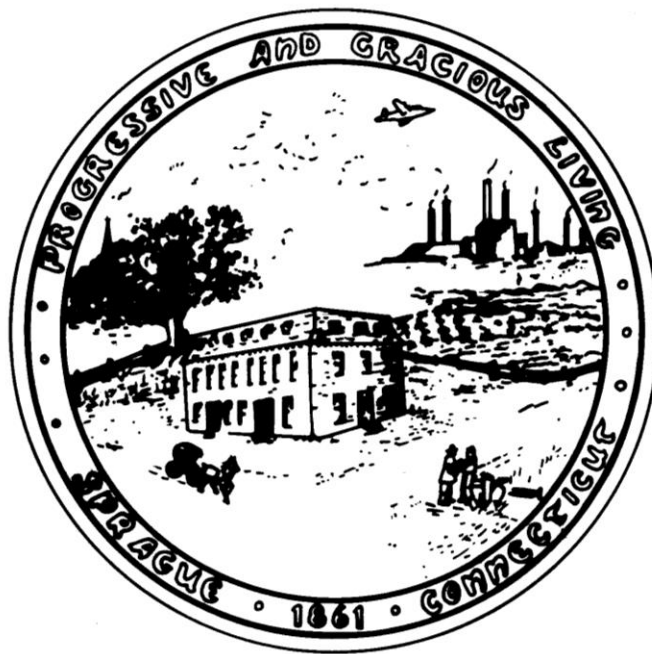


ZONING REGULATIONS

SPRAGUE, CONNECTICUT



SPRAGUE PLANNING AND ZONING COMMISSION

FEBRUARY 1, 2016

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SECTION 1 - PURPOSE, AUTHORITY, TITLE

1.1 **Purpose.** These Regulations are enacted for the purpose of promoting the health, safety, and general welfare of the community; of lessening congestion in the streets; of providing adequate light and air; of preventing overcrowding of land and avoiding undue concentration of population; of facilitating adequate provision for transportation, water, sewerage, schools, parks, and other public requirements; of conserving the value of buildings and encouraging the most appropriate use of the land throughout the Town in accordance with a comprehensive plan as represented by these Regulations and with reasonable consideration of the character of the area and its special suitability for particular uses.

1.2 **Authority.** These Regulations are prepared, adopted and administered by the Planning and Zoning Commission of the Town of Sprague under the authority granted by Chapter 124 of the Connecticut General Statutes.

1.3 **Title.** These Regulations shall be known as the Zoning Regulations of the Town of Sprague, Connecticut, and are herein referred to as "these Regulations."

SECTION 2 - DEFINITIONS

2.1 For the purpose of these Regulations, certain terms or words shall be defined as follows: words in the present tense include the future and words in the singular number include the plural and vice versa. The word "person" includes a partnership or corporation, and the word "used" means designed, intended or modified for use.

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

2.1.2 **Accessory Apartment:** An arrangement within a single-family dwelling for a set of rooms to be used as a separate living facility where family members related by birth, marriage, or legal adoption can reside in privacy and independence while still being close to relatives.

2.1.3 **Accessory Dwelling, Detached:** An individual *dwelling unit* incidental and subordinate to a principal single or two-family dwelling, being located within an existing detached *accessory building* upon the same lot as such principal single or two family dwelling.

2.1.4 **Bed and Breakfast Inn:** An accessory use of an owner-occupied residential building, having guest rooms, without their own separate kitchen facilities, for the over-night use of transients. The inn may provide breakfasts to guests, but no other meals.

2.1.5 **Building**: Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, poultry or materials. Any other structure, including an accessory structure to a permitted use, and including fences and walls, any of which are more than eight feet high, shall be considered as buildings. Flagpoles, public utility poles and bridges are not considered buildings.

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

2.1.7 **Building Line**: A line parallel to the abutting street at a distance equal to or greater than the minimum front yard setback.

2.1.8 **Camper-Recreational Vehicle Unit**: A self-propelled or portable unit, such as a camper bus, travel trailer, truck-mounted camper or other similar unit, originally designed and constructed or redesigned and reconstructed for recreation or other shelter for one or more persons.

2.1.9 **Child Day Care Center**: A facility which offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis for a part of the twenty-four hours in one or more days in the week.

2.1.10 **Cogeneration Activity**: Buildings, storage areas, equipment, disposal sites for particulate matter derived from the combustion of fuels and/or other related activities associated with the sequential production of electricity and useful thermal energy for industrial and commercial purposes. Methods of production of said electricity and useful thermal energy shall include, but not be limited to, exhaust steam, waste steam, heat or resultant energy from an industrial, commercial or manufacturing plant to process or from a thermal power plant for an industrial, commercial or manufacturing plant or process. The electricity or useful thermal energy so produced may be consumed on the premises or transmitted by wires or pipes for consumption off of the premises.

2.1.11 **Commission**: The Planning and Zoning Commission of the Town of Sprague.

2.1.12 **County Soil and Water Conservation District**: The New London County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.

2.1.13 **Disturbed Area**: An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

2.1.14 **Dwelling, Multi-family**: A building intended for, or occupied exclusively as, a residence for three or more families living independently.

2.1.15 **Dwelling, Single-family**: A building, other than a mobile home, designed for and occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building. Where a private garage is structurally attached to such building, it shall be considered as a part thereof.

2.1.16 **Dwelling, Two-family**: A building intended for, or occupied exclusively as, a residence for two families living independently.

2.1.17 **Dwelling Unit or Residence**: A building or a portion of a building intended for, or used for, human habitation by one family. This includes, but is not limited to, any building or a portion of a building containing a kitchen area, potential living and sleeping area, a full bathroom containing a water closet, sink, and tub or shower.

2.1.18 **Elderly Housing Development (EHD)**: A building or group of buildings providing housing specifically designed for use by the elderly, in locations and under conditions that consider the special health, safety, and general welfare needs of that element of the population. Persons eligible to reside in elderly housing shall be restricted to the following:

- 1.) A person fifty-five (55) years of age or older as occupant. [an “Age-Qualified Occupant”]
- 2.) A cohabitant with an Age-Qualified Occupant.
- 3.) A cohabitant to an Age-Qualified Occupant who survives the Age-Qualified Occupant.
- 4.) A cohabitant pursuant to an Age-Qualified Occupant where the Age-Qualified Occupant has entered into a long-term continuing care facility.
- 5.) No individual under the age of 18 may be domiciled within the EHD provided that the Commission may permit for extenuating circumstances, a person under the age of eighteen (18) to be domiciled in the EHD. Extenuating circumstances is interpreted to mean, but not limited to, a death in a family whereby a grandparent(s) assumes legal guardianship or custody of a grandchild or grandchildren.

2.1.18A **Elderly Housing Development Parcel (EHDP)**: Shall mean a single contiguous tract of land, designed for development of elderly housing.

2.1.19 **Erosion**: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

2.1.20 **Excavation**: The removal from and/or processing on any land premises within the Town of Sprague of earth, sand, gravel, clay, quarry stone or other natural earth products in excess of 100 cubic yards in a single calendar year, except as surplus material resulting from a bona fide construction, landscape or agricultural operation being conducted on the premises, and provided that no permanent damage is done to the landscape. The Planning and Zoning Commission, in its sole discretion, shall determine what constitutes a bona fide construction, landscape or agricultural operation.

2.1.21 **Family:** One or more persons occupying a dwelling unit, provided that unless all members are related by birth, marriage, or legal adoption, no such family shall contain over three (3) persons.

2.1.22 **Family Day Care Home:** A facility which consists of a private family home caring for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period and where care is given on a regularly recurring basis.

2.1.23 **Farm and Agriculture:** Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits or vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoophouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands.

2.1.24 **Farm Winery:** Any place or premises, located on a farm in which wine is manufactured and sold. Such wine shall include any alcoholic beverages, including brandy, obtained by the fermentation of the natural sugar content of fruits, such as grapes or apples.

2.1.25 **Floor Area:** Any enclosed portion of a dwelling with a finished ceiling to floor height of not less than seven (7) feet, excluding any area above the first floor unless it is accessible by an enclosed permanent stairway, and excluding cellar, basement, porch, garage, and utility areas and areas in an accessory building. In the case of the "raised ranch" style of dwelling, the floor(s) below the principal floor, wholly or partly below the finished grade, shall not be counted as part of the floor area.

2.1.26 **Group Day Care Home**: A facility which offers or provides a program of supplementary care to not less than seven nor more than twelve related or unrelated children on a regular basis for a part of the twenty-four hours in one or more days in the week.

2.1.27 **Home Occupation**: A use which is customarily and may properly be carried on for compensation within a dwelling or in another previously existing building located on the same lot with a dwelling which meets the requirements of Section 15.16 of these Regulations.

2.1.28 **Junkyard**: Any property or portion thereof used for the outside storage, keeping or abandonment of worked out, cast-off, or discarded articles or materials ready for destruction or collected or stored for salvage or conversion to some use. For purposes of these Regulations, the term junkyard shall be defined to include motor vehicle junk business and motor vehicle junkyard as defined in Section 14-67 of the General Statutes of Connecticut and junk dealer and junkyard as defined in Section 21-9 of the General Statutes of Connecticut.

2.1.29 **Kenel**: An establishment in which four (4) or more dogs or domesticated animals more than six months old are groomed, bred, boarded, trained, sold, or kept for medical attention.

2.1.30 **Kitchen**: An area intended or used for food storage and preparation including an area designed to be used as, or having a sink, a stove, a refrigerator, and cabinets and countertops.

2.1.31 **Lot**: A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incident to it, including frontage, area, and such open spaces as are required by these Regulations. In the case of multi-family dwellings and public, institutional, educational, recreational, commercial and industrial buildings, a group of buildings under the same ownership may be considered as occupying the same lot.

2.1.32 **Lot Depth**: The average distance from the front lot line to the rear lot line.

2.1.33 **Lot Frontage**: The distance between lot sidelines measured along the front lot line. In the case of lots having frontage on or adjacent to a street curve, required lot frontage shall be measured at the building line on such lots.

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

2.1.35 **Lot Line, Front**: In the case of a lot abutting upon only one street, the line separating the lot from the street; in the case of any other lot, the owner shall, for the purpose of this regulation, have the privilege of electing any street lot line as the front lot line.

2.1.36 **Lot Line, Rear**: The lot line which is generally opposite the front lot line; if the rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the

lot line shall be deemed to be a line parallel to the front lot line not less than ten (10) feet long, lying wholly within the lot and farthest from the front lot line.

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

2.1.38 **Lot Width**: The linear distance between side lot lines measured parallel to the front lot line at the building line.

2.1.39 **Mobile Home**: A one family dwelling of vehicular portable design built on a chassis and designed to be moved from one site to another and includes camper-recreational units.

2.1.40 **Mobile Home Park**: A tract or parcel of land on which one or more mobile homes are placed, whether occupied or not, and regardless of whether or not a charge is made for such placement.

2.1.41 **Motor Vehicle**: A vehicle as defined in Chapter 246, Section 14-1 of the Connecticut General Statutes.

2.1.42 **Non-Conforming Building**: A building which does not conform to all the applicable provisions of these Regulations.

2.1.43 **Non-Conforming Use**: A use of land, building, or premises which is not a use permitted by the provisions of these Regulations for the zone in which such land, building, or premises is situated.

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

2.1.45 **Recreational Campground**: A parcel of land used for the parking of camper-recreational vehicle units or the establishment of overnight living quarters, such as tents or other temporary shelters, and primarily occupied by family groups engaged in travel, recreation or vacation.

2.1.46 **Sediment**: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

2.1.47 **Soil**: Any unconsolidated mineral or organic material of any origin.

2.1.48 **Soil Erosion and Sediment Control Plan**: A scheme that minimizes soil erosion and sedimentation and includes, but is not limited to, a map and narrative.

2.1.49 **Street**: An improved right-of-way dedicated and accepted for public use by lawful procedure and suitable for vehicular travel; or a proposed street shown on a subdivision plan approved by the Commission.

2.1.50 **Yard**: An open space on the same lot with a building which lies between said building and the nearest lot line and which is unoccupied except as may be specifically

authorized in these Regulations. In measuring a yard, as hereafter provided, the line of building shall be deemed to mean a line parallel to the nearest lot line, drawn from a point of building nearest to such lot line. Such measurement shall be taken at right angle from the line of the building, as defined herein, to the nearest lot line.

2.1.51 **Yard, Front**: A yard extending across the full width and/or length of the lot and lying between the front lot line and the nearest line of a building.

2.1.52 **Yard, Rear**: A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building.

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

SECTION 3 - GENERAL REQUIREMENTS

3.1 **Classification of Uses**. Uses of land or buildings are classified and regulated by these Regulations as either Permitted Uses or as Special Permits.

3.1.1 Permitted uses are those which are allowed by right in a zoning district. Applications for permitted uses are submitted to the Zoning Enforcement Officer or the offices of the Commission.

3.1.2 Special Permit Uses are those which are permitted only after meeting the special provisions of Section 16 of these Regulations. Applications for Special Permits are submitted to the Zoning Enforcement Officer or the offices of the Commission and are acted upon by the Commission.

3.2 **Zoning Permit**. No building shall be erected, moved, structurally enlarged or reduced, or changed to another use and no use shall be established or changed in any area of Sprague without a Zoning Permit issued in conformance with these Regulations.

3.2.1 Application for a zoning permit shall be made on a form provided for that purpose and obtainable from the Zoning Enforcement Officer or at the offices of the Commission. Any fees shall be in accordance with the Schedule of Fees adopted by the Commission.

3.2.2 The Zoning Enforcement Officer may approve applications for permitted single and two-family dwellings and accessory buildings or expansions, additions or reductions to such buildings or accessory uses thereto on residential lots and any uses permitted by right. Notwithstanding the foregoing, the Zoning Enforcement Officer shall have no authority to approve the following: home occupations, forestry and conservation activities, public utility structures, cemeteries, wireless telecommunication facilities, schools, churches, and other places of worship, government offices, libraries, public works, police, fire protection and ambulance facilities, existing commercial buildings in excess of 1,000 square feet, new commercial activities in the Baltic Economic Development, Baltic Village, Hanover Village, and Versailles Village Zones, and any

new or existing activities in the Industrial Zone. Applications for permitted single and two-family dwellings and accessory uses thereto shall be on a form prescribed by and available from the Zoning Enforcement Officer and shall show such information as said Officer may require to determine the conformance of the proposed buildings and uses with these Regulations. The Zoning Enforcement Officer may require submission of information and documents including a plot plan prepared, signed, and sealed by a licensed land surveyor to insure compliance with these Regulations. The Zoning Enforcement Officer may further require that location markers for the building foundation be set by a licensed land surveyor in accordance with the plot plan prior to the issuance of a zoning permit.

Applications for all other uses and buildings other than single and two-family dwellings and accessory buildings or expansions, additions, reductions to such buildings or accessory uses thereto on residential lots shall be reviewed by the Commission and shall be submitted together with a site plan as prescribed in Section 17 of these Regulations, to the Zoning Enforcement Officer and the offices of the Commission. The Commission shall review all such applications and site plans in accordance with these Regulations.

3.2.3 A permit may not be issued for buildings or for uses of land or buildings not clearly permitted by these Regulations in the various zoning districts. In any case where a use is alleged to be similar to a specified use permitted by these Regulations, its status shall be determined by the Commission by reference to the most clearly similar use or uses permitted by these Regulations, or it shall be declared that the use is not similar. When the status of a use has been so determined, such determination shall thereafter have general applicability to all uses of the same type.

3.2.4 No building permit shall be issued by the Building Official for a building or use subject to these Regulations without certification in writing from the Zoning Enforcement Officer that such building or use is in conformity with these Regulations or is a valid non-conforming use or building under these Regulations.

3.3 **Certificate of Compliance.** It shall be unlawful for any newly erected building, or addition for which a zoning permit has been issued to be occupied or used, or for any building, lot, or premises or part thereof, to be converted or changed from one type of use or occupancy to another until a Certificate of Compliance has been issued by the Zoning Enforcement Officer. The Certificate of Compliance shall be issued within ten (10) days of a request to the Zoning Enforcement Officer, without charge, after completion of the work and if the building and use comply with these Regulations and the approved application. The Zoning Enforcement Officer may require an as-built site plan to facilitate this review. In the absence of the Zoning Enforcement Officer, the Chairman or designee of the Commission may act. A Certificate of Compliance shall remain valid only so long as the building, lot, or use thereof or the use of the land remains in full conformity with these Regulations or of an amendment thereto.

3.4 **Recording.** No Variance or Special Permit shall become effective until a copy thereof, certified by the Zoning Board of Appeals or this Commission, as appropriate, containing a description of the premises to which it relates and specifying the nature of such Variance or Special Permit, including the zoning provision which is varied in its application or to which a Special Permit is granted, and stating the name of the owner of record, is recorded in the Town's land records. It shall be the responsibility of the record owner to submit the document(s) for

recording. The Town Clerk shall index the same under the grantor's index under the name of the then record owner and the record owner shall pay for such recording.

3.5 **Expiration**. Any Zoning Permit or Special Permit approved on or after October 1, 1984 shall be valid for a period of five years from the date of the approval. Any approved modifications or changes to the original permit or site plan shall not affect the original expiration date unless the Commission provides otherwise as part of the modification. Failure to complete the Zoning Permit or Special Permit within such five-year period shall result in automatic expiration of the approved permit, except in the case of any Zoning Permit or Special Permit approved on or after October 1, 1989 the Commission may grant one or more extensions of the time to complete the plan provided the total extension or extensions shall not exceed ten years from the date of approval. An application to extend a permit must be filed with the Commission no fewer than sixty days before the date of expiration. All Special Permits and Zoning Permits shall contain a notation referencing the five-year expiration provisions. Any Zoning Permit or Special Permit approved on or before October 1, 1989 shall be valid for a period of seven years after the approval and the Commission may grant one or more extensions of the time to complete the plan provided the total extension or extensions shall not exceed ten years from the date of approval. These conditions are as stipulated by Section 8-3, as amended, of the Connecticut General Statutes.

3.6 **Other Permits**. A Zoning Permit indicates that the application complies with the provisions of these Regulations. Additionally, a permit may be required from the Sprague Aquifer Protection Agency. However, other local, state and federal permits may be required before the applicant can begin the related building or use, such as those concerned with driveways, wetlands, water and sewer facilities, fire protection, water quality, air quality, traffic conditions, solid waste, building code and health code. Determining what other permits are required and obtaining such other permits is the responsibility of the applicant.

3.7 **Enforcement**. These Regulations shall be enforced by the Commission or its designated agent, the Zoning Enforcement Officer.

3.7.1 The Commission or its designated agent may inspect any building or land and order in writing any violation of these Regulations to be corrected or terminated.

3.8 **Zoning Map**. The map entitled "Zoning Map, Sprague, Connecticut," is a part of these Regulations. The zoning map shows the boundaries and zoning designation for each district of the Town of Sprague. Use and dimensional requirements for each district are found in these Regulations.

3.8.1 All district boundaries shown on said zoning map are intended to follow the center lines of streets or lines drawn parallel to and at specified distances from front lot lines, unless otherwise specifically shown thereon. In the absence of a specific distance being indicated on the zoning map, the distance shall be determined by using the map scale of the zoning map.

3.8.2 Where a district boundary divided a lot of record at the time such boundary line is adopted, the regulations for the less restricted portion of any such lot may extend not more than thirty (30) feet into the more restricted portion provided that the lot has frontage on a street in the less restricted district.

3.8.3 Where any uncertainty exists as to the correct location of any zoning district boundary shown on the zoning map, it shall be the duty of the Commission to establish the correct location thereof according to the intent of these Regulations.

3.9 **Soil Erosion and Sediment Control Plan.** 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. The soil erosion and sediment control plan shall be submitted pursuant to Section 17.4 of these Regulations. A single-family dwelling that is not a part of a subdivision of land shall be exempt from this soil erosion and sediment control plan requirement. The Commission, in its sole discretion, shall determine what constitutes the size of the disturbed area.

3.10 **Inland Wetlands.** If an application for a Special Permit or Site Plan approval involves an activity regulated under the provisions of Chapter 440 of the General Statutes, the applicant shall submit an application for a permit to the Sprague Inland Wetlands Commission not later than the day such application is filed with the Sprague Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall not be rendered until the Sprague Inland Wetlands Commission has submitted a report with its final decision to the Planning and Zoning Commission. In making its decision, the Planning and Zoning Commission shall give due consideration to the report of the Sprague Inland Wetlands Commission.

3.11 **Notice to Neighboring Municipalities.** The Commission shall notify the Clerk of any adjoining municipality of the pendency of any Special Permit or Site Plan concerning any project on any site when: (1) any part of the property affected by the Commission's decision is within 500 feet of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewer system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail and shall be mailed within seven (7) days of the date of receipt of the application or site plan and no hearing shall be held on the application or site plan until after the adjoining municipality has received such notice. A representative from the adjoining municipality may appear and be heard at any hearing on any such application or site plan.

3.12 **Public Hearing Sign for Special Permits, Amendments to Zoning Map or Zone Changes, Resubdivisions or Subdivisions requiring Public Hearings.** At least fifteen (15) days prior to the required public hearing for any petitioned Zone Change or for any application involving a Special Permit under these Regulations, or for any Re-subdivision Application or any Subdivision Application requiring a public hearing, the applicant shall post a sign on or in front of the premises indicating that such action is proposed. The sign shall be obtained from the Town Office Building upon submission of a deposit in an amount prescribed by the Sprague List of Fees. The sign shall be erected and maintained and removed, in compliance with these regulations at the applicant's sole cost and expense.

The sign shall be approximately four (4) feet by four (4) feet in size and shall be secured approximately three (3) feet above ground surface and shall be located so as to be clearly visible and legible from the traveled public portion of the roadway adjacent to the property. The

location of the sign shall be subject to the approval by the Zoning Enforcement Officer. The sign shall give notice of a public hearing and will provide information on who to contact for more information. The sign shall be removed from the premises immediately upon completion of the public hearing on the application and returned to the Town Office Building for return of deposit. Failure of an applicant to comply with the requirements of this section may be grounds for the Commission to deny the application.

SECTION 4 - ZONING DISTRICTS

4.1 **Purpose.** In order to provide a variety of living, shopping and employment opportunities and settings, the Town of Sprague is divided into several zoning districts. The boundaries of the districts reflect many considerations, including existing land use, physical characteristics, access and the availability of and proximity to public facilities and services. The general intent of each zoning district is as follows:

4.1.1 **R-120 Natural Resource Protection Zone** - This zone encompasses physically sensitive areas which have severe limitations for development such as inland wetlands, surface reservoirs and their watersheds, aquifers, shallow depth to bedrock soils, steep slopes, floodplains and streambelts, and significant adjoining areas to these resources. It may also include open space, recreation, and conservation areas. The intent is to protect these resources and to contribute to the scenic and aesthetic quality of the Town by limiting land uses to low density uses.

4.1.2 **R-80 Rural Zone** - These areas are generally rural in character and the zoning is intended to keep the intensity of uses as low as possible. Agriculture, conservation and recreation uses, and scattered residences are the predominant uses of land in these districts.

4.1.3 **R-40 Low Density Residence Zone** – Deleted effective May 15, 2008.

4.1.4 **R-20 Medium Density Residence Zone** – Deleted effective November 4, 2009.

4.1.5 **R-7.5 High Density Residence Zone** – Deleted effective November 4, 2009.

4.1.6 **C-1 Commercial Neighborhood** – Deleted effective November 4, 2009.

4.1.7 **C-2 Commercial General** – Deleted effective November 4, 2009.

4.1.8 **CI Commercial-Industrial** – Deleted effective November 4, 2009.

4.1.9 **I Industrial** - This zone includes the Town's existing major industries as well as adjacent land for new expanded activities. These areas have either good access by road or rail or are served by public utilities.

4.1.10 **Watercourse Focus Area Overlay Zone (WFA)** – The regulations contained in this section are not intended to be substituted for other general zoning provisions, but should be considered to be additional requirements to be met by applicants as part of

approval of any permit application. The purpose of the Watercourse Focus Area Overlay Zone is to provide the Sprague Planning and Zoning Commission, Sprague Inland Wetlands and Watercourses Commission, and the Sprague Conservation Commission with an additional level of review and regulation to control how land use and development, permitted by the Town of Sprague's primary zoning districts, occurs in sensitive or unique environmental areas. (See WFA Special Permits Section 16.23 for requirements in this zone)

Any area of land, submerged, emergent, of wetland or upland soils, located in an area so designated on the Zoning Map of the Town of Sprague. This area is identified for purposes of regulation and protection of groundwater and surface water resources, including aquifers, soils; to reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, or subsurface water bodies by using scientifically proven processes including filtration, deposition, absorption, plant uptake and denitrification, and by improving infiltration, encouraging sheet flow, and stabilizing concentrated flows. Regulation and protection shall strive to minimize fragmentation of the landscape, maintain biodiversity and protect unique environmental features.

4.1.11 Baltic Economic Development Zone – The Baltic Economic Development Zone is to facilitate the development of, and encourage the revitalization of, a compact village center that promotes mixed uses such as housing, commerce with a range of retail stores and services, social and civic uses, access to the Shetucket River, business growth, a proper balance between accommodating pedestrian use and the automobile, a pattern of development that respects and fosters Sprague's historic past, the preservation of historic resources, views and vistas, buildings that are in proper size and scale with respect to the streetscape and one another; in concert with the objectives of the Sprague Plan of Conservation and Development. Commercial activities would be limited to those which are compatible with the intensity of development in the surrounding area. These Regulations are not promulgated pursuant to Connecticut General Statutes 8-2j and are not intended to create or require the imposition of any regulations pursuant thereto.

4.1.12 Baltic Village Zone – The Baltic Village Zone is to facilitate the development of, and encourage the revitalization of, a compact village center that promotes mixed uses such as housing, commerce with a range of retail stores and services, social and civic uses, access to the Shetucket River, business growth, a proper balance between accommodating pedestrian use and the automobile, a pattern of development that respects and fosters Sprague's historic past, the preservation of historic resources, views and vistas, buildings that are in proper size and scale with respect to the streetscape and one another; in concert with the objectives of the Sprague Plan of Conservation and Development. Commercial activities would be limited to those which are compatible with the intensity of development in the surrounding area. These Regulations are not promulgated pursuant to Connecticut General Statutes 8-2j and are not intended to create or require the imposition of any regulations pursuant thereto.

4.1.13 Hanover Village Zone – The Hanover Village Zone is to facilitate the development of, and encourage the revitalization of, compact village centers that promote mixed uses such as housing, commerce with a range of retail stores and services, social and civic uses, access to the Little River, business growth, a proper balance between

accommodating pedestrian use and the automobile, a pattern of development that respects and fosters Sprague's historic past, the preservation of historic resources, views and vistas, buildings that are in proper size and scale with respect to the streetscape and one another; in concert with the objectives of the Sprague Plan of Conservation and Development. Commercial activities would be limited to those which are compatible with the intensity of development in the surrounding area. These Regulations are not promulgated pursuant to Connecticut General Statutes 8-2j and are not intended to create or require the imposition of any regulations pursuant thereto.

4.1.14 **Versailles Village Zone** – The Versailles Village Zone is to facilitate the development of, and encourage the revitalization of, compact village centers that promote mixed uses such as housing, commerce with a range of retail stores and services, social and civic uses, access to the Shetucket and Little Rivers, business growth, a proper balance between accommodating pedestrian use and the automobile, a pattern of development that respects and fosters Sprague's historic past, the preservation of historic resources, views and vistas, buildings that are in proper size and scale with respect to the streetscape and one another; in concert with the objectives of the Sprague Plan of Conservation and Development. Commercial activities would be limited to those which are compatible with the intensity of development in the surrounding area. These Regulations are not promulgated pursuant to Connecticut General Statutes 8-2j and are not intended to create or require the imposition of any regulations pursuant thereto.

SECTION 5 - R-120 NATURAL RESOURCE PROTECTION ZONE REQUIREMENTS

5.1 **Permitted Uses.** The following uses are permitted by right:

5.1.1 Single-family dwellings.

5.1.2 Home occupations.

5.1.3 Farming.

5.1.4 Forestry and conservation activities.

5.1.5 Accessory buildings and uses.

5.1.6 Public utility structures, and buildings housing emergency vehicles.

5.1.7 Cemeteries.

5.1.8 Family Day Care Home.

5.1.9 Wireless telecommunication facility where the antenna is mounted on the rooftop or facade of an existing nonresidential building or is mounted to existing towers, water towers/tanks, utility poles, steeples, clock or bell towers, billboards, nonresidential chimneys, bridges, and silos, provided the requirements of Section 15.18 of these Regulations are met.

5.1.10 Wireless telecommunication facility where a tower is located on property occupied by one or more existing towers, provided the requirements of Section 15.18 of these Regulations are met.

5.1.11 Accessory Apartments.

5.2 **Special Permits.** The following uses are permitted provided they meet the conditions of Section 16:

5.2.1 Recreation camp grounds.

5.2.2 Excavations.

5.2.3 Recreation facilities requiring large acreage, such as riding academies, stables, sportsmen's clubs, golf courses, and parks.

5.2.4 Temporary saw mill or other temporary wood cutting operation.

5.2.5 Deleted, effective January 1, 2005.

5.2.6 Group Day Care Home.

5.2.7 Child Day Care Center.

5.2.8 Bed and Breakfast Inn.

5.2.9 Wireless telecommunication facilities not otherwise permitted in these Regulations, provided the requirements of Sections 15.18 and 16.22 of these Regulations are met.

5.2.10 Membership clubs where activities are intended to occur principally indoors.

5.2.11 Convalescent and nursing homes.

5.2.12 Accessory Dwelling, Detached as defined in Section 2.1.3 of these Regulations, provided all requirements of Section 16.24 are satisfied.

5.2.13 Farm Winery.

5.3 **Environmental Requirements.** The following uses and/or activities are prohibited within this zone:

5.3.1 Underground storage tanks.

5.3.2 Salt storage.

5.3.3 Septage lagoons.

5.3.4 Hazardous waste storage or disposal.

5.3.5 Sanitary landfills.

5.3.6 The use of pesticides within 500 feet of the highwater mark of a public water supply reservoir.

SECTION 6 - R-80 RURAL ZONE REQUIREMENTS

6.1 **Permitted Uses.** The following uses are permitted by right:

6.1.1 Single-family dwellings.

6.1.2 Home occupations.

6.1.3 Farming.

6.1.4 Forestry and conservation activities.

6.1.5 Accessory buildings and uses.

6.1.6 Public utility structures, and buildings housing emergency vehicles.

6.1.7 Cemeteries.

6.1.8 Family Day Care Home.

6.1.9 Wireless telecommunication facility where the antenna is mounted on the rooftop or facade of an existing nonresidential building or is mounted to existing towers, water towers/tanks, utility poles, steeples, clock or bell towers, billboards, nonresidential chimneys, bridges, and silos, provided the requirements of Section 15.18 of these Regulations are met.

6.1.10 Wireless telecommunication facility where a tower is located on property occupied by one or more existing towers, provided the requirements of Section 15.18 of these Regulations are met.

6.1.11 Accessory Apartments.

6.1.12 Membership clubs where activities are intended to occur principally indoors.

6.1.13 Convalescent and nursing homes.

6.2 **Special Permits.** The following uses are permitted provided they meet the conditions of Section 16:

6.2.1 Recreation camp grounds.

6.2.2 Excavations.

6.2.3 Recreation facilities requiring large acreage, such as riding academies, stables, sportsmen's clubs, golf courses.

6.2.4 Temporary saw mill or other temporary wood cutting operation.

6.2.5 Deleted, effective January 1, 2005.

6.2.6 Group Day Care Home.

6.2.7 Child Day Care Center.

6.2.8 Bed and Breakfast Inn.

6.2.9 Wireless telecommunication facilities not otherwise permitted in these Regulations, provided the requirements of Sections 15.18 and 16.22 of these Regulations are met.

6.2.10 Elderly housing developments.

6.2.11 Accessory Dwelling, Detached as defined in Section 2.1.3 of these Regulations, provided all requirements of Section 16.24 are satisfied.

6.2.12 Farm Winery.

SECTION 7 - R-40 LOW DENSITY RESIDENCE ZONE REQUIREMENTS – Deleted effective May 15, 2008.

SECTION 7A – WATERCOURSE FOCUS AREA OVERLAY ZONE REQUIREMENTS

7A.1 Permitted Uses.

Permitted uses will follow the uses by right and uses by special permit in the existing underlying zone, excepting that a special permit may be required for any use in this zone, to address the purpose of the Watercourse Focus Area Overlay Zone as identified in 4.1.10 of these Regulations and the requirements as identified in Section 16.23 of these Regulations. The Commission reserves the right to waive the special permit requirement.

SECTION 8 - R-20 MEDIUM DENSITY RESIDENCE ZONE REQUIREMENTS – Deleted effective November 4, 2009.

SECTION 9 - R-7.5 HIGH DENSITY RESIDENCE ZONE REQUIREMENTS – Deleted effective November 4, 2009.

SECTION 10 - C-1 COMMERCIAL NEIGHBORHOOD ZONE REQUIREMENTS – Deleted effective November 4, 2009.

SECTION 11 - C-2 COMMERCIAL GENERAL ZONE REQUIREMENTS – Deleted effective November 4, 2009.

SECTION 12 - I INDUSTRIAL ZONE REQUIREMENTS

12.1 Permitted Uses. The following uses are permitted by right:

12.1.1 The manufacturing, processing, assembling and packaging of products made from cellophane, canvass, cloth, cork, fiber, felt, feathers, fur, hair, horn, leather, paper, plastics, shell, glass, stone, textiles, tobacco, and wood.

12.1.2 The manufacturing, processing, and packaging of foods, beverages, candy, cosmetics, pharmaceuticals and drugs.

12.1.3 Finishing and assembling of articles made of metal, excluding processes employing the use of drop hammers.

12.1.4 Printing and publishing establishments.

12.1.5 Scientific and research laboratories.

12.1.6 Warehousing and truck terminals.

12.1.7 Lumber yards and the storage of construction supplies and equipment.

12.1.8 Oil storage tanks.

12.1.9 Governmental offices, public works, police, fire protection and ambulance facilities.

12.1.10 Public utility structures.

12.1.11 Group Day Care Home.

12.1.12 Accessory buildings and uses.

12.1.13 Wireless telecommunication facility where the antenna is mounted on the rooftop or facade of an existing nonresidential building or is mounted to existing towers, water towers/tanks, utility poles, steeples, clock or bell towers, billboards, nonresidential chimneys, bridges, and silos, provided the requirements of Section 15.18 of these Regulations are met.

12.1.14 Wireless telecommunication facility where a tower is located on property occupied by one or more existing towers, provided the requirements of Section 15.18 of these Regulations are met.

12.1.15 Wireless telecommunication facility meeting the requirements of Section 15.18 of these Regulations, and also meeting these standards:

- a. All attempts are made to co-locate the antenna on existing towers, buildings or structures.
- b. All attempts are made to mitigate adverse visual impacts on adjacent residential areas within 1,000 feet of the industrially zoned site.

12.2 **Special Permits**. The following uses are permitted provided they meet the conditions of Section 16:

12.2.1 Excavations.

12.2.2 Elderly housing developments.

12.2.3 Child Day Care Center.

12.2.4 Automotive Repair Garage/Motor Vehicle Service Station.

12.2.5 Cogeneration activity.

12.2.6 Farm Winery.

SECTION 13 - CI COMMERCIAL-INDUSTRIAL ZONE REQUIREMENTS – Deleted effective November 4, 2009.

SECTION 13A – BALTIC ECONOMIC DEVELOPMENT ZONE REQUIREMENTS

13A.1 **General Requirements:**

13A.1.1 These requirements shall apply to new construction, substantial reconstruction and rehabilitation of properties within the Baltic Economic Development Zone as designated in the Sprague Zoning Map.

13A.1.2 The design and placement of new, expanded or altered buildings including materials and colors, excepting single family dwellings and accessory buildings associated with single family dwellings.

13A.1.3 The maintenance of public views.

13A.1.4 The design, paving and placement of new and modified landscape areas, lighting, fencing and walls.

13A.1.5 The demolition of any structure or part thereof or the elimination of any landscape areas.

13A.1.6 Where a proposed use is adjacent to a residential zone, additional setbacks and landscaping may be required.

13A.1.7 The Commission shall have the right to assess a performance bond in an amount the Commission deems appropriate. Said bond will be released at the completion of the project, or in installments as agreed construction milestones are met.

13A.1.8 A tract of land within the Baltic Economic Development Zone may be developed in stages. However, the Commission may require that certain data, such as site topography, natural resources data, traffic, parking and circulation, schematic architectural drawings, grading, erosion and sedimentation control and storm drainage, be submitted for the entire tract.

13A.1.9 Any tract of land within the Baltic Economic Development Zone to be subdivided shall when applicable follow and meet the requirements of 15.19 of the Sprague Zoning Regulations and 6.4 of the Sprague Subdivision Regulations. In such instances, the General Density Limitations under 6.4.3 of the Sprague Subdivision Regulations shall be calculated by the Yield Plan Method and shall conform to density requirements identified in 14.1 of these Regulations.

13A.1.10 An applicant may apply to the Commission for a modification, exception or waiver to the Baltic Economic Development Zone Requirements. The purpose of modification, exception, or waiver to the Baltic Economic Development Zone Requirements is to provide flexibility for the Commission to consider design or dimensional features that may otherwise be non-compliant with the Sprague Zoning Regulations.

13A.1.11 Any residential development in the Baltic Economic Development Zone shall have, in addition, a commercial component of no less than twenty-five (25) per cent of the floor space in square feet of the developed residential area. The commercial component is not required to be in the same structure or structures as the residential development.

13A.2 **Permitted Uses.** The following uses are permitted by right:

13A.2.1 Single and two family dwellings which existed as of December 15, 2002 and continuously thereafter.

13A.2.2 Accessory buildings and uses.

13A.2.3 Family Day Care Home.

13A.2.4 Home Occupations.

13A.2.5 Public utility structures and buildings housing emergency vehicles.

13A.2.6 Schools, churches, and other places of worship.

13A.2.7 Wireless telecommunications facility where the antennae is mounted on the rooftop or façade of an existing nonresidential building or is mounted to existing towers, water towers/tanks, utility poles, steeples, clock or bell towers, billboards, nonresidential chimneys, bridges and silos, provided the requirements of Section 15.18 of these Regulations are met.

13A.2.8 Wireless telecommunications facility where a tower is located on property occupied by one or more existing towers, provided the requirements of Section 15.18 of these Regulations are met.

13A.3 **Special Permits.** The following uses are permitted provided they meet the conditions of Section 16:

13A.3.1 Multi-family dwellings. Any multi-family development within the Baltic Economic Development Zone will limit the construction of three (3) or more bedroom units to 20 per cent (%) of the total number of units.

13A.3.2 Elderly Housing Developments.

13A.3.3 Convalescent and Nursing Homes.

13A.3.4 Group Day Care Home.

13A.3.5 Child Day Care Center.

13A.3.6 Bed and Breakfast Inn.

13A.3.7 Membership Clubs where activities are intended to occur principally indoors.

13A.3.8 Wireless telecommunications facilities not otherwise permitted in these Regulations provided the requirements of Section 15.18 and 16.22 of these Regulations are met.

13A.3.9 Personal services such as barber shops, beauty salons, dry cleaning establishments, laundry and Laundromats, and other similar uses.

13A.3.10 Repair services, such as radio, television, personal computers, appliance and plumbing shops, upholstery shops, shoe repair shops, and other similar uses.

13A.3.11 Government Offices, libraries, public works, police, fire protection and ambulance facilities.

13A.3.12 Retail businesses including grocery stores, drug stores, apparel stores, variety stores, eating and drinking establishments, antique shops, sporting goods stores, hardware stores, and other similar uses.

13A.3.13 Business services, banks, and other financial institutions, real estate and insurance offices, business and professional offices, and other similar uses.

13A.3.14 Public recreation facilities.

13A.3.15 Package Liquor Stores.

13A.3.16 Farmers Markets.

13A.3.17 Finishing and assembly of articles made of metal, excluding processes employing the use of drop hammers.

13A.3.18 The manufacturing, processing, assembling and packaging of products made from cellophane, canvas, cloth, cork, felt, fiber, feathers, fur, glass, hair, horn, leather, paper, plastics, shell, textiles, tobacco, or wood.

13A.3.19 Drive-in or other quick-service eating establishments.

13A.3.20 Farm Winery.

SECTION 13B – BALTIC VILLAGE ZONE REQUIREMENTS

13B.1 General Requirements:

13B.1.1 These requirements shall apply to new construction, substantial reconstruction and rehabilitation of properties within the Baltic Village Zone as designated in the Sprague Zoning Map.

13B.1.2 The design and placement of new, expanded or altered buildings including materials and colors, excepting single family dwellings and accessory buildings associated with single family dwellings.

13B.1.3 The maintenance of public views.

13B.1.4 The design, paving and placement of new and modified landscape areas, lighting, fencing and walls.

13B.1.5 The demolition of any structure or part thereof or the elimination of any landscape areas.

13B.1.6 Where a proposed use is adjacent to a residential zone, additional setbacks and landscaping may be required.

13B.1.7 The Commission shall have the right to assess performance bond in an amount the Commission deems appropriate. Said bond will be released at the completion of the project, or in installments as agreed construction milestones are met.

13B.1.8 A tract of land within the Baltic Village Zone may be developed in stages. However, the Commission may require that certain data, such as site topography, natural

resources data, traffic, parking and circulation, schematic architectural drawings, grading, erosion and sedimentation control and storm drainage, be submitted for the entire tract.

13B.1.9 Any tract of land within the Baltic Village Zone to be subdivided shall when applicable follow and meet the requirements of 15.19 of the Sprague Zoning Regulations and 6.4 of the Sprague Subdivision Regulations. In such instances, the General Density Limitations under 6.4.3 of the Sprague Subdivision Regulations shall be calculated by the Yield Plan Method and shall conform to density requirements identified in 14.1 of these Regulations.

13B.1.10 An applicant may apply to the Commission for a modification, exception or waiver to the Baltic Village Zone Requirements. The purpose of modification, exception, or waiver to the Baltic Village Zone Requirements is to provide flexibility for the Commission to consider design or dimensional features that may otherwise be non-compliant with the Sprague Zoning Regulations.

13B.2 **Permitted Uses.** The following uses are permitted by right:

13B.2.1 Single-family dwellings.

13B.2.2 Two family dwellings which existed as of December 15, 2002 and continuously thereafter.

13B.2.3 Accessory apartments.

13B.2.4 Accessory buildings and uses.

13B.2.5 Cemeteries.

13B.2.6 Family Day Care Home.

13B.2.7 Farming.

13B.2.8 Forestry and conservation activities.

13B.2.9 Home Occupations.

13B.2.10 Public utility structures and buildings housing emergency vehicles.

13B.2.11 Schools, churches, and other places of worship.

13B.2.12 Wireless telecommunications facility where the antennae is mounted on the rooftop or façade of an existing nonresidential building or is mounted to existing towers, water towers/tanks, utility poles, steeples, clock or bell towers, billboards, nonresidential chimneys, bridges and silos, provided the requirements of Section 15.18 of these Regulations are met.

13B.2.13 Wireless telecommunications facility where a tower is located on property occupied by one or more existing towers, provided the requirements of Section 15.18 of these Regulations are met.

13B.3 **Special Permits**. The following uses are permitted provided they meet the conditions of Section 16:

13B.3.1 Multi-family dwellings.

13B.3.2 Excavations.

13B.3.3 Elderly Housing Developments.

13B.3.4 Convalescent and Nursing Homes.

13B.3.5 Group Day Care Home.

13B.3.6 Child Day Care Center.

13B.3.7 Bed and Breakfast Inn.

13B.3.8 Membership Clubs where activities are intended to occur principally indoors.

13B.3.9 Wireless telecommunications facilities not otherwise permitted in these Regulations, provided the requirements of Section 15.18 and 16.22 of these Regulations are met.

13B.3.10 Personal services such as barber shops, beauty salons, dry cleaning establishments, laundry and Laundromats, and other similar uses.

13B.3.11 Repair services, such as radio, television, personal computers, appliance and plumbing shops, upholstery shops, shoe repair shops, and other similar uses.

13B.3.12 Government Offices, libraries, public works, police, fire protection and ambulance facilities.

13B.3.13 Retail businesses including grocery stores, drug stores, apparel stores, variety stores, eating and drinking establishments, antique shops, sporting goods stores, hardware stores, and other similar uses.

13B.3.14 Business services, banks, and other financial institutions, real estate and insurance offices, business and professional offices, and other similar uses.

13B.3.15 Public recreation facilities.

13B.3.16 Package Liquor Stores.

13B.3.17 Farmers Markets.

13B.3.18 Finishing and assembly of articles made of metal, excluding processes employing the use of drop hammers.

13B.3.19 The manufacturing, processing, assembling and packaging of products made from cellophane, canvas, cloth, cork, felt, fiber, feathers, fur, glass, hair, horn, leather, paper, plastics, shell, textile, tobacco, and wood.

13B.3.20 Drive-in or other quick-service eating establishments.

13B.3.21 Farm Winery.

13B.3.22 Motor Vehicle Service Station or retail sale of motor vehicle fuel as part of another use.

13B.3.23 Automotive Repair Garage/Motor Vehicle Service Station.

13B.3.24 Detached Accessory Dwelling.

SECTION 13C – HANOVER VILLAGE ZONE REQUIREMENTS

13C.1 General Requirements:

13C.1.1 These requirements shall apply to new construction, substantial reconstruction and rehabilitation of properties within the Hanover Village Zone as designated in the Sprague Zoning Map.

13C.1.2 The design and placement of new, expanded or altered buildings including materials and colors, excepting single family dwellings and accessory buildings associated with single family dwellings.

13C.1.3 The maintenance of public views.

13C.1.4 The design, paving and placement of new and modified landscape areas, lighting, fencing and walls.

13C.1.5 The demolition of any structure or part thereof or the elimination of any landscape areas.

13C.1.6 Where a proposed use is adjacent to a residential zone, additional setbacks and landscaping may be required.

13C.1.7 The Commission shall have the right to assess a performance bond in an amount the Commission deems appropriate. Said bond will be released at the completion of the project, or in installments as agreed construction milestones are met.

13C.1.8 A tract of land within the Hanover Village Zone may be developed in stages. However, the Commission may require that certain data, such as site topography, natural

resources data, traffic, parking and circulation, schematic architectural drawings, grading, erosion and sedimentation control and storm drainage, be submitted for the entire tract.

13C.1.9 Any tract of land within the Hanover Village Zone to be subdivided shall when applicable follow and meet the requirements of 15.19 of the Sprague Zoning Regulations and 6.4 of the Sprague Subdivision Regulations. In such instances, the General Density Limitations under 6.4.3 of the Sprague Subdivision Regulations shall be calculated by the Yield Plan Method and shall conform to density requirements identified in 14.1 of these Regulations.

13C.1.10 An applicant may apply to the Commission for a modification, exception or waiver to the Hanover Village Zone Requirements. The purpose of modification, exception, or waiver to the Hanover Village Zone Requirements is to provide flexibility for the Commission to consider design or dimensional features that may otherwise be non-compliant with the Sprague Zoning Regulations.

13C.2 **Permitted Uses.** The following uses are permitted by right:

13C.2.1 Single-family dwellings.

13C.2.2 Two family dwellings which existed as of December 15, 2002 and continuously thereafter.

13C.2.3 Accessory apartments.

13C.2.4 Accessory buildings and uses.

13C.2.5 Cemeteries.

13C.2.6 Family Day Care Home.

13C.2.7 Farming.

13C.2.8 Forestry and conservation activities.

13C.2.9 Home Occupations.

13C.2.10 Public utility structures and buildings housing emergency vehicles.

13C.2.11 Schools, churches, and other places of worship.

13C.2.12 Wireless telecommunications facility where the antennae is mounted on the rooftop or façade of an existing nonresidential building or is mounted to existing towers, water towers/tanks, utility poles, steeples, clock or bell towers, billboards, nonresidential chimneys, bridges and silos, provided the requirements of Section 15.18 of these Regulations are met.

13C.2.13 Wireless telecommunications facility where a tower is located on property occupied by one or more existing towers, provided the requirements of Section 15.18 of these Regulations are met.

13C.3 **Special Permits.** The following uses are permitted provided they meet the conditions of Section 16.

13C.3.1 Excavations.

13C.3.2 Elderly Housing Developments.

13C.3.3 Convalescent and Nursing Homes.

13C.3.4 Group Day Care Home.

13C.3.5 Child Day Care Center.

13C.3.6 Bed and Breakfast Inn.

13C.3.7 Membership Clubs where activities are intended to occur principally indoors.

13C.3.8 Wireless telecommunications facilities not otherwise permitted in these Regulations, provided the requirements of Section 15.18 and 16.22 of these Regulations are met.

13C.3.9 Personal services such as barber shops, beauty salons, dry cleaning establishments, laundry and Laundromats, and other similar uses.

13C.3.10 Repair services, such as radio, television, personal computers, appliance and plumbing shops, upholstery shops, shoe repair shops, and other similar uses.

13C.3.11 Government Offices, libraries, public works, police, fire protection and ambulance facilities.

13C.3.12 Retail business including grocery stores, drug stores, apparel stores, variety stores, eating and drinking establishments, antique shops, sporting goods stores, hardware stores, and other similar uses.

13C.3.13 Business services, banks, and other financial institutions, real estate and insurance offices, business and professional offices, and other similar uses.

13C.3.14 Public recreation facilities.

13C.3.15 Package Liquor Stores.

13C.3.16 Farmers Markets.

13C.3.17 Drive-in or other quick-service eating establishments.

13C.3.18 Farm Winery.

SECTION 13D – VERSAILLES VILLAGE ZONE REQUIREMENTS

13D.1 **General Requirements:**

13D.1.1 These requirements shall apply to new construction, substantial reconstruction and rehabilitation of properties within the Versailles Village Zone as designated in the Sprague Zoning Map.

13D.1.2 The design and placement of new, expanded or altered buildings including materials and colors, excepting single family dwellings and accessory buildings associated with single family dwellings.

13D.1.3 The maintenance of public views.

13D.1.4 The design, paving and placement of new and modified landscape areas, lighting, fencing and walls.

13D.1.5 The demolition of any structure or part thereof or the elimination of any landscape areas.

13D.1.6 Where a proposed use is adjacent to a residential zone, additional setbacks and landscaping may be required.

13D.1.7 The Commission shall have the right to assess a performance bond in an amount the Commission deems appropriate. Said bond will be released at the completion of the project, or in installments as agreed construction milestones are met.

13D.1.8 A tract of land within the Versailles Village Zone may be developed in stages. However, the Commission may require that certain data, such as site topography, natural resources data, traffic, parking and circulation, schematic architectural drawings, grading, erosion and sedimentation control and storm drainage, be submitted for the entire tract.

13D.1.9 Any tract of land within the Versailles Village Zone to be subdivided shall when applicable follow and meet the requirements of 15.19 of the Sprague Zoning Regulations and 6.4 of the Sprague Subdivision Regulations. In such instances, the General Density Limitations under 6.4.3 of the Sprague Subdivision Regulations shall be calculated by the Yield Plan Method and shall conform to density requirements identified in 14.1 of these Regulations.

13D.1.10 An applicant may apply to the Commission for a modification, exception or waiver to the Versailles Village Zone Requirements. The purpose of modification, exception, or waiver to the Versailles Village Zone Requirements is to provide flexibility for the Commission to consider design or dimensional features that may otherwise be non-compliant with the Sprague Zoning Regulations.

13D.2 **Permitted Uses.** The following uses are permitted by right:

13D.2.1 Single-family dwellings.

13D.2.2 Two family dwellings which existed as of December 15, 2002 and continuously thereafter.

13D.2.3 Accessory apartments.

13D.2.4 Accessory buildings and uses.

13D.2.5 Cemeteries.

13D.2.6 Family Day Care Home.

13D.2.7 Farming.

13D.2.8 Forestry and conservation activities.

13D.2.9 Home Occupations.

13D.2.10 Public utility structures and buildings housing emergency vehicles.

13D.2.11 Schools, churches, and other places of worship.

13D.2.12 Wireless telecommunications facility where the antennae is mounted on the rooftop or façade of an existing nonresidential building or is mounted to existing towers, water towers/tanks, utility poles, steeples, clock or bell towers, billboards, nonresidential chimneys, bridges and silos, provided the requirements of Section 15.18 of these Regulations are met.

13D.2.13 Wireless telecommunications facility where a tower is located on property occupied by one or more existing towers, provided the requirements of Section 15.18 of these Regulations are met.

13D.3 **Special Permits.** The following uses are permitted provided they meet the conditions of Section 16.

13D.3.1 Multi-family dwellings.

13D.3.2 Excavations.

13D.3.3 Elderly Housing Developments.

13D.3.4 Convalescent and Nursing Homes.

13D.3.5 Group Day Care Home.

13D.3.6 Child Day Care Center.

13D.3.7 Bed and Breakfast Inn.

13D.3.8 Membership Clubs where activities are intended to occur principally indoors.

13D.3.9 Wireless telecommunications facilities not otherwise permitted in these Regulations, provided the requirements of Section 15.18 and 16.22 of these Regulations are met.

13D.3.10 Personal services such as barber shops, beauty salons, dry cleaning establishments, laundry and Laundromats, and other similar uses.

13D.3.11 Repair services, such as radio, television, personal computers, appliance and plumbing shops, upholstery shops, shoe repair shops, and other similar uses.

13D.3.12 Government Offices, libraries, public works, police, fire protection and ambulance facilities.

13D.3.13 Retail business including grocery stores, drug stores, apparel stores, variety stores, eating and drinking establishments, antique shops, sporting goods stores, hardware stores, and other similar uses.

13D.3.14 Business services, banks, and other financial institutions, real estate and insurance offices, business and professional offices, and other similar uses.

13D.3.15 Public recreation facilities.

13D.3.16 Package Liquor Stores.

13D.3.17 Farmers Markets.

13D.3.18 Motor Vehicle Service Station or retail sale of motor vehicle fuel as part of another use.

13D.3.19 Automotive Repair Garage/Motor Vehicle Service Station.

13D.3.20 Finishing and assembly of articles made of metal, excluding processes employing the use of drop hammers.

13D.3.21 The manufacturing, processing, assembling and packaging of products made from cellophane, canvas, cloth, cork, felt, fiber, feathers, fur, glass, hair, horn, leather, paper, plastics, shell, textiles, tobacco, and wood.

13D.3.22 Drive-in or other quick-service eating establishments.

13D.3.23 Farm Winery.

SECTION 14 - DIMENSIONAL REQUIREMENTS

14.1 Minimum Lot Size.

R-120 Zones	-	120,000 square feet
R-80 Zones	-	80,000 square feet
I Zones	-	50,000 square feet

Baltic Economic Development Zone, Hanover Village Zone, Versailles Village Zone: 20,000 square feet if served by public sewers; 40,000 square feet if not served by public sewers. Baltic Village Zone: 7,500 square feet if served by public sewers, 40,000 square feet if not served by public sewers.

14.1.1 Deleted, December 15, 2002.

14.1.2 Where multi-family dwellings are permitted in the village zones, the minimum lot size shall be 10,000 square feet per unit in the Baltic Village Zone, the Hanover Village Zone, and the Versailles Village Zone; and 3,000 square feet in the Baltic Economic Development Zone.

14.1.3 Where any reference is found to the R-40 Zone within these Regulations, it is erroneous, the R-40 Zone having been removed from these Regulations effective May 15, 2008. Where any reference is found to the R-20 Zone, R-7.5 Zone, C-1 Zone, C-2 Zone or CI Zone within these Regulations, it is erroneous, all of these zones having been removed from these Regulations effective November 4, 2009.

14.2 Minimum Lot Frontage on a Street. All lots shall have frontage on and direct access to a street except as allowed in Section 14.2.1 below. Minimum frontages are as follows:

R-120 Zones	-	300 feet
R-80 Zones	-	250 feet
I Zones	-	150 feet

Baltic Economic Development Zone - there is no minimum lot frontage requirement.

Baltic Village Zone, Hanover Village Zone, Versailles Village Zone - 100 feet if served by public sewers; 150 feet if not served by public sewers.

14.2.1 The frontage requirement may be reduced to 50 feet for lots fronting on the circular turnaround at the end of a dead end street, provided that such lots have a minimum width at the building line equal to or greater than the frontage requirement for the relevant zoning district. No more than four lots with reduced frontages shall be located at the end of a dead end street.

14.2.2 Interior Lots. The intent of this section is to: encourage variation in the development of house sites; to allow greater flexibility of development of parcels that cannot be reached by public streets due to irregular topography or wetlands; and to minimize the adverse environmental impact of development. (Effective 10/2000)

- a. Approval. All new interior lots created after October 15, 2000 must be approved by the Sprague Planning and Zoning Commission, at which time a site plan may be required. New interior lots shall meet the design requirements of Sections 14.2.2 b. through 14.2.2 i. of these Regulations. If such lots existed on or prior to October 15, 2000 and continuously thereafter, and were owned separately from an adjoining lot as evidenced by deed recorded in the Sprague Land Records, the Commission shall review them as a Special Permit under Section 16.26 of these Regulations.
- b. Location. Interior lots may be approved in the Baltic Village, Hanover Village, Versailles Village, R-80 and R-120 zones for single-family residential development.
- c. Minimum Lot Area. The minimum lot area for interior lots will be 160,000 square feet or two times the minimum lot area for that zone, whichever is greater, excluding the access strip. The access strip shall include all land leading up to the front lot line.
- d. Front Lot Line. For interior lots the front lot line shall be defined as the lot line from which the access strip leads. The front lot line must be equal in length to the frontage requirement for that zone.
- e. Yard Requirements. The yard requirements for all interior lots shall be 50 feet from all property lines for any principal building or use, and 25 feet for any accessory building or use.
- f. Access Strips. All interior lots must be served by an access strip with a minimum width of forty (40) feet throughout. Such access strip may be owned in fee simple or may be a right-of-way or easement over adjacent property. No more than two interior lots may be served by a single access strip.
- g. In no case shall interior lots be ‘stacked’ one behind another.
- h. Common Driveways. Common driveways serving interior lots must be approved by the Town of Sprague Planning and Zoning Commission, and may be required to be designed by a professional engineer. The Commission may require bonding prior to the construction of common driveways.
- i. Indemnification. A note shall be placed on the final survey plan and in the deed to the property stating: “This lot is serviced by a private driveway. The Town of Sprague will provide no maintenance or repair of this driveway, or provide school bus service along this driveway, now or in the future.”

14.3 **Minimum Setback from Front Lot Line.**

- R-120 Zones - 100 feet
- R-80 Zones - 75 feet
- I Zones - 75 feet

Baltic Economic Development Zone – there is no minimum setback from the front lot line requirement.

Baltic Village Zone, Hanover Village Zone, Versailles Village Zone – 50 feet

14.3.1 The setback requirements shall be increased by 25 feet for new buildings fronting on the circular turn-around at the end of a dead end street and for new buildings fronting on state highways. It does not apply to additions to existing buildings.

14.3.2 On a corner lot, setback requirements shall be met for both street frontages.

14.3.3 In any residential district where the average setback of at least two developed lots within 150 feet of the lot in question and within the same block on the same side of the street is less or greater than the minimum setback prescribed elsewhere in these Regulations, the required setback on such lots shall be modified so that the setback shall not be less than the average setback on the two lots immediately adjoining, or, in the case of a corner lot, the setback on the lot immediately adjoining; provided, however, that the setback on any lot shall be at least 50 feet and need not exceed 100 feet.

14.3.4 Any ground mounted antenna shall be erected to the rear of the principal building.

14.4 **Maximum Building Height.**

R-120 Zones - 35 feet

R-80 Zones - 35 feet

I Zones - 50 feet

Baltic Economic Development Zone – there is no maximum building height limitation.

Baltic Village Zone, Hanover Village Zone, Versailles Village Zone – 35 feet

The Commission may permit a building higher than fifty (50) feet in the Baltic Village Zone, Hanover Village Zone, or the Versailles Village Zone if the Commission determines that such building shall not constitute a safety hazard or be visually inconsistent with the general character and appearance of the surrounding area.

14.4.1 The above required heights may be exceeded for features such as steeples, antennas for individual dwellings, chimneys, wind energy conversion systems, silos and barns provided permission is obtained from the Commission. Telecommunication towers may be erected to the minimum height necessary as specified in Section 15.18.5 of these Regulations. The Commission may permit an industrial building higher than 50 feet if it determines that such building shall not constitute a safety hazard or be visually inconsistent with the general character and appearance of the surrounding area.

14.5 **Maximum Lot Coverage.**

R-120 Zones - 10%

R-80 Zones - 15%

I Zones - 40%

Baltic Economic Development Zone – the maximum lot coverage is 50%

Baltic Village Zone, Hanover Village Zone, Versailles Village Zone – 30%

14.6 **Minimum Side Yard.**

R-120 Zones - 35 feet

R-80 Zones - 25 feet

I Zones - 15 feet

Baltic Economic Development Zone – there is no minimum side yard requirement.

Baltic Village Zone, Hanover Village Zone, Versailles Village Zone – 20 feet

14.6.1 Side yards are not required in the Baltic Village, Hanover Village, and Versailles Village zones between adjoining commercial buildings.

14.6.2 In the Baltic Village, Hanover Village, and Versailles Village zones one side yard may be reduced to zero feet for purposes of sale for two-family dwellings which existed as of July 1, 1959 and continuously thereafter.

14.7 **Minimum Rear Yard.**

R-120 Zones - 75 feet

R-80 Zones - 50 feet

I Zones - 20 feet

Baltic Economic Development Zone – there is no rear yard requirement.

Baltic Village Zone, Hanover Village Zone, Versailles Village Zone – 25 feet

14.8 **Minimum Floor Area in Residences.**

14.8.1 One-story single-family dwelling - 960 square feet.

14.8.2 Two-story single-family dwelling - 800 square feet on the first floor and a total of 1,000 square feet. (Refer to the definition of floor area for the "raised ranch" style of architecture).

14.8.3 New multi-family dwellings – 500 square feet per dwelling unit with one bedroom plus 150 square feet for each additional bedroom.

14.8.4 Deleted, December 15, 2002.

14.9 **Multiple Uses and Buildings.** The Commission may permit more than one permitted building or use to be located and conducted on a lot under the same ownership or sponsorship for multi-family, commercial, industrial, recreational, institutional, governmental, educational,

farming and wireless telecommunication purposes, as well as for EHDs filed pursuant to Section 16.18 of these Regulations. Such buildings or uses shall be planned as a unit, with integrated parking, access, building design and landscaping and shall meet the requirements of these Regulations.

14.10 **Accessory Buildings**. Accessory buildings shall meet the following requirements:

14.10.1 An accessory building attached or connected to the principal building by walls or roofs shall be considered a part of the principal building and shall conform to the yard requirements of the zone in which they are located.

14.10.2 Separate accessory buildings more than ten feet in height above the ground shall conform to the yard requirements of the zone in which they are located.

14.10.3 Separate accessory buildings not more than ten feet in height above the ground shall be set back at least 75 feet from any front lot line and not closer than 5 feet to the side or rear lines of said lot, when such lot lines abut the rear lines or rear half of side lines of adjoining lots. If the side or rear lines of said lot abut the front half of the side line of an adjacent lot, then the yard requirements of the zone in which they are located shall apply.

14.10.4 Accessory buildings on any lot in a residential zone may include private garages with space for the storage of not more than four (4) vehicles. In a commercial or industrial zone, a garage may include space for more than four (4) vehicles.

14.10.5 No accessory building or private garage shall be built on a lot that does not contain a principal building or use. This provision shall not apply to a bonafide farm.

14.10.6 No accessory building used for livestock or poultry, which is kept for domestic use, shall be nearer than twenty-five (25) feet to any side or rear line.

14.10.7 Accessory buildings shall not occupy more than 20% of the area of a required yard.

14.10.8 Swimming pools are permitted as accessory uses on residential lots provided they are located behind the building line not closer than fifteen (15) feet from any property line. These requirements may be modified to meet the requirements of Section 14.3.3 of these Regulations if they apply. Before a zoning permit may be issued for a swimming pool, approval must be obtained from the Sprague Water and Sewer Authority if the proposed pool is located within the water service area of the Authority.

14.11 **Accessory Apartments**. The purpose of this section is to provide an arrangement within a single-family dwelling for a set of rooms to be used as a separate living facility where individuals related by birth, marriage, or legal adoption can reside in privacy and independence while still being close to relatives.

14.11.1 An accessory apartment may be permitted by the Planning and Zoning Commission when the following conditions are met:

- a. Only one accessory apartment shall be created within or added to a single-family dwelling.
- b. The owner(s) of the single-family dwelling in which an accessory apartment is created shall occupy one of the dwelling units.
- c. All rights and responsibilities pertaining to the property on which the single family dwelling and associated accessory apartment exist, shall reside solely with the single-family dwelling owner(s).
- d. All new construction incurred by the creation of an accessory apartment shall meet the dimensional requirements of Section 14 of these Regulations for the zoning district in which the accessory apartment is to be located, except as provided for in Section 20.3.1a) of the Regulations.
- e. The accessory apartment cannot exceed fifty (50) percent of the combined gross floor area of both units. No more than two bedrooms shall be permitted in an accessory apartment.
- f. There shall be direct interior access between the single-family primary residence and the accessory apartment.
- g. The design of the accessory apartment shall conform to all applicable standards of the State of Connecticut health, building, and fire codes and the entire building shall maintain the appearance and architectural style of the existing single-family dwelling.
- h. The accessory apartment shall be directly attached to the host dwelling by a common wall, floor, or ceiling, and cannot be attached via open or enclosed structures including, but not limited to, breezeways, porches, utility rooms and garages.
- i. The resulting two dwelling units (primary single-family dwelling & accessory apartment); shall be served by common utilities, metering devices, water supply, sewage disposal, and a single street number, and mailbox.
- j. Required off street parking shall minimally be three spaces for the combined use of the single-family dwelling and the accessory apartment. Parking and access from the public street shall be provided by a single, common driveway, unless it can be demonstrated to the Planning and Zoning Commission to be impractical or unfeasible.
- k. The accessory apartment shall not be rented, converted to a condominium or used for any other income purposes with the exception of a home occupation.

14.11.2 Application for an accessory apartment shall be made in a form prescribed by the Zoning Enforcement Officer and shall be accompanied by the following:

- a. A letter signed by the single-family dwelling owner(s) confirming that he, she, or they is/are the owner occupant(s) of the primary single-family dwelling and indicating the name(s) and relationship(s) of the intended occupant(s) of the accessory apartment.
- b. A floor plan of the building, indicating the areas of all rooms, and clearly showing the locations, accesses and interconnections of the primary dwelling and the accessory apartment.
- c. A report from the Town of Sprague Sanitarian indicating that the existing and/or proposed water supply and sewage disposal systems will adequately serve the proposed use.
- d. A site plan may be required by the Commission to insure that all applicable zoning regulations have been met.

14.11.3 The effective period of a permit shall be five years. At the end of this time period, renewal shall be granted by the Zoning Enforcement Officer upon certification from the owner(s) that all of the conditions met at the time of the original application remain unchanged.

14.11.4 Purchasers of homes that have had permits for accessory apartments who want to continue the use must obtain an approval from the Zoning Enforcement Officer by demonstrating that all conditions prerequisite to obtaining that original permit will continue to be met.

SECTION 15 - SUPPLEMENTARY REGULATIONS

15.1 **Animals.** Livestock and poultry may be raised for domestic use if the property conforms to the dimensional requirements, site suitability and manure management practices as defined in these Regulations.

15.1.1 **Site Suitability.**

A. Location: Animals shall be kept in a location that complies with the Connecticut Public Health Code and which does not negatively impact on an on-site sewage disposal system or surface water. Also see “Setbacks” below.

B. Slope: Sites with steep slopes must be designed to avoid heavy surface water runoff, soil erosion, sedimentation or hazardous conditions.

C. Drainage: Drainage shall be provided to avoid standing water. Clean water shall be diverted from animal keeping areas; dirty water shall not pollute surface or subsurface water supplies and shall comply with the Connecticut Department of Energy and Environmental Protection’s Water Quality Standards.

D. Wetlands: Farming – including the grazing of animals – is allowed “as of right” under Connecticut’s Inland Wetlands and Watercourses Act (CGS 22a-40); see the Connecticut Department of Energy and Environmental Protection’s publication: *Agriculture, Forestry, and Wetlands Protection in Connecticut*.

E. Roosters: Roosters are not allowed in the Baltic Village Zone.

15.1.2 **Setbacks and Buffers for Animal Yard Areas.**

A. An agricultural/open space buffer, measured from the property line, equal to 100 feet minus the side yard or rear yard setback per Section 14.6 or 14.7, as applicable, shall be maintained when a farm consisting of more than three (3) acres of actively farmed areas is established adjacent to residential property. For the purpose of this section, the Baltic, Hanover and Versailles Village Zones are considered residential. The agricultural buffer shall be considered part of the open space. For actively farmed areas of three (3) acres or less, the setback distance for animal yard areas shall be a minimum of 20 feet from any lot line. The front yard setback distance for all animal areas shall be 20 feet from the front lot line.

B. Larger structures (in aggregate of more than 200 square feet) for the housing and shelter of livestock shall be no less than 100 feet from any property line.

C. Smaller structures (i.e. in aggregate of 200 square feet or less) for the housing and shelter of livestock shall be the minimum dwelling setback requirements allowed in that zone.

D. Enclosures for raising pigs must be 300 feet from any property line.

E. A site plan is required as part of a zoning permit for any structure that will be used to house livestock.

F. A zoning permit is not required for a structure to house animals that is less than five (5) feet by five (5) feet by ten (10) feet in height.

15.1.3 **Manure Management.**

All farming and agricultural enterprises must comply with “Generally Accepted Agricultural Practices” as defined under State Statutes (CGS 19a-341). These statutes address odors, dust and noises.

15.1.4 Deleted, effective 8/1/12.

15.2 **Farm and Agricultural Parking.** Adequate off-street parking shall be provided for the sale of agricultural products.

15.3 **Roadside Stands.** Roadside stands for the sale of farm products are permitted when accessory to the premises on which they stand, provided such stand shall not be larger than 200 square feet or have more than two (2) signs aggregating twelve (12) square feet in area

advertising such produce. Such signs shall be at least ten (10) feet and such stands at least twenty (20) feet from the travel way of any street or highway. Signs and stands shall be at least fifty (50) feet from any street intersection.

15.4 **Prohibited Uses**. The following uses are prohibited in the Town of Sprague:

15.4.1 Abattoir, meat packing, commercial poultry slaughter, distillations of bones, offal, or rendering or dumping of dead animals.

15.4.2 Blast furnaces or smelting of copper, iron, lead, tin or zinc.

15.4.3 Coal or petroleum distillation or derivation of by-products.

15.4.4 Manufacture of cement, lime, gypsum, or plaster of paris, or chlorine, or carbolic, hydrochloric, nitric, picric, or sulfuric acid, explosives or fertilizers.

15.4.5 Fat rendering in the manufacture of tallow, grease, and oil.

15.4.6 Refining and recovery of products from fish, animal refuse, or offal.

15.4.7 Gas manufacture and storage by others than a public utility, except that the storage for distributing purposes and the distribution of liquefied petroleum gas may be permitted, provided that the standard established by the national Board of Fire Underwriters, and applicable state laws, including revisions, are complied with. Nothing shall prevent the storage for use on the premises of liquefied petroleum gas when installed and used in accordance with applicable Connecticut State laws.

15.4.8 Junk yards.

15.4.9 Similar uses to the above (items 15.4.1 through 15.4.8) which are dangerous by reason of fire or explosion, or injurious, noxious, or detrimental to the neighborhood because of emission of dust, fumes, smoke, wastes, noise, vibrations or because of other objectionable features.

15.5 **Buffers**. In the Baltic Economic Development Zone, the Baltic Village Zone, the Hanover Village Zone, the Versailles Village Zone, and the I Industrial Zone where any lot, or portion thereof is occupied by a commercial or industrial enterprise that adjoins a residential lot without separation by a street, the Commission may require that there shall be a landscaped strip of at least fifteen (15) feet wide extending the length of such lot boundary seeded to grass and properly planted to a mix of evergreen and deciduous trees and shrubs to insure within a reasonable time a proper visual break between the activity on the lot and the neighboring residential lot(s). Where the existing topography, vegetation and/or landscaping provides adequate screening, the Commission may modify the buffer area requirements. Walls, ornamental fences, earthen berms or other architectural materials may be substituted for plantings or used in combination with the plantings.

Buffers shall be shown on the site plan required in Section 17.3 of these Regulations. The buffer strip may be located in the adjacent residential lot, but the ownership of such buffer strip must be, and remain in the name of the same person, persons, firm or corporation as the lot, or portion

thereof, devoted to such commercial or industrial enterprise. Failure to maintain such a strip, where required, shall constitute a violation of these Regulations. Where lot size and shape or existing structures make it infeasible to comply with the minimum width required above, the Commission may modify the width requirement provided the buffer area meets the intent of these Regulations.

15.6 Mobile Home During Construction of Dwelling. A permit to occupy a mobile home may be issued for one (1) year under the following conditions:

15.6.1 Such permit shall be issued to the owner of a parcel on which the private dwelling is to be constructed, altered or reconstructed.

15.6.2 The mobile home shall not be moved onto the property until a building permit has been issued for such building construction.

15.6.3 The mobile home before occupancy shall be connected to the permanent water supply and sewage disposal system that will serve the completed dwelling.

15.6.4 Such permit may be issued for not more than one (1) year, and may be renewed only, provided the foundation, first floor, and first floor walls and ceilings shall have been constructed before the renewal is granted. The renewal of such permit shall be for a period not to exceed one (1) year.

15.6.5 The plot plan filed with application for the dwelling building permit shall show, in addition to information required for building construction, the proposed location of the mobile home, water supply, and sewage disposal system and such plot plan shall become a part of the application for a permit.

15.6.6 The mobile home shall not be occupied after the dwelling is occupied, and the failure to remove the mobile home from the premises within sixty (60) days after issuance of the Certificate of Compliance of the dwelling shall be considered a violation of these Regulations.

15.6.7 The Commission may require a bond as specified in Section 17.6 of these Regulations to ensure compliance with the above provisions.

15.7 Corner Visibility. On any corner lot, no fence, or similar structure shall be erected, and no hedge, shrub, tree, or other obstruction shall be maintained that constitutes a hazard to traffic by impairing the view.

15.8 Outside Storage. The outside storage or display of building materials and equipment or goods for sale shall not be permitted in residential or commercial zones unless they are enclosed by an opaque wall, fence, or other screening and located to the rear of the building line. This requirement shall not apply to motor vehicle dealers.

15.9 Public Utility Buildings. Public utility buildings and uses may be located on lots that do not meet the area and frontage requirements of these Regulations, provided the other yard requirements are met and there is no visible storage of supplies and equipment, including vehicle

parking other than parking of vehicles owned by employees, as viewed from any adjacent residential district.

15.10 **Conversion of Residences.** A building used for multi-family residential purposes and located in the Baltic Village, Hanover Village, or Versailles Village zones may, with permission of the Commission, be converted so as to include a greater number of dwelling units provided the following conditions are met:

15.10.1 The building is at least twenty (20) years old and structurally capable of being enlarged to accommodate additional persons in a safe and healthy manner.

15.10.2 The lot is capable of meeting the dimensional requirements of the district in which it is located as specified in Section 14 of these Regulations.

15.10.3 Off-street parking in the form of either a garage or suitably-surfaced and drained parking area behind the building line shall be provided at the ratio of two spaces per dwelling unit.

15.10.4 Each dwelling unit shall contain a minimum of 500 square feet plus 150 additional square feet per bedroom and shall include complete kitchen facilities and a private bath.

15.10.5 The requirements of Sections 14.1.2 and 16.13 of these Regulations shall be met.

15.11 **Camper-Recreational Vehicle Units.** Not more than one (1) camper-recreational vehicle may be parked or stored on a lot used for residential purposes at any given time. No camper-recreational unit shall be occupied for a period exceeding thirty (30) days in any calendar year except in an authorized recreational campground. The Director of Health and Zoning Enforcement Officer shall approve such occupancy.

15.12 **Unregistered Vehicles.** In any residential zone, not more than one unregistered motor vehicle may be parked or stored outside a building on a lot. If an unregistered vehicle is parked or stored outside a building, such parking shall be restricted to the rear yard and shall not be visible off the lot anytime during the seasons of the year, except one unregistered vehicle in condition for legal use on the public highways may be offered for sale in the front yard for a period not exceeding a total of thirty (30) days in any calendar year. This provision shall not apply to vehicles used for a bonafide farm.

15.13 **Commercial Vehicles.** In any residential zone, not more than one (1) registered commercial vehicle having a gross weight in excess of 10,000 pounds shall be parked or stored outside a building on a lot. This provision shall not apply to commercial vehicles used for a bonafide farm.

15.14 **Special Flood Hazard Area (SFHA) Requirements.** The SFHA includes all areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated July 18, 2011, and accompanying Flood Insurance Rate Maps (FIRM), dated July 18, 2011, and other supporting data applicable to the Town of Sprague, and any subsequent revisions thereto, are adopted by reference and declared to be a part of these Regulations. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map

revision is obtained from FEMA. The area of the special flood hazard includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

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

Base Flood: Means the Flood having a one percent chance of being equaled or exceeded in any given year.

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

Basement: Means that portion of a building have its floor subgrade (below ground level) on all sides.

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

Development: Means any man-made change to improved or unimproved real estate, including, but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to building or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavating, 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.

Existing Manufactured Home Park or Subdivision: Means a manufactured home park or subdivision for which the construction or 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 January 3, 1985, the effective date of the floodplain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision: Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA): Means the federal agency that administers the National Flood Insurance Program (NFIP).

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

Flood or Flooding: Means a general and temporary condition of partial or complete inundation of normally dry land areas from either overflow of inland or tidal waters, or the unusual and rapid accumulation/runoff of surface waters from any source.

Flood Insurance Rate Map: Means the official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community.

Flood Insurance Study: Means the official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

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

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

Functionally Dependent Use or Facility: Means a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Historic Structure: Means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily

determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable 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.

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

Manufactured Home Park or Subdivision: A parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

Market Value: Means as related to substantial improvement and substantial damage, the market value of the structure shall be determined by the appraised value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

Mean Sea Level: The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on Sprague's Flood Insurance Rate map are referenced.

New Construction: Means structures for which the "start of construction" commenced on or after January 3, 1985 and includes any subsequent improvement to such structures.

New Manufactured Home Park or Subdivision: Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after January 3, 1985, the effective date of the floodplain management regulation adopted by the community.

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

Special Flood Hazard Area: Is the area within Sprague subject to one percent or greater chance of flooding in any given year, as identified on the Sprague FIRM.

Start of Construction: Start of construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include 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 existing wall, ceiling, floor, or other structural part of building, whether or not that alteration affects the external dimensions of the building.

Structure: Means a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures. 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.

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

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

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

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.

Water Surface Elevation: The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

The following requirements are intended to reduce the threat to public safety and loss of property values resulting from periodic flooding and to ensure eligibility for continued participation by the Town of Sprague in the National Flood Insurance Program. In cases where conflicts occur between the requirements of the underlying zoning district and these SFHA requirements, the requirements of this subsection shall control. The following regulations apply within the SFHA:

15.14.1 A zoning permit or special permit shall be required in conformance with the provisions of these Regulations prior to the commencement of any proposed construction or development activities, including placement of manufactured homes, within the Special Flood Hazard Area.

15.14.2 Within the SFHA, the following requirements shall be met:

- a. All new construction and substantial improvement of residential structures shall have the lowest floor elevated to or above the base flood elevation;
- b. All new construction and substantial improvements of non-residential structures shall have the lowest floor elevated or flood proofed to or above the base flood elevation;
- c. Non-residential structures may be flood proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this section. Such certification shall be provided to the Building Inspector;
- d. New construction or substantial improvement of elevated buildings that include fully enclosed areas formed by foundation or other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect to meet the following minimum criteria:
 1. Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one foot (1') above grade;
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
 4. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation; and

5. Access to the enclosed area shall be a minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

e. All manufactured homes, including “mobile” homes and recreational vehicles placed on a site for 180 consecutive days or longer, or substantially improved, shall be elevated so that the lowest floor is above the base flood elevation. The manufactured home shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. They shall be installed using methods and practices which minimize flood damage, providing adequate access and drainage, piling foundations (when used) no more than ten feet apart, and reinforced to any piers more than six feet above ground level. This includes a manufactured home located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. Recreational vehicles placed on sites within a SFHA shall either (i) be on the site for fewer than 180 consecutive days, and (ii) be fully licensed and ready for highway use, OR (iii) meet all the general standards of Section 15.13, including, the elevation and anchoring requirements of this Section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions;

f. When base flood elevation data or floodway data are not available, then the 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 Regulations.

g. Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (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;

h. Compensatory Storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening

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

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

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

15.14.3 Prior to issuing a zoning permit for proposed construction or development within the A or AE Zones, the Zoning Enforcement Officer or the Commission shall review plans for such construction or development and require that (a) all sites are reasonably free from flooding; (b) new construction or substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure; (c) new construction or substantial improvements shall be constructed with materials resistant to flood damage; (d) new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage; (e) new or replacement water supply systems and/or sanitary sewer systems are designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; (f) on-site waste disposal systems are located to avoid impairment to them or contamination from them during flooding; (g) 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; and (h) 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.

15.14.4 Within the floodway as designated on the Flood Insurance Rate Map or any other source, all encroachments, including fill, new construction, substantial improvements to existing structures, and other development, are prohibited unless

certification, with supporting technical data, by a Connecticut registered professional engineer is provided by the applicant demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachment shall not result in any (0.00 feet) increase in flood levels during a 100-year flood. A permit may be given which allows encroachments resulting in increases in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirements of the Code of Federal Regulations 44, Chapter 1, Subsection 65.12, as amended.

When base flood elevations have been determined within Zone AE on the community's FIRM, but a regulatory floodway has not been designated, the Commission must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage 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.

The Commission 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.

15.14.5 Applicants for development within the SFHA shall submit with their applications assurances that the flood-carrying capacity is maintained within any altered or relocated portion of any watercourses.

15.14.6 The Commission shall notify, in riverine situations, adjacent communities and the Water Resources Unit of the Connecticut Department of Environmental Protection prior to approving any alteration or relocation of a watercourse, and shall submit copies of such notices to the Federal Emergency Management Agency.

15.14.7 For all applications for permits within the SFHA, the Commission shall: (a) record the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 15.14.2 above, and (b) review permits to assure that sites are reasonably free from flooding and require that all State and Federal permits are obtained, and (c) maintain all records pertaining to the special flood hazard area provisions of these regulations.

15.14.8 Upon completion of the applicable portion of construction the applicant shall provide the Commission with verification of the as-built lowest floor elevation, defined as the top of the lowest floor (including basement) or, in the case of flood proofed floor (including basement) or, in the case of flood proofed buildings, the elevation to which the flood proofing is effective.

15.14.9 Variance Procedures. The Zoning Board of Appeals shall hear and decide appeals and requests for variances from these SFHA requirements. Variances shall not

be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Variances shall meet the following criteria:

- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and result in the loss of historic designation of the building;
- b. Variances may only be issued upon (I) a showing of good and sufficient cause, (II) a determination that failure to grant the variance would result in exceptional hardship, and; (III) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.
- d. The Zoning Board of Appeals shall maintain the records of all appeal actions within the SFHA and report any variances to the Federal Emergency Management Agency in its biennial report.

15.15 Front Landscaped Area. For all commercial or industrial enterprises within the Baltic Economic Development Zone, the Baltic Village Zone, the Hanover Village Zone, the Versailles Village Zone, and the I Industrial Zone, the Commission may require a front landscaped area ten (10) feet or more wide along and contiguous to the front lot line shall be landscaped and covered with grass or other ground cover and shall include appropriate trees, shrubbery, flowers, plantings, or other materials acceptable to the Commission. The purpose of this area is to enhance the appearance of the use of the lot, but not to screen the use when viewed from the street. Where lot size and shape or structures make it infeasible to comply with the minimum width required above, the Commission may modify the width requirement provided the landscaped area meets the intent of these Regulations.

15.16 Home Occupation. No home occupation shall be allowed unless a home occupation permit is issued by the Commission. The Commission may require a public hearing if it is deemed necessary. A home occupation shall meet the following requirements:

15.16.1 It is clearly secondary to the use of the dwelling for dwelling purposes.

15.16.2 It does not change the residential character of the dwelling in any visible manner.

15.16.3 It does not create objectionable noise, odor, vibrations, waste or unsightly conditions noticeable off the premises.

15.16.4 It does not create interference with radio and television reception in the vicinity and does not create a health or safety hazard.

15.16.5 Equipment used in such occupation shall be customarily incidental to residential occupancy.

15.16.6 Not more than two persons not residing on the premises are employed on the premises.

15.16.7 Except for fruit and vegetables grown on the premises, no other display or items related to the home occupation shall be visible off the premises.

15.16.8 If located in a dwelling, the total floor area occupied by such home occupation does not exceed 25% of the dwelling floor area above the basement.

15.16.9 If located in a previously existing accessory building on the same lot as the dwelling, the space occupied by such a home occupation may not exceed an area equivalent to the area allowed in Section 15.16.8 above.

15.16.10 Reasonably sufficient off-street parking is available for the residents, employees not residing on the premises, and for patients, clients, customers or patrons.

15.17 **Yard Sales.** Yard sales, garage sales, tag sales and the like are permitted in any zoning district provided there are no more than three (3) on the same lot in any calendar year and provided each such sale lasts no longer than three (3) consecutive days.

15.18 **Wireless Telecommunication Facilities.** The purpose of this Section is to provide for the location of wireless communication towers, antennas and facilities while protecting neighborhoods and minimizing the adverse visual and operational effects through careful design, siting and screening. This Section is consistent with the Telecommunications Act of 1996 in that it does not discriminate among providers of functionally equivalent services, prohibit or have the effect of prohibiting the provision of personal wireless services, or regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with FCC regulations concerning such emissions. More specifically, the telecommunication purposes are:

- To encourage use of nonresidential buildings and structures, such as water storage tanks.
- To encourage joint use of new or any existing towers and facilities.
- To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of towers.
- To accommodate the need for wireless communication towers and antennas while regulating their location and number.
- To protect historic and residential areas from potential adverse impacts of wireless communication facilities.
- To encourage suitable design measures to minimize adverse visual effects of wireless communication facilities.
- To reduce the number of towers and/or antennas needed in the future.
- To encourage the use of municipally owned sites and facilities.

For the purpose of this Section of these Regulations, certain words or terms are defined as follows:

Antenna: A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip, panel, and dish antennas.

Co-location: Locating wireless communication facilities of more than one provider on a single site.

Tower: A structure intended to support equipment used to receive or transmit electromagnetic waves. Examples of towers include self-supporting lattice, guyed, and monopole.

Wireless telecommunication facility: The equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

Wireless telecommunication services: Services associated with the transmission and/or reception of wireless telecommunications. These services may include, but are not limited to cellular, personal communication services, specialized mobilized radio, and paging.

In evaluating an application for a wireless telecommunication facility the Commission shall determine that that following conditions and requirements are met:

15.18.1 The Commission encourages the use of municipally owned sites and facilities. The general order of preference for alternative wireless telecommunication facility locations shall range from 1. as the most preferred to 6. the least preferred:

1. On existing structures such as nonresidential buildings/facades, water towers/tanks, utility poles, steeples, clock or bell towers, billboards, chimneys, bridges, and silos.
2. On existing or approved towers.
3. On new towers located on property occupied by one or more existing towers.
4. On new towers located in industrial zones.
5. On new towers in commercial-industrial or commercial zones.
6. On new towers located in residential zones.

15.18.2 All applications to develop a wireless telecommunications facility as a permitted use or special permit shall meet the site plan requirements listed in Section 17 of these Regulations. In addition, the following information shall be submitted for each application where applicable. The Commission may require independent engineering/technical review of submitted materials at the applicant's expense.

- a. A map indicating the service area of the proposed wireless telecommunications site. A map indicating the extent of the provider's existing, if any, and planned coverage within Sprague, and a map indicating the search radius for the proposed wireless telecommunications site, including the location of tall structures within one quarter mile of the proposed site.

- b. A report from a licensed telecommunication systems engineer indicating why the proposed site location is necessary to satisfy its function in the applicant's proposed wireless telecommunications system.
- c. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
- d. Details of all proposed antenna and mounting equipment including size and color.
- e. Elevations of all proposed shielding and details of material including color.
- f. An elevation of all proposed equipment buildings, boxes or cabinets. Details of all proposed fencing including color.
- g. Tower base elevation and height of tower.
- h. A design drawing, including cross section and elevation, of all proposed towers. A description of the tower's capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas. The design shall indicate how the tower will collapse without encroaching upon any adjoining property if failure occurs.
- i. A report from a licensed telecommunication systems engineer indicating that the proposed wireless telecommunication facility will comply with FCC radio frequency emission standards and that the installation will not interfere with public safety communications.
- j. All proposed landscaping, if appropriate, with a list of plant materials.
- k. Proposed access to the site.

15.18.3 All wireless telecommunication facilities where the antenna is mounted to an existing nonresidential building or structure shall meet these standards:

- a. No change is made to the height of the building or structure.
- b. Panel antennas shall not exceed sixty inches in height by twenty-four inches in width; whip antennas shall not exceed forty-eight inches in height; and dish antennas shall not exceed thirty-six inches in diameter.
- c. Equipment cabinets and sheds shall meet the requirements of Section 15.18.7 of these Regulations.
- d. Facilities shall be of a material or color which matches the exterior of the building or structure, and shall blend into the existing architecture to the extent possible.

- e. Facade mounted antennas shall not protrude above the building structure and shall not project more than three feet beyond the wall or facade.
- f. Roof mounted antennas shall not exceed the highest point of the rooftop by more than ten feet.
- g. Roof mounted antennas shall be set back from the roof edge a minimum of ten feet or ten percent of the roof width, whichever is greater.
- h. Roof mounted antennas shall not occupy more than 25 percent of the roof area in residential zones, and 50 percent in all other zones.

15.18.4 All wireless telecommunication facilities where a tower is to be located on property occupied by one or more existing towers shall meet the following standards:

- a. The height of the tower to be erected shall not exceed the height of the tallest tower on the property.
- b. All attempts are made to co-locate the antenna on existing towers.
- c. Equipment cabinets and sheds shall meet the requirements of Section 15.18.7 of these Regulations.

15.18.5 All wireless telecommunication facilities shall meet the following standards where applicable:

- a. The tower and/or antenna shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunications facility. Documentation of the minimum height needed, prepared by a licensed telecommunication systems engineer, shall accompany an application. The Commission may require the submission of propagation modeling results to facilitate its review of tower height.
- b. A tower must comply with the setback requirements of the zone in which it is located, or be set back from all property lines a distance equal to the height of the tower, whichever is greater.
- c. A telecommunications facility may be considered as either a principal or accessory use. The minimum lot area for the construction of a new tower shall be that of the zone in which it is located. More than one tower on a lot may be permitted if all setbacks, design, and landscape requirements are met for each tower. A telecommunications facility may be located on leased land as long as there is adequate ingress and egress to the site for service vehicles, and such access is documented in a deed easement presented to the Commission.
- d. All towers in residential zones shall be a monopole design unless otherwise modified and approved by the Commission. The Commission may require that a monopole be designed and treated with architectural materials so that it is

camouflaged to resemble a woody tree with a single trunk and branches on its upper part, or other suitable art form/sculpture as determined by the Commission.

e. Towers not requiring FAA paintings or markings shall be painted a non-contrasting blue, gray, or other neutral color.

f. No lights or illumination shall be permitted unless required by the FAA.

g. No signs or advertising shall be permitted on any tower or antenna, except no trespassing, warning, and ownership signs are permitted at ground level.

h. The proposed support structure shall be required to accommodate a minimum of three users unless it is determined to be technically unfeasible based upon information submitted by the applicant and verified by the Commission. These users shall include other wireless communication companies, and local police, fire, and ambulance companies

i. A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, as amended.

j. The Commission may require the use of Section 16-50aa of the Connecticut General Statutes to promote tower sharing.

k. For any zoning or special permit issued for a telecommunications facility, the permit holder shall exercise good faith in allowing future providers to co-locate or share space on the site, provided that such shared use does not impair the technical level or quality of service.

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

a. Detailed analysis of alternative sites, structures, access, and antennas as provided by the applicant. Particular attention will be placed upon the siting preferences found in Section 15.18.1 of these Regulations.

b. Detailed propagation and antenna separation analysis relative to tower height.

c. Tower sharing or co-location to facilitate the telecommunication needs of municipalities and other entities in order to reduce the need to construct additional towers. The Commission reserves the right to require the applicant to utilize the provisions of Section 16-50aa of the Connecticut General Statutes to achieve tower sharing.

d. Assessment of tower structure type.

e. Assessment of design characteristics/architectural treatments that mitigate, reduce or eliminate visual impacts on adjacent areas.

f. If located on a property listed on the National Register of Historic Places, preservation of the historic and /or architectural character of the landscape or any structure.

g. Consideration of future use or re-use of the site, with provisions for facility removal and site restoration.

15.18.7 All ancillary buildings associated with wireless telecommunication facilities shall comply with the following:

a. Each building shall not contain more than 150 square feet of gross floor area or be more than eight feet in height.

b. Each building shall comply with the setback requirements for accessory buildings for the zoning district in which it is located.

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

d. All ground level buildings, boxes, or cabinets shall be surrounded by a chain link or comparable fence and shall be surrounded by a buffer area 15 feet in width satisfying the landscaping/planting material requirements of Section 15.5 of these Regulations.

15.18.8 Abandonment. A wireless telecommunication facility not in use for 12 consecutive months shall be removed by the facility owner at their expense. This removal shall occur within 90 days of the end of such 12-month period. The Commission may require a bond or other surety satisfactory to the Town of Sprague, to guarantee removal, which shall be reviewed and renewed every two years. If there are two or more users of a single tower, this provision shall not become effective until all users cease utilizing the tower.

15.19 **Conservation Subdivisions.**

15.19.1 **Findings:** The Commission finds that in some cases the strict adherence to traditional land development and subdivision techniques within the Town of Sprague has resulted in:

1. The consumption of areas containing valuable recreational, agricultural, forest, and other unique natural resources.
2. The construction of new public roads and other improvements requiring maintenance by the Town of Sprague.
3. The development of sites without specific consideration of the limitations of, or opportunities offered by, the existing topographic and soil conditions.
4. The destruction of historic sites, geological features, severe slopes, scenic vistas, significant stands of trees, watercourses, wetlands, wildlife habitat, or other areas of environmental value, natural beauty or historic interest.

15.19.2 **Purpose:** The purpose of this section is to (1) maintain and enhance the conservation of natural or scenic resources, (2) protect natural streams and water supplies, (3) promote conservation of soils, wetlands, and other significant natural features and landmarks, (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open spaces, (5) enhance public recreation opportunities, (6) preserve historic sites, and (7) promote orderly urban or suburban development. These regulations are intended to provide for increased flexibility, balanced by increased control, in the development of land so as to facilitate the preservation of open space, natural resources, recreational uses, and community character by: a) permitting a transfer of density by way of reduction in the minimum lot size normally required in specific zones for residential development; or, b) permitting the development of oversized lots as provided for in Section 15.19.6 of these Regulations, by incorporating open space into individual lots.

15.19.3 **Definitions:**

- a. **Conservation Easement.** An easement which perpetually prohibits further development or use inconsistent with, or inimical to, the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the Commission, permit recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area in a manner which is inconsistent with, or inimical to, the preservation and protection of the restricted area.

Land encumbered by a conservation easement as part of the minimum required open space, may be used with approval by the Commission, for underground drainage fields for individual or community septic systems. Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground utilities. However, land with the rights-of-way of overhead power lines or other surface utility lines shall not be included in the minimum required open space.

- b. **Normal Lot Size.** The lot size, expressed in square feet, normally applicable to the zoning district in which the proposed Conservation Subdivision is located.
- c. **Open Space.** Land within a Conservation Subdivision that is subject to a Conservation Easement, or other form of development restriction.
- d. **Conservation Subdivision.** A subdivision approved in accordance with this Section and with Section 6.4 of the Subdivision Regulations.
- e. **Unbuildable Area.** The area, expressed in square feet, within the proposed Conservation Subdivision which is comprised of wetlands, watercourses, flood zone A per FEMA maps, existing and proposed streets and highways, easements and rights-of-way for vehicular access, drainage and utilities.

Easements and rights-of-way of an undefined width shall be deemed to be twenty-five (25') feet in width.

- f. Conventional Subdivision. A subdivision design that is consistent with the provisions of the Sprague Zoning and Subdivision Regulations that would be applicable in the absence of this Section and Section 6.4 of the Sprague Subdivision Regulations.

15.19.4 **General Eligibility Requirements**. Conservation Subdivision:

1. Shall only be permitted in the Baltic Economic Development, Baltic Village, Hanover Village, Versailles Village, R-80, and R-120 zones.
2. Shall consist of a parcel(s) of land containing no less than a total of fifteen (15) contiguous acres, however, there shall be no minimum number of lots required for the approval of a Conservation Subdivision. Parcels consisting of less than fifteen (15) contiguous acres may, at the applicant's request be developed as a Conservation Subdivision. Any parcel in existence as of January 1, 2005, that is divided, subdivided, or re-subdivided for residential use that results in the creation of five (5) or more lots, or involves fifteen (15) or more contiguous acres, shall be required to apply for approval as a Conservation Subdivision, except as provided for in Section 6.4.11 of the Sprague Subdivision regulations.
3. Must, except as provided for in this Section, comply with all applicable Sections of these Regulations, the Sprague Inland Wetland Regulations, Sprague Subdivision Regulations, and provisions of federal, state and local law.
4. Must provide for the dedication of Open Space in accordance with Subsection 15.19.8 of this Section.
5. Must provide for the beneficial utilization of suitable soil and topographic conditions, and for the protection of soils and topographic conditions not suitable for development.
6. Must comply with the State Health Code Basis Criteria for Septic System Design Minimum Leaching System Spread (MLSS) as incorporated into the State Health Code, as may be amended, except where sewers or community septic systems are being used.
7. Must be consistent with the intent of planning and zoning to promote the public health, safety, and welfare of the Town of Sprague, and the Sprague Plan of Conservation and Development.
8. Shall be used only for detached single-family dwellings and permitted accessory uses. All other uses shall require the normal lot size and be subject to approval of the Commission in accordance with the applicable Sections of these Regulations. In addition, any other use

which is proposed after the approval of the Conservation Subdivision shall require an amendment to the approval granted under this Section in accordance with the applicable Sections of the regulations.

15.19.5 **Application Procedure:**

a. Pre-Application Conference. The Commission recommends that prior to the submission of an application for approval of a Conservation Subdivision, the applicant initiate a pre-application conference with the Commission and its staff to discuss conceptual aspects of the proposed Conservation Subdivision and prepare and present a preliminary plan for informal consideration by the Commission. The pre-application conference is recommended to permit the general consideration of factors and problems affecting the development of the subject site before the applicant proceeds with the application and the preparation of final maps, plans, and documents required to accompany such application.

Following the pre-application conference, the Commission may provide informal, nonbinding suggestions to the applicant regarding the overall layout and design of the proposed subdivision, and whether to proceed with an application under this Section or to adhere to the Conventional Subdivision requirements of the applicable Sections of the Sprague Subdivision Regulations.

Neither the pre-application conference, the informal consideration of neither preliminary plans, nor the Commission's suggestions shall be deemed to constitute any portion of the application for approval of a Conservation Subdivision.

b. Application. An application for the approval of a Conservation Subdivision shall:

1. Require approval of the Commission as a subdivision in accordance with the applicable Sections of these Regulations and the Sprague Subdivision Regulations.
2. Be submitted with a proper complete subdivision application form, and application fees as set forth in the fee schedule.
3. Be accompanied by ten (10) copies of the proposed plan setting forth the information required by this Section, the applicable Sections of these Regulations, and the Sprague Subdivision Regulations, as well as such additional information as the Commission may require for a review of the proposed Conservation Subdivision under the applicable Sections of these Regulations, or in order to reach a determination of the impact of the Conservation Subdivision on the surrounding area. Such additional information may include, but is not limited to, the following: Information concerning surrounding land uses, building locations, driveways, streets, topography, water courses and wetlands; utilities and other information of a similar nature and purpose; a traffic impact study prepared by a Connecticut registered professional engineer qualified to prepare such studies; an

environmental impact statement prepared by professionals qualified to prepare such studies and any reports prepared by the applicant's staff or consultants.

4. Be accompanied by copies of the proposed Certificate of Incorporation, if any, by-laws, rules and regulations of any association or corporation of the lot owners within the proposed Conservation Subdivision; copies of the proposed covenants and restrictions to be placed in the deeds of conveyance to the lot owners, and copies of any proposed deeds, agreements, conveyances and restrictions necessary for the creation of open space, including a preliminary statement of the proposed Development Restriction.

15.19.6 **Standards, Controls, and Design Guidelines For Conservation Subdivisions:**

a. Minimum Area, Yard, and Coverage Requirements.

Minimum Lot Frontage (on a public street or private lane)	100 feet
Minimum Front Yard (as measured from the front lot line)	25 feet
Minimum Side Yard	25 feet
Minimum Rear Yard	25 feet
Maximum Building Height	35 feet

Separate accessory buildings shall not be located closer than twenty-five (25) feet to a front lot line, or ten (10) feet to any side or rear lot line.

Any lot within a Conservation Subdivision with reduced lot area shall contain a minimum contiguous area of no less than the minimum lot area as required through separating distances as specified under the State of Connecticut Public Health Code as may be amended, and contain no land defined as unbuildable under these regulations. All lots served by a private, on-site subsurface sewage disposal system shall be designed to accommodate construction of a four bedroom house.

Any lot within a Conservation Subdivision into which open space is incorporated by way of conservation easement, shall exceed the minimum lot area requirement for that zone by a minimum of 100%, and contain no land defined as unbuildable under these regulations.

b. Interior Lots.

1. Interior lots shall have a minimum driveway access strip width of forty (40) feet and a minimum lot width measured at the front lot line of one hundred (100) feet. For interior lots the front lot line shall be defined as the lot line from which the access strip leads.
2. The owner of a rear lot shall provide and maintain, as per approval specifications, the driveway, drainage and utilities within the access strip and shall be responsible for the continued maintenance and liability thereof. In cases where a common driveway is authorized in accordance with the subdivision regulations, deed restrictions establishing concise maintenance and liability agreements shall

be submitted to the Sprague Planning and Zoning Commission for review and, upon approval, filed on the land records for each subject lot.

- c. Density Limitations. The maximum number of lots allowed in a Conservation Subdivision shall not exceed the number of lots allowed as if the property were to be developed as a Conventional Subdivision. To determine this number, the applicant shall prepare a Conventional Subdivision Plan (called the “Yield Plan”) in accordance with Section 6.4.3 of the Sprague Subdivision Regulations, and the road specifications of the Town of Sprague. The Yield Plan may show a reasonable amount of regulated wetland activity. The yield plan will be submitted to the Planning and Zoning Commission for its review and approval during the applicant’s Conservation Subdivision approval process.
- d. Conformance. Any lot with reduced area approved under the provisions of this Section shall be deemed to be a conforming lot notwithstanding the Normal Lot Size; provided, however, that such lot meets the requirements of the other applicable sections of these Regulations and the Sprague Subdivision Regulations.
- e. Design Guidelines. The proposed Conservation Subdivision shall meet the following applicable design guidelines:
 1. Dwelling units shall be grouped allowing a portion of the parcel to remain as open space; or, open space shall be incorporated into individual lots.
 2. The open space in any Conservation Subdivision shall be located entirely within the subdivision and shall be in one contiguous piece except where the Commission finds that the purposes of Section 15.19.2 would be more effectively served by separated parcels. The open space shall have a suitable shape, dimension, character and location to promote the purposes specified in Section 15.19.2.
 3. The Planning and Zoning Commission reserves the right to require the involvement of a landscape planner in the design of a Conservation Subdivision.
 4. Lots shall be laid out to the greatest extent feasible to achieve the following objectives listed below in order of priority (it is recognized that some objectives may conflict with others on any given site):
 - a. To place septic systems on the most suitable soils for sub-surface waste water disposal (in unsewered areas only);
 - b. Within any woodland contained in the parcel, or along the far edges of the open fields adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);
 - c. In locations least likely to block or interrupt scenic vistas, as seen from the public roadway(s);

- d. On the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for such agricultural use;
 - e. In locations where the greatest number of units could be designed to take maximum advantage of solar heating opportunities.
5. Wherever possible, wetlands should be adjacent, contiguous or included in the open space.
 6. Along any part of the parcel perimeter where down-sized lots abut normal sized lots a fifty foot buffer zone, thickly planted with fast-growing native shrubs and trees shall be required; or an already forested strip of natural vegetation may be accepted at the discretion of the Commission.
 7. Unless prevented by ledge or other natural restraints, underground utilities shall be required in Conservation Subdivisions.

15.19.7 **Minimum of Open Space Required:** The minimum open space conveyance within a Conservation Subdivision shall be 50% of the total parcel area.*

*The maximum percentage of wetlands, watercourses, and floodplains included in the minimum area or open space required shall not exceed the percentage of wetlands, watercourses and floodplains in the total parcel. However, developers are encouraged to preserve wetlands, watercourses, and floodplains as open space even though these additional wetlands, watercourses and floodplains would not be counted towards the Minimum Area of Open Space Required.

15.19.8 **Dedication of Open Space:**

The Commission shall determine the most appropriate method of disposition after considering, among other things, the relationship of the subject parcel and its specific characteristics to the Plan of Conservation and Development and the purposes cited in Section 15.19.2; the desirability and suitability of public access and use, and the scope of the subdivision proposal. The following disposition options may be utilized by the Commission:

- (1) Conveyance in fee simple to the Town.
- (2) Conveyance in fee simple to the State of Connecticut.
- (3) Conveyance in fee simple to a land trust (with the concurrence of the sub-divider).
- (4) Conveyance in fee simple to a homeowners association.
- (5) Conveyance of a conservation easement, with or without public access, to the Town.
- (6) Conveyance of a recreation easement to the Town, the State, or a private, non-profit recreational entity.
- (7) Conveyance of an agricultural easement to the Town, the State, or a private, non-profit farm preservation entity.
- (8) Private ownership with the appropriate severance and conveyance of development rights.

(9) Any combination of the above or any suitable alternative approved by the Commission.

- a. Modification by the Commission of Designated Open Space. The Commission may modify any application so as to designate open space in locations other than those proposed. In determining whether the proposed entity is appropriate to own the proposed open space, or whether to require open space in locations different from those proposed, the Commission shall consider the following factors: The ownership of any existing open space on adjacent properties, or the proximity to non-adjacent open space which might reasonably interconnect with the proposed open space in the future; the proposed use of the open space for active or passive uses, and the extent of maintenance, supervision, or management required; the potential benefits which the open space might provide to residents of the Town or the State if it were accessible to them; the size, shape, topography, and character of the open space; the recommendations of the Sprague Plan of Conservation or Development; the reports or recommendations of any State or Town agencies, including, but not limited to, the Board of Selectmen, the Inland Wetlands and Conservation Commission, the Recreation Commission, the Southeastern Connecticut Council of Governments, and the Connecticut Department of Environmental Protection.
- b. Alteration of Open Space. Any excavation, filling or alteration of open space, any construction or expansion of any building, structure or other improvements thereon, or any paving or surfacing of open space subsequent to the date of approval of the Conservation Subdivision shall require an amendment to the approval granted under this section in accordance with the applicable Sections of the Regulations and shall be for the enhancement of the open space use only.
- c. Evidence of Acceptance. If open space is to be owned by a private not-for-profit conservation trust or corporation, the State of Connecticut, the Town of Sprague, or another entity, the application shall contain written evidence from the proposed entity satisfactory to the Commission, stating that it is willing to accept ownership of, and responsibility for, the preservation and maintenance of the open space.
- d. Required Provisions. Regardless of the manner of ownership of the open space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to ensure:
 1. The continued use of such land for the intended purposes.
 2. The continuity of proper maintenance for those portions of the open space requiring maintenance, and when appropriate the availability of funds required for such maintenance.
 3. Adequate insurance protection.
 4. Recovery for loss sustained by casualty, condemnation, or otherwise.
- e. Boundary Lines. The boundary lines of all open space shall be set in the field and marked by permanent, readily-visible markers where such lines intersect any lot line, road, or perimeter line within the proposed Conservation Subdivision and at such other points as may be required by the Commission to insure sufficient identification in the field.

- f. Recording. At the time the approved Conservation Subdivision plan is filed, the applicant shall record on the Sprague land records all legal documents required to ensure the aforesaid guarantees.
- g. Right to Enforce. A right to enforce the Conservation Easement shall be conveyed to:
1. The Town of Sprague, the State of Connecticut, or a private, not-for-profit conservation trust or corporation dedicated to conservation or preservation purposes in cases where open space is dedicated to an association or corporation of lot owners, individual lot owner, or a private or governmental entity; or
 2. To the association or corporation of lot owners in cases where open space is dedicated to the Town of Sprague, the State of Connecticut, or a private, not-for-profit conservation trust or corporation.

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

- h. Association Requirements. If the open space is to be dedicated to an association or corporation of lot owners, then the Commission may set additional requirements, including, but not limited to, the following:
1. Creation of the association or corporation prior to the sale of any lot;
 2. Mandatory membership of the association or corporation by all original lot owners and any subsequent owner; and
 3. The association or corporation shall have the power to access and collect from each lot owner a specified share of, and where necessary provide reserves for, the costs associated with maintenance, repair, upkeep, and insurance of the open space.

15.20 Driveways. Driveways in Sprague shall meet the Sprague Ordinance regulating the construction of approaches to town roads and the following requirements:

15.20.1 Driveways shall be designed so that the final grade does not exceed fifteen percent (15%). Driveways with ten (10%) to fifteen (15%) grades shall be paved with concrete or bituminous concrete for that portion of the driveway ten percent (10%) or greater in grade.

15.20.2 Driveways shall be a minimum of twelve (12) feet in width, which shall be cleared of obstructions for an additional three (3) feet on either side. The Commission may require wider widths for common driveways and commercial/industrial driveways to meet the design requirements of Section 18.7 of these Regulations and the actual traffic proposed.

15.20.3 Driveways shall be accessible to emergency vehicles. Obstructions shall be cleared throughout the width and length of the driveway to a height of fourteen (14) feet.

15.20.4 Drainage culverts shall be a minimum of fifteen (15) inch RCP or fifteen (15) inch HDCPP or larger based on actual drainage analysis performed consistent with Connecticut DOT drainage design standards and applicable town regulations, whichever is greater.

15.20.5 Driveways longer than six hundred (600) feet in length shall provide an emergency/passing twelve (12) feet by thirty (30) feet pull-off for every six hundred (600) feet of length.

SECTION 16 - SPECIAL PERMITS

16.1 **Application Procedures.** Applications for Special Permits may be obtained from the Zoning Enforcement Officer. Completed applications, together with ten (10) copies of a site plan prepared in accordance with Section 17 of these Regulations and a fee as shown on the schedule of fees adopted by the Sprague Planning and Zoning Commission shall be submitted to the Zoning Enforcement Officer or the offices of the Commission. The applicant shall post a sign in accordance with Section 3.12 of these Regulations. The Commission, in its sole discretion, shall determine if proposed alterations/modifications to an existing approved special permit are minor in nature and therefore do not require the submission of a new special permit application. The Commission shall approve, modify and approve, or deny these proposed alterations/modifications.

16.2 **Hearing and Decision.** The Commission shall hold a hearing on the application within sixty-five (65) days of receipt of the application and shall take action on the application within sixty-five (65) days after the public hearing.

16.3 **Recording.** An approved Special Permit shall follow the recording process outlined in Section 3.4 of these Regulations.

16.4 **General Evaluation Criteria.** In evaluating an application for a Special Permit, the Commission shall determine that the following general conditions are met:

16.4.1 The kind, size, location and height of building and other structures, the nature and extent of landscaping, and the location of driveways, parking and loading areas will not hinder or discourage the appropriate use of adjoining property.

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

16.4.3 The proposed use will not have degrading effects on the value of surrounding property.

16.4.4 The proposed use will not adversely affect environmental quality.

16.4.5 The ability of surrounding property to develop consistent with the prevailing zoning classification will not be impaired.

16.4.6 Public utilities and storm drainage features are adequate to serve the proposed use.

16.5 **Convalescent and Nursing Homes.** The general conditions of Section 16.4, above, shall apply and be met.

16.5.1 Deleted effective May 15, 2008.

16.5.2 Deleted effective May 15, 2008.

16.6 **Motor Vehicle Service Station or Retail Sale of Motor Vehicle Fuel as Part of Another Use.** In addition to the general conditions of Section 16.4 above, the following conditions shall be met:

16.6.1 No lot or building shall be approved for such use that is within 1,500 feet of another lot used for such use.

16.6.2 No part of a lot used for a motor vehicle service station or the retail sale of motor vehicle fuel shall be located within 1,000 feet of a lot used for a church, school, playground or public park.

16.6.3 Only such repairs and mechanical work may be performed at motor vehicle service station as is permitted by a Limited Repairer's License issued by the State of Connecticut pursuant to Chapter 246, Section 14-51 of the Connecticut General Statutes, and all such work shall be performed within the station building. Reasonable hours of operation shall be followed such that no noise is discernable off the premises, with no work performed between the hours of 9 p.m. and 7 a.m. unless the Commission allows additional hours of operation for extraordinary circumstances.

16.6.4 The storing of wrecked or unregistered motor vehicles for periods exceeding twenty-four (24) hours is prohibited.

16.7 **Automotive Repair Garage/Motor Vehicle Service Station.** In addition to the general conditions of Section 16.4 above, the following conditions shall be met:

16.7.1 No lot or building shall be approved for such use that is within 1,500 feet of another lot used for such use.

16.7.2 No part of a lot used for a automotive repair garage/motor vehicle service station shall be located within 1,000 feet of a lot used for a church, school, playground or public park.

16.7.3 Only such repairs and mechanical work may be performed at a automotive repair garage/motor vehicle service station as is permitted by a Repairer's license issued by the State of Connecticut pursuant to Chapter 246, Section 14-51 of the Connecticut General Statutes, and all such work shall be performed within the station building. Reasonable

hours of operation shall be followed such that no noise is discernable off the premises, with no work performed between the hours of 9 p.m. and 7 a.m. unless the Commission allows additional hours of operation for extraordinary circumstances.

16.7.4 Wrecked or unregistered motor vehicles shall be stored within the station building.

16.8 **Package Liquor Stores**. The provision of 16.4 above and the following provisions apply to establishments selling or dispensing alcoholic beverages, except that these Regulations shall not apply to the sale of beer in a grocery store, which is permitted.

16.8.1 Deleted, effective May 1, 2005.

16.8.2 No package liquor store shall be located closer than 1,000 feet to another such store.

16.9 **Excavations**. Excavation activities may be permitted by the Commission, provided the detrimental effects of the activity are minimized and provided the future usefulness of the premises is assured when the activities are completed. Permits for excavations shall not be issued for periods exceeding five (5) years and may be renewed only if it can be shown that the character of the surrounding area has not changed sufficiently during the preceding five years so as to make a continuation of such use detrimental to the public health, safety and general welfare and if the operation is being conducted in compliance with the provisions of these Regulations. In addition to the requirements of Section 16.4 above, the following additional conditions shall be met by all excavation activities:

16.9.1 Such operations shall not be conducted between the hours of 4:30 p.m. and 8:00 a.m., except for municipal purposes.

16.9.2 The site plan shall show that adequate measures are to be taken to guard against erosion and sedimentation both during and after excavation. Erosion and sedimentation control plan requirements are shown in Section 17.4.

16.9.3 No bank may exceed a slope of one (1) foot vertical rise in two (2) feet of horizontal distance unless in ledge when the finished slope may be one and one-half to one.

16.9.4 No removal shall take place within twenty (20) feet of a property line unless the finish grade will be the same as the grade of the adjoining property along the property line.

16.9.5 At the conclusion of the operation or of any substantial portion thereof, the whole area where excavation has taken place shall be covered with not less than four (4) inches of top soil and seeded with a suitable cover-crop.

16.9.6 Before a permit for an excavation is issued, the applicant shall post a bond in a form satisfactory to the Commission and made payable to the Treasurer of the Town of Sprague in an amount and form approved by the Commission as sufficient to guarantee conformity with the provision of the permit issued thereunder.

16.9.7 Where any excavation shall have a depth of ten (10) feet or more and creates a slope of more than one in two, there shall be a substantial fence at least six (6) feet in height with suitable gates and such fence shall be located fifteen (15) feet or more from the edge of the excavation.

16.9.8 Provisions shall be made to prevent dust from blowing onto neighborhood properties.

16.9.9 Locations for access roads, stock piling and equipment storage shall be selected so as to minimize adverse effects on surrounding properties.

16.9.10 No equipment used for the processing of excavated material, such as a crusher or grader, shall be located closer than one thousand (1,000) feet to any building used for residential purposes. Crushers are permitted only in Industrial Zones.

16.9.11 The Commission may require a landscaped buffer strip along neighboring property lines. Such a strip shall consist of an interplanting of evergreen and deciduous trees and shrubs suitable, in the judgment of the Commission, to provide in a reasonable time a visual barrier between differing land uses.

16.10 **Temporary Saw Mill or Other Commercial Woodcutting Operation.** Such uses may be permitted with the following conditions:

16.10.1 No operations shall be conducted between the hours of 6:00 p.m. and 8:00 a.m.

16.10.2 No operations except the felling of trees shall occur within 300 feet of a residence on any adjacent property.

16.10.3 Permits for such operation shall be for not longer than five (5) years, but may be renewed by the Commission provided conditions in the vicinity have not changed substantially and the operation is being conducted in a satisfactory manner.

16.11 **Recreation Camp Grounds.** In addition to the requirements of Section 16.4 above, the following requirements shall apply to the layout, construction and operation of recreation camp grounds:

16.11.1 The site shall contain at least twenty-five (25) acres.

16.11.2 Each overall site must have direct access to a hard surfaced Town road and each individual campsite must be served by the interior circulation system of the plan.

16.11.3 Where an area abuts any use except a state forest or a lake, a treed buffer strip shall be provided at least fifty (50) feet wide. Notwithstanding the above, no campsite shall be situated closer than 100 feet to any dwelling on adjoining property. Where a landscaped buffer strip is required, such strip shall consist of an interplanting of evergreen and deciduous trees and shrubs suitable, in the judgment of the Commission, to provide in a reasonable time a visual barrier between different land uses.

16.11.4 No more than ten (10) camp sites shall be provided for each gross acre of overall site area. The gross acreage shall include buffer areas, recreational facilities, rental sites, community areas, and emergency overflow areas, supporting facilities and land which is readily accessible and considered an integral part of the complex.

16.11.5 Other provisions of these Regulations notwithstanding, no specific campsite may be permitted which is more than 300 feet from a toilet served by a sanitary sewage disposal system and no campsite shall be permitted within fifty (50) feet of any septic tank drain field.

16.11.6 A trapped dumping station shall be provided for the use of independent-type trailers.

16.11.7 Electrical outlets shall be weatherproof. No power line shall be permitted to lie on the ground or be suspended less than fifteen (15) feet above the ground.

16.11.8 Liquefied petroleum gas containers for cooking or heating purposes shall not be used at individual trailer spaces unless the containers are properly connected by copper or other suitable metallic tubing. Liquefied petroleum gas cylinder shall be securely locked in place, and adequately protected from the weather. The location of these tanks to be regulated by the Fire Marshall.

16.11.9 Portable fire extinguishers shall be available and in good repair for use in fighting fires. Fires shall be made only in stoves, incinerators, or other equipment designated for that purpose.

16.11.10 The minimum one-way road width shall be eleven (11) feet within the camp ground. One-way roads in excess of 600 feet may be required by the Commission to provide turn-arounds. For two-way roads, a width of eighteen (18) feet is required. Roads shall be graded so as to avoid standing water in times of rainfall. All roadbeds shall be covered by a twelve-inch layer of gravel and maintained in a condition satisfactory to the Commission in order to ensure the safe and convenient passage of emergency vehicles.

16.11.11 Camp sites may be occupied by a tent or camper unit, but not by any permanent type of building.

16.11.12 During the period from May 1st to the following December 1st, the rental of camp sites is permitted. No camp site shall be occupied for more than thirty (30) days between November 1st and the next following June 1st. No visitors may claim residency during their stay and receive any benefits of residency such as voting, attending school, and receiving social services.

16.11.13 The storage, collection, and disposal of refuse shall be so managed as to avoid a health hazard or an odor nuisance. Fly-tight, water tight, rodent-proof containers shall be provided in adequate numbers within 150 feet of each camper unit, and satisfactory container racks shall be installed. Garbage shall be collected at least twice a week.

16.11.14 The owner and/or operator of any campground shall be responsible for the maintenance of an accurate register at such campground in which the following information shall be recorded:

- a. Name and permanent address of each occupant of any vehicle.
- b. Date of arrival and departure.
- c. Make, model and registration number of each vehicle and identification of campsite occupied by it.

Such register shall be available to the Zoning Enforcement Officer or the Commission to assist in the enforcement of these Regulations, and to the police and health officer in connection with the discharge of their duties.

16.12 **Recreation Facilities**. Recreation facilities requiring large acreage are permitted under the following conditions:

16.12.1 The lot shall contain not less than ten (10) acres.

16.12.2 No structure except a single-family dwelling and no recreational activity, except a golf course, shall be less than 100 feet from the nearest public highway nor less than 250 feet from the lot line of any abutting residential lot.

16.12.3 Off-street parking shall be provided for the cars of all patrons, employees, and persons using the facilities, together with the necessary driveways to public roads. Surfacing shall be of a type appropriate for the proposed land uses, and shall be treated to inhibit dust. No parking area shall be located less than fifty (50) feet from a public highway, or from any other property under other ownership.

16.12.4 Outdoor activities shall terminate at 10:00 p.m. and all other activities shall terminate at midnight.

16.12.5 Banquets, meetings, stage presentations and dancing shall be held inside a structure, but this shall not prevent presentation outside a structure of athletic exhibitions or contests requiring outdoor facilities.

16.12.6 Recreation areas shall include only the following uses and any approved combination thereof:

- a. Outdoor athletic activities, including facilities for skating, skiing, sledding, swimming, squash and tennis.
- b. A golf course of not less than nine (9) holes as a principal recreation use, and a par three (3) golf course or putting greens and driving range as an accessory to a major recreation facility but expressly prohibiting miniature golf putting greens and driving ranges as a principal use.
- c. Riding academy or hunt club as a principal use, and the keeping and boarding of horses for riding, instruction, and exhibition as accessory to a major recreational facility.
- d. Outdoor picnic facilities, including barbecue pits and outdoor fireplaces as an accessory use to a major recreation facility.

- e. Social and recreational facilities for dining and dancing, including banquets, meetings, receptions, assemblies and entertainment, provided such activities are accessory to and a part of an indoor-outdoor recreational enterprise and are carried on inside a structure.
- f. Motel, lodge or inn furnishing lodgings and/or meals to transients as accessory to a recreational use, but not as a principal use, provided that no living accommodations that include cooking facilities shall be occupied by persons other than those employed on the premises.
- g. Activities similar to those listed above, that are commonly provided by such organizations as day camps, swimming and tennis clubs and other recreational enterprises, and that are listed on the applications and on the site plan, may be approved by the Commission subject to such additional safeguards as the Commission may require.

16.13 **Multi-family Dwellings**. Such uses shall meet the following conditions:

16.13.1 All multi-family dwellings shall be connected to the municipal sewer system.

16.13.2 No building shall contain more than four (4) dwelling units. In the Baltic Economic Development Zone, there is no limit on the number of units in a multi-family dwelling.

16.13.3 Deleted, effective April 15, 2006.

16.13.4 No outside storage area will be provided unless it is completely screened from view from any adjoining property or road. Refuse containers shall be screened from view and provided in sufficient numbers to accommodate refuse from all residents in a sanitary and odorless manner. All accumulated refuse shall be removed from the premises at least once each week.

16.13.5 All driveways and parking areas shall be paved, curbed and drained and points of intersection with local roads or state highway shall be designed to provide 350 feet of unobstructed visibility along the road or highway.

16.13.6 The locations, landscaping and design of buildings, parking areas, driveways, lighting and other features shall be such that possible adverse impact on nearby properties is minimized.

16.14 **Membership Clubs**. Membership clubs where activities are intended to occur principally indoors with ancillary outdoor activities shall meet the general conditions of Section 16.4 above, and the following:

16.14.1 No building or areas used for outdoor activities shall be located closer than 300 feet from any lot containing a place of worship or school.

16.15 **Drive-in Restaurants**. Drive-in or other quick service eating establishments shall meet the general requirements of Section 16.4 and the following:

16.15.1 Adequate off-street parking shall be provided on the lot to ensure that patrons do not park within the right-of-way of any street or highway, except that in no case shall less than ten (10) off-street parking spaces be provided.

16.16 **Laundry or Laundromat.** In addition to the general requirements of Section 16.4 above, such uses shall be connected to the municipal sewer system.

16.17 Deleted, effective January 1, 2005.

16.18 **Elderly Housing Developments.** Such developments shall meet the general conditions set forth in Section 16.4, and the following specific requirements:

16.18.1 All buildings shall be connected to the municipal sewer system.

16.18.2 Adequate lighting shall be provided for all residential areas.

16.18.3 Ramps shall be provided to permit easy movement of wheelchairs, or buildings must be constructed in such a manner as to allow for the convenient installation of ramps.

16.18.4 At the discretion of the Commission each residential unit may be required to be connected to all parking areas, recreation facilities, and sidewalks by paved walkways a minimum of four (4) feet in width.

16.18.5 All main entrances shall be a minimum of three (3) feet in width to accommodate wheelchairs.

16.18.6 An indoor recreation area shall be included in the development, providing adequate assembly space for residents. Said indoor recreation area shall consist of a separate building on site which shall be no smaller than 2000 square feet in size and have at least the following amenities: (1) a kitchen area including a sink with hot and cold water, a microwave oven, and a refrigerator; and (2) bathroom facilities.

16.18.7 All such developments shall be suitably landscaped, all disturbed areas graded and seeded, and all required streets, driveways, and walkways paved prior to occupancy.

16.18.8 Refuse collection areas shall be provided, and be placed on paved platforms, screened from view.

16.18.9 A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit in the development.

16.18.10 Violation of any of the provisions of this section shall constitute a violation of the conditions of the permit issued hereunder.

16.18.11 In addition to the requirements of this section, EHDs shall meet the requirements of Section 16.13 of these Regulations, except that EHDs shall be exempt from Section 16.13.2 of these regulations.

16.18.12 No dwelling unit in an EHD shall contain more than three bedrooms. A bedroom is every habitable room other than a kitchen, living room, family room, dining room, laundry or bathroom, but not including open-air or screened porches, unheated or un-insulated spaces, and basements not designed to accommodate sleeping. The zoning enforcement officer shall determine which rooms shall be construed to be bedrooms.

16.18.13 Any approved EHD shall be developed utilizing the Uniform Common Interest Ownership provisions of the Connecticut General Statutes. Each EHD shall establish and maintain a community association, and such association shall certify annually to the zoning enforcement officer that the EHD is in compliance with the age restriction requirements of this section. A copy of said association's "Declaration of Covenants" will be submitted to the Commission for review and approval.

16.18.14 In order to establish and preserve an EHD, units for sale shall be restricted by deed to require that in the event of any sale or resale, at least one of the owner/occupants shall be fifty-five (55) years of age or older. At the time of application for an EHD, the applicant shall provide proposed deed restrictions that implement this provision.

16.18.15 All utility wiring, including, but not limited to electric, telephone and cable television services in an EHD shall be installed underground.

16.18.16 All roads within an EHD shall be private and built in accordance to specifications and requirements outlined in the Town Road Ordinance. At the discretion the Commission these specifications and requirements may be modified.

16.18.17 EHD Design Standards:

- 1.) No residential structure or accessory structure shall be located less than fifty (50) feet from a front, side or rear lot line of the EHD parcel.
- 2.) Principal buildings shall be separated by at least thirty (30) feet, or the height of the building, whichever is greater.
- 3.) The maximum building height is thirty-five (35) feet and the maximum number of stories allowed is two and one-half (2 ½).
- 4.) Principal buildings must be located no closer than twenty-five (25) feet from the edge of a roadway or the edge of a sidewalk.
- 5.) Minimum floor area requirements:
 - a. One (1) bedroom units, 600 square feet.
 - b. Two (2) bedroom units, 750 square feet.
 - c. Three (3) bedroom units, 900 square feet.

16.18.18 At the discretion of the Commission, up to twenty percent of the gross site area may be reserved for conservation, recreation, and open space purposes. In determining the need for, and the location of the open space, the Commission shall take into account the density of the population and existing open spaces in the vicinity of the development and should also make reference to the recommendations of the Sprague Plan of Conservation and Development. Due regard shall be shown for the preservation of outstanding natural and cultural features such as trees, shrubs, scenic areas and vistas, wildlife corridors, endangered species, wetlands, steep slopes, watercourses, and historic

sites and buildings. The Commission shall determine the most appropriate method of disposition of this open space.

16.18.19 The purchase of a dwelling unit for investment purposes, i.e., by a person or entity not intending to occupy the unit, is prohibited except that a non-resident family member may purchase up to one (1) unit for persons who will reside in the unit and who otherwise comply with the provisions of this regulation.

16.18.20 An owner of a dwelling unit may rent his or her unit for a term(s) of not less than one (1) year provided that the tenant fully complies with all of the conditions of this regulation.

16.19 **Cogeneration Activity**. In addition to the general requirements of Section 16.4 above, the use shall meet the requirements set forth herein which shall be in lieu of any contrary provisions in these Zoning Regulations.

16.19.1 Maximum Requirements. Building Height - The maximum building height shall be two hundred feet (200'); provided, however, that the maximum building height may be exceeded by such features as stacks, chimneys, transmission towers and other similar structures.

16.19.2 Principal Use. A lot in the industrial zone may have two (2) principal uses provided that one of said principal uses shall be a Cogeneration Activity, and the component facilities which comprise the Cogeneration Activity may be located on one or more lots which are in common ownership.

16.19.3 Buffer. The Commission shall require that a natural and/or landscaped buffer strip of fifteen feet (15') in width be maintained along any lot boundary containing the Cogeneration Activity which abuts a residential zone. Any structure directly connected with a Cogeneration Activity shall be set back from a residential zone by a distance equal to the height of that structure.

16.19.4 Environmental Requirements. Cogeneration Activity will comply with all of the requirements of state and federal environmental laws applicable to the Cogeneration Activity and with the conditions of any permits issued pursuant to any of such laws.

16.19.5 By-Product Disposal Site. The creation of a disposal site as part of the Cogeneration Activity shall not constitute an excavation within the meaning of these Zoning Regulations so long as the Commission has approved a special permit for the Cogeneration Activity to which such disposal site is related and such disposal site is shown on the site plan required to be submitted with the application for such Cogeneration Activity. Such disposal site shall comply with all applicable state and federal environmental laws and with the conditions of any permits issued pursuant to such laws.

16.19.6 Parking. Adequate off-street parking shall be provided for the Cogeneration Activity employees in a separate lot or in a common parking area contained on property adjoining the Cogeneration Activity which is in common ownership.

16.19.7 Fuels. The only allowable fuels for a Cogeneration Activity are the fossil fuels of oil, gas, and coal including associated materials such as limestone necessary for the burning of coal in an environmentally safe manner.

16.19.8 Minimum Zone Size. A Cogeneration Activity shall only be allowed in an Industrial Zone containing a minimum of twenty (20) acres.

16.20 **Group Day Care Home or Child Day Care Center.** Such developments shall meet the general requirements of Section 16.4 above, and the following requirements:

16.20.1 A graded and suitably fenced play area shall be provided and shall not infringe on any buffer areas required by these Regulations. The Commission may require additional buffer areas meeting the requirements of Section 15.5 of these Regulations if in its opinion these are desirable to provide a visual separation between the group day care home or child day care center and adjacent uses.

16.20.2 A minimum of one off-street parking space for each employee shall be provided, plus an off-street drop-off/pick-up area for children which precludes to the extent possible the crossing of interior drives.

16.20.3 State licensing standards and requirements shall be met.

16.21 **Bed and Breakfast Inn.** The Commission may permit a bed and breakfast inn in a residence located in an R-80, R-120, Baltic Village, Hanover Village, or Versailles Village zone provided the general requirements of Section 16.4 above, and the following requirements are met:

16.21.1 The lot size shall be a minimum of 40,000 square feet.

16.21.2 The inn must be owner-operated and be the principle residence of the owner. The applicant must be the owner at the time of special permit application.

16.21.3 The inn operation shall be contained within the existing residential building and not more than 50 percent of the building shall be used for guest accommodations.

16.21.4 The existing residential building shall be at least twenty (20) years old and shall be capable of accommodating guests in a safe and healthy manner. All applicable building, fire, and public health code requirements shall be met.

16.21.5 Off-street parking spaces shall include at least two for the residents of the property and one for each guest room. The Commission may require fencing, earth berms, evergreen vegetation, or other buffers and screens to reduce visual conflicts with adjoining properties.

16.21.6 A maximum of 10 guests will be allowed at one time. No guest's stay shall be for more than fourteen (14) consecutive nights in any ninety (90) day period.

16.22 **Wireless Telecommunication Facilities.** In addition to the general requirements of Section 16.4 above, such uses shall meet the following requirements:

16.22.1 All of the plans and information required for a permitted use wireless telecommunications facility site plan as required in Section 15.18.2 of these Regulations.

16.22.2 A view shed analysis showing all areas from which the tower would be visible, and if requested by the Commission, a simulation of the proposed site in order to help the Commission determine the visual impacts associated with the proposal.

16.22.3 Documentation prepared by a licensed telecommunications systems engineer that no existing or planned tower or other structure can accommodate the applicant's antenna. For tall structures located within one quarter mile radius of the proposed site, documentation that the owners of these locations have been contacted and have denied permission to install the antenna on these structures for other than economic reasons.

16.22.4 Proximity of the tower to residential structures.

16.22.5 Nature of uses on adjacent and nearby properties within 1,000 feet.

16.22.6 Surrounding topography within 1,000 feet at contour intervals not exceeding ten feet.

16.22.7 Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

16.23 **Special Permits for Watercourse Area Overlay Zone.** In addition to the requirements of 16.4 above, the following requirements shall apply to activities in the Watercourse Focus Area Overlay Zone:

16.23.1 Any zoning application permit, or any subdivision plan prepared under 6.2 of the Sprague Subdivision Regulations shall, in addition to including demarcation of the zoning classifications on the plan, shall include identification of any areas within the Watercourse Focus Area Overlay Zone as designated on the Zoning Map of the Town of Sprague.

16.23.2 The zoning map, soils survey maps, topographical maps, aerial photographs, state wetlands inventories, wildlife inventories, field studies and any other inventory methods as required by the Sprague Planning and Zoning Commission shall be used to identify the natural resources within the Watercourse Focus Area Overlay Zone, and to:

- a. Protect areas known to be ecologically sensitive to disturbance by development, or that are ecologically important because they support threatened or endangered species as such terms are defined by state and/or federal law. Protect areas which are critical habitats used by the said species.
- b. Protect critical habitat from activities that would cause immediate or foreseeable substantial danger to the critical habitat, unless allowed by federal and/or state law.

- c. Preserve and protect open space to the maximum extent possible by requiring the clustering of permitted development.
- d. Connect open spaces with each other to the greatest extent possible to allow for the preservation of critical habitat and other environmental or geographic features.
- e. Reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, or subsurface water bodies by using scientifically proven processes including filtration, deposition, absorption, plant uptake and denitrification, and by improving infiltration, encouraging sheet flow, and stabilizing concentrated flows. Nothing herein shall be meant to preclude discharges of pollutants allowed by state or federal law such as those under National Pollution Discharge Elimination System permits.
- f. Improve and maintain the safety, reliability, and adequacy of water supply for domestic, agricultural, commercial, industrial, and recreational uses.
- g. Retain areas of annual flooding, floodplains, water areas, and wetlands in their natural state to the maximum extent possible to preserve water quality and to protect water retention capabilities, facilitate recharging of the water table, and natural functions.
- h. Protect steep slopes and other areas of erosion or potential erosion to the greatest extent possible by minimizing the impacts in these areas by properly managing disturbances.
- i. Protect the quality of air, water, and soil and maintain minimum noise levels in sensitive environmental areas against unreasonable impairment or destruction.
- j. Protect areas important special or unique vegetative features or ecological communities including natural vegetation along rivers, wetlands and streams, woodlands, stands of trees and mature forests.
- k. Protect and enhance scenic resources including landscapes, ridgelines, meadows, and geologic features that have a special scenic character or a historic or aesthetic interest or value.

16.24 **Accessory Dwelling, Detached.** In order to provide additional alternative housing opportunities and to support the adaptive re-use of existing accessory buildings within the Town of Sprague, the Commission may permit the conversion of an existing accessory building within the R-80, R-120, and Baltic Village Zones to a detached accessory dwelling as defined in Section 2.1.3 of these Regulations, provided that the general requirements of Section 16.4 above, and the following requirements are met:

16.24.1 Detached accessory dwellings may only be created through conversion of an

existing detached accessory building, provided that said building was in existence and was at least 500 square feet in floor area prior to the effective date of this Regulation. Detached accessory buildings constructed after the effective date of this Regulation shall not be permitted to be converted to detached accessory dwellings.

16.24.2 Only one such detached accessory dwelling shall be permitted per lot. Such use shall not be permitted in addition to an accessory apartment, two-family or multi-family residence in the R-80 and R-120 zoning districts or shall not be permitted in addition to an accessory apartment or multi-family residence in the Baltic Village Zone. The total number of dwelling units per lot, inclusive of the proposed accessory dwelling shall not exceed two (2) in the R-80 and R-120 zoning districts and shall not exceed three (3) in the Baltic Village Zone.

16.24.3 The lot upon which such use is proposed shall contain a minimum of 1.5 times the minimum lot size required for a single-family residence in the R-80 and R-120 zones and 1.2 times the minimum lot size in the Baltic Village Zone if served by public sewers and 1.5 times the minimum lot size if not served by public sewers.

16.24.4 Detached accessory dwellings permitted in accordance with this Section shall be limited to not more than one (1) bedroom, and shall be limited to occupancy by not more than two (2) individuals.

16.24.5 The detached accessory dwelling shall be a minimum of 500 square feet in floor area, but shall not exceed 1,000 square feet, or 50% of the floor area of the principal single or two-family dwelling, whichever is less.

16.24.6 The owners of the subject property upon which such use is proposed shall maintain occupancy of one of the dwellings and be solely responsible for adhering to the regulations contained herein.

16.24.7 The resulting two dwellings in the R-80 and R-120 zoning districts or three dwellings in the Baltic Village Zone (principal single or two-family dwelling and detached accessory dwelling) may be served by individual utilities, metering devices, water supply and sewage disposal systems, provided all applicable requirements of the Connecticut Public Health Code and the Sprague Water and Sewer Authority are satisfied. All proposed utility appurtenances shall be located underground, unless it can be demonstrated to the Commission to be impractical or unfeasible.

16.24.8 Required off-street parking shall minimally be four (4) spaces for the combined use of the principal single-family dwelling and the detached accessory dwelling and six (6) spaces for the combined use of a two-family and the detached accessory dwelling in the Baltic Village Zone. Parking and access from the public street shall be provided by a single, common driveway, unless it can be demonstrated to the Commission to be impractical or unfeasible.

16.24.9 The design of the detached accessory dwelling shall conform to all applicable standards of the Connecticut Public Health Code, Building Code, and Fire Code.

16.24.10 The detached accessory dwelling shall not be converted to a condominium, nor shall it be used for any purpose other than single-family residential use, with the exception of a permitted home occupation ancillary to the principal single-family or two-family dwelling.

16.24.11 Any and all physical expansion of existing detached accessory buildings proposed in accordance with this Section shall be made in accordance with the Requirements of Section 14 of these Regulations. If the existing building to be converted is found to be a non-conforming building, the expansion of said building shall only be permitted in accordance with Section 20.3 of these Regulations.

16.25 **Farm Winery.** Farm wineries shall be permitted in any zone. In addition to the requirements of Section 16.4, the following shall apply to the application for and operation of a farm winery:

16.25.1 Farm wineries shall only be permitted on a farm as defined in Section 2.1.23.

16.25.2 Farm wineries shall be operated pursuant to Section 30-16 of the Connecticut General Statutes.

16.25.3 Nothing in these regulations shall prohibit farming or related agricultural activities which are a use by right on the farm winery premises.

16.25.4 A farm winery shall have a minimum of two acres dedicated to the growing of grapes, apples or other fruit for the purpose of producing wine.

16.25.5 Statement of use: every application for a farm winery permit shall include a statement of use which shall describe the following as they apply to the proposed farm winery. This statement of use shall become a part of any special permit approval for a farm winery and the farm winery shall be operated in accordance with the provisions of the statement of use.

Accessory uses or activities: Uses or activities secondary to the manufacture and sale of wine may be permitted at a farm winery. Accessory uses and activities may include but not be limited to the sale of wine related merchandise, hosting private parties or weddings and holding tasting events or tours open to the public. Accessory uses or activities shall clearly be secondary to the farm winery enterprise. The maximum occupancy for such accessory uses and activities shall be specified in the statement of use.

Hours of operation: The hours of operation, both for normal operations and during special events shall be specified in the statement of use.

Parking: An applicant shall demonstrate to the Commission's satisfaction that adequate parking is available for the farm winery and any accessory uses or activities proposed in the statement of use.

Proposed buildings and facilities: The applicant shall describe within the statement of use any buildings or facilities required to carry out the activities of the farm winery and any accessory uses or activities.

The statement of use may be amended by the Commission at the request of the applicant without a new public hearing if in the Commission's opinion, the requested amendments are minor in nature. If the requested amendments are not minor in nature, the Commission shall hold a new public hearing.

16.25.6 A special permit for a farm winery shall be valid indefinitely provided that operations are carried out in accordance with the special permit approval.

16.26 **Interior Lots Created Before October 15, 2000.** Interior lots existing on or prior to October 15, 2000 and continuously thereafter, and were owned separately from an adjoining lot as evidenced by deed recorded in the Sprague Land Records, shall meet the general conditions of Section 16.4 above and the following:

16.26.1 Interior lots may be approved in the Baltic Village, Hanover Village, Versailles Village, R-80 and R-120 zones for single-family residential development.

16.26.2 The yard requirements for all interior lots shall be fifty (50) feet from all property lines for any principal building or use, and twenty-five (25) feet for any accessory building or use.

16.26.3 Common driveways serving interior lots must be approved by the Planning and Zoning Commission, and may be required to be designed by a professional engineer. The requirements of Section 15.20 of these Regulations concerning driveways must be met unless modified by the Commission for conditions unique to the interior lot; provided no emergency access, traffic safety, drainage or other health, safety or welfare problems exist or may be created. The Commission may require bonding prior to the construction of common driveways.

16.26.4 A note shall be placed on the final survey plan and in the deed to the property stating: "This lot is serviced by a private driveway. The Town of Sprague will provide no maintenance or repair of this driveway, or provide school bus service along this driveway, now or in the future."

SECTION 17 - SITE PLAN REQUIREMENTS

17.1 **Applications.** All applications for zoning permits or special permits for all buildings and uses other than single- and two-family dwellings and accessory building or expansions, additions or reductions to such buildings or accessory uses on residential lots shall be reviewed by the Commission and shall be accompanied by ten (10) copies of a site plan, submitted to the Zoning Enforcement Officer or to the offices of the Commission at least ten (10) days prior to a regular meeting of the Commission. The Commission, in its sole discretion, shall determine if proposed alterations/modifications to an existing approved site plan are minor in nature and therefore do not require the submission of a new site plan or special permit application. The Commission shall approve, modify and approve, or deny these proposed alterations/modifications.

17.1.1 A location map at a scale of one inch (1") equals 2,000 feet shall be submitted showing the subject property, streets, lot lines and zoning district boundaries within 1,000 feet of the subject property. If space permits, the location map may be included as an insert on the site plan as required in Section 17.3.

17.2 **Preliminary Plan.** A preliminary plan is not required but may be submitted at the applicant's discretion for the purposes of informal discussion and clarification of the details of the site plan. A preliminary plan should contain all data required for a site plan, expressed in general terms, and clearly indicating the scope of the proposals. A preliminary plan has no official status and will receive neither approval nor disapproval by the Commission.

17.3 **Site Plan Content.** A site plan drawn at a scale of one inch (1") = fifty feet (50') or such other scale as may be approved by the Commission shall be prepared by either an architect, professional engineer and/or land surveyor licensed and registered to practice in Connecticut as deemed appropriate by the Commission. The Commission shall have the right to require that a site plan be prepared by a professional engineer if the proposed development will include the design of roads, storm drainage facilities, water systems and sewerage systems. If the proposed development includes wetlands, the Commission shall have the right to require that a certified soil scientist delineate the wetlands. The signed seal(s) of those who prepared the site plan shall be included on the site plan. A site plan shall conform to the Regulations of Connecticut State Agencies Sections 20-300b-1 through 20-300b-20, and the "Standards for Surveys and Maps in the State of Connecticut", as adopted for use by the Connecticut Association of Land Surveyors on September 26, 1996, as amended, unless otherwise allowed or provided for by the Commission. The site plan will clearly show to the Commission the following information unless the applicant can show to the satisfaction of the Commission that the information is not needed to reach a decision on the application:

17.3.1 The name and address of the applicant and owner of record.

17.3.2 North arrow, scale, date of the drawing or its revision and the name(s) and seal(s) of those persons preparing the site plan.

17.3.3 Property boundaries, dimensions and area in acres and square feet and all existing monuments, pipe markers and other physical evidence concerning property boundaries.

17.3.4 Zoning districts and dimensions of all yards as required by these Regulations. This information will be shown in both mapped and tabular form.

17.3.5 Existing and proposed contour lines at sufficiently clear intervals to show existing and proposed topography and drainage.

17.3.6 Location, width and purpose of all existing and proposed easements and rights-of-way on the property.

17.3.7 Location of all existing watercourses, flood hazard areas, wetlands and bedrock outcrops.

17.3.8 Location and size in square feet of all existing and proposed structures and uses on the property and the appropriate locations and size of all existing structures on the abutting properties which are within 100 feet of the property lot lines.

17.3.9 Location of all storage areas for materials, supplies, products, vehicles and equipment that will not be kept inside a structure as required by these Regulations.

17.3.10 Location, size and arrangement of all parking and loading areas including existing and proposed driveway entrances and exits. The Commission may require the applicant to submit a traffic evaluation report prepared by a traffic engineer if the proposed development will significantly impact traffic flows.

17.3.11 Location, size and arrangement of all pedestrian walkways and sidewalks.

17.3.12 Location, layout, type and size of buffer or landscape area, plant materials, fencing, screening devices, or other materials proposed for use. Proper maintenance of a landscaped buffer shall be a condition of compliance with these Regulations.

17.3.13 Location, size, height and orientation of all signs.

17.3.14 Location, size, height and orientation of all outdoor lighting facilities.

17.3.15 The stormwater drainage system, including the location and elevations of all existing and proposed street drainage facilities within 100 feet of the property. The Commission may require additional information and/or details regarding off-site drainage features affected by or impacting upon the proposed development. Design practices, principles, and technologies identified in the 2004 Storm Water Quality Manual, as amended, prepared by the Connecticut Department of Environmental Protection, may be required by the Commission.

17.3.16 Location, size and type of all water and fire protection facilities.

17.3.17 Location, size and type of all sewerage disposal facilities.

17.3.18 Building elevations or preliminary architectural drawings showing the general type of building proposed for construction.

17.3.19 In cases where the applicant intends to develop in stages, an overall site and staging plan shall be submitted.

17.3.20 The Commission may require the applicant to submit an environmental evaluation report for a proposed development located in an environmentally sensitive area. Evaluation reports by independent professionals and other experts such as hydrologists, geologists and soil scientists may be required at the expense of the applicant.

17.3.21 Public improvements shall conform to the applicable section of the Subdivision Regulations of the Town of Sprague and other applicable Sprague ordinances and regulations.

17.4 **Erosion and Sediment Control**. A soil erosion and sediment control plan shall be submitted with any applications for development when the disturbed area of such development is cumulatively more than one-half acre. The soil erosion and sediment control plan shall contain proper provisions to adequately control storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the "Connecticut Guidelines for Soil Erosion and Sediment Control" (2002) as amended, available from the Natural Resources Center of the Connecticut Department of Environmental Protection, and the Commission strongly encourages the use thereof. The Commission shall determine, in its discretion, the best available technology for the Plan.

17.4.1 The Erosion and Sediment Control Plan shall include the following:

- a) A narrative describing:
 1. The development;
 2. The schedule for grading and construction activities including:
 - A. start and completion dates;
 - B. sequence of grading and construction activities;
 - C. sequence for installation and/or application of soil erosion and sediment control measures;
 - D. sequence for final stabilization of project site.
 3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
 4. The construction details and the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
 5. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

- b) A map of at least one inch equal 50 feet (50') showing:
 1. The location of the proposed development and adjacent properties;
 2. The existing and proposed topography including soil types, wetlands, watercourses and water bodies;
 3. The existing structures on the project site, if any;
 4. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
 5. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 6. The sequence of grading and construction activities;
 7. The sequence for installation and/or application of soil erosion and sediment control measures;
 8. The sequence for final stabilization of the development site;
 9. The words "Certified by the Sprague Planning and Zoning Commission" with designated space for the date and signature of the Chairman or Secretary of the Commission.

- c) The narrative required in Section 17.4.1a may be included on the map of Section 17.4.1b if room allows it without affecting readability of the map. The items

required to be mapped in Section 17.4.1b may be depicted on the site plan map required in Section 17.3 if the readability of the site plan is not adversely affected.

17.4.2 After review of the Erosion and Sediment Control Plan by the Commission or its designated agent, the Commission shall vote to certify, modify and certify, or deny that the soil erosion and sediment control plan complies with these Regulations. A vote of the Commission to approve a site plan shall mean certification of the erosion and sediment control plan as well. Prior to certification, any plan submitted to the Commission may be reviewed by the New London County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan by the New London County Soil and Water Conservation District.

17.4.3 The estimated costs of measures required to control soil erosion and sedimentation, as specified on the certified plan, may be covered in the performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 17.6 of these Regulations.

17.4.4 The Commission or its designated agent shall periodically conduct inspections to verify compliance with the certified plan and that control measures are properly performed or installed and maintained. The Commission may require the applicant to submit progress reports which show that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being correctly operated and maintained.

17.5 **Site Plan Review**. In reviewing a site plan application, the Commission shall take into consideration the public health, safety and welfare of the public in general and the immediate neighborhood in particular, and may prescribe reasonable conditions and safeguards to insure compliance with the following general objectives:

17.5.1 Any proposed structures and uses shall be designed and located on the property so that there will be adequate access for emergency vehicles.

17.5.2 The streets serving the proposed use shall be adequate to safely carry the vehicular traffic generated by the proposed activity, and there will be provision for entrance and exit points which will not create a traffic hazard or undue traffic congestion. Traffic access ways shall be adequate in width, grade, alignment and visibility; adequate in distance from street intersection, places of public assembly and other access ways; and adequate in design for other similar safety considerations.

17.5.3 Parking and loading spaces shall be provided to prevent on-street traffic congestion and the interior circulation system shall provide safe and convenient access to all required off-street parking.

17.5.4 The general landscaping of the property shall comply with the appropriate sections of these Regulations; existing trees will be preserved to the maximum extent possible; and parking and service areas shall be suitably screened at all seasons of the year from the view of adjacent residential zoning districts.

17.5.5 Lighting from the installation of outdoor lights and illuminated signs will be properly shielded so that such lighting does not adversely affect abutting property or public streets.

17.5.6 Development of the property should preserve to the maximum extent possible sensitive environmental land features such as areas of steep slopes, wetlands, large bedrock outcrops, scenic views and historically significant features.

17.5.7 The proposed site plan should be in general conformance with the intent of the Sprague Plan of Development.

17.5.8 In those cases where a development proposal must be reviewed by other local, state and federal agencies, the Commission will give due consideration to any report(s) presented to it by these agencies.

17.6 **Bond.** The Commission may require as a condition of any site plan approval that the applicant shall file with the Commission, prior to the commencement of any work, a surety bond in a form satisfactory to the Town Council and in an amount approved by the Commission as sufficient to guarantee completion of those items specified by the Commission and in conformity with the provisions of these Regulations or any amendments thereto. A copy of the site plan shall be part of the bond. Such bond shall not be released by the Commission until written certification has been received from the Enforcement Officer that all of the requirements of these Regulations have been fully satisfied. To facilitate this certification, the Enforcement Officer may require an as-built site plan be submitted which reflects the actual field location of all items required by these Regulations.

SECTION 18 - PARKING REQUIREMENTS

18.1 **General Requirements.** Off-street parking and loading shall be provided in accordance with these Regulations for any use or structure established, erected, enlarged, or exchanged. Parking and loading space shall be maintained and shall not be encroached upon so long as said principal structure or use remains, unless an equivalent number of such spaces is provided elsewhere in conformance with these Regulations. It shall be unlawful for an owner of any structure or use affected by this section to discontinue, change, or dispense with, or to cause to eliminate any vehicle parking or loading space. It shall be unlawful for any firm or corporation to occupy a structure without providing parking and loading spaces which meet the requirements of and is in compliance with these Regulations.

18.2 **Parking Dimensions.** All off-street parking spaces shall consist of not less than 171 square feet per vehicle with a minimum width of 9.5 feet and a length of 18 feet. Entrance and exit roadways and driveways shall not be counted as parking spaces except for single-family houses. Each parking space shall have adequate maneuvering area and independent and unimpeded access to the parking facility and adjacent street or highway.

18.3 **Location of Parking Facilities.** Required parking facilities shall be provided on the same lot as the structure or use they serve or on a lot within 600 feet from such structure or use. Required parking spaces may be provided to serve jointly two (2) or more uses or structures

whether or not located on the same lot, provided that the required spaces shall be the sum of the requirements for the various uses or structures computed separately.

18.4 **Parking Area Surface.** All off-street parking areas shall be surfaced and maintained with a durable and dustless all-weather material as may be approved by the Commission. Parking areas shall be so graded and drained as to dispose of all surface water and proposed surfacing and drainage plans shall be shown on the Site Plan required in Section 17.3 of these Regulations. In no case shall drainage be allowed across any sidewalk areas. Furthermore, any parking area which serves more than ten (10) cars shall be surfaced with bituminous concrete or other surfaces approved by the Commission and surface water from all such lots shall be discharged into a storm sewer wherever possible. Any parking area serving more than ten (10) cars shall have parking spaces and fire lanes marked by painted lines, curbs, or other means to indicate individual spaces. Signs or painted markers may also be required to ensure safe and efficient traffic flow.

18.5 **Parking Space Requirements.** The number of off-street parking spaces shall be in accordance with the following requirements. The parking space requirements for a use not specifically listed in this section shall be same as for a listed use of similar characteristics of parking demand generation, as determined by the Commission. The parking required herein is in addition to space which is required for the storage of trucks or other vehicles used in connection with a business, commercial or industrial use.

18.5.1 For residential uses, two (2) spaces per dwelling unit except that the requirements shall be only one (1) space per elderly housing unit.

18.5.2 For roadside produce stands, three (3) spaces in addition to those required for any other use of the property.

18.5.3 For a theater, assembly hall, church, or auditorium having fixed seats, one space for each three (3) seats.

18.5.4 For other places of public assembly and public recreation, one (1) space for each three (3) legal occupants.

18.5.5 For a hotel, motel or temporary lodging, one (1) parking space for every one (1) guest room plus one space for every two (2) employees.

18.5.6 For a hospital or convalescent home one (1) parking space for each bed.

18.5.7 For a restaurant, one (1) space for every three (3) seats. For a fast-food or drive-in window establishment a minimum of ten (10) parking spaces shall be required. Any drive-in window shall be located to park at least ten (10) waiting vehicles between the street line and the window being approached, without causing any interruption to the smooth flow of traffic within the subject site or on adjacent streets.

18.5.8 For retail stores, financial institutions, personal service shops, repair shops and similar commercial uses one (1) parking space for each 150 square feet of gross floor area. Any drive-in window intended to serve any of these uses shall be located to park at least ten (10) waiting vehicles, between the street line and the window being approached,

without causing any interruption to the smooth flow of traffic within the subject site or on adjacent streets.

18.5.9 For professional, business, and governmental offices one (1) space for each 200 square feet of gross floor area.

18.5.10 For industries, warehouses, research laboratories, and the like, one (1) space for every two (2) employees on the largest shift.

18.5.11 Public, private, or parochial schools;

- a. Elementary and Junior High Schools, one (1) space per classroom.
- b. Senior High School, one (1) space per five (5) students plus one (1) space per staff member.

18.6 **Loading**. Provision shall be made for the loading and unloading of all trucks off the street or highway and without encroachment wherever possible on required parking areas. The adequacy of space and suitability of location shall be determined among other things by expected volume, building use, and relation to streets and access driveways.

18.6.1 At least one loading space ten feet (10') by fifty feet (50') with fourteen feet (14') vertical clearance shall be required for a non-residential building with a gross floor area of 15,000 square feet or more up to 30,000 square feet. One (1) additional space shall be required for each 30,000 square feet of gross floor area above 30,000 square feet.

18.7 **Design Standards**. Parking areas shall meet the following design standards unless specifically altered by the Commission where it is determined that such alteration will not constitute a safety hazard to pedestrian circulation, traffic congestion, and access of emergency vehicles.

18.7.1 All parking areas shall be designed in such a manner that any vehicle entering or leaving the parking area from or to a public or private street shall be traveling in a forward motion. All access driveways for parking areas and/or loading areas shall be located in such a way that any vehicle entering or leaving such areas shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching such driveway from a public or private street. Furthermore, all driveways providing connection between any parking and/or loading area and any public street or public right-of-way shall be finished with bituminous concrete or concrete and curbed except in the case of access drives serving one- and two-family dwellings. Every access road or driveway shall meet the requirements of the Town of Sprague Road Ordinance or the design requirements of the Connecticut Department of Transportation.

18.7.2 All exits and entrances shall be located as to provide the least amount of interference with the movement of pedestrian and vehicular traffic. Each entrance and exit shall be at least fifty feet (50') distant from any street intersection. Parking areas containing more than 30 spaces shall have more than one driveway where deemed necessary by the Commission. No driveway or access road shall be permitted within twenty-five feet (25') of another driveway or access road. Parking areas shall be designed so that adjoining lots may be interconnected and made contiguous. It is the intent of the

Commission to encourage "common use" of parking areas and to keep access points (driveways) to a minimum to avoid traffic congestion. The Commission shall reserve the right to limit the number of access points.

18.7.3 Ninety degree parking shall be used unless there is positive control of traffic directions. Aisle width between stalls for one-way traffic shall have a minimum width of fourteen feet (14') and a minimum width of twenty-six feet (26') where two-way traffic is anticipated.

18.7.4 Parking areas shall be separated from the front and sides of the building(s) served by a sidewalk and/or landscaped area at least six feet (6') in width. Landscaping shall meet the planting requirements of Section 15.15 of these Regulations.

18.7.5 Parking areas may be located within required yards as enumerated in Section 14 of these Regulations. A landscaped strip meeting the planting requirements of Section 15.15 of these Regulations at least five feet (5') in width shall be provided between parking areas and side and rear lot lines, except if the lot or any portion thereof in the Baltic Economic Development, Baltic Village, Hanover Village, Versailles Village or I Industrial zones adjoins any residential zone without separation by a street, the buffer requirements of Section 15.5 of these Regulations shall apply. A side or rear yard landscaped strip shall not be required if the parking area is functionally integrated with a contiguous parking area in an abutting lot.

18.7.6 Parking areas containing space for more than thirty (30) spaces shall be designed to include interior landscape divider areas within the parking areas at the ratio of 15 square feet of landscaping for each required space. These areas shall be curbed within a minimum dimension of at least five feet (5') and shall meet the requirements of Section 15.15 of these Regulations for planting materials. Interior landscaped areas shall be located to provide aesthetic value and to assure the safe and orderly flow of traffic and pedestrians within the parking areas. In general, there shall be no more than fifteen (15) contiguous required parking spaces without separation by a landscaped area or cross aisle which provides access to other parking spaces or to exits. The requirements of this section are in addition to the requirements of Sections 15.5, 15.15, 18.7.4 and 18.7.5 of these Regulations.

18.7.7 Parking areas containing more than ten (10) spaces shall be equipped with adequate lighting except where the Commission determines that such parking area will not be used at night. Lighting shall be installed to minimize glare on adjacent streets and properties.

SECTION 19 - SIGNS

19.1 General Requirements.

19.1.1 Sign Area: The area of a sign shall be considered to be that area within the continuous perimeter of the rectangle, square or other geometric shape that encompasses all lettering, wording, design or symbols together with any background different from the

balance of the wall, if any on which it is located, if such background is designed as an integral part of and obviously related to the sign. The structural supports for a sign such as columns or pylons shall not be included in the computation of sign area. In the case of a double sided sign, only one face shall be counted in the computation of sign area.

19.1.2 Nothing in these regulations shall prohibit the Town of Sprague or State of Connecticut from installing any sign, whether temporary or permanent for any purpose regardless of size, location or design.

19.1.3 Signs requiring a permit shall either be approved as part of a site plan review or special permit application by the Commission or shall be approved by the Zoning Enforcement Officer. Applications shall be made on forms supplied by the Zoning Enforcement Officer.

19.1.4 Failure to maintain signs shall be considered a violation of these regulations. Upon discontinuance of a use, it shall be the responsibility of the property owner to eliminate signs pertaining to the use within thirty (30) days after such discontinuance.

19.2 **Design Requirements.**

19.2.1 No sign, whether temporary or permanent shall be designed or installed such that it creates any kind of a hazard either for users of the property on which the sign is installed or for the general public. Hazards include, but are not limited to obstructing driveway or road roadway sightlines, blocking parking spaces or creating distractions to motorists. The determination of a hazard shall be at the discretion of the Zoning Enforcement Officer and/or the Commission.

19.2.2 Illuminated signs shall be designed to prevent light trespass beyond the subject property boundaries in residential zones. Fences, landscape plantings or other buffers may be required to prevent light trespass beyond the subject property boundaries. Externally illuminated signs shall be illuminated from above with full cutoff fixtures. All illuminated signs shall be designed to prevent “sky glow” or vertical light trespass. Except for time-temperature signs, no signs shall be equipped with flashing lights.

19.2.3 Permanent off-site business directional signs shall be designed in accordance with the standards for Sprague street signs. Such signs shall not exceed 9 inches by 36 inches in size with white reflective lettering on cranberry background. Such signs shall be provided by the Town’s sign vendor for uniformity of design and consistency. Such signs shall be mounted on official Sprague street sign posts by the Director of Public Works. All costs for sign fabrication and installation shall be paid by the sign applicant. Upon termination of a business, the applicant shall pay for sign removal. The total number of directional signs mounted on a single street sign post shall be determined by the Director of Public Works. In no case shall more than three (3) such signs be allowed per business.

19.2.4 Free standing signs shall not exceed 25 feet in height from the ground level to the top of the sign.

19.2.5 Billboard signs advertising off-site businesses, events, etc. are not permitted.

19.3 Signs Permitted by Right (no Permit Required).

19.3.1 One sign on the property displaying the address and/or name of the occupant.

19.3.2 One sign identifying an approved home occupation not over eight square feet in area.

19.3.3 Up to two temporary signs advertising a contractor working on the property, or real estate signs advertising the property for sale. Each sign shall be a maximum of eight square feet in area. Such temporary signs shall be removed within 30 days of the completion of work by the contractor or the sale of the property.

19.3.4 Temporary signs for yard sales, parties, weddings, etc. All such temporary signs shall be removed within one day of the completion of the event.

19.3.5 Directory signs for civic, fraternal, religious, service or similar groups are permitted within 500 feet of the Sprague Town line, provided the signs are clustered and each organization has no more than one individual sign not exceeding two square feet in area.

19.3.6 In the Baltic Economic Development, Baltic Village, Hanover Village, Versailles Village and Industrial zoning districts, temporary signs not exceeding 32 square feet in total sign area for all signs advertising sales, special events, etc. Temporary signs shall be removed upon the termination of the sale, event or other feature being advertised.

19.4 Signs Requiring a Permit in the R-80 and R-120 Zoning Districts.

19.4.1 One sign identifying an approved permitted use or special permit use not over 32 square feet in area.

19.5 Signs Requiring a Permit in the Baltic Economic Development, Baltic Village, Hanover Village, Versailles Village, and Industrial Zoning Districts.

19.5.1 Free Standing Signs. Up to 100 square feet of sign area is permitted for each business on the property.

19.5.2 Building Mounted Signs. Building mounted signs shall not project beyond the subject property boundaries. Building mounted signs include awnings and similar features which advertise or identify a business. There is no size limitation for building mounted signs provided that any sign covering more than 40% of the building face area shall require a special permit.

19.5.3 Window Signs. There is no size limitation for window signs.

SECTION 20 - NON-CONFORMING USES, BUILDINGS AND LOTS

20.1 **Applicability.** A non-conforming use, building or lot is one which existed lawfully prior to the date these Regulations or any amendment thereto became effective, and which fails to conform to one or more of the applicable requirements of these Regulations or any amendment thereto. Such non-conforming use, building or lot may be continued according to the requirements of these Regulations.

20.2 **Non-Conforming Uses, Buildings, Lots.** A non-conforming use is a use of land and/or building which lawfully existed prior to the effective date of these Regulations or any amendment thereto, which does not comply with the use restrictions applicable to the district in which it is situated.

20.2.1 A non-conforming use located on a lot or in a building meeting or not meeting the dimensional requirements of Section 14 of these Regulations or other applicable sections of these Regulations shall comply with the following requirements:

- a) No non-conforming use shall be enlarged or expanded. No non-conforming use of an existing building shall be extended to occupy land outside such building or space in another building.
- b) No non-conforming use of land shall be moved to another part of a lot or adjoining lot within the same zoning district, and no non-conforming use of a building shall be moved to any part of the building not manifestly arranged and designed for such use at the time the use became non-conforming, and no building containing a non-conforming use shall be moved unless the use is changed to a conforming use and the requirements of Section 14 are met.
- c) No non-conforming use of land or of a building shall be changed to any use which is substantially different in nature and purpose from the former non-conforming use, unless the use is changed to a conforming use. A non-conforming use once changed to a conforming use shall not thereafter be changed to a non-conforming use.
- d) When a building in which there is a non-conforming use is damaged by fire, collapse, explosion, neglect, casualty, or act of nature, it may be reconstructed, repaired or rebuilt only to its previous floor area and cubical content provided such reconstruction or rebuilding is commenced within one year of such damage, and the non-conforming use continued.
- e) When a non-conforming use is abandoned or discontinued for a period of twelve (12) consecutive months, it shall thereafter be used in conformity with the regulations for the district in which it is located.
- f) Normal upkeep, maintenance, and repairs in a building occupied by a non-conforming use is permitted provided that such work does not increase or expand the non-conforming use.

20.3 **Conforming Uses, Non-Conforming Buildings and Lots.** A conforming use is a use of land and/or buildings which complies with the use restrictions applicable to the district in which it is located, but not with the dimensional requirements applicable to the district in which it is located.

20.3.1 A conforming use located on a lot or in a building which lawfully existed prior to the effective date of these Regulations or any amendment thereto, but not meeting the dimensional requirements of Section 14 of these Regulations or other applicable sections of these Regulations shall comply with the following requirements:

- a) Residential uses and buildings may be expanded or enlarged provided no increased encroachment or further violation of the requirements of Section 14 occur for such enlargement, provided the floor area of any enlargement does not exceed 50% of the floor area of the original building unless the entire building is made to conform to Section 14 of these Regulations, and provided no non-conforming use is established.
- b) Non-residential uses and buildings may be expanded or enlarged provided the requirements of Section 14 are met for such enlargement, provided the floor area of any enlargement does not exceed 50% of the floor area of the original building unless the entire building is made to conform to Section 14 of these Regulations, and provided no non-conforming use is established.
- c) Any non-conforming building containing a conforming use which is damaged by fire, collapse, explosion, neglect, casualty, or act of nature may be reconstructed, repaired or rebuilt only to its previous floor area and cubical content. Any expansion proposed as part of a reconstruction or rebuilding shall meet the requirements of Section 20.3.1 a) and b) above. Any reconstruction or rebuilding shall be commenced within one year of the date of damage.
- d) When a conforming use in a non-conforming building or on a non-conforming lot is abandoned or discontinued for a period of twelve (12) consecutive months, it shall thereafter be used in conformity with Section 14 of these Regulations for the district in which it is located.
- e) Normal upkeeping maintenance, and repairs in a non-conforming building occupied by a conforming use is permitted provided such work does not further violate the requirements of Section 14 of these Regulations.

20.4 **Non-Conforming Lots.** Nothing in these Regulations shall prevent the construction of a permitted building or the establishment of a permitted use in the relevant zoning district on a lot which in July, 1959 and continuously thereafter was owned separately from an adjoining lot, as evidenced by deed recorded in the Sprague Land Records, provided, however, that the requirements of Section 14 of these Regulations can be met excepting those for lot size and lot frontage on a street; and the requirements of Section 15.20 can be met unless modified by the Commission for conditions unique to the lot; provided no emergency access, traffic safety, drainage or other health, safety or welfare problems exist or may be created. In no case shall a lot contain less than 7,000 square feet. In addition, all water and sewerage systems shall comply with the appropriate requirements of the Town of Sprague, Uncas Health District, and the State

of Connecticut. A previously existing lot that does not have frontage on an accepted street shall be accessible to an accepted street over a permanent right-of-way or easement recorded in the Sprague Land Records.

SECTION 21 - PENALTIES

21.1 In accordance with Section 8-12 of the General Statutes, the owner or agent of any building or premises where a violation of any provision of these Regulations has been committed or exists, or the lessee or tenant of an entire building or premises where such violation has been committed or exists, or the agent, architect, builder, contractor or other person who commits, takes parts or assists in any such violation or who maintains any building or premises in which such violation exists, shall be fined not less than ten (\$10) nor more than one hundred dollars (\$100) for each day that such violation continues; but if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars (\$100) nor more than two hundred and fifty dollars (\$250) for each day that such violation continues, or imprisoned not more than ten (10) days for each day such violation continues or both; and the superior court shall have jurisdiction of all such offenses, subject to appeal as in other cases. Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within ten days after such service, or having been served with a cease and desist order with respect to a violation involving grading of land, removal of earth or soil erosion and sediment control, fails to comply with such order immediately, or continues to violate any provision of these Regulations shall be subject to a civil penalty not to exceed two thousand five hundred dollars, payable to the treasurer of Sprague.

SECTION 22 - APPEALS AND VARIANCES

22.1 **Appeals.** Any person may appeal to the Sprague Zoning Board of Appeals when it is alleged that there is an error in any order, requirement, or decision made by the Zoning Enforcement Officer related to the enforcement of these Regulations.

22.2 **Variances.** Any person seeking a Variance from the literal enforcement of these Regulations may apply to the Sprague Zoning Board of Appeals for a Variance. Said Board may, after consideration of a variance application in accordance with Sections 8-6 and 8-7 of the General Statutes, approve or deny a Variance, except that no Variance may be approved for uses or buildings in districts in which such uses or buildings are not otherwise permitted by these Regulations.

SECTION 23 - AMENDMENTS

23.1 These Regulations may be amended by the Commission, after proper public notice and public hearing, in accordance with Section 8-3 of the General Statutes.

23.1.1 Requests or petitions for changes to these Regulations or any zoning district boundaries shall be submitted to the Commission in writing along with a fee as shown on the schedule of fees adopted by the Commission.

23.1.2 If the amendment request is for a change in the Zoning Map boundaries, the applicant shall prepare and submit with his application a map drawn to scale showing the boundaries and owners of all properties located within the area to be rezoned and within five hundred (500) feet from the boundaries of the area to be rezoned. The applicant shall also prepare and submit a list of the names and addresses of the owners of all properties located within the area to be rezoned and within five hundred (500) feet from the boundaries of the area to be rezoned as shown on the records of the Sprague Assessor. The applicant shall mail a copy of the public hearing notice to the owners of record of such properties at the last address known to the Sprague Assessor at least ten (10) days before the date set for the public hearing. The applicant shall present written proof in the form of U.S. Post Office certificates of mailing to the Zoning Enforcement Officer at least five (5) days before the public hearing that this notification requirement has been met. Failure to comply with the requirements of this section shall invalidate the zoning map change procedure. The applicant shall post a sign in accordance with Section 3.12 of these Regulations.

The requirements of this section shall not apply to amendments initiated by the Commission.

SECTION 24 - SEPARABILITY

24.1 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.

SECTION 25 - EFFECTIVE DATE

25.1 These amended Regulations shall take effect on February 1, 2016.

25.1.1 These amended Regulations supersede Regulations originally adopted on July 1, 1959, and subsequently amended.