

**ZONING REGULATIONS**

FOR THE

**NOANK FIRE DISTRICT**

TOWN OF GROTON, CONNECTICUT

**Effective July 17, 1956**  
**Latest Revision Date: June 1, 2022**

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## AUTHORITY

These Regulations are enacted pursuant to the provisions of Chapter 124, Connecticut General Statutes, Revision of 1958, as amended by Special Act No. 434 of 1959. The Special Act as amended states:

“The provisions of Chapter 43 of the general statutes relating to boroughs shall apply to the Noank Fire District. The zoning commission of the Noank Fire District shall consist of five electors who shall be elected at any annual or special meeting of the district. The terms of office of the members of said commission shall be established by the district at any such meeting. No more than three of such members may also be members of the executive committee.”

## PURPOSE

The purpose of these Regulations includes, but is not limited to the following: To promote the health, safety, general welfare and convenience of the community; to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provisions for transportation, water, sewage, schools, parks and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land throughout the Fire District; and to regulate the height, number of stories and size of buildings and other structures, the percentage of the area of the lot that may be occupied, the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, and the height, size and location of advertising signs and billboards within the Noank Fire District; to encourage development of housing opportunities for all citizens of the Fire District consistent with soil types, terrain, and infrastructure capacity; to protect and preserve historic sites and structures, especially those which reflect the history of Noank as a seaside community; and to encourage energy conservation and energy efficient patterns of development, and the use of solar and other renewable forms of energy.

(Amended 1/1/90)

Section 1 - Zoning Districts

1.1 GENERAL

For the purpose of these Regulations, the Noank Fire District is divided into the following Zoning Districts

		Min. Lot Size
RV	Village Residential	20,000 sq. ft.
R - 12	Moderate Density Residential	12,000 sq. ft.
R - 20	Low Density Residential	20,000 sq. ft.
R - 40	Rural Density Residential	40,000 sq. ft.
VC	Village Commercial	5,000 sq. ft.
WC	Waterfront Commercial	20,000 sq. ft.

1.2 ZONING MAP

The boundaries of said districts shall be as shown on the map entitled "Zoning Map of the Noank Fire District" dated June 22, 1974, which is on file in the office of the Clerk of the Noank Fire District and the office of the Town Clerk of the Town of Groton, and any amendments thereto which may be adopted in accordance with Section 21 of these Regulations. Such map and any adopted amendments thereto, with the explanatory matter thereon are hereby declared to be a part of these Regulations as if fully set forth herein. (Amended 1/1/90)

1.3 DISTRICT BOUNDARIES

When opposite sides of a street are in different districts, the boundary shall be deemed to be the center of the right-of-way. When a lot lies in more than one district, Section 2.8 applies.

1.4 LAND UNDER WATER

The boundary of each district shall include any land under any lake, pond, or stream lying therein, and shall also include any land which extends under navigable water as far as the ownership or proprietary rights therein extend under other provision of the law.



## Section 2 - General Provisions

### 2.1 COMPLIANCE WITH REGULATIONS

No land, building or premises or part thereof shall hereafter be used, and no building or part thereof or any other structure shall be constructed, reconstructed, extended, enlarged, moved or altered except in conformity with these regulations. Every lot shall have an area, width, and front, side, and rear yards at least as large as set forth in the applicable paragraphs herein, except as otherwise specifically provided for in these regulations. No building or buildings shall occupy in the aggregate a greater percentage of the lot area nor be greater in height, than as set forth in the applicable paragraph herein, except as otherwise specifically provided in these regulations.

### 2.2 REDUCTION OF LOT AREA OR DIMENSIONS

No lot shall be diminished nor shall any yard, court or other open space be reduced except in conformity with these regulations.

### 2.3 REQUIRED FRONTAGE AND ACCESS

No building shall be built on any lot unless such lot has a frontage of at least 30 feet on a public street, or unless it has an unobstructed easement of access or a private right-of-way at least 30 feet wide to a public street, except as required in Sections 3.3, 7.3 and 8.3.

The easement of access or private right-of-way shall be perpetual and unencumbered, shall include the right to install and maintain utilities along such easement or private right-of-way, and shall be at least 30 feet in width. The owner of the lot proposing to use the easement of access or private right-of-way shall file an affidavit acceptable to the attorney for the Fire District, and said lot owner shall further assume the responsibility for maintenance of the right-of-way or easement of access. (Amended 1/1/90)

### 2.4 OPEN SPACES REQUIRED FOR EACH BUILDING

Except as provided herein, no part of any yard or other open space required about any building may be included as part of a yard or other open space required for any other building.

### 2.5 PROJECTION INTO REQUIRED OPEN SPACES

Nothing in these Regulations shall prohibit the projection, not more than one foot, into a required open space of pilasters, columns, belt courses, sills, cornices, or other similar architectural features, nor the planting or landscaping of such open spaces. Furthermore, patios or porches not more than two (2) feet above grade may be permitted in open space areas if maintained as unenclosed areas, and designated so as not to interfere with easy access around a structure for fire fighting purposes.

### 2.6 REQUIRED FLOOR AREA

No dwelling shall be constructed, reconstructed, extended, enlarged, moved or altered unless at least 850 square feet of living space is provided for each dwelling. Only that portion of the first floor area with a ceiling height of at least seven feet shall be included as part of the required living space. Any floor space located above the first floor shall have access by an inside permanent stairway, and shall have a ceiling height of at least five feet for not more than 60 percent of any room with at least seven feet ceiling height for the remainder of the room in order to be included as required living space. Porches, basement rooms, garages and other attached accessory buildings shall not be included as living space.

2.7 HEIGHT LIMITATIONS

- a. No main buildings shall be constructed, reconstructed, extended, enlarged, moved or altered in any way so as to be in excess of the height limitations set forth in this section. The maximum height for a building having a flat or mansard roof, including the top of a parapet, shall be 25 feet above grade (as defined in Section 18.2.38). For a building with a gable, hip or gambrel roof, the height of the mean elevation between eaves and ridge shall not exceed 25 feet above grade. In any case, the maximum height shall not exceed 30 feet. (Amended 3/30/2012).

In addition, at the discretion of the Zoning Commission, spires, access ways, chimneys, flagpoles, antennae structures, ventilators, tanks and similar features occupying in the aggregate not more than five percent of the roof area and not used for human occupancy may be erected to a reasonable and necessary height, not to exceed an additional ten feet. Towers and structures for antennae, wind generators, etc., shall not be erected nearer to a lot line or public utility service than the total height of the tower structure. (Amended 1/1/90). For telecommunication towers or structures, see Section 23 of these Regulations (Added 5/4/2001).

- b. No accessory building shall be constructed, reconstructed, extended, enlarged, moved or altered in any way so as to be in excess of 20 feet in height above grade provided all other requirements of this section 2.7 are met. In addition, at the discretion of the Zoning Commission, roof mounted cupolas occupying in the aggregate not more than 10 square feet in all may be erected up to 4' in height above the ridge plus a weathervane. (Added 7/19/2016)
- c. In a boatyard or marina the Zoning Commission may allow by special exception accessory buildings in excess of 20 feet above grade provided all other requirements of this Section 2.7 are met. The foregoing notwithstanding, in no case shall the height of any accessory building exceed the height of the main building. (Amended 10/25/2014). Any accessory structure located six feet from a property line shall be no more than 12 feet in height. However, such permitted height may be increased two feet for each one foot in excess of six feet that such building is set back from the adjacent property line provided that once the minimum setback requirements of Section 3.4, 4.4, 5.4, 6.4, 7.4, or 8.4 have been met, such structure may be constructed up to the maximum allowable building height for the type of structure involved as provided in Section a. and b. above. (Amended 3/30/2012)

2.8 LOT LYING IN MORE THAN ONE DISTRICT

In the case of a lot lying in more than one district, the provisions of each respective district shall be applied to that portion of each lot that occurs within each respective district.

2.9 WATERFRONT LOTS

In the instance of lots fronting upon navigable waters, the front yard shall be the portion of the lot adjacent to the street or right-of-way, and no yard shall be required on the side of the lot adjacent to the water for accessory buildings.

2.10 ACCESSORY BUILDINGS

- a. Detached accessory buildings may be placed only within a rear yard and/or side yard provided that they are located at least six feet from any side or rear lot line, except as provided in Section 2.9. All accessory buildings shall meet the required front yard setbacks for the district in which they are located.
- b. Construction of any accessory building shall not be permitted on a lot or parcel unless a principal building is located on the same lot or parcel.

- c. The aggregate lot coverage of all accessory buildings and structures on any single lot shall not exceed 25% of the total lot coverage allowed on such lot.
  - d. Accessory buildings shall not be used as a sleeping facility for a guest or tenant (Added 10/21/2003)
- 2.11 MORE THAN ONE DWELLING ON A LOT  
Each dwelling unit shall be located on a separate lot, except as specifically provided elsewhere in these Regulations. (Amended 1/1/90)
- 2.12 EXISTING NON-CONFORMING LOTS  
Any lot in separate ownership and not in continuous frontage with other lots in the same ownership, which is of record as evidenced by a deed which was recorded in the land records of the Town of Groton prior to the time of passage or amendment of these regulations which contains insufficient lot area or lot width, may be used for the construction of a single-family dwelling and customary accessory buildings, if such dwelling and accessory buildings are built so as to conform to all other regulations of the district in which such lot is located.
- If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of these regulations and if all or part of the lots do not meet the requirements established for lot width and/or lot area, the lands involved shall be considered to have merged and shall be considered a single lot for the purposes of these Zoning Regulations, and no portion of said parcel shall be used or sold in any manner which diminishes compliance with lot width and area requirements established by these regulations, nor shall any division of any such parcel be made which creates a lot with width or area below the requirements of these regulations. (Amended 1/1/90)
- 2.13 CONVERSION OF EXISTING DWELLINGS  
Any single-family dwelling in the Fire District, existing as of April 19, 1965, may be converted to contain not more than two single-family dwelling units, provided that each dwelling unit shall contain the required 850 square feet of floor area and provided further that the lot area shall be not less than 10,000 square feet per family unit and that the provision of an adequate sanitary sewerage system shall have been approved by the Director of Health of the Town of Groton. Parking requirements of Section 9 must be met. (Amended 10/21/2003).
- 2.14 RESTORATION OF EXISTING BUILDINGS CONTAINING PERMITTED USES  
Nothing in these regulations shall prevent the restoration or reconstruction within one year of a building damaged or destroyed by fire, explosion or accident subsequent to the adoption of these regulations, to its condition prior to such damage or destruction nor prevent the restoration of an unsafe wall or structural member, provided that such building was one in which a permitted use was carried on.
- 2.15 LIMITATIONS ON PERMITTED HOME OCCUPATION USES (Amended 11/4/92, 6/1/2022)  
Any home occupation, as defined in Section 18.2.40, may be operated as an accessory use to a dwelling if it complies with all of the following and is issued a certificate in accordance with Section 2.15.7 below:
- 2.15.1 Articles sold on the premises as part of a customary home occupation must be only those created thereon. There shall be no retail display on the premises in connection with the occupation.

- 2.15.2 The home occupation shall be operated in its entirety within an enclosed structure or area. Storage of any materials which are related to the home occupation **is not** permitted outside of the dwelling unit along the street side of the dwelling. The Commission may allow storage in side or rear yards, provided that such storage is adequately screened from adjacent properties, as determined by the Commission. A single sign is allowed in conformance with Section 10 of these Zoning Regulations.
- 2.15.3 The home occupation shall not utilize more than 25% of the gross floor area of all structures located on the lot.
- 2.15.4 Only members of the household residing on the premises and not more than two non-resident persons shall be engaged in such occupation.
- 2.15.5 Off-street parking shall be provided for the non-resident employees.
- 2.15.6 The home occupation and the conduct thereof shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood. Such occupation shall not create any objectionable noise, smoke, odor, toxic fumes, vibration, radio interference or other unsuitable conditions that would set the dwelling apart from its surroundings or degrade residential property in the neighborhood.
- 2.15.7 A Home Occupation Certificate shall be granted when the Zoning Commission finds that the proposed Home Occupation will conform to all requirements of Section 2.15 and other applicable regulations. A Home Occupation Certificate shall be non-transferable. Any home occupation conducted without a Home Occupation Certificate is in violation of these regulations. A Home Occupation Certificate is valid for five years from its date of issue.
- 2.15.8 No substantial deviation from a home occupation as approved by the Zoning Commission shall be permitted without the approval of the Zoning Commission. Upon finding that such deviation exists without approval, the Commission may revoke the Home Occupation Certificate. Whenever a home occupation is abandoned, as defined in Section 13.6.2, the Home Occupation Certificate shall be void.

2.16 VISIBILITY AT PUBLIC INTERSECTIONS

No planting shall be placed or maintained on any corner lot and no fence, building, wall or other structure shall be constructed after the effective date of this section, if such planting or structure thereby obstructs vision at any point between a height of two and one-half (2 ½) feet and a height of ten feet above the surface of the nearest street and within the triangular area bounded on two sides by the two street lines, or by projection of such lines to their point of intersection and the third side by a straight line connecting points on such street lines (or their projections), each of which points are 15 feet distance from the point of intersection of the two street lines. Poles, posts and guys for street lights and for other utility services and tree trunks, exclusive of leaves and branches, shall not be considered obstructions to vision within the meaning of this provision.

2.17 FENCES AND WALLS

Fences and walls may be permitted in any required yard, or along the edge of any yard, provided that no fence or wall exceeds eight feet in height, except as provided in Section 2.16 with regard to public intersections.

2.18 SWIMMING POOLS

No swimming pool shall be constructed or operated in any zone as an accessory use unless it complies with the Town of Groton's Building Code and the following conditions and requirements.

2.18.1 Exclusive Private Use in all Residential Zones

If a swimming pool is located in any residential zone, the pool shall be intended and used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.

2.18.2 Distance Requirements

The swimming pool, if accessory to a residential use, may be located anywhere on the premises except in a required front yard provided it shall not be located less than ten feet from any street line nor six feet from any side, or rear lot line provided further that pump and filter installations shall be located not closer than ten feet to any property line.

2.18.3 Fencing

The swimming pool, or the entire property on which it is located, shall be enclosed with a wall or fence at least 4' above the underlying ground so as to prevent uncontrolled access by children from the street or from adjacent properties. Gates must be self-latching with latches placed four feet above the underlying ground or otherwise made inaccessible from the outside to small children.

2.18.4 Lighting

Any lighting used to illuminate the swimming pool area shall be so arranged as to prevent the light from shining or reflecting on adjoining properties.

2.19 STORAGE OF WASTE MATERIALS AND UNREGISTERED MOTOR VEHICLES

No waste or scrap material, debris, motor vehicles which are partially or wholly dismantled, motor vehicle parts, abandoned machinery, junk or similar unsightly material shall be stored or allowed to accumulate in any open space or outside a completely enclosed building on any lot within the Fire District, but this provision shall not apply to the temporary storage of waste material from a construction operation being legally executed on the same premises. No more than one unregistered motor vehicle shall be stored outside on any lot, and then for a period not to exceed six months.

2.20 PARKING OF TRAILER COACHES

- a. Not more than one trailer coach may be parked on any single lot at any given time by a guest of the owner or occupant of the residence on such lot, and such parking of a trailer coach shall not result in compensation to any party. Furthermore, no trailer coach shall be allowed to be parked on any such lot for more than 30 days and no lot shall be used for more than a total of 30 days for the parking of such trailer or trailers in any 12-month period.
- b. Furthermore, nothing in these regulations shall prohibit the storage of not more than one trailer coach at any given time on the property of the owner or occupant of the residence of such lot provided that it is not used in any way while stored, and that it is kept at least five feet away from any side or rear property line or within a building.

2.21 TEMPORARY STRUCTURES

A zoning permit for an initial period of one year must be obtained from the Zoning Commission for any of the following structures: Tool shed, contractor's field office, real estate office in conjunction with the development of an approved subdivision, or any similar temporary structure. The Zoning Commission may renew such permits for a period not to exceed one additional year. In issuing a zoning permit for a temporary structure, the Commission may attach specific conditions. Failure to comply with any conditions so imposed or failure to remove a temporary structure for which a permit has lapsed and not been renewed shall be considered a violation of these Zoning Regulations. No permit shall be required for a temporary structure for boat storage from October 1 to May 1 of any year, providing such structure meets all setback and height requirements of accessory buildings. Any such structure remaining after May 1 of any year shall be considered a violation of these Regulations.

2.22 BUILDING IN FLOOD PLAIN AREAS

No zoning permit shall be granted to permit the construction of a new building or any addition to an existing building on any lot, a portion of which is located in a Flood Plain Area as mapped under the National Flood Insurance Program until all requirements of Sections 1 & 2 of these regulations are complied with.

2.23 PROHIBITED USES

No manufactured home having as its narrowest dimension less than twenty-two (22) feet, mobile home or recreational vehicle may be parked or placed within the jurisdiction of the Noank Fire District. No vehicle or trailer having a gross weight exceeding five tons may be parked within the Noank Fire District except: a) to load or unload within 72 hours; b) in conjunction with a bona fide construction project as determined by the Zoning Enforcement Officer; c) any public utility or fire vehicles; d) equipment used in the hauling and moving of boats if parked on shipyard property. No vehicle, truck, trailer or temporary structure shall be used for habitation or storage except as permitted by these regulations. No houseboat may be docked, tied up or moored except within those areas zoned Waterfront Commercial. (Amended 6/1/2022)

2.24 LOBSTER POTS AND FISHING GEAR

Nothing within these regulations shall prohibit the storing of lobster pots or fishing gear on any lot within the Noank Fire District.

2.25 SUBDIVISION APPROVAL

All subdivisions as defined in Section 8-18 of the Connecticut General Statutes as amended must be approved by the Town of Groton Planning and Zoning Commission. Subdivision plans must be prepared in accordance with the Town of Groton's Subdivision Regulations and all subdivision plans for property in the Noank Fire District must be referred to the Noank Zoning Commission by the Planning and Zoning Commission at least 15 days prior to any scheduled public hearing or at least 15 days prior to the meeting at which the Planning and Zoning Commission is to take action if no hearing is required. Such referral shall be for the purpose of reviewing said plans to assure their conformance with the Zoning Regulations of the Noank Fire District and the general suitability of the proposed subdivision with the character of Noank (Amended 1/1/90).

2.25.1 Furthermore, no subdivision shall be approved by the Town of Groton's Planning and Zoning Commission unless written confirmation is provided to the Planning and Zoning Commission from the Executive Committee of the Noank Fire District

that adequate fire protection can be provided and public water supply is being provided by the Noank Water Department or other such water company as approved by the Executive Committee of the Noank Fire District.

## 2.26 ARCHITECTURAL DESIGN

No site plan and/or special exception required under these Regulations shall be approved nor shall any structure be constructed or exterior renovation or substantial improvement to an existing structure in the RV, VC, or WC zones or on the streets listed below be permitted until the Zoning Commission determines that the overall architectural character of the proposed site and building design is in harmony with the neighborhood in which such activity is taking place, or accomplishes a transition in character between areas of unlike character; protects property values in the neighborhood, and preserves and enhances the beauty of the community, its historical integrity and architecture. In making the determination regarding historical integrity and architectural character, the Zoning Commission shall take into consideration the character of the architecture of Noank structures, as described in the National Register of Historic Places Inventory for the Noank Historical District recognized by the United States Department of the Interior on August 10, 1979, and shall further take into consideration the Village of Noank Historic and Architectural Resources Survey Report, James Gibbs, AIA, published by the Town of Groton Planning Department, Connecticut Historic Commission, and National Park Service, July 1999. The applicant shall provide adequate information to enable the Commission to make that determination, including architectural plans of all buildings, other structures and signs. Such plans shall include preliminary floor plans and elevations showing height and bulk, roof lines, door and window details, exterior building materials, color and exterior lighting. Site plans shall show paving materials, landscaping, fencing, lighting design and other features of the site and buildings which are visible from the exterior of any building on the site or from adjacent properties or streets and which may impact on the character or quality of life on adjoining properties and throughout the Fire District. Design review requirements shall apply to all structures, exterior renovations, and substantial improvements within the RV zone. They shall also apply to all properties which abut the following streets regardless of the underlying zone: Brook Street (old and new), Prospect Hill Road, Elm Street (Route 215 to Fishtown Road), Spicer Avenue, and Wilbur Court. (Amended 3/21/2015). Additional requirements specific to solar panel systems are contained in Section 24 (Added 7/25/2018).

### 2.26.1 Design Review Requirements

The purpose of the design review requirements is to encourage development which will protect, preserve, and enhance the unique historic character of Noank, and particularly its Village, through design standards that reflect Noank's distinct architectural character and scale.

In addition to all other requirements of the Zoning Regulations, the applicant for all buildings or structures and sites subject to a review by the Commission under this section, shall submit scaled elevation drawings of the proposed structures for a design review. The scale of such drawings shall not be smaller than one-eighth inch equals one foot (1/8"=1'-0"). The drawings shall locate and identify exterior materials, fixtures, roof pitch, and building or structure height and include dimensions and architectural characteristics. The applicant shall also provide the Commission with all required comparative information regarding lots within two hundred (200) feet of the lot on which the development is proposed.

In cases of new construction or substantial renovation, a streetscape showing the proposed structure(s) in relation to the context of the surrounding area, particularly in regard to the criteria set forth in Section 2.26.3, shall be provided unless waived by the Commission. (Amended 6/20/2013)

All applications under this section shall demonstrate how the appearance of the proposed structure conforms to the criteria in Section 2.26.3, and, if applicable, the site plan criteria in Section 11 and the special exception criteria in Section 12. (Added 6/20/2013)

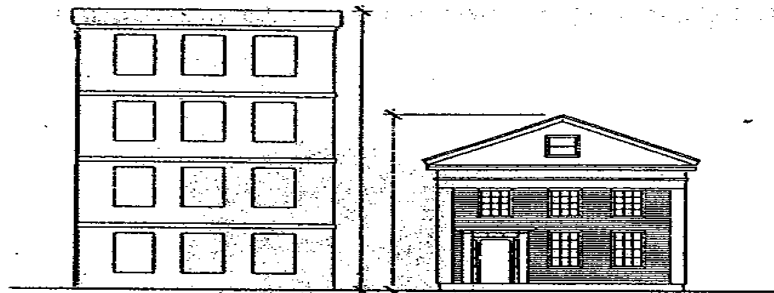
#### 2.26.2 Standards for Design Review of Buildings and Structures

The Commission shall review all plans for renovations, substantial improvements, and construction of new buildings or structures for a determination of appropriateness of design. All determinations will be based on a review of structures on all lots within two hundred feet of the lot on which development is proposed, including any structures already existing on the lot to be developed.

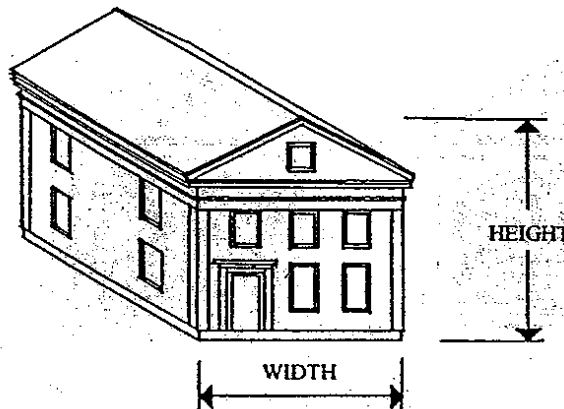
#### 2.26.3 Design Review Criteria (Amended 6/20/2013)

The following criteria shall be used by the Commission in the determination of appropriateness, in keeping with the architectural fabric of the Noank Fire District:

2.26.3.1 **Scale:** Scale of construction, which must relate to human scale and the scale of structures within two hundred feet of the lot.

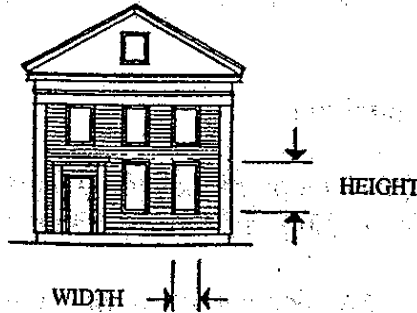


2.26.3.2 **Proportion of Building's Front Façade:** Proportion of building's front façade is defined as the relationship between width and height of the front elevation of the building.

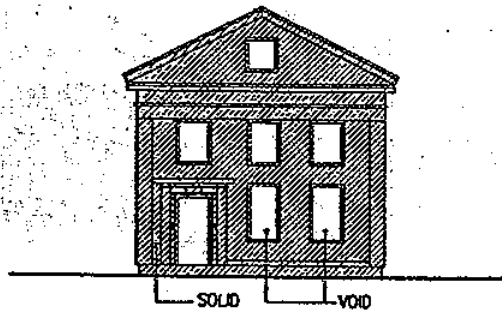




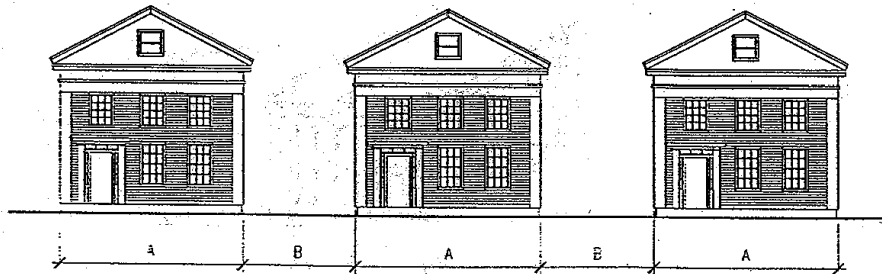
**2.26.3.3 Proportion of Openings Within the Façade:** Proportion of the openings within the façade is defined as the relationship of width to height of windows and doors.



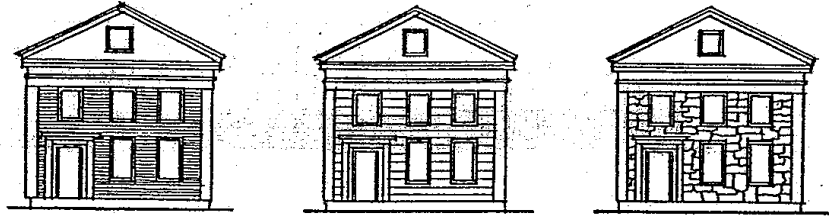
**2.26.3.4 The Rhythm of Solids to Voids in the Façade:** Rhythm of solids to voids in the façade is defined as an ordered, recurrent alternation of openings to solid walls.



**2.26.3.5 Rhythm of Spacing of Buildings on the Street:** Rhythm of spacing of buildings on the street, or the occurrence of building masses to spaces between them.



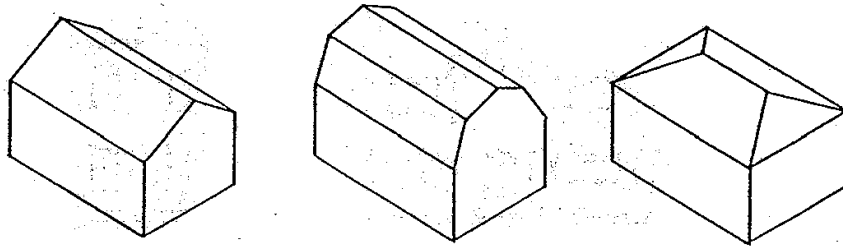
**2.26.3.6 Buildings and Structures and Relationship of Materials To Be Used:** Relationship of materials to be used in buildings and structures, or the mixture of exterior materials, such as wood, brick, glass, or slate to those materials used within two hundred feet of the lot.



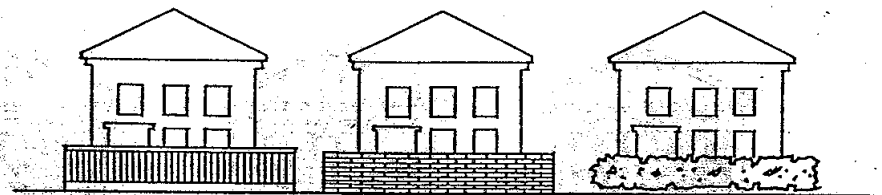
**2.26.3.7 Relationship of Textures:** Relationship of textures of the predominant material used, which shall reflect the types used within two hundred feet of the lot, such as rough (brick and tooled joints) or smooth (horizontal wood siding).



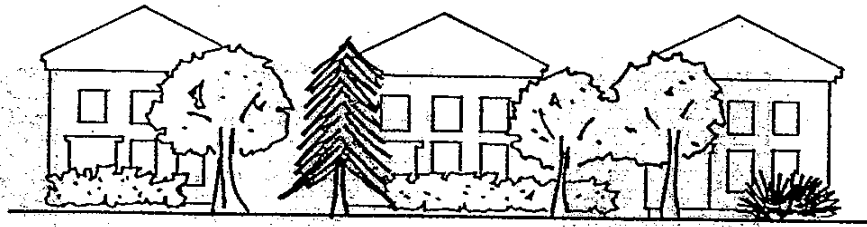
**2.26.3.8 Relationship of Roof Shapes:** Relationship of roof shapes, which should be compared to the majority of roofs within two hundred feet of the lot. For example: gable, gambrel, or hip.



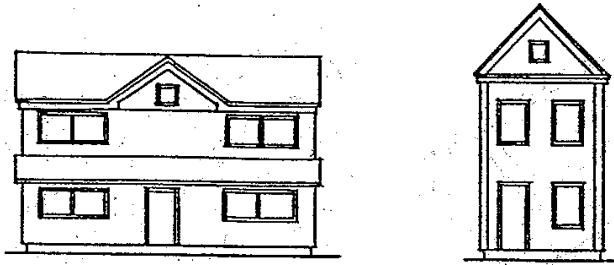
**2.26.3.9 Walls of Continuity:** Walls of continuity, described as the physical ingredients that form screens or enclosures around the project (such as brick walls, iron/wood fences, evergreen screens, berms and hedges).



**2.26.3.10 Relationship to Environmental Setting:** Relationship of buildings, structures, and landscaping to the blending of the project with the environment within two hundred feet of the lot, or to the needs for landscaping to buffer, screen, or soften a project from the view of adjacent property owners or site users. Amended 6/1/2022)



2.26.3.11 **Directional Expression:** Directional expressions of the elevation's structural shape or placement of details and openings of the front façade, which may have a vertical, horizontal, or a non-directional character.



2.26.4 Modification (Amended 6/20/2013)

Changes to the proposal after formal approval must be reviewed by the Commission for approval in accordance with Section 2.26.6 below. Minor changes that would not materially affect the applicant's compliance with any of the criteria may be approved by the Zoning Enforcement Officer.

2.26.5 Special Criteria for Exterior Renovations and Substantial Improvement of Existing Buildings (Amended 6/20/2013)

In addition to the above criteria, exterior renovations or substantial improvements to a building or structure visible from a public street or from navigable waters shall be subject to the following criteria:

2.26.5.1 Every reasonable effort shall be made to provide a compatible use for a structure which requires minimal alteration of its site, environment or originally intended purpose.

2.26.5.2 The distinguishing original qualities or character of a building or structure, its site, and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

2.26.5.3 All buildings, structures, and sites shall be recognized as products of their own time. Renovations shall generally be compatible with the existing structure or buildings on-site, but renovations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

2.26.5.4 Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, its site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

2.26.5.5 Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

2.26.5.6 Deteriorated architectural features shall be repaired or replaced to the extent possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities when feasible. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

2.26.5.7 Renovations and additions which destroy significant historical, architectural, or cultural characteristics shall be discouraged.

2.26.5.8 Designs shall generally be compatible with the size, scale, material, and character of the original structure and other structures within 200 feet of the lot.

2.26.5.9 Whenever possible, new additions or renovations to buildings and structures shall be done in such a manner that if such additions or renovations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

## 2.26.6 Design Review Procedure (Amended 6/20/2013)

### 2.26.6.1 Informal Discussion of Design Review Applications

Prior to submittal of an application, any potential applicant for an activity requiring design review approval may request the opportunity to place such proposal on the agenda of a regular or a special meeting of the Commission for the purpose of presenting preliminary plans or concepts, and receiving preliminary comments, observations, questions, or areas of concern. At this informal discussion, the applicants may indicate their intent to request a full or partial waiver of otherwise required submittals, including, but not limited to, a streetscape. Following any informal discussion, the Commission may suggest that additional information is or will be required prior to action on a formal application. Neither the applicant nor the Commission shall be in any way bound by statements made in informal discussions, their purpose being to minimize delay, expense, and inconvenience to the public, the applicant, and the Commission, upon future receipt, if any, of a formal submission.

### 2.26.6.2 Administrative Design Review (Revised 8/18/2020)

All applications for design review shall first be reviewed by the Zoning Enforcement Officer. The Zoning Enforcement Officer may approve minor applications for design review. These applications shall be limited to replacement of windows, roofing, doors, steps, stairs, decks, patios, siding, roof-mounted solar systems consistent with Section 24 of these Zoning Regulations and other exterior features with the same or appropriately similar styles that will have a minor impact on the property provided that all applications are in keeping with the intent of the design review guidelines of Section 2.26. Otherwise the Zoning Enforcement Officer will refer applications to the Commission for further review if necessary in his opinion. Applications approved by the Zoning Enforcement Officer by this method will not be subject to Section 2.26.7 "Posting of Property." (Amended 1/29/2008).

### 2.26.6.3 Application for Design Review (Revised 3/28/2018)

Each application for design review to be reviewed by the commission shall be submitted to the Zoning Enforcement Officer or other designated agent at least

fourteen (14) days prior to the next regular meeting of the Commission and accompanied by seven (7) copies of the drawings regarding the proposal, which shall meet the requirements of these Regulations. The application shall be accompanied by a fee, as specified in Section 16. The Commission shall determine when the application is complete.

#### 2.26.6.4 Receipt and Review of Application (Revised 4/15/2014)

At its first meeting upon receipt of an application for a certificate of design review the Commission shall first determine whether the application can be referred back to the Zoning Enforcement Officer for review and action under Section 2.26.6.2; or whether it requires Site Plan review per Section 2.26.6.5 or Special Exception review per Section 2.26.6.6.

The level of review deemed appropriate for an application received by the Commission is within the sole discretion of the Commission and shall be based on the potential impact on neighborhood architectural harmony and character, property values, historical integrity, and/or public health and safety.

After the Commission has determined both the level of review deemed appropriate for an application and the information it requires the applicant to present, at that same meeting the Commission shall then determine whether or not the application is complete. If it determines that the application is *incomplete*, the Commission will so advise the applicant who may withdraw the application or who may agree to continue consideration of the application until the next meeting and provide such information then. If the application is not withdrawn or continued, at that same meeting the Commission may deny the application without prejudice.

The Commission may also determine that the application is sufficiently complex that the Commission requires the assistance of an outside consultant who will make a report to the Commission to assist it in deliberations.

#### 2.26.6.5 Design Review Site Plan

If the Commission determines that an application requires site plan review, the State statutes applicable to site plan review and the provisions of Section 11 of these Regulations, unless waived by the Commission as provided for in that section, shall apply.

#### 2.26.6.6 Design Review Special Exception

If the Commission determines that an application requires special exception review, the State statutes applicable to special exception review and the provisions of Section 12 of these Regulations, unless waived by the Commission as provided for in that section, shall apply.

#### 2.26.7 Posting of Property (Amended 6/20/2013, 6/1/2022)

The applicant for design review approval under Section 2.26 of these Regulations shall erect, or cause to have erected, a sign on the premises affected by the proposed application at least twelve days prior to Commission review of the site plan. Said sign shall be provided by the Zoning Enforcement Officer upon request of the applicant. Said sign shall be installed by the applicant, securely fastened or staked, be clearly visible from the street closest to the affected property, and shall be maintained as such until fifteen days following the public notice of Commission action on the application.

### 2.26.8 Side Yard Additions (Amended 6/20/2013)

For existing buildings, with non-conforming front yard setbacks (less than 25 feet), additions in the side yard must be set back from the primary face of the structure (excluding open or enclosed porches and any projections that are less than 25% of the building face). This is illustrated in the two photographs below. As a general guideline, additions in the side yard should be set back by a minimum of 20% of the primary building-face width. (Added 3/30/2012)



### 2.27 REAR LOTS AND LOTS FRONTING ON UNACCEPTED STREETS

In those cases where construction is undertaken on a lot or lots which do not have frontage on a public street, the Zoning Commission shall determine what is to be interpreted as the front yard, side yard, and rear yard. In those cases where a building or structure within the Noank Fire District is served by an unaccepted street, the Zoning Commission shall determine what is to be interpreted as the front yard, side yard and rear yard.

### 2.28 BUFFER STRIP FOR PUBLIC OPEN SPACE AREAS

When new public open space is to be created adjacent to a residential lot, a continuous strip not less than 10' wide shall be included along any lot line adjoining a residential lot, and shall be suitably planted with landscape material so as to provide a passive buffer zone, and the buffer strip shall be on the public open space land. (Amended 1/1/90)

### 2.29 BUFFER STRIP FOR CEMETARIES

When a proposed new development borders or includes an existing cemetery, a continuous buffer strip not less than 25' wide shall be provided along the outside boundary of the cemetery. If the Commission deems necessary for protection of the cemetery, the buffer strip shall be suitably planted with landscape material. (Amended 1/1/90)

### 2.30 CANNABIS ESTABLISHMENTS

The establishment of a "Cannabis establishment" as defined in Section 1 of Public Act No. 21-1 (June 2021 Special Session), and as may be amended from time to time, is prohibited in all zoning districts of the Noank Fire District. (Added 6/1/2022)

## Section 3 - Village Residential District (RV)

### 3.1 GENERAL

The minimum lot size in this district is 20,000 square feet and the purpose of this district is to establish a specific performance-oriented zone to accommodate development, reconstruction, alteration, enlargement, and remodeling of residential structures within that portion of the Fire District south of the railroad and east of West Cove. This district is intended to preserve and enhance the traditional character of a small New England coastal village by encouraging retention of older buildings and diverse architectural styles, and allowing a mix of activities generally found in a small seaside community. (Amended 1/1/90)

The following are permitted uses within this zone:

- 3.1.1 One-family detached dwelling.
- 3.1.2 Parks and playgrounds and other municipally owned recreation facilities and buildings, subject to the approval of a site plan in accordance with the provisions of Section 11 of these Regulations.
- 3.1.3 Any structure owned by the Noank Fire District whose site is approved by the Noank Executive Committee, subject to the approval of a site plan in accordance with the provisions of Section 11 of these Regulations.
- 3.1.4 Public libraries or museums, subject to the approval of a site plan in accordance with the provisions of Section 11 of these Regulations.
- 3.1.5 Customary home occupations as defined in Section 18.2.40 of these Regulations, subject to the conditions enumerated in Section 2.15.
- 3.1.6 Accessory uses as defined in Section 18.2.2 of these regulations, subject to the conditions enumerated in Section 2.10 and Section 14.
- 3.1.7 The owner or occupant of any dwelling who is residing in such dwelling may use the lot on which the dwelling is located for the purpose of building or rebuilding a single boat for his own personal use or sale or may use such lot for the storing of his own boat or boats. In interpreting the provisions of this section, receipt of compensation for the storing of a boat or or production of more than one boat at any given time is prima facie evidence of a zoning violation.
- 3.1.8 A base for fishing and lobstering, excluding sale of lobsters or fish on the premises except as a customary home occupation in accordance with Section 3.1.5.

### 3.2 SPECIAL EXCEPTIONS

The following list of uses may be permitted as a special exception within the Village Residential District if approved by the Zoning Commission in accordance with the procedure and criteria described in Section 12 of these regulations.

- 3.2.1 Rooming House as defined in Section 18.2.76 of these regulations and complying with all the conditions of Article VIII of the Rental Housing Code of the Town of Groton, as well as the following:
  - a) Shall be owner occupied;
  - b) Shall not provide communal cooking or dining facilities;
  - c) Shall provide off street parking in accordance with Section 9.1.1 of these regulations.

- 3.2.2 Religious or philanthropic uses or institutions, including libraries and museums, but not including correctional institutions or facilities for the mentally ill. (Amended 1/1/90)
  - 3.2.3 Clubs, including yacht clubs, except clubs the chief activity of which is a service carried on as a business.
  - 3.2.4 Other home occupations as approved by the Zoning Commission which are in conformity with Section 2.15 of these Regulations.
  - 3.2.5 The rental of not more than six boats including boats used for access to off-shore moorings, or the rental of not more than two dock slips. Two or more contiguous lots under the same ownership shall be considered one lot for the purposes of this section.
  - 3.2.6 Base operations for party boat businesses.
  - 3.2.7 Sewer pump stations owned and operated by the Town of Groton.
  - 3.2.8 Wind generators in conformance with Sections 2.7a and 12.5.8 of these Regulations.
- 3.3 MINIMUM FRONTAGE  
Each lot to be used in accordance with Sections 3.1 and 3.2 above must have a frontage of 50 feet or more on a public street or shall have an unobstructed easement of access or private right-of-way which is everywhere 30 feet or more in width to a public street.
- 3.4 MINIMUM SETBACKS (Amended 6/1/2022)
- 3.4.1 Front Yard
    - a. For new buildings - 25 Feet (Amended 3/30/2012)
    - b. For existing buildings with non-conforming front yard set-backs (less than 25 feet), the existing building may be increased in height as long as no part of its structure shall be located nearer to the street than the minimum distance between the existing walls of the principal building on the lot and the street line. For side-yard additions to such buildings, no part of the structure shall be located nearer the street than the minimum distance between the existing walls of the principal building on the lot and the street line. Further, for such proposed additions, design review criteria shall apply (see section 2.26.6.9). In no case shall any building be required to set back more than 25 feet from a front lot line. (Amended 3/30/2012)
  - 3.4.2 Side Yard – 10 Feet except as provided in Section 2.10 of these Regulations. ***For buildings with a structural footprint greater than 2,000 square feet, the required side yard setback shall be increased by 0.5 feet for every 50 square feet increase in the structural footprint of the building above 2,000 square feet.***
  - 3.4.3 Rear Yard – 15 Feet, except as provided in Sections 2.9 and 2.10 of these Regulations. ***For buildings with a structural footprint greater than 2,000 square feet, the required rear yard setback shall be increased by 0.5 feet for every 50 square feet increase in the structural footprint of the building above 2,000 square feet.***
- 3.5 LOT COVERAGE: Maximum
- a. ***The aggregate lot coverage for the structural footprint of all buildings and other structures on any lot shall not exceed 40 percent of the area of the lot***



*for lots that do not exceed 4,000 square feet.* On lots above 4,000 square feet, there may be a 1 square foot increase of structural footprint for every 20 square feet of lot size, to a maximum of 3,000 square feet in structural footprint on a lot of 32,000 square feet and above.

- b. The structural footprint of the main dwelling shall not exceed 90% of the allowable total lot coverage. The foregoing notwithstanding, the footprint of an unenclosed single story roofed porch not more than 8 feet in depth projecting from the dwelling on the ground story or first story, may allow the dwelling to exceed 90% of the maximum lot coverage allowed, but not the maximum lot coverage allowed. (Amended 3/13/2013)

3.6 OFF-STREET PARKING

For any permitted use of premises hereafter established, off-street parking spaces shall be provided in accordance with Section 9 of these Regulations.

3.7 SIGNS

Signs shall conform to the requirements of Section 10 of these Regulations.

## Section 4 - Moderate Density Residential District (R-12)

### 4.1 GENERAL

The minimum lot size in this district is 12,000 square feet and the purpose of this district is to establish standards to control modifications to the one family detached dwellings within the Tanglewood Subdivision as approved by the Town of Groton Planning Commission on April 26, 1965 in order to retain the residential character of Tanglewood; and to maintain a like character for other areas similarly zoned. (Amended 1/1/90)

The following are permitted uses within this zone:

- 4.1.1 One-family detached dwelling.
- 4.1.2 Parks and playgrounds and other municipally owned recreation facilities and buildings as approved by the Noank Zoning Commission.
- 4.1.3 Customary home occupations as defined in Section 18.2.40 of these Regulations, subject to the conditions enumerated in Section 2.15.
- 4.1.4 Accessory uses as defined in Section 18.2.2 of these Regulations, subject to the conditions enumerated in Section 2.15 and Section 14.
- 4.1.5 The owner or occupant of any dwelling who is residing in such dwelling may use the lot on which the dwelling is located for the purpose of building or rebuilding a single boat for his own personal use or sale or may use such lot for the storing of his own boat or boats. In interpreting the provisions of this section, receipt of compensation for the storing of a boat or production of more than one boat at any given time is prima facie evidence of a zoning violation.
- 4.1.6 A base for fishing and lobstering, excluding sale of lobsters or fish on the premises except as a customary home occupation in accordance with Section 4.1.3 above.

### 4.2 SPECIAL EXCEPTIONS

The following uses may be permitted as a special exception within the Moderate Density Residential District if approved by the Zoning Commission in accordance with the procedure and criteria described in Section 12 of these Regulations.

- 4.2.1 Other home occupations as approved by the Zoning Commission which are in conformity with Section 2.15 of these Regulations.
- 4.2.2 Sewer pump stations owned and operated by the Town of Groton.
- 4.2.3 Wind generators in conformance with Sections 2.7a and 12.5.8 of these Regulations.

### 4.3 MINIMUM FRONTAGE AND WIDTH

No lot in this district shall have less than 30 feet frontage on a public street and each lot shall be at least 80 feet in width at the building line.

4.4 MINIMUM SETBACKS (Amended 6/1/2022)

4.4.1 Front Yard - 30 Feet

4.4.2 Side Yard - 12 Feet except as provided in Section 2.10 of these Regulations.

4.4.3 Rear Yard - 30 Feet except as provided in Sections 2.9 and 2.10 of these Regulations.

4.5 LOT COVERAGE

The aggregate lot coverage of all buildings and other structures on any lot shall not exceed 20% of the area of the lot.

4.6 OFF-STREET PARKING

For any permitted use of premises hereafter established, off-street parking spaces shall be provided in accordance with Section 9 of these Regulations.

4.7 SIGNS

Signs shall conform to the requirements of Section 10 of these Regulations.

## Section 5 - Low Density Residential District (R-20)

### 5.1 GENERAL

The minimum lot size in this district is 20,000 square feet and the purpose of this district is to establish standards to control residential development in those areas of the Fire District in which a majority of the land is already developed and most of the lots are at least 20,000 square feet in size. These standards are intended to retain the open residential character of the district, to encourage preservation of older buildings, and to provide for a variety of activities compatible with the residential nature of the R-20 zone. (Amended 1/1/90)

The following uses are permitted within this zone:

- 5.1.1 One-family detached dwelling.
- 5.1.2 (Repealed 3/22/2011)
- 5.1.3 Any structure owned by the Noank Fire District whose site is approved by the Noank Executive Committee, subject to the approval of a site plan in accordance with the provisions of Section 11 of these Regulations.
- 5.1.4 Public schools, subject to the approval of a site plan in accordance with the provisions of Section 11 of these Regulations
- 5.1.5 Customary home occupations as defined in Section 18.2.40 of these Regulations subject to the conditions enumerated in Section 2.15.
- 5.1.6 Accessory uses as defined in Section 18.2.2 of these Regulations, subject to the conditions enumerated in Section 2.15 and Section 14.
- 5.1.7 The owner or occupant of any dwelling who is residing in such dwelling may use the lot on which the dwelling is located for the purpose of building or rebuilding a single boat for his own personal use or sale or may use such a lot for the storing of his own boat or boats. In interpreting the provisions of this section, receipt of compensation for the storing of a boat or production of more than one boat at any given time is prima facie evidence of a zoning violation.
- 5.1.8 Agriculture, forestry, truck or nursery gardening, including greenhouses incidental thereto, but not including commercial kennels, livery or boarding stables or veterinary hospitals. No livestock or poultry may be kept on any lot of less than two acres or in any building within 100 feet of any street or property line, except not more than 20 chickens or other poultry or rabbits or similar small animals may be kept within a building or enclosure not less than 40' from a property line on any lot.
- 5.1.9 A base for fishing and lobstering, excluding sale of lobsters or fish on the premises except as a customary home occupation in accordance with Section 5.1.5 above.

### 5.2 SPECIAL EXCEPTIONS

The following list of uses may be permitted as a special exception within the Low Density Residential District, if approved by the Zoning Commission in accordance with the procedure and criteria described in Section 12 of these regulations.

- 5.2.1 Religious or philanthropic uses or institutions, including libraries and museums, but not including correctional institutions or facilities for the mentally ill. (Amended 1/1/90)

- 5.2.2 Clubs, including yacht clubs, except clubs the chief activity of which is a service carried on as a business.
  - 5.2.3 Other home occupations as approved by the Zoning Commission which are in conformity with Section 2.15 of these Regulations.
  - 5.2.4 The rental of not more than six (6) boats including boats used for access to off-shore moorings, or the rental of not more than two (2) dock slips. Two or more contiguous lots under the same ownership shall be considered one lot for the purpose of this section.
  - 5.2.5 Base operations for party boat businesses.
  - 5.2.6 Sewer pump stations owned and operated by the Town of Groton.
  - 5.2.7 Wind generators in conformance with Sections 2.7a and 12.5.8 of these Regulations.
  - 5.2.8 Parks and playgrounds and other municipally owned recreational facilities and buildings.
- 5.3 MINIMUM FRONTAGE AND WIDTH  
No lot in this district shall have less than 30 feet frontage on a public street, and each lot shall be at least 100 feet in width at the building line.
- 5.4 MINIMUM SETBACKS (Amended 6/1/2022)
- 5.4.1 Front Yard - 30 feet
  - 5.4.2 Side Yard - 15 feet except as provided in Section 2.10 of these Regulations.
  - 5.4.3 Rear Yard - 30 feet except as provided in Sections 2.9 and 2.10 of these Regulations.
- 5.5 LOT COVERAGE  
The aggregate lot coverage of all buildings and other structures on any lot shall not exceed 15 % of the area of the lot.
- 5.6 OFF-STREET PARKING  
For any permitted use of premises hereafter established, off-street parking spaces shall be provided in accordance with Section 9 of these Regulations.
- 5.7 SIGNS  
Signs shall conform to the requirements of Section 10 of these Regulations.

## Section 6 - Rural Residential District (R-40)

### 6.1 GENERAL

The minimum lot in this district shall be 40,000 square feet and the purpose of this district is to control development in those areas of the Fire District which are mostly undeveloped and in which large tracts of vacant land occur.

The following are permitted uses within this zone:

- 6.1.1 One-family detached dwelling.
- 6.1.2 Parks and playgrounds and other municipally owned recreation facilities and buildings, subject to the approval of a site plan in accordance with the provisions of Section 11 of these Regulations.
- 6.1.3 Any structure owned by the Noank Fire District whose site is approved by the Noank Executive Committee, subject to the approval of a site plan in accordance with the provisions of Section 11 of these Regulations.
- 6.1.4 Public schools, libraries and museums, subject to the approval of a site plan in accordance with the provisions of Section 11 of these Regulations.
- 6.1.5 Customary home occupations as defined in Section 18.2.40 of these Regulations, subject to the conditions enumerated in Section 2.15.
- 6.1.6 Accessory uses as defined in Section 18.2.2 of these Regulations, subject to the conditions enumerated in Section 2.15 and Section 14.
- 6.1.7 The owner or occupant of any dwelling who is residing in such dwelling may use the lot on which the dwelling is located for the purpose of building or rebuilding a single boat for his own personal use or sale or may use such lot for the storing of his own boat or boats. In interpreting the provisions of this section, receipt of compensation for the storing of a boat or production of more than one boat at any given time is prima facie evidence of a zoning violation.
- 6.1.8 Agriculture, forestry, truck or nursery gardening, including greenhouses incidental thereto, but not including commercial kennels, livery or boarding stables or veterinary hospitals. No livestock or poultry may be kept on any lot of less than two acres nor in any building within 100 feet of any street or property line, except that not more than 20 chickens or other poultry or rabbits, or similar small animals may be kept within a building or enclosure not less than 40 feet from a property line on any lot.
- 6.1.9 A base for fishing and lobstering, excluding sale of lobsters or fish on the premises, except as a customary home occupation in accordance with Section 6.1.5.

### 6.2 SPECIAL EXCEPTIONS

The following list of uses may be permitted as a special exception within the Rural Residential District, if approved by the Zoning Commission in accordance with the procedures and criteria described in Section 12 of these regulations.

- 6.2.1 Religious or philanthropic uses or institutions, including libraries and museums, but not including correctional institutions or facilities for the mentally ill. (Amended 1/1/90)
- 6.2.2 Clubs, except clubs the chief activity of which is a service carried on as a business.

- 6.2.3 Other home occupations as approved by the Zoning Commission which are in conformity with Section 2.15 of these Regulations.
- 6.2.4 Retirement center owned and operated by a non-profit, philanthropic organization, constructed and used in accordance with the requirements of Section 17.1 of these Regulations
- 6.2.5 Sewer pump stations owned and operated by the Town of Groton.
- 6.2.6 Wind generators in conformance with Sections 2.7a and 12.5.8 of these Regulations.
- 6.3 MINIMUM FRONTAGE AND WIDTH  
No lot in this district shall have less than 30 feet frontage on a public street and each lot shall be at least 150 feet in width at the building line.
- 6.4 MINIMUM SETBACKS (Amended 6/1/2022)
  - 6.4.1 Front Yard - 50 feet
  - 6.4.2 Side Yard - 30 feet except as provided in Section 2.10 of these Regulations.
  - 6.4.3 Rear Yard - 50 feet except as provided in Sections 2.9 and 2.10 of these Regulations.
- 6.5 LOT COVERAGE  
The aggregate lot coverage of all buildings and other structures on any lot shall not exceed 40% of the area of the lot.
- 6.6 OFF-STREET PARKING  
For any permitted use of premises hereafter established, off-street parking spaces shall be provided in accordance with Section 9 of these Regulations.
- 6.7 SIGNS  
Signs shall conform to the requirements of Section 10 of these Regulations.

Section 7 - Village Commercial-District (VC)

7.1 GENERAL

The minimum lot size in this district is 5,000 square feet and the purpose of this district is to provide for the continuance of limited areas for neighborhood uses serving the community on Main Street and Pearl Street at the entrance to "the Village." Furthermore, no single store shall contain more than 10,000 square feet of gross floor area.

The following are permitted uses within this zone:

- 7.1.1 One-family detached dwelling
- 7.1.2 Business or professional offices
- 7.1.3 Clothing Store
- 7.1.4 Gift Shop
- 7.1.5 Fabric Store
- 7.1.6 Toy Store
- 7.1.7 Drug Store
- 7.1.8 Book Store
- 7.1.9 Food Store
- 7.1.10 Florist
- 7.1.11 Stationery Store
- 7.1.12 Shoe Store or Shoe Repair Shop
- 7.1.13 Package Store
- 7.1.14 Candy Store
- 7.1.15 Barber Shop
- 7.1.16 Hardware Store
- 7.1.17 Retail Bakery (Amended 1/1/90)
- 7.1.18 Bicycle store, rental or sales, and bicycle repair shop
- 7.1.19 A restaurant where customers are served only when seated at tables or counters within an enclosed building or structure and where no sale of alcoholic beverages is permitted. Restaurants where customers are served primarily at food takeout counters are prohibited.
- 7.1.20 Post Office
- 7.1.21 The residence for the owner or operator of a business located within the zone. Such residence shall be on the same lot as the owner or operator's business and may be a portion of the same building being used for a business use.
- 7.1.22 A base for fishing and lobstering, excluding sale of lobsters or fish on the premises, except as a customary home occupation as defined in Section 18.2.40 of these Regulations, subject to the conditions enumerated in Section 2.15.

7.2 SPECIAL EXCEPTIONS

The following list of uses may be permitted as a special exception within the Village Commercial District if approved by the Zoning Commission in accordance with the procedures and criteria described in Section 12.



- 7.2.1 Religious or philanthropic uses or institutions, including libraries and museums, but not including correctional institutions or facilities for the mentally ill. (Amended 1/1/90)
  - 7.2.2 Clubs, except clubs the chief activity of which is a service carried on as a business.
  - 7.2.3 Other home occupations as approved by the Zoning Commission which are in conformity with Section 2.15 of these Regulations.
  - 7.2.4 Wind generators in conformance with Sections 2.7a and 12.5.8 of these Regulations
- 7.3 MINIMUM FRONTAGE  
No lot in this district shall have less than 60 feet frontage on any public street.
- 7.4 MINIMUM SETBACKS (Amended 6/1/2022)
- 7.4.1 Front Yard – 15 Feet.
  - 7.4.2 Side Yard – 10 Feet except as provided in Section 2.10 of these Regulations.
  - 7.4.3 Rear Yard – 10 Feet except as provided in Sections 2.9 and 2.10 of these Regulations.
- 7.5 LOT COVERAGE  
The aggregate lot coverage of all buildings and other structures on any lot shall not exceed 40% of the total lot area and the total gross floor space provided on all floors shall not exceed 40% of the total lot area. However, in the case of buildings existing prior to the adoption of these Regulations, floor area in excess of 40% may be utilized if the exterior appearance of the building is not physically altered or enlarged, and no new structure is constructed on the lot.
- 7.6 BUFFER REQUIREMENTS  
When a business use occurs on a lot adjacent to a residential use, a buffer strip at least five feet in width consisting of dense foliage or a six foot high fence of material in keeping with the character of the immediate neighborhood, as determined by the Zoning Commission, shall be constructed so as to screen the business uses from the adjacent residential uses. (Amended 1/1/90)
- 7.7 OFF-STREET PARKING  
Off-street parking spaces shall be provided in accordance with Section 9 of these Regulations; however, the Zoning Commission may waive these requirements if adequate proof is given that existing parking areas will serve the proposed commercial use.
- 7.8 SIGNS  
Signs shall conform to the requirements of Section 10 of these Regulations.
- 7.9 SITE PLAN REQUIREMENT  
No building, structure, parking lot or storage area shall be used, constructed, moved or enlarged until a site plan complying with the requirements of Section 11 has been approved by the Zoning Commission.

## Section 8 - Waterfront Commercial District (WC)

### 8.1 GENERAL

The minimum lot size in this district is 20,000 square feet. The purpose of this district is to provide areas along the Noank Fire District's Waterfront in which waterfront related commercial uses may be permitted. The total land area of all contiguous parcels comprising a particular Waterfront Commercial District shall be more than one acre.

The following are permitted uses within this zone:

- 8.1.1 A one-family detached dwelling.
- 8.1.2 Yacht clubs.
- 8.1.3 Boat docks, slips, piers and wharves for yachts and pleasure boats or for boats for hire carrying passengers on excursion, pleasure, or fishing trips or for vessels engaged in fishery or shell fishery. However, the storage of boats over ten feet in length in multiple level racks is strictly prohibited and the storage of boats of ten feet or less in length in racks shall not be permitted in any structure exceeding ten feet in height.
- 8.1.4 A yard for building, storing, repairing, selling or servicing boats which may include the following as an accessory use: Office for the sale of marine equipment or products, dockside facilities for dispensing fuel, restroom and laundry facilities to service overnight patrons. Furthermore, adequate lanes must be provided to allow access and egress throughout the yard for fire trucks.
- 8.1.5 Boat and marine engine sales and display, yacht broker, marine insurance broker.
- 8.1.6 The rental of boats including boats used for access to offshore moorings.
- 8.1.7 Retail sale or rental of boating, fishing, diving, and bathing supplies and equipment.
- 8.1.8 A sail loft or ship's chandlery.
- 8.1.9 Base operations for fishing and lobstering business, including a store or market for the sale of fish, shellfish, and other related food products, excluding the commercial bulk processing of fish.
- 8.1.10 The retail sale of fish or shellfish either in bulk or for individual sale, including restaurant service on the premises, but such service shall not include the sale of alcoholic beverages.
- 8.1.11 Customary home occupations as defined in Section 18.2.40 of these Regulations, subject to the conditions enumerated in Section 2.15.

### 8.2 SPECIAL EXCEPTIONS

The following list of uses may be permitted as a special exception within a Waterfront Commercial District, if approved by the Zoning Commission in accordance with the procedures and criteria described in Section 12.

- 8.2.1 On that property in a Waterfront Commercial District having in excess of 150 feet frontage on Marsh Road, any permitted use in the Village Commercial District may be established, provided that the total gross floor space provided on all floors shall not exceed 30% of the total lot area, and that off-street parking requirements of Section 9 are met.
- 8.2.2 Other home occupations as approved by the Zoning Commission which are in conformity with Section 2.15 of these Regulations.

- 8.2.3 Wind generators in conformance with Section 2.7a and 12.5.8 of these regulations.
- 8.2.4 Self Service Storage Facility on sites with no water frontage and where storage units are limited to twenty five square feet. No hazardous materials may be stored. Access to the storage area shall be from inside the building. No outside storage shall be permitted. These facilities shall be limited to dead storage only. No activities other than rental of storage units shall be allowed in the facility. (Amended 1/18/2003)
- 8.3 MINIMUM FRONTAGE AND WIDTH  
No lot in this district shall have less than 100 feet frontage on a public street and each lot shall be at least 100 feet in width at the building line and along the waterfront property line. However, lots over two acres in area may be served by a right-of-way or easement, at least 30 feet in width in lieu of the required 100-foot frontage.
- 8.4 MINIMUM SETBACKS (Amended 6/1/2022)
- 8.4.1 Front Yard - 25 feet
- 8.4.2 Side Yard - 10 feet except as provided in Section 2.10 of these Regulations.
- 8.4.3 Rear Yard – 20 feet, except as provided in Sections 2.9 and 2.10 of these Regulations. Furthermore, no rear yard shall be required when a lot in this district is contiguous to a railroad right of way.
- 8.5 LOT COVERAGE  
The aggregate lot coverage of all buildings and other structures on any lot shall not exceed 15% of the area of the lot.
- 8.6 BUFFER AND LANDSCAPE REQUIREMENTS (Amended 6/1/2022)  
Where a commercial building or use is to be established or enlarged on land adjacent to a residential district, a landscaped buffer strip not less than 30 feet wide shall be planted and maintained, in accordance with the requirements of Section 9.10 of these Regulations. The buffer strip shall be on land under the same ownership as the commercial use and in the commercial district. Including the buffered area, not less than 3% of the total area shall be landscaped.
- 8.7 OFF-STREET PARKING  
Off-street parking spaces shall be provided in accordance with Section 9 of these Regulations.
- 8.7.1 A revised parking schedule shall be provided to the Zoning Enforcement Officer when a change in an on site activity requiring parking occurs or a change in the number of slips or moorings occur. This schedule shall list all activities on site and their respective required parking as well as the total parking provided. The Zoning Enforcement Officer or Zoning Commission shall forward this schedule to the Harbor Master. (Added 10/21/2003)
- 8.8 SIGNS  
Signs shall conform to the requirements of Section 10 of these Regulations.
- 8.9 SITE PLAN REQUIREMENT  
No building, structure, including docks and piers, parking lots, or storage areas shall be used, constructed, moved or enlarged, nor shall the number of moorings served by a site be increased until a site plan complying with the requirements of Section 11 has been approved by the Zoning Commission.

## Section 9 - Off-Street Parking

### 9.1 OFF-STREET PARKING AND RELATED SITE IMPROVEMENTS

Parking facilities off the street or highway right-of-way shall be provided to serve all buildings and uses erected, moved, altered or enlarged and all premises otherwise developed after the adoption of these Regulations.

Such facilities shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers and other persons normally visiting such building or premises at any one time and shall be provided in accordance with the following requirements:

- 9.1.1 For dwelling units – two spaces for each family unit; driveways may be included as required space for single-family dwellings. For rooming houses, one space for each room to be rented in addition to the spaces required for the dwelling. (Amended 11/4/92).
- 9.1.2 For a retirement center – one space per dwelling unit, one space for every four beds used for either a hospital, home for the aged, nursing home or rest home, and one space for each employee
- 9.1.3 For business or professional offices – one space for each 250 square feet or portion thereof of gross floor area.
- 9.1.4 For retail stores, personal services, shops and similar commercial uses – one space for each 250 square feet or portion thereof of gross floor area.
- 9.1.5 For restaurants – one space for each 75 square feet or portion thereof of gross floor area (Amended 1/1/90)
- 9.1.6 For churches and other places of public assembly – one space for every three seats.
- 9.1.7 For libraries, museums and non-commercial art galleries – one space for each 750 square feet or portion thereof of gross floor area (Amended 1/1/90)
- 9.1.8 For research laboratories – one space for each 350 square feet or portion thereof of gross floor area (Amended 1/1/90)
- 9.1.9 For boat docks, slips, piers, wharves, anchorages, moorings, and boat yards, including waterfront business activities permitted in a residential district, off-street parking spaces on the premises shall be provided as follows.
  - A. From June 1 through September 30 one parking space for each boat slip, off-shore mooring, or rental boat with separate additional parking spaces provided for parking each boat trailer. Additional areas shall be designated for storage of cradles, blocking and similar material, and landscaping.
  - B. From October 1 through May 31 one-half (1/2) parking spaces for each boat over ten feet in length stored on the premises.
  - C. Designated fire lanes shall exist at all times to provide unobstructed access at least 20 feet in width to any building or dock and to within 150 feet of any stored boat.
- 9.1.10 For a party boat business – docking in any zone, one (1) parking space on the docking premises shall be provided throughout their operating season for every three persons whom they are licensed to carry for hire.
- 9.1.11 For a ferry service (exclusive of launch service) – one (1) space for every passenger the vessel is licensed to hold verified by a copy of the vessel's official documents. (Added 10/21/2003)

- 9.1.12 For truck parking – adequate provision as determined by the Zoning Commission shall be provided for the loading and unloading of trucks serving any commercial establishment.
- 9.1.13 For physically handicapped – parking shall be provided for the physically handicapped in accordance with Article 21 of the Basic Building Code of the State of Connecticut.
- 9.1.14 For Self Service Storage Facilities – one space per 1,000 square feet or portion thereof of gross floor area with a minimum of three spaces provided. (Amended 1/18/2000)

9.2 INTERPRETATION OF OFF-STREET PARKING

- 9.2.1 Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
- 9.2.2 The parking space requirements for a use not specifically listed in this section shall be the same as for a listed use of similar characteristics of parking demand generation.
- 9.2.3 In the case of mixed uses, uses with different parking requirements occupying the same building or premises, the parking spaces required shall equal the sum of the requirement of the various uses computed separately.

9.3 LOCATION OF REQUIRED PARKING FACILITIES

Required parking facilities shall be located on the same lot as the building or use which they serve. In a commercial zone, parking in a building shall not count towards any required parking. (Amended 10/21/2003)

9.4 MINIMUM AREA

For the purpose of this regulation, an off-street parking space is a surfaced area meeting the approval of the Zoning Commission having a width of not less than nine feet and a length of not less than 20 feet. The length required shall be measured on an axis parallel with the vehicle after it is parked. The required area is to be exclusive at driveways and shall be permanently reserved for the temporary parking of one automobile, and shall be connected with a street or public right-of-way by an approved surfaced driveway.

9.5 PEDESTRIAN SAFETY

Adequate provision as determined by the Zoning Commission shall be provided for pedestrian circulation throughout the site and to adjacent properties.

9.6 INTERIOR DRIVES

Interior drives shall be of adequate width to service a particular design arrangement of parking spaces, the following being the minimum width permitted. Ninety degree parking shall be used unless there is positive control of traffic directions.

90 degree parking	-	20 feet
60 degree parking	-	17 feet
45 degree parking	-	11 feet
30 degree parking	-	11 feet

9.7 ENTRANCE AND EXIT DRIVEWAYS

- 9.7.1 Residence driveways shall not be less than nine feet wide at the right-of-way line nor less than thirteen feet wide at the curb line.

9.7.2 Driveways in commercial districts and serving commercial uses shall not be more than 30 feet wide at the public right-of-way line and 40 feet wide at the edge of pavement, and each parcel shall be entitled to two driveways where the property has 200 feet of frontage or less, and additional driveways when permitted and approved by the Zoning Commission on the site plan.

9.8 SURFACING AND DRAINAGE

Adequate storm water drainage shall be provided for all off-street parking areas. Required parking and truck loading facilities for all uses other than single family dwellings shall have a surfaced area meeting the approval of the Zoning Commission maintained in good condition and capable of allowing free and safe movement of all vehicles using the facility.

9.9 LIGHTING

Adequate lighting shall be provided in lots of more than ten (10) spaces if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to avoid glare on adjacent property.

9.10 LANDSCAPING

Landscaping shall be required for every parking area in excess of five parking spaces. All sites shall be landscaped as per the following Regulations. (Amended 1/1/90)

1. Required Landscaping Adjacent to Public Rights-of-Way

A continuous strip on the site not less than five feet wide shall be provided along the right-of-way line of any street, highway or public way and shall be suitably planted with landscape material or left in its natural state and maintained in good appearance, as determined by the Zoning Commission.

This strip is to be planted with at least one tree of not less than two inch caliper, at least six feet in overall height immediately after planting for each 50 lineal feet of frontage or fraction thereof. This strip may be traversed by driveways located and designed as specified herein. Furthermore, all land other than the required landscape strip lying between the street pavement and the off-street parking area or other vehicle use area shall be landscaped with at least grass or other ground covering. Bituminous or concrete paving is prohibited in this area.

2. Perimeter Landscaping Relating to Required Buffer Areas

Trees of not less than two inch caliper at least six feet in height immediately after planting shall be provided in the buffer strip, closely placed so as to provide an opaque barrier to adjacent properties.

3. Parking Area, Interior Landscaping (Amended 1/1/90)

a) Landscaping shall be required for every parking area in excess of five parking spaces. Adequate interior landscaping areas shall be provided to break up large expanses of surfaced areas. Islands shall be required to indicate and assure safe and efficient channelization of both pedestrian and vehicular traffic. Each separate landscaped area shall contain a minimum of 100 square feet, shall have a minimum dimension of at least five feet, shall be planted with grass or small shrubs, and shall include at least one deciduous tree of not less than two inch caliper, at least six feet in overall height immediately after planting and all hydrants and lighting poles shall be located in such islands.

b) Where the Noank Zoning Commission determines that the nature of the proposed activity would render it infeasible to comply with the specific

requirements of 9.10.3 (a), above, the Commission may approve an alternative landscape design which may incorporate tubs, planters and other moveable landscape features. In no case, however, shall the Commission approve a site plan which includes a parking area in excess of five spaces which does not have provision for landscaping in some form.

4. Existing Landscaping Material

Every attempt shall be made to save as many existing trees as possible on a subject site. Major trees and outlines of wooded areas shall be shown on the required site plan.

## Section 10 - Signs

### 10.1 GENERAL

Signs shall announce only the name of the business and type of goods sold, services rendered or type of commercial establishment or home occupation which is being operated within the premises on which the sign is located. Signs advertising a specific brand of merchandise or product are prohibited. All signs shall be designed so as to compliment the village character of the Noank Fire District. No sign shall make use of any kind of flashing, rotating or moving light. No sign shall be enlarged, altered or erected except in accordance with the requirements of Section 10 herein.

### 10.2 SIGNS IN RESIDENTIAL ZONES

No sign shall be permitted in any residential zone unless it meets the requirements listed below.

10.2.1 Size - No sign shall exceed two square feet in area and not more than one sign shall be permitted on a single lot.

10.2.2 Location - No ground mounted sign shall be erected within ten feet of any property line and no portion of any such sign shall be permitted to project within this ten foot setback area. Building mounted signs shall be permitted as long as they do not project more than three feet beyond the wall of the building to which they are attached, do not overhang a public right-of-way and are in conformance with Section 2.16 of these regulations pertaining to visibility at intersections.

10.2.3 Height – No portion of any ground mounted sign shall be more than five feet above the ground. No portion of any building mounted sign shall project above the ridge line of any pitched roof or the parapet surrounding any flat roof of the building to which it is attached.

### 10.3 SIGNS IN COMMERCIAL ZONES

No sign shall be permitted in any commercial zone unless it meets the requirements listed below.

10.3.1 Size - No ground mounted sign shall exceed 20 square feet in area and not more than one sign shall be permitted to be erected for each business located on a given lot. Signs painted or flush mounted on a building shall not exceed a total area of one square foot for each two lineal feet of building frontage.

10.3.2 Location - No sign shall be erected within ten feet of any side or rear lot line and no ground mounted sign shall be so erected so as to project within ten feet of any front lot line. No building mounted sign in a Village Commercial District may project more than six feet beyond the front property line and a minimum clearance of eight feet above a public sidewalk and 15 feet above public driveways or alleys must be maintained.

10.3.3 Height – No portion of any ground mounted sign shall be more than 20 feet above the ground. No portion of any building mounted sign shall project above the ridge line of any pitched roof or the parapet surrounding any flat roof of the building to which it is attached.

### 10.4 TEMPORARY SIGNS

The following signs shall be permitted anywhere within the fire district.



- 10.4.1 Construction Signs – which identify the architects, engineers, contractors and other individuals or firms involved with the construction, and do not include any advertisement of any products, and signs announcing the character of the building enterprise or the purpose for which the building is intended may be erected during the construction period. However, the total sign area on a given lot shall not exceed 20 square feet. The signs shall be confined to the site of the construction only and shall be removed within 14 days after the beginning of the intended use of the project.
- 10.4.2 Real Estate- signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of four square feet. Such signs shall be removed within 14 days after the sale, rental or lease of the subject property.
- 10.4.3 Street Banners- advertising public entertainment or a public event, if approved by the Executive Committee of the Fire District and only for locations designated by the Fire District during and for 14 days before and seven days after the event.
- 10.4.4 Window Signs- signs displayed within the window of a commercial establishment announcing an event or advertising merchandise sold within such establishment. Such signs shall contain no flashing lights nor be illuminated by any flashing lights. Window signs will also be interpreted to include a display of merchandise within the window of the establishment in which it is sold.

## 10.5 EXEMPTIONS

The following types of signs are exempted from the provisions of this regulation, except for construction and safety regulations and the following requirements.

- 10.5.1 Public Signs – Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and the like.
- 10.5.2 Institutional – Signs setting forth the name or any simple announcement for any public, charitable, educational or religious institution, located entirely within the premises of that institution, up to an area of twenty square feet. Such signs may be illuminated in accordance with the Regulations contained hereinafter. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six feet above the ground level.
- 10.5.3 Integral – Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of wood, bronze, aluminum or other permanent type construction and made an integral part of the structure.
- 10.5.4 Private Traffic Direction – Signs directing traffic movement onto a premises or within a premises, not exceeding three square feet in area for each sign. Illumination of these signs shall be permitted in accordance with the section hereinafter included on illumination. Horizontal directional signs on and flush with paved areas are exempt from these standards.
- 10.5.5 Vehicles – Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body proper of the vehicle.

10.5.6 Warning Signs – Signs whose total area is not more than four square feet posted on private property warning a visitor or passerby of imminent danger which one might incur if one entered onto the property or indicating directions to non-residents of the property as to a method or speed of access onto or around the property or a sign prohibiting a given activity on a lot.

10.5.7 Mailboxes and street numbers serving the main building or structure on a lot or any sign indicating the name of the occupant of a residential structure and the existence of a home occupation for which a Certificate has been issued under the provisions of Section 2.15.7 of these Regulations.

#### 10.6 NON-CONFORMING SIGNS

Signs existing at the time of the enactment of this regulation and not conforming to its provisions, but which were constructed in compliance with previous regulations, shall be regarded as non-conforming signs and may be continued to be used if properly repaired and maintained as provided in Article 14 of the Town of Groton's Building Code.

#### 10.7 PROHIBITED SIGNS

Prohibited signs are signs which:

- a. Contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
- b. Contain or are an imitation of an official traffic sign or signal.
- c. Are of size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
- d. Advertise any activity, business, product or service no longer conducted on the premises upon which the sign is located.
- e. Contain or consist of banners, posters, pennants, ribbons, streamers, string of light bulbs, spinners, or similarly moving devices. These devices, when not part of any sign, are similarly prohibited unless they are permitted specifically by other legislation.
- f. Swing, rotate or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment or move in any manner by mechanical means in such a way as to cause a potential hazard to public safety.
- g. Signs indicating uses not carried on the premises on which the sign is located or indicating direction to off premises locations.

#### 10.8 ILLUMINATION

All signs shall meet the following requirements as pertain to illumination.

- a. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas.
- b. No sign shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color.
- c. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices or marine or navigational devices.
- d. Neither the direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

- e. No exposed reflective type bulbs or incandescent lamp which exceeds fifteen watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

10.9 STRUCTURAL REQUIREMENTS

All signs shall comply with the requirements of Article 14 of the Town of Groton Building Code.

10.10 INSPECTION, REMOVAL, SAFETY

10.10.1 Inspections – any sign erected or existing within the Noank Fire District may be inspected as may be required to determine its compliance with these regulations and other applicable codes and regulations of the Town of Groton and State of Connecticut.

10.10.2 Maintenance – all signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.

10.10.3 Removal of Sign – the Zoning Enforcement Officer may order the removal of any sign erected or maintained in violation of these regulations. He shall give ten (10) days notice in writing to the owner of such sign, or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance. Upon failure to comply with this notice, the Zoning Enforcement Officer may take such action as is permitted under State Law.

10.10.4 Abandoned Signs – a sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it, the Zoning Enforcement Officer shall give the owner ten (10) days written notice to remove it. Upon failure to comply with this notice, the Zoning Enforcement Officer may take such action as is permitted under State Law. However, the Zoning Commission may waive this requirement if it is determined that the business which the sign advertises is to be re-continued within six months from the date on which the business was originally closed.

## Section 11 – Site Plans (Amended 1/1/90)

### 11.1 PURPOSE

Each use for which a site plan is required has a potentially significant impact upon the character of the Noank Fire District. The Zoning Commission recognizes that many uses of land may be rendered acceptable or unacceptable for particular locations by numerous factors, including appearance and arrangement of structures, compatibility with adjoining uses, capacity of adjoining streets, availability of parking and other considerations enumerated in these Regulations. It is intended that the site plan for each use be prepared with due consideration for the purpose and intent of these Regulations; coordination with and improvement of vehicular and pedestrian access, drainage and utilities, lighting and landscaping, natural resources, historic buildings and other features that support the neighborhood; and protection of the public health, safety, welfare, property values and the environment.

### 11.2 REQUIREMENTS FOR A SITE PLAN

No non-residential building or structure and no parking lot, sign or outdoor use of land for non-residential purposes, or any residential use for which a site plan is specifically required by these Regulations, shall be erected, altered, enlarged, moved or used until a site plan meeting all applicable requirements of Section 11 herein has been approved by the Zoning Commission. (Amended 6/1/2022)

11.2.1 Waiver of Site Plan Requirements – The Commission may, by Resolution, specifically waive the requirements for site plan review for a particular activity if it determines that a proposed activity will not increase the need for parking, nor shall it entail any significant exterior change to the building or site, nor shall such new activity have any impact different from the existing use from which the change is requested. Coastal site plans, where applicable, shall not be waived.

11.2.2 Partial Waiver of Site Plan Requirements – In order to avoid unnecessary delay and expense for the applicant whose proposed activity is minor in nature and in its impact on the character of the Fire District, the Commission may, by Resolution, at its discretion, exempt any application from specifically designated portions of contents of a site plan as set forth in Section 11.6. Such exemption may be approved only if the Commission determines that such information would in no way aid the Commission in its determination of the applicant's compliance with these Zoning Regulations.

11.2.3 Applicants requesting a full or partial waiver of site plan information requirements shall submit an application for a zoning permit as specified in Section 19.3 to the Zoning Enforcement Officer or other designated agent at least five days prior to the next regular meeting of the Commission and shall state the nature of the waiver being requested.

### 11.3 INFORMAL DISCUSSION OF SITE PLANS

Any applicant for an activity requiring site plan approval may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts, and receiving preliminary comments, observations, questions, or areas of concern. Neither the applicant nor the Commission shall be in any way bound by statements made in informal discussions, their purpose being to minimize delay, expense and inconvenience to the public, the applicant

and the Commission upon future receipt, if any of a formal submission of the site plan. At this informal discussion, the applicant may request a full or partial waiver of site plan information requirements under Section 11.2. Following any informal discussion, the Commission may suggest that the proposal or certain aspects thereof, be referred to other municipal, state or federal agencies for review or comment, or may suggest that additional information is or will be required prior to action on a formal application for site plan approval.

#### 11.4 APPLICATION FOR SITE PLAN APPROVAL

Each application for site plan approval shall be submitted to the Zoning Enforcement Officer or other designated agent at least ten days prior to the next regular meeting of the Commission, on a form provided by the Commission, and accompanied by nine copies of the proposed site drawing, which shall meet all requirements of these Regulations. The application shall be accompanied by a fee as specified in Section 16. The Commission shall determine when the application is complete.

#### 11.5 REQUIREMENT FOR A PUBLIC HEARING

For all site plans accompanying a request for Special Exception in conformance with Section 12, and for any other site plans which the Zoning Commission determines may be of general public interest, the Commission will hold a public hearing in accordance with the requirements of Chapter 124 of the Connecticut General Statutes.

11.5.1 Notification of Adjacent Property Owners – After making application and being given assignment for public hearing thereon, the applicant shall prepare a list of names and the owners of all properties within the area which is the subject of the application and of all properties within 150 feet or less distant therefrom, all as shown on the latest grand list of the Town of Groton in the Assessor's Office (or the actual owners of record if otherwise known to the applicant). The applicant shall mail notification of said pending application to at least one owner of each such property not more than 30 days or less than ten days before the date set for the public hearing by transmitting the text of the public hearing notice. Evidence of such mailing shall be submitted with the aforementioned list, in the form of United States Post Office Certificates of Mailing to the Zoning Enforcement Officer at least two days prior to the hearing.

#### 11.6 CONTENT OF A SITE PLAN

A site plan drawn on a sheet no larger than 24" x 36" at a scale of 1" equals 20' or other such scale as may be approved by the Commission shall be prepared that will include and show where applicable, the following information, and shall be accompanied by all written reports and documentation as required herein. Such plan shall be prepared and sealed by a professional engineer and/or land surveyor registered to practice in the State of Connecticut, provided that such plan shall be prepared by a professional engineer when site work includes the design of roads, detailed drainage systems, sanitary sewerage systems and water systems.

11.6.1 Boundary Survey Plan – All boundary survey information contained on the site plan shall meet the requirements for accuracy to A-2 Standards of State of Connecticut Building Code, unless reference can be made to a previous A-2 Survey on file in the Office of Town Clerk, Town of Groton.

11.6.2 Statement of Use – A written statement, signed by the applicant, and the owner, if different from the applicant, describing the nature and extent of the proposed use or occupancy; the number of persons to occupy or visit the premises on a daily basis, including parking and loading requirements for the proposed use; and an

estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.

### 11.6.3 Reports

- a. Where applicable, all plans and reports required in Section 15 of these Regulations, including, but not limited to the following:
  - (1) Application and coastal site plan review as required in Section 15.1
  - (2) Special requirements in flood hazard areas, as required in Section 15.2
  - (3) Report of the Town of Groton Inland Wetlands Agency, as required in Section 15.3.
  - (4) Sedimentation and erosion control plan for development when the area disturbed is cumulatively more than one-half acre, as required in Section 15.4
- b. Written evidence of approval of any permits required from federal and State authorities, including the Army Corps of Engineers, the Connecticut Department of Energy and Environmental Protection, the Connecticut Department of Transportation, and any other agencies.

### 11.6.4 Site Plan Specifications (Amended 6/1/2022) – The following information shall be included on all site plans submitted to the Commission for approval (where applicable):

- a. A location map at a scale of 1" equals 100' depicting the subject property and all abutting properties, public ways and lands reserved for public use, in such a way as to show the relationship of the site to the surrounding neighborhood and to the street pattern;
- b. Property boundaries and names of all abutting property owners, including across the street;
- c. Existing and proposed grades at two-foot intervals referenced to the North American Vertical Datum of 1988 (NAVD88) or other datum.
- d. The boundaries of flood hazard zones and the Coastal Area Management boundary shall be shown, where applicable;
- e. Locations of all inland and tidal wetlands, and all watercourses;
- f. Locations and size of all existing buildings and uses on the subject site, and approximate location and size of all existing buildings and structures on the abutting properties which are within 20 feet of the common lot line.
- g. Proposed buildings and structures; locations and square foot coverage; buildings proposed for demolition; accessory buildings and structures, including piers, docks, jetties, groins, walls, fences, and signs; use of all buildings and square footage of each use; total number of dwelling units, including square footage for each unit; floor plans for residential conversions, showing existing and proposed rooms, partitions, and uses; where an exterior elevation of the building is to be altered, or in the case of new construction, the building elevations, including front, side and rear, depicting all building details as required in Section 2.26; any building-mounted signs or lighting;
- h. Existing site features, including existing groins, jetties, docks, piers, wharves; specimen trees, shrubs, special site features, such as ledge outcroppings;
- i. Location and description of all existing easements and covenants running with the land; existing non-conformities and variances of record; any proposed

- future division of land among owners' proposed easements and covenants and text of all easement and covenant documents;
- j. Proposed Site Features: Proposed excavation, grading and filling, and volumes of material to be moved; uses of land including outside display or storage areas and the square footage of each including the location of areas for storage of cradles and blocking, and the numbers of slips and moorings; percent of building coverage; percent of open space; any alterations in boundaries; required yards; phasing schedule of development;
  - k. Proposed Off-street Parking: Location of parking areas, number of spaces in each, dimensions of spaces, aisles and fire lanes; direction of traffic flow; pedestrian circulation patterns; wheel stops and curbs; a table showing required number of parking spaces per proposed use according to Section 9 of these Regulations, and total number of spaces provided on the site; location of all pedestrian and vehicular easements to permit access to adjoining sites;
  - l. Proposed Landscaping and Open Space: Location of all landscaped areas and their total square footage, the location of trees and shrubs, and a table or key indicating their type and number, their size at planting, and their mature size, materials of walkways and parking areas; location, height and construction of all fences, walls and retaining walls; location, number and design of all street furniture, including benches, planters, trash receptacles, tree grates and the like;
  - m. Proposed Lighting: Number, height, and location of all lighting fixtures including building mounted fixtures; illustrations of the poles and luminaries to be used; wattage and type of all luminaries;
  - n. Proposed Utilities: Location of all proposed utilities to serve the site; design of all stormwater drainage structures; calculation of increased peak flow, location and design of detention and/or siltation ponds, and evidence of the adequacy of public stormwater systems to receive flow;
  - o. Revision date of any plan revisions submitted to the Commission.

#### 11.7 APPROVAL OF A SITE PLAN

The decision to approve, modify, and approve or deny the site plan application shall be made in the term period specified by the State statute. A decision to approve or modify shall set forth the reasons for such action. Once approval has been granted by the Commission, two (2) maps, as defined by C. G. S. Section 7-31 and Regs Conn. State Agencies Section 11-8-19 et seq., as the same may be amended from time to time, together with four (4) reproductions thereof, said maps clearly indicating all modifications imposed by the Commission as a part of its approval, shall be forwarded to the Commission for its endorsement. The applicant shall also submit with said maps a fee for recordation of a map payable to the Town Clerk of the Town of Groton, and upon endorsement, the Commission shall record one endorsed map with the Town Clerk and shall retain the other for its records. Two (2) endorsed reproductions of the endorsed map will be returned to the applicant, and two (2) will be retained for the Commission's records. (Amended 12/15/98)

#### 11.8 AMENDMENTS TO APPROVED SITE PLAN

Minor amendments to an approved site plan may be approved by the Commission provided said amendments do not alter the overall character, quality, density or intensity, uses, amenities, parking or other major features of the site plan as approved. Minor changes shall include, but are not limited to: Slight relocation of paved areas, utilities, landscaped areas, lighting, and other site features because of unforeseen topographic or other field conditions; substitution of materials or street furniture which are the same or better quality

than those approved; changes in color. Major amendments shall be treated as new applications for site plan approval in accordance with the procedure set forth in these Regulations; Major amendments shall include but are not limited to: An alteration in the square footage of landscaped areas or public access areas; any alteration in residential density, bedroom number or arrangement; any alteration of the lighting, paving, street furniture or other amenities of the site; any alteration to the exterior walls, doors, windows, roofs, or other alteration which affects the overall character, quality, density or intensity, uses, amenities, parking or other major features of the site plan. The Commission shall decide, on cases of question, whether a change shall be designated major or minor.

11.9 COMMENCEMENT OF CONSTRUCTION

Construction shall commence on any site plan in accordance with the final plans within one year of the date of the Commission's approval thereof. Any plan not commenced shall be null and void. No building permit shall be issued until a new site plan is approved. Any site not completed within 5 years of the date of the Commission's approval shall likewise become null and void, and no Certificate of Occupancy shall be issued thereafter except upon the amendment procedure set forth in Section 11.8 above. A notice of approval of a site plan shall include a statement of the date on which such five year period expires.

11.10 CERTIFICATE OF OCCUPANCY

No Certificate of Occupancy shall be issued by the Building Official until the Commission or its agent has determined that the site work has been completed in accordance with the approved site plan and has been issued a Certificate of Zoning Compliance. No Certificate of Zoning Compliance shall be issued until the Commission or its designated agent has received written certification from the project architect, engineer or land surveyor, if one has participated in the preparation of application materials, to the effect that the project has been completed in accordance with the approved site plan. If amendments have been approved, "as built" drawings shall be submitted as well. If the Commission or its agent finds that the project is complete in accordance with the approved plan, the issuance of a Certificate of Occupancy shall be authorized. If the Commission or its agent finds that the project is incomplete, a Certificate of Occupancy shall not be issued.

When the site work cannot be completed because of weather or other pertinent reason, a conditional Certificate of Occupancy may be authorized for a period not to exceed 180 days, provided that the site in its unfinished condition poses no threat to public health, safety and welfare; and provided that a surety bond in an amount sufficient to cover the cost of improvements remaining to be completed is posted with the Noank Fire District in accordance with the provisions of Section 19.4 of these regulations.



## Section 12 - Special Exceptions (Amended 1/1/90)

### 12.1 PURPOSE

The development and execution of a comprehensive Zoning Regulation is based upon the division of the Fire District into zones in which the use of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses and features which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular zone or zones, without consideration in each case of the impact of such uses and features upon neighboring uses and the surrounding area as compared with the public need for them in particular locations. Such uses and features are, therefore, treated as Special Exceptions.

### 12.2 APPLICATION FOR SPECIAL EXCEPTIONS

Each application for the approval of a special exception shall be filed with the Zoning Enforcement Officer or other designated agent on a form provided by the Commission at least fourteen days prior to the next regularly scheduled meeting of the Commission. Such application shall be accompanied by payment of a fee specified by the Commission and posted at the Noank Zoning Office. (Amended 3/28/2018) (Amended 2/19/2002)

### 12.3 NOTIFICATION OF ADJACENT PROPERTY OWNERS

After making application and being given assignment for public hearing thereon, the applicant shall prepare a list of the names and addresses of the owners of all properties within the area which is the subject of the application, and of all properties 150 feet or less distant therefrom, all as shown on the latest grand list of the Town of Groton in the Assessor's Office (or the actual owners of record if otherwise known to the applicant). The applicant shall mail notification of said pending application to at least one owner of each said property not more than thirty days or less than ten days before the date set for the Public Hearing, by transmitting the text of the public hearing notice.

Evidence of such mailing shall be submitted with the aforementioned list in the form of United States Post Office Certificates of Mailing to the Zoning Enforcement Officer at least two days prior to the hearing date.

### 12.4 SITE PLAN REQUIREMENT (Amended 6/1/2022)

All applications for approval of a special exception shall be accompanied by a site plan prepared in accordance with Section 11 of these regulations and a site plan shall also have to be approved by the Noank Zoning Commission before a Building Permit or Certificate of Occupancy may be issued for such special exception.

### 12.5 FINDINGS

A Special Exception may not be granted until the Zoning Commission has determined that all of the following conditions have been satisfied.

12.5.1 Orderly Development - The location, type, character and size of the proposed use and any building or other structure in connection therewith shall be in harmony with the appropriate and orderly development of the Fire District and the neighborhood and will not hinder or discourage the appropriate development and use of adjacent property.

12.5.2 Property Values and Character - The proposed use will not depreciate adjacent property values and the design, size and height of all proposed buildings and the extent of all proposed site improvements shall be in harmony with the existing character of the neighborhood in which such use is to be established.

- 12.5.3 Public Health and Safety - The nature and location of the proposed use and any building or other structure in connection therewith is such that there is adequate access to it for purposes of fire protection, police protection, and other emergency equipment. Further, the proposed activity will not adversely affect the health and safety of residents or workers in the area. The proposed use will meet all the health, safety and nuisance standards set forth in Section 14 of these Regulations.
- 12.5.4 Traffic Considerations - The streets serving the proposed use are adequate to carry all prospective traffic; adequate provision is made for entering and leaving the subject site in such a manner that no undue hazard to traffic or undue traffic congestion shall be created; adequate off-street parking and loading facilities are provided as required by Section 9 of these Regulations.
- 12.5.5 Landscaping and Buffers - The site on which the proposed use is to be located will be suitably landscaped to protect the character of the neighborhood and adjacent property, and the proposed use of the subject property will not result in the loss of any existing buffering. When adequate buffering is not already in existence, sufficient buffers between the proposed use and adjacent properties will be provided.
- 12.5.6 Relationship to Utility Systems, Drainage Systems and Impact on Community Facilities - Adequate provisions for storm water drainage can be provided without adversely affecting neighborhood properties or adjacent public drainage systems, and the proposed use will not adversely affect existing community facilities.
- 12.5.7 Compliance with Zoning Regulations - In addition to meeting the other conditions described herein, the proposed use and the arrangement of all proposed buildings, structures, facilities, and other site improvements shall comply with all applicable provisions of these Zoning Regulations.
- 12.5.8 Standards for Wind Generators - In addition to Section 2.7a of these regulations the following standards must be met:
1. Each wind generator must be equipped with a speed governing device as recommended by the manufacturer.
  2. Wind generators shall not cause interference with radio or television reception.
  3. If interconnected with a public utility, owner must show approval from such utility.
  4. Maximum noise level for operation shall not exceed ten decibels above background noise as detected at any point on the property.
  5. Tower access must be restricted by fence or other adequate means to prevent unauthorized climbing.
  6. Tower and/or generator must be removed if abandoned as defined in Section 13.6.2.

12.6 PERMITTED STIPULATIONS WITH A SPECIAL EXCEPTION

The Commission, in approving a special exception, may stipulate such restrictions as appear to the Commission to be reasonable to protect or promote the rights of individuals, property values, and the environment in the area as a whole, the public health, safety and welfare, sound planning and zoning principles, improved land uses, site planning and land development, or better overall neighborhood compatibility. Such restrictions may concern, without limitation, the components of the site plan: building location, size and layout; distribution and relationship between uses and structures; vehicular and pedestrian

circulation; parking; open space, landscaping and screening; signs and lighting, and the design and architectural treatment of all structures.

12.7 REVOCATION OF SPECIAL EXCEPTIONS

If no construction has begun on a building or structure or no use authorized by the special exception has been established on a lot for which a special exception was approved by the Commission, within one year of the date of approval of the special exception, the special exception shall become null and void.

Whenever the Commission shall find, in the case of any special exception granted under the provisions of this section, that any of the terms, conditions or restrictions upon which such approval was granted are not being complied with, the Commission shall rescind and revoke such approval after giving due notice and the opportunity for a public hearing to the owner of record of the property involved and the applicant for the special exception.

Whenever a use permitted by special exception is abandoned, as defined in Section 13.6 of these Regulations, the approval of such exception shall be rescinded and revoked.

Continuation of a use for which a special exception approval has been rescinded shall constitute a violation of these Regulations.

12.8 CHANGES TO APPROVED SPECIAL EXCEPTIONS

Once a special exception has been granted to use a lot under the provisions of these Regulations, and a site plan regarding such use has been approved under the provisions of Section 11, no subsequent change to the approved buildings or structures, parking lot, or outdoor use of land shall be permitted unless a new site plan is submitted to and approved by the Commission regarding the change. If any such modification involves a change in the use of the property or buildings thereon, from that which was originally approved, a new special exception application delineating the change in use shall be submitted to and considered by the Commission.

## Section 13 - Non-Conforming Uses, Buildings and Structures

### 13.1 STATEMENT OF PURPOSE

- A. A non-conforming use, building or structure is one which existed lawfully, whether by variance or otherwise, on the date these Zoning Regulations or any amendment thereto became effective, and which fails to conform to one or more of the applicable requirements in the Zoning Regulations or such amendment thereto.
- B. No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these Regulations, except with the approval of the Zoning Commission as provided for in Section 13.3.3 of these Regulations.
- C. It is the further intent of these Regulations that existing non-conformities shall not cause further departures from the Zoning Regulations, and therefore, the existence of any present non-conformity anywhere in the Fire District shall not in itself be considered grounds for the issuance of a variance for any other property.

### 13.2 GENERAL PROVISIONS

13.2.1 Nothing in these Regulations shall prohibit the continuance of any non-conforming use, building or structure existing at the time of the adoption of these Regulations or any amendment thereto, except as otherwise specified in Section 13.3, 13.4.2, 13.4.3, and 13.6.1.

13.2.2 No non-conformity shall be deemed to have existed on the date these Zoning Regulations or any amendments thereto became effective, unless:

- a. The non-conformity has been in existence on a continuous basis and to the fullest possible extent.
- b. If such non-conformity is a use, such use had not been abandoned within the meaning of Section 13.6.2.

Provided that, nothing in these Regulations shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun in good faith prior to such date, provided such construction is diligently pursued to completion within two years following such date. Actual construction is hereby defined to include the placing of construction materials so they are in a permanent position and fastened to the earth in a permanent manner.

13.2.3 In order to assure that the fair interests of all parties will be protected, nothing in these Regulations shall be deemed to require discontinuance of a non-conformity because of mere change of title or possession of property, except in the case of non-conforming lots under Section 2.12.

13.2.4 Any non-conforming use located within a district in which a special exception may be granted for such a use under Section 12 of these Regulations may be continued as a permitted use if a sketch is submitted and approved in accordance with Section 13.7 of these Regulations. However, Section 13.3 shall govern as to the expansion or substantial alteration of such uses.

13.2.5 Lack of required lot area per dwelling unit, parking, loading or yards and excessive building bulk or coverage shall not in themselves contribute to the

determination of a use being non-conforming. However, lack of required screening or other safeguards, improper use of outdoor areas, excessive area occupied by a use, improper arrangement of parking, loading or driveways and similar deviations shall be deemed non-conforming uses.

- 13.2.6 All non-conforming uses shall be subject to the same Regulations for building arrangement and operation as those that apply to conforming uses in the district in which they are located.

### 13.3 ENLARGING, MOVING OR ALTERING

13.3.1 No non-conforming use of land shall be enlarged, extended or altered except in changing the use to one which is permitted in the district in which such use is located. No non-conforming use of an existing structure shall be extended to occupy land outside such structure or space in another structure. Structures failing to meet any requirement of this regulation other than use, including lack of required parking or loading, shall not be enlarged, extended, constructed, reconstructed or altered if the result would be an increase in non-conformity. However, such a structure may be enlarged, extended, constructed, reconstructed or altered if the resulting improvements or modifications eliminate the non-conformity and a site plan for the property in accordance with Section 11 of these Regulations is approved by the Zoning Commission.

13.3.2 No non-conforming use of land shall be moved to another part of a lot or outside the lot and no non-conforming use of a structure shall be moved to any part of the structure not manifestly arranged and designed for such use at the time the use became non-conforming, and no structure containing a non-conforming use shall be moved unless the result of any moving described in this paragraph is to end the non-conforming use.

13.3.3a The Zoning Commission may waive the requirements of Section 13.3.1, 13.3.2, and/or 13.4.1 upon application for a Special Exception To Alter a Non-Conforming Use when and only when it can be clearly shown that all of the standards listed below have been met.

1. Character of Immediate Area

The proposed expansion will not weaken nearby permitted uses, endanger property values, strengthen other nearby non-conformities, or in any way result in conflict with the existing character of the immediate area; and

2. Adverse Effects

The proposed change will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

3. Traffic Movement

The proposed change will not impair the movement of through traffic along the adjoining thoroughfares through congestion and/or reduction of street capacities or through storage or backup of vehicles in the public rights-of-way while awaiting service on the subject site; and

4. Orderly Development

The proposed change will not result in a fragmentation of the existing development pattern, thereby creating unnecessary additional points of vehicular conflict with the adjoining highway and adversely affecting the orderly development of the surrounding neighborhood; and

5. Property Values and Character  
The proposed change will not tend to depreciate property values or adversely affect the character and extent of development on adjoining properties; and
6. Parking and Loading  
The proposed change will provide adequate off-street parking and loading facilities, as determined by the Commission; and
7. Signs  
The proposed change will not result in any additional non-conforming signs; and
8. Additional Land  
The expansion, modification or change proposed shall affect only that lot or parcel on which a non-conformity existed prior to the adoption of these Regulations or any amendment thereto which created such non-conformity; and
9. Increase in Number of Dwelling Units  
Under no circumstances shall any proposed change applied for under the provisions of this Section 13.3.3 be permitted which would increase the total number of dwelling units in any building; and
10. Buffering  
The proposed change shall not result in any loss of buffering between the subject non-conforming property and conforming adjacent uses. When the proposed change occurs on a lot adjacent to a residential use, a buffer strip consisting of dense foliage or a fence shall be constructed so as to screen commercial uses from adjacent residential uses.

13.3.3b The Zoning Commission shall treat all applications for a Special Exception in accordance with Section 8-3c of the Connecticut General Statutes as may be amended from time to time and shall not take action on any such application until a public hearing has been held. Each application for a Special Exception submitted under the provisions of this Section shall be accompanied by a Site Plan prepared in accordance with the requirements of Section 11 of these Regulations and notification shall be given to adjacent property owners as stipulated in Section 11.5.1 of these Regulations. Such application shall be accompanied by payment of a fee specified by the Commission and posted at the Noank Zoning Office.

13.3.3c Approval of an application for a Special Exception under this Section may only be granted if all of the standards listed in Section 13.3.3a have been met. Moreover, in granting approval to any Special Exception under this Section, the Commission may impose such terms and conditions upon such approval as they deem necessary to assure compliance with all the requirements of these Regulations.

#### 13.4 MAINTENANCE AND RESTORATION OF STRUCTURES CONTAINING NON-CONFORMING USES

13.4.1 In order to assure that structures containing non-conforming uses will be maintained in safe and decent condition for so long as such non-conforming uses continue, nothing in these Zoning Regulations shall be deemed to prohibit:

- A. Work to be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, on the non-conforming structure or non-conforming portion of the structure as the case may be, provided that such work does not expand or increase the extent of the non-conformity.
- B. Any work required by the codes and ordinances of the Town or ordered by any Town official charged with protecting the public health, safety or welfare, if such work does not enlarge or extend a non-conforming use or otherwise increase any non-conformity.

13.4.2 In order to assure that the fair interests of all parties will be protected, nothing in these Zoning Regulations shall be deemed to prohibit the restoration of any structure and its use where such structure has been destroyed by means out of the control of the owner provided the restoration of such structure and its use in no way increases any former non-conformity and provided further that restoration of such structure is begun within one year after the date such destruction occurred and diligently pursued to completion within two years following the date of such destruction.

### 13.5 CHANGE OF USE

13.5.1 No non-conforming use of land or of structure shall be changed to any use which is substantially different in nature and purpose from the former non-conforming use, except such uses as are permitted in the district in which they are located, or such changes as are approved in accordance with Section 13.3 herein.

13.5.2 When a non-conforming use has been changed to a conforming use, it shall not thereafter be changed to any use not permitted in the district in which the use is located.

13.5.3 When a non-conforming use has been wrongfully changed to any use which is substantially different in nature and purpose from the former non-conforming use, such change shall be deemed to constitute abandonment of the former non-conforming use, as provided in Section 13.6 of these Regulations.

### 13.6 ABANDONMENT OF NON-CONFORMING USES

13.6.1 Any non-conforming use which has been abandoned shall not thereafter be re-established. Any structure or land, or structure and land in combination, which was formerly devoted to a non-conforming use which has been abandoned, shall not again be devoted to any use other than those uses which are permitted in the district in which the structure or land, or structure and land in combination, is located.

13.6.2 The term abandonment, as used herein, shall mean the voluntary discontinuance of a use, when accompanied by an intent not to re-establish such use. Any of the following shall constitute prima facie evidence of intent to abandon:

- a. Any positive act indicating such intent; or
- b. In the case of a structure or of a structure and land in combination, discontinuance of the non-conforming use for 12 consecutive months, or for a total of 18 months during any three-year period; or
- c. In the case of land only, discontinuance of the non-conforming use for 90 consecutive days, or for a total of six months during any one-year period.

13.7 ESTABLISHMENT OF NON-CONFORMING USE (Paragraph 13.7 replaced by 13.7.1, January 1985, renumbered by 2/19/2002 revisions)

13.7.1 Application for Certificate of Non-Conformity – The owner of a non-conforming building, structure or use may notify the Zoning Enforcement Officer that it constitutes a permitted non-conforming building, structure or use and may apply for a Certificate of Non-Conformity for such non-conforming building, structure or use. The application and evidence in support thereof shall specify the location, nature, extent and history of the non-conformity of such building, structure or use, to enable the Zoning Enforcement Officer to determine whether to issue the Certificate of Non-Conformity in accordance with this section. The applicant shall prepare a list of names and addresses of owners of all properties within 150 feet of the perimeter of the property, which is the subject of said application, all as shown on the latest grand list of the Town of Groton in the Assessor’s Office (or the actual owners of record if otherwise known to the applicant). The applicant shall mail notification of said pending application to all owners of each such property at their address or addresses on file with the Groton Assessor. Such notice shall specify the nature of the non-conformity claimed, and shall state that adjacent property owners have a right to submit to the Zoning Enforcement Officer oral or written comments regarding the application for a period of 20 days after the date of such notice. At the time the application is filed, evidence of mailing such notice shall be submitted to the Zoning Enforcement Officer, with the aforementioned list, in the form of United States Post Office Certificate of Mailing (Amended 1/1985).

13.7.2 Action by the Zoning Enforcement Officer – The Zoning Enforcement Officer shall have 65 days within which to deny or issue the Certificate of Non-Conformity. The failure of the Zoning Enforcement Officer to act on the application shall be deemed a denial of the application. The Zoning Enforcement Officer shall consider the information received in the application, the comments, and any other information received by him in the course of his investigation of the application. If the Zoning Enforcement Officer shall find upon review, prior to issuing the Certificate of Non-Conformity, that the subject of the application:

- 1) Is illegal; or
- 2) Is in violation of any other ordinance of the law; or
- 3) Has been constructed or altered for existing use or another use without full compliance with the applicable building code or Zoning Regulations in effect at the time or times of construction or alteration; or
- 4) Has not been continuous in nature;
- 5) Has been abandoned, then he shall not issue the certificate of Non-Conformity, but shall declare such use to be in violation of this chapter. Notice of the decision of the Zoning Enforcement Officer shall be mailed to the applicant, and the adjacent property owners as defined supra. An appeal from the decision or action of the Zoning Enforcement Officer under this section shall lie to the Zoning Board of Appeals.

13.7.3 Enforcement – Nothing in this subsection shall prevent the Zoning Enforcement Officer from taking appropriate steps to enforce these Zoning Regulations where the owner of an allegedly permitted non-conformity has not applied for or obtained a Certificate of Non-Conformity under this section.



## Section 14 - Performance Standards

### 14.1 GENERAL

The use of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to the performance standards hereinafter specified.

These performance standards establish certain nuisance factors which if committed or exceeded in the use of land, buildings and other structures will be detrimental to the use, enjoyment and value of other land, buildings and structures, will be detrimental to the public health, safety and welfare and will be contrary to the comprehensive plan of zoning. The Zoning Enforcement Officer is authorized to take surveys and take measurements to determine compliance with the requirements herein, and no application for a zoning permit shall be approved by the Zoning Enforcement Officer until he has made a determination that the proposed use of land, buildings and other structures will be established and conducted in accordance with these performance standards. The performance standards hereinafter specified shall be of continuing application.

- 14.1.1 Dust, Dirt, Fly Ash and Smoke - No dust, dirt, fly ash or smoke shall be emitted into the air from any lot so as to endanger the public health and safety, or to impair the safety or the value or the enjoyment of any other property or to constitute a critical source of air pollution.
- 14.1.2 Noise - With the exception of noise necessarily involved in the construction or demolition of buildings and other structures, no noise which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the lot where it originates, and public address systems are prohibited within the Noank Fire District, except temporary use of public address systems for a period of time not to exceed 3 days as permitted by written approval of the Executive Committee of the Noank Fire District.
- 14.1.3 Vibration - With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibration shall be transmitted outside the lot where it originates.
- 14.1.4 Odors - No offensive odors shall be emitted into the air from any lot so as to impair the value and enjoyment of any other lot.
- 14.1.5 Gases and Fumes - No noxious, toxic or corrosive fumes or gases shall be emitted into the air from any lot so as to endanger the public health and safety or to impair the safety or the value or enjoyment of any other lot.
- 14.1.6 Glare and Heat - No offensive glare from lighting shall be transmitted so as to endanger the public health and safety nor shall it be transmitted into or within any residential districts so as to impair the value or enjoyment of any lot therein. No radiant heat shall be permitted which shall be perceivable outside the lot where it originates.
- 14.1.7 Danger - No material which is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable codes and regulations of the Town of Groton and the State of Connecticut.
- 14.1.8 Wastes - No offensive wastes or pollutants shall be discharged or dumped into any river, stream, water courses, storm drain, pond, lake, swamp or any location

within the Noank Fire District except as approved by the Town of Groton Health Officer.

- 14.1.9 Radio Interference – The use shall conform to the regulations of the Federal Communication Commission with regard to the electromagnetic radiation and interference.

Section 15 - Environmental Protection (Amended 1/1/90)

15.1 COASTAL AREA MANAGEMENT (Amended 6/1/2022)

All buildings, uses and structures fully or partially within the coastal boundary as defined by Chapter 444 of the Connecticut General Statutes shall be subject to the coastal site plan review requirements and procedures in Section 22a-105 through 109 of the Connecticut General Statutes with the exception of the following activities which are hereby exempted from coastal site plan review requirements under the authority of C.G.S. Section 22a-109(b).

- a. Gardening, grazing and harvesting of crops.
- b. Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds.
- c. Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including, but not limited to walks, terraces, elevated decks, driveways, swimming pools, tennis courts, docks and detached accessory buildings.
- d. Construction of new or modification of existing on premises fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources as defined by Chapter 444 or restrict access along the public beach.
- e. Construction of an individual conforming single-family residential structure except in or within 100 feet of the following coastal resource areas as defined by Chapter 444: Tidal wetlands, coastal bluffs and escarpments, beaches and dunes.
- f. Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources.
- g. Interior modifications to buildings.
- h. Minor changes in the use of a building, structure or property, except those changes occurring on property adjacent to or abutting coastal waters.

15.2 FLOOD PROTECTION (Adopted 8/20/80; Amended 1/1/90, 7/18/2011, and 8/5/2013)

15.2.1 The purpose of this Section is to establish special procedures for controlling development in the areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated August 05, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated August 05, 2013, and other supporting data applicable to the Noank Fire District, and any subsequent revisions thereto, are adopted by reference and declared to be a 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 area of special flood hazard includes any area shown on the FIRM as Zones A, AE, and VE, including areas designated as a floodway on a FIRM. Zone VE is also identified as a Coastal High Hazard Area. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Definition of terms referred to in this

Section 15.2 as follows shall conform to definitions established by the Federal Emergency Management Agency.

WARNING AND DISCLAIMER OF LIABILITY (Added 7/18/2011)

The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Noank Fire District or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Noank Fire District, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Noank Fire District.

15.2.2 Zoning Permit Required

As provided in Section 19.3 of these Zoning Regulations, a zoning Permit shall be applied for prior to the issuance of any building permit for construction of any structure located within any numbered or unnumbered A or V zone designated on the Flood Insurance Rate Map. The Zoning Enforcement Officer will review all permit applications to assure that the permit requirements of this regulation have been satisfied, and to determine whether the proposed development and building sites will be reasonably safe from flooding (Amended 7/18/2011).

15.2.3 Federal and State Permits

All development and construction proposals for land within any numbered or unnumbered A or V zone designated on the FIRM shall be reviewed to determine if Federal and/or State permits are required and if such are required, no Zoning Permit shall be issued until all of said permits have been obtained.

15.2.4 Flood Proof Construction

If a proposed building site is in any numbered or unnumbered A or V zone designated on the FIRM all new construction and substantial improvements (including the placement of prefabricated buildings):

- a. Shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure; and
- b. Shall be constructed with materials and utility equipment resistant to flood damage; and
- c. Shall be constructed by methods and practices that minimize flood damage.
- d. 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.

15.2.5 Water Supply Systems

All new and replacement water supply systems to be located in any numbered or unnumbered A or V zone designated on the FIRM shall be designed to minimize or eliminate infiltration of flood waters into the systems by installation of adequate backflow prevention devices (as determined by the Superintendent of the Noank Fire District) on all "remodeled" or NEW construction. (Amended 7/18/2011)

15.2.6 Sanitary Sewer Systems and On-Site Waste Disposal

All new replacement sanitary sewer systems to be located in any numbered or unnumbered A or V zone designated on the FIRM shall be designed to minimize or eliminate: infiltration of flood waters into the systems and discharges from such systems into the flood waters. All on-site waste disposal systems to be located in any numbered or unnumbered A or V zone designated on the FIRM shall be so positioned as to avoid their impairment or contamination during flooding.

15.2.7 Alteration of Existing Watercourses

If any development within any numbered or unnumbered A or V zone designated on the FIRM requires alteration or the relocation of any existing watercourse, no Zoning Permit shall be issued until the applicant has submitted written assurance to the Town of Groton's Public Works Department, meeting their approval, that the flood-carrying capacity within the affected watercourse will be maintained at existing levels. Furthermore, when such watercourse involves riverine situations, no approval shall be granted by the Town's Public Works Department until the applicant has presented written evidence that adjacent communities and the Connecticut Department of Energy and Environmental Protection have been notified of the proposed alterations and copies of such notifications have been forwarded to the Federal Emergency Management Agency.

15.2.8 Supplemental Information - Zoning Permit Applications

In addition to other information required, the applicant shall provide the Zoning Enforcement Officer with the following data which shall be submitted on a form provided by such officer, and maintained on file.

- a. The elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
- b. An indication as to whether or not each structure contains a basement;
- c. If the structure is to be flood-proofed, an indication of the elevation (in relation to mean sea level) to which the structure is to be flood-proofed;
- d. If the development involves five acres or more, the plan shall include an indication of any existing known base flood elevation data.
- e. In coastal high hazard areas (VE zones), obtain, record and maintain the elevation of the bottom of the lowest horizontal structural member for all new construction and substantial improvements. (Added 7/18/2011)

15.2.9 Unnumbered A Zones

When base flood elevation data or floodway data have not been provided, the Zoning Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions of these Zoning Regulations.

15.2.10 Unnumbered and Numbered A Zones (A and AE) (Amended 7/18/2011)

- a. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the base flood level.
- b. All new construction and substantial improvements of non-residential structures shall have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is water

tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- c. Where floodproofing is utilized for a particular structure in accordance with this section, a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood, and a record of such certificate indicating the specific elevation (in relation to mean sea level) shall be maintained with the Zoning Enforcement Officer.

- d. Fully Enclosed Areas Below The Base Flood Elevation of Elevated Buildings. (Added 7/18/2011)

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

- (1) Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. These hydraulic openings must be located on at least two different walls. Only the area (square footage) that lies below the BFE can be used in the calculation of net area of vents required. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;
- (2) The bottom of all openings shall be no higher than one (1) foot above the finished grade adjacent to the outside of the foundation wall. At least one entire side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab of a crawlspace, must be set equal to the outside finished grade on at least one side of the building;
- (3) The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by a registered professional engineer or approved by the Zoning Enforcement Officer;
- (4) The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area

shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation or partitioned into separate rooms;

- (5) All interior walls, floor, and ceiling materials located below the base flood elevation shall be unfinished and resistant to flood damage.
- (6) Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washer and dryer hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the base flood elevation. Utilities or service equipment located in this enclosed area, even if elevated above the base flood elevation in the space, will subject the structure to increased flood insurance rates. Utility connections that must remain below base flood elevation must be floodproofed to prevent the infiltration of flood water as specified in Section 15.2.4. Water supply systems shall comply with standards listed in Section 15.2.5. Sanitary sewer systems and on-site waste disposal systems shall comply with standards listed in section 15.2.6.
- (7) A residential building with a structurally attached garage having the floor slab below the base flood elevation is considered an enclosed area below the base flood elevation and must meet the standards of Sections 15.2.10 (1)-(6). A garage attached to a residential structure, constructed with the garage floor slab below the base flood elevation, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened do not meet the flood vent opening requirements in Section 15.2.10 (1)-(6). In addition to the automatic entry of floodwaters, the areas of the garage below base flood elevation must be constructed with flood resistant materials. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 15.2.10 b) and c).

#### 15.2.11 Floodway (Amended 7/18/2011)

Within the floodway as designated on Noank's Flood Insurance Rate Map (dated July 18, 2011 or any revision thereto) or as determined in Section 15.2.9 of these regulations, no encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless certification, with supporting technical data, by a Connecticut registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels within the district during occurrence of the base flood discharge published by FEMA. Fences in the floodway must be aligned with the flow and be of an open design.

The municipality 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.

When base flood elevations have been determined within numbered A Zones (AE Zones) on the community's Flood Insurance Rate Map but a regulatory floodway has not been designated, the municipality must require that no new construction, substantial improvements or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.

15.2.12 Manufactured Homes, Mobile Homes and Recreational Vehicles (Amended 7/18/2011, 6/1/2022)

As per Section 2.23 of these Zoning Regulations, no manufactured home having as its narrowest dimension less than twenty-two (22) feet, mobile home or recreational vehicle may be parked or placed within the jurisdiction of the Noank Fire District.

15.2.13 Numbered and Unnumbered V Zones

Areas within V Zones are designated as Coastal High Hazard Areas and have special flood hazards associated with wave wash.

- a. All new construction or substantial improvement shall be located landward of the reach of mean high tide.
- b. All new construction and substantial improvements shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water.
- c. All new construction or substantial improvement shall be securely anchored on pilings or columns.
- d. All pilings and columns and the attached structures shall be anchored to resist flotation, collapse and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the 100-year mean recurrence interval (one percent annual chance floods and winds).
- e. 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, specifications and plans for construction are in accordance with acceptable standards and are in compliance with the requirements of Section 15.2.13.
- f. There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects or wave deflection. A qualified engineer, architect and/or soil scientist shall demonstrate that such fill material does not have a tendency for excessive natural compaction, that volume and distribution of fill will not cause wave deflection to adjacent properties, and that the slope of the fill will not cause wave run-up or ramping.
- g. Non-supporting breakaway walls, lattice work or mesh screening shall be allowed below the base flood elevation provided that it is not part of the



structural support of the **structure** and is designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the **structure** on which it is to be used and provided the following design specifications are met: (1) Design safe loading resistance of each wall shall not be less than ten (10) pounds per square foot or more than twenty (20) pounds per square foot; or (2) If more than twenty (20) pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components prior to or during the collapse of such wall. If such breakaway wall, latticework or screening are utilized, the resulting enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises. (Amended 7/18/2011)

- h. No man-made alteration of sand dunes which would increase potential flood damage is permitted.

#### 15.2.14 Variances

The Noank Board of Appeals may grant variance to the requirements and conditions described above. However, in considering requests for variances of this Section of the Zoning Regulations, the Zoning Board of Appeals shall be limited by the following criteria.

- a) Variance shall be issued only upon:
  - i. A showing of good and sufficient cause
  - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant
  - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.
- b) Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c) If new construction or substantial improvements are to be erected on a lot which is ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, a variance may be issued if the other conditions of this Section 15.2 are complied with.

If a variance is granted the Zoning Board of Appeals shall notify the applicant in writing over the signature of the Zoning Enforcement Officer that:

- i. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
- ii. Such construction below the base flood level increases risk to life and property.

In addition, the Zoning Board of Appeals shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in **the biennial** report submitted to the Federal Emergency Management Agency. (Amended 7/18/2011)

15.2.15 Design Standards for Subdivision Proposals (Added 7/18/2011)

If a proposed subdivision, including the placement of a manufactured home park or subdivision, is located in a Special Flood Hazard Area (SFHA) the following requirements shall apply:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
4. The Zoning Enforcement Officer shall require the applicant to provide BFE data for all subdivision proposals. In all special flood hazard areas where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a registered professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions.

15.2.16 Above-ground Storage Tanks (Added 7/18/2011)

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.

15.2.17 Portion of Structure in Flood Zone (Added 7/18/2011)

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.

15.2.18 Structures in Two Flood Zones (Added 7/18/2011)

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.)

15.2.19 No Structures Entirely or Partially Over Water (Added 7/18/2011)

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.

15.2.20 Equal Conveyance (Added 7/18/2011)

Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited

unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

15.2.21 Compensatory Storage (Added 7/18/2011)

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

15.3 INLAND WETLAND AREAS

15.3.1 Subdivision Approval

No lot or parcel on which inland wetland areas (as defined in Chapter 440 of the Connecticut General Statutes) are located shall be subdivided until adequate evidence is provided to the Town of Groton's Planning and Zoning Commission that such proposed subdivision will not adversely affect the designated inland wetland areas. Adequate evidence shall be defined for the purpose of this regulation to be the approval by the Inland Wetlands Agency of the Town of Groton.

15.3.2 Site Plan Approval

No site plan as required in Section 11 of these regulations shall be approved until adequate evidence is presented to the Commission to assure that the development proposed in said site plan will not adversely affect any inland wetland area as defined in Chapter 440 of the Connecticut General Statutes. Adequate evidence shall be defined for the purpose of this regulation to be the approval by the Inland Wetland Agency of the Town of Groton.

15.3.3 When any development in the Noank Fire District affects or could affect an Inland wetland area, an application for consideration by the Town of Groton Inland Wetlands Agency shall be submitted to that Agency on or before the date that an application is submitted to the Noank Zoning Commission.

15.4 SEDIMENTATION AND EROSION CONTROL MEASURES

15.4.1 In accordance with Section 22a-325 to 22a-329 inclusive of the Connecticut General Statutes, a soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre. "Disturbed area" is defined as an area where ground cover is destroyed or removed leaving the land subject to accelerated erosion. The erosion and sediment control plan shall be mapped and

in narrative form and contain proper measures to be taken to control erosion and sedimentation both during and after construction. The plan shall be based on "The Connecticut Guidelines for Soil Erosion and Sediment Control," as may be amended, which is available from the Council on Soil and Water Conservation of the State of Connecticut.

#### 15.4.2 Contents of the Plan

The erosion and sediment control plan, at a scale not less than 1" = 20', shall include the following:

- a. Locations and description of the proposed development and adjacent properties.
- b. Locations of areas to be stripped of vegetation, areas to be regraded, and contour data indicating existing and proposed grades, and existing wetlands and watercourses.
- c. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features, utilities and the like.
- d. Seeding, sodding or revegetation plans and specifications for all unprotected or unvegetated areas.
- e. Location, design and timing of sedimentation and erosion control measures such as diversions, waterways, grade stabilization structures, debris basins, stormwater management control measures, and the like. The narrative shall indicate design criteria used in the design of the control measures.
- f. A description of procedures to be followed to maintain sediment control measures during and after construction.
- g. Identity of the developer's representative responsible for monitoring control measures during construction.
- h. The plan map shall show the words "Erosion and Sediment Control Plan" with space for the date and signature of the Commission Chairperson or Secretary.

#### 15.4.3 Commission Vote Required

After review of the plan by the Commission or its designated agent, the commission shall vote to certify, to modify and certify, or deny that the Erosion and Sediment Control Plan complies with these Regulations. A vote of the commission to approve a zoning application or Special Exception shall imply approval of the Erosion and Sediment Control Plan as well.

#### 15.4.4 Inspection

The Commission, through its members, agents, and consultants shall periodically inspect construction projects for which Erosion and Sediment Control Plans have been certified to verify that erosion and sediment controls are consistent with the certified plan.

### 15.5 EXCAVATION AND FILLING OF EARTH PRODUCTS

Except as specifically excluded in Section 15.5.1, there shall be no removal or filling of earth, sand, clay, gravel or quarry stone from or to any land in the Noank Fire District unless a Special Exception has been issued under these regulations.

#### 15.5.1 Excavation and Filling Operations Which Do not Require a Permit

- a. Excavation and fill operations within actual road rights-of-way of public streets of either the Town of Groton or the State of Connecticut or within

streets shown on an approved subdivision plan or site plan for which final approval has been received.

- b. Excavation and fill operations upon a lot as directed and approved by the Building Official of the Town of Groton as a result of a bona fide construction activity, for which a building permit has been issued and zoning approval has been obtained.
- c. Excavation and fill operations upon a lot as a result of bona fide landscaping or agricultural activity, provided that in no case shall such excavation result in the removal, filling or regrading of more than ten cubic yards of earth products over a period of 12 months.

#### 15.5.2 Application

In addition to the information required as part of an application for Special Exception in Sections 11 and 12 of these Regulations, the following information shall be supplied.

- a. The location and exterior limits of the area to be filled or excavated.
- b. Existing contour lines on the lot and proposed contour lines resulting from the intended excavation, removal or filling drawn to a scale not less than 100 feet to the inch with a contour interval not to exceed two feet.
- c. Existing and proposed drainage on the lot.
- d. Existing rivers, streams, watercourses, ponds and swamps on or within 200 feet of the lot.
- e. Proposed truck access to the lot.
- f. The location of wooded areas, existing buildings and the location of any proposed building.
- g. An estimate of the number of cubic yards of material to be excavated, removed or filled.
- h. Such additional information as may be required by the Commission.

#### 15.5.3 Standards and conditions

All excavating or depositing of material, as defined herein, shall be subject to the following minimum standards and conditions:

- a. That the lot will be excavated and graded or filled within the exterior limits shown on the plan and in conformity with the proposed contour plan;
- b. That slopes will not exceed one foot of rise for each two feet of horizontal distance, except in those cases where the Commission deems appropriate due to the type of material involved or type of construction being utilized, the Commission may require or permit such other slope conditions, as they determine is necessary to protect the public health and safety, and is required to assure soil stability and provide for the reasonable reuse and development of the lot after completion of the proposed excavation or filling;
- c. No stone crusher, washer, grader, sifter or other machinery will be used;
- d. That there will be no excavation or removal or depositing of material within 25 feet of any property line or street line, which will result in establishing finished grades which are at or above the existing elevation of the adjoining property or street except in those cases where the Commission is provided with written letters from each adjacent property owner and the Town of Groton that they have no objection to the proposed operation;

- e. That there will be no sharp declivities, pits or depressions and that proper drainage will be provided so as to avoid stagnant water, soil erosion and water pollution;
- f. That after excavation or removal or filling the lot will be cleared of all debris within one year from date of approval. Upon written request the Commission may grant an extension of not more than one year;
- g. Except in locations involving rivers, streams, water courses, ponds and exposed ledge rock, that the top layer of arable soil for a depth of four inches will be set aside and retained on the lot and will be re-spread over the excavated or filled areas as the work progresses; that a suitable ground cover will be planted and grown to an erosion resistant condition upon the completion of the filling, excavation or removal operation in accordance with the approved contour lines; and that such work will be completed within one year from the date of approval. Upon written request the Commission may grant an extension of not more than one year;
- h. If determined necessary by the Commission to protect the public safety, the area to be excavated or filled or any portion thereof shall be enclosed within a fence of such type, height and locations as the Commission may specify;
- i. That the Commission may establish a schedule to be filed with the records of the Special Exception showing 1) limitations on day of the week or the hours of the day during which any work in a Residence District, including any blasting, may be performed on the lot, 2) the place and manner of disposal on the lot of all excavated material, and 3) requirements as to the control of dust, noise and lighting;
- j. That the Commission may require the applicant to submit periodic reports, prepared by and bearing the seal of a land surveyor or engineer, showing the status and progress or final disposition of the excavation or filling;
- k. That all plans submitted which involve operations in the navigable waters contain a statement which indicates that the final determination of the applicable seaward boundary line of the filled area shall be conditioned upon the approval of the Connecticut Department of Energy and Environmental Protection and any other governmental agency having jurisdiction over the shoreline.

#### 15.5.4 Approval

The Commission shall grant a Special Exception for a limited period of time not exceeding one year, if it finds that such excavation or filling will not result in the creation of any sharp declivities, pits or depressions, soil erosion, or fertility problems, decreased land values, any drainage or sewage problems or conditions which would impair the reasonable reuse and development of the lot in accordance with these regulations, and that such excavation will be in harmony with the standards and conditions of this Section. However, when permits from other official bodies of the Town, State or Federal Government must also be secured to enable the requested operation, only conditional approval will be given by the Noank Zoning Commission contingent upon securing such other required governmental approvals. Upon written request the Commission may grant an extension of not more than one year.

#### 15.5.5 Bond

Before a permit is granted under this section, the owner shall post a Bond with the Noank Fire District in an amount approved by the Zoning Commission as

sufficient to guarantee conformity with the provisions of the Permit issued thereunder. In passing on such application, the Zoning Commission shall consider the effect of such removal or fill on surrounding property and the future usefulness of the premises when the operation is completed.

Section 16 - FEES (Amended 1/1/90) (Revisions 3/18/2003)

- 16.1 The Commission may, by Resolution, establish application fees for any application required by these Regulations upon approval by the Noank Fire District Executive Committee. Such fee shall be paid by check or money order payable to the Treasurer, Noank Fire District and shall be used to defray the costs of processing the application, including publication costs of required legal notices, professional review, and other costs arising out of a particular application. Such fees shall be non-refundable.
- 16.2 Fees are charged for the following applications/request. The current fee schedule is posted at the Zoning Office at the Noank Fire House located on Ward Avenue.
  - 16.2.1 Application for Site Plan Approval if Commission determines a public hearing may be of public interest (reference section 11.5).
  - 16.2.2 Application for Site Plan Approval if the Commission determines a public hearing is not of public interest (reference section 11.4).
  - 16.2.3 Application for special exception (reference section 12.2).
  - 16.2.4 Request for documents under Freedom of Information excluding Commission agendas or minutes.
  - 16.2.5 Application for subdivision (reference section 2.25).
  - 16.2.6 Application for zoning permit.
  - 16.2.7 Application for zoning variance.
  - 16.2.8 Application to amend Noank Zoning Regulations (reference section 21.2).
  - 16.2.9 Application for a Special Exception (reference section 13.3.3b).
- 16.3 The Commission may waive any fee if the applicant is a municipality or if the application is for activity of a charitable nature.



Section 17 - Special Provisions

17.1 RETIREMENT CENTERS

17.1.1 Definitions

A "retirement center" is an institution to provide housing and/or care for elderly persons by facilities including multiple dwellings and a hospital, home for the aged, nursing home and/or rest home, as such terms are defined by the Connecticut General Statutes, as amended.

"Elderly persons" are those persons so defined by the Connecticut General Statutes, as amended: Provided, however, that such term shall not include any person whose family contains a minor below the age of twenty-one (21) years.

17.1.2 Minimum Lot Requirements

- a. No lot shall be used for a retirement center unless it contains a minimum of ten acres of land.
- b. No lot shall be used for a retirement center unless it is served by public water and public sewer systems.
- c. No lot shall be used for a retirement center if it is located within a one-half mile radius of any other lot already being used by a retirement center, as measured between the perimeters of said lots.

17.1.3 Building Restrictions

- a. The maximum overall density of persons residing on any lot shall be 20 persons per gross acre; however, the total number of persons residing on the lot shall not exceed 500.
- b. The total area covered by all structures erected upon the lot (not including streets and parking areas) shall not exceed 20 percent of the total area of the lot.
- c. No structure erected upon the lot shall exceed a height of two stories or exceed a maximum height of 35 feet.
- d. Each dwelling unit shall contain not less than the following area for each type of unit:

<u>Dwelling Unit</u>	<u>Minimum Floor Area</u>
Efficiency*	400 Square Feet
One Bedroom	600 Square Feet
Two Bedroom	700 Square Feet

\* "Efficiency" means a dwelling unit containing bathroom and kitchen facilities.

- e. All buildings should be set back at least 75 feet from the boundaries of abutting properties. Such area shall be either left in its natural state or landscaped as determined by the Zoning Commission so as to provide an opaque barrier between the proposed retirement center and adjacent property. The minimum landscaping requirements of such buffer areas should be as stated in Section 9.10 (B) of these regulations.

- f. All buildings shall be set back at least 40 feet from the right-of-way of the street.
- g. There shall be a minimum of 40 feet between each building in any direction.
- h. All utilities serving buildings or structures in a Retirement Center shall be placed underground. A single television antenna shall be provided for each building; or a community type antenna in compliance with Sections 427 and 428 of the Town of Groton's Building Code may be erected, if approved by the Zoning Commission.
- i. Utility clothes drying areas and rubbish areas, if provided, should be fenced and screened from view from all streets by planting of trees, shrubbery, or the construction of a closed picket or screen-type fence.

#### 17.1.4 Streets and Parking

- a. No lot shall be used for a retirement center unless such lot has a frontage of at least 50 feet on a public street or has an unobstructed easement of access or right-of-way at least 50 feet wide to a public street.
- b. Access to all buildings within a retirement center shall be provided by private streets having minimum width between curb lines of 20 feet if used for two-way traffic and/or 15 feet if used for one-way traffic. Such streets shall be designed to promote a reasonable and safe traffic pattern within the lot and shall not be used as through streets to provide access to other properties or other streets located off the lot.
- c. Parking space shall be provided off the traveled portion of the streets in accordance with Section 9 of these regulations.

#### 17.1.5 Accessory Uses

- a. A retirement center may include a facility known as a "community center," which is used primarily to provide its residents with recreational and social activities; provided that such facility shall be located at least 300 feet from the boundary of any abutting property. The community center may include a store for the sale of services and supplies to residents of the retirement center only.
- b. Notwithstanding the foregoing provisions, a retirement center may include dwellings for not more than a total of two resident employees and/or consultants and their families, which may include minor children.
- c. Signs shall be in conformance with Section 10.
- d. A retirement center may include one or more accessory buildings for the storage, repair, maintenance and garage purposes of the retirement center and its residents only, provided that the applicable building restrictions of Section 17.1.3 shall be fully complied with and such building is similar in character to the other buildings located on the retirement center's site.

#### 17.1.6 Site Plan Requirements

No building, structure, street, or parking area shall be used, constructed, moved or enlarged for a retirement center until a Site Plan complying with the requirements of Section 11 of these regulations has been approved by the Noank Zoning Commission.

## Section 18 – Definitions

### 18.1 GENERAL RULES OF CONSTRUCTION

The following general rules of construction shall apply to the provisions of this regulation:

The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.

Words used in the present tense include the past and future tenses, and the future the present.

The word “shall” is mandatory, the word “may” is permissive.

The word “building” or “structure” includes any part thereof, and the word “building” includes the word “structure.”

The word “lot” includes the words “plot” or “parcel” or “tract.”

The words “used” or “occupied” include the words “intended,” “designed” or “arranged” to be used or occupied.

### 18.2 TERMS DEFINED

For the purpose at this regulation, certain terms and words are hereby defined:

18.2.1 Accessory Building – A detached subordinate building or portion thereof, the use of which is located on the same lot with such main building or use. Where there is no main building on the lot, the Zoning Commission shall designate an accessory building as a main building for the purpose of height, area and bulk regulations. (Amended 1/1/90)

18.2.2 Accessory Uses – A subordinate use which is incidental to and customary in connection with the main building or use and which is located on the same lot with such main building or use, and whose total area does not exceed 25% of the total area devoted to the main building or use. However, nothing in this section shall prohibit the establishment of more than one accessory use on a lot provided the total area does not exceed 50% of the total area devoted to the main building or use.

18.2.3 Base Flood – The flood having a one (1) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM). (Added 7/18/2011)

18.2.4 Base Flood Elevation (BFE) - The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. (Added 7/18/2011)

18.2.5 Basement – A story all or partly underground, but having at least one-half of its height below the average level of the adjoining ground. For floodplain management purposes, a basement is any area of the building having its floor subgrade (below ground level) on all sides. (Amended 7/18/2011)

18.2.6 Board – The Noank Zoning Board of Appeals.

- 18.2.7 Boat – All marine craft.
- 18.2.8 Boat Slip or Rental Boat – Shall include a boat launched by a trailer, a mooring served by or from the premises and a boat stored on the ground or on a rack.
- 18.2.9 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 supporting foundation system. (Added 7/18/2011)
- 18.2.10 Buffer – A strip of land which is planted and maintained with shrubs, bushes, trees, grass or other landscaping materials and within which no structure, building or parking is permitted, except that a fence may be erected in accordance with these regulations.
- 18.2.11 Building – Any structure having a roof and intended for shelter, housing or enclosure of persons, motor vehicles, boats, animals, materials, or equipment. Any other structure more than eight feet high shall be considered as a building, including a solid fence or wall, but excluding an electric transmission line or an electric light, telephone, or telegraph pole, radio or TV antennae, highway or railroad bridge or flagpole.
- 18.2.12 Building, Principal or Main - A building in which the principal use of the lot on which it is located is conducted, or is intended to be conducted.
- 18.2.13 Building Area – The ground area enclosed by the walls of a building together with the area of all covered porches and other roofed portions.
- 18.2.14 Building Height – The vertical distance between a plane running through the highest point of the roof and grade.
- 18.2.15 Building Line – A line parallel to the abutting street at a distance equal to the setback requirement for the front yard, or greater.
- 18.2.16 Cemetery – Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.
- 18.2.17 Certificate of Occupancy – A certificate of occupancy as issued by the Building Official of the Town of Groton in accordance with Section 120 of the Town of Groton’s Building Code and these Regulations.
- 18.2.18 Club – An association of persons which is the owner or occupant of an establishment operated solely for a recreational, social, fraternal, religious, or political purpose and not operated for profit or gain, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise or to use a building in contradiction to the intent of these regulations.
- 18.2.19 Coastal High Hazard Area – An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal High Hazard Areas are designated as Zone VE on a Flood Insurance Rate Map (FIRM). (Added 7/18/2011)
- 18.2.20 Commission – The Noank Zoning Commission.
- 18.2.21 Cost - As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor’s estimate. The estimate

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

- 18.2.22 Development – Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities. (Added 7/18/2011)
- 18.2.23 District – A district established by the provisions of Section 1 of these regulations.
- 18.2.24 Dwelling – A building containing one or more dwelling units.
- 18.2.25 Dwelling Unit – A room, or group of rooms, occupied or intended to be occupied as separate living quarters by one family and containing independent cooking, sleeping facilities, and sanitary facilities.
- 18.2.26 Existing Manufactured Home Park or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date, August 20, 1980, of the floodplain management regulations adopted by the community. (Added 7/18/2011)
- 18.2.27 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 manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). (Added 7/18/2011)
- 18.2.28 Family – A single person keeping house separately or any number of individuals related by blood, marriage or adoption, living and cooking together as a single housekeeping unit, provided that a group of not more than two persons keeping house together, but not necessarily related by blood or marriage, is considered a family for the purpose of these regulations.
- 18.2.29 Federal Emergency Management Agency (FEMA) - The federal agency that administers the National Flood Insurance Program (NFIP). (Added 7/18/2011)
- 18.2.30 Ferry Service – The commercial operation of any vessel engaged in the transport of people for the purposes of unloading or delivery at another location before its return. (Added 10/21/2003)

- 18.2.31 Finished Living Space - As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.
- 18.2.32 Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source. (Amended 7/18/2011)
- 18.2.33 Flood Insurance Rate Map (FIRM) – The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community. (Added 7/18/2011)
- 18.2.34 Flood Insurance Study (FIS) – The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. (Added 7/18/2011)
- 18.2.35 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 (1.0) foot. For the purposes of these regulations, the term “Regulatory Floodway” is synonymous in meaning with the term “Floodway.” (Added 7/18/2011)
- 18.2.36 Frontage – The boundary line of a lot abutting a public street.
- 18.2.37 Functionally Dependent Use or Facility – A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities. (Added 7/18/2011)
- 18.2.38 Grade – The lowest point of existing ground adjacent to each wall that abuts a building or structure, or the lowest point of finished ground if an approval has been granted in accordance with Section 15.5 of these Regulations permitting an individual to excavate, deposit fill or alter existing grade on the subject lot. For the purposes of this Section 18.2.38, “existing” grade or “existing” building or structure shall be defined as that existing on April 1, 2004.
- a. Within the Village Residential District (RV), grade shall be determined by the lowest point of existing ground that abuts the existing building or structure. For any site where a building or structure does not exist, grade shall be determined by the lowest point of the existing contours where the building or structure shall be placed. Any excavation, deposit of fill, or alteration of natural grade authorized in accordance with Section 15.5 shall not alter the measurement of “grade” for the purposes of this definition.
  - b. Fill or other alteration of existing contours including modifications during structure demolition shall not be used for the determination or calculation of grade.

- 18.2.39 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 preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs. (Added 7/18/2011)
- 18.2.40 Home Occupation, Customary – An occupation, profession, activity or use that is clearly customary, incidental, and secondary use of a residential dwelling unit, and which does not alter the exterior of the property or affect the residential character of the neighborhood. (Amended 11/4/92)
- 18.2.41 Houseboat – A water craft used or designed to be used as a permanent residence or permanent address or a business enterprise or office. All water craft not primarily used for recreational purposes or commercial fishing use and on which people reside for more than weekend periods or more than 30 days in any calendar year, shall be defined as a houseboat.
- 18.2.42 Junk – Discarded material, equipment, machinery, vehicles, waste, rubble or refuse which may or may not be used or useful in some form.
- 18.2.43 Kenel – A structure used to house dogs or other animals for compensation.
- 18.2.44 Landscaping Operation – The planting or placing of grass or other ground cover, grading and seeding and the planting or transplanting of trees, bushes, shrubs, or other ornamental foliage.
- 18.2.45 Launch service – The commercial operation of any vessel engaged in the transport of people to and from boats on moorings that are permitted on the site plan of the boatyard or marina. (Added 10/21/2003)
- 18.2.46 Loading Space - An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
- 18.2.47 Lot – A lot is defined as a parcel of land which is owned separately from any adjoining lot or lots as evidenced by deed or deeds recorded in the land records of the Town of Groton or which is shown as a building lot on a subdivision map approved by the Town of Groton Planning and Zoning Commission recorded in the land records of the Town of Groton and which conforms in all respects to the requirements of these regulations and any amendment hereto.
- 18.2.48 Lot Coverage – The portion of the lot area, expressed as a percent that is covered by the structural footprint of all buildings. All structures, including swimming pools that are thirty inches or above in height measured from the adjacent grade shall be included in lot coverage computations. (Amended 3/30/2012, Amended 04/23/2013)

- 18.2.49 Lot, Corner – A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the “corner.”
- 18.2.50 Lot, Interior – A lot other than a corner lot.
- 18.2.51 Lot, Depth – The mean horizontal distance between the front and the rear lot lines.
- 18.2.52 Lot, Lines – The property lines bounding the lot.
- 18.2.53 Lot Line, Front – All dividing lines between a street and the lot shall be considered front lines.
- 18.2.54 Lot Line, Rear – The line bounding a lot at the rear and approximately parallel to and at the maximum distance from the front lot line.
- 18.2.55 Lot Line, Side – The line or lines bounding a lot which extend from the street towards the rear in a direction approximately perpendicular to the street. In the case of corner lots or through lots, all lines extending from streets shall be considered side lot lines.
- 18.2.56 Lot Width – The width of the lot measured at the building line.
- 18.2.57 Lot Area – The computed area contained within the lot lines.
- 18.2.58 Lot, Through – A lot having frontage on two parallel or approximately parallel streets.
- 18.2.59 Lowest Floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building’s lowest floor, provided that such an area meets the design requirements specified in Section 15.2.10d of this regulation. (Added 7/18/2011)
- 18.2.60 Manufactured Home (or Mobile Manufactured Home) – A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property. (Added 7/18/2011, Amended 6/1/2022)
- 18.2.61 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. (Added 7/18/2011)
- 18.2.62 Market Value – As related to substantial improvement and substantial damage, the market value of the structure as determined by the actual cash value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.
- 18.2.63 Mean Sea Level (MSL) – The North American Vertical Datum of 1988 (NAVD88) or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map (FIRM) are referenced. (Added 7/18/2011, Amended 6/1/2022)



- 18.2.64 Mobile Home – A detached single family dwelling unit designed for long-term occupancy and constructed originally with wheels for movement (whether or not wheels have later been removed) and which has plumbing and electrical connections provided for attachment to external sewerage and power systems.
- 18.2.65 Museum or Philanthropic Institution – A private, non-profit organization which is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization or individual, and which either provides any of the following: Religious, educational, social, physical, recreational, or benevolent services.
- 18.2.66 New Construction – Structures for which the “start of construction” commenced on or after August 20, 1980, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures. (Added 7/18/2011)
- 18.2.67 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 after the effective date, August 20, 1980, of the floodplain management regulation adopted by the community. (Added 7/18/2011)
- 18.2.68 One-Family Attached Dwelling – A building accommodating a single dwelling unit by having a party wall or walls in common with an adjacent building or buildings.
- 18.2.69 One-Family Detached Dwelling – A building accommodating a single dwelling unit and having no party wall or walls in common with an adjacent building or buildings.
- 18.2.70 Open Space – A space not occupied by a building or other roofed structure.
- 18.2.71 Party Boat Business – The commercial operation of any vessel licensed to carry persons for hire.
- 18.2.72 Party Boat, Base Operation for – The place where a party boat is moored and boarded, loaded or unloaded.
- 18.2.73 Planning and Zoning Commission – The Town of Groton Planning and Zoning Commission.
- 18.2.74 Premises – A lot as defined in this section, along with any buildings located thereon.
- 18.2.75 Recreational Vehicle – A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. (Added 7/18/2011)
- 18.2.76 Rooming House – Any existing dwelling, as of November 1, 1984, in which one or more rooming units may be occupied by one or more persons not to exceed six rental units or a maximum occupancy of 12 persons not including the owner and his/her family.

- 18.2.77 Sand Dunes – Naturally occurring accumulations of sand in ridges or mounds landward of the beach. (Added 7/18/2011)
- 18.2.78 Self Service Storage Facility – Any structure used for the storage of personal property by the public in defined secured spaces within the structure. Examples of personal property to be stored includes boat gear such as sails, rigging and fishing equipment, and other personal property such as furniture, books, papers and clothing. (Amended 1/18/2000).
- 18.2.79 Sign – Any structure, part thereof, or device or inscription attached thereto or painted or represented thereon, which is located upon any land, on any building, or on the outside or inside of a window and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark, or other representation used as or in the nature of an announcement, advertisement, direction, warning, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry.
- 18.2.80 Special Exception – A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such use may be permitted in such zoning district as a special exception, if specific provision for such a special exception is made in this zoning regulation.
- 18.2.81 Special Flood Hazard Area (SFHA) – The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Maps (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A and AE and the Coastal High Hazard Areas shown as Zone VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard. (Added 7/18/2011)
- 18.2.82 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, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the 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. (Added 7/18/2011)

- 18.2.83 Story – That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it, excluding basements.
- 18.2.84 Street – A public right-of-way owned and maintained by the town of Groton.
- a. Street, Unaccepted – Campbell Rd., Ridge St., Mystic Ave., Fishtown La., Little Gull La., and such other streets which have not been officially accepted by the Town of Groton as Town Roads.
- 18.2.85 Structural Footprint – The exterior footprint of a building, including stairs, chimneys, porches, and normally occupied projections (e.g., overhanging balconies and stories which project beyond a ground level story). It includes all accessory structures (e.g., carports, garages, patio covers, storage sheds, enclosures, greenhouses, gazebos, shade structures, etc). The structural footprint is measured from exterior wall to exterior wall; more specifically, to the face of the foundation system supporting walls. Patio covers will be measured to the exterior of support column foundations. (Added 3/30/2012)
- Excluded from the structural footprint are roof eaves extending less than thirty inches from the face of any building; uncovered decks and patios under thirty inches in height (measured from the adjacent grade); areas paved at or below grade level for driveways, walkways, and uncovered parking; uncovered swimming pools under thirty inches in height; decks under thirty inches in height around the pool; and structures used for beautification or landscaping such as arbors, trellises, and flagpoles. (Added 3/30/2012)
- 18.2.86 Structure – Anything constructed, the use of which requires a permanent location on the ground, or attachment to something having a permanent location on the ground. For floodplain management purposes, a structure is a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures. (Amended 7/18/2011)
- 18.2.87 Substantial Damage – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (Added 7/18/2011)
- 18.2.88 Substantial Improvement – Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a two (2) year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. For 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 either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a

“historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” (Amended 7/18/2011, 8/5/2013, 6/1/2022)

- 18.2.89 Telecommunications Facility(ies) – Any structure that is used for or incidental to receiving or distributing signals used for communication purposes. (Added 5/4/2001).
- 18.2.90 Telecommunication Tower – For the purposes of these Regulations, a structure that is significantly taller than it is wide and/or of sufficient height to stand apart and be noticeably different than its surroundings and which receives or transmits signals used for communication purposes. (Added 5/4/2001)
- 18.2.91 Trailer Coach – Any of the various types of vehicles with motor power or designed to be towed by an automobile and adapted to human habitation for the purposes of sleeping or eating or preparation of meals or both, and which bear valid license plates and are designed as a temporary dwelling for travel, recreational and vacation uses.
- 18.2.92 Temporary Structure – A temporary structure is any building which did not exist prior to June 22, 1974, which is being used for the temporary storage of equipment or supplies or for the temporary operation of any business enterprise. “Temporary” for this Section means a period of not more than six months. (Amended 1/1/90, 6/1/2022).
- 18.2.93 Use – The principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied or maintained.
- 18.2.94 Variance – A variance is a relaxation of the terms of the zoning regulations 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 these regulations would result in unnecessary and undue hardship. Establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.
- 18.2.95 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 documentation is provided. (Added 7/18/2011)
- 18.2.96 Water Surface Elevation – The height, in relation to the North American Vertical Datum of 1988 (NAVD88), (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (Added 7/18/2011)
- 18.2.97 Yacht Club – A club whose primary function is to further the enjoyment of yachting and which may consist of meeting facilities, game rooms, storage facilities for boats and boating equipment belonging to members, dining facilities and docking facilities, anchorages or moorings, but excluding any type of lodging facilities, except for staff personnel.

- 18.2.98 Yard, Front – An open space between the buildings and the front lot line, extending the full width of the lot, or in case of a corner lot, extending along all streets.
- 18.2.99 Yard, Rear – An open space between the building and the rear lot line, extending the full width of the lot.
- 18.2.100 Yard, Side - An open space between the building and a side lot line, extending from the front yard to the rear yard. Any yard not a rear yard shall be deemed a side yard. (Amended 4/23/2013)
- 18.2.101 Yard, Depth or Width of - The depth of front and rear yard and the width of side yards shall be measured perpendicularly to the respective lot lines.
- 18.2.102 Solar Panel System - A semiconductor-based system that converts sunlight directly into electricity, and includes a solar voltaic cell, panel or array, lines, mounting brackets, and framing used for or intended to be used for collection of solar energy. (Added 7/25/2018)
- 18.2.103 Roof-Mounted Solar Panel System - A solar panel system attached to any part or type of roof on a building or structure that is either the principal structure or an accessory building on a recorded lot. (Added 7/25/2018)
- 18.2.104 Roof-Integrated Solar Panel System – A solar energy system that consists of integrated solar panels installed into the roof. (Added 7/25/2018)

## Section 19 - Administration and Enforcement

### 19.1 INTERPRETATION

The provision of these Regulations shall be held to be minimum requirements adopted for the purposes stated on page 1. It is not intended by these Regulations to repeal, abrogate, annul or in any way impair, conflict or interfere with any existing provision of law or ordinance or with any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the present use of buildings or premises; nor is it intended by these Regulations to interfere with, abrogate or nullify any easements, covenants, or other agreements between parties; provided, however, that where these Regulations impose a greater restriction upon the use of buildings or premises or require larger yards or other open spaces than are imposed or required by existing provisions of law or ordinance or by such Regulations, permits, easements, covenants or other agreements between parties, the provisions of these Regulations shall control.

### 19.2 ENFORCEMENT

These regulations shall be enforced by the Zoning Enforcement Officer who is empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist in violation of these regulations. The Zoning Enforcement Officer shall be appointed by, report to and be directed by the Noank Zoning Commission. (Amended 2/21/1996)

#### 19.2.1 Violation and Penalty

The owner or agent of a building, structure or property where a violation shall have been committed or shall exist, or the lessee or tenant of an entire building or an entire lot where such violation shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part, or assist in such violation or who shall maintain any building or premises in which such violations exist shall be guilty of a misdemeanor punishable as provided in Chapter 124 of the Connecticut General Statutes. Furthermore, the Commission may, at its sole discretion, direct the counsel of the Noank Fire District to commence criminal or civil action in State or Federal Court for the purpose of enforcing the provisions of these Regulations. (Amended 1/1/90).

### 19.3 ZONING PERMITS

Before any individual may apply for a building permit, they must first make application to the Zoning Enforcement Officer for a zoning permit. Such application shall be made on the form provided by the Zoning Enforcement Officer and shall be accompanied by a sketch drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the size, area and location on the lot for each existing principal and accessory structure, the lines within which the building or structure is to be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, an indication of all existing grades and finished grades and an estimate of the amount of material to be excavated and the amount of material to be deposited on the site as a result of the proposed construction and such other information as may be necessary to determine and provide for the enforcement of these Regulations.

For all new buildings and for additions to existing buildings which result in an increase in lot coverage, the application shall include a plot plan drawn and certified by a land surveyor registered in the State of Connecticut, in accordance with Class A-2 Standards, and showing the location of the proposed new construction in relation to property boundaries, building and setback lines. If the distances involved are such that the Zoning Enforcement Officer finds that no such plot plan is necessary in order to determine zoning compliance, then the requirement for a plot plan meeting A-2 Standards may be waived by the Zoning Enforcement Officer.

It shall be unlawful to commence construction, demolition or alteration of any building or excavation for any building or structure or use until the application and plans herein required shall have been approved by the Zoning Enforcement Officer and a zoning permit indicating such approval has been issued by said officer.

A zoning permit shall be good for a period of one year following the date of issuance. If these Regulations have been amended in such a way as to affect the proposed construction for which a zoning permit has been issued and on which construction has not been commenced within one year after the date of issuance, such proposed construction shall be so modified as to conform to regulations in effect at the time a new permit is applied for.

No zoning permit for any non-residential building or structure shall be issued and no parking area shall be constructed, extended or altered as to layout for use with an existing non-residential use unless a site plan in accordance with Section 11 of these Regulations has been approved by the Zoning Commission.

#### 19.4 CERTIFICATE OF OCCUPANCY

It shall be unlawful for any newly erected structure, or addition for which a building permit has been issued to be occupied or used, or for any building or premises or part thereof to be converted or changed from one type of use or occupancy to another until a Certificate of Occupancy has been issued by the Building Official. No such Certificate of Occupancy shall be issued unless the building or premises complies with all provisions of the State of Connecticut Basic Building Code and these Zoning Regulations. No Certificate of Occupancy shall be issued unless all site improvements required by an approved and endorsed site plan and/or other provisions of these Regulations shall have been completed, or a surety bond or other acceptable surety in an amount sufficient to cover the cost of those improvements remaining to be completed, as determined by the Zoning Commission, has been deposited with the Zoning Enforcement Officer of the Noank Fire District. Such surety shall be in a form acceptable to the Zoning Commission and shall be accepted with the express condition that all work covered by such surety shall be completed within the time period specified by the Zoning Commission or such surety shall be forfeited to the Noank Fire District.

## Section 20 – Zoning Board of Appeals

### 20.1 APPOINTMENT AND ADMINISTRATION

In accordance with Section 8-5 of the Connecticut General Statutes, there shall be a Zoning Board of Appeals consisting of five (5) members who shall be electors of the Fire District and who shall not be members of the Zoning Commission. The members of said Zoning Board of Appeals shall be appointed by the Executive Committee of the Fire District upon nomination by the Chairman of said Executive Committee for a term of five (5) years. Vacancies on said Board shall be filled by the Executive Committee by appointing some qualified elector of the District for the unexpired term. Such individual shall be nominated by the Chairman of the Executive Committee.

20.1.1 The proceedings of said Zoning Board of Appeals, their powers and duties and the procedure for appealing to said Board and the conduct of its hearings and in taking appeals from said Board, shall be in accordance with the provisions of Chapter 124 of Title 8 of the Connecticut General Statutes, 1958 Revision and any amendments that may be made thereto.

20.1.2 The Zoning Board of Appeals shall elect a Chairman from among its members and all meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine and all meetings shall be open to the public.

20.1.3 The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.

20.1.4 The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its examinations and other official actions.

20.1.5 Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the Board shall immediately be filed in the office of the Board and shall be a public record. In addition, the Board of Appeals shall notify the Zoning Commission in writing at least one week prior to any hearing of the subject hearing and shall also forward to the Zoning Commission a written record of their decision on each request.

### 20.2 POWERS AND DUTIES

The Zoning Board of Appeals shall have the following powers and duties:

20.2.1 To hear and decide appeals where there is an error in any order, requirement or decision made by the Zoning Enforcement Officer or any other official charged with the enforcement of these Regulations, provided any such appeal is filed in accordance with the procedures described in Section 8-7 of the Connecticut General Statutes, within 30 days after the date when notice of such ruling was officially given.

20.2.2 To determine and vary the application of the Zoning Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where owing to conditions especially affecting such parcel, but not affecting generally the district in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.



- 20.2.3 Special Treatment of Use Variances – It is recognized that variances of the use provisions of these Regulations present special problems not occurring in the case of variances of other types, and as such, Section 8-6 of the Connecticut General Statutes provides that these Regulations may specify the extent to which use variances may be granted. Therefore, the following provisions shall control with regard to any application made hereafter for a use variance.
- 20.2.3a. No application for a variance from the use provisions of these Regulations (as distinguished from the area, frontage, yard, coverage, height, etc., provisions hereof) shall be voted upon until a report with recommendations thereon has been received from the Zoning Commission or if no such report has been received, until ten days after a copy of such application has been sent to the Zoning Commission for its recommendations.
- 20.2.3b. The Board shall not grant any use variance unless each of the following findings can be substantiated by the Board and written basis for such determination by the Board shall be entered into the minutes of the meeting at which such variance requested is acted upon:
- 1) The subject parcel of land cannot be used for any permitted use allowed within the district in which it is located because of a reason peculiar to the parcel in question and not applicable to the areas as a whole;
  - 2) The use proposed is the minimum variance necessary in order to allow a reasonable use of the property; and
  - 3) This use will not impair the essential existing character of the area nor conflict with the general purpose and intent of these Zoning Regulations.
- 20.2.4 In granting any variance under Section 20.2, the Board may attach such additional conditions and safeguards as are deemed necessary to protect the neighborhood, such as but not limited to the following:
- a. Requirement of front, side or rear yard, greater than the minimum required by these Zoning Regulations;
  - b. Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting or other devices, as specified by the Board;
  - c. Modification of the exterior features or appearance of any structure, where necessary, to preserve property values;
  - d. Limitation of size, number of occupants, method or time of operation or extent of facilities;
  - e. Regulation of number, design and location of access drives or other traffic features;
  - f. Requirement of off-street parking or other special features beyond the minimum required by these Zoning Regulations or other applicable codes or regulations.
- 20.2.5 Failure to comply with any such condition or safeguard shall constitute a violation of these Zoning Regulations.

20.3 NOTICE TO CONTIGUOUS MUNICIPALITIES

Whenever the Zoning Board of Appeals has before it for consideration an application for a variance in the use of property any portion of which lies within five hundred (500) feet of the boundaries between the Noank Fire District and the jurisdiction of the Town of Groton Zoning Commission, and/or Groton Long Point Association, notification in writing of the fact of such application and of the date fixed by it for such hearing shall be forwarded to the Town Clerk, Planning and Zoning Commission of the Town of Groton or the Clerk of the Groton Long Point Association at least one week prior to such hearing.

20.4 APPLICATION FOR VARIANCES

Application for a variance shall be made on a form provided by the Zoning Enforcement Officer indicating the property in question, the Section or Sections of the Zoning Regulations which are requested to be varied, the reason for the requested variance and the nature of the unusual hardships and exceptional difficulty existing with regard to the property involved. Such application shall be delivered to the Zoning Enforcement Officer. In addition, all variance requests shall be accompanied by a map and list showing the subject property and all adjacent property owners within one hundred fifty (150) feet of all boundaries of the subject property and a sketch showing the existing and proposed conditions on the subject property.

20.5 NOTIFICATION OF ADJACENT PROPERTY OWNERS

The applicant shall prepare a list of names and addresses of owners of all properties within the area which is the subject of the application and of all properties one hundred fifty (150) feet or less distant therefrom, all as shown on the latest grand list of the Town of Groton in the Assessor's Office (or the actual owners of record if otherwise known to the applicant). The applicant shall mail notification of said pending application to at least one (1) owner of each such property not more than thirty (30) days or less than ten (10) days before the date set for the public hearing, by transmitting the text of the public hearing notice. Evidence of such mailing shall be submitted, with the aforementioned list, in the form of United States Post Office Certificates of Mailing to the Zoning Enforcement Officer at least two (2) days prior to the hearing.

20.6 FEES

An application fee in the amount of \$35.00 shall accompany each variance application. Such fee shall be paid by check or money order payable to the order of the Treasurer of the Noank Fire District and shall defray the costs of the publication of required legal notices. Such fee shall be non-refundable. Furthermore, if the actual costs of legal advertising is found to be more than the application fee, the applicant shall pay such additional money as may be required to cover all legal advertising costs to the Noank Fire District prior to the Board's taking action on the applicant's request.

Section 21 – Amendments

21.1 GENERAL

These regulations and the boundaries of zoning districts established hereunder may from time to time be amended or changed by the Commission in accordance with the provisions of Chapter 124, Section 8-3, of the Connecticut General Statutes, revision of 1948, as amended.

21.2 APPLICATION

Any individual, firm or party owning land within the Noank Fire District may petition in writing for a change or amendment of these Regulations. Such petition shall be delivered to the Zoning Enforcement Officer. A request for a change in Zoning district boundaries shall be accompanied by a plan drawn to scale showing the area of the lots included in such proposed change and designating the record owner or owners of said lots and of all adjacent lots within 500 feet from the boundary of the area subject to the zone change request. Such applications shall also contain an accurate description by metes and bounds, of the lots included in such proposed change and shall further contain a statement of the reasons why such change is sought.

21.3 NOTIFICATION OF ADJACENT PROPERTY OWNERS

The applicant shall prepare a list of names and addresses of owners of all properties within the area which is the subject of the application and of all properties 500 feet or less distant therefrom, all as shown on the latest grand list of the Town of Groton in the Assessor's office (or the actual owners of record if otherwise known to the applicant).

The applicant shall mail notifications of said pending application to at least one owner of each such property not more than 30 days or less than ten days before the date set for the public hearing, by transmitting the text of the public hearing notice. Evidence of such mailing shall be submitted, with the aforementioned list, in the form of United States Post Office Certificates of Mailing to the Zoning Enforcement Officer at least two days prior to the hearing date.

The provisions of this section shall not apply in the case of re-zoning initiated by the Noank Zoning Commission.

## Section 22 – Validity and Effectiveness

- 22.1 Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
- 22.2 These Regulations shall become effective June 1, 2022.

Section 23 – Telecommunication Facilities (Effective 5/4/2001)

23.1 GENERAL PURPOSE

The purpose of this Regulation is to provide for the location of wireless telecommunication towers and antennae; reducing adverse visual effect through careful design, siting and vegetative screening; and to minimize the number of towers by design, siting and vegetative screening; and to minimize the number of towers by encouraging shared use or joint use where practical. These Regulations are consistent with the Federal Communication Act of 1996 in that they do not discriminate among providers of functionally equivalent services, prohibit or act to prohibit the provision of personal wireless services or regulate the placement and construction of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with FCC regulations regarding such emissions.

Except for the location and height of tower/antennae, this Regulation does not regulate any aspect of licensed amateur radio (under FCC 47 CFR 97) and small business communications.

Should jurisdiction over the siting of telecommunication towers or facilities fall outside of the Noank Fire District, a Public Hearing shall be held in accordance with state statutes and Noank Fire District Zoning Regulations. The record of the Public Hearing and the findings of the Noank Fire District Zoning Commission shall be forwarded to the Connecticut Siting Council or other appropriate agency (ies) of the jurisdiction.

Telecommunication towers are permitted in all zones subject to the approval of a Special Exception and site plan approval. A Special Exception shall be granted if the conditions of Section 12, Section 15 where applicable, and the following are satisfied.

Telecommunication antennae and facilities are permitted in all Zoning Districts subject to site plan approval and the following conditions:

23.2 GENERAL STANDARDS

To discourage the proliferation of telecommunication towers, shared use of tower structures is both permitted and encouraged. Placement of more than one tower on a lot may be permitted if all setbacks, design, and landscape requirements are met for each tower. Applications for new towers shall be accompanied by documentation that no existing or planned tower or other structure can accommodate the applicant's tower or transmitter. The applicant shall include documentation regarding the availability of any existing or approved telecommunication towers or other non-residential structures within the transmission area that meets the needs of the applicant.

It is a condition of any Special Exception issued under this Regulation that the permit holder shall submit an affidavit assuring good faith in allowing other providers to share space or co-locate on the site, provided that such shared use does not impair the technical level or quality of service. In the event that dispute arises as to whether the permit holder has exercised good faith in accommodating other users, the Noank Fire District may require a third party technical study at the expense of either or both the permit holder and the applicant.

23.2.2 Applications involving the co-location of antennae on existing telecommunication towers are exempt from the need for a Special Exception and shall only be subject to site plan approval from the Zoning Commission.

- 23.2.3 Telecommunication towers are prohibited from being within or degrading scenic view areas as identified on a map in the Town of Groton Plan of Conservation and Development. In addition, the Noank Fire District through the Zoning Commission, with assistance from the Connecticut Siting Council, may seek to develop a siting plan for future location of new facilities.
- 23.2.4 The lot on which a new telecommunication tower is constructed shall meet the minimum lot area requirements for the underlying zone.
- 23.2.5 The tower and/or antennae shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunication facility. Documentation of the minimum height needed, prepared by a professional telecommunication systems engineer, shall accompany the application for Special Exception. Such documentation may include propagation modeling and/or test results.
- 23.2.6 All new structures shall meet the setback requirements of the respective zones or be set back from all property lines a distance equal to the height of the structure, whichever is greater. Guy anchors shall meet the setback requirements of the respective zone. A fall zone clear of utilities and structures other than the applicant's accessory equipment, structures and sheds within the proposed site, shall be provided.
- 23.2.7 Towers and antennae shall be a subdued, non-reflective color which shall blend in with all surroundings.
- 23.2.8 Landscape buffers shall be required around the perimeter of all structures, including guy anchors. Such landscape buffers shall include evergreen trees of sufficient height and planted at sufficient distance to provide visual buffering as determined during the site plan approval process.
- 23.2.9 Signal lights or illumination shall not be permitted unless required by the Federal Communication Commission or the Federal Aviation Commission.
- 23.2.10 No advertising or signage, other than warning signs, is permitted on any tower.
- 23.2.11 All unused telecommunication towers shall be removed within 12 months after cessation of use. As a condition of site plan approval, the Zoning Commission may require a bond to insure removal of abandoned towers.
- 23.2.12 No new or existing telecommunication service shall interfere with public safety telecommunications or with any existing television or radio signal. All applications for facilities under this Regulation shall be accompanied by a study which provides technical evaluation of existing and proposed transmissions including EMF transmissions and indicates all potential interference problems.
- 23.2.13 Satellite dishes under 3 feet in diameter are exempt from the Regulation when ground mounted.
- 23.2.14 The entry road and surrounding area of the facility and/or tower site must allow sufficient room for approach and deployment of fire and rescue apparatus. In addition, the following minimum requirements shall be provided for:
1. Road service able to accommodate a vehicle of at least 60,000 pounds gross vehicle weight.
  2. Grade not to exceed 8%.
  3. A minimum vertical clearance of 12 feet.

### 23.3 SITING PREFERENCES

Siting preferences are listed in order of preference:

1. On existing approved towers.
2. On existing structures such as non-residential building/facades, utility poles, steeples, clock or bell towers, silos and water towers.
3. On new towers located on property occupied by one or more existing towers. The applicant must demonstrate that existing towers could not be replaced and/or updated to avoid an increase in the number of towers on any one site unless the Zoning Commission determines that additional towers could be more appropriate to the site.
4. On new towers located in Commercial Zones.
5. On non-residential structures in Residential Zones.
6. On residential structures in Residential Zones.

### 23.4 LOCATION STANDARDS FOR WIRELESS TELECOMMUNICATION

23.4.1 Wireless telecommunication facilities where a new tower is located on property occupied by one or more towers erected prior to the effective date of these Telecommunication Zoning Amendments:

1. All attempts shall be made to co-locate the antennae on existing towers.
2. Tower height shall be site specific and of the minimum height necessary to meet technical transmission requirements.
3. New equipment structures and buildings shall meet all applicable requirements of the Noank Fire District Zoning Regulations with the exception of Section 2.10b.
4. The Zoning Commission may require independent engineering or technical review of submitted materials at the applicant's expense.

23.4.2 Wireless communication facilities in a Commercial Zone where the existing topography, vegetation, building or other structures provide appropriate buffering:

1. All attempts shall be made to co-locate the antennae on existing towers, buildings, or structures.
2. Equipment structures and sheds shall meet all applicable requirements of the Noank Fire District Zoning Regulations with the exception of Section 2.10b.
3. All attempts shall be made to mitigate adverse visual impacts on surrounding residential areas.

23.4.3 Wireless telecommunication facilities in a Residential Zone:

1. All attempts shall be made to co-locate the antennae on existing towers, buildings or structures outside of residential areas. The application shall be accompanied by documentation prepared by a radio engineer that no other existing or planned tower or structure can accommodate the applicant's antennae. If tall structures exist within ¼ mile radius of the proposed site, documentation shall be provided that the owners of these locations have been contacted and have denied permission to install the antennae on these structures for other than economic reasons.
2. Equipment structures and sheds shall meet all applicable requirements of the Noank Fire District Zoning Regulations with the exception of Section 2.10b.

23.5 PLACEMENT STANDARDS FOR WIRELESS TELECOMMUNICATION

Wireless communications may be located as specified below provided the following standards are met:

23.5.1 Wireless communication facilities where the antennae are mounted on the rooftop or façade of a non-residential building, provided the following standards are met:

1. No change is made to the height of a building.
2. Panel antennae shall be of the smallest dimensions necessary and documentation shall be provided confirming this. Dish antennae shall not exceed 36 inches in diameter. Whip antennae shall not exceed 25 feet in length and shall not exceed the height of the existing structure unless the Zoning Commission determines that it would be appropriate due to the nature of the structure and its location.
3. Equipment structure and sheds shall meet all applicable requirements of the Noank Fire District Zoning Regulations with the exception of Section 2.10b.
4. Facilities shall be of a material or color matching the exterior of the building and shall blend into existing architecture to the extent possible.

23.5.2 Wireless communication facilities where the antennae are mounted on an existing residential structure:

1. Every effort shall be made to minimize the visual impact of telecommunications equipment on residential structures including the use of [RF] screening materials.
2. Shall meet the requirement of Section 23.5.1 of these regulations.

23.6 ACCESSORY FACILITIES, BUILDINGS AND STRUCTURES

All accessory facilities, buildings and structures associated with wireless telecommunication facilities shall comply with the following:

23.6.1 Within Residential Zones, the accessory building shall be as small as possible and shall have a roof line characteristic of other buildings in the vicinity. Only one building per facility is allowed in Residential Zones.

23.6.2 Each building shall comply with setback requirements, as well as other applicable zoning requirements for accessory buildings for the Zoning District in which it is located, with the exception of Section 2.10b.

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

23.6.4 All ground level buildings, boxes or structures shall be surrounded by a six-foot fence of materials appropriate to the zone. All landscaping shall be maintained.

23.7 SITE PLAN REQUIREMENTS

A full site plan review shall be required of all applications for a telecommunication facility pursuant to Section 12 of the Noank Fire District Zoning Regulations. In addition, a State of Connecticut licensed engineer must submit all plans. The following information shall be submitted for each application where applicable. The Zoning Commission may require independent engineering or technical review of submitted materials at the applicant's expense.

1. A map indicating the extent of the provider's existing and planned coverage within the Noank Fire District and a map indicating the search radius for the proposed wireless



- telecommunications site, identifying the location of potential site locations on existing structures within one mile of the proposed site.
2. A report from the applicant indicating why the proposed site location is necessary to satisfy its function in the applicant's proposed wireless telecommunications system and why at least one alternate site within one mile is not suitable.
  3. A scaled plan and elevation drawing showing where and how the proposed antennae and mounting supports will be affixed to a particular building or structure.
  4. A detailed list of all antennae and mounting supports indicating size and color.
  5. Elevations of all proposed visual screening and fencing and details of materials indicating color.
  6. Elevations of all proposed equipment buildings, enclosures and structures.
  7. Design plans and tower base elevation showing the height and fall circles of all towers.
  8. A description of the tower capacity, including the number and type of antennae it can accommodate as well as the proposed location of all mounting positions for co-located antennae and minimum separating distances.
  9. A signed statement from the licensed radio engineer indicating that the proposed wireless telecommunications facility will comply with FCC radio frequency emission standards and will be operated in accordance with the owner's FCC license and FAA requirements.
  10. All proposed landscaping with a list of all materials.
  11. Proposed access to the site.
  12. Proximity of the site to residential structures.
  13. Nature of uses on adjacent and nearby properties.
  14. Surrounding topography with 1,000 feet at contour intervals not exceeding 10 feet.
  15. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
  16. A visual analysis showing all areas from which the tower would be visible and, if requested by the Zoning Commission, a determination of the visual impacts associated with the proposal. This visual analysis should include a simulation (using a balloon or computer generated landscape view from each octant of the compass) of the tower's appearance during the winter months from the furthest extent of the tower's visibility from the perimeter of the Noank Fire District.
  17. The Zoning Commission reserves the right to make its own assessment of visual impact of any tower or structure and further identify any additional sight lines.

### 23.8 APPLICATION REVIEW STANDARDS

In addition to other appropriate review standards found in these Regulations, the Zoning Commission, in reviewing applications for wireless telecommunication facilities, shall consider:

1. Detailed analysis of alternative sites, structures, antennae and access as provided by the applicant. Particular attention will be placed upon the siting preferences found in Section 23.3 of these Regulations.
2. Detailed propagation and antenna separation analysis relative to tower height.

3. Tower sharing or co-location to facilitate the telecommunication needs of municipalities, emergency services, and other entities in order to reduce the need to construct additional towers. The Zoning Commission reserves the right to require the applicant to utilize the provisions of Section 16-50aa of the State of Connecticut General Statutes to achieve tower sharing.
4. Assessment of tower structure type.
5. Design characteristics/architectural treatments that mitigate, reduce or eliminate visual impacts on surrounding areas.
6. If located on a property of important historic and/or architectural character, consideration shall be made of the preservation of such character.
7. Future use or re-use of the site with provisions for facility removal and site restoration if the towers or antennae are no longer used.

Section 24 – SOLAR PANEL SYSTEMS (Added 7/25/2018)

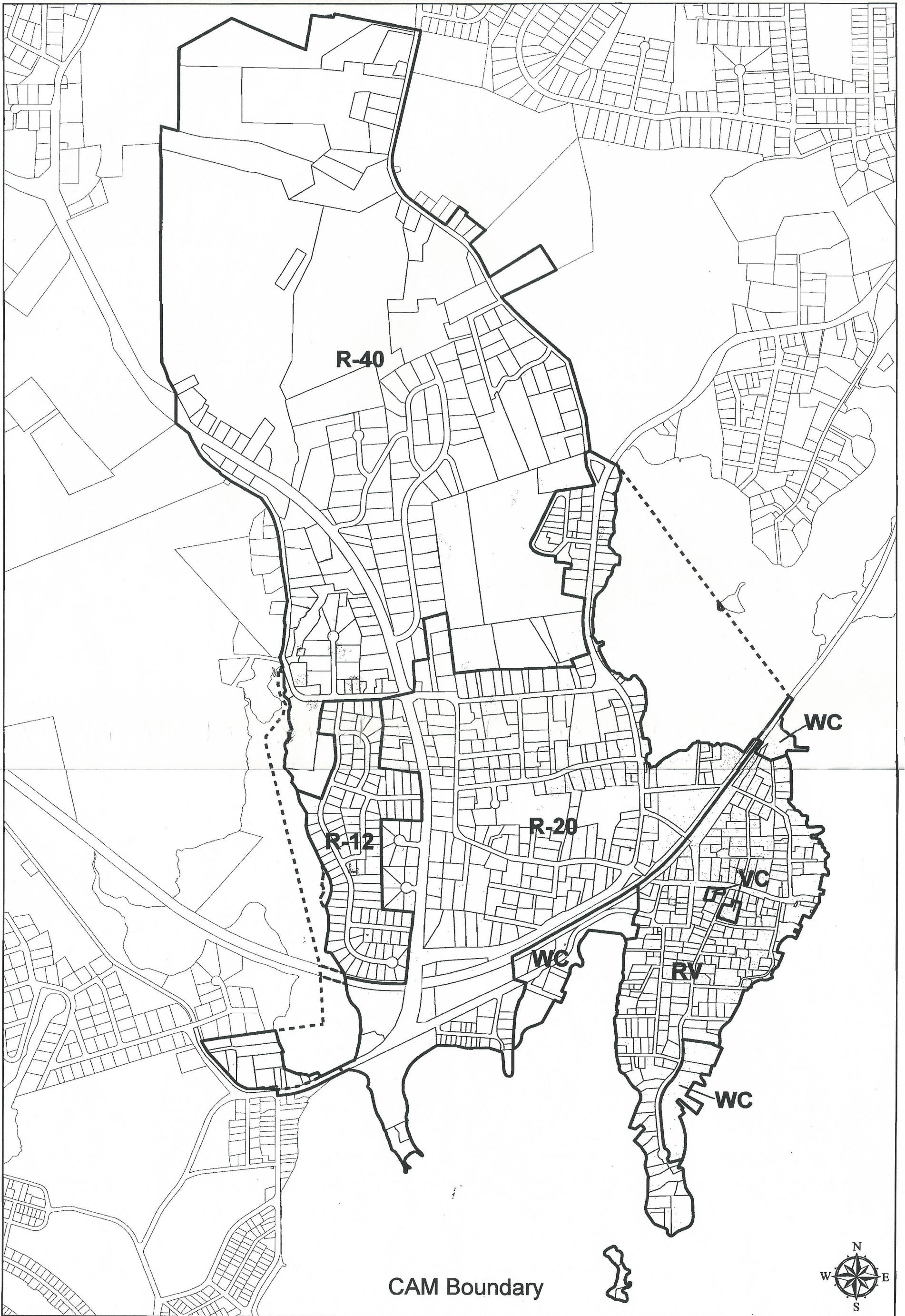
- 24.1 The color of the trim work on the roof-mounted solar panel system should be as compatible as possible with the predominant color of the roof material to limit visibility. Likewise, any portion of the system which is attached to the exterior walls of the building or structure should be compatible with the predominant color of the exterior wall(s) to which it attaches. Roof-mounted or roof-integrated solar panel systems should not alter significant or character-defining features of the principal or accessory structure, such as altering existing roof lines or dormers.
- 24.2 Permissible Zoning Districts – Roof-mounted solar panel systems and roof-integrated solar panel systems are permissible in all zoning districts to support any lawfully permitted principal use on the same lot upon application and approval of design review pursuant to Section 2.26.6 of these regulations, and upon issuance of the proper permit pursuant to Section 19.3 of these regulations and upon compliance with all requirements of this section and as elsewhere specified in these regulations.
- 24.3 Location Within a Lot – Roof-mounted solar panel systems and roof-integrated solar panel systems are permitted to face any rear, side or front yard and may only be mounted on lawfully constructed principal or accessory structures and shall not extend beyond the edges of the roof on which they are mounted or integrated.
- 24.4 Height Restrictions – Roof-mounted solar panel systems shall be mounted at an angle which is parallel to and as close to the adjacent roof slope as possible, consistent with the existing technology. The height of the solar panel system contributes to the total height of the structure.
- 24.5 Application Requirements – Design Review – In order to properly evaluate the appropriateness of a solar panel system, the Zoning Commission shall require that an accurate depiction of the design, including its color, be presented and that the depiction be to scale. Unless waived by the commission, the following information must be included in the application for solar panel systems:
- a. A plan accurately showing the location where the solar panels will be mounted, which accurately indicates all dimensions of the solar panels;
  - b. A cut sheet or manufacturer’s specification sheet accurately depicting the solar panel system or picture depicting the type of panel to be installed;
  - c. A photograph of that panel-type as installed on a similar structure; and
  - d. All requirements of Section 2.26 of these regulations must be adhered to.

## REVISIONS

Section	Description	Effective Date
	Purpose	01/01/1990
2.3	Required Frontage and Access	01/01/1990
2.7a	Height Limitations	03/30/2012
2.7a	Height Limitations	01/01/1990
2.7a	Height Limitations	05/04/2001
2.7b	Height Limitations	07/19/2016
2.7c	Height Limitations	10/25/2014
2.7c	Height Limitations	03/03/2012
2.10	Accessory Buildings	10/21/2003
2.11	More Than One Dwelling on a Lot	01/01/1990
2.12	Existing Non-Conforming Lots	01/01/1990
2.13	Conversion of Dwelling Units	10/21/2003, 06/01/2022
2.15	Limitations on Permitted Home Occupation Uses	11/04/1992
2.23	Prohibited Uses	07/18/2011, 06/01/2022
2.25	Subdivision Approval	01/01/1990, 06/01/2022
2.26	Architectural Design, Added in WC and VC Districts	03/21/2015
2.26	Architectural Design, Added Solar Panel Systems	07/25/2018
2.26.1	Design Review Requirements	03/30/2012
2.26.1	Design Review Requirements	06/20/2013
2.26.3	Design Review Criteria	06/20/2013
2.26.3.10	Relationship to Environmental Setting	06/01/2022
2.26.4	Modification	06/20/2013
2.26.5	Special Criteria for Exterior Renovations...	06/20/2013
2.26.6	Design Review Procedure	06/20/2013
2.26.6.2	Administrative Design Review	01/29/2008
2.26.6.2	Solar Panel Systems Approval by ZEO	08/18/2020
2.26.6.3	Application for Design Review	03/28/2018
2.26.6.4	Receipt and Review of Application	04/15/2014
2.26.7	Posting of Property	06/20/2013, 06/01/2022
2.26.8	Side Yard Additions	03/30/2012
2.26.8	Side Yard Additions	06/20/2013
2.28	Buffer Strip for Public Open Space Areas	01/01/1990
2.29	Buffer Strip for Cemeteries	01/01/1990
2.30	Required Fire Protection Measures, Text Removed	01/01/1990
2.30	Required Fire Protection Measures, Text Removed	05/26/2015
2.30	Cannabis Establishments	06/01/2022
3.1	RV, Village Residential District - General	01/01/1990
3.2.2	Special Exceptions (Religious...)	01/01/1990
3.4	Minimum Setbacks	03/30/2012, 06/01/2022
3.5	Lot Coverage, Maximum	03/13/2013
4.1	R-12, Moderate Density Residential District, General	01/01/1990
4.4	Minimum Setbacks	06/01/2022
5.1	R-20, Low Density Residential District, General	01/01/1990
5.1.2	Repealed, Parks and Playgrounds	03/22/2011
5.2.1	R-20, Special Exceptions, Religious...	01/01/1990
5.2.8	Special Exceptions, Added Parks and Playgrounds	03/22/2011
5.4	Minimum Setbacks	06/01/2022
6.2.1	R-40, Special Exceptions, Religious...	01/01/1990
6.4	Minimum Setbacks	06/01/2022
7.1.17	VC, Added Retail Bakery	01/01/1990
7.2.1	Special Exceptions, Religious...	01/01/1990
7.4	Minimum Setbacks	06/01/2022
7.6	Buffer Requirements	01/01/1990

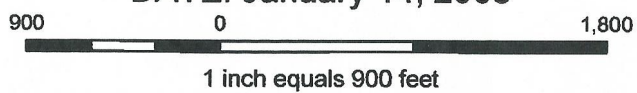
8.2.4	WC, Special Exceptions, Self Service Storage Facilities	01/18/2003
8.4	Minimum Setbacks	06/01/2022
8.6	Buffer and Landscape Requirements	06/01/2022
8.7.1	Off-Street Parking	10/21/2003
9.1.1	Off-Street Parking for Dwelling Units	11/04/1992
9.1.5	Off-Street Parking for Restaurants	01/01/1990
9.1.7	Off-Street Parking for Libraries, Museums, Etc.	01/01/1990
9.1.8	Off-Street Parking for Research Laboratories	01/01/1990
9.1.11	Off-Street Parking for a Ferry Service	10/21/2003
9.1.14	Off-Street Parking for Self Service Storage Facilities	01/18/2000
9.3	Location of Required Parking Facilities	10/21/2003
9.10	Landscaping	01/01/1990
11	Site Plans	01/01/1990
11.2	Requirements for a Site Plan	06/01/2022
11.6.4	Site Plan Specifications	06/01/2022
11.7	Approval of a Site Plan	12/15/1998
12	Special Exceptions	01/01/1990
12.2	Application for Special Exceptions	02/19/2002
12.2	Application for Special Exceptions	03/28/2018
12.4	Site Plan Requirements	06/01/2022
13.7	Establishment of Non-Conforming Use	01/01/1985
13.7	Establishment of Non-Conforming Use, Renumbered	02/19/2002
15	Environmental Protection	01/01/1990
15.1	Coastal Area Management	06/01/2022
15.2	Flood Protection, Adopted	08/20/1980
15.2	Flood Protection	01/01/1990
15.2	Flood Protection (Many Changes in this Amendment)	07/18/2011
15.2.12	Manufactured Homes	06/01/2022
15.2	Flood Protection	08/05/2013
16	Fees	01/01/1990
16	Fees	03/18/2003
18.2.1	Accessory Building	01/01/1990
18.2.3	Base Flood	07/18/2011
18.2.4	Base Flood Elevation	07/18/2011
18.2.5	Basement	07/18/2011
18.2.9	Breakaway Wall	07/18/2011
18.2.19	Coastal High Hazard Area	07/18/2011
18.2.22	Development	07/18/2011
18.2.26	Existing Manufactured Home Park or Subdivision	07/18/2011
18.2.27	Expansion to an Existing Manufactured Home Park...	07/18/2011
18.2.29	Federal Emergency Management Agency	07/18/2011
18.2.30	Ferry Service	10/21/2003
18.2.32	Flood or Flooding	07/18/2011
18.2.33	Flood Insurance Rate Map	07/18/2011
18.2.34	Flood Insurance Study	07/18/2011
18.2.35	Floodway	07/18/2011
18.2.37	Functionally Dependent Use or Facility	07/18/2011
18.2.39	Historic Structure	07/18/2011
18.2.40	Home Occupancy, Customary	11/04/1992
18.2.45	Launch Service	10/21/2003
18.2.48	Lot Coverage	03/30/2012
18.2.48	Lot Coverage	04/23/2013
18.2.59	Lowest Floor	07/18/2011
18.2.60	Manufactured Home	07/18/2011, 06/01/2022
18.2.61	Manufactured Home Park or Subdivision	07/18/2011
18.2.63	Mean Sea Level	07/18/2011, 06/01/2022
18.2.66	New Construction	07/18/2011

18.2.67	New Manufactured Home Park or Subdivision	07/18/2011
18.2.75	Recreational Vehicle	07/18/2011
18.2.77	Sand Dunes	07/18/2011
18.2.78	Self Service Storage Facility	01/18/2000
18.2.81	Special Flood Hazard Area	07/18/2011
18.2.82	Start of Construction	07/18/2011
18.2.85	Substantial Damage	07/18/2011
18.2.86	Structure	07/18/2011
18.2.87	Structural Footprint	03/30/2012
18.2.88	Substantial Improvement	07/18/2011
18.2.88	Substantial Improvement	08/05/2013, 06/01/2022
18.2.89	Telecommunication Facilities	05/04/2001
18.2.90	Telecommunication Tower	05/04/2001
18.2.92	Temporary Structure	01/01/1990, 06/01/2022
18.2.95	Violation	07/18/2011
18.2.96	Water Surface Elevation	07/18/2011
18.2.101	Yard, Side	04/23/2013
18.2.103	Solar Panel System	07/25/2018
18.2.104	Roof Mounted Solar Panel System	07/25/2018
18.2.105	Roof-Integrated Solar Panel System	07/25/2018
19.2	Enforcement	02/21/1996
19.2.1	Violation and Penalty	01/01/1990
23	Telecommunication Facilities	05/04/2001
24	Solar Panel Systems	07/25/2018



# Noank Zoning Map

DATE: January 14, 2008



**Disclaimer:**  
The planimetric and topographic information depicted on this map was compiled by EarthData International based on an aerial flight performed in April 1999. Limited planimetric features have been updated by the Town of Groton's GIS staff based on an aerial flight performed by the Groton Map Company in April 2004. The parcel and property line information depicted has been compiled from recorded deeds, maps, assessor records, and other sources of information in the Town of Groton. The intent of this map is to depict a graphical representation of real property information relative to the planimetric features for the Town of Groton and is subject to change as a more accurate survey may disclose. The Town of Groton and the mapping companies assume no legal responsibility for the information contained in this data.  
**THIS MAP IS NOT TO BE USED FOR THE TRANSFER OF PROPERTY.**

Horizontal Datum:  
Connecticut State Plane Coordinates, North American Datum of 1983 (NAD83 Feet).

Vertical Datum:  
National Geodetic Vertical Datum of 1929 (NGVD29).