commercial Development”, developed by the Green Valley Institute and dated September 24, 2010 and effective October 12, 2010, in rendering its decision on an application for either (i) new construction; (ii) modifications to an existing building that would result in an increase of 25% or more in the surface area of the exterior of the building; or (iii) modifications to an existing structure that would result in an increase 25% or more in the footprint area of the structure. The foregoing Design Guidelines are hereby incorporated into these Regulations by reference.

## **Section 6.13 Professional Office (PO) Zone**

### **Section 6.13.01 Generally Permitted Uses**

- a. Uses Not Requiring Site Plan Review by the Commission

The following uses are permitted in the Professional Office Zone upon the issuance of a zoning permit by the Zoning Agent:

1. One single-family dwelling or two-family dwelling, provided it is on the same lot as a professional office
2. Accessory structures for single-family dwellings that exist as nonconforming uses

- b. Uses Requiring Site Plan Review by the Commission

The following uses are permitted in the Professional Office Zone upon the issuance of site plan approval by the Commission:

1. Offices

### **Section 6.13.02 Specially Permitted Uses**

The following uses are allowed by special permit in the Professional Office Zone:

- a. Child and adult day care facilities

### **Section 6.13.03 Design Guidelines (Added - Effective 10/12/10)**

In addition to the standards provided elsewhere in these Regulations, the Commission shall consider, when reviewing site plans and special permit applications for property within the Professional Office Zone, the “Coventry Design Guidelines for Commercial Development”, developed by the Green Valley Institute and dated September 24, 2010 and effective October 12, 2010, in rendering its decision on application for either (i) new construction, (ii) modifications to an existing building that would result in an increase of 25% or more in the surface area of the exterior of the building; or (iii) modifications to an existing structure that would result in an increase of 25% or more in the footprint area of the structure. The foregoing Design Guidelines are hereby incorporated into these Regulations by reference.

## **Section 6.14 Industrial Heritage Overlay (IHO) District** (Added – Effective 06/07/07)

### **Section 6.14.01 General**

The Planning and Zoning Commission may establish Industrial Heritage Overlay Districts (IHO) for properties containing former mills aged fifty (50) years of greater, upon the concurrent approval of a Redevelopment Plan in conformance with Section 6.14.04. Zoning regulations applicable to such property as established by the underlying district shall continue in full force and effect unless, and only to the extent, superseded by the IHO.

### **Section 6.14.02 Statement of Purpose**

IHO Districts are intended to encourage adaptive re-use of Coventry's historic mills, promote diversified housing opportunities in combination with commercial, retail or office use where such mixed uses are appropriate, and retain historic architecture while adapting obsolete or underutilized structures to 21<sup>ST</sup> Century needs. Factors to be considered by the Commission in approving the Redevelopment Plan for a proposed IHO District include:

- a. The extent to which the Redevelopment Plan would preserve buildings and building elements or designs possessing historic and architectural significance. New buildings and building additions should be architecturally compatible in terms of scale and style with existing historic structures and respect exterior attributes of such structures. The Commission may require the applicant to submit a report by a professional architect.
- b. The extent to which the Redevelopment Plan would address Coventry's housing needs and/or provides space for business or retail establishments. Since each historic mill property is unique in terms of its location and design challenges, there shall be no mandatory area ratio of residential use versus commercial use; rather, the type and placement of each proposed use shall be indicated in the Redevelopment Plan.
- c. Harmony between mixed uses (e.g., commercial, retail and/or residential) that are proposed for the property; compatibility with neighboring land uses; enhancement of the built, natural and human environment; promotion of pedestrian safety within the site; and provision for adequate parking.
- d. Furtherance of goals and objectives contained in Coventry's Plan of Conservation and Development.

### **Section 6.14.03 Establishment of District**

The Commission shall establish an IHO District only upon approval of (i) a Redevelopment Plan and (ii) any regulations ("overlay regulations") that will apply to the IHO District and will supersede those of the underlying district. The Redevelopment Plan is not intended to be a substitute for, nor shall it be required to contain, all of the detailed documentation specified in Section 7.02.02, but it should provide sufficient information to determine if the proposal is in conformance with Section 6.14.02. The approval of an IHO District shall constitute a zoning map amendment in accordance with Section 9.02 of these Regulations.

- a. Numbering of IHO Districts. Each IHO District shall be numbered and depicted sequentially on the official zoning map in accordance with the date of adoption as IHO-1, IHO-2, and so forth.
- b. District Size and Control. No minimum parcel size is required for a rezoning. Adjoining lots may be combined for purposes of a rezoning application, provided that all owners of record shall indicate in writing that they are aware of the application and that the applicant is authorized to act on their behalf under these Regulations.
- c. Sunset Provision. Approval of the zone change shall become null and void unless a site plan for the IHO District is approved together with the Redevelopment Plan or is submitted within

24 months after the effective date of the approval of the IHO District. The Commission may grant one or more extensions of this period upon written request of the applicant, but in no event will the extensions exceed 24 additional months.

#### **Section 6.14.04 Redevelopment Plan**

The purpose of a Redevelopment Plan submission is to determine the extent to which the proposed adaptive re-use would satisfy the goals and objectives set forth in Section 6.14.02 and in the Plan of Conservation and Development. The Redevelopment Plan, once adopted for a particular mill property, shall establish the dimensional characteristics of the specific IHO District and its uses. All graphic elements of the Redevelopment Plan shall be prepared by a licensed engineer, architect, or landscape architect, and shall include:

- a. Plan showing existing site conditions and structures, including wetlands, watercourses and floodplain areas, which along with other surveys and plans listed below shall be at a scale in which one inch equals 100 feet.
- b. Boundary survey of the proposed IHO District, prepared to Class A-2 accuracy by a Connecticut licensed land surveyor.
- c. Plan indicating structures to be retained, substantially rehabilitated, or demolished; new structures to be built on the property; parking areas; vehicular and pedestrian circulation; and areas to be landscaped or dedicated to public use. This plan shall provide sufficient information to determine proposed uses and size of buildings, and the amount of off-street parking to be provided.
- d. Preliminary building elevations, including renderings of architectural style and materials.
- e. Narrative report describing the proposed Redevelopment Plan, including: (1) the history and architectural significance of all structures on the site, including period, style and method of building construction; (2) the architectural compatibility of any proposed new structures to the existing structures; (3) the cumulative amount of square feet intended for each type of proposed use; (4) the number of proposed residential units including their approximate size and character, and (5) the specific type of proposed residential uses (i.e., market rate, affordable, or age-restricted housing).
- f. Narrative report describing the types of hazardous materials that may be encountered during renovations, and the steps that will be taken to isolate and abate such materials.
- g. Information on the location, availability and capacity of public utilities capable of serving the development.

#### **Section 6.14.05 Site Plan**

In addition to the Redevelopment Plan approval and establishment of an IHO District by the Commission, an application for a site plan must be submitted for approval in accordance with Section 7.02.02. The applicant may submit the site plan concurrently with the Redevelopment Plan or within 24 months after the effective date of approval of the IHO District.

### **Section 6.14.06 Specific Design Standards**

The following design standards shall apply to all IHO Districts:

- a. Area and Bulk Requirements: Existing historic structures within the IHO District shall be deemed to be conforming in terms of front, side, and rear yard setbacks, maximum height and floor area ratio. The applicant's Redevelopment Plan and proposed overlay regulations shall specify the extent to which new buildings and additions to existing buildings shall be permitted to have dimensional standards that are different from those of the underlying district. Any expansion of existing structures shall be consistent with the structure's exterior historic architecture.
- b. Replacement Structures: Where the applicant demonstrates that one or more existing buildings are inappropriate for use or re-use, based upon their current physical condition, design, materials, style and/or financial feasibility, the Commission may approve the replacement of such buildings by new structures possessing architectural compatibility in terms of scale and style with remaining historic structures located on the property. No Redevelopment Plan shall be approved unless it substantially preserves the historic elements of the affected properties.
- c. Parking Residential: Off-street parking shall be provided at a ratio of no less than two (20) spaces per dwelling unit. The Commission shall determine the total residential parking requirement, taking into account opportunities for shared parking and available public parking areas adjacent to the site. Parking required for all non-residential uses shall be governed by these Regulations.

### **Section 6.14.07 Permitted Uses**

Any uses in the Village Residence Zone or Gateway Zone may be allowed, either separately or as mixed uses, in an IHO District.

## **ARTICLE VII - ADMINISTRATION AND ENFORCEMENT**

### **Section 7.01 General Provisions**

#### **Section 7.01.01 Authority of Commission**

The provisions of these Regulations shall be administered and enforced by the Coventry Planning and Zoning Commission. The Commission may delegate certain powers and duties to an agent, but any such delegation shall not be deemed to deprive the Commission of the ability to exercise such powers or duties independently in the event the Commission determines that it would be appropriate to do so. In the event the Commission has not appointed an agent to act on its behalf, or if the appointed agent is unavailable, the Chairman, or the acting Chairman if the Chairman is unavailable, may act as the agent for the Commission in matters of enforcement or in any other matters in or on which an agent would be authorized to act under these Regulations. The Commission shall not modify, reverse or rescind any order issued by its authorized agent; any person receiving such an order and seeking modification,



reversal or rescission must appeal to the Zoning Board of Appeals. However, the Commission may issue an order in circumstances in which its designated agent has refused, declined or failed to do so.

### **Section 7.01.02 Permits Required**

No land use shall be established or substantially changed and no building or structure shall be used, erected, constructed, moved, enlarged, or altered, in whole or in part, until a zoning permit, site plan approval, or special permit has been issued by the Commission or its authorized agent.

## **Section 7.02 Zoning Permit Requirements**

### **Section 7.02.01 Applications**

Applications for zoning permits shall be filed with the Commission or its authorized agent on a form provided by the Commission. If the applicant is not the owner of the property on which the activity is proposed, the relationship of the applicant to the owner shall be described on the application form. The original and one copy of each application shall be submitted. If the application involves the construction of a new structure, the exterior alteration of an existing structure (not including painting, siding, or similar cosmetic changes to the surface of a structure), the alteration (grading, excavation, or filling) of any land, the application shall be accompanied by two (2) copies of a site plan, containing the requirements described in Section 7.02.02 of these Regulations. The Zoning Agent may also require the submission of a site plan in any situation in which he or she determines that a site plan would be helpful in determining the conformity of an existing or proposed building, structure or use to these Regulations. (Revised-Effective 08/01/11)

### **Section 7.02.02 Site Plans**

Except as provided below, zoning site plans shall be based upon and include a Class A-2 survey prepared by a land surveyor licensed to practice in the State of Connecticut. The survey and plans shall contain the embossed seal and original signature of the land surveyor, and shall show:

- a. All revision dates and necessary definitions and legends, and the true scale of the survey, in which one inch (1") shall be equal to no more than forty feet (40');
- b. The direction of true north.
- c. The actual shape and dimensions of the lot to be used; provided, however, that if the lot is substantially larger than the area to be developed, the Commission or its authorized agent may allow the applicant to submit a zoning plan showing the lot as an insert on the map at a scale in which one inch (1") shall be equal to no more than one hundred feet (100').
- d. The exact size and location on the lot of existing and proposed buildings, structures, and off-street parking and loading areas.
- e. The location of all required setbacks or yard lines, and of all easements.

- f. A computation of lot and building coverage.
- g. The location and name of all Town or State streets, roads, or highways that pass through or adjoin the lot or, if no such street, road, or highway passes through or adjoins the lot, the entire route of vehicular access to the lot from such a street, road, or highway.
- h. The location of all existing and proposed driveways. Provide driveway sight lines at intersections with existing and proposed streets. (Revised Effective 06/15/12)
- i. The location of all existing or proposed water supplies (either by well or community water supply) and sewage disposal facilities (including primary and reserve leaching areas) showing precise minimum distances among the wells, sewage disposal facilities, buildings, structures, storage tanks, driveways, and parking areas.
- j. The locations of all watercourses, wetland boundaries, and flood-prone areas (as shown on the current Flood Insurance Rate Map) on the site.
- k. Where a proposal will disturb more than one-half (1/2) acre, an erosion and sedimentation control plan in accordance with these Regulations.
  - l. Within any area to be disturbed or affected by construction activities: boundaries of wooded areas, location of specimen trees, location of historic and archeological sites, stone walls, built features such as foundations and dams, rock outcroppings, slopes in excess of twenty percent (20%) and location of any threatened or endangered species or species of special concern as defined and provided by the Connecticut Department of Energy and Environmental Protection (DEEP) including locations from the DEEP Natural Diversity Database. (Added – Effective 06/15/12)
- m. Any proposed disturbance of existing conditions in the area between the property boundary and the edge of the traveled surface of any public road or private road. (Added – Effective 06/15/12)
- n. A statement as to whether the lot is within the watershed of a water company, as defined in Section 16-1 of the General Statutes. When an application, petition, request, or plan is filed concerning any project on any site within the watershed of a water company, the applicant shall be required to mail written notice of such project, including a copy of the application and a full set of plans, to the water company by certified mail, return receipt requested, within seven (7) days after the date of submission of the application. (Added – Effective 06/15/12)

Site plans need not be based upon an A-2 survey if the proposed activity (i) does not involve the construction or alteration of a principal building, full foundation or frost wall, and (ii) is not located within five (5) feet of any required minimum yard. However, an applicant who does not submit an A-2 survey is acting at his or her own risk; neither the Zoning Agent, the Commission, nor any other Town official shall be responsible for any conditions or circumstances (including the denial of a certificate of zoning compliance or building permit) that may arise as a result of the inaccuracy of any information presented in a zoning site plan.

In cases in which the submission of a site plan is not specifically required by the provisions of these Regulations, but the Zoning Agent determines that the submission of a site plan would be helpful in determining the conformity of an existing or proposed building, structure or use to these Regulations, the Zoning Agent may waive any of the foregoing requirements which he or she deems unnecessary for that purpose.

### **Section 7.02.03 Additional Application Requirements**

The Commission or its designated agent may require the applicant to submit additional information if it finds that such information is necessary or would be helpful in determining whether the proposed building, structure, or use conforms to these Regulations. Such additional information may include, but is not limited to, the following:

- a. A key map at a scale of one inch (1") equal to not more than one thousand feet (1,000') to assist in locating the property.
- b. The location of all test pits, test borings, and percolation test holes, together with copies of any data gathered with respect to such pits, borings, holes and tests.
- c. The nature and amount of all hazardous materials or wastes to be produced, used, stored, or disposed of on the lot, and the manner in which such production, use, storage, or disposal will be carried out.
- d. The location of natural features including, but not limited to, rock outcroppings, slopes in excess of twenty percent (20%), soil types, forested areas, and vegetation types.
- e. Existing and post-construction surface drainage patterns. (Added – Effective 06/15/12)
- f. The location and a description of all proposed surface or subsurface drainage improvements, facilities, or structures.
- g. The location of all existing or proposed exterior lighting or signs.
- h. Dimensional plans of floors and elevations of all proposed or existing structures, and specifications to indicate the size, kind, and quality of the proposed construction.
- i. Illustrations, elevations and renderings of the proposed buildings sufficient to show clearly what is proposed. (Added – Effective 06/15/12)
- j. A landscaping plan shall be submitted which shows existing and proposed landscape buffering, including a table of sizes, types and amounts of proposed materials. The botanical and common name of all species to be planted shall be given as well as the size at time of planting. (Added – Effective 06/15/12)
- k. The locations and numbers of all existing monuments, iron pins, reference marks, and proposed monuments or iron pins.
- l. Existing topographic contour lines of the premises and proposed final contour lines resulting from intended excavation, removal or filling, shown on a map drawn to scale of not more than forty (40) feet to the inch, and with contour intervals no greater than five (5) feet. Where feasible, contour lines must be shown for all areas within the site and on any adjacent properties within (50) feet of the site of the proposed excavation, removal or filling. (Added Effective 08/01/11)

#### **Section 7.02.04 Waiver of Certain Requirements for Applications**

The Commission or its designated agent may waive any of the requirements for a zoning site plan if the applicant requests such a waiver in writing, specifying the subsections proposed to be waived and the reasons for such waiver(s), and the Commission or its designated agent determines that the information is not needed to determine whether the proposed use or structure conforms with the requirements of these Regulations.

#### **Section 7.02.05 Review of Applications by the Zoning Agent**

In situations in which these Regulations do not require the approval of a site plan by the Commission, the Zoning Agent shall approve the site plan if the proposed use, as depicted on the site plan, complies with all applicable provisions of these Regulations, or shall deny the site plan if it does not comply. The Zoning Agent may not modify or place conditions on the approval of a site plan. The Zoning Agent shall not employ the standards set forth in Section 7.02.07 in reviewing a site plan; those standards are to be employed solely by the Commission when the regulations require review of a site plan by the Commission.

#### **Section 7.02.06 Review of Applications by the Commission**

In situations in which these Regulations require the approval of a site plan by the Commission, the Commission may approve the site plan if the proposed use, as depicted on the site plan, complies with all applicable provisions of these Regulations, or may deny the site plan if it does not comply. In addition, the Commission may modify and approve a proposed site plan if it determines that such modifications would cause the proposed building, use or structure to better comply with the provisions of these Regulations and with the standards set forth in Section 7.02.07, below.

#### **Section 7.02.07 Site Plan Review Standards for Commission Review**

In situations in which these Regulations require the approval of a site plan by the Commission, the Commission shall employ the following standards:

1. Preservation of Landscape: Excavation, filling, grading and removal of earth materials and the removal of existing vegetation should be generally limited to the extent necessary to reasonably accommodate the needs of the proposed or existing uses while avoiding substantial and unnecessary changes to the landscape. Where vegetative cover does not exist or has been removed, new plantings may be required. All existing stone walls shall be preserved to the greatest extent possible. In the event that it is required that they be removed, they shall be utilized elsewhere on the property to enhance other stone walls or create new ones to the satisfaction of the Commission. (Revised – Effective 06/15/12)

2. Relation of Buildings to Environment: The design of the proposed project or development shall, to the extent practicable, be related harmoniously to the terrain and to the design and siting of existing buildings in the vicinity of the site. All buildings and other structures shall be sited to protect the character of the neighborhood. The Commission may consider the proper functional, visual, and spatial relationships of all structures, buildings, landscaped elements, and paved areas.

3. Buffer Areas: All buffered and/or screened areas, including setback areas (landscaped and usable), shall be so designed as to be consistent and compatible with nearby residential uses and properties.
4. Circulation: With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, accessibility of emergency vehicles, access to community or public facilities, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
5. Surface Water Drainage: Special attention shall be given to proper surface drainage so that surface waters will not adversely affect neighboring properties or public storm drainage facilities, will not obstruct the flow of vehicular or pedestrian traffic, and will not create standing water in paved or pedestrian areas. All surface water drained from roofs, streets, parking lots, and other site features shall be disposed of in a safe and efficient manner that will not create problems of water runoff or erosion on the site or on neighboring sites or pollution of surface water or groundwater. Insofar as possible, natural drainage courses and swales shall be properly stabilized and drainage-impounding areas shall be utilized to dispose of water on the site through natural percolation to a degree equivalent to that prior to development. Also, appropriate erosion control measures shall be employed, including slope stabilization measures and the seeding of exposed areas to replace vegetative cover.
6. Preservation of Water Quality and Quantity: The proposed use shall be designed to minimize any risk of surface-water or groundwater pollution, soil erosion and sedimentation, and water diversion.
7. Utilities: The placement of electric, telephone, or other utility lines and equipment shall be underground where possible, so located as to provide no adverse impact on groundwater levels, and coordinated with other utilities.
8. Other Site Features: Exposed storage or utility areas, exposed machinery installations, and service areas shall be designed with screen plantings, fencing, or other screening methods to be compatible with the environment and the surrounding properties.
9. Safety: All open and enclosed spaces shall be designed to facilitate evacuation and to maximize accessibility by fire, police, and other emergency personnel and equipment.
10. Natural and Historical Resources: The site plan shall be designed to minimize any damage or destruction to locally significant natural or historical resources.

#### **Section 7.02.08 Final Site Plan**

##### **a. Certification and Filing Requirements.**

1. Approval by Zoning Agent: Site plans approved by the Zoning Agent pursuant to these Regulations shall be filed with the Zoning Office. If the building(s), structure(s), use(s) or work for which the site plan was approved is not commenced within two (2) years after the date of approval, the site plan shall become null and void.

2. Approval by Commission: Within sixty-five (65) days after the approval of a site plan by the Commission, the applicant shall submit one (1) set of final plans on material suitable for filing in the Town's land records, together with at least three (3) sets on paper, reflecting all conditions or modifications required by the Commission, and accompanied by signed, sworn statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the effect that the plans submitted are the same as those approved by the Commission except for the depiction of modifications and conditions required by the Commission in its approval vote. The Commission may require the submission of additional sets of plans on paper if needed to provide Commission staff or consultants with an adequate opportunity to review the plans. If, upon considering the statements and reviewing the plans submitted, the Commission shall find the plans to be in accordance with its final approval, the plans shall be endorsed by the signature of the Chairman, or in the absence of the Chairman, by the person then authorized to act in place of the Chairman. In accordance with Section 8-3 of the Connecticut General Statutes, the certification shall state the date on which the approval will expire if all required work is not timely completed. It shall be the responsibility of the applicant to file one (1) set of endorsed plans in the office of the Town Clerk. No site plan approval by the Commission shall be effective until the final, endorsed plans are filed with the Town Clerk. Any site plan filed in the Town Clerk's Office without the endorsement of the Commission's Chairman or acting Chairman shall be null and void. The Commission, for good cause shown, may extend the time for submission of a final site plan, but not for more than one (1) year after the date of approval. If a final site plan is not filed within the specified time, including any extensions granted by the Commission, the site plan shall expire automatically and become null and void.

b. Substitution of Filing Requirements: If the Commission approves a site plan, the Commission may authorize the filing of the motion for approval, and such other narrative documents as the Commission may require, in lieu of the filing of site plans in the Town Clerk's office if the Commission finds either that:

1. All of the following conditions exist: (i) The application does not involve new construction (e.g., buildings, additions, parking, and the like); and (ii) any changes to the site or the exterior, of any existing buildings or structures are cosmetic (e.g., painting, minor landscaping, and the like); and (iii) the application does not involve any excavation, filling, or grading of the site; and (iv) the application does not require the installation of a new septic system or well; or

2. There is already a recorded site plan on file with the Town Clerk's Office depicting the site plan information that was required for the subject application.

## **Section 7.03 Special Permits**

### **Section 7.03.01 Statement of Purpose**

The purpose of the special permit regulations is to provide a comprehensive review of the proposed plan for the layout of the building(s), structure(s) or use(s) in relationship to the topographical, geological and other natural features of the land, and of the impact of the use(s) upon the environment, health, safety, welfare, and convenience of the members of the community. It is intended to insure that the design and layout of the site and the proposed use(s) will constitute suitable and appropriate

development in character with the neighborhood and will not result in an unreasonable decrease in property values or a detriment to the present and potential use of the area in which it is to be located. Special permit procedures are also intended to assure that proposed buildings, structures and uses will provide for the maintenance of air, surface-water, and groundwater quality and will not be detrimental to existing sources of potable water or other natural or historic resources.

### **Section 7.03.02 When Required**

A special permit must be issued by the Commission before any person may establish or materially change any land use, or use, erect, construct, move, or materially alter or enlarge any building, structure, or use, in whole or in part, if the use, structure, or building resulting from such activity is listed as a use requiring a special permit under Article VI of these Regulations for the zone in which it would be located. For purposes of this section 7.03.02, the term “materially enlarge” shall be limited to changes that increase the dimensions of any building or structure or the area occupied by the special permit use by twelve (12) inches or more. The Commission shall have the power to determine whether any other change or alteration of a use is material.

### **Section 7.03.03 Applications**

Applications for special permits shall be filed with the Commission on a form provided by the Commission. If the applicant is not the owner of the property on which the activity is proposed, the relationship of the applicant to the owner shall be described on the application form. The application shall contain a written statement by the owner of the property or his/her authorized agent giving consent for the Commission and its agent(s) to inspect the property, upon reasonable prior notice to the landowner, for purposes of determining compliance with the applicable regulations. Twelve (12) copies of each application shall be submitted, accompanied by twelve (12) copies of a special permit site plan, which shall be based upon and include a Boundary Survey to Class A-2 horizontal accuracy, stamped and sealed by a Connecticut-licensed surveyor, showing all revision dates and necessary definitions and legends, at a scale of one inch (1") equal to no more than forty feet (40'), and also showing:

- a. All the information specified for a zoning site plan under Section 7.02.02 of these Regulations.
- b. A key map at a scale of one inch (1") equal to not more than one thousand feet (1,000') to assist in locating the property.
- c. The location of all test pits, test borings, and percolation test holes, together with copies of any data gathered with respect to such pits, borings, holes and tests.
- d. The nature and amount of all hazardous materials or wastes to be produced, used, stored, or disposed of on the lot, and the manner in which such production, use, storage, or disposal will be carried out.
- e. The location of all slopes in excess of fifteen (15) percent, soil types, rock outcroppings, and forested areas on the lot.
- f. The location and a description of all measures to be used to prevent soil erosion and sedimentation.

g. The location and a description of all proposed surface and subsurface drainage improvements, facilities and structures.

h. The location and a description of all existing and proposed exterior lighting and signs.

i. The volume and nature of any material to be used as fill and of any material to be excavated.

Each application for a special permit shall also be accompanied by twelve (12) copies of:

j. A written evaluation of the ability of the proposed special permit use to satisfy the applicable standards of Section 4.13 (Health and Environmental Standards) of these Regulations.

k. The schedule for all construction or other development activities, including, but not limited to, erection of or other work on any buildings or structures, grading, removal of vegetation, landscaping, and drainage improvements.

#### **Section 7.03.04 Waiver of Certain Requirements for Special Permits**

The Commission may waive any of the requirements for special permit site plans under Section 7.03.03 of these Regulations if, and only if, the following conditions exist or are met:

a. The proposed activity does not involve the construction, erection, alteration, enlargement, removal or other modification of a principal building or structure; and

b. The proposed activity will not require the use of new wells or new or larger sewage disposal facilities.

The Commission may waive any of the requirements of subsections 7.03.03 (A), (B) and (C) of these Regulations if, and only if, the Commission determines that the requirements sought to be waived are not reasonably necessary to a proper disposition of the application. No waiver under this section shall be granted unless the applicant submits to the Commission, in writing, at the time of and together with the submission of the application, a request for a waiver specifying the requirements the applicant seeks to have waived and the reasons why the applicant believes those requirements should be waived. The Commission shall render a decision on any timely filed request for waiver within 35 days after the day of receipt of the application to which it pertains. If the Commission fails to act on any request for a waiver within such 35 days, the request for waiver shall be deemed to be denied.

#### **Section 7.03.05 Additional Requirements for Applications**

The Commission may require the applicant to submit additional information if the Commission finds that such information is necessary or would be helpful in determining whether the proposed buildings, structures or uses conform to these Regulations. Such information may include, but is not limited to, the following:

a. Chemical analyses of existing surface water and groundwater.

b. Hydrological analyses of runoff and peak flows, both before and after development.



- c. Analyses of local air quality, both before and after development.
- d. Depths to seasonal high groundwater levels and bedrock.
- e. Analyses of wildlife habitats on and near the site and the impact of the proposed use on such habitats.
- f. A description of vegetation types, including any rare or endangered species, on the lot to be used under the application.
- g. A list of all other federal, state or municipal permits or licenses the applicant will need to implement the uses applied for and the status of any applications for such permits or licenses.
- h. Architectural or engineered drawings of any proposed buildings or structures.
- i. Existing and proposed (finished grade) contours at intervals of no less than two (2) feet.
- j. A description of proposed lighting fixtures, including illumination levels.
- k. A traffic report indicating existing traffic conditions at normal and peak travel times for, at a minimum, all streets abutting or passing through the property affected by the application, and also indicating the projected impact of the proposed use on such traffic conditions.

#### **Section 7.03.06 Standards for Special Permits**

All buildings, structures and uses for which a special permit is required under these Regulations must meet the applicable standards set forth throughout these Regulations, including, but not limited to, the standards set forth in Section 7.02.05.c (Site Plan Review Standards). In addition, the following standards shall apply to special permit uses:

- a. Relation of Buildings to Environment: The size and intensity, as well as the design, of the proposed project or development shall be related harmoniously to the terrain and to the use, scale, and siting of existing buildings in the vicinity of the site. The use shall not create a nuisance to neighboring properties, whether by noise, air, or water pollution; offensive odors, dust, smoke, vibrations, or lighting; or other effects.
- b. Neighboring Properties: The proposed uses shall not unreasonably adversely affect the enjoyment, usefulness and value of properties in the general vicinity thereof, or cause undue concentration of population or structures.
- c. Natural and Historical Resources: The proposed uses shall not unreasonably destroy, damage, or threaten locally significant natural or historical resources. All existing stone walls shall be preserved to the greatest extent possible. In the event that it is required that they be removed, they shall be utilized elsewhere on the property to enhance other stone walls or create new ones to the satisfaction of the Commission. (Revised – Effective 06/15/12)

### **Section 7.03.07 Conditions**

The Commission may place on any special permit whatever conditions the Commission may reasonably deem necessary to assure that any proposed building, structure, or use (i) will conform to the standards and limitations set forth in these Regulations, including, but not limited to, the Health and Environmental Standards in Section 4.13; (ii) will protect the rights of individuals and the health, safety, welfare, and convenience of local residents and the community; (iii) will protect local property values; and (iv) will meet the specific standards set forth in Section 7.03.06 and other applicable sections of these Regulations. The conditions may relate to, without limitation, the architectural and spatial design and layout of buildings, structures and uses; provisions for lighting, parking, loading, surface and subsurface drainage, sanitary facilities, waste disposal, vehicle and pedestrian circulation, landscaping, screening, and protection of the environment and of natural and historic resources; construction or other development schedules; and hours of operation of the proposed building, structure, or use. The Commission may also condition the issuance of any special permit on the posting of a bond or other security, in an amount and with surety satisfactory to the Commission, to secure the performance of all conditions and the completion of all improvements required under such special permit, subject to the limitations on any such bonding as may be contained in the Connecticut General Statutes.

### **Section 7.03.08 Special Permit Procedures**

a. **Public Hearing:** Within sixty-five (65) days after the date of receipt of an application for a special permit, the Commission shall commence a public hearing on the application. For the purposes of this Section, the date of receipt of an application shall be deemed to be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Commission or its authorized agent, or thirty-five (35) days after such submission, whichever is sooner. The applicant may agree to an extension of time for the Commission to commence a public hearing, provided such extension is within the limits established by state law. The hearing may be continued one or more times, but it must be concluded no later than thirty-five (35) days after the date of commencement unless the applicant agrees to an extension of time within the limits established by state law.

b. **Notice of Public Hearing:** Notice of the time and place of the commencement of the public hearing shall be published at least twice in the form of a legal advertisement in a newspaper having a substantial circulation in the town of Coventry, at intervals of not less than two (2) days, the first notice to be published not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days, before the date of commencement of the hearing. In addition, the applicant shall post and maintain one or more signs in a location visible from each street abutting the subject property, advising the public of the date and time of the public hearing. At least one sign shall be required for each lot frontage, and each sign must be clearly visible from the abutting street. The signs shall be acquired from the Land Use Office for a specified fee. The sign or signs shall all be posted no later than ten (10) days before the date of the public hearing (such ten days to include the day of posting but not to include the day of the hearing), shall be maintained in such location until the conclusion of the public hearing, and shall be removed no later than three (3) days after the public hearing. At the time of commencement of the public hearing, the applicant shall submit an affidavit, in a form provided by the Land Use Office, certifying that all required signs have been posted and maintained in accordance with these Regulations, or that the signs were posted as required above and that the applicant made reasonable efforts to maintain the signs for the required posting period. (Revised – Effective 06/15/12)

c. **Decision:** Within sixty-five (65) days after the completion of the public hearing, the Commission shall either: (i) approve the special permit and the special permit site plan as submitted; (ii)

approve the special permit and special permit plan site with conditions or modifications, as provided under these Regulations; or (iii) deny the special permit and special permit site plan. The applicant may agree to an extension of time for the Commission to render its decision, provided such extension is within the limits established by state law. The Commission shall state the reasons for its decision on its records. Notice of the decision shall be published in the form of a legal advertisement in a newspaper having a substantial circulation in the town of Coventry, and also sent by certified mail to the applicant, within fifteen (15) days after the decision has been rendered.

d. Filing of Final Special Permit Site Plan: The certification and filing requirements for a special permit site plan shall be the same as those for a zoning site plan pursuant to section 7.02.08. No special permit shall be effective until the final, endorsed site plans are filed with the Town Clerk and a notice is recorded on the Coventry Land Records in accordance with Section 7.03.08(e).

e. Filing and Recording of Special Permits: Any special permit issued under these Regulations shall not become effective until copies of the written permit are (i) filed in the office of the Coventry Town Clerk, and (ii) recorded in the Coventry Land Records. The copy of the special permit to be filed and recorded in the Coventry Land Records shall be certified by the Commission and shall (i) contain a description of the premises to which it relates, (ii) specify the nature of the special permit, (iii) state the regulation under which the special permit is issued, and (iv) state the names of all owners of record of the premises. The applicant or record owner shall be responsible for filing and recording the special permit and shall pay all filing and recording fees.

#### **Section 7.03.09 Reapplication**

No special permit shall be granted to any applicant for a building, structure or use if a previous application by the applicant, or by a different applicant on behalf of the same party in interest, for substantially the same building, structure or use on the same property has previously been denied by the Commission on its merits within one (1) year prior to the submission of the new application to the Commission.

#### **Section 7.04 Certificate of Use or Occupancy**

No permanent (i.e., unconditional) certificate of use or occupancy shall be issued for a building, structure, or use subject to these Regulations until the Commission or its authorized agent issues a certificate of zoning compliance stating that the building, structure, or use is in conformity with these Regulations and with any required zoning permit, special permit and/or final site plan, or is a valid nonconforming use under these Regulations. Before issuing such permanent certificate, the Commission or its authorized agent shall require an updated "as-built" site plan demonstrating that the building, structure, or use as developed or established fully conforms to the provisions of any zoning permit, special permit, or final site plan. An "as-built" site plan shall be required for any new single family, two-family or multifamily residential dwelling or structure and shall also be required if the Zoning Enforcement Officer has determined that one is necessary in order to adequately determine compliance with the applicable zoning regulations. (Revised Effective 08/01/11)

No permanent certificate of use or occupancy shall be issued until all documents granting easements or other rights to the Town of Coventry and required under the zoning permit or special permit have been recorded in the Coventry Land Records and/or filed with the appropriate agencies and proof thereof has been submitted to the Commission.

## **Section 7.05 Expiration of Permits and Approvals**

A zoning permit or special permit shall expire two (2) years following its issuance if the construction, development, or other activity allowed under such permit has not been actually commenced. A zoning permit or special permit shall expire five (5) years following its issuance if the construction or development allowed thereunder has not been completed. The Commission, upon written request and for good cause shown, may extend either or both of these periods to the extent the Commission deems appropriate. Site preparation alone shall not be deemed to be the actual commencement of the construction, development, or activity under this Section.

A special permit shall also expire (i) upon the abandonment of the building, structure, or use allowed by such special permit, or (ii) if the building or structure has ceased to be used in accordance with such special permit, or (iii) if the use allowed by such special permit has ceased for a continuous period of one year and the owner has not filed with the Commission or its authorized agent a notice of intent to maintain that use.

## **Section 7.06 Amendment of Permits and Site Plans**

Following the issuance of a zoning permit or special permit, no changes or alterations may be made in such permit or in any site plan approved in connection with such permit except by approval of the Commission or its designated agent, whichever provided the original approval, upon written application.

### **Section 7.06.01 Minor Amendments**

If the Commission or its designated agent determines that the requested change or alteration is minor, it, he or she, as appropriate, may issue an amended permit or approve an amended site plan without the need for further procedures under Sections 7.02 or 7.03 of these Regulations. A revised final site plan must be submitted for any change affecting any item shown on the original (previous) site plan. For the purposes of this Section, “minor changes or alterations” shall include the following activities, unless in the judgment of the Commission or its designated agent, the proposed changes materially affect the character of the site or building or that of adjoining properties: (i) installation of siding overlays on buildings; (ii) introduction, removal or enlargement of doorways and windows within exterior building facades, (iii) whereas-built plans differ from approved preconstruction plans, or (iv) other minor building or site changes.

### **Section 7.06.02 Other Amendments**

If the Commission or its designated agent determines that the requested change or alteration is not minor, it, he or she shall direct the applicant to file a new application under Section 7.02 or Section 7.03 of these Regulations, whichever is appropriate, and shall follow the procedures specified under such section for making a decision on such application.

## **Section 7.07 Time Limits and Notice Requirements**

The time limits set forth in these Regulations for commencing and concluding public hearings, making decisions, and publishing notices of hearings and decisions, are meant to be consistent with requirements of current state law. If the current requirements of state law provide for different time limits on notice requirements than those set forth in these Regulations, the requirements of current state law shall be deemed to apply. The failure of the Commission to comply with any time limit or notice requirement set forth in these Regulations or in current state law shall not be deemed to be an approval of any application, site plan, or permit unless state law requires otherwise.

## **Section 7.08 Exemptions**

The following structures shall not require the issuance of any permit under these Regulations: fences or walls used as fences that are no more than six (6) feet in height; mailboxes; doghouses; children's playscapes; and flagpoles for display of the flag of the United States of America or the flag of the State of Connecticut.

## **Section 7.09 Fees**

Zoning application fees have been established by Town ordinance. If such ordinance is rescinded, the following fees shall apply. Fees must be paid by the applicant upon submitting any zoning application. No application shall be accepted by the Commission until the appropriate fees are paid. Fees shall be made payable to "Treasurer, Town of Coventry, Connecticut."

a. Zoning Permit: The fee for submitting a zoning permit application for all residential (including residential accessory) uses shall be fifty dollars (\$50.00). The fee for a zoning permit application for all nonresidential uses shall be one hundred fifty dollars (\$150).

b. Special Permit: The fee for submitting a special permit application shall be three hundred fifty dollars (\$350).

## **Section 7.10 Enforcement**

If any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been used, in violation of any provision of these Regulations or of Chapter 124 of the Connecticut General Statutes, the Commission or its authorized agent may take any action or seek any remedy or penalty provided under Section 8-12 of the Connecticut General Statutes, as it may be amended from time to time, or any other relevant provisions of state law. The Commission shall also have the power to revoke any zoning permit or special permit issued under these Regulations upon determination, after notice to the permittee or the permittee's successor and an opportunity for a hearing, that the use has been conducted in violation of these Regulations or of any of the terms and conditions of the special permit.

## **ARTICLE VIII - ZONING BOARD OF APPEALS**

### **Section 8.01 Authority of Zoning Board of Appeals**

The Zoning Board of Appeals shall have the powers and duties prescribed in Section 8-6 of the Connecticut General Statutes, as amended, except that the Zoning Board of Appeals may not grant a variance to allow any use that is specifically described in Section 6.01 of these Regulations.

### **Section 8.02 Appeals to the Zoning Board of Appeals**

Any person, or any officer, department, board or bureau of the Town of Coventry, aggrieved by any action of the Commission or any authorized agent thereof, with the exception of any decision on an application for a special permit, may appeal such action to the Zoning Board of Appeals to the extent permitted under Section 8-7 of the Connecticut General Statutes, as amended.

### **Section 8.03 Hearings** (Added – Effective 06/15/12)

The applicant shall post and maintain public hearing signs advising the public of the pending public hearing. One sign shall be required for each lot frontage, and each sign must be clearly visible from the abutting street.

## **ARTICLE IX - AMENDMENT OF REGULATIONS**

### **Section 9.01 Procedure for Amendments**

The owners of any real property may petition the Commission for a change in the zoning status of their property. The petitioned amendment shall be acted upon by the Commission after a public hearing in accordance with the provisions of Chapter 124 of the Connecticut General Statutes, as amended. The applicant shall mail a notice of the public hearing, in a form approved by the Land Use Office, to the owners of all abutting properties, as on record in the Town Assessor's office, by certified mail, return

receipt requested, at least ten (10) days before the date of commencement of the public hearing, such ten days to include the day of mailing but not to include the day of the public hearing. Proof of such mailing, in the form of the return receipts or certificates of mailing, shall be submitted no later than the date of commencement of the hearing.

### **Section 9.02 Applications**

Applications for a change in these Zoning Regulations or the Zoning Map shall be filed with the Commission on a form provided by it. For a change in the Regulations the application form shall be accompanied by the exact wording of the change applied for, including reference to the appropriate section numbers, and by the exact wording of any parts to be added, modified, or deleted. For a change in

a zoning district boundary line, the application shall be accompanied by nine (9) prints of the Zoning Map indicating the area for which the change is proposed, the proposed boundary line, the proposed zoning district designation(s), and the names of the owners of all parcels within 500 feet of the subject property, as on record in the Town Assessor's office. The application shall also be accompanied by a written description of existing uses on each abutting parcel of land. The applicant shall post and maintain public hearing signs advising the public of the pending public hearing. One sign shall be required for each lot frontage, and each sign must be clearly visible from the abutting street. **(Revised – Effective 06/15/12)**

## **ARTICLE X - VALIDITY AND EFFECTIVE DATE**

### **Section 10.01 Validity**

If any section, paragraph, subdivision, clause or provision of these Regulations shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these Regulations shall be deemed and continue to be valid and effective.

### **Section 10.02 Effective Date**

The effective date of these Zoning Regulations is November 13, 2006. These regulations shall replace, as of the effective date, all zoning regulations in force prior to the effective date.