

Town of Orange, CT

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Chapter 383. ZONING

[HISTORY: Adopted by the Town Plan and Zoning Commission of the Town of Orange 8-25-1971, as last amended 6-21-2000. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Adult-oriented establishments — See Ch. 160.
Building construction — See Ch. 183.
Citations — See Ch. 195.
Flood damage prevention — See Ch. 223.
Land use applications — See Ch. 270.
Inland wetlands and water courses regulations — See Ch. 381.
Subdivision regulations — See Ch. 382.

Article I. General Provisions and Administration

§ 383-1. Jurisdiction.

Within the Town of Orange, no land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these Regulations. No lot or land shall be subdivided, sold, encumbered or conveyed so as:

- A. To make said lot or land nonconforming or more nonconforming to these Regulations;
- B. To make any use, building or other structure nonconforming or more nonconforming;
- C. To reduce any setback, yard, open space, or off-street parking and loading spaces to less than is required by these Regulations; or
- D. To make any nonconforming setbacks, yard, open space or off-street parking and loading spaces more nonconforming.

§ 383-2. Certificate of zoning compliance.

No building or other structure, or part thereof, shall be constructed, reconstructed, enlarged, extended, moved or structurally altered until an application for a certificate of zoning compliance has been approved by the Zoning Enforcement Officer. No land, building or other structure, or part thereof, shall be used or occupied, or changed in use, until an application for a certificate of zoning compliance therefor has been approved by the Zoning Enforcement Officer and until a certificate of zoning compliance therefor has been issued by the Zoning Enforcement Officer certifying conformity with these Regulations. No certificate of zoning compliance however, is required for a farm, forestry, truck garden or nursery use when no building or other structure is proposed. All applications for a certificate of zoning compliance shall be submitted and approved in accordance with the provisions of §§ 383-3 through 383-11 and all certificates shall be issued in accordance with said section.

§ 383-3. Zoning Enforcement Officer.

There should be a Zoning Enforcement Officer who shall be appointed by the Commission and whose term of service and compensation shall be established by such Commission. The Zoning Enforcement Officer may also be the Building Inspector of the Town of Orange if so appointed. The Zoning Enforcement Officer shall have the responsibility and authority to enforce the provisions of these Regulations in accordance with any administrative rules and procedures established by the Commission. The Commission may appoint deputy zoning enforcement officers to assist and act for the Zoning Enforcement Officer. No application for certificate of zoning compliance shall be approved and no certificate of zoning compliance, order or other zoning enforcement document shall be issued unless signed or countersigned by the Zoning Enforcement Officer or a deputy zoning enforcement officer.

§ 383-4. Application for certificate of zoning compliance.

- A. Application for a certificate of zoning compliance shall be submitted to the Zoning Enforcement Officer prior to construction, reconstruction, extension, enlargement, moving or substantial alteration of any building or other structure and prior to the use or occupancy of any land, building or other structure. The application shall be accompanied by a plan drawing in duplicate, drawn to scale and showing the following:
- (1) Exact dimensions, area, radii and angles or bearings of the lot;
 - (2) The height, dimensions, use, floor area, ground coverage and location of all buildings and other structures, whether existing or proposed;
 - (3) The location, area and dimension of off-street parking and loading spaces, any barriers required in connection therewith and the means of access to such spaces;
 - (4) The location of any existing or proposed wells and private sewage disposal systems;
 - (5) The location, area and dimensions of any outside storage areas, site development and landscaping features that are subject to the provisions of these Regulations;
 - (6) For a use, building, other structure or site development that involves a disturbed area of 1/2 acre or more, provision for erosion and sediment control in accordance with Article XXI, unless a separate soil erosion and sediment control plan is submitted as specified in Article XXI; and
 - (7) Such additional information as may be necessary to determine compliance with the provisions of these Regulations.
- B. In addition, the application shall be accompanied by other plans, drawings, data and statements necessary to determine compliance with the provisions of these Regulations.

§ 383-5. Special plans.

In addition to the requirements of § 383-4 and where required by these Regulations under Articles III through XI, site plans, architectural plans and other special plans and drawings shall be submitted with the application for a certificate of zoning compliance. A site plan,

incorporating all of the information required to be shown on the plan drawing specified in § 383-4 may be substituted for such plan drawing.

§ 383-6. Fees.

Each application for a certificate of zoning compliance shall be accompanied by a fee paid to the Town of Orange. All fees are to be determined by the Town Plan and Zoning Commission.

§ 383-7. Referrals.

The following referrals, made by the Zoning Enforcement Officer, are applicable to particular applications for certificate of zoning compliance:

- A. When such application may be approved only after approval of a site plan under Article XIII or approval of a special use, temporary special use, special exception or other action of the Commission or Zoning Board of Appeals as specified in these Regulations, a copy of such Application and related applications required by these Regulations shall be referred to the Commission or Board upon receipt.
- B. A copy of any plot plan showing measures for soil erosion and sediment control or of a soil erosion and sediment control plan shall be referred to the Town Engineer or the New Haven County Soil and Water Conservation District for technical review and advisory opinion and for certification in accordance with Article XXI.

§ 383-8. Approval and issuance of certificate of zoning compliance.

The Zoning Enforcement Officer shall approve applications for a certificate of zoning compliance and shall issue certificates of zoning compliance when he determines that all requirements of these Regulations have been met, as well as any additional conditions or restrictions imposed by the Commission or the Zoning Board of Appeals. If deemed necessary to determine compliance with these Regulations or any additional conditions or restrictions imposed, and before issuance of a certificate of zoning compliance, the Zoning Enforcement Officer may require the applicant to furnish measurements of any construction features subject to the requirements of these Regulations, including setback distances, which measurements shall be prepared and certified by a land surveyor licensed to practice in the State of Connecticut. Within 10 days after notification by the applicant that the premises are ready for occupancy, or within 10 days after receipt of the certified measurements if required, or, in the case of a use requiring site plan approval pursuant to Article XIV within 10 days after an "as-built" site plan prepared in accordance with the formal requirements of §§ 383-117B and 383-133B, as appropriate, and demonstrating compliance with the action of the Commission on said application for site plan approval or special use has been submitted to the Zoning Enforcement Officer, the Zoning Enforcement Officer shall issue or deny a certificate of zoning compliance. One copy of the plan drawing or drawings shall be returned by the Zoning Enforcement Officer to the applicant when the application for a certificate is approved. The following additional requirements shall apply to the approval of applications and the issuance of certificates:

- A. Sanitation: Where a proposed use or proposed building or other structure involves the installation, extension, relocation or reconstruction of a private sewage disposal or water supply system, no application for a certificate of zoning compliance shall be approved until plans for such system have been approved by the Director of Health of the Town of Orange or

his authorized agent or until the use or building or structure has been provided with connections to a municipal sanitary sewer and/or public water supply system.

- B. Conditions: Any maps, plans, documents, statements, and stipulations submitted to and approved by the Commission or Zoning Board of Appeals in connection with a site plan, special exception, variance or other action of such Commission or Board, shall be conditions for approval of an application for a certificate of zoning compliance by the Zoning Enforcement Officer and issuance by him of a certificate.
- C. Temporary permit: If, in his judgment, the public health and safety will not be impaired, the Zoning Enforcement Officer is authorized to issue a temporary certificate of zoning compliance, having a duration of not more than six months, for the temporary use of land, buildings and other structures in the process of improvement and completion in accordance with an approved application for a certificate of zoning compliance.
- D. Other permits: Approval of an application for a certificate of zoning compliance or the issuance of a certificate shall not be construed to constitute compliance with any other regulation, ordinance or law nor to relieve the applicant from responsibility to obtain any permit thereunder.
- E. Soil erosion and sediment control: When a proposed use, building or other structure or site development involves a disturbed area of 1/2 acre or more, or otherwise when provision for soil erosion and sediment control is required by these Regulations, no application for certificate of zoning compliance shall be approved until a soil erosion and sediment control plan in connection therewith has been certified in accordance with Article XXI and no certificate of zoning compliance shall be issued until the soil erosion and sediment control measures have been completed in accordance with the certified control plan.

§ 383-9. Inspections.

The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any land, building or other structure to determine compliance with these Regulations. No certificate of zoning compliance shall be issued until the Zoning Enforcement Officer has inspected the land, building or other structure involved to determine that the use and/or the buildings or other structures conform to these Regulations and any additional conditions or restrictions imposed by the Commission or the Zoning Board of Appeals or constitutes a nonconformity as defined in § 383-13B of these Regulations.

§ 383-10. Orders.

The Zoning Enforcement Officer is authorized to issue a stop-work order if in his judgment the use of land, building or other structures or the construction, reconstruction, enlargement, extension, moving or structural alteration of a building or other structure are not being carried out in compliance with these Regulations; he shall withdraw such order when he determines that there is compliance with these Regulations. The Zoning Enforcement Officer is authorized to order in writing the remedying of any condition found to be in violation of these Regulations.

§ 383-11. Records.

The Zoning Enforcement Officer shall keep records of all fees, all applications and certificates of zoning compliance, all identifiable complaints of any violation of these Regulations, all

inspections made under these Regulations and all notices of violation served by him and the action taken thereon.

§ 383-11.1. Performance bonds.
[Added 6-19-2001]

- A. The Commission shall, if required by these regulations, or deemed necessary by the Commission, require a performance bond, in form and amount acceptable to the Commission, or its designated agents, to guarantee performance and completion of all streets, driveways, parking areas, sidewalks, storm drainage systems, retention and detention ponds and/or basins, sewer systems, utility services, landscaping, soil erosion and sediment control, and other essential site improvements, in accordance with the application and plans as approved by the Commission. Said bond shall be sufficient to insure performance of all off-site roadwork, or other improvements within the public right-of-way or other easements and rights-of-way, which improvements are necessary to the use and enjoyment of the property as approved.
- B. Bond amount. The bond shall be in an amount equal to the total of itemized estimate of the cost of the specific improvements to be bonded plus an additional 15% to cover contingencies. The bond may be in the form of a certified check payable to the town, or an irrevocable letter of credit issued by a banking institution acceptable to the Commission having its principal office in the State of Connecticut, which letter of credit shall have no expiration except upon written notice to the Commission, whereupon the Commission shall have the right to draw upon the letter of credit without further requirement and shall further be in form and content acceptable to the Commission and the Town Attorney. Said bond shall be posted with the town, in accordance with the approval by the Commission, for a period set by the Commission not less than the time limit within which the applicant has to complete all improvements.
- C. Partial release. Upon written request of the applicant for reduction or release of the bond, the site shall be inspected by the Town Engineer and/or other appropriate Town officials to determine all of the conditions of approval have been met and if all required site improvements have been satisfactorily completed in accordance with the approved plans. Before the release of any bond, the Commission may require the applicant to submit an "as built" plan, certifying that all of the required site improvements have been installed in accordance with the approved plans. Based on the findings, the Commission may authorize the reduction or release of said bond and the subsequent issuance of a certificate of zoning compliance. At the time of determination that all bonded improvements have been completed, the Commission shall retain an amount equal to 10% of the itemized amount for landscaping for an additional period of one year to ensure replacement of any shrubs or trees that have died or grass or other ground cover that has died or not grown during that period.

§ 383-12. Zoning Board of Appeals.

- A. Authority: The Zoning Board of Appeals shall have all of the powers and duties prescribed by the General Statutes of the State of Connecticut and by these Regulations, which powers and duties are summarized and more particularly described below, provided however that none of the following summary and description is deemed to alter the powers and duties of the Board as prescribed by law.

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

- (1) Decide appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer. Such appeals shall be made within 15 days of the decision of the Zoning Enforcement Officer by the person, firm, corporation or entity to whom said decision has been directed.
- (2) Vary the application of the Regulations: To determine and vary the application of the Zoning Regulations in harmony with their general purpose and intent and with the due consideration for the plan of development and for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of the regulations would result in exceptional difficulty or unusual hardships, so that substantial justice will be done and the public safety and welfare secured. Financial hardship alone shall not be considered an exceptional difficulty or unnecessary hardship.
- (3) Use variances: Use variances may be granted except in the following cases:
 - (a) To authorize in a Residence District a use of land, buildings or other structures, or the enlargement or extension of a use, that is otherwise permitted only in a Commercial, Local Shopping Center, Business Office Park or Light Industrial District; and
 - (b) To authorize a use of land, buildings or other structures that is prohibited in all districts in the town; provided however
 - (c) Where a use of land, buildings or other structures is permitted in a district subject to administrative approval of a site plan by the Commission, a variance in connection with such use may be granted only after submission and action on a site plan in accordance with the provisions of Article XIII; and
 - (d) Where a use of land, buildings or other structures is prohibited in a district but is permitted in another district subject to administrative approval of a site plan by the Commission, a variance to permit such use may be granted only after submission and action on a site plan in accordance with the provisions of Article XIII, but no such variance shall be granted contrary to the provisions of Subsection B(3)(a).
- (4) Motor vehicle uses: To hear and decide requests for a certificate of approval of location as specified in the General Statutes, such as for gasoline stations, automobile repairers and dealers and other motor vehicle uses.
- (5) Adopt rules and procedures: To adopt rules and procedures necessary to exercise its authority.

C. Procedures:

- (1) Applications: All applications and appeals to the Zoning Board of Appeals shall be filed in a form prescribed by the Board and shall be accompanied by a fee as established by the Board.
- (2) Mailing to adjoining owners: Apart from the hearing notice required by the CT General Statutes, it shall be the administrative procedure of the Zoning Board of Appeals to send by first class mail a copy of the hearing notice to the owners of lots adjacent to and directly across the street from the lot for which an application has been made, such owners being those identified in the application. The mailing, which shall be made at least 10 days prior to the date of the hearing, is a courtesy and is not a substitute for nor intended as notice requirement under the CT General Statutes.
- (3) Public hearing: The Zoning Board of Appeals shall hold a public hearing on all applications and appeals after due notice and within the time prescribed by the CT General Statutes.
- (4) Board action and referral: Action on all requests, applications or appeals shall be taken by the Zoning Board of Appeals in compliance with the time limits set forth in the CT General Statutes. The Board may attach reasonable conditions to the granting of variances to insure compliance with the purpose and intent of the Zoning Regulations.

§ 383-13. Nonconformity.

- A. Intent: It is the intent of these Regulations that nonconformities are not to be expanded, that they should be changed to conformity as quickly as the fair interest of the owners permit and that the existence of any existing nonconformity shall not of itself be considered grounds for the approval of a variance for any other property.
- B. Definitions: A nonconforming use, building or other structure, or lot, is one which existed lawfully, whether by variance or otherwise, on the date these Regulations or any amendment hereto became effective, and which fails to conform to one or more of the provisions of these Regulations or such amendment hereto. No nonconforming use, building or other structure, or lot shall be deemed to have existed on the effective date of these Regulations, or any amendment thereto, unless:
 - (1) It was actually in being on a continuous basis on such date; and
 - (2) If such nonconformity is a use, such use had not been discontinued within the meaning of Subsection E.
- C. Approved applications and certificates: Unless otherwise specifically provided in these Regulations, nothing in these Regulations shall require any change in the use of any land, building or other structure, or part thereof, or in the area, location, bulk or construction of any building or other structure for which an application for a certificate of zoning compliance shall have been lawfully approved and any required certificate of zoning compliance shall have been lawfully issued even though such use, building or structure does not conform to one or more provisions of these Regulations or any amendment hereto.
- D. Change in plans: Subject to the time limitations of Subsection D(1), nothing in these Regulations shall be deemed to require any change in the proposed use of any land, building

or other structure or the area, location, bulk or construction of any building or other structure for which an application for a certificate of zoning compliance has been lawfully approved and any required building permit shall have been lawfully issued even though such proposed use, building or other structure does not conform to one or more provisions of these Regulations or any amendment hereto.

- (1) Time limit: An approved application for a certificate of zoning compliance authorizing a proposed use, building or other structure that does not conform to one or more provisions of these Regulations or any amendment hereto, as described in this Subsection D, shall become null and void unless the use authorized thereby shall have been established within one year from the effective date of such Regulations or any amendment thereto when such use does not involve the establishment of a building or other structure for which an application for a certificate of zoning compliance must be approved or the use, building or other structure authorized thereby shall be established and completed within two years from the effective date of such Regulations or any amendment thereto. The Commission may grant extensions of such period each for an additional period not to exceed one year after public hearing for good cause demonstrated to the satisfaction of the Commission.
 - (2) Previous regulations: The provision of Subsection D and D(1) shall apply to building permits and certificates of occupancy issued under the Zoning Regulations in effect prior to these Regulations.
- E. Discontinuance: No nonconforming use of land which shall have been discontinued for a continuous period of 90 days or for a total of six months during any one-year period shall thereafter be resumed or replaced by any other nonconforming use; no nonconforming use of land and buildings or structures in combination which shall have been discontinued for a continuous period of six months or for a total of 18 months during any three-year period shall thereafter be resumed or replaced by any other nonconforming use. No nonconforming use of land, buildings or other structures which shall have been discontinued with intent to abandon said use shall thereafter be resumed or replaced by any other nonconforming use.
- F. Repair: Nothing in this section shall be deemed to prohibit work on any nonconforming building or other structure when required by law to protect the public health or safety, provided that such work does not increase the nonconformity. Nothing in this section shall be deemed to prohibit work on ordinary repair and maintenance of a nonconforming building or other structure or replacement of existing materials with similar materials.
- G. Enlargement: No nonconforming use of land shall be enlarged, extended or altered, and no building or other structure or part thereof devoted to a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, except where the result of such changes is to reduce or eliminate the nonconformity. No nonconforming use of a building or other structure shall be extended to occupy land outside such building or other structure or space in another building or other structure. No nonconforming building or structure shall be enlarged, extended, reconstructed or structurally altered, if the result would be an increase in nonconformity.

- H. Moving: No nonconforming use of land shall be moved to another part of a lot or outside the lot, and no nonconforming use of a building or other structure shall be moved or extended to any part of the building or other structure not manifestly arranged and designed for such use at the time the use became nonconforming, and no building or other structure containing a nonconforming use shall be moved, unless the result of any such move is to end the nonconformity. No nonconforming building or structure shall be moved unless the result of such moving is to reduce or eliminate its nonconformity.
- I. Change: No nonconforming use of land, buildings or other structures shall be changed to any use which is substantially different in nature and purpose from the former nonconforming use except such uses that are permitted uses in the district in which they are to be located. No nonconforming use of land, buildings or other structures if once changed to conform or to more nearly conform to these Regulations shall thereafter be changed so as to be less conforming again. No nonconforming building or structure if once changed to conform or more nearly conform to these Regulations shall thereafter be changed so as to be nonconforming or less conforming again.
- J. Casualty: If any nonconforming building or other structure or any building or structure containing a nonconforming use shall be destroyed by fire or other casualty to an extent of more than 75% of its assessed valuation on the last completed tax assessment list of the Town of Orange, such building or other structure shall not be reconstructed or repaired and such use shall not be resumed unless the building, structure and use are made to conform in all respects to these Regulations. Where the destruction is 75% or less of its assessed valuation, as above determined, the building or other structure may be reconstructed or repaired and any nonconforming use resumed, provided that such reconstruction is started within a period of six months from such casualty and is diligently prosecuted to completion. In the event of failure to start such reconstruction or repair within a period of six months from such casualty and to complete the same within one year from such casualty, or within such additional periods, not exceeding six months each, as the Commission with due cause may grant upon written application made to it, the right under this paragraph to reconstruct or repair such building or other structure and the right to resume such nonconforming use shall be lost and terminated.
- K. Lots: A parcel of land, which existed on the effective date of these Regulations, and which fails to meet the area, shape or frontage or any applicable requirements of these Regulations pertaining to lots, may be used as a lot, and a building or other structure may be constructed, reconstructed, enlarged, extended, moved or structurally altered thereon, provided that all of the following requirements are met:
- (1) The use, building or other structure shall conform to all other requirements of these Regulations;
 - (2) If used for a dwelling, the lot shall contain a minimum area of 10,000 square feet; and
 - (3) If the parcel fails to meet the area requirements of these Regulations, the owner of the parcel shall not also be the owner of contiguous land which in combination with such parcel that fails to conform would make a parcel that conforms or more nearly conforms to the area requirements of these Regulations pertaining to lots.

- L. Title: No change of title, possession or right of possession shall be deemed to affect right to continue a nonconforming use, building or other structure.
- M. Performance standards: Any use, building or other structure which does not conform to one or more of the performance standards of Article XVII shall not be changed to increase such nonconformity but may be changed to decrease or eliminate such nonconformity. Any such nonconformity so reduced or eliminated shall not be resumed.
- N. Signs: Signs of a size or type not permitted in the district in which they are situated, or which are improperly located or illuminated, or which are nonconforming in any other way, shall be considered nonconforming structures under this section, and any increase in size, illumination or flashing of such signs shall be deemed to be a prohibited enlargement or extension constituting an increase in nonconformity.
- O. Off-street parking and loading: Any lot, use, building or other structure which does not conform to one or more of the parking and loading provisions of Article XVIII shall continue to conform to such provisions to the extent that it conforms on the effective date of such section. Any use of land, buildings or other structures which does not conform to one or more of the provisions of Article XVIII shall not be changed to a use which would need additional off-street parking or loading spaces to comply with the provisions of Article XVIII unless such spaces are provided as required for the new use under Article XVIII and unless all other applicable requirements of these Regulations are met.

§ 383-14. Definitions.

- A. General: The paragraphs which follow define and explain certain words used in these Regulations. Other words used in these Regulations shall have the meaning commonly attributed to them. Doubts as to the precise meaning of words in these Regulations shall be determined by giving due consideration to the expressed purpose and intent of these Regulations.
- B. As used in this chapter, the following terms shall have the meanings indicated:

BUILDING

Any structure having a roof.

COMMISSION

The Town Plan and Zoning Commission of the Town of Orange, Connecticut.

COVERAGE BY BUILDINGS AND STRUCTURES

The aggregate ground coverage by buildings and other structures is measured from the outermost edge of the building or structure, projected to nadir but excluding any architectural projections that may be permitted to extend into the area required for setback from a street line, property line, or Residence District boundary line and also excluding buildings and structures that are completely below the finished grade of the lot.

DETACHED GARAGE

A structure detached and separated from, and having no common wall with, the primary dwelling. A garage is permitted only to service the primary dwelling. It must not exceed 675 square feet. A larger ground coverage is permitted subject to approval of a special use in accordance with the provisions of § 383-26I(3)(a) and Article XIV. The garage

must not exceed 15 feet in height. The garage must not be located within any easements on the property. The garage must be used by a resident of the property for the storage of vehicles, property maintenance equipment, and/or recreational equipment. The garage must contain functioning rolling door(s), or folding door(s), or swinging door(s) which can accommodate an automobile. The door(s) shall have a minimum dimension of seven feet in width. The exterior finish, roof, roof lines, and roof pitch of all structures exceeding 300 square feet shall match as closely as possible the exterior finish of the primary dwelling. With the exception of a bathroom, the garage must not contain any finished livable floor area.

[Added 10-4-2011]

DWELLING

A building containing one or more dwelling units.

DWELLING, MULTIPLE UNIT

A building used for occupancy by two or more families living independently of each other and containing two or more dwelling units. A detached residential building containing two or more dwelling units, including what is commonly known as an apartment building, but not including group, row, or townhouses.

DWELLING, SINGLE-FAMILY ATTACHED

One of two or more residential buildings having a common or party wall separating dwelling units. A building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

DWELLING UNIT

A building or part of a building designed for occupancy, or so occupied, by one family. Accommodations occupied for transient lodging in a hotel or motel shall not be considered to be a dwelling unit.

DWELLING UNIT, AFFORDABLE

See Article XII.

ELDERLY ASSISTED LIVING RESIDENTIAL FACILITY

A residential facility for assisted living as contemplated by Section 19-13-D105 of the Regulations of Connecticut State Agencies and the facility shall be managed by an Assisted Living Service Agency as defined in Section 19a-490(l) of the Connecticut General Statutes under a license issued by the Connecticut Department of Public Health under Section 19a-491 of the Connecticut General Statutes, as such statutes and regulations may be amended from time to time. Such facility will be limited to those persons 62 years of age or older.

FAMILY

A person or a group of related persons, plus guests and domestic servants thereof, or a group of not more than six persons who need not be so related, who are living as a single housekeeping unit maintaining a common household. A roomer or boarder to whom rooms are let and/or board is furnished as permitted by these Regulations shall not be considered a member of a family for the purpose of this definition.

FLOOR AREA, DWELLING OR DWELLING UNIT

(1) In determining compliance with minimum floor area requirements for dwellings and dwelling units, only finished livable floor area having a ceiling height of at least seven

feet four inches shall be counted, except that in a half-story not more than 400 square feet of floor area may be counted, provided it has a ceiling height of at least five feet. The following shall not be included in the computation of finished livable floor area:

- (a) Garages;
- (b) Outside vestibules; bay windows;
- (c) Any basement rooms, the full walls of which are not above ground level;
- (d) Utility rooms for heating apparatus;
- (e) Attics;
- (f) Terraces; open porches; enclosed porches not heated by a central heating system for the dwelling; and
- (g) Hallways and other space designed for common use by occupants of two or more dwelling units.

(2) Measurements of floor area for any dwelling or dwelling unit shall be taken from the inside surfaces of exterior walls or partitions enclosing the floor area. Any floor, other than a ground floor, must have access thereto by a permanent inside stairway to be included in computing floor area.

FLOOR AREA, MAXIMUM

In computing the total floor area of all buildings and other structures on any lot to determine compliance with maximum floor area provisions, measurements of floor area shall be taken to the outside surfaces of exterior walls enclosing the floor area.

HALF-STORY

That portion of a building between the surface of a sloping roof and the floor next below, in which the points of intersections of the bottom of the rafters with the interior surfaces of the walls are not less than four feet above the floor level, and which contains a floor area no greater than 50% of the area of the floor next below; not less than 50% of the half-story floor area shall have a ceiling height of at least seven feet four inches. For buildings with flat roofs, a half-story is the upper most story which contains a floor area no greater than 50% of the area of the floor next below.

HEIGHT

In measuring the height of a building or other structure to determine compliance with the maximum height provisions, measurement shall be taken from the ground elevation datum consisting of the average elevation of the finished grade of the lot within 10 feet of, and around, the perimeter of the building or structure to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gambrel roofs. A separate ground elevation datum is applicable to each building or structure on a lot. When any two buildings having different ground elevation datum are interconnected, such as by common areas, other floor area or other architectural features or structures, the ground elevation datum applicable to the interconnection is the same as the building having the lower ground elevation datum.

IMPERVIOUS SURFACE

Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surface shall include graveled driveways and parking areas. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

JUNK YARD

Includes any junkyard, motor vehicle junk business and motor vehicle junkyard as defined in the General Statutes of the State of Connecticut. The term shall also include any place of storage or deposit, whether in connection with a business or not, for one or more used motor vehicles which are either no longer intended, or in condition, for legal use on the public highways and shall also include any place of storage or deposit of used parts of motor vehicles and old metals, iron, glass, paper, cordage and other waste materials which on any lot have an aggregate bulk equal to one automobile.

KENNEL

Shall have the same meaning as defined in the General Statutes of the State of Connecticut and shall include commercial kennel as defined in such Statutes.

LOT

A parcel of land which is either:

(1) Owned separately from any contiguous parcel as evidenced by fee conveyance recorded in the land records of the Town of Orange; or

(2) Is a building lot shown on a subdivision map, approved by the Commission and filed in the office of the Orange Town Clerk.

LOT AREA AND SHAPE

In determining compliance with minimum lot area and shape requirements of these Regulations, land subject to conservation easements, sight easements and easements for drainage facilities, sanitary sewer facilities, public utility distribution lines and underground public utilities may be included, but no right-of-way for a street or highway, easement of vehicular access, private right-of-way for vehicles or easement for above ground public utility transmission lines may be included for compliance with minimum lot area and shape. The following are also applicable in determining compliance:

[Amended 2-17-2004]

(1) Area consisting of wetlands and watercourses, including ponds and lakes:

(a) Shall not be used for compliance with more than 10% of the minimum lot area requirement specified in the district.

(b) Shall not be used for compliance with more than 10% of the required minimum shape consisting of a square with the minimum dimension specified in the district.

(c) In a residence district shall be excluded from lot area in determining eligible square footage of all building and other structures on the lot and eligible ground coverage by buildings and other structures on the lot.

(2) Area consisting of slopes in excess of 25% grade, greater than 1,000 square feet, at predevelopment conditions:

(a) Shall not be used for compliance with the minimum Lot area requirement specified in the district.

(b) Shall not be used for compliance with the required minimum shape consisting of a square with the minimum dimension specified in the district; and

(c) In a residence district shall be excluded from lot area in determining eligible square footage of all building and other structures on the lot and eligible ground coverage by buildings and other structures on the lot.

(3) Land in two or more zoning districts may be used to satisfy a minimum lot area requirement provided that the requirement of the district requiring the largest lot area is met, but no land in a Residence District shall be used to satisfy a minimum lot area requirement or minimum lot shape requirement in any other district.

LOT, CORNER

A lot having lot lines formed by the intersection of two streets, whether public or private, and where the interior angle of such intersection is less than 135°. A lot fronting on a curved street shall also be considered a corner lot if the central angle of the curve is less than 135°.

MIXED USE RESIDENTIAL DEVELOPMENT

A development on one site consisting of residential dwelling units in combination with either retail use or office use, or in combination with both retail and office use.

NONCONFORMING USE, BUILDING, STRUCTURE OR LOT

See § 383-13B.

OPEN SPACE, USABLE

Space on a lot or parcel that is:

- (1) Unoccupied by principal or accessory buildings above the finished grade;
- (2) Unobstructed to the sky;
- (3) Not devoted to service driveways, service areas, off-street parking at finished grade or loading areas;
- (4) Devoted to landscaping, active or passive recreation and other like uses;
- (5) Made available in the same proportion to all occupants of the building or buildings on the lot or parcel;
- (6) Not classified as wetland; and

(7) Does not exceed a 35% slope.

OUTSIDE STORAGE

The outside storage or display of merchandise, supplies, machinery and materials and/or the outside manufacturing, processing or assembling of goods, but excluding areas for parking of registered motor vehicles in daily use.

PROFESSIONAL SCHOOL

An accredited school that awards advanced academic degrees (i.e., master's degree, MBA, Ph.D.) with the general requirement that students must have earned a previous undergraduate (bachelor's) degree.

[Added 6-21-2011]

PROPERTY LINE, REAR

Any property line which is parallel to or within 45° of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a corner lot, only one lot line shall be considered a rear property line.

PROPRIETARY COMMERCIAL OR TECHNICAL SCHOOL

A for-profit school providing post-secondary training in business, technical or commercial skills, including, but not limited to, information technology, computer repair, office administration, medical billing and coding.

[Added 6-21-2011]

RESIDENTIAL DEVELOPMENT, MIXED USE

A development on one site consisting of residential development as ordered by Article XII, Planned Residential Development (PRD) Regulations, and either retail or office use as limited by Article XII, PRD Regulations.

RESTAURANT, INDOOR

Restaurants and other food and beverage service establishments where customers are served only when seated at tables or counters and all of the customer seats are located within an enclosed building. Such uses may include a food take-out service, by a special permit, incidental to the primary intended use, but shall not include the following:

- (1) Establishments where customers are served primarily at food take-out counters;
- (2) Establishments where customers are served at drive-through windows or by restaurant "car hop" employees outside of the enclosed structure; and
- (3) Establishments where customers are served in a manner intended for consumption of food at outside picnic or dining areas.

SIGN

See § 383-185.

SOIL EROSION AND SEDIMENT CONTROL PLAN

See § 383-204, including related definitions.

STORY

That portion of a building between the surface of any floor and the surface of the floor, ceiling, or roof next above. When not used for human occupancy, penthouses enclosing mechanical equipment on the roof of a building and attics are not considered a story.

When the ceiling of a basement is less than five feet above the ground elevation datum for the building, the basement is not considered a story; provided, however, that in a BOP District a basement used primarily for parking of motor vehicles may have a ceiling that exceeds such five feet of height over as much as 25% of the basement floor area and is not considered a story.

STREET

Any public way duly accepted by the Town of Orange, any state highway, except limited access state highway, or any street shown on a subdivision map approved by the Commission and filed in the office of the Orange Town Clerk.

STREET LINE

The right-of-way easement or taking of any street or of any easement of vehicular access or private right-of-way 25 feet or more in width.

STREET WIDTH

The distance between the street lines.

STRUCTURE

Anything constructed or erected which has a permanent location on the ground, or anything attached to something having a permanent location on the ground. The term "structure" shall include outdoor swimming pools, tool sheds, storage sheds, bath houses, wood piles in excess of 125 cubic feet, barns, garages and carports which are not permanently affixed to the ground. The term shall not include fences or walls six feet or less in height, necessary retaining walls, flagpoles or utility poles.

TRAILERS

Includes any vehicle or contrivance which is used, or designed for use, for human habitation and which is or may be mounted on wheels and which is or may be propelled, either by its own power or by another power-driven vehicle, and whether resting on wheels, jacks or a foundation, the term "trailer" shall include mobile home, camper and camp trailers used, or designed for use, for human habitation. The following additional provision shall apply to trailers:

(1) On any lot, one trailer may either be parked or stored in a garage or other building accessory to a permitted use on the lot or parked or stored so as not to extend within less than 25 feet of any property line or within the area required for setback of accessory buildings from any street line. The owner of the trailer shall also be the owner or occupant of a dwelling or other permitted use on the lot.

(2) A trailer may be used as an office in connection with and for the duration of a construction project on the lot where the trailer is located, provided that such trailer is located so as to meet all of the setback requirements for buildings and other structures and is removed within 30 days after completing the project.

VETERINARY CLINIC

An establishment providing outpatient care for animals under the direct supervision of a licensed veterinarian. The care provided cannot include overnight stays or any radiographic use. The establishment cannot have outdoor enclosures for animals or store any medical gas in pressurized containers.

VETERINARY HOSPITAL

An establishment providing outpatient and inpatient care for animals under the direct supervision of a licensed veterinarian. Care provided can include overnight stays, the use

of gas inhalation anesthesia and radiographic use. Veterinary hospitals cannot operate as a routine boarding facility.

WATER COURSES

Consists of water courses as defined in Chapter 381, Inland Wetlands and Water Courses Regulations, of the Town of Orange, as may be amended from time to time.

WETLANDS

Consists of wetlands as defined in Chapter 381, Inland Wetlands and Water Courses Regulations, of the Town of Orange, as may be amended from time to time.

**§ 383-15. Enumeration of districts.
[Amended 6-15-2010; 6-21-2011]**

For the purpose of these Regulations, the Town of Orange is hereby divided into the following classes of districts:

District	Map Code
Residence	RES
Commercial C-1 District	C-1
Commercial C-2 District	C-2
Local Shopping Center LSC District	LSC
Light Industrial District #1	LI-1
Light Industrial District #2	LI-2
Light Industrial District #3	LI-3
Light Industrial District #4 <i>Editor's Note: The Light Industrial District #4 was added to this list pursuant to an ordinance adopted 2-5-2008.</i>	LI-4
Light Industrial District #5	LI-5
Business Office Park District	BOP
Office Park District	OP

§ 383-16. Zoning Map.

The boundaries of the districts specified in § 383-15 are hereby established as shown on a map entitled "Zoning Map of the Town of Orange, Connecticut," dated June 21, 1971, revised August 25, 1971, including any special maps and boundary descriptions supplementary thereto and any amendments thereof, which map is hereby declared to be a part of these Regulations and is herein referred to as "Zoning Map." *Editor's Note: The Zoning Map is included in a pocket at the end of this volume.*

§ 383-17. Interpretation of Map.

Where a question arises as to the exact boundaries of a district shown on the Zoning Map, the Commission shall by resolution determine the location of the boundary, giving due consideration, among other factors, to the indicated location of the boundary on the Zoning Map, the scale of the Zoning Map and the expressed intent and purposes of these Regulations.

§ 383-18. Extension of use.

Where the boundary of a district divides a lot, the existence of which lot is evidenced by deed or deeds recorded in the land records of the Town of Orange on the effective date of these Regulations or on the effective date of any amendment of these Regulations establishing such boundary, the Commission may approve a special use authorizing a use of land, buildings and other structures permitted in one district to be extended into the other district for a distance of not more than 50 feet in accordance with the provisions of Article XIV.

§ 383-19. Permitted uses.

- A. Uses: Land, buildings and other structures in any district may be used for one or more of the uses listed as permitted in the district under Articles III through XI. Uses listed as special uses are permitted in the district subject to the approval of the Commission in accordance with the provisions of Article XIV. To further assist in the interpretation of permitted uses, certain uses are listed as prohibited in a district, even though the listing of prohibited uses is not intended to be exhaustive; any use not specified as permitted in the district is prohibited. The following uses are specifically prohibited in all districts:
- (1) The use or occupancy of a trailer or tent as a dwelling; the parking or storage of a trailer except in accordance with the provisions of § 383-14.
 - (2) Commercial kennels, commercial piggeries and mink farms.
 - (3) The outdoor storage in any Residence District of any inoperable motor vehicle whether registered or not.
 - (4) The outdoor accumulation or storage of trash, rubbish, debris, building materials, inoperable motor vehicles, parts of motor vehicles or construction equipment in such a manner as to be offensive to the sight of the general public or to adjoining owners, or depreciate the value of property other than the lot where the accumulation or storage is located. *Editor's Note: Former Subsection A(5), regarding planned residential developments, which immediately followed this subsection, was repealed 10-4-2000.*
- B. Performance standards: The use of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to the performance standards specified in Article XVII.
- C. Parking and loading: As specified in Article XVIII, parking and loading spaces shall be provided off the street in connection with certain uses of land, buildings and other structures. In addition, all off-street parking and loading spaces shall conform to the requirements of Article XVIII.

Article II. Area, Location and Bulk Standards

§ 383-20. General.

The following regulations shall apply to the area, shape and frontage of lots and the location and bulk of buildings and other structures in each district under Articles III through XI.

§ 383-21. Lot area, shape and frontage.

- A. Each lot shall have at least the minimum area as specified in the district. Each lot to be used for a dwelling shall have at least the minimum area as specified in the district, and each lot to be used for a dwelling containing more than one dwelling unit shall have at least the minimum additional area for each dwelling unit in the dwelling in excess of one specified in the district. Each lot shall be on such shape that a square with the minimum dimension specified in the district will fit on the lot and, in Residence Districts, some portion of such square shall lie within the area required for setback from a street line. Each lot shall have the minimum frontage on a street specified in the district.

[Amended 2-17-2004; 8-16-2005]

- B. Exceptions: The requirements of Subsection A shall not be construed to prohibit condominium ownership of a building or buildings on a lot meeting the requirements of such subsection; the requirements of Subsection A shall not be construed to prohibit other forms of ownership of a portion of a building and its related lot provided that a special use therefor has been approved by the Commission, in accordance with Article XIV and a subdivision map therefor has been approved by the Commission in accordance with the standards of Chapter 382, Subdivision Regulations, of the Town of Orange, Connecticut, and recorded in the office of the Orange Town Clerk; the requirements of Subsection A shall not be construed to prohibit establishment of a public utilities substation, telephone equipment building, switching station, water supply pump station or public utility transmission lines, pipes or mains on a lot not meeting the requirement of such subsection on condition that the lot be used only for one or more of such uses and provided that a special use therefor has been approved by the Commission in accordance with Article XIV, and upon a finding that such use can be accommodated on a lot of the size and frontage upon which it is proposed to institute such use without jeopardizing the public health or welfare, without unreasonably adversely affecting the values of adjacent properties, and without creating an unreasonable traffic or safety hazard.

§ 383-22. Height restrictions.

No building or other structure shall exceed the number of stories and the maximum height as specified in the district, subject to the following exceptions and limitations:

- A. Exceptions, particular structures: The maximum height limitations of these Regulations shall not apply to the following when not used for human occupancy:
- (1) Church spires, ornamental cupolas, skylights, parapets, chimneys and flag poles;
 - (2) Farm buildings and farm silos when the farm is located on a lot of three acres or more; and
 - (3) In other than BOP Districts, water storage tanks, and elevator, heating, ventilating, air conditioning, solar access and similar equipment, and any penthouses enclosing such

equipment, that are located on the roof of a building, do not occupy more than 25% of the area of the roof, and do not extend above the top of the roof by more than 14 feet.

- B. Exceptions, particular uses: A greater or lesser maximum height may be specified in these Regulations for buildings and other structures established for particular uses authorized by approval of a special use or approval of a site plan.
- C. LI and BOP Districts: In Light Industrial and Business Office Park Districts, any portion of an exterior building wall enclosing a story having a floor elevation of 40 feet or more above the ground elevation datum for the building, as determined in the definition of "height" in § 383-14, shall be recessed an average of 15 feet, but no where less than 10 feet, from the wall of the story next below, and no portion of the exterior wall of a building shall meet the finished grade of the lot at an elevation more than 20 feet below such ground elevation datum.

§ 383-23. Setbacks.

No building or other structure shall extend within less than the minimum distances of any street line, rear property line, other property line or Residence District boundary line as specified in the district, subject to the following exceptions and additional limitations:

- A. Signs: Certain permitted signs, as specified in Article XIX, may extend within lesser distances of a property or street line.
- B. Projections: Pilasters, belt courses, sills, cornices, marquees, canopies, awnings, eaves and similar architectural features, fireplace chimneys and open fire escapes may project into the area required for setback from a street line, property line or Residence District boundary line for the distance specified in the district.
- C. Additional setbacks: Any portion of a building or other structure having a height of more than 35 feet above the ground elevation datum for the building, as determined in the definition of "height" in § 383-14, shall be set back from any street line, property line or Residence District boundary line by two additional feet for each foot or fraction thereof by which such portion exceeds 35 feet in height.
- D. Narrow streets: The required setback from a street line of a street having a width of less than 50 feet shall be increased by one half of the difference between 50 feet and the actual width of the street.
- E. Railroads: In Light Industrial Districts, no setback is required from the right-of-way line of a railroad.
- F. Guard houses: In Light Industrial Districts, a building not exceeding 150 square feet in floor area and a height of 15 feet and used solely as a guard house, gate house or security building may extend to within 10 feet of any street line.
- G. Form of ownership: The setback requirement shall not be construed to prohibit condominium ownership of a building or buildings which otherwise conform to such requirements; the setback requirements shall not be construed to prohibit other forms of ownership of a portion of a building and its related lot provided that a special use therefor has been approved by the

Commission in accordance with Article XIV and a subdivision map therefor has been approved by the Commission in accordance with the standards of Chapter 382, Subdivision Regulations, of the Town of Orange, Connecticut, and recorded in the office of the Orange Town Clerk.

- H. Fences, walls and terraces: The required setback distances shall not apply to fences or walls six feet or less in height nor to necessary retaining walls or to unroofed terraces, but no fence, wall or terrace shall be located within the right-of-way of any street.
- I. Accessory buildings in Residence District: On a lot in a Residence District, one unattached building or structure accessory to a dwelling, and not exceeding 10 feet in height, 15 feet in length nor more than 150 square feet in ground coverage, may extend to within 10 feet of a property line provided that it does not extend within less than 75 feet of any street line.
- J. Boats: In Residence District, boats exceeding 14 feet in length shall meet the same setback requirements as required for an accessory building or structure in Subsection I.
- K. Trailers: For special trailer setback provisions, see the definition of "trailers" in § 383-14.

§ 383-24. Building bulk and coverage.

The total floor area of all buildings and other structures on any lot, excluding basements, shall not exceed the percentage of lot area as specified in the district, and the aggregate ground coverage of all buildings and other structures on any lot shall not exceed the percentage of lot area as specified in the district, which floor area and coverage requirements are subject to the following exceptions and additional limitations:

- A. Form of ownership: The floor area and coverage requirements shall not be construed to prohibit condominium ownership of a building or buildings which otherwise conform to such requirements; the floor area and coverage requirements shall not be construed to prohibit other forms of ownership of a portion of a building and its related lot provided that a special use therefor has been approved by the Commission in accordance with Article XIV and a subdivision map therefor has been approved by the Commission in accordance with the standards of Chapter 382, Subdivision Regulations, of the Town of Orange, Connecticut, and recorded in the office of the Orange Town Clerk.
- B. Coverage, BOP District: In Business Office Park District, the maximum permitted ground coverage by buildings and other structures on any lot may be increased as follows:
 - (1) By 50% for buildings and structures and roof-covered surfaces used solely for the parking of motor vehicles of persons visiting or employed in a building on the lot; or
 - (2) By 1/3 when at least 50% of the parking spaces required for the building on the lot are located under the building or underground.
- C. Building bulk, BOP District: In Business Office Park District, common areas such as atriums, enclosed plazas and accessways, in permitted office buildings having a floor area, excluding basements and buildings and structures used for parking of motor vehicles, of 100,000 square feet or more are not counted in total floor area.

§ 383-25. (Reserved)

Editor's Note: Former § 383-25, Minimum floor area for dwellings and dwelling units, was deleted 2-17-2004.

Article III. Residence District

§ 383-26. Permitted uses.

- A. A single detached dwelling for one family and not more than one such dwelling per lot.
- B. The letting of rooms and/or furnishing of board in a dwelling unit to a total of not more than four persons, subject to the following conditions:
 - (1) The person or persons letting the rooms and/or furnishing board shall reside in the dwelling unit.
 - (2) When rooms are let, the dwelling unit shall contain a minimum floor area of 200 square feet times the number of persons to whom the rooms are let.
 - (3) The letting of rooms shall not include the provision of cooking facilities for such rooms but may include sharing of the cooking facilities of the dwelling.
 - (4) No accessory building shall be used for letting of rooms or furnishing of board.
- C. Farms, nurseries, truck gardens, the keeping of livestock and poultry and forestry, provided that any such use shall consist of three acres or more, exclusive of any required lot area for a dwelling, and provided further that any greenhouses incidental thereto and any buildings in which livestock or poultry are kept are located not less than 50 feet from any property or street line, except that an aggregate of not more than 20 chickens, similar poultry, rabbits or similar animals may be kept on a smaller land area if kept in a building or enclosure located not less than 20 feet from any property or street line. Such permitted use does not include the public sale and/or processing of produce, nursery and greenhouse stock and other agricultural products, which may be authorized as a special use under § 383-27A.
- D. The keeping and raising of one horse or pony for personal or family purposes as a pet, on any lot having a minimum area of one acre, and one additional horse or pony may be maintained on said lot for each additional acre contained in said lot, all subject to the following conditions:
 - (1) Any horse or pony so maintained shall be kept in a building or stable which shall be detached from the main building on such lot and which shall be located at least 50 feet distant from any property line and 100 feet distant from any well from which water is taken for human consumption.
 - (2) Stable manure shall be kept in a covered water-tight pit or chamber and shall be removed at least once a week during the period from May 1 to October 1 and during other months at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the Director of Health.
- E. (Reserved)
- F. Conversion of dwellings existing on January 1, 1937, so as to contain not more than two dwelling units, subject to the following provisions:

- (1) Each dwelling unit shall contain not less than 900 square feet of floor area.
- (2) The dwelling shall be located on a lot having a minimum area of 40,000 square feet, if serviced by city water; 60,000 square feet if serviced by well. As used herein the term "city water" means water service provided by the Regional Water Authority of South Central Connecticut or its successors.
- (3) Separate cooking facilities and a separate bathroom shall be provided within each dwelling unit.
- (4) There shall be no structural alteration of the dwelling except to provide means of egress from each dwelling unit, and in making changes in the exterior of the dwelling, the appearance and character of a single family dwelling shall be preserved.

G. Buildings, uses and facilities of the Town of Orange.

H. Signs, as provided in Article XIX.

I. Accessory uses customary with and incidental to any aforesaid permitted use, subject to the following additional standards and conditions:

- (1) The accessory use shall be located on the same lot with the permitted use to which it is accessory.
- (2) Uses accessory to a dwelling may include off-street parking spaces, swimming pools and pool houses, tennis and similar court games facilities, boat houses, landings and docks, greenhouses, shelter for horses and ponies, poultry and household pets and storage facilities for personal goods, and buildings and structures for such uses, and when such uses are for the personal and family use of the occupants of the dwelling and their guests.
- (3) Buildings and structures for uses accessory to a dwelling or other permitted use but having no common wall with or otherwise detached from the dwelling or any building for such use shall not exceed a height of 15 feet nor an aggregate ground coverage of 300 square feet, provided however, that:
 - (a) A larger ground coverage, and a height in excess of 15 feet, is permitted subject to approval of a special use in accordance with the provisions of Article XIV; and
[Amended 1-17-2012]
 - (b) The ground coverage limitation shall not apply to a one or two car garage accessory to a dwelling and having a coverage of 675 square feet or less nor to unroofed swimming pools accessory to a dwelling.
- (4) Off-street parking.
 - (a) Off-street parking accessory to a dwelling may include only one vehicle having a State of Connecticut commercial plate registration, or a commercial registration in any other state,

or one vehicle that has a State of Connecticut combination plate registration and is not eligible for passenger registration and is used in whole or in part for any commercial purpose, provided that such vehicle is owned or operated by a resident of the dwelling and the vehicle is parked or stored only in an enclosed garage or accessory building and does not exceed 7,500 pounds gross vehicle weight. Otherwise the parking or storage of vehicles so registered, and without limitation as to weight, is permitted on a lot in a Residence District only when accessory to the following:

- [1] An agricultural and farming use that is located on a lot of five acres or more;
- [2] A use or facility operated by or for the Town of Orange or Regional School District No. 5;
- [3] A special use, including commercial nurseries, when specifically authorized in connection with the use; and
- [4] A temporary special use authorized under Article XX.

(b) The aforesaid provisions do not apply to vehicles actually in use for bona fide construction, cultivation, maintenance or delivery work on a lot in a Residence District.

(5) No part of a lot located in a Residence District shall be used for access to a use not permitted in such district.

J. A home occupation or home office which meets all of the following provisions shall be permitted as an accessory use subject to the issuance of a certificate of zoning compliance permit by the Zoning Enforcement Officer in accordance with §§ 383-2 through 383-11 of the Orange Zoning Regulations. It shall also conform to the following additional standards and conditions:

- (1) No person other than a resident of the dwelling unit shall be engaged or employed in the home occupation or home office.
- (2) The delivery of goods or materials to the premises other than documents, office supplies, paper products, shall not be permitted. Delivery of goods for sale, assembly or repair is prohibited.
- (3) The sale of goods or materials from the premises shall not be permitted except by telephone, mail, e-mail or internet.
- (4) There shall be no display of products or signs on or about the premises.
- (5) The home occupation or home office shall not involve the use of equipment other than that normally used for household, domestic or general office purposes, such as a telephone, personal computer or fax machine.
- (6) The home occupation or home office shall not be noticeable from the exterior of the dwelling or change the exterior appearance or the residential character of the dwelling.

- (7) There shall be no outside storage of any goods, materials, equipment or supplies.
 - (8) The home occupation or home office shall not create any electrical, radio, television or similar interference.
 - (9) Visits by clients, patrons and/or associates shall not exceed that normally and reasonably occurring for a residence.
 - (10) No vehicular traffic shall be generated by the home occupation or home office in greater volume than would normally and reasonably be expected in a residential neighborhood.
 - (11) The aggregate floor area devoted to the home occupation or home office shall not exceed 15% of the floor area of the dwelling unit and shall not exceed 400 square feet.
 - (12) The home occupation or home office shall not be located within any accessory building.
 - (13) Parking areas for home occupation or home office or the general public shall not be permitted within the required front yard, unless located in the driveway.
 - (14) No more than one home office shall be permitted within any dwelling unit.
 - (15) The following uses, by their inherent nature and intensity, shall not be considered home occupations or home offices and shall not be permitted as such in the Residence (RES) Zone: barber shops, beauty parlors, animal hospitals, dance studios, mortuaries, restaurants, metal working, and automobile, boat or other vehicle repair or painting, general construction, landscaping, medical profession.
- K. Temporary use of a dwelling as a model home or model home with a sales office in newly constructed residential developments, with sales offices limited to activity related to the marketing, sales and closing of homes located within the subdivision, subject to the following conditions:

[Added 9-5-2006]

- (1) It shall be permitted by site plan approval, in accordance with the requirements of Article XIII.
- (2) The Commission may permit the model home for a period not to exceed one year. Upon request, the Commission may grant one extension of such approval.
- (3) Application for a temporary permit for model home/sales office shall not be made until the subdivision or site plan have been approved by the Commission.
- (4) The model home/sales office shall be located where the amount of traffic shall not have negative impacts upon existing residential neighborhoods.
- (5) There shall be adequate off-street and/or on-street parking to serve the model home/sales office.

- (6) The use of the model home/sales office shall cease upon termination of the temporary permit, and the structure shall be converted to use as a residential dwelling, with all necessary modifications.

§ 383-27. Special uses.

- A. The public sale and/or processing of produce, nursery and greenhouse stock and other agricultural products of and in connection with a farm, nursery, truck garden or forestry use by the operator thereof. Any such sale or processing lawfully existing on the effective date of this Subsection A and for which no special use has been approved by the Commission may be continued provided that within 180 days of such effective date the operator thereof shall have made good faith application to the Commission for a special use under these Regulations. No application fee is required for such pre-existing uses and the site plan and architectural plan submission requirements of §§ 383-133B and C are not applicable if no change in existing buildings and site development is proposed under the application.
- B. The following uses when conducted by a non-profit corporation and not as a business for profit: churches and places of worship; parish halls, public and parochial schools, libraries; cemeteries; and educational, religious, philanthropic and charitable institutions.
- C. The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries.
- D. Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- E. Water supply reservoirs, wells, towers, pump stations, storage facilities and treatment facilities.
- F. Buildings, uses and facilities of the State of Connecticut or federal government.
- G. Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching storage sidings, freight yards or freight terminals.
- H. Equestrian clubs, including uses incidental and subordinate to any aforesaid use provided such uses are located on the same lot with the aforesaid use. Such uses may include, but are not limited to, off-street parking and loading facilities, riding trails, facilities for the stabling, boarding and care of horses, ring and facilities for riding instruction and the training of horses, facilities for spectator viewing of horses and horse shows, excluding facilities for the sale of food and beverages.
- I. Planned residential development uses in accordance with Article XII.

[Amended 10-4-2000]

- J. Golf course. Eighteen hole golf course, including uses normally associated with, and incidental and subordinate to any aforesaid use provided such uses are located on the same parcel or parcels constituting the golf course. Said uses may include, but are not limited to, a clubhouse, parking lot, support structures and amenities necessary and normally associated with the use,

management and maintenance of an eighteen hole golf course or club. A golf course may be private or open to the public.

- K. Site plan: Prior to the approval of any application for a certificate of zoning compliance, a site plan shall be submitted and approved in accordance with the provisions of Article XIII for all special uses listed under -this § 383-27, Special uses.
- L. Child care and preschool development centers located on Route 34, west of Route 15 -- Merritt Parkway, and situated on not less than three acres of contiguous land.
- M. Conversion of a single-family dwelling to accommodate elderly housing.
- N. Active adult community (AAC) in accordance with § 383-143.4.

[Added 9-18-2007; amended 7-19-2011]

§ 383-28. Lot area, shape and frontage.

- A. Minimum area: 60,000 square feet. See also the provisions of these Regulations and the Subdivision Regulations for the calculation of eligible square feet.

[Amended 2-17-2004]

- B. Minimum dimension of square: 160 feet.

[Amended 2-17-2004; 8-16-2005]

- C. Minimum frontage: 150 feet. *Editor's Note: Former Subsection D, Moratorium on residential subdivisions, added 5-28-2003, which immediately followed this subsection, was removed from the Code as the moratorium expired.*

[Amended 2-17-2004]

§ 383-29. Height.

- A. Maximum number of stories: 2 1/2 stories.
- B. Maximum height: 35 feet.

§ 383-30. Setbacks.

- A. From street line: 50 feet.
- B. From rear property line: 50 feet.
- C. From other property line: 25 feet.
- D. Projection into setback area: three feet.

§ 383-31. Building bulk and coverage.

- A. Maximum floor area: 30%.

B. Maximum ground coverage: 10%.

[Amended 2-17-2004; 4-17-2007]

§ 383-32. (Reserved)

Editor's Note: Former § 383-32, Minimum floor area, was deleted 2-17-2004.

Article IV. Local Shopping Center (LSC) District

§ 383-33. Permitted uses.

- A. Stores and other buildings and structures where goods are sold or service is rendered primarily at retail.
- B. Business and professional offices; banks and other financial institutions; medical and dental clinics.
- C. Clothes and fabric cleaning and laundry service consisting of on-premises facilities for service at retail, including self-service, or agencies for off-premises cleaners and laundries.
- D. Indoor restaurants and other food and beverage service establishments where customers are served only when seated at tables or counters and all of the seats are located within an enclosed building, unless approved under § 383-34B.

[Amended 5-5-2009]

- E. Printing and publishing establishments occupying not more than 5,000 square feet of floor area.
- F. Manufacture, processing or assembling of goods for sale only on the premises and at retail.
- G. The following uses when conducted by a non-profit corporation and not as a business or for profit: churches and places of worship; parish halls; schools; colleges; universities; educational, religious, philanthropic and charitable institutions; membership clubs; lodges; community houses.
- H. Buildings, uses and facilities of the Town of Orange.
- I. Off-street parking facilities.
- J. Signs as provided in Article XIX.
- K. Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- L. Water supply reservoirs, wells, towers, pump stations, storage facilities and treatment facilities.
- M. Buildings, uses and facilities of the State of Connecticut or federal government.
- N. Veterinary clinics.
- O. Accessory uses customary with and incidental to any aforesaid permitted uses.

§ 383-34. Special uses.

- A. Drive-through service windows for indoor banks and restaurants and other food and beverage establishments provided the service windows are incidental to the primary permitted use.

B. Indoor restaurants and other food and beverage service establishments where customers order and receive their order at a service counter and where the food and/or beverage is intended to be consumed primarily while seated at tables or counters within the establishment.

[Added 5-5-2009]

C. A food take-out service incidental to the primary intended use, but shall not include the following:

[Added 5-5-2009]

- (1) Establishments where customers are served primarily at food take-out counters.
- (2) Establishments where customers are served in motor vehicles by restaurant "car hop" employees outside of the enclosed structure.
- (3) Establishments where customers are served in a manner intended for consumption of food at outside picnic or dining areas.

§ 383-35. Prohibited uses.

- A. Dwellings.
- B. Printing and publishing except as permitted under § 383-33E.
- C. Warehousing and wholesale businesses; building contractor's businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.
- D. Research laboratories, manufacture, processing or assembling of goods except as permitted under § 383-33F.
- E. Motor vehicle service stations; motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing, painting and upholstering; establishments for motor vehicle washing; establishments for the sale of new or used automobiles, trucks, trailers or farm equipment or the rental thereof.
- F. Hotels and motels; undertakers' establishments; veterinary hospitals; bowling alleys; billiard or pool halls; theaters and assembly halls.
- G. Painting, plumbing, electrical, sheet metal, carpentry, woodworking, blacksmith, welding and machine shops.
- H. Adult use establishments as defined in Article XV.
- I. Car washes, including manual and automated washes.

§ 383-36. Lot area, shape and frontage.

- A. Minimum lot area: 25,000 square feet.

B. Minimum dimension of square: 125 feet.

C. Minimum frontage: 50 feet.

§ 383-37. Height.

A. Maximum number of stories: three stories.

B. Maximum height: 40 feet.

§ 383-38. Setbacks.

A. From street line: 50 feet.

B. From rear property line: 50 feet.

C. From other property line: 12 feet.

D. From residence district boundary line: 50 feet.

E. Projections into setback area: five feet.

§ 383-39. Building bulk and coverage.

A. Maximum floor area: 50%.

B. Maximum ground coverage: 25%.

§ 383-40. Site plan.

Prior to approval of any application for certificate of zoning compliance, a site plan shall be submitted and approved in accordance with the provisions of Article XIII.

Article V. Commercial C-1 District

§ 383-41. Permitted uses.

- A. Stores and other buildings and structures where goods are sold or service is rendered primarily at retail.
- B. Business and professional offices; banks and other financial institutions; medical and dental clinics.
- C. Clothes and fabric cleaning laundry service consisting of on-premises facilities for service at retail, including self-service at retail, including self-service, or agencies for off-premises cleaners and laundries.
- D. Indoor restaurants and other food and beverage service establishments where customers are served only when seated at tables or counters and all of the seats are located within an enclosed building, unless approved under § 383-42D.

[Amended 3-7-2006]

- E. Indoor theaters and assembly halls.
- F. Hotels and motels, provided all facilities are connected to the Town sanitary sewerage system.
- G. Motor vehicle service stations and motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing; painting and upholstering. Establishments for the sale of new or used trailers or farm equipment or rental thereof, provided, however, that the sale or rental of such trailers or farm equipment is the primary use of the premises and is not conducted as an accessory use to another use of said premises. Such use may include gasoline pumps and/or the sale of gasoline by special permit.
- H. Undertaker's establishments.
- I. Veterinary hospitals.
- J. Printing and publishing establishments occupying not more than 5,000 square feet of floor area.
- K. Bowling alleys; billiard or pool halls.
- L. Manufacture, processing or assembling of goods for sale only on the premises and at retail.
- M. Painting, plumbing, electrical, sheet metal, carpentry, woodworking, blacksmith, welding, and machine shops occupying not more than 5,000 square feet of floor area.
- N. Churches and places of worship; parish halls; schools; colleges; universities; educational, religious, philanthropic and charitable institutions; membership clubs, lodges, community houses.
- O. Buildings, uses and facilities of the Town of Orange.

- P. Off-street parking facilities.
- Q. Signs as provided in Article XIX.
- R. Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- S. Water supply reservoirs, wells, towers, pump stations, storage facilities and treatment facilities.
- T. Buildings, uses and facilities of the State of Connecticut or federal government.
- U. Accessory uses customary with and incidental to any aforesaid permitted uses.

§ 383-42. Special uses.

- A. Drive-through service windows for indoor banks and restaurants and other food and beverage establishments, provided the service windows are incidental to the primary permitted use, and freestanding drive-through bank automated teller machines. As used herein "freestanding drive-through automated teller machines" means automated teller machines which are not accessory to a banking facility on premises.

[Amended 4-21-2009]

- B. Planned residential development uses in accordance with Article XII.

[Amended 10-4-2000]

- C. Convenience marts, gasoline pumps and/or the sale of gasoline.
- D. Indoor restaurants and other food and beverage service establishments where customers order and receive their order at a service counter and where the food and/or beverage is intended to be consumed primarily while seated at tables or counters within the establishment.

[Added 3-7-2006]

- E. A food take-out service incidental to the primary intended use, but shall not include the following:

[Added 3-7-2006]

- (1) Establishments where customers are served primarily at food take-out counters.
- (2) *Editor's Note: Former Subsection E(2), regarding restaurant establishments with carhop service, was repealed 11-16-2010. This ordinance also redesignated former Subsection E(3) as Subsection E(2). See now Subsection G.* Establishments where customers are served in a manner intended for consumption of food at outside picnic or dining areas.

- F. Outdoor restaurant seating in accordance with § 383-143.4.

[Added 6-15-2010; amended 9-6-2011]

G. Carhop restaurant service where food is brought and served in motor vehicles parked in a specially designed and designated area.

[Added 11-16-2010]

§ 383-43. Prohibited uses.

- A. Printing and publishing except as permitted under § 383-41J.
- B. Warehousing and wholesale businesses; building contractors' businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.
- C. Research laboratories, manufacture, processing or assembling of goods except as permitted under § 383-41L.
- D. Adult use establishments as defined in Article XV.
- E. Car washes, including manual and automated washes.
- F. Establishments for the sale and/or rental of new or used automobiles and/or trucks.

§ 383-44. Lot area, shape and frontage.

- A. Minimum lot area: 25,000 square feet.
- B. Minimum dimension of square: 125 feet.
- C. Minimum frontage: 50 feet.

§ 383-45. Height.

- A. Maximum number of stories: three stories.
- B. Maximum height: 40 feet.

§ 383-46. Setbacks.

- A. From street line: 50 feet.
- B. From rear property line: 50 feet.
- C. From other property line: 12 feet.
- D. From residence district boundary line: 50 feet.
- E. Projections into setback area: five feet.

§ 383-47. Building bulk and coverage.

- A. Maximum floor area: 50%.
- B. Maximum ground coverage: 25%.

§ 383-48. Site plan.

Prior to approval of any application for certificate of zoning compliance, a site plan shall be submitted and approved in accordance with the provisions of Article XIII.

Article VI. Commercial C-2 District

§ 383-49. Permitted uses.

- A. Stores and other buildings and structures where goods are sold or service is rendered primarily at retail.
- B. Business and professional offices; banks and other financial institutions; medical and dental clinics.
- C. Clothes and fabric cleaning and laundry service consisting of on-premises facilities for service at retail, including self-service, or agencies for off-premises cleaners and laundries.
- D. Indoor restaurants and other food and beverage service establishments where customers are served only when seated at tables or counters and all of the seats are located within an enclosed building, unless approved under § 383-50E.

[Amended 3-7-2006]

- E. Indoor theaters and assembly halls.
- F. Hotels and motels, provided all facilities are connected to the Town sanitary sewerage system.
- G. Undertaker's establishments.
- H. Veterinary hospitals.
- I. Printing and publishing establishments occupying not more than 5,000 square feet of floor area.
- J. Bowling alleys; billiard or pool halls.
- K. Manufacture, processing or assembling of goods for sale only on the premises and at retail.
- L. Churches and places of worship; parish halls; schools; colleges; universities; educational, religious, philanthropic and charitable institutions; membership clubs; lodges; community houses.
- M. Buildings, uses and facilities of the Town of Orange.
- N. Off-street parking facilities.
- O. Signs as provided in Article XIX.
- P. Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- Q. Water supply reservoirs, wells, towers, pump stations, storage facilities and treatment facilities.
- R. Buildings, uses and facilities of the State of Connecticut or federal government.

S. *Editor's Note: Former Subsection S, allowing adult use establishments as a permitted use, was repealed 5-28-2003. See now § 383-50C. This ordinance also redesignated former Subsection T as S.* Accessory uses customary with and incidental to any aforesaid permitted uses.

§ 383-50. Special uses.

- A. Drive-through service windows for indoor banks and restaurants and other food and beverage establishments provided the service windows are incidental to the primary permitted use.
- B. Planned residential development uses in accordance with Article XII.

[Amended 10-4-2000]

- C. Adult use establishments in accordance with Article XV.

[Added 5-28-2003]

- D. Sale of gasoline as an accessory use in conjunction with retail stores containing over 100,000 square feet.

[Added 7-6-2004]

- E. Indoor restaurants and other food and beverage service establishments where customers order and receive their order at a service counter and where the food and/or beverage is intended to be consumed primarily while seated at tables or counters within the establishment.

[Added 3-7-2006]

- F. A food take-out service incidental to the primary intended use, but shall not include the following:

[Added 3-7-2006]

- (1) Establishments where customers are served primarily at food take-out counters.
- (2) *Editor's Note: Former Subsection F(2), regarding restaurant establishments with carhop service, was repealed 11-16-2010. This ordinance also redesignated former Subsection F(3) as Subsection F(2). See now Subsection H.* Establishments where customers are served in a manner intended for consumption of food at outside picnic or dining areas.

- G. Outdoor restaurant seating in accordance with § 383-143.4.

[Added 6-15-2010; amended 9-6-2011]

- H. Carhop restaurant service where food is brought and served in motor vehicles parked in a specially designed and designated area.

[Added 11-16-2010]

§ 383-51. Prohibited uses.

- A. Motor vehicle service stations; motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing; painting and upholstering; establishments for motor vehicle washing; establishments for the sale of new or used automobiles, trucks, trailers or farm equipment or the rental thereof.
- B. Painting, plumbing, electrical, sheet metal, carpentry, woodworking, blacksmith, welding and machine shops.
- C. Printing and publishing except as permitted under § 383-49I.
- D. Warehousing and wholesale businesses; building contractors' businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.
- E. Research laboratories, manufacture, processing or assembling of goods except as permitted under § 383-49K.
- F. Car washes, including manual and automated washes.

§ 383-52. Lot area, shape and frontage.

- A. Minimum lot area: 25,000 square feet.
- B. Minimum dimension of square: 125 feet.
- C. Minimum frontage: 50 feet.

§ 383-53. Height.

- A. Maximum number of stories: three stories.
- B. Maximum height: 40 feet.

§ 383-54. Setbacks.

- A. From street line: 50 feet.
- B. From rear property line: 50 feet.
- C. From other property line: 12 feet.
- D. From Residence District boundary line: 50 feet.
- E. Projections into setback area: five feet.

§ 383-55. Building bulk and coverage.

- A. Maximum floor area: 50%.
- B. Maximum ground coverage: 25%.

§ 383-56. Site plan.

Prior to approval of any application for certificate of zoning compliance, a site plan shall be submitted and approved in accordance with the provisions of Article XIII.

Article VII. Light Industrial District #1

§ 383-57. Permitted uses.

- A. Manufacture, processing or assembling of goods.
- B. Laboratories for research, testing and development; printing and publishing establishments.
- C. Office buildings for business and professional establishments, excluding those establishments which primarily provide services to customers and clients on the premises.
- D. Warehousing and wholesale business.
- E. Lumber and building material businesses; commercial storage, sale and distribution of fuel.
- F. Freight and materials trucking businesses, bus terminals.
- G. Repairing and servicing of motor vehicles when clearly accessory and subordinate to another permitted use on the same lot.
- H. Public utility substations, telephone equipment buildings and switching stations; water supply pump stations and storage facilities; public utility transmission lines; public utility maintenance facilities.
- I. Buildings and facilities of the Town of Orange, State of Connecticut, and federal government, excluding corporate or proprietary uses unless otherwise permitted above.
- J. Railroad rights-of-way and storage sidings.
- K. Signs as provided in Article XIX.
- L. Accessory uses customary with and incidental to any aforesaid permitted use, provided such accessory uses are located on the same lot with the use to which they are accessory; such uses may include but are not limited to off-street parking and loading spaces, and eating, recreation and auditorium facilities primarily for persons employed on the lot and not open to the general public.

§ 383-58. Special uses.

(Reserved)

§ 383-59. Prohibited uses.

- A. Cemeteries.
- B. Retail stores; commercial entertainment facilities; restaurants; motor vehicle service stations and repair garages; veterinary hospitals; undertakers' establishments; contractors' storage yards; concrete mixing plants; and slaughter houses.
- C. Dwellings.

§ 383-60. Lot area, shape and frontage.

- A. Minimum lot area: two acres.
- B. Minimum dimension of square: 200 feet.
- C. Minimum frontage: 50 feet.

§ 383-61. Height.

- A. Maximum height: 40 feet.

§ 383-62. Setbacks.

- A. From street line: 50 feet.
- B. From rear property line: 35 feet.
- C. From other property line: 35 feet.
- D. From residence district boundary line: 50 feet.
- E. Projections into setback area: five feet.

§ 383-63. Building bulk and coverage.

[Amended 4-17-2007]

- A. Maximum floor area: 80%.
- B. Maximum ground coverage: 40%.

§ 383-64. Site plan.

Prior to approval of any application for a certificate of zoning compliance, a site plan shall be submitted and approved in accordance with the provisions of Article XIII.

Article VIII. Light Industrial District #2

§ 383-65. Permitted uses.

- A. Manufacture, processing or assembling of goods.
- B. Laboratories for research, testing and development; printing and publishing establishments.
- C. Office buildings for business and professional establishments, excluding those establishments which primarily provide services to customers and clients on the premises.
- D. Warehousing of goods or materials manufactured on the same lot or warehoused for distribution and sale or resale and wholesale business.
- E. Freight and materials trucking businesses when clearly accessory and subordinate to another permitted use on the same lot.
- F. Repairing and servicing of motor vehicles when clearly accessory and subordinate to another permitted use on the same lot.

- G. Public utility substations, telephone equipment buildings and switching stations; water supply pump stations and storage facilities; public utility transmission lines; public utility maintenance facilities.
- H. Buildings and facilities of the Town of Orange, State of Connecticut, and federal government, excluding corporate or proprietary uses unless otherwise permitted above.
- I. Railroad rights-of-way and storage sidings.
- J. Signs as provided in Article XIX.
- K. Accessory uses customary with and incidental to any aforesaid permitted use, provided such accessory uses are located on the same lot with the use to which they are accessory; such uses may include, but are not limited to, off-street parking and loading spaces, and eating, recreation and auditorium facilities primarily for persons employed on the lot and not open to the general public.

§ 383-66. Special uses.

- A. On-premises child care and preschool development facility, when located on the same parcel or an abutting parcel of a user employing no fewer than 500 employees (the "employer") for a permitted use within the Light Industrial No. 2 Zone, provided further that:

[Amended 6-6-2005]

- (1) At least one-half of the clients served by the facility must be children of employees or children of family members of employees of the employer.
- (2) The balance of the clients served by the facility may be children of employees or children of family members of employees of other employers located within the Light Industrial No. 2 Zone or children of employees of the on-premises child care and preschool development contractor.

- B. Hotels, provided that:

[Added 2-1-2005]

- (1) The hotel use contains not less than 100 sleeping rooms for transient lodging, where a sleeping room shall mean a transient lodging unit which consists of a bedroom, may include common areas and kitchen facilities, and designed for independent occupancy;
- (2) The hotel has frontage on I-95 and Marsh Hill Road;
- (3) Maximum height of structures shall not exceed four stories or 60 feet, whichever is less;
- (4) The hotel shall provide function space consisting of conference facilities and/or banquet rooms at the rate of not less than 15 square feet per sleeping room, with a minimum requirement of 2,000 square feet. Said space is in addition to floor area required for

supporting office space, storage, kitchen area and similar support uses. All function space shall be located within the principal hotel structure.

- (5) In addition, a hotel proposal under this subsection may also include a restaurant facility as accessory and subordinate to the hotel and subject to a special permit approval. Such facility may be located within the hotel structure or in a detached structure, and said restaurant shall be a full-service facility where patrons are served by waitstaff and only when seated at tables. Such use may include a bar area and limited take-out, incidental to the primary permitted use, but shall specifically exclude drive-through service and establishments where customers are served primarily at take-out counters.

C. *Editor's Note: Former Subsection C, regarding stores and retail unitary development, added 5-12-2005, was repealed 3-16-2010. This enactment also redesignated former Subsections D and E as Subsections C and D, respectively.* Conference and training centers for use by companies, corporations, organizations, and groups for events, executive, management or educational training purposes, or meetings of their officers, directors, shareholders, members and/or employees.

[Added 5-12-2005]

D. Indoor recreational facility providing opportunity for athletic activities, sports training and therapy in an enclosed building, but shall not include the following:

[Added 11-6-2006]

- (1) Bowling alleys;
- (2) Billiard pool halls;
- (3) Amusement devices, meaning any mechanical, electric or electronic device used or designed to be operated for entertainment or as a game of skill by the insertion of a piece of money, coin, token or other article into said device or by paying money to have it activated.

§ 383-67. Prohibited uses.

- A. Dwellings.
- B. Self storage or other forms of warehousing which is not either for storage of materials manufactured on the same lot or for goods or materials stored for distribution, sale or resale.

§ 383-68. Lot area, shape and frontage.

- A. Minimum lot area: two acres.
- B. Minimum dimension of square: 200 feet.
- C. Minimum frontage: 50 feet.

§ 383-69. Height.

[Amended 5-2-2009]

A. Maximum height: 60 feet.

§ 383-70. Setbacks.

A. From street line: 50 feet.

B. From rear property line: 35 feet.

C. From other property line: 35 feet.

D. From residence district boundary line: 50 feet.

E. Projections into setback area: five feet.

**§ 383-71. Building bulk and coverage.
[Amended 4-17-2007]**

A. Maximum floor area: 80%.

B. Maximum ground coverage: 40%.

§ 383-72. Site plan.

Prior to approval of any application for a certificate of zoning compliance, a site plan shall be submitted and approved in accordance with the provisions of Article XIII.

Article IX. Light Industrial District #5

[Amended 6-15-2010]

§ 383-73. Purpose.

The LI-5 District is intended to permit small, low-impact economic development uses within an environmentally sensitive area, which has significant development constraints, including hilly topography, extensive wetlands areas, limited access, and limited public utility availability. Development within this area needs to be respectful and fit into the topography and natural features of the site, so as to not create a negative impact upon the natural environment and the rural character of the proximate residential neighborhoods.

§ 383-74. Permitted uses.

The following uses shall be permitted by site plan approval, provided that all buildings housing such uses shall be 15,000 square feet of gross floor area or less:

- A. Offices for both single and multi-tenant occupancy excluding those establishments which primarily provide services to customers and clients on the premises.
- B. Laboratories for research, testing and development printing and publishing establishments.
- C. Manufacturing, processing or assembling of goods within enclosed buildings, provided there is no outdoor operation or storage and further provided operation takes place in a manner which does not create a noticeable amount of smoke, dust, noise or vibration outside of the building in which it takes place.
- D. Uses, buildings and facilities of the Town of Orange.
- E. Signs, as provided in Article XIX.

§ 383-75. Special uses.

- A. All uses permitted within § 383-74 in buildings of over 15,000 square feet.
- B. Warehouses, provided they are accessory to a permitted or special use.
- C. Conference and training centers for use by companies, corporations, organizations, and groups for events, executive, management or educational training purposes, or meetings of their officers, directors, shareholders, members and/or employees.

§ 383-76. Lot area, shape and frontage.

- A. Minimum lot area: two acres.
- B. Minimum dimension of square: 200 feet.
- C. Minimum frontage: 100 feet. The Commission may permit as a special use lots without direct frontage on a public road, if it finds that it would be consistent with the preservation of the overall environment of the area, and that adequate and proper access is ensured through the use of access and or driveway easements.

§ 383-77. Height and building coverage.

- A. Maximum building height: 2 1/2 stories.
- B. Maximum ground coverage: 15%.

§ 383-78. Setbacks.

- A. From street line: 50 feet.
- B. From rear property line: 50 feet.
- C. From other property line: 25 feet.
- D. From residentially zoned property: 100 feet.

§ 383-78.1. Additional regulations.

Developments in the Light Industrial District #5 shall conform to the following additional standards:

- A. There shall be no outside storage.
- B. Parking: No surface parking areas shall extend within less than 50 feet of any property line or 100 feet of a Residence District boundary line and shall be screened from view from any street right-of-way line or property line by fences, walls and/or closely planted evergreens, trees, hedges or shrubs to a height of four feet at time of planting. Within each surface parking lot there shall be evenly distributed landscaped areas containing a minimum of one shade tree and other low planting for every 10 parking spaces.
- C. Loading: No part of the area required for building setback from a street right-of-way line or a Residence District boundary line shall be used for off-street loading. Any off-street loading space, including any truck loading bay, ramp or dock, which is located within 200 feet of any street right-of-way line shall be screened from view from such street by buildings and/or fences, walls, or evergreen shrubs or trees to a height of eight feet at time of planting.
- D. Landscaping: The entire area of the lot not used for buildings, driveways and off-street parking and loading shall be suitably landscaped with trees and/or shrubs and with lawns or shall be left as undisturbed natural terrain. All rooftop or other mechanical equipment shall be adequately screened from view from roadways or residential properties.
- E. Exterior lighting: Exterior illumination shall be provided as necessary for the safety lighting of parking areas, drives, walkways and buildings. No offensive glare from lighting shall be transmitted so as to endanger the public health and safety, nor shall it be transmitted into or within any Residence District so as to impair the value and enjoyment of any lot therein.
- F. Building and pavement coverage: The total ground coverage of all structures, paved parking and loading areas and drives shall aggregate to no more than 15% of the lot area. In order to reduce ground coverage the Commission may permit a portion of the parking area, not utilized on a daily basis, to be constructed of pervious, non-gravel, surface in areas not used for main site or emergency access.

- G. Erosion, sedimentation and water quality measures shall be implemented to adequately protect all wetland areas from contamination or degradation.
- H. Buildings shall be designed so each outer facade has an architectural finish. Concrete block walls shall not be visible. Buildings should be designed or articulated to reduce apparent mass, avoid large monolithic box-like shapes and blend into the natural topography and environment.

§ 383-79. Site plan.

Prior to approval of any application for a certificate of zoning compliance, a site plan shall be submitted and approved in accordance with the provisions of Article XIII.

Article X. Business Office Park District

§ 383-80. Permitted uses.

- A. Buildings, each having a ground coverage of not less than 20,000 square feet, containing administrative, business and professional offices, including banks and other financial institutions, and research facilities for development and testing of products, management systems and services, provided, however, that when any building contains the office or research facility of two or more separate firms or organizations, the access to floor area occupied by each firm or organization shall be by means of doors and corridors serving the building generally and there shall be no separate access from such floor area to the outdoors.
- B. Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- C. Buildings and facilities of the Town of Orange, State of Connecticut and federal government, excluding corporate or proprietary uses unless otherwise permitted above.
- D. Signs as provided in Article XIX.
- E. Accessory uses customary with and incidental to any aforesaid permitted use, provided that such accessory uses are located on the same lot with the use to which they are accessory; such uses may include but are not limited to off-street parking and loading spaces, and technical schools as well as training facilities, copying and printing facilities, eating, recreation and auditorium facilities primarily for persons employed in the building and not open to the general public.

§ 383-81. Special uses.

- A. Commercial entertainment/amusement facilities.
- B. Hotels and motels provided that:

[Amended 8-16-2005]

- (1) The hotel/motel use is located on a lot of not less than five acres;
- (2) The hotel/motel use contains not less than 100 sleeping rooms for transient lodging, where a "sleeping room" shall mean a transient lodging unit which consists of a bedroom, may include common areas and kitchen facilities, and is designed for independent occupancy;
- (3) Maximum height of structures shall not exceed four stories or 60 feet, whichever is less;
- (4) The hotel/motel shall provide function space consisting of conference facilities and/or banquet rooms at the rate of not less than 15.0 square feet per sleeping room, with a minimum requirement of 2,000 square feet. Said space is in addition to floor area required for supporting office space, storage, kitchen area and similar support uses. All function space shall be located within the principal hotel/motel structure.

- (5) In addition to self-serve food services customarily provided for the convenience of its patrons, a hotel/motel proposal under this subsection may also include a restaurant facility as accessory and subordinate to the hotel/motel and subject to a special permit approval. Such facility may be located within the hotel/motel structure or in a detached structure and said restaurant shall be a full-service facility where patrons are served by wait staff and only when seated at tables. Such use may include a bar area and limited take-out, incidental to the primary permitted use, but shall specifically exclude drive-through service and establishments where customers are served primarily at take-out counters.

§ 383-82. Prohibited uses.

- A. Dwellings.
- B. Retail stores; restaurants; motor vehicle service stations and repair garages; veterinary hospitals; undertakers' establishments; manufacture, processing or assembling of goods; warehousing and wholesale businesses.

§ 383-83. Lot area, shape and frontage.

- A. Minimum lot area: eight acres. Lot area may be reduced to five acres when shown on a subdivision map approved by the Commission and the lot has access on a street other than Marsh Hill Road and Indian River Road.
- B. Minimum dimension of square: 300 feet.
- C. Minimum frontage: 200 feet.

§ 383-84. Height.

[Amended 5-2-2009]

- A. Maximum height: 60 feet.

§ 383-85. Setbacks.

- A. From street line: 50 feet; provided, however, a setback of 100 feet shall be provided from the centerline of a major street, including Marsh Hill Road and Indian River Road.
- B. From rear property line: 35 feet.
- C. From other property line: 35 feet.
- D. From residence district boundary line: 100 feet.
- E. Projections into setback area: five feet.

§ 383-86. Building and bulk coverage.

- A. Maximum floor area: 50%.
- B. Maximum ground coverage: 25%.

§ 383-87. Site plan.

Prior to approval of any application for a certificate of zoning compliance, a site plan shall be submitted and approved in accordance with the provisions of Article XIII.

Article XI. Light Industrial District #3

§ 383-88. Purpose of district.

The purpose of the Light Industrial District #3 is to provide a transition district between the commercial uses on smaller lots along the Boston Post Road and the light industrial uses south of Indian River Road. The district allows certain light industrial uses and office buildings similar to the LI-2 District. The district allows as special uses, subject to special use approval standards, controlled commercial uses and hotel/motel uses on larger parcels of land.

§ 383-89. Permitted Uses.

- A. Manufacture, processing or light assembling of goods.
- B. Laboratories for research, testing and development; printing and publishing establishments.
- C. Office buildings for business and professional establishments.
- D. Indoor sit-down style restaurants.
- E. Repairing and servicing of motor vehicles when clearly accessory and subordinate to another permitted use on the same lot and not a commercial enterprise of itself.
- F. Funeral service facility with accessory caretaker apartment.
- G. Accessory uses customary with and incidental to any aforesaid permitted use, provided such accessory uses are located on the same lot with the use to which they are accessory; such uses may include but are not limited to off-street parking and loading spaces, and eating, recreation and auditorium facilities primarily for persons employed on the lot and not open to the general public.

§ 383-90. Special uses.

- A. Stores and other buildings where goods are sold or service is provided primarily at retail, provided that:
 - (1) Minimum lot size is at least five acres;
 - (2) Retail square footage is at least 25,000 square feet;
 - (3) Minimum frontage: 200 feet.
- B. Hotels and motels, provided that:
 - (1) Minimum lot size is at least five acres;
 - (2) Hotel/motel contains at least 100 rooms;
 - (3) Minimum frontage: 200 feet.
- C. Mixed use developments consisting of a combination of office and retail use subject to the FAR schedule limitations of § 383-95B.

D. Special uses will be considered and acted upon according to the provisions of Article XIV of these regulations.

E. Special standards for special uses in LI-3 District: In addition to the special use standards of Article XIV, special uses in the LI-3 District will be subject to the following requirements with respect to access, parking and circulation. Access and parking will, wherever possible and feasible, be arranged such that individual developments will be interconnected and serviced by an internal circulation network along the front of the property which will accomplish a reduction in the number of vehicles entering and exiting directly onto Indian River Road.

§ 383-91. Prohibited uses.

A. Dwellings.

§ 383-92. Lot area, shape and frontage.

A. Minimum lot area: two acres.

B. Minimum dimension of square: 200 feet.

C. Minimum frontage: 50 feet.

§ 383-93. Height.

A. Maximum height: 40 feet.

§ 383-94. Setbacks.

A. From street line: 50 feet.

B. From rear property line: 40 feet.

C. From other property line: 40 feet.

D. From Residence District boundary line: 50 feet.

E. Projections into setback area: five feet.

§ 383-95. Building bulk and coverage.

A. Maximum floor area schedule:

(1) All uses except retail: 50%.

(2) Retail: 15%.

B. Mixed use office/retail FAR schedule:

Maximum Office FAR	If Retail FAR is	Maximum Combined FAR
Office 50%	0 retail	50%
Office 35%	Up to 4.9% retail	Under 40%
Office 20%	5 to 9.9% retail	Under 30%
Office 5%	10 to 14.9% retail	Under 20%

C. Maximum building ground coverage: 35%.

D. Maximum impervious surface coverage:

(1) Retail: 60%.

(2) All uses except retail: 70%.

§ 383-96. Site plan.

Prior to approval of any application for a certificate of zoning compliance, a site plan shall be submitted and approved in accordance with the provisions of Article XIII.

Article XIA. Light Industrial District #4

Editor's Note: A map delineating the Light Industrial District #4 is included in the pocket at the end of this volume. Said map is entitled "Proposed Zone Change, Land of Yale University."

[Added 2-5-2008]

§ 383-96.1. Permitted uses.

- A. University or college, including related facilities.
- B. Medical offices, clinics, health care facilities, and inpatient and outpatient treatment facilities.
- C. Natural resource education areas and facilities, nature preserves, trails and walkways.
- D. Storage or warehousing related to university or college use.
- E. Laboratories for research, testing and development; printing and publishing establishments.
- F. Data centers or facilities.
- G. Office buildings for business and professional establishments, excluding those non-medical establishments which primarily provide services to customers and clients on the premises.
- H. Manufacture, processing or assembling of goods.
- I. Warehousing of goods or materials manufactured on the same lot or warehoused for distribution and sale or resale and wholesale business.
- J. Freight and materials tracking businesses when clearly accessory and subordinate to another permitted use on the same lot.
- K. Repairing and servicing of motor vehicles when clearly accessory and subordinate to another permitted use on the same lot.
- L. Public utility substations, telephone equipment buildings and switching stations; water supply pump stations and storage facilities; public utility transmission lines; public utility maintenance facilities.
- M. Buildings and facilities of the Town of Orange, State of Connecticut, and federal government, excluding corporate or proprietary uses unless otherwise permitted above.
- N. Railroad rights-of-way and storage sidings.
- O. Signs as provided in Article XIX.
- P. Accessory uses customary with and incidental to any aforesaid permitted use, provided such accessory uses are located on the same lot with the use to which they are accessory or on lots contiguous thereto; such uses may include, but are not limited to, off-street parking and loading spaces, and eating, recreation and auditorium facilities primarily for persons employed

on the site, employed at other facilities of the owner, students, patients or participants in university or college associated programs conducted at the site.

§ 383-96.2. Special uses.

- A. On-premises child care and preschool development facility, when located (1) on property of an employer or user employing no fewer than 500 employees in Orange and/or adjacent towns (the "employer"), or (2) on the same parcel as or on parcel(s) contiguous to a research, development or educational facility or development located in whole or in part in the Light Industrial District #4 and having at least 500,000 gross square feet (the "site"). At least 1/3 of the clients served by the child-care or preschool development facility must be children of employees employed at the site or children of other employees of the employer provided, however, that the Commission may modify or waive such requirement for a period of time of its determination, for good cause shown.
- B. Hotels and inns, provided that:
- (1) The hotel or inn use contains not less than 100 sleeping rooms for transient lodging, where a sleeping room shall mean a transient lodging unit which consists of a bedroom, may include common areas and kitchen facilities, and designed for independent occupancy;
 - (2) The hotel or inn has frontage on I-95 and Marsh Hill Road;
 - (3) Maximum height of structures shall not exceed 60 feet;
 - (4) In addition, a proposal under this subsection may also include a restaurant facility as accessory and subordinate to the hotel or inn and subject to a special permit approval. Such facility may be located within the hotel or inn structure or in a detached structure, and said restaurant shall be a full-service facility where patrons are served by wait staff and only when seated at tables. Such use may include a bar area and limited take-out, incidental to the primary permitted use, but shall specifically exclude drive-through service and establishments where customers are served primarily at take-out counters.
- C. Stores and other buildings and structures where goods are sold or service is rendered primarily for persons employed on the site, employed at other facilities of the owner, students, patients or participants in university or college associated programs conducted at the facility. Such stores and other buildings shall not have direct access or visibility from a road or public right-of-way, nor shall any sign or advertising be visible from a public road or public right-of-way.
- D. Conference and training centers for use by companies, corporations, organizations, educational institutions, and groups for events, executive, management or educational training purposes, or meetings of their officers, directors, shareholders, members, faculty, students and/or employees.
- E. Indoor recreational facility providing opportunity for athletic activities, sports training and therapy in an enclosed building, but shall not include the following:
- (1) Bowling alleys.

(2) Billiard pool halls.

(3) Amusement devices, meaning any mechanical, electric or electronic device used or designed to be operated for entertainment or as a game of skill by the insertion of a piece of money, coin, token or other article into said device or by paying money to have it activated.

§ 383-96.3. Prohibited uses.

A. Dwellings.

B. Commercial self storage for members of the general public.

§ 383-96.4. Lot area, shape and frontage.

A. Minimum lot area: two acres.

B. Minimum dimension of square: 200 feet.

C. Minimum frontage: 50 feet.

§ 383-96.5. Height.

Maximum height: 60 feet.

§ 383-96.6. Setbacks.

A. From street line: 50 feet.

B. From rear property line: 35 feet.

C. From other property line: 35 feet.

D. From residence district boundary line: 50 feet.

E. Projections into setback area: five feet.

§ 383-96.7. Building bulk and coverage.

A. Maximum floor area: 80%.

B. Maximum ground coverage: 40%.

§ 383-96.8. Site plan.

Prior to approval of any application for a certificate of zoning compliance, a site plan shall be submitted and approved in accordance with the provisions of Article XIII.

§ 383-96.9. Off-street parking and loading spaces.

Notwithstanding the provisions of Article XVIII, the number of off-street parking and loading spaces required for uses, buildings or other structures in the Light Industrial District #4 shall be determined as set forth below.

A. Number/location: In calculating the number of off-street parking spaces available to satisfy the off-street parking requirements of the Town of Orange for a facility or development on a site

located in part in the Town of Orange and in part in the City of West Haven, spaces provided on the portion of the site located in the City of West Haven will be considered.

- B. Modification: The Commission may modify and reduce the number of off-street parking spaces and loading spaces otherwise required by §§ 383-172 and 383-176 of Article XVIII if it determines that the parking and loading spaces provided are sufficient to accommodate the parking and loading needs of the uses, buildings or other structures located in the Light Industrial District #4.

Article XIB. Office Park District

[Added 6-21-2011]

§ 383-96.10. Permitted uses.

The following uses shall be permitted by site plan approval:

- A. Offices for administrative, business, financial, and professional services.
- B. Laboratories for research, testing and development.
- C. Printing and publishing establishments.
- D. Data centers.
- E. On-premises child-care and preschool development facility, when located on property of an employer(s) or user(s) employing no fewer than 50 employees in this zone. At least 1/2 of the clients served by the child-care or preschool development facility must be children of employees employed within this zone.
- F. Buildings, uses and facilities of the Town of Orange.
- G. Signs, as provided in Article XIX.
- H. Buildings for both single and multi-tenant occupancy for two or more permitted or special uses except that the uses described in § 383-96.10I may not be combined on the same lot with other permitted or special uses.
- I. Convalescent care or hospice facility, provided such uses shall require a minimum lot area of 45 acres.
- J. Accessory uses customary with and incidental to any aforesaid permitted use, subject to the following additional standards and conditions:
 - (1) The accessory use shall be located on the same lot with the permitted use to which it is accessory.
 - (2) Accessory uses may include off-street parking spaces and private garages.
 - (3) No part of a lot located in an Office Park District shall be used for access to a use permitted in any Commercial or Industrial District.

§ 383-96.11. Special uses.

- A. Warehouses, provided they are accessory to a permitted or special use.
- B. Public utility substations and telephone equipment buildings, provided that there is no outside service yard or outside storage of supplies.
- C. Water supply reservoirs, wells, towers, pump stations, storage facilities and treatment facilities.

- D. Buildings and facilities of the State of Connecticut and the federal government, excluding corporate or proprietary uses unless otherwise permitted above.
- E. Conference and training centers for use by companies, corporations, organizations, and groups for events, executive, management or educational training purposes, or meetings of their officers, directors, shareholders, members and/or employees.
- F. Proprietary commercial or technical schools.
- G. Professional schools.

§ 383-96.12. Lot area, shape and frontage.

- A. Minimum lot area: five acres except as otherwise provided in § 383-96.10I.
- B. Minimum dimension of square: 300 feet.
- C. Frontage on a public road is not required, provided the Commission finds that proper and adequate access is available through the use of 1' shared access and/or driveway easements.

§ 383-96.13. Height.

- A. Maximum number of stories: four stories.
- B. Maximum height: 60 feet.

§ 383-96.14. Setbacks.

- A. From street line: 50 feet.
- B. From rear property line: 50 feet.
- C. From other property line: 25 feet.
- D. From residence district boundary line: 50 feet.
- E. Projections into setback area: three feet.

§ 383-96.15. Building bulk and coverage.

- A. Maximum floor area: 20%.
- B. Maximum ground coverage: 20%.

§ 383-96.16. Prohibited uses.

- A. Dwellings, except as permitted in § 383-96.10I.
- B. Motor vehicle service stations and repair garages, undertakers establishments, manufacture, processing or assembly of goods except as ancillary to a permitted or special use.
- C. Outside storage.
- D. Retail use.

Article XII. Planned Residential Development (PRD) Regulations

[Amended 3-21-2000; 10-4-2000]

§ 383-97. Purpose.

The purpose of the planned residential development (PRD) regulations is to encourage the provision of affordable housing by providing opportunities for a diversity of housing types and sizes, especially for the elderly and young families, consistent with soil types, terrain, infrastructure capacity and available services. A minimum of 30% of housing dwellings must be deed restricted as affordable units for a minimum period of 40 years.

§ 383-98. Qualifying standards.

Parcels of land will be considered for a planned residential development special use approval only if they comply with the following qualifying standards:

- A. Zoning district: The parcel shall be located in a zoning district which permits PRD development as a special use. PRD development is prohibited in all Business Office Park (BOP) Districts and Light Industrial (LI) Districts.
- B. Site size:
 - (1) The minimum site size for a planned residential development is as follows:
 - (a) Residential district: two acres.
 - (b) Commercial districts: two acres.
 - (2) The maximum site size: five acres.
- C. Street location: The PRD site must be located on, or have a minimum thirty-foot-wide direct access to, one of the following specified streets within the designated zoning districts:
 - (1) Residential district:
 - (a) Peck Lane south of the Boston Post Road.
 - (b) Old Lambert Road south of the Boston Post Road.
 - (2) Commercial 1 and Commercial 2 Districts:
 - (a) The Boston Post Road restricted to the south side from South Lambert Road to Bull Hill Lane.
 - (b) Silverbrook Road.
- D. Sanitary sewers and public water: A PRD will only be considered for a special use approval if the proposed units will be connected to public sanitary sewers and if the proposed units will be connected to the public drinking water system.

§ 383-99. Allowed PRD uses.

- A. In the residential district and in the Commercial C-1 and C-2 Districts, a PRD development must qualify as either a "set aside development" or as "assisted housing" as defined in Connecticut Public Act 00-206.
- B. Residential district: Single-family attached dwellings as restricted by this article, and multiple-unit residential dwellings as restricted by this article.
- C. Commercial districts:
 - (1) Multiple-unit residential dwellings as restricted by this article, and multiple-unit dwellings in a mixed use residential development as restricted by this article.
 - (2) In mixed use residential development, housing must equal at least 60% percent of the combined square footage.

§ 383-100. Limitations on parcel size and number of PRD units to be authorized.

In order to allow for the orderly provision of municipal services and so as not to overburden the infrastructure capacity of the town, and so as not to have an undue concentration of housing units, the following limitations will apply:

- A. The maximum number of residential units to be approved on any one site is limited by the floor area ratio standards and the dwelling unit size standards. The Plan and Zoning Commission may approve fewer units on individual specific sites consistent with its findings relative to the approval standards contained in § 383-108.
- B. There will be a maximum of 350 housing units authorized in accordance with this article and prior PRD regulations from January 1992 until December 31, 2005.
- C. A maximum of five acres on any one parcel in any district may be utilized for housing units under this article and there shall be a three-hundred-foot separation between parcels containing PRD units. This separation distance is in addition to all other buffer, landscaping and yard requirements.
- D. No more than 50 units may be built on any one qualifying site.

§ 383-101. Planning and design standards.

- A. Height, area and bulk:
 - (1) Residential district:
 - (a) No building shall exceed a height of 40 feet, or three stories.
 - (b) Impervious surface coverage shall not exceed 60% of the site area.
 - (c) The maximum building floor area to site area ratio (FAR) shall not exceed 30%.
 - (2) Commercial districts:

- (a) No building shall exceed a height of 40 feet, or three stories.
- (b) Impervious surface coverage shall not exceed 75% of the site area.
- (c) The maximum building floor area to site area ratio (FAR) shall not exceed 50%.
- (3) Floor area ratios, mixed use residential developments: Mixed use housing proposals will calculate allowable office or retail square footage by applying the office or commercial FAR to only the portion of a parcel not devoted to housing. This will be done in the following manner:
 - (a) Calculate the land area needed to accommodate the number of proposed housing units and the building footprint.
 - (b) Calculate the amount of required open space for the proposed dwelling units.
 - (c) Calculate the required amount of residential parking area.
 - (d) Add the square footage for the building(s) footprint(s), the open space square footage and the parking area square footage.
 - (e) Subtract four from the site square footage.
 - (f) Apply the appropriate office or retail FAR from the district regulations to the remaining site area to yield the allowable retail or office square footage.

B. Building setbacks:

- (1) Buffer areas:
 - (a) Residential dwelling units may not be located within 200 feet of a nonresidential building or nonresidential parking lot except that housing is allowed above retail or office use as restricted by these regulations.
 - (b) Residential dwelling units may not be located within 100 feet of a nonresidential building located in a shopping complex of 75,000 square feet or more.
 - (c) Residential dwelling units may not be located within the property boundaries of a shopping complex of 75,000 square feet or more.
- (2) Front yard, rear yard and side yard requirements: The PRD must meet the minimum yard requirements for the district in which it is located or the requirements of this article, whichever are greater. At a minimum, the PRD must provide a twenty-five-foot landscaped buffer at each property line. The buffer area could be part of the front, side or rear yard requirement.

§ 383-102. Building standards.

- A. The minimum floor area for units shall be 650 square feet for a single-bedroom unit, 800 square feet for a two-bedroom unit, and 1,000 square feet for a three-bedroom unit.

- B. A minimum of 66% of the dwelling units shall consist of efficiency and one-bedroom units. The balance may be two- or three-bedroom units.
- C. Dwelling units in mixed use buildings must be served by a separate outside entrance and a separate parking area.
- D. Residential buildings shall be separated by at least 35 feet from any other residential building on the same site. If, however, any facing walls contain a window or door, such distance shall be increased by one foot for each two feet of height of the higher facing wall above the lowest adjacent ground elevation thereto. Any walls which are facing at an angle of 30° or less shall be considered facing walls. Enclosed stairwells and similar architectural appurtenances shall be considered as part of the wall and shall maintain the required setback.
- E. Freestanding residential buildings in mixed use developments must be adequately separated from the nonresidential use on the site in terms of access and parking. The Plan and Zoning Commission will determine the adequacy of the layout.
- F. Deed restricted affordable units shall be substantially similar to non-price-restricted units in terms of building design, materials and finish quality.
- G. Utilities shall be buried underground unless this requirement is waived by the Plan and Zoning Commission due to site conditions.
- H. Building height shall be determined for compliance with this article as the distance between the lowest existing elevation of a finished floor elevation to the top of the roof peak.
- I. The longest side of a residential building shall not exceed 160 feet.

§ 383-103. Parking requirements.

A. Number of spaces:

Multi-unit dwellings	2.0 spaces per unit
Restricted age 62 or older units	1.5 spaces per unit
Congregate or assisted elderly units as defined in CT General Statutes	0.75 spaces per unit

- B. One additional parking space must be provided for each 100 square feet of recreational building floor area.
- C. The Plan and Zoning Commission may reduce the required parking if it is determined by the Commission that lesser parking will adequately serve a proposed use.

- D. Any open parking areas, excluding garage driveway pads, must be set back a minimum of 15 feet from all sides of dwellings.
- E. Parking which serves more than one unit may not have as its only egress backing out onto a public street.
- F. Adequate, unobstructed space shall be provided for snow clearance of parking spaces. Provision shall be made for adequate storage of cleared snow.
- G. All parking areas shall comply with the landscaping provisions of these regulations. In addition, parking areas will be screened from the street and adjoining neighbors by a landscaped treatment of at least four feet in height.
- H. Driveways shall not constitute parking spaces in determining conformance to parking standards.

§ 383-104. Landscaping and open space requirements.

- A. All PRD areas shall contain a buffer strip at least 25 feet wide planted to substantially screen the perimeter buildings and parking in the planned residential area from neighboring areas.
- B. A preliminary landscape plan must be submitted with the initial residential plan and a final landscape and planting plan submitted with the final residential plan.
- C. To the greatest extent possible, all mature trees should be retained on the site. Street trees (minimum three-inch caliper) shall be planted on thirty-foot centers. The street trees shall be planted outside the right-of-way.
- D. Utility terminal boxes and connections placed aboveground shall be adequately landscaped to screen them from view and shall be shown on the initial and final residential plans.
- E. Existing mature vegetation on the site shall be retained in areas not disturbed by construction. In areas disturbed by construction, or in areas where existing vegetation is sparse, new plant material (trees, shrubs) shall be provided as follows:
 - (1) Shade trees, evergreen trees and flowering trees shall be planted in, or adjacent to, parking areas. At least one tree shall be planted for each three spaces, or fraction thereof, in locations approved by the Plan and Zoning Commission.
 - (2) Trees and shrubs shall be planted around foundations and between structures in a manner approved by the Plan and Zoning Commission.
- F. All landscaped areas shall be served by underground water sprinklers, unless this requirement is waived by the Plan and Zoning Commission.
- G. Usable open space:
 - (1) At least 400 square feet per dwelling of usable open space shall be provided in all districts.

(2) Usable open space must include at least one contiguous area with the smallest dimension being at least 65 feet.

H. Properties along the Post Road will comply with the design themes of the Post Road Design District in the Town Plan of Development.

§ 383-105. Affordable housing definition and eligibility.

Each PRD shall constitute a "set aside development" or "assisted housing" as defined in Connecticut Public Act 00-206.

A. Individuals and Families eligible for affordable housing units will have an income, at the time of execution of a contract of sale or lease agreement, that does not exceed 80% of the lesser of the median family income for the New Haven/Meriden Metropolitan Statistical Area (MSA) or the median income for the State of Connecticut as established on an annual basis by the U.S. Department of Housing and Urban Development (HUD).

B. At least half of the affordable dwelling units shall be set aside for individuals or families with incomes no more than 60% of the median income as determined in accordance with Connecticut Public Act 00-206.

C. In determining whether an applicant for an affordable housing unit meets the qualifying criteria, the same factors and methods of calculations used by the United States Department of Housing and Urban Development in determining the area median household income shall be used.

D. An "affordable housing unit" is a dwelling which, if for sale, is offered at a purchase price, or, if for rent, is offered at a contract rent, excluding utilities, that is affordable to households whose income, after adjustment for family size, is at or below 80% of the lesser of the median income of the New Haven/Meriden MSA or the median income of the State of Connecticut as determined by the United States Department of Housing and Urban Development.

E. The unit will be considered affordable to households meeting the income criteria if the household will not have to spend more than 30% of their monthly income for housing.

§ 383-106. Procedure for considering planned residential development proposals.

A. All PRD's shall be considered special uses subject to requirements and procedures of this article and Article XIV of the Orange Zoning Regulations.

B. A PRD shall be approved only in conjunction with the approval of an initial residential plan (IRP) and a final residential plan (FRP) for the entire parcel by the Plan and Zoning Commission.

C. The Plan and Zoning Commission shall charge a fee, as may be amended from time to time, to cover review costs of PRD submissions.

D. The initial and final residential plans must be developed by either a professional engineer, architect, registered landscape architect, registered land surveyor or a professional planner, or

any combination of such professionals, each to limit himself/herself to his/her particular area of expertise.

§ 383-107. Initial residential plan (IRP) submission.

- A. An initial residential plan (IRP) shall be submitted to the Plan and Zoning Commission. A complete application shall include:
- (1) A map showing topography of ten-foot intervals and depicting all wetland areas, watercourses and slopes above 25%.
 - (2) A listing of all property owners, by tax parcel number, within 500 feet of the project boundaries.
 - (3) Information on land areas adjacent to the proposed PRD to indicate the relationship between the existing and proposed utilization of surrounding properties, including land uses, zoning, densities, height of structures, circulation systems, public facilities, and unique natural features.
 - (4) A summary table indicating compliance with the qualifying, planning and design standards. The table shall show proposed phasing, if any, the number and type of buildings and units, the number of parking spaces required and provided, square feet and percent of lot area covered by pavement and buildings, lot area, frontage and landscape requirements and amount of open space required and provided.
 - (5) Provisions for restricted age 62 or older or affordable housing units.
 - (6) The existing and proposed vehicular circulation system including parking and loading areas and points of access to residential and nonresidential uses.
 - (7) The existing and proposed pedestrian circulation system including its interrelationships with the vehicular circulation system, open space system, and other areas of common use.
 - (8) A written report by a qualified professional evaluating the impact of the PRD on the transportation system, including the amount of traffic projected within and for the proposed development and the adequacy of the surrounding streets and traffic controls to accommodate existing traffic, projected traffic from the proposed development, and projected traffic from other approved developments in the area.
 - (9) A general landscape plan including the proposed treatment of the interior and the treatment of the perimeter of the PRD including materials and techniques to be used such as living screens, berms and fences.
 - (10) Examples of proposed product types for the proposed buildings including building layouts and elevations of all buildings (front, back and both sides) showing proposed textures, materials and colors. Identical buildings will not require multiple elevations.
 - (11) Provision for usable open space as required by the regulations.

- (12) Proposed development schedule with projected completion date(s).
- (13) Proposed number of units by bedroom count, i.e., the number of efficiency units, the number of one-bedroom units, etc.
- (14) Preliminary grading and drainage information of the same nature and to the same extent required for a subdivision.
- (15) Identification of any historic structures or features on the site.
- (16) An affordability plan containing at least the following:
 - (a) Name of the entity or person responsible for the compliance with the affordability restrictions,
 - (b) An affirmative fair housing marketing plan governing the sale or rental of the units;
 - (c) The building schedule and location of the affordable units;
 - (d) A sample calculation of rental rates and sale prices for the affordable units;
 - (e) Proposed restrictive covenants and lease restrictions;
 - (f) Such other information as may be required by the Commission or by the Commissioner of the Connecticut Department of Economic and Community Development.

B. Public hearing: After receipt of a completed PRD application, completed initial residential plan and required application fees, the Plan and Zoning Commission shall hold a public hearing and take action to approve, approve with modification, or disapprove the initial residential plan.

§ 383-108. Findings required for approval of initial or final residential plans.

- A. In order to approve an initial or final residential plan, the Plan and Zoning Commission shall first make the following findings:
- (1) The purposes of the PRD regulations have been met.
 - (2) The qualifying PRD standards and the planning and design PRD standards have been met.
 - (3) Provisions for traffic, water, sewerage, stormwater and usable open space are adequate, do not overburden existing streets, water, sewer and stormwater drainage facilities on- or off-site and do not create water problems off-site.
 - (4) The site design and layout in terms of location of buildings and locations of residential and nonresidential uses provides for the safety of the residents of the residential units.
 - (5) The PRD will not require upgrading of the street system of the Town of Orange. If the Plan and Zoning Commission, in its discretion, elects to permit the necessary upgrading of the street system, the applicant will pay for any required upgrading. In order for the Plan and

Zoning Commission to make the necessary analysis, the applicant may be required to provide information, plans and data at the applicant's expense.

- (6) The proposed housing design will not require upgrading of the existing on-site or off-site public sewer, water or drainage systems. The IRP provides for the maintenance or reduction of pre-development level drainage runoff from the site upon completion. If the Plan and Zoning Commission, in its discretion, elects to permit the necessary upgrading of the on-site or off-site public sewer, water or drainage systems, the applicant will pay for any required upgrading. In order for the Plan and Zoning Commission to make the necessary analysis, the applicant may be required to provide information, plans and data at the applicant's expense.
- (7) The development and design of the PRD will not have a significant adverse effect on surrounding properties or property values in the area.
- (8) The proposed development will not have a significant adverse effect on the environment and, in particular, wetland and watercourse areas. In making this finding, the recommendations of the Inland Wetlands and Water Courses Commission regarding the development will be taken into account.
- (9) Where appropriate, the applicant has provided for continuing maintenance of parking areas, stormwater drainage facilities, open space and other infrastructure or amenities not to be accepted by the Town of Orange.
- (10) The special use general conditions as contained in § 383-136 have been examined with respect to the PRD by the Plan and Zoning Commission and found to be consistent with the health, welfare and public safety needs of the community.
- (11) Performance standards of Article XVIII and soil and erosion control measures of Article XXI have been met.

B. Recording and effective date: An approved initial residential plan shall be endorsed by the Plan and Zoning Commission and recorded in the office of the Orange Town Clerk within 90 days of the date of approval, unless extended by the Commission for good cause shown.

§ 383-109. Final residential plan (FRP) submission.

- A. Before development can begin, a final development plan must be approved by the Plan and Zoning Commission in accordance with the provisions of Article XIII of these regulations and Chapter 382, Subdivision Regulations, if applicable.
- B. Application for a final residential plan may be for all or only a portion of the approved initial residential plan. If the site is to be developed in phases, each phase shall require a final residential plan. The final residential plan shall conform substantially to the approved initial residential plan. The Plan and Zoning Commission will be the sole judge as to substantial conformance.
- C. The final residential plan shall include the following:

- (1) Site plans meeting the standards of Article XIII of these Regulations and the standards required by the initial residential plan.
 - (2) Final subdivision plan submission in accordance with Chapter 382, Subdivision Regulations, if applicable.
 - (3) Detailed landscape plans for common areas, usable open space, parking and perimeter areas including proposed grading, plant materials and method(s) of maintenance.
 - (4) The deed restriction provisions for the age 62 or older units and/or the affordable housing units as specified in these regulations.
 - (5) All required legal documents referred to in these regulations.
- D. The Plan and Zoning Commission may hold a public hearing on the final residential plan if in its estimation the plan differs significantly from the initial residential plan. Otherwise, the final residential plan shall be processed in the same manner as a site plan approval under Article XIII of these Regulations, but subject, however, to this article, and shall be filed after approval in accordance with the requirements of this article.

§ 383-110. Planned residential development completion time requirements.

- A. The final residential plan must be submitted within two years from the date of the initial residential plan approval. Otherwise, the initial residential plan is null and void. The Plan and Zoning Commission may approve an extension of up to one year.
- B. The applicant shall post a performance bond in accordance with these Regulations for completion of all improvements in accordance with the final residential plan, except residential units, at the time of approval of the final residential plan.
- C. If less than 40% of the dwelling units in any approved phase of a PRD have received certificates of occupancy within 24 months of the approval of such final residential plan, the PRD shall be reviewed by the Plan and Zoning Commission to determine the developer's intent to proceed.
- D. The Plan and Zoning Commission may, for good cause, allow for extensions of up to one year for completion of buildings, structures, or other improvements.
- E. If the Plan and Zoning Commission determines that the developer does not intend to proceed with the PRD, the Plan and Zoning Commission may revoke such final residential plan approval.
- F. Notice of intent to revoke shall be given to the developer, or his successors in interest, by certified mail sent at least 10 days prior to the date of the meeting at which such action is proposed.
- G. Revocation of the FRP approval, or any phase thereof, shall terminate PRD approval as to such FRP, subject to the right to complete all structures commenced in accordance with the FRP.

Thereafter, all completed structures shall constitute pre-existing, nonconforming uses in accordance with these Regulations.

- H. In accordance with Connecticut General Statutes, the Plan and Zoning Commission shall state on the certificate of approval for the final residential plan the five-year expiration for completion of all work in connection with the final residential plan.
- I. A certificate of zoning compliance for units in the final plan for which application is made which are not subject to the contract and covenant restricting them as affordable and/or age 62 or older housing shall be issued only after the completion and issuance of a certificate of zoning compliance for a pro rata number of units of restricted affordable and/or age 62 or older housing. The pro rata allocation shall be based on the proportion of the number of affordable and/or age 62 or older housing units to the total units approved in the whole application.

§ 383-111. Requirements for maintenance of common land and facilities.

In order to ensure the long-term maintenance of common land and facilities and to prevent maintenance expenditures by the town, the following shall be required:

- A. PRD projects shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, common parking areas, and other communally owned facilities. No such instrument shall be acceptable until approved by the Town Attorney as to legal form and effect.
- B. Any homeowners' association (HOA) created shall be organized as a not-for-profit corporation with automatic membership in the HOA when property is purchased in the PRD. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Included in the maintenance covenants shall be procedures for changing them at stated intervals. Deeds shall specify the rights and responsibilities of property owners to the HOA. The HOA shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro rata share formula for all property owners.

§ 383-112. Street standards.

- A. All streets within a PRD must be constructed to Town street standards as set forth in Chapter 382, Subdivision Regulations, and Town ordinances and other street regulations.
- B. The Plan and Zoning Commission may permit pavement widths down to 20 feet, provided the right-of-way width remains at least 50 feet, where the Plan and Zoning Commission finds that density, length of street, projected traffic volumes, available parking and other relevant factors justify such reduction.

§ 383-113. Affordable housing and age 62 or older housing resale restrictions.

- A. In the case of affordable housing units, the title to said properties shall be restricted so that in the event of any resale by the owner or any successor, the resale price shall be affordable as specified in § 383-105.

- B. Rent increases in units which are rented shall be allowed only to the extent that the new rent, excluding utilities, is affordable by households as specified in § 383-105.
- C. In the case of restricted age 62 or older housing, the title to said properties shall be restricted so that in the event of any resale by the owner or any successor, the purchaser must be age 62 or older. In the event of a new lease to another party or a sublease, the unit must be so restricted that the new lessee must be age 62 or older.
- D. Required restrictions shall be conveyed by deeds incorporating the terms and conditions of the sale agreement and resale restrictions or embodied in the lease and notice of the lease, a copy of which shall be filed with the Town of Orange Tax Assessor. These covenants shall run with the land and be enforceable by the Town of Orange until released by the town. The sale and resale or lease, sublease and re-letting of units may not occur until the Assessor of the Town of Orange verifies that the conditions have been met with respect to the initial sale or resale price or rent under a lease, sublease or re-letting. The new purchaser or renter of the property shall also provide the Assessor with information verifying their income or age, as appropriate, for the prior three years.

§ 383-114. Contract requirements with the Town of Orange.

Subsequent to the approval of the final residential plan and prior to the issuance of a building permit and a certificate of zoning compliance, the applicant must execute and file with the Town Clerk an agreement with the Town of Orange. Said contract will describe the following:

- A. Terms of the final residential plan.
- B. Procedures for establishment of maximum income for the occupants of the affordable housing and price limits on sale, resale, rental, sublease, or conversion to common interest ownership and subsequent sale of the affordable or elderly housing units. This shall include current calculations applying these Regulations as of the month prior to application.
- C. Provision for increases of the specified income, sale price or rent of restricted affordable units.
- D. Covenants in favor of the Town of Orange incorporating the terms and conditions of the contract, which covenants shall run with the land and be enforceable by the town.
- E. Subordination to the interest of other liens against the property to the affordable deed restrictions.
- F. The complete affordability plan.

§ 383-115. Moratorium.

- A. Article XII of the Orange Zoning Regulations shall be suspended and no PRD applications will be accepted or approved during any period during which there is a moratorium in effect during which the affordable housing appeals procedure established in Public Act 00-206 is not applicable with respect to any application filed with the Orange Plan and Zoning Commission except for:

- (1) A PRD application in which 95% of the dwelling units are restricted to persons or families whose income is less than or equal to 60% of the median income;
 - (2) Other PRD applications for assisted housing containing 40 or fewer dwelling units.
- B. Effective dates of a moratorium shall be available from the clerk of the Plan and Zoning Commission.

Article XIII. Site Plans

[Amended 6-19-2001; 10-16-2001]

§ 383-116. General.

The following regulations shall apply to the submission and administrative approval of site plans for the establishment of certain uses of land, buildings, and other structures as specified in each district. All provisions of this section are in addition to other provisions applicable in the district in which the use is to be located.

§ 383-117. Application.

Uses, activities and structures requiring a formal site plan in accordance with the provisions of the Orange zoning regulations shall conform to the following:

- A. Statement of use. The applicant shall submit a written narrative describing the proposed use, activity or structure(s) in sufficient detail to determine compliance with these regulations, including but not limited to the site plan requirements of Article XIII, the special use standards of Article XIV, the performance standards of Article XVII and the landscaping standards of § 383-123 and throughout the Orange zoning regulations.
- B. Basic site plan.
 - (1) The applicant shall submit a map drawn to a scale of 40 feet to the inch or other scale as approved by the ZEO containing the following information unless any of the following is waived under the provision of Subsection F:
 - (a) A site location map showing all adjacent parcels and the location of structures and vehicular and pedestrian access ways;
 - (b) Property lines, contours or ground elevations using datum specified by Town Engineer;
 - (c) All existing and proposed structures;
 - (d) All signs, lighting and outdoor illumination;
 - (e) All streets, driveways, walkways;
 - (f) Off-street parking and loading spaces and loading docks;
 - (g) Watercourses, swales, and drainage easements;
 - (h) Existing and proposed storm drainage, including dry wells, curtain drains, piping, catch basins, detention and retention facilities;
 - (i) Sanitary sewage disposal or septic system details;
 - (j) Public water or private well details;

(k) Any existing or proposed watershed protection buffers or conservation easements along stream belts;

(2) The basic site plan shall be prepared and signed and sealed by a professional engineer or professional architect as appropriate, licensed to practice in the State of Connecticut.

C. Architectural design plan.

[Amended 9-20-2005]

(1) Submission of architectural design plans shall be required for each of the following proposals:

(a) For modifications to exterior elevations/facades exceeding 10% of the total area of any exterior elevation/facades that are parallel to or within 45° of being parallel to a public street;

(b) For modifications to other exterior elevations/facades exceeding 50% of the total area of such exterior elevation/facade;

(c) For any building enlargements exceeding 500 square feet of floor area; and

(d) For all new buildings and structures.

(2) The applicant shall submit architectural design plans consistent with the intent to promote traditional forms and designs that will complement and enhance the community, with particular emphasis on the nature and character of the immediate neighborhood of the subject site. The overall design theme shall be one that:

(a) Integrates land, buildings, infrastructure and environment and thus promotes the health, welfare and public safety of the community; and

(b) Preserves and improves the visual appearance of the community;

(c) Promotes and protects the prosperity of the community;

(d) Preserves the special character of the community;

(e) Promotes a harmonious development pattern;

(f) Preserves light, sight and sound barriers;

(g) Provides for the appropriate relationship of land, buildings, environment and people; and

(h) Does not contain design elements which may adversely impact adjoining properties.

D. Architectural design plan components.

(1) The architectural design plan will include the following components:

- (a) Architectural and elevation drawings at a scale to be specified by the ZEO of all buildings, structures and appurtenances, prepared by an architect licensed to practice in the State of Connecticut.
 - (b) Exterior elevation drawings of all sides of buildings and structures.
 - (c) Floor plans.
 - (d) Color, texture and composition of all facing, facades, and appurtenances.
 - (e) The relationship of the buildings to the site and its natural and man-made environment.
- (2) Applicants are encouraged to submit color renderings and views from all four directions at a distance of 200 feet.

E. Architectural design standards. The Town Plan and Zoning Commission shall consider the following standards and criteria when reviewing the architectural and design considerations of a site plan:

[Amended 9-20-2005]

- (1) The site plan, architectural design and construction materials, lighting and landscaping are of such character that they will complement and enhance the appearance of the community;
- (2) Proposed structures relate harmoniously to the natural environment, community and topographical conditions;
- (3) Reasonable provision has been made for sound and sight buffers, the preservation of views, light and air, and such other elements of design as may have an adverse impact on adjacent properties and the community at large;
- (4) Signage, lighting and landscaping are coordinated in an overall design theme;
- (5) All building materials, texture, and color used on the exterior walls and roof shall be of traditional styles and shapes and shall comply with the requirements set forth below. Particular emphasis is placed on those building elevations, facades and other exterior wall components that are facing and visible from any public street. Unless otherwise determined by the Plan and Zoning Commission, exterior building materials shall conform to the following requirements:

[Amended 2-21-2006]

- (a) In any Industrial Zone, for all such facades and exterior walls that are parallel to or within 45° of being parallel to a public street, a substantial portion of the area of all siding materials on that wall shall consist of quality wood siding, brick and/or stone masonry siding material. The Commission may also consider the limited use of cement fiber board such as "hardiplank" clapboard. For purposes of such determination, the area of siding on any wall shall consist of its total exterior wall area minus the area of all windows, doors

and roof eaves, overhang canopies and similar roof treatments. The balance of these and other exterior walls may consist of other permitted materials, including split faced block, other finished masonry units, painted masonry blocks, pre-cast concrete panels, stucco, Drivit or similar stucco masonry treatment as well as metal panel siding and pre-engineered steel structures, but the use of metal panels on the front facades is not permitted. The use of asphalt shingle siding, aluminum or vinyl siding, or grooved plywood siding treatments such as Texture-111 and similar materials is prohibited; however, the use of cellular PVC trim board such as "Azek" may be used at the discretion of the Commission. Notwithstanding the above, the Commission, in its sole discretion, may allow a clearly identified expansion wall, intended to be removed within five years, to be constructed of an approved, alternative material.

- (b) In any Retail Business, Commercial, Office Park or Business Office Park Zone, for all such facades and exterior walls that are parallel to or within 45° of being parallel to a public street, a substantial portion of the area of all siding materials on that wall shall consist of quality wood siding, brick and/or stone masonry siding material. The Commission may also consider the limited use of cement fiber board such as "hardiplank" clapboard. For purposes of such determination, the area of siding on any wall shall consist of its total exterior wall area minus the area of all windows, doors and roof eaves, overhang canopies and similar roof treatments. The balance of these and other exterior walls may consist of other permitted materials, including split faced block, other finished masonry units, painted masonry blocks, precast concrete panels, stucco, Drivit or similar stucco masonry treatment. The use of asphalt shingle siding, aluminum or vinyl siding or grooved plywood siding treatments such as Texture-111 and similar materials is prohibited; however, the use of cellular PVC trim board such as "Azek" may be used at the discretion of the Commission.
- (6) Building materials shall be brick, stone, and wood, including narrow-width siding, clapboards or wood shingles unless otherwise determined by the Plan and Zoning Commission;
- (7) All screen walls and other devices used to screen service areas, utility facilities, mechanical system features and components and other such features from direct view shall reflect or complement the building materials and finished in a manner complementary to the overall architectural design.
- (8) Wherever feasible and practical, mechanical equipment shall be concealed or enclosed within a structure or ground-mounted and screened. Any necessary rooftop mechanical equipment shall be screened from view by parapet walls or other appropriate screening. Where flat roof areas can be viewed from above, care shall be taken to group together, to the extent feasible and practicable, all roof vents, pipes, mechanical equipment, etc., and painted to match the roof color to minimize their appearance.
- (9) Mechanical equipment shall be concealed within the roof or enclosed within a structure;
- (10) The design is compatible with the Town Plan of Conservation and Development;

- (11) The landscape treatment provided enhances architectural features;
- (12) Monotony of design is discouraged. Long, expansive walls shall be appropriately articulated and/or visually divided into smaller units or panels.
- (13) Monotony of design is discouraged;
- (14) Site and building lighting blend and complement the overall design theme;
- (15) Signs have appropriate scale and proportion subject to the size limitations of these regulations.

F. Professional architectural consultation to the Commission. If in the opinion of the Plan and Zoning Commission a proposed development is of significance to the appearance of the Town of Orange, it may retain an architect to review and comment on the proposal. Such review will be at the expense of the applicant.

G. Traffic impact report.

[Amended 10-5-2004]

- (1) For site plans involving 50 or more new parking spaces or proposed uses projected to generate either more than 200 vehicle trips per day or more than 100 vehicle trips per day per 1,000 square feet of floor area, a traffic report impact report prepared by a Connecticut licensed professional engineer with traffic engineering expertise shall be submitted.
- (2) The traffic report shall include as a minimum all impacted intersections and roadways and include the following:
 - (a) Current roadway and intersection conditions.
 - (b) Existing traffic volumes during the peak hours.
 - (c) An accident analysis of the study area roadways and intersections.
 - (d) Expected average daily vehicular trips and peak hour volumes to be generated by all of the proposed uses on the site.
 - (e) The average daily vehicle trips and peak hour volumes that would be generated by the most intensive use allowed by right for the site by zoning ordinance.
 - (f) Distribution of generated traffic for the roadway network, including vehicle approach and exit routes.
 - (g) Level of service LOS and capacity of the study area roadways and intersections and the site access points prior to development.
 - (h) Level of service LOS and capacity of the study area roadways and intersections and the site access points after development.

- (i) Recommended improvements both on and off site to address any level of service LOS reductions anticipated by the proposal as well as recommended improvements to improve any existing substandard or undesirable LOS conditions.
- (j) Vehicle queue analysis for critical lane movements in study area intersections.
- (k) An analysis of truck traffic and any provisions made to ensure the safety of residents.
- (l) Include in all analysis the impact of any proposals approved but not yet constructed in the study area.
- (m) All applicable statistical and demographic data to support Subsection G(2)(a) through (l) above.
- (n) A narrative explaining all assumptions utilized in preparing Subsection G(2)(a) through (l) above.

H. Soil erosion and sediment control plan. A soil erosion and sediment control plan in accordance with the provisions of Article XXI shall be submitted.

I. Other site plan requirements. The Commission may request the submission of such additional information that it deems necessary in order to decide on the application. The Commission, upon written request by the applicant, may also by resolution waive the required submission of all or part of the information required under Subsections B through I if the Commission finds that the information is not necessary in order to decide on the application.

§ 383-118. Procedure.

Upon receipt, the Zoning Enforcement Officer shall transmit the site plan and application for a certificate of zoning compliance to the Commission. Within 60 days after receipt of a complete site plan and application by the Commission, it shall either approve, approve subject to modifications, or disapprove the site plan. The applicant may consent in writing to any extension of the time for action. The Commission, in its records, shall state the grounds for disapproval of a site plan. In the event of failure of the Commission to act within the sixty-day period, or as such period may be extended, the Zoning Enforcement Officer shall enforce the standards specified in § 383-119A(1) through (5).

§ 383-119. Standards.

The Commission shall approve the site plan if it conforms to the following standards:

A. General standards. The proposed site plan shall make adequate provision for:

- (1) Pedestrian safety. Provisions shall be made for pedestrian safety, including, without limitation, the following:
 - (a) Sidewalks shall be installed to provide safe pedestrian access to any building or structure from the parking areas on the site and to minimize pedestrian use of the driveways and parking areas to obtain access to the buildings or structures on the site. Unless the Commission determines that pedestrian safety is otherwise adequately provided for,

sidewalks shall be installed along the entire side of any building or structure on the site in which is located an entrance or exit to or from the building or structure and along any vehicular driveway on the site if it is contemplated that pedestrians must utilize such driveway to obtain access to the building or structure. Such sidewalks shall not be less than four feet in width, shall be elevated four to six inches above adjoining parking or driveway areas, shall be graded to be as flat as reasonably practicable, and shall abut the building or structure unless the Commission determines that adequate provision is made for pedestrian safety without requiring such abutment.

- (b) An open aisle, in which parking is prohibited, shall be maintained in that portion of the parking area directly opposite, or which abuts the sidewalk directly adjacent to, any entrance or exit in any building or structure on the site, which aisle shall be at least as wide as the wider of:

- [1] The width of the entrance and/or exit; or

- [2] Eight feet.

- (c) Sufficient entrances and exits to all buildings and structures on the site shall be located to provide reasonable safe and convenient access to parking areas on the site.

(2) Drainage.

- (a) Subsurface drainage, including, without limitation, catch basins or trench drains, as appropriate shall be installed so as to avoid the flow and accumulation of water and the creation of ice in parking and driveway areas, and the discharge of water onto the streets or adjoining property.

- (b) Prior to the approval of any site plan, all necessary approval shall be obtained from the owners of property over which any drainage from the lot shall flow or on which it shall be discharged, and, in addition., approvals of the Inland Wetland Commission or other appropriate agency shall be obtained when required.

(3) Traffic access and circulation. Provision shall be made for vehicular access to and from the lot and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and on the lot, to avoid traffic congestion on any street and to provide safe and convenient circulation upon the lot. Access and circulation shall also conform to the following:

- (a) The street giving access to the lot shall have traffic carrying capacity and roadway improvements and traffic management facilities that are sufficient to accommodate the amount and type of traffic generated by the proposed use, taking into account access to existing uses along the street and existing traffic and traffic projected to the date of occupancy of the lot.

- (b) Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage road driveways and traffic signals and management devices within the street.

Such improvements shall be installed in accordance with the requirements of the Orange Police Commission or the Connecticut State Traffic Commission or Department of Transportation, as applicable.

- (c) Improvements along the street frontage of the lot, including, without limitation, turning lanes, shoulder improvements, drainage, curbing, sidewalks and grading, shall be designed and located to insure safe access to and egress from the lot, including adequate sight lines and sight distances lot vehicles on the street and vehicles using the access and egress driveways for the lot.
 - (d) Turning radii of driveways, both on the lot and connecting to streets, shall be designed so as to accommodate the types of vehicles expected on the lot and to facilitate traffic flow upon the lot and ingress and egress to and from abutting streets. Access and egress driveways at the street and into the lot shall have grades that conform to the standard cross section for the street and suitable transition grades, not exceeding 4%, into the lot.
 - (e) Buildings, structures, parking spaces and circulation driveways shall be located on the lot in such a manner as to avoid traffic congestion, including the queuing of vehicles on any street. Parking spaces on the lot shall be designed and located to provide for maneuvering of vehicles in access aisles and to minimize maneuvering in circulation driveways.
 - (f) Where topographic and other conditions are reasonably usable, provision shall be made for circulation driveway connections to or extensions from adjoining lots having similar existing or potential use when such driveway connection will facilitate fire protection services, as approved by the Town Fire Marshal; and/or when such driveway will enable the public to travel between two existing or potential uses, open to the public generally, without need to travel upon a street. Where suitable access or a system of traffic circulation in the vicinity of the lot would be facilitated, provision shall also be made for appropriate continuation and improvement of streets terminating at the lot where the use is to be located.
 - (g) When alternate access to the lot is available, use of local residential streets to provide access to the lot shall be avoided.
 - (h) There shall be no more than one driveway connection from any lot to any street, except that separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion and additional driveway connections, particularly for but not limited to large tracts and uses of extensive scope, if traffic flow in the street will be facilitated by the additional connection. Driveways shall not exceed 30 feet in width at the street line, or such lesser width as will be sufficient to accommodate the traffic to be generated, unless a greater width is required by the Orange Police Commission or by the State of Connecticut.
- (4) Emergency services. Provisions shall be made for emergency services and facilities, including, without limitation, the following:
- (a) Fire lanes shall be installed in accordance with the requirements of the Fire Marshal.

- (b) Access lanes to, from, and on the site shall be designed and located to provide emergency vehicles with safe and speedy access to the site and to any building or structure on the site.
- (c) Fire hydrants shall be installed if required by and in accordance with the specifications of the Fire Marshal.
- (5) Site lighting. Provisions shall be made for lighting of the site, which shall be designed, be located on the site in such manner, and be of such amount as to ensure sufficient visibility on the site at all times to maximize pedestrian and vehicular safety on the site without undue adverse effect on the use and enjoyment of neighboring properties by their owners.
- (6) Architectural design and landscaping. The Commission shall determine that provisions have been made to comply with the architectural and design standards and requirements and the landscaping requirements of the regulations.

§ 383-120. Compliance with regulations.

The proposed use, buildings and other structures, signs and parking and loading spaces shall conform to all of the requirements of these Regulations.

§ 383-121. Outside storage.

In Business and Industrial Districts, outside storage shall be limited as follows:

- A. In Local Shopping Center, Commercial C-1 and C- 2 and the BOP and LI-3 Districts, there shall be no outside storage.
- B. (Reserved)
- C. In Light Industrial Districts 1 and 2, outside storage areas shall:
 - (1) Not extend into the area required for setback from a property line, street line or Residential District boundary line; and
 - (2) Not exceed 15% of the area of the lot; and
 - (3) Be enclosed (except for necessary access drives) by buildings and/or fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other lot or from any street.
- D. (Reserved)
- E. Flood-prone areas. No outside storage area shall be located in a flood-prone area or within 25 feet of any stream, or watercourse.

§ 383-122. Parking and loading.

Off-street parking and loading spaces shall be provided in accordance with the standards of Article XVIII and the following:

- A. Location and arrangement. In addition to the location requirements specified in § 383-172, parking spaces and access aisles shall be located and arranged to enable effective utilization of the spaces required, so as to avoid queuing in the street and parking of vehicles in access aisles, circulation driveways and landscaped areas, taking into account the nature of the uses on the lot, the proportion of use of spaces by employees and by patrons, the location at entrances to buildings, expected rate of turnover of parking space occupancy, sidewalks from the buildings to parking spaces, outdoor illumination, warning and traffic signs and convenience of vehicular circulation within parking areas.

§ 383-123. Landscaping.

Landscaping shall be provided and permanently maintained on the lot to conform to the requirements of §§ 383-127 and 383-128, and other requirements of this section, and the following:

- A. All portions of the lot not covered by buildings and other structures, outside storage areas, areas for off-street parking, loading and driveways and sidewalks shall be suitably landscaped with trees, shrubs, lawns or other suitable landscaping or, if not disturbed by filling, grading, excavation or other construction activity, may be left as natural terrain when having a location, size and shape that supports the landscaping plan for the lot. A limited use of washed gravel; ornamental brick or block or stone pavement is permitted as landscape treatment as approved by the Commission.
- B. No more than 50% of the area required for building setback from a street line may be used for access driveways and parking spaces and access aisles, and a strip of land not less than 20 feet in width along and adjacent to the street line shall be suitably landscaped but may contain sidewalks and may be crossed by access driveways.
- C. Notwithstanding the provisions of § 383-123B, when the street is the boundary of a Residence District, none of the area required in LSC, C, LI or BOP or LI-3 Districts for building setback from the street line of such street may be used for parking spaces and access aisles and a strip of land not less than 30 feet in width shall have suitable landscaping that includes evergreen trees at least eight feet in height at the time of planting and spaced in a staggered pattern to grow into a dense buffer screen; provided, however, that the setback area may contain sidewalks and may be crossed by access driveways.
- D. The area required for setback from a Residence District boundary shall be provided with a strip of land, not less than 30 feet in width along and adjacent to the Residence District boundary, which is either left in its natural state if it provides adequate screening as determined by the Commission or shall be landscaped with evergreen trees at least eight feet in height at the time of planting and spaced in a staggered pattern to grow into a dense buffer screen. In LSC, C and LI Districts, no part of the thirty-foot strip may be used for access driveways and parking spaces and access aisles. In Design Districts, no part of the area required for setback from a Residential District boundary line may be used for access driveways and parking spaces and access aisles.
- E. Landscaped planting islands and borders shall be provided for all off-street parking and loading areas. Islands and borders shall consist of grass lawns, low shrubs, perennials, and trees. For

any parking area with 30 or more parking spaces, one tree and one low shrub shall be provided for every 10 spaces or fraction thereof. The species of trees is subject to the review and approval of the Commission. Trees shall not have a caliper less than 2 1/2 inches, nor a height of less than 10 feet. Required trees and shrubs must be located in planting islands within the parking area, rather than on adjacent borders. Planting islands for required trees and shrubs shall not be less than 180 square feet nor have a minimum dimension less than eight feet.

- F. Off-street loading docks located in Design Districts shall be screened by means of fences, walls, embankments or evergreen shrubs or trees.
- G. All plant and other landscaping materials shall be provided in accordance with good landscaping practice and shall be subject to the approval of the Commission as part of the site plan. All plant materials shall be clearly located and identified on the site plan, and a plant listing shall be included, giving the botanical name, common name, height and/or caliper, eventual spread, quantity and spacing where appropriate. All landscaping specified on the site plan shall be maintained to carry out the design function intended, and specified plant materials which have failed shall be replaced with the same variety, or by other materials approved by the Commission, within 12 months.
- H. All landscaped areas 180 square feet and larger, and all green strips required as per § 383-121B, must be serviced by an underground irrigation system.

§ 383-123.1. Lighting.
[Added 2-18-2003]

- A. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to minimize objectionable light at the property lines and disability glare at any location on or off the property. The "maintained horizontal illuminance recommendations" set by the Illuminating Engineering Society of North America (IES) shall be observed. Lighting shall not exceed .5 footcandle at grade, at the property line.
- B. All lighting fixtures located within the parking area shall be full cut-off fixtures.
- C. Up lighting is prohibited. Externally lit signs, display, building, and aesthetic lighting must be lit from above and shine downward. Lighting that infringes on adjacent properties must be shielded to prevent direct glare and light trespass. The lighting must also be contained to the target area.
- D. All building lighting will be full cut-off or shielded. The upward distribution of light is not permitted.
- E. No direct light source, which is adjacent to residential property, shall be visible at the property line.
- F. All nonessential lighting will be required to be turned off after business hours. Only that lighting necessary for site security shall remain lit.
- G. Definitions:

- (1) **DISABILITY GLARE** — The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.
 - (2) **FOOTCANDLE** — A unit of measure for illuminance. A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.
 - (3) **FULL CUT-OFF TYPE FIXTURE** — A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a ninety-degree, horizontal plane from the base of the fixture. Full cut-off fixtures must be installed in a horizontal position as designed.
 - (4) **HORIZONTAL ILLUMINANCE** — The measurement of brightness from a light source, usually measured in footcandles or lumens, which is taken through a light meter's sensor at a horizontal position.
 - (5) **LIGHT TRESPASS** — Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.
 - (6) **UP LIGHTING** — Any light source that distributes illumination above a ninety-degree horizontal plane.
 - (7) **U. RATIO** — Uniformity ratio, describing the average level of illumination in relation to the lowest level of illumination for a given area. Example: U. ratio = 4:1 for the given area, the lowest level of illumination (1) should be no less than 1/4 or "4 times less" than the average (4) level of illumination.
- H. Lighting plan. For site plan submissions where parcels are in excess of 25,000 square feet, a lighting plan must be submitted. The plan must be prepared and sealed by a licensed Connecticut engineer, or the following certified lighting professionals: Association of Energy Engineer's (AEE) Certified Lighting Efficiency Professional, National Council on Qualifications for the Lighting Professions' (NCQLP) Lighting Certification. It shall display all fixture locations, fixture arrangement, types, U. ratios, and footcandle illuminance at five-foot intervals on the affected property.
- I. Municipal street lighting is excluded from these regulations.

§ 383-124. Building and paving.

In Light Industrial District #2 and the Design Districts, the ground coverage of all buildings, structures, outside storage areas and paved parking and loading areas on any lot shall aggregate no more than the following:

- A. Maximum total coverage as a percentage of lot area shall be not more than 65%.

§ 383-125. Underground utilities.

On any lot, all new electric, telephone and cable television wires shall be installed underground unless the Commission determines that underground installation is inappropriate or unfeasible due to the type of service in the street serving the lot or topographic and construction conditions.

§ 383-126. Soil erosion and sediment control.

Provision shall be made for soil erosion and sediment control in accordance with the standards of Article XXI.

§ 383-127. Neighborhood.

The site plan and architectural plans shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.

§ 383-128. Plan of conservation and development.

The site plan and architectural plans shall be in conformance with the purpose and intent of the plan of conservation and development adopted by the Commission for the area in which the use is to be located, and the site plan shall provide for appropriate continuation and improvement of streets terminating at the lot where the use is to be located.

§ 383-129. Completion.

All of the site work shown on the proposed site plan shall be completed within 24 months after the approval of the site plan by the Commission, or site approval shall become null and void. The Commission may grant reasonable extensions of that time upon any application made within the original time period or permitted extension thereof upon a showing of good cause as to why the site work was not completed.

§ 383-130. Bond.

As a condition to the approval of an applicant's site plan, the Commission shall require the applicant to file with the Commission a bond in form acceptable to the Commission, in such amount and with such surety or collateral as the Commission deems sufficient, when such a bond is necessary to insure that any work done on or development of the applicant's site shall be in accordance with the requirements of this Article XVIII and any other requirements of the Commission.

Article XIV. Special Uses

§ 383-131. General.

In accordance with the procedures, standards and conditions hereinafter specified, the Commission may approve special uses in a district where such uses are listed. All requirements of the section are in addition to other requirements applicable in the district in which the special use is to be located.

§ 383-132. Purpose. [Amended 1-17-2012]

Uses permitted as special uses subject to the approval of the Commission are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards of this section. Special uses that may be permitted in a district are uses that under favorable circumstances will be appropriate, harmonious and desirable uses in the district but that possess such special characteristics that each use should be considered as an individual case.

§ 383-133. Application.

Application for a special use shall be submitted in writing to the Zoning Enforcement Officer, shall be accompanied by an application for certificate of zoning compliance and shall also be accompanied by the following:

- A. Statement of use: a written statement describing the proposed use in sufficient detail to determine compliance with the use provisions of these Regulations and the performance standards of Article XVII; eight copies shall be submitted.
- B. Site plan: a site plan, drawn to a scale of not less than 100 feet to the inch, showing all of the following information, both existing and proposed, as applicable to the particular application: property lines and lines delimiting the land to be used under the application; contours or ground elevations; buildings, structures, signs and outdoor illumination facilities; streets, driveways and off-street parking and loading spaces, water courses, storm drainage and sewage disposal and water supply facilities; and landscaping (including trees and/or shrubs, lawn, other landscape features and natural terrain not to be disturbed). The site plan shall be prepared by a professional engineer or architect licensed to practice in the State of Connecticut; eight copies shall be submitted. Upon completion of construction and before a certificate of zoning compliance shall be issued, an "as built" site plan, meeting the requirements of this paragraph, shall be submitted to the Zoning Enforcement Officer.
- C. Architectural plans: architectural plans of all proposed buildings, structures and signs, which plans may be in preliminary form but shall include exterior elevation drawings, generalized floor plans and perspective drawings, prepared, except for signs, by an architect or professional engineer or architect licensed to practice in the State of Connecticut; eight copies shall be submitted.
- D. Soil erosion and sediment control plan: A soil erosion and sediment control plan in accordance with the provisions of Article XXI; eight copies shall be submitted.

E. Other: The Commission, upon written request by the applicant, may by resolution waive the required submission of all or part of the information required under § 383-133B and C if the Commission finds that the information is not necessary in order to decide on the application. The Commission may also request the submission of such additional information that it deems necessary in order to decide on the application.

F. Application fee: An application fee as determined under § 383-6 shall be filed.

§ 383-134. Procedure.

Upon receipt, the Zoning Enforcement Officer shall transmit the application for a special use and accompanying maps, plans and documents to the Commission. In acting on any application, the Commission shall hold a public hearing, shall decide thereon and shall give notice of its decision as required by law.

§ 383-135. Approval.

- A. In approving an application for a special use or approving it subject to modifications, the Commission shall make a finding that all applicable requirements of this section have been met in addition to other requirements applicable in the district in which the special use is to be located and that the special use will be in harmony with the general purpose and intent of these Regulations. The grounds for disapproval of an application shall be stated by the Commission in its records. Approval of an application under this section shall constitute approval conditioned upon completion of the proposed development, in accordance with plans as approved, within a period of four years after approval is given, or such lesser period as may be determined by the Commission. Approval of the application shall become null and void in the event of failure to complete the proposed development within such prescribed period. One extension of such period for an additional period not to exceed one year may be granted by the Commission after public hearing for good cause. All special uses may be approved subject to appropriate conditions, restrictions and safeguards imposed by the Commission as necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood and to meet the considerations and standards set forth in this Article XIV.
- B. Bond: As a condition for approval of a special use for which a site plan submission has been made, the Commission shall require the applicant to file with the Commission a bond in form acceptable to the Commission and in accordance with § 383-11.1 and the approved special use.

[Amended 6-19-2001]

§ 383-136. General considerations.

In addition to general and special standards for particular uses that are hereinafter specified, the Commission shall consider the following before acting on any special use application:

- A. The size and intensity of the proposed use, and the size of the lot on which it is to be located;
- B. The effect of the proposed use on any adopted Comprehensive Plan of Development for the town;

- C. The capacity of adjacent and feeder streets to accommodate peak traffic loads, and any traffic hazards that may be created by the use;
- D. The effect upon property values and appearance in the neighborhood, taking into account the topography of the lot and the character, location and height of proposed buildings and structures and the site plan and proposed landscaping;
- E. The number, location and arrangement of off-street parking and loading spaces and the vehicular access to the lot;
- F. Fire and police protection needs;
- G. Water supply, sewage disposal facilities and drainage and erosion problems; and
- H. The arrangement, design and nature of any buildings and structures.

§ 383-137. General standards.

The following general standards shall apply to all special uses in addition to any special standards for particular uses that may be hereinafter specified:

- A. Access: Provision shall be made for vehicular access to the lot in such a manner as to avoid undue hazards to traffic and undue traffic congestion on any street.
- B. Neighborhood: The site plan and architectural plans shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community and to preserve and protect the natural features of the site when feasible.
- C. Plan of development: The site plan and architectural plans shall be in conformance with the purpose and intent of the Comprehensive Plan of Development adopted by the Commission for the area in which the special use is to be located, and the site plan shall provide for appropriate continuation and improvement of streets terminating at the lot where the use is to be located.
- D. Site plan standards: The special use, including the site plan and architectural plan therefor, shall conform to the standards set forth in Article XIII.

§ 383-138. Special standards for Office Park District.

Editor's Note: Former § 383-138, Special standards for office buildings in Office Park District, was repealed 6-15-2010.

[Added 6-21-2011]

Development in the Office Park (OP) District shall conform to the following additional standards:

- A. Parking: No surface parking areas shall extend within less than 50 feet of any property line and shall be screened from view from any street right-of-way line or property line by fences, walls and/or closely planted evergreens, trees, hedges or shrubs to a height of four feet at time of

planting. Within each surface parking lot there shall be evenly distributed landscaped areas containing a minimum of one shade tree and other low planting for every 10 parking spaces.

- B. Loading: No part of the area required for building setback from street right-of-way line or property line shall be used for off-street loading. Any off-street loading space, including any truck loading bay, ramp or dock, which is located within 200 feet of any street right-of way line shall be screened from view from such street by buildings and/or fences, walls, or evergreen shrubs or trees to a height of eight feet at time of planting.
- C. Landscaping: The entire area of the lot not used for buildings, driveways and off-street parking and loading shall be suitably landscaped with trees and/or shrubs and with lawns or shall be left as undisturbed natural terrain. Along and adjacent to a Residence District boundary line, a strip of land not less than 50 feet in width shall either be left in its natural state if already wooded or shall be landscaped with evergreen trees at least eight feet in height at the time of planting.
- D. Exterior lighting: Exterior illumination shall be provided as necessary for the safety lighting of parking areas, drives, walkways and buildings. No offensive glare from lighting shall be transmitted so as to endanger the public health and safety nor shall it be transmitted into or within any Residence District so as to impair the value and enjoyment of any lot therein and subject to the standards of § 383-123.1.
- E. All rooftop and mechanical equipment shall be screened from view.
- F. Erosion, sedimentation and water quality measures shall be implemented to adequately protect all wetland areas from contamination and degradation.
- G. Buildings shall be designed so each outer facade has an architectural finish. Concrete block walls shall not be visible. Buildings should be designed or articulated to reduce apparent mass, avoid large monolithic box-like shapes and blend into the natural topography and environment.
- H. Building and pavement coverage: The total ground coverage of all structures, paved parking and loading areas and drives shall aggregate to no more than 30% of the lot area.
- I. In recognition of the limited available areas for office development, the provisions of § 383-170.1C(1) and § 383-170.1C(2) of the Regulation of Steep Slopes, shall not apply to the Office Park District, provided proposed development shall none/the/less be designed to maximize structural safety and slope stability within the context of the existing topography.

§ 383-139. Special standards for equestrian clubs in Residence Districts.

As provided for in § 383-27H, shall conform to the following additional standards:

- A. Land area: The use shall be contained within one parcel of land having a minimum area of 20 acres.
- B. Setback: No building or other accessory structure shall extend within less than 150 feet of the right-of-way line of a street or other property line, except for certain signs as permitted in

Article XIX. No rings, jumps, or other active use areas other than riding trails shall extend within less than 50 feet of the right-of-way line of a street or other property line.

C. Parking:

- (1) No parking areas, including horse van and horse trailer parking areas, shall extend within less than 50 feet of any property line or street right-of-way line. All horse vans and horse trailers, other than those associated with a scheduled equestrian event, shall be parked or stored only in an enclosed building or other area completely screened from view from any adjacent property.
- (2) Sufficient off-street parking facilities shall be provided to accommodate all users and visitors to the property including spectators for horse shows or similar events. The roads for entering and leaving the property shall not be located to create pedestrian or vehicular traffic hazard on a public road or highway.

D. Health:

- (1) Stable manure must not create a health hazard from the air and water pollution standpoint to the community in general. The stabling of horses shall conform to all regulations of local and state Health Authorities.
- (2) Toilet facilities shall be provided for in accordance with local health requirements for normal operations as well as for horse shows and similar events.

§ 383-140. Special standards for conversion of single-family dwellings to accommodate elderly housing.

A single-family dwelling unit may be converted to allow the incorporation of one additional dwelling unit in any Residence District subject to special permit and site plan approval in accordance with Article XIV, herein, and the following conditions: For the purposes of this section the term "incorporation" shall mean either completely within an existing principal building or added to an existing principal building, provided that both dwelling units shall be attached by a common wall, floor or ceiling and not simply by an attached breezeway or porch; and shall be contained within one building. All means of ingress and egress from the front of the structure must be limited to existing doorways.

- A. Qualifications: No single-family dwelling shall qualify under these Regulations unless it is located on a lot having a minimum area of 30,000 square feet, and unless such unit shall have been on the Assessor's list as of October 1, 2008.

[Amended 5-5-2009]

- B. Occupancy: The dwelling in question shall be owner-occupied during the duration of the special permit.
- C. Elderly: At least one dwelling unit shall be occupied by a person 55 years of age or older.

- D. Signatures: All applications for a special permit under these Regulations shall contain the signature(s) of the owner(s).
- E. Floor area: Each dwelling unit created shall contain not more than 900 square feet of floor area.

[Amended effective 11-19-2002]

- F. Certificate: Prior to the issuance of a special permit, a certificate in the form of an affidavit to certify that the owner is in residence and that one of the occupants of the particular dwelling unit is elderly shall be presented to the Commission. Thereafter, the applicant shall submit such notarized affidavit to the Zoning Enforcement Officer by January 31st of each year as a requirement for the continuance of the special permit.

**§ 383-141. Special standards for drive-through service window and ATMs.
[Amended 4-21-2009]**

Drive-through service windows and bank automated teller machines in Local Shopping Center (LSC), Commercial C-1 and Commercial C-2 Districts as provided for in §§ 383-34A, 383-42A and 383-50A shall conform to the following additional standards:

- A. Provisions for safe pedestrian ingress and egress to and from the structure shall be made and restricted to specified areas. They shall be located to insure sufficient visibility to maximize pedestrian and vehicular safety.
- B. Crosswalks shall be provided to service pedestrians crossing the drive-through service window access driveway. All required sidewalks must have railings to channel pedestrian traffic to and from the building and to the crosswalks.
- C. The drive-through service access driveway shall be designed and have a large enough vehicular holding capacity so as to avoid interior and exterior traffic and pedestrian hazards.
- D. Information regarding the time and manner in which deliveries will be made to the structure must be submitted in sufficient detail so that it can be determined that no disruption of vehicular or pedestrian traffic will occur.
- E. Provisions for adequate on-site litter control must be made and documented.
- F. The minimum clearance height of the structure relative to vehicles using the drive-through window shall be nine feet.
- G. All the regulations as set forth in Article XIII, Site Plans, must be met prior to the approval of the application for special use.
- H. Drive-through automated teller machines shall be subordinate and accessory to a primary permitted use within the zone containing not less than 40,000 square feet of floor area and shall be located on a lot which is not less than 50,000 square feet.

- I. The provisions of Subparagraph B and E shall not apply to a freestanding drive-through automated teller machine not incidental to a bank or banking facility.
- J. Drive-through automated teller machines shall be owned or leased and operated by a state or nationally chartered banking institution operating a full-service branch banking facility, operation center or loan production office within the Town of Orange.
- K. Automatic teller machines shall provide adequate security lighting.

§ 383-142. Special standards for public sale and/or processing of agricultural products.

The public sale and/or processing of produce, nursery and greenhouse stock and other agricultural products of a farm, nursery, truck garden or forestry use shall conform to the following additional standards:

- A. The public sale and/or processing shall be located on land that is part of the farm, nursery, truck garden or forestry use, and the area and facilities and intensity of activity for such sale and/or processing shall be incidental to the permitted principal farm, nursery, truck garden or forestry use.
- B. The range of agricultural products for public sale and/or processing shall consist primarily of products of the operator of a farm, nursery, truck garden or forestry use where such sale and/or processing is located but may include additional agricultural products when the total annual product to be sold or processed does not exceed the total product of the operation of a farm, nursery, truck garden or forestry use where such sale and/or processing is located.
- C. The areas and facilities used for the public sale and/or processing of such agricultural products shall not extend within less than 50 feet of a street line or property line, which setback requirement, however, is not applicable to live nursery stock on or in the ground.
- D. Under the provisions of §§ 383-171 and 383-172B(19), sufficient off-street parking spaces shall be provided to accommodate the motor vehicles of all persons using or visiting the public sale and/or processing activity at any one time. Should the number of off-street parking spaces be insufficient to accommodate the motor vehicles of all persons using or visiting such sale and/or processing activity on any five consecutive days or any day in each of three consecutive weeks, either application shall be made for a revised special use to provide sufficient spaces or, on written notice of violation given by the Zoning Enforcement Officer, the public sale and/or processing activity shall be discontinued.
- E. The application for a special use for lawfully existing public sale and/or processing under § 383-27A registers the extent and nature of the existing use. The application may include request for approval of change in the existing extent and nature of the use and/or change in site development. Lawfully existing nonconformities, if any, in the existing use may be continued under the special use, provided however, that the Commission may require modification of the driveway access from the street, off-street parking and signs to conform to these Regulations.

§ 383-143. Special standards for convenience marts, gasoline pumps, and/or the sale of gasoline.

Convenience marts, gasoline pumps and/or the sale of gasoline in the Commercial C-1 District as provided for in § 383-42C shall conform to the following additional standards:

- A. Gasoline pumps and/or the sale of gasoline shall be permitted, provided that the pump for the retail selling of gasoline on any lot is located a minimum of 2,500 feet from any other lot where the retail sales of gasoline occurs, regardless of the district or Town in which such other lot may be located. The 2,500 feet shall be the straight horizontal distance from the property line of the lot where gasoline sales is proposed to the property line of any lot where gasoline sales exists.
- B. Gasoline pumps and/or the sales of gasoline shall be permitted only in conjunction with the use of the premises as a motor vehicle service station and/or motor vehicle repair garage and/or a retail convenient mart with less than 2,800 square feet of gross floor area. No site containing more than 2,800 square feet of gross floor area for retail sales shall be permitted to have gasoline pumps and/or to sell gasoline.
- C. Convenience marts are defined as retail establishments which do not exceed 2,800 square feet in gross floor area, and are located on a site where the sales of gasoline occurs. Sales items may include dry goods, dairy products, food items, and prepared foods, limited to Class 1 and Class 2 Food Service, as defined by the Public Health Code; and miscellaneous sundries.
 - (1) The outdoor storage or display of any goods or items is prohibited.
 - (2) In addition to the parking standards of Article XVIII, one additional parking space for each employee during the largest work shift period must be provided.
- D. All gasoline pumps must be serviced by an overhead canopy. The canopy must comply with all building setbacks of the Orange Zoning Regulations.
- E. All gasoline pumps and pumping areas shall meet the design and safety standards of the Orange Building Department and Fire Marshal's office.
- F. The location of gasoline pumps shall be designed so as to isolate vehicles being fueled, from vehicles entering and exiting the site, and from on-site pedestrian traffic.
- G. The Commission shall consider the size, intensity, and appropriateness of the proposed uses and the size of the lot on which it is to be located.

§ 383-143.1. Special standards for gasoline pumps and/or sale of gasoline as accessory use. [Added 7-6-2004]

Gasoline pumps and/or the sale of gasoline as an accessory use in the Commercial C-2 District as provided for in § 383-50 shall conform to the following additional standards:

- A. The gasoline pumps must be located on the same lot and be operated by the same ownership as the retail use. The gasoline pumps and/or the sale of gasoline shall be permitted, provided that the pump for the retail sales of gasoline on any lot is located a minimum of 2,500 feet from any other lot where the retail sales of gasoline occurs, within the Town of Orange. The 2,500

feet shall be the straight horizontal distance from the property line of the lot where gasoline sales is proposed to the property line of any lot where gasoline sales exists.

- B. The access to the pumps must not be located on a public street and must be accessed by means of the curb cuts which serve the retail use.
- C. All gasoline pumps must be serviced by an overhead canopy. The canopy must comply with all building setbacks of the Orange Zoning Regulations.
- D. All gasoline pumps and pumping areas shall meet the design and safety standards of the Orange Building Department and Fire Marshal's office.
- E. The location of gasoline pumps shall be designed so as to isolate vehicles being fueled, from vehicles entering and exiting the site, and from on-site pedestrian traffic.
- F. The Commission shall consider the size, intensity, and appropriateness of the proposed uses and the size of the lot on which it is to be located.

§ 383-143.2. Special standards for indoor recreational facilities in Light Industrial District #2.

Editor's Note: Former § 383-143.2 special standards for retail stores in Light Industrial District No. 2, added 5-12-2005 as § 383-143.1, was repealed 3-16-2010. This enactment also renumbered former §§ 383-143.3 and 383-143.4 as §§ 383-143.2 and 383-143.3, respectively.

[Added 11-6-2006]

As provided for in § 383-66E, indoor recreational facilities in Light Industrial District #2 shall conform to the following additional standards:

- A. Outside activities: There shall be no outside recreational activities of any kind.
- B. Size: No area utilized as an indoor recreational facility shall occupy less than 10,000 square feet or more than 30,000 square feet of building space.
- C. Accessory uses: In addition to customary and accessory uses, the principal use may include the retail sale of sporting equipment limited to items directly related to the athletic activities conducted in the indoor recreational facility, provided that the area of retail uses not exceed 1% of the total floor area.
- D. Each indoor recreational facility within a Light Industrial District #2 shall be located a minimum of one-half mile from other indoor recreational facilities, unless the Commission determines that such separation is not necessary to avoid an undue concentration of indoor recreational facilities.

§ 383-143.3. Special standards for Active Adult Community (AAC) age-restricted housing and associated uses and features in the Residential RES District.

[Added 9-18-2007; amended 7-19-2011]

The development of age restricted, private residential dwellings as provided for in § 383-27, Special uses, shall conform to the following additional standards:

A. Occupancy: An AAC is developed to provide a variety of housing opportunities for individuals and family units where at least one member of the family is aged 55 or older in accordance with Federal Fair Housing Statutes and Guidelines. Occupancy is subject to the following conditions and exceptions:

- (1) A single household member may also be under age 55 if he/she is the surviving spouse of a previously qualifying occupant.
- (2) A single household member may also be under age 55 if he/she is a divorcee of a previously qualifying occupant.
- (3) A household member may also be under age 55 if he/she is the nonspousal primary caregiver to a qualifying occupant.
- (4) No children under the age of 21 years shall be permitted to reside in any dwelling, except by hardship exception granted by the Board of Directors or other governing body of the community. Such hardship exception shall be granted only for children of an existing occupant, provided that visitor occupants of any ages shall be permitted to visit for up to four weeks of any calendar year. The restrictive language in the governing documents and in the restrictive covenant shall be approved by the town counsel and shall not be subject to revocation. In the event the Board of Directors or other governing body of the "housing facility community" shall grant a hardship exception, a copy of the application for the exception and of the Board's decision thereon shall be forwarded to the Orange Planning and Zoning Commission within 30 days after such decision is made.
- (5) The Community Board/Association of the AAC shall be vested with the powers set forth in the declaration documents and further have the power and authority to enforce the rules and regulations contained herein as well as grant temporary exceptions as circumstances may warrant.

B. Site size: The parcel size and project development area for an AAC shall contain a gross measurement of no less than 35 acres, and no larger than 50 acres.

C. Street location: The AAC site must have a minimum of unbroken frontage, except for driveways, of 1,475 feet on City Route 121 (Grassy Hill Road) and a minimum of unbroken frontage, except for driveways, of 1,775 feet on City Route 34 (Derby Turnpike).

D. Sanitary sewers and public water: The AAC site will only be considered if the proposed dwellings will be connected to public sanitary sewers and if the proposed dwellings will be connected to public drinking water system.

E. Allowed uses:

- (1) Single-family detached and single-family attached residential dwellings at a density of no more than 3.75 dwelling units per net acre (gross acreage, less existing, naturally formed wetlands).
- (2) Community facilities such as community buildings and recreational amenities.

F. Development limitations: In order to allow for the orderly provision of municipal services and so as to not overburden the infrastructure capacity of the town, the maximum number of dwelling units to be approved on any site is limited by;

- (1) Floor area ratio standards.
- (2) Net acre density provision [Subsection E(1) noted above].
- (3) A maximum of 150 units may be permitted in any one qualifying development.
- (4) Any AAC development containing 30 or more dwellings shall include a community building or room adequately sized to accommodate general use of the residents.

G. Height, area and bulk standards:

- (1) No building shall exceed an average height of 35 feet, or 2 1/2 stories.
- (2) Impervious site coverage shall not exceed 60% of the project area (gross area, less existing, naturally formed wetlands).
- (3) Maximum building coverage shall not exceed 15% of the project area (gross area, less existing, naturally formed wetlands).
- (4) Maximum building floor area ratio (F.A.R.) shall not exceed 0.30 (or 30%) of the project area (gross area, less existing, naturally formed wetlands).

H. Buffers and setbacks:

- (1) Except as provided for herein, all residential buildings, garages, community service facilities and accessory uses shall meet a minimum building setback of 50 feet from all property lines.
- (2) All residential buildings, garages, community service facilities and accessory uses, when abutting a residential adjoiner with existing homes, shall meet a setback of 75 feet, with a thirty-five-foot landscaped buffer. This landscape buffer may be a naturalized mix of evergreen and deciduous trees and shrubs.
- (3) Gates, guardhouses and similar type structures may be constructed within 30 feet of any street line and 15 feet from any other property line.

I. Parking and site circulation standards: Except as otherwise delineate in this section, parking space design and arrangement shall meet the criteria of §§ 383-177 through 383-183, inclusive.

- (1) Parking shall be provided at a rate of 2.0 spaces per dwelling unit. Garage spaces, dedicated driveway spaces measuring a minimum 8.5 feet by 18 feet and surface parking spaces measuring a minimum of nine feet by 18 feet may be utilized for the purpose of meeting this requirement.

- (2) Vehicle circulation shall be provided in any number or combination of the following private roads and/or drives:
 - (a) Internal roads: Internal roads are primary vehicular corridors, which collect driveways/alleyways/mews and outlet onto public roads. These must be paved to a minimum width of 20 feet for two-way traffic, or 18 feet for one-way traffic.
 - (b) Private drives or mews: Private drives or mews are semi-private service driveways or alley-like drives which serve three or more homes/garages and/or community facilities and must be paved to a minimum width of 15 feet with two outlets, or 16 feet when having only one outlet, or 18 feet when serving a community facility.
 - (c) Driveways: Driveways serving two or less homes must be paved a minimum of 12 feet in width.
- (3) On-street visitor parking may be accommodated when limited to one side of any internal road with two-way traffic, having a width of 26 feet or more, or on any one-way road having a width of 20 feet or more.
- (4) Community facility parking shall be suitably located to minimize traffic interior to the development. It shall be provided at a minimum rate of 3.1 spaces per 1,000 square feet of gross building area exclusive of basements. In addition parking for any supporting community recreation facilities shall be as determined by the Town Plan and Zoning Commission, based upon accepted industry standards and the judgment of the Town Plan and Zoning Commission.
- (5) The AAC shall be designed as a walkable community with a strong interior pedestrian plan. A system of concrete sidewalks shall be incorporated in the plan.

J. Building standards:

- (1) An AAC shall contain a mix of housing types and sizes with an emphasis placed on exterior variations in facade design, materials and colors. A mix of one-, two- and three-bedroom dwellings may be incorporated. A minimum of 67% of the dwellings shall consist of one- and/or two-bedroom units. Living areas shall contain a minimum of 800 square feet and a maximum of 4,000 square feet of conditioned space. Nonconditioned space such as garages, basements, attics, patios and terraces shall not be included in these calculations.
- (2) There shall be a minimum distance of 20 feet between adjacent buildings containing residential dwellings for a minimum distance of 25 feet from the nearest internal road curb line exclusive of overhangs, eaves, cornices or similar architectural projections, stoops, landings, steps, decks, porches, chimneys. The minimum separating distances between living spaces at any other point between adjacent living areas shall be eight feet exclusive of overhangs, eaves, cornices or similar architectural projections, stoops, landings, steps, decks, porches, chimneys.

- (3) Garages with no living space above may be attached to dwellings or separated from dwellings a minimum of six feet. Garages with living space above shall be considered part of the dwelling unit itself for setback purposes.
- (4) Detached and attached residential buildings must be set back from the edge of the curb line of the internal roads a minimum of 12 feet, exclusive of overhangs, eaves, cornices or similar architectural projections, stoops, landings, steps, porches, chimneys and must be set back from the edge of the curb line of the private drive/mews serving more than one home a minimum of five feet exclusive of stoops, landings, steps, chimneys, overhangs, eaves, cornices or similar architectural projections.
- (5) Garages must be set back from the edge of the curb line of the internal roads a minimum of 18 feet exclusive of overhangs, eaves, cornices or similar architectural projections except where there is a sidewalk or other pedestrian path as designated in the approved site plan, in which case the garage shall be a minimum setback from the edge of the sidewalk or pedestrian path 18 feet from the edge of the sidewalk or path furthest from internal roads. Garages must be set back from the edge of the curb line of the private drives/mews serving more than one home a minimum of five feet exclusive of overhangs, eaves, cornices or similar architectural projections.
- (6) No more than three dwellings shall be contained in any single building.
- (7) All utilities shall be underground.
- (8) The longest side of a residential building shall not exceed 60 feet without a change in fenestration and the maximum length of any building shall be 145 feet.
- (9) All buildings shall conform to a consistent architectural theme that creates a village like environment, as approved by the Commission.

K. Landscaping, open space and lighting.

L. In order to assure the high-quality visual aesthetic, and long-term compatibility with neighbors, a master landscape plan, along with a detailed landscape plan, shall be provided, prepared by a Connecticut-licensed landscape architect. All lighting shall meet the requirement of § 383-123.1 of these regulations, except as delineated in this section.

- (1) Existing mature vegetation on the site shall be retained in areas not disturbed by construction. In areas disturbed by construction or in areas sparsely vegetated, new plantings shall be provided in accordance with the master landscape plan.
- (2) Internal roads shall be planted with street trees, minimum 2 1/2 inches to three inches caliper, approximately 50 feet on center.
- (3) Surface parking areas shall contain interior island and/or perimeter tree plantings at the rate of one tree (2 1/2 inches to three inches caliper for deciduous and six feet to eight feet in height for evergreen) for every six parking spaces proposed.

- (4) Typical foundation plantings shall be shown on the provided detail landscape plan.
- (5) Excluding required buffers; space in the form of undeveloped natural areas, created wetlands and landscaped areas shall be provided at the rate of 400 square feet per dwelling.
- (6) Additionally, recreational and community amenities, including community buildings with associated infrastructure such as parking areas and driveways shall be provided at the rate of an additional 400 square feet per dwelling.
- (7) While required open space may be multisegmented, it must include at least one contiguous segment, containing at least 50% of the required area with a dimension no less than 65 feet.
- (8) General roadway and parking lighting shall employ decorative light poles and fixtures with a maximum height of 20 feet for all areas with pedestrian orientation.
- (9) Larger parking areas may use generic nondecorative poles and fixtures.

M. Trash removal: With the exception of community amenities, and attached dwellings lacking garages, trash collection points shall be designated at the driveway of each individual dwelling. Standardized trash containers shall be provided to each unit owner, and be stored in garages or, if applicable, a designated, suitably enclosed area.

- (1) Trash enclosures, when utilized, shall be adequately screened by fencing and/or architectural elements and landscaping which harmonizes with the development in general.
- (2) Trash enclosures shall meet setback requirements, as described above.

N. Fire suppression:

- (1) All units shall be equipped with domestic fire suppression systems, such as sprinklers that, in the opinion of the fire marshal, shall be adequate to protect the structures, and the safety and welfare of all inhabitants.
- (2) The water system within the development shall deliver adequate water pressure to provide safe and efficient fire protection, in the opinion of the fire marshal.

O. Construction of improvements:

- (1) The Commission may require a performance bond to guarantee the completion of all physical improvements required by the approved plans and regulations, in accordance with § 383-11.1, including but not limited to:
 - (a) The installation and completion of measures and facilities required under drainage and soil and erosion control plan;
 - (b) The cost of all community improvements and restorations, including but not limited to roadway, curbing, driveway aprons, sidewalks, street lighting, catch basins, water and sanitary sewer lines and facilities, storm drainage facilities, easements and channels,

public road restoration upon completion of subdivision, landscaping, and recreational facilities;

- (c) The cost to achieve restoration of the site in the event of expiration of approval of the plan prior to the completion of community improvements.
 - (d) All other items required by the Zoning regulations, whether listed in the bond estimate or not.
- (2) The Commission may permit development to occur in phases, in which it may permit a performance bond for the completion of all items indicated in Subsection N(1) for each individual phase. The Commission may restrict the issuance of building permits for a phase until improvements are installed or a bond for the improvements for each phase is in place.
 - (3) The Commission may, in conjunction with or instead of a performance bond for a specific improvement, require that such improvement be installed in accordance with a time table governed by the issuance of building permits for dwellings.

§ 383-143.4. Special standards for outdoor restaurant seating.
[Added 6-15-2010; amended 9-6-2011]

- A. Outdoor dining/seating shall only be allowed by special permit as an incidental use to an established restaurant, coffee house, or other food service business.
- B. No outdoor dining/seating shall be established on any property until an application has been made and reviewed by the Plan and Zoning Commission. The application shall include a detailed site plan, lighting plan, and permission from the property owner and/or Management Company. The site plan must be reviewed by public safety officials, including the Fire Department, Police Department, Town Sanitarian, and W.P.C.A. Administrator. Written approval and comments from these departments must be obtained prior to submitting the application. The site plan must also show the number and location of all tables and seats that will be provided. If outdoor dining/seating is proposed on a common area of a shopping center, adjoining businesses must be notified of the application. An annual renewal of the permit will be required, and unless changes from the original site plan have been made, this review will be done by the Zoning Enforcement Officer for the Town of Orange.
- C. Approved outdoor dining/seating will be allowed from April 1 through November 15.
- D. Outdoor dining/seating shall not obstruct any entries, exits, permitted signs, utilities. A minimum five-foot clear walkway must be maintained between the dining/seating area and any exits or entries.
- E. The outdoor dining/seating area must be kept clear of litter and maintained in a safe and sanitary condition.
- F. Outdoor patron seating area must be protected from vehicular traffic.

- G. Outdoor tables, umbrellas and other fixtures must be secured or weighted to protect from movement during high wind conditions.
- H. At establishments where alcohol is served, the outdoor patron seating area must be surrounded by a fence or wall with a minimum height of four feet.
- I. Outdoor patron seating area must be separated from the nearest residence by a minimum of 150 feet. Additional buffer devices may be required. These designs shall consist of plantings and/or walls to further shield adjacent properties from extraneous light and noise.
- J. Food and/or drink preparation and/or storage are prohibited from outdoor seating areas.
- K. Parking requirements for the outdoor patron seating area is eight parking spaces per 1,000 square feet. An applicant may request a waiver of this provision if sufficient evidence can be provided that additional parking is not needed for patron parking, and parking required for other establishments on the same parcel.
- L. Outdoor area is intended for seated patrons. The total number of patrons in the outdoor seating area shall not exceed 10% above the number of seats approved by the Plan and Zoning Commission.
- M. Violations of any of the conditions of the special use may result in revocation of the special permit use.

**§ 383-143.5. Special standards for carhop restaurant service.
[Added 11-16-2010]**

As provided for in § 383-42G and § 383-50H, carhop restaurant service in the Commercial C-1 and Commercial C-2 Districts shall conform to the following additional standards:

- A. Parking areas designated for carhop restaurant service shall not have direct access to any public road.
- B. Designated carhop service areas must be separated from other parking areas by curbing or an island. The design of the carhop service area must maximize pedestrian and vehicular safety.
- C. Lighting must be provided in the carhop service area at a level sufficient to provide adequate vehicular and pedestrian safety. Provided lighting must be in compliance with § 383-123.1, Lighting.
- D. In order to protect public safety and traffic circulation the applicant must demonstrate that sufficient area is provided for the queueing and/or stacking of vehicles in addition to the required parking.
- E. The carhop service area must be separated from the nearest residence by a minimum of 150 feet. Additional buffer devices may be required. These designs shall consist of plantings and/or walls to further shield adjacent properties from extraneous light and noise.

Article XV. Adult Use Establishments

[Amended 5-28-2003]

§ 383-144. Purpose and findings.

- A. The intent of this article is to regulate adult-oriented establishments which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area as well as the health, safety and welfare of the citizens of Orange. The regulations are, therefore, adopted to protect retail trade, prevent crime, maintain property values, preserve the quality of neighborhood property and life, address related concerns with littering, parking, traffic, and public indecency, to maintain the interest of persons in their property in a state of good repair, and to spend, patronize and trade in their community.
- B. Statistics and studies performed by a substantial number of cities and towns in the United States indicate that:
- (1) Large numbers of persons frequent such adult-oriented establishments, especially those which provide closed booths, cubicles, studios and rooms for the private viewing of so called adult motion pictures and/or videotapes and/or live entertainment; and
 - (2) Such closed booths, cubicles, studios and rooms have been used by patrons, clients or customers of such adult-oriented establishments for the purpose of engaging in specified sexual activities; and
 - (3) Male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments within such booths, cubicles, studios and rooms; and
 - (4) Doors, curtains, blinds and/or other closures installed on the entrances and/or exits of such booths, cubicles, studios and rooms which are closed while such booths, cubicles, studios and rooms are in use, encourage patrons, clients or customers using such booths, cubicles, studios and rooms to engage in specified sexual activities therein with prostitutes and/or with other persons and/or by themselves, thereby promoting or encouraging prostitution and the commission of specified sexual activities which cause blood, semen, urine or other bodily secretion to be deposited on the floors and/or walls of such booths, cubicles, studios and rooms which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits; and
 - (5) Booths, cubicles, studios and rooms which are closed while such booths, cubicles, studios and rooms are in use often contain holes that have been cut or smashed out of the walls or other partitioning material. These holes permit the inhabitant of one booth to engage in specified sexual activities with the inhabitant of an adjoining booth, cubicle, studio or room.

These promote and encourage specified sexual acts to occur between persons anonymously. Anonymous sexual contact poses a higher risk of spread of communicable diseases including the AIDS virus and Hepatitis B and other sexually transmitted diseases. Further, the existence of such holes in booths, cubicles, studios and rooms in an adult-oriented establishment provides an increased risk that blood, semen, urine and other bodily secretions will be deposited on the floors and/or walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits; and

- (6) Specified sexual activities often occur at unregulated adult-oriented establishments which provide live adult entertainment, specified sexual activities, including sexual physical contact between employees and patrons, clients or customers of adult-oriented establishments, and specifically include lap dancing and/or manual or oral touching or fondling of specified anatomical areas whether clothed or unclothed. Such casual, sexual physical contact between strangers may result in the transmission of communicable diseases which would be detrimental to the health of the patrons, clients or customers and employees of such adult-oriented establishments; and
 - (7) The unregulated operation of adult-oriented establishments is associated with an increase in the incidents of sex-related crimes and also has a disruptive effect on the surrounding neighborhood by causing excessive noise, parking problems, the presence of discarded sexually oriented material on residential lawns, and the performance of sexual acts in public places; and
 - (8) The reasonable regulation and supervision of such adult-oriented establishments tends to discourage prostitution, other sex-related crimes, anonymous high-risk sexual contact and/or high-risk unsanitary sexual activity, excessive noise and property devaluation, thereby decreasing the incidents of communicable diseases and sex-related crimes and thereby promoting and protecting the health, safety and welfare of the employees and the public who patronize such establishments and protecting the health, safety, and property interests of the Town and its citizens.
- C. The continued unregulated operation of adult-oriented establishments is and would be detrimental to the general welfare, health and safety of the citizens of Orange. The Constitution and the laws of the State of Connecticut grant to the Town powers, especially police power, to enact reasonable legislation and measures to regulate and supervise adult-oriented establishments in order to protect the public health, safety and welfare.
- D. It is not the intent of the Orange Plan and Zoning Commission to deny any person rights to speech protected by the United States and/or State Constitutions, to impose any limitations or restrictions on the content of any communicative materials, including sexually-oriented films, videotapes, books and/or other materials, nor to deny or restrict the rights of any adult to obtain or view any sexually oriented materials protected by the United States and/or State Constitution or to restrict or deny any Constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.

§ 383-145. Definitions.

For the purpose of this article, the following words and phrases shall mean:

ADULT AMUSEMENT MACHINE

Any amusement machine that is regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities and specified anatomical areas, as defined below, for observation by patrons therein.

ADULT BOOKSTORE

An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, films for rent or sale or for viewing on premises by uses of motion-picture devices or any coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or has facilities for the presentation of adult entertainment.

ADULT ENTERTAINMENT

Any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type which has as a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical area, removal or articles of clothing or appearing unclothed in a modeling or any other personal service offered customers. It also includes any material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons, clients or customers thereof.

ADULT ENTERTAINMENT CABARET

A public or private establishment which feature topless dancers, strippers, male or female impersonators, or similar entertainers, or acts relating to specified sexual activities or specified anatomical areas, or otherwise providing adult entertainment, as herein defined, for observation by patrons therein.

ADULT MINI-MOTION-PICTURE THEATER

An enclosed building with a capacity for less than 50 persons used for material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

ADULT MOTION-PICTURE ARCADE

Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion-picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT MOTION-PICTURE THEATER

An enclosed building with a capacity of 50 or more persons used regularly and routinely for material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

ADULT-ORIENTED ESTABLISHMENT

Includes, without limitation, a commercial establishment containing one or more, without limitation, adult amusement machines, adult bookstores, adult motion-picture theaters, adult mini-motion-picture theaters, adult motion-picture arcades, adult retail establishments and further means any premises to which the public, patrons, clients, customers or members are invited or admitted and wherever an entertainer provides adult entertainment, or which premises are so visibly arranged as to provide booths, cubicles, rooms, studios, compartments or stalls, separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or wherein an entertainer provides adult entertainment when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect or not for profit. An adult-oriented establishment further includes without limitation any adult entertainment studio or any premises that are physically arranged and used as such whether advertised or represented as an adult entertainment, rap studio, exotic dance studio and encounter studio, sensitivity studio, massage studio, modeling studio or any other term of like import.

ADULT RETAIL ESTABLISHMENT

A business which offers for sale or rent instruments, devices, gifts or paraphernalia which are designed or marketed for use in connection with specified sexual activities, clothing that graphically depicts specified anatomical areas or any of the materials sold or rented in an adult bookstore as defined above, if a substantial or significant portion of such items is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. In determining whether an item is "designed or marketed for use" in connection with specified sexual activities, the following guidelines may be considered:

- A. Expert testimony as to the principal use of the item;
- B. Evidence concerning the total business of a person or business establishment and the type of merchandise involved in the business;
- C. National and local advertising concerning the nature of the business establishment;
- D. Evidence of advertising concerning the nature of the business establishment;
- E. Instructions, graphics or other material contained on the item itself or on the packaging materials for the item;
- F. The physical or structural characteristics of the item;
- G. The manner in which the item is displayed, including its proximity to other regulated merchandise or signage relating to items in a display area.

SPECIFIED ANATOMICAL AREA

- A. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola.
- B. Human male genitals in a discernibly turgid state, even if completely covered and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

A. Any one of the following:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast;
- (4) Lap dancing.

B. However, the definition of "specified sexual activity" shall not apply to any medical publications or films or bona fide educational publication or films, any art or photography publications which devote 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography; any periodical which reports or describes current events and which from time to time publishes photos of nude or semi-nude persons in connection with the dissemination of the news, publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depiction of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

SUBSTANTIAL or SIGNIFICANT

A substantial or significant portion of a business is devoted to the sale or rental of such items if it meets any one or more of the following criteria:

- A. Twenty percent or more of all inventory consists of such items at anytime;
- B. Twenty percent or more of the merchandise displayed for sale consists of such items at any time;
- C. Twenty percent or more of the stock-in-trade consists of such items at any time;
- D. Twenty percent or more of the floor area of the business (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public) is devoted to such items at any time.
- E. Twenty percent or more of the sales, measured in dollars over any consecutive ninety-day period, is derived from such items;
- F. Twenty percent or more of the number of sales transactions, measured over any consecutive ninety-day period, is of such items;
- G. Twenty percent or more of the dollar value of all merchandise displayed at any time is attributable to such items.

§ 383-146. Regulated uses.

- A. Regulated uses include all adult-oriented establishments which include, but are not limited to, the following:

- (1) Adult bookstore.
- (2) Adult mini-motion-picture theater.
- (3) Adult motion-picture theater.
- (4) Adult picture arcade.
- (5) Adult entertainment cabaret.

B. Adult uses shall be permitted subject to the following restrictions:

- (1) No such adult use shall be allowed within 1,500 feet of another existing adult use. The 1,500 feet shall be the straight horizontal distance from any portion of a building housing an adult use, to any part of the other building housing adult use as measured by the Orange Town Engineer.
- (2) No such adult use shall be located within 400 feet of any zoning district which is zoned for residential use. The 400 feet shall be the straight horizontal distance from any portion of a building housing an adult use to any boundary of a zoning district which is zoned for residential use, as measured by the Orange Town Engineer.
- (3) No such adult use shall be located within 1,000 feet of a preexisting school, day-care facility, recreational facility for children, or place of worship. The 1,000 feet shall be the straight horizontal distance, as measured by the Orange Town Engineer, from any portion of a building housing an adult use to the property line of a building housing a school, day-care facility, recreational facility for children or place of worship.

§ 383-146.1. Zoning districts.

No such adult use shall be located in arty zoning district except in the Commercial C-2 Zone by special permit in accordance with Article XIV.

§ 383-146.2. Required layout.

- A. Every adult-oriented establishment shall be well-lighted at all times and be physically arranged in such a manner that the entire interior portion of any booths, cubicles, rooms or stalls, where adult entertainment is provided, shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms, or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. There shall be no areas to secluded viewing of adult-oriented motion pictures or any other types of adult entertainment.
- B. Any room or other area used for the purpose of viewing adult entertainment shall be well-lighted and readily accessible at all times and shall-be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons, clients or customers are permitted access at the illumination of not less than one footcandle as measured at the floor level.

§ 383-147. Exterior display.

No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other opening.

§ 383-148. Registration.

- A. The owner of a building or premises, his/her agent for the purposes of managing, controlling, or collecting rents, or any other person managing or controlling a building or premises, any part of which contains an adult use, shall register with the Zoning Enforcement Officer the following information:
- (1) The address of the premises.
 - (2) The name of the owner of the premises and names of the beneficial owners if the property is in a land trust
 - (3) The address(es) of the owner and the beneficial owners.
 - (4) The name of the business or the establishment subject to the provisions of Subsection A(3).
 - (5) The name(s) of the owner, beneficial owner of the major stock holders of the business or the establishment subject to the provisions of Subsection A(3).
 - (6) The address(es) of those persons named in Subsection A(3).
 - (7) The date of initiation of the adult use.
 - (8) If the building or premises is leased, a copy of the lease shall be attached.
- B. It shall be unlawful for the owner or person in control of any property to establish or operate thereon or to permit any person to establish or operate any adult use without first having properly registered and received certification of approved registration; preexisting adult uses prior to the effective date of this regulation shall register within 10 days of the effective date of this regulation.

§ 383-148.1. Severability.

The provisions of these adult use regulations are declared severable, to the maximum extent permitted by law. If any provision or provisions of these establishment regulations or the application thereof to any person or circumstance is held invalid or unlawful, it is the intent of the Commission that said invalidity shall not affect other provisions or these regulations, which shall remain in full force and effect as if such portion so declared invalid or unlawful were not originally part of these regulations, even if the surviving parts of the Regulations result in greater restrictions after any unlawful provisions are stricken.

Article XVI. Wireless Telecommunication Sites, Facilities and Services

§ 383-149. General provisions.

Wireless telecommunication sites, facilities and services may be permitted by special use permit provided the provisions of Article XIV are complied with and provided the specific requirements and criteria of this article are met.

§ 383-150. Statement of purpose.

This article is designed to provide, with due consideration given to the Telecommunication Act of 1996, for the establishment and/or expansion of wireless telecommunication services within the Town of Orange while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunication facilities through careful design, siting and screening. More specifically, this regulation has been developed in order to:

- A. Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community;
- B. Encourage providers to co-locate their facilities on a single tower, or single site;
- C. Reduce the number of antennas or towers needed in the future;
- D. Minimize the location of facilities in visually or environmentally sensitive areas;
- E. Encourage creative design measures to camouflage facilities;
- F. Protect historic and residential areas from potential adverse impacts of communication towers;
- G. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

§ 383-151. Definitions.

For the purpose of applying the provisions of this article, the terms below shall be defined as follows:

ALTERNATIVE TOWER STRUCTURE

Man-made trees, clock towers, bell steeples, light poles, flagpoles and similar alternative design mounting structures that camouflage or conceal the presence of telecommunications antennas, towers or devices.

ANTENNA

A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, single poles known as whip antennas, panel antennas and dish antennas.

CO-LOCATION

Locating wireless communication facilities from more than one provider on a single site.

FALL ZONE

The area or location within which a tower or mounted antenna would drop, slide or settle in the event the tower or antenna is blown from its support structure, collapses or is otherwise dislodged from its foundation or its mounting.

HEIGHT OF TOWER

The vertical distance measured in feet from the average existing level of the ground surrounding the tower and within 10 feet thereof to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.

TELECOMMUNICATION EQUIPMENT BUILDING

The building accessory to a telecommunications tower in which the electronic receiving equipment and relay equipment in support of providing wireless telecommunication services is located.

TOWER

A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves, including, but not limited to, telephone, radio, television, telecommunication, personal communication services or other communication systems. Towers shall include, without limitation, transmission towers, common carrier towers and cellular towers. Design examples of towers include self-supporting lattice, guyed and monopole.

WIRELESS TELECOMMUNICATION SERVICES

Licensed wireless telecommunication services including, but not necessarily limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

WIRELESS TELECOMMUNICATION SITE

A facility operated by a licensed wireless telecommunication service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

§ 383-152. Permitted uses.

The following uses which generally pose minimum adverse visual effect shall be permitted subject to site plan requirements and the standards set forth in § 383-157.

- A. Wireless telecommunication sites located on nonresidential buildings and shielded from view from all surrounding streets and driveways used by the general public. The method and materials used to shield such sites must be approved by the Orange Town Plan and Zoning Commission as part of the site plan review.
- B. Wireless telecommunication sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings provided the following standards are met:
 - (1) No changes are made to the height of such structure.
 - (2) No panel antenna shall exceed 72 inches in height and 24 inches in width.
 - (3) No dish antenna shall exceed three feet in diameter.
 - (4) All accompanying equipment buildings or boxes shall be screened and fenced as approved by the Orange Town Plan and Zoning Commission as part of the site plan review.

§ 383-153. Special use permit.

Except as allowed subject to the site plan review under § 383-133, no telecommunication tower or facility shall be located within the Town of Orange except upon the granting of a special use permit meeting the requirements of Article XIV of the Zoning Regulations and the provisions of this article.

§ 383-154. Location preferences.

Antennae shall be located in a manner to most effectively comply with the following location preferences in meeting the telecommunication service needs of the applicant:

- A. In all preference categories location on Town of Orange owned land or buildings shall take priority over other locations.
- B. On existing structures such as buildings, smoke stacks, water towers and ground signs.
- C. On existing or approved towers.
- D. On new towers located on property occupied by one or more existing towers.
- E. On alternative tower structures in industrial districts in the following order of priority: Light Industrial District LI-1, LI-2, LI-3.
- F. On new towers in industrial districts in the following order of priority: Light Industrial District LI-1, LI-2, LI-3.
- G. On alternative tower structures in commercial districts in the following order of priority: Commercial C-1 and C-2, and Local Shopping Center LSC.
- H. On new towers in commercial districts in the following order of priority: Commercial C-1 and C-2, and Local Shopping Center LSC.
- I. On alternative tower structures in the Business Office Park District or Office Park District.
- J. On new towers located in the Business Office Park District or Office Park District.
- K. On alternative tower structures located in the residential district.
- L. On new towers located in the residential district.

§ 383-155. Site plan application requirements.

In addition to the submission requirements of Article XIII, all proposals for wireless telecommunication sites and facilities permitted by site plan review under § 383-152 shall contain the following supplemental information:

- A. A plan showing where and how the proposed antenna will be affixed to a particular building, structure or tower.
- B. Details of all proposed antenna and mounting equipment including size and color.
- C. Elevations of all proposed shielding and details of materials including color.

- D. An elevation of all proposed equipment buildings or boxes.
- E. Details of all proposed fencing including color.
- F. A landscape/buffering and a lighting plan.
- G. An engineering report of the structural integrity of the tower or other structure and its ability to support the proposed antenna or antennas.

§ 383-156. Special permit application requirements.

In addition to the submission requirement of Article XIV, all proposals for wireless telecommunication sites and facilities requiring special permit approval under § 383-153 shall contain the following supplemental information:

- A. All of the information required under § 383-155.
- B. A design drawing including cross section and elevation of all proposed towers. A description of the tower's structural integrity and load capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. Where a monopole is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property line.
- C. A geotechnical report of soil borings by a licensed professional engineer demonstrating the appropriateness of proposed design specifications for any tower foundation, support structures, anchors, etc.
- D. A report from a licensed professional engineer indicating that the installation of such site will not interfere with public safety communications, radio or television transmissions or other existing communication systems and meets all standards of the Federal Communication Commission.
- E. An analysis of the fall zone for the proposed tower prepared by a licensed professional engineer.
- F. All applications shall include proof that either the applicant or co-applicant holds bona fide license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support.
- G. A report or letter from the Federal Aviation Administration that the proposed tower complies with all airport safety requirements.
- H. A map depicting the extent of the provider's planned coverage within the Town of Orange and nearby towns, approved or proposed locations in nearby towns and the service area of the proposed wireless telecommunication site.
- I. A map indicating the search radius for the proposed wireless telecommunication site, including all existing and potential sites which have overlapping search area radius, and a description of

the narrowing process that eliminated other potential sites in sufficient detail to demonstrate the rationale for such determination.

- J. A current radio frequency coverage map showing the area to be served before the addition of the new wireless telecommunication site and after in sufficient detail for an engineer to determine signal levels from the map.
- K. A study of the results of drive-out tests to confirm or refute coverage maps.
- L. Submission by the applicant of the applicant's records of the number of calls dropped, failed hand-offs between existing antennae in the area and number of mobile reorders.
- M. A view shed analysis showing all areas from which the tower would be visible. The analysis also shall describe efforts that have been made to avoid prominent ridge lines and plans that have been made to screen the proposed site, camouflage proposed facilities and otherwise minimize adverse visual impacts.
- N. Upon request of the Commission, the applicant shall provide a simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal.
- O. All applications shall include information on the status of any application filed or to be filed with the Connecticut Siting Council.

§ 383-157. Bulk requirements for location in Residence District.

Each wireless telecommunication site located in a Residence District and containing a tower shall comply with the following requirements:

A. Lot size:

- (1) Each tower shall be located on a lot that has at least 200 feet of lot frontage.
- (2) Each tower shall be located on a lot that has at least the minimum lot area of 80,000 square feet per tower, exclusive of all other uses.
- (3) Any other uses on a lot with a tower shall comply with the area requirements of Article II exclusive of the tower(s) area requirements.

B. Height:

- (1) The maximum height of a tower proposed under this regulation shall be 199 feet including the antenna and all other appurtenances.
- (2) The maximum height of any telecommunication equipment building shall be as required by Article II.

C. Setbacks:

(1) All towers shall be located a minimum distance from any property line equal to 125% of the proposed tower height.

(2) All equipment buildings/boxes or equipment areas shall comply with the minimum property line setbacks for a principal building in the underlying zone.

D. Building size: The lot coverage area of all buildings for wireless telecommunication services shall not exceed 100 square feet for each antenna located on a tower.

§ 383-158. Bulk requirements for location in nonresidential districts.

A. Lot size:

(1) One hundred twenty-five percent of the area of the demonstrated and proven area of the fall zone of the proposed tower.

(2) Any other uses on a lot with a tower shall comply with the area requirements of Article II exclusive of the tower(s) area requirements.

B. Height: The maximum height of a tower proposed under this regulation shall be 199 feet including the antenna and all other appurtenances.

C. Setbacks:

(1) All towers shall be located a minimum distance from any property line equal to 125% of the demonstrated and proven fall zone.

(2) All equipment buildings/boxes or equipment areas shall comply with the minimum property line setbacks for a principal building in the underlying zone.

D. Building size: The lot coverage of all buildings shall not exceed the requirements of the underlying zone.

§ 383-159. General requirements.

A. No tower shall be located within 200 feet of an existing dwelling, or school building or within 125% of the demonstrated and proven fall zone for the proposed tower of any other building except the equipment building or buildings servicing the tower.

B. No tower shall be located within 200 feet of the boundary of an existing approved historic district or a site on the national registry of historic places.

C. No lights shall be mounted on proposed towers unless otherwise required by the FAA or applicable law. All strobe lighting shall be avoided if possible. Any required lights on a tower shall be directed upwards as much as possible. There shall be no outdoor lights in use except while a person is on the site and there shall be no direct light beyond the property line.

D. Towers not requiring special FAA painting or markings shall be noncontrasting blue or grey or other unobtrusive color as approved by the Commission.

E. Towers may not be used to exhibit any commercial signage or other advertising.

- F. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least three additional users if the tower is over 150 feet in height, or for at least two additional comparable antennas where the tower is at least 100 feet but less than 150 feet in height, or for at least one additional comparable antenna if the tower is at least 50 feet but less than 100 feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
- G. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building.
- H. No proposed wireless telecommunication site shall be designed, located or operated as to interfere with public safety communications.
- I. The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions. A report shall be provided from a Connecticut licensed engineer in the field of telecommunications broadcasting indicating that the proposed wireless telecommunication site will comply with said emission standards.
- J. All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
- K. All generators installed in conjunction with any wireless telecommunication site shall be sound attenuated and shall comply with all state and local noise regulations, including the performance standards of Article XVII of these Zoning Regulations.
- L. All towers located in a residential zone shall be of alternative tower or monopole design.
- M. Any telecommunication equipment building in a residential zone or on a lot adjacent to a residential zone shall be made to look like a residential building with a pitched roof.
- N. Appropriate trees and other vegetation as approved by the Commission shall be planted and maintained to screen a tower and any equipment buildings from view from nearby residences and roads. Existing trees and vegetation should be used as much as possible to provide this screening.
- O. The Commission may require that an appropriate bond be submitted as surety to remove any abandoned towers, buildings or equipment. Said bond shall be in accordance with § 383-11.1.

[Amended 6-19-2001]

§ 383-160. Additional location approval criteria.

- A. In the case where an application for the proposed location of a wireless telecommunication site is not a preference § 383-154A through C location, no permit may be issued unless the Commission finds that a higher preference location is not technologically, legally or economically feasible. Such finding shall be based upon the applicant having adequately described the efforts and measures taken to pursue those preferences and having provided an adequate explanation as to why a higher preference location was not technologically, legally

or economically feasible. The documentation supplied by the applicant to assist the Commission shall include an evaluation of the following factors:

- (1) Whether the planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower and whether the interference can be prevented or eliminated at a reasonable cost as documented by a Connecticut licensed engineer in the field of telecommunications broadcasting.
 - (2) Whether the planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies and whether such deficiencies cannot be eliminated at a reasonable cost, as documented by a Connecticut licensed engineer, in the field of telecommunications broadcasting.
 - (3) Whether the existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant and whether the interference cannot be prevented or eliminated at a reasonable cost as documented by a Connecticut licensed engineer in the field of telecommunications broadcasting.
 - (4) Any restriction or limitation imposed by the FCC.
- B. In the case where the proposed location is located in or within 200 feet of a Residence District, the applicant must present clear, compelling and substantial evidence as to why a higher preference location was not technologically, legally, or economically feasible, including not only the factors set forth in Subsection A(1) through (4) above, but an analysis of each potential site or sites in a nonresidential district upon which a tower or towers could be located and provide the same coverage and a complete analysis as to why each such location or locations were not technologically, legally or economically feasible based on the criteria set forth in this § 383-157.
- C. The Commission in its discretion may hire an engineer, to be paid by the Applicant, to review the reports, documentation and data submitted by the applicant and to provide a report as to the availability and feasibility of alternate locations where the proposed tower location is not a priority § 383-154A, B or C location.

§ 383-161. Abandonment.

A wireless telecommunication site that is determined by the Commission or its agent to be not in use for 12 consecutive months shall be removed by the service facility owner. The Commission shall send the service facility owner a notice of abandonment by certified mail. This removal shall occur within 90 days of the date that the notice of abandonment is sent. Upon removal the site shall be restored to its previous appearance and where appropriate revegetated to blend with the surrounding area.

§ 383-162. Municipal co-application.

Any telecommunication tower, facility or building that has as a co-applicant the Town of Orange may be exempted from such provisions of these regulations as the Commission may determine is in the best interests of the town.

Article XVII. Performance Standards

§ 383-163. General.

The use of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to the performance standards hereinafter specified. The performance standards establish certain nuisance factors which if committed or exceeded in the use of land, buildings and other structures will be detrimental to the use, enjoyment and value of other land, buildings and structures; will be detrimental to the public health, safety and welfare; and will be contrary to the comprehensive plan of zoning. The Zoning Enforcement Officer is authorized to make surveys and take measurements to determine compliance. No application for a certificate of zoning compliance shall be approved by the Zoning Enforcement Officer and no certificate of zoning compliance shall be issued by him until he has made a determination that the proposed use of land, buildings and other structures will be established and conducted in accordance with the performance standards and with the standards stated in other relevant town, state and federal codes, ordinances or regulations. The performance standards hereinafter specified shall be of continuing application.

§ 383-164. Air pollution.

No dust, dirt, fly ash, smoke, gas, fumes or odors shall be emitted into the air from any lot so as to endanger the public health and safety, to impair safety on or the value and reasonable use of any other lot, or to constitute a critical source of air pollution or to create a nuisance.

§ 383-165. Noise.

With the exception of time signals and noise necessarily involved in the construction or demolition of buildings and other structures, no noise shall be transmitted outside the lot where it originates when noise has a sound level, intermittence and/or beat frequency which would endanger the public health and safety or impairs safety on or the value and reasonable use of any other lot.

§ 383-166. Vibration.

With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibrations shall be transmitted outside the lot where it originates.

§ 383-167. Lighting.

[Amended 2-18-2003]

All exterior lights shall be designed, located, installed and directed in such a manner as to minimize objectionable light at the property lines and disability glare at any location on or off the property. All lighting used for recreational purposes in the Residential RES District shall be turned on only to service the uses for which it is intended. Ornamental lighting shall be installed and located so as to minimize light trespass onto adjacent property.

§ 383-168. Refuse and pollution.

No refuse or other waste materials shall be dumped on any lot except with the approval of the Director of Health of the Town of Orange. No refuse or other waste materials and no liquids shall be dumped on any lot or dumped or discharged into any river, stream, water course, storm drain, pond, lake or swamp so as to constitute a source of water pollution.

§ 383-169. Dangerous materials.

No material which is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable codes, ordinances and regulations of the Town of Orange, State of Connecticut and federal government.

§ 383-170. Radio interference.

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

§ 383-170.1. Regulation of steep slopes.

[Added 6-15-2010]

A. Purpose and policy.

- (1) For the purpose of preventing erosion and sedimentation, including loss of topsoil, preventing habitat disturbance, water quality degradation, slope failure and flooding; minimizing stormwater runoff and flooding; providing stable and safe building sites; preventing landslides and soil instability; protecting the quantity and quality of the Town's surface and ground water resources; protecting important scenic views and vistas; preserving prominent land forms of scenic and ecological value; preserving rock outcrops and trees, areas of vegetation and wildlife habitat; encouraging flexible design and minimizing the area of land disturbance related to site development and, when disturbance is necessary, ensuring environmentally sound disturbance; and ensuring and protecting the Town's character and property values, it is the intent of this section to minimize disturbance on steep slopes and very steep slopes and to avoid disturbance and construction activities on excessive slopes.
- (2) It shall be unlawful to disturb any steep slope, as defined below, unless a permit is obtained from the Commission pursuant to the requirements of this section.

B. Steep slopes shall be defined as any area, whether or not located on a single lot, having a topographical gradient of 15% (the ratio of vertical distance to horizontal distance) or more and with a minimum area of 500 square feet.

C. Limitations on development of property affected by steep slopes.

- (1) Lot area calculation. Areas consisting of slopes in excess of 25% grade, greater than 1,000 square feet in area, at predevelopment conditions:
 - (a) Shall not be used for compliance with the minimum lot area requirement of the district;
 - (b) Shall not be used in any calculation of maximum ground coverage or any other measurement which requires that any development measure be related to lot size.
- (2) Land that is comprised of slopes in excess of 35% within a minimum contiguous area of 5,000 square feet, also within a minimum square area of 50 feet by 50 feet, at predevelopment conditions, shall not be disturbed from its natural state. Lots which have

been legally subdivided for use as a single-family residence shall not be subject to this requirement.

- (3) All areas which have been disturbed by regrading or other means shall have a maximum finished slope of 2:1 (two feet horizontal to one foot vertical), except areas in which exposed solid rock is left exposed to the surface, in which case, the maximum permitted slope shall be 1:4 (one foot horizontal to four feet vertical.)
- (4) The maximum height of retaining walls shall be six feet in residential zones and areas permitted for residential development; and eight feet in all other areas. Retaining walls in all zones shall be separated by a minimum horizontal measurement of six feet.

D. In evaluating all applications, the Commission shall use the following guidelines:

- (1) The planning, design, and development of buildings minimizes flooding and provides the maximum in structural safety, slope stability, and human enjoyment while adapting the affected site to, and takes advantage of the best use of, the natural terrain and aesthetic character.
- (2) Roads and driveways follow the natural topography to the greatest extent practicable in order to minimize the potential for erosion;
- (3) Any re-grading blends in with the natural contours and undulations of the land;
- (4) Tops and bottoms of cut and fill slopes are set back from structure an adequate distance to ensure the safety of the structures in the event of the collapse of the cut or fill slopes. Generally, such distance is six feet plus 1/2 the height of the cut or fill;
- (5) Regulations for the control of soil erosion and sedimentation are undertaken consistent with Town Code Chapter 383, Article XXI;
- (6) Structures are designed to fit into the hillside rather than altering the hillside to fit the structure, employing methods such as reduced footprint design, step-down structures, walkout basements, and minimization of grading outside the building footprint
- (7) Development is sited on that portion of the site least likely to impact the natural landforms, geological features, and vegetation.

Article XVIII. Off-Street Parking and Loading

§ 383-171. Purpose.

It is the purpose and intent of this section to assure that parking and loading spaces are provided off the street in such number and location and with suitable design and construction to accommodate the motor vehicles of occupants, employees, customers, suppliers and other persons normally visiting or servicing a use at any one time. Off-street parking and loading spaces, required to be provided by this section, shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such structures are herein required. If any existing use of land, buildings or other structures, conforming to the requirements of this section, is changed to a use requiring additional off-street parking or loading spaces to comply with this section, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified. All off-street parking and loading spaces hereafter established, whether required to be provided by this section or not, shall conform to the design and construction standards specified in this section as well as to any standards and conditions for approval of a site plan or special use under these Regulations.

§ 383-172. Parking spaces: number and location.

For residential uses of land, buildings and other structures, parking spaces shall be provided off the street in such number and location specified as follows:

A. Dwelling unit structures located in the residential district as follows:

- (1) One- or two-dwelling unit structures: 2.0 spaces per dwelling unit and located on the same lot with the dwelling.
- (2) More than two-dwelling unit structures but not part of a PRD: 1.5 spaces for each dwelling unit, and located on the same lot with the dwelling.
- (3) Rooms to rent in a dwelling unit: 1.0 space for each two beds offered for rent, and located on the same lot with the dwelling.

B. For the following uses located in any district:

- (1) Multiple dwelling units: the provisions of Section 30 of these Regulations, planned residential development, shall apply.
- (2) Churches and places of worship; theaters, including movie theaters and assembly halls, or stadium: 1.0 space for each four legal occupants, and located on the same lot with the building or on a lot that is in a Commercial or Industrial District and distant not more than 500 feet as measured along the line of public access.
- (3) Hospitals; and healthcare facilities with inpatient beds: 1.0 space for each three beds for patients and one space per each 1.5 employees during the largest daily work shift period, and located on the same lot with the building or on a lot that is in a Commercial or Industrial District and distant not more than 500 feet as measured along the line of public access.

- (4) Shopping centers and retail stores of less than 25,000 square feet of gross leasable area: 4.75 spaces per 1,000 square feet of gross leasable area.

[Amended 2-18-2003]

- (5) Business and professional offices: 4.0 spaces per 1,000 square feet of gross floor area.
- (6) Financial institutions and similar institutions: 4.0 spaces per 1,000 square feet of gross floor area.
- (7) Shopping centers and retail stores of more than 25,000 square feet of gross leasable area: 4.75 spaces per 1,000 square feet of gross leasable area.

[Amended 2-18-2003]

- (8) Medical and dental clinics: 5.0 spaces per 1,000 square feet of gross floor area.
- (9) Restaurants and other food or beverage service establishments: 16 spaces per 1,000 square feet of patron floor area.
- (10) Hotels and motels: 1.5 space for each sleeping room plus spaces as required for restaurant and/or banquet or conference facilities.
- (11) Motor vehicle service stations and repair garages: 4.0 spaces for each service bay.
- (12) Funeral parlor: 1.0 space for each three legal occupants. Legal occupancy will be determined by the Fire Marshal.
- (13) Places of amusement, including bowling alleys, recreational facilities, arcades and similar: 1.0 space for each three legal occupants. Legal occupancy will be determined by the Fire Marshal. The Commission may, at its discretion, permit a lesser number of parking spaces than required above, if it finds that the applicant has demonstrated that the peak demand for parking would not require this number of spaces, or that adequate off-street parking exists elsewhere that can be utilized by the visitors or patrons.

[Amended 11-6-2006]

- (14) Establishments for the manufacture, processing or assembling of goods: 2.0 spaces per 1,000 square feet of gross floor area.
- (15) Warehouses, wholesale businesses, truck terminals: 4.0 spaces per each 1,000 square feet of office space plus 3.0 spaces per loading bay.
- (16) Daycare facilities: 1.0 space per employee plus 1.0 space per eight licensed client capacity.
- (17) Educational facilities including vocational, trade, business schools, colleges and similar: 1.0 space for each nonresident student, plus 1.0 space per each four resident students, plus 1.0 space for each two employees.

(18) Garden centers: to be considered a retail use. However, accessory garden centers, or portions thereof, without permanent roofs which are attached to a retail establishment are not required to provide parking spaces for the accessory garden center provided that the garden center comprises less than 20% of the ground floor area of the retail establishment it is attached to.

(19) Other uses: sufficient off-street parking spaces shall be provided in connection with any use not listed in this § 383-172 as approved by resolution of the Commission as sufficient to preserve the purpose and intent of this section.

§ 383-173. Classification of uses.

Whenever two or more classifications provided in § 383-172 shall apply to a use of land, buildings or other structures, the standard requiring the larger number of parking spaces shall apply, but where separate parts of a building or structure are used for purposes requiring a different number of parking spaces, the number of required spaces shall be determined by adding the number of spaces required for each part.

§ 383-174. Joint use of parking area.

Except where off-street parking spaces are required under § 383-172 to be located on the same lot with the building, joint parking areas may be established by the owners of separate lots in order to provide the total number of off-street parking spaces required. Evidence as to the permanency of jointly provided parking spaces shall be provided by the applicant.

§ 383-175. Parking exemption areas.

The Commission, after due notice and public hearings as required for adoption or amendment of these Regulations, may delineate areas which shall be exempt from the required provisions of off-street parking spaces under § 383-172. Such delineation shall be shown on the Zoning Map and be made only after the Commission determines that the Town of Orange, or a combination of the Town and property owners, will provide sufficient and permanent off-street parking spaces to carry out the purpose and intent of this section.

§ 383-176. Loading spaces: number and location.

Each building having a ground floor area in excess of 5,000 square feet shall have 1.0 off-street loading space for each 40,000 square feet of gross floor area, or fraction thereof, excluding basements, and located on the same lot with the building. No off-street loading space shall be located in the area required for building setback from a street line or Residence District boundary line.

§ 383-177. Design and construction standards.

Each off-street parking and loading space, whether required to be provided by this section or not, shall conform to the following design and construction standards:

A. Dimensions: Each parking space and each loading space shall have the following minimum dimensions and shall have a shape, vertical clearance, access and slope to accommodate 1.0 vehicle as follows:

(1) 9.0 feet wide and to accommodate an automobile 18 feet in length;

- (2) 8.0 feet wide when located in or on a building or structure and to accommodate an automobile 18 feet in length;
- (3) 15.0 feet wide to accommodate an automobile 18 feet in length, and reserved for use by physically handicapped persons; and
- (4) 12.0 feet wide, 30 feet in length and 14 feet vertical clearance to accommodate a truck, or such greater dimensions as are necessary to accommodate the type of trucks regularly serving the premises.

B. Access:

- (1) Each parking space shall be provided with adequate area for aisles and access lanes, so that an automobile, having an overall length of 18 feet, can approach the space and execute any necessary backing and turning movements without need to use any part of the right-of-way of a street and can exit onto the street in a frontward direction; the requirement for frontward exit shall not apply to parking spaces provided in connection with a dwelling containing one or two dwelling units, or rooms to rent in a dwelling unit, when the exit from such spaces is onto a street that is not a state highway.
- (2) No loading space, including any truck loading bay, ramp or dock, shall be arranged in a manner that trucks must back within any part of the right-of-way of a street in order to use such space. Entrances and exits from parking areas and loading spaces into streets shall be located and arranged in such a manner as to minimize hazards to pedestrian and vehicular travel in the street.

C. Improvements: All parking and loading spaces shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any street. In other than Residence Districts, all off-street parking and loading spaces shall be paved with an all-weather surface, shall be suitably marked to conform to required minimum dimensions and shall be maintained in such a manner that, in the opinion of the Commission, allows convenient occupancy for the duration of the use for which the spaces are required. Marking between the sides of adjacent parking spaces shall be by printed double lines unless the Commission approves an alternate marking method, taking into account the size and layout of the parking area. Any parking or loading spaces, and any aisles and access lanes in connection therewith, located within 10 feet of any street or property line, other than a property line authorized by grant of a special use under §§ 383-21A, 383-23G and 383-24A and Article XIV, shall be separated from such street or property line by a concrete curb, a fence or a wall or by an embankment not less than 24 inches in height, and shall be provided with the curb, fence, wall or embankment in such a manner that vehicles will not overhang the street or property line.

§ 383-178. Modification of standards.

The Commission, in connection with the approval of a site plan under Article XIII of these Regulations and after due notice and public hearing as required by law, may grant a special exception authorizing modification of off-street parking and/or loading standards as follows:

A. Number: The Commission may authorize off-street parking and/or loading spaces less in number than specified in §§ 383-172 and 383-176 if the Commission determines that all of the following standards and conditions are met:

- (1) The number of spaces provided on the site plan are sufficient to accommodate the vehicles of all persons using and visiting the particular use or occupancy of land, buildings or other structures specified in the application for certificate of zoning compliance;
- (2) There is sufficient and suitable area on the lot to provide the full number of spaces specified in §§ 383-172 and 383-176; and
- (3) The special exception shall be applicable only to the particular use or occupancy of land, buildings, or other structures specified in the application, and such special exception and certificate of zoning compliance issued for the use shall become null and void in the event that such use or occupancy is changed to another use or occupancy.

§ 383-179. Definitions.

As used in this article, the following terms shall have the meanings indicated:

GROSS FLOOR AREA (GFA)

The entire floor area of a structure including exterior walls with the following deductions:

A. Parking and loading areas within the building or structure.

B. Floor area occupied by heating, ventilating, air conditioning, mechanical or electrical equipment.

GROSS LEASABLE AREA (GLA)

The GFA defined above with the following deductions:

A. Permanently designed atriums, courtyards, accessways, common areas, public lobbies and plazas.

§ 383-180. Fraction of a space.

When the calculation of the number of required off-street parking or loading spaces results in a requirement of a fractional space, any fraction shall be interpreted as one whole space with a minimum of one space for any use that requires the provision of parking or loading spaces.

§ 383-181. Provision of spaces for individuals with disabilities.

Parking shall be provided for the physically handicapped in accordance with the Basic Building Code of the State of Connecticut.

§ 383-182. Provision of trees and shrubs in parking areas.

In addition to the provisions of Article XIII of these Regulations, any parking area for 30 or more vehicles will be landscaped with one tree and one low shrub per every 10 vehicles accommodated by the parking area.

§ 383-183. Restrictions on use of required parking spaces.

All required parking spaces shall be available for use at all times. No sales or servicing or dead storage of automobiles, trucks, or automotive equipment shall be carried on in any parking or loading space.

Article XIX. Signs

[Amended 8-8-2001; 12-2-2008 *Editor's note: These regulations stated an effective date of 12-10-2008.*]

§ 383-184. General.

- A. Finding: The scheme of the Orange Zoning Regulations has always included the regulation of signs to provide adequate means of expression and to promote the economic viability of the business community while protecting the Town and its citizens from a proliferation of signs of a type, size, location and character which would adversely impact upon the aesthetics of the community and create hazards to the health, safety and welfare of the community. The Commission finds that signs provide an important medium through which individuals may convey a variety of messages. However, left unregulated, signs can become a threat to public safety as a traffic hazard and detriment to property values and the community's overall public welfare as an aesthetic concern.
- B. Purpose and intent: The purpose and intent of this article is to regulate the number, location, size, type and use of signs within the Town in order to promote the public health, safety and welfare and to maintain, enhance and improve the aesthetic environment of the Town by preventing visual clutter that is harmful to traffic safety and the appearance of the community. The intent of this section is to improve the visual appearance of the Town while providing for effective means of communication, consistent with constitutional guarantees. This section does not regulate, nor is it intended to regulate, the message displayed on any sign, or to regulate building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building.
- C. Noncommercial signs: Notwithstanding any other provision in this article or these Regulations to the contrary, any sign authorized in these Regulations may contain any noncommercial copy in addition to, or in lieu of, any other copy. Signs containing only noncommercial copy shall be deemed to be on-site signs, not off-site advertising signs.
- D. Permit required: Unless otherwise provided in this article, no sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered until an application for a certificate of zoning compliance therefore has been approved by the Zoning Enforcement Officer. All signs shall conform to the provisions hereafter specified. An application for a certificate of zoning compliance for any sign shall include the following information:
- (1) An accurate plot plan showing the proposed location of the sign, and any illumination, on the subject property in relation to property lines, principal buildings and other site improvements.
 - (2) An accurate elevation drawing of the proposed sign and the supporting structure or building facade intended to receive the sign, showing the sign dimensions, area and height above finished grade, and proposed location of sign in relation to the building facade.

- (3) The property address, the name and address of the property owner, and, if the applicant is not the property owner, the written consent of the owner or his/her agent to the placement and maintenance of the proposed sign.
 - (4) The name, address, phone number and license number of the sign contractor, if any.
 - (5) Whether the proposed sign is an on-site sign or an off-site advertising sign.
 - (6) The aggregate area of all existing signs on the lot.
 - (7) Detail drawings of any proposed external illumination.
 - (8) For ground signs, written approval of the structure from the Town of Orange Building Official.
 - (9) Such other information necessary to determine conformity with the standards of this section.
- E. Application procedure: All applications for a certificate of zoning compliance shall be on forms prescribed by the Zoning Enforcement Officer and approved by the Commission and shall contain all the information necessary to enable the Officer to ascertain whether the proposed building, structure or use complies with the provisions of these Regulations. All applications for a certificate of zoning compliance shall be accompanied by a nonrefundable fee to cover the cost of processing the application, pursuant to the separately adopted Fee Schedule.
- F. Review by Zoning Enforcement Officer: Upon the receipt of a completed application for a certificate of zoning compliance and payment of the applicable fee, the Zoning Enforcement Officer shall promptly conduct investigations of the application and the premises as required. An application for a certificate of zoning compliance shall be denied if the application does not comply with the requirements of these Regulations, if the application is incomplete or if the application contains any false material statements or omissions. The Zoning Enforcement Officer shall grant or deny an application for a certificate of zoning compliance within 30 days from the date the completed application, with filing fee, was filed with the Zoning Office, unless an extension of time is authorized by the applicant. If the Zoning Enforcement Officer fails to act within such thirty-day period, the sign shall be deemed to not require a Certificate of Zoning Compliance, but must comply with all standards of this section and all other provisions of these Regulations.
- G. Grant or denial of permit application: If, after review and investigation as required herein, the Zoning Enforcement Officer determines that the application meets the requirements contained within these Regulations and other applicable laws, the Zoning Enforcement Officer shall approve the application and issue the Certificate of Zoning Compliance. If, after review and investigation as required herein, the Zoning Enforcement Officer determines that the application does not comply with the requirements of these Regulations or other applicable laws, the application shall be denied and the Zoning Enforcement Officer shall notify the applicant of the reasons therefor. In the case of the denial of an application for a sign permit, a written report of the denial shall be sent by certified mail to the designated return address of

the applicant on the application within 30 business days after filing of the completed application.

- H. Repair: A sign which conforms to the standards of this article may be repaired by repainting, replacement of lettering and accompanying symbols, and repair of structural supports, and such repair and repainting shall not be considered a substantial change requiring an approval of an application for a certificate of zoning compliance within the meaning of this article, provided that the outside dimensions, location, height and illumination of the sign is not changed.
- I. Site plan: An application for a certificate of zoning compliance for any sign may be incorporated in an application for site plan approval for consideration and approval by the Planning and Zoning Commission.

§ 383-185. Definitions.

For the purpose of these Regulations, the following terms shall have the meanings indicated:

COMMERCIAL SIGN

A sign which identifies, advertises or directs attention to a business, or is intended to induce the purchase of goods, property or service, including, without limitation, any sign naming a brand of goods or services.

OFF-SITE SIGN

A sign identifying or directing attention to an activity, product, service, business, commercial establishment, commodity or entertainment that is conducted, sold, rented, offered or provided elsewhere than upon the same lot and is not accessory to a use located on the lot.

ON-SITE SIGN

A sign:

A. Identifying or directing attention to an activity, product, service, business, commercial establishment, commodity or entertainment that is conducted, sold, rented, offered or provided on the same lot where the signs are located; or

B. Displaying a noncommercial message; or

C. Any combination of Subsections A and B herein.

SIGN

Any writing, pictorial representation, illustration, decoration (including any material used to differentiate sign copy from its background), landscaping form, emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, statue or any other figure or character that:

A. Is a structure or any part thereof (including the roof or wall of a building); or

B. Is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed into landscaping or a structure or a board, plate, canopy, awning, marquee or vehicle, or upon any material object or device whatsoever; and

C. By reason of its form, color, wording, symbol, design, illumination or motion attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement of political or artistic expression or decoration; but

D. Landscaping constitutes a sign only to the extent that it is planted, trimmed, graded, arranged or installed in such a manner as to convey an explicit commercial message.

TEMPORARY SIGN

A sign that

A. Is intended for a temporary period of posting on public or private property.

B. Does not constitute a structure subject to the Building Code of the State of Connecticut or these regulations.

WINDOW SIGN

A sign that is attached to the inside of a window or placed in a manner that the primary view is through a window. Signs attached to the outside of a window are considered wall signs subject to § 383-188C or D.

§ 383-186. Standards for all districts.

A. Location: No sign shall be located within or hang over the right-of-way of any street without the approval of the Board of Selectmen.

B. Projecting and hanging signs: No sign, except signs attached to a marquee or canopy, shall project over or hang over any sidewalk, driveway, walkway, roadway or accessway, except that signs attached to the wall of a building may project not more than 15 inches therefrom, provided that such projection does not occur within eight feet vertical clearance of the ground.

C. Obstructions: No sign shall be located or maintained so as to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system or fire escape or exit or to cause any other hazard to the public health or safety.

D. Light and motion: No flashing, revolving or moving signs are permitted. LED signs, neon lighting, accents, and signs, where the source of light is visible, are prohibited. All lighting of signs shall be indirect with all sources of artificial illumination located out-of-doors; including spotlights and floodlights so placed, shielded or otherwise arranged that such sources are not visible from any street or any other lot.

[Amended 1-17-2012]

E. Prohibited signs: No banner, pennant, captive balloon, streamer, spinner, ribbon, sculpture, or inflatable displays shall be permitted in any district, except as permitted in § 383-190A.

F. Window signs: Window signs shall not exceed 35% of the total window area for each business, viewable from a public street or from a parking area, subject to Subsection C herein.

G. Signs placed on the outside of a window are considered wall signs governed by § 383-188B(1) and (2), C and D.

§ 383-187. Regulations for Residence District.

A. Nonilluminated signs are authorized on each lot subject to the standards set forth in § 383-167 and the following limitations and conditions:

- (1) One or more wall signs and/or ground signs, in the aggregate not exceeding four square feet in area, placed not in advance of the property line and not exceeding the height of three feet above grade, or, on properties supporting an approved or validly existing nonconforming nonresidential use, a maximum of two signs, not more than one of which may be a wall sign and one a ground sign, each no greater than 16 square feet and in the aggregate not exceeding 32 square feet in area, and with respect to a ground sign not exceeding a height of eight feet above grade; and
- (2) Temporary signs, provided that:
 - (a) Each temporary sign shall be moved, removed or replaced within 90 days.
 - (b) Each temporary sign shall be an on-site sign.
 - (c) Temporary signs shall not exceed six square feet in area or a maximum of 32 square feet on any building lot.
 - (d) Temporary commercial signs, for work, or services, being performed on site, shall be removed within seven days after the completion of the work or service being performed.
- (3) Warning and traffic signs with no advertising thereon, not exceeding two square feet in area.
- (4) Notice and warning signs: signs including, but not limited to, burglar and/or fire alarms, dog fences and similar signs, not to exceed an area of one square foot or two square feet in aggregate.

B. No application for a certificate of zoning compliance and no certificate is required for signs permitted under Subsection A(1) and (3).

C. Location and height: No signs shall extend within 12 feet of the pavement of any Town-approved road or state highway, except for temporary signs, provided they do not obstruct visibility on the road or otherwise create a traffic hazard, and must be located on private property. No sign shall be located on any roof, and no sign attached to a building shall project above the top of the wall of the building. Signs attached to buildings may project into the area required for setback, provided that the sign does not project more than 15 inches from the wall of the building. No sign attached to the ground shall exceed a height of six feet.

§ 383-188. Regulations for other districts.

[Amended 11-4-2009]

In addition to the standards specified for signs in § 383-186, signs in districts other than Residence Districts shall conform to the following standards, limitations and conditions:

A. The following signs shall be permitted in all districts other than the Residence District:

- (1) Private warning and traffic signs with no advertising thereon and not exceeding four square feet in area, located and intended for warning read traffic control purposes.

B. Signs shall observe all setbacks required for buildings and other structures except as follows:

- (1) Signs attached to or mounted on buildings may project into the area required for setbacks, provided that the sign does not project more than 18 inches from the wall of the building;
- (2) On any lot any sign attached to the ground shall not be located within 12 feet of any street line or property line nor within 50 feet of a Residence District boundary line; and
- (3) The display sides of any sign located within 100 feet of a Residence District boundary line or of land in another municipality zoned primarily for residential purposes shall not face on or be within 45° of facing on such district or zoning area.

C. LSC and C - number, height and area: Except as permitted under Subsection A, there shall be on any lot no more than one sign attached to the ground. There shall be no more than two exterior signs attached to or mounted on a building for each occupancy. Any sign attached to the ground shall not exceed an area of 100 square feet or 200 square feet in aggregate or a height of 25 feet. On any sign attached to the ground, no portion of the display element shall extend below a height of 10 feet unless less than a height of three feet. Any sign attached to or mounted on a building shall not extend above the top of the wall to which it is attached or mounted. Exterior signs attached to or mounted on a building shall not have a total combined area greater than 15% of the area of the wall to which they are attached or mounted.

D. LI and OP — number, height and area: Except as permitted under subsection A, there shall be on any lot no more than one sign attached to the ground. There shall be no more than two exterior signs attached to or mounted on a building for each occupancy. Any sign attached to the ground shall not exceed an area of 100 square feet or 200 square feet in aggregate or a height of 15 feet. Any sign attached to or mounted on a building shall not extend above the top of the wall to which it is attached or mounted. Exterior signs attached to or mounted on a building shall not have a total combined area greater than 15% of the area of the wall to which they are attached or mounted. On any sign attached to the ground, no portion of the display element shall extend below a height of 10 feet unless less than a height of five feet, provided:

- (1) The Commission finds that the height, size and location do not have a negative effect on the health, safety, and welfare of other commercial enterprises or the residents of the Town of Orange.
- (2) The Police Chief or his designee has reviewed and approved the height, size and location of the sign.

E. BOP District: Except as permitted under Subsection A, there shall be on any lot no more than one sign attached to the ground, and such sign shall not exceed an area of 24 square feet nor 12 feet in any dimension and shall not exceed a height of four feet. The type and configuration of said sign is subject to the Commission's approval. There shall be no more than two exterior signs attached to or mounted on a building, and any such sign shall not extend above the top of the wall to which it is attached or mounted, shall not have an aggregate area greater than 5%

of area of the wall to which it is attached or 100 square feet, whichever is less and shall not exceed 20 feet in any dimension. Illuminated signs shall be limited to luminous background silhouette signs with opaque letters and floodlighted signs.

F. Real estate signs. The following restrictions are enforced in order to promote the health, safety and welfare of other commercial enterprises or residents of the Town of Orange.

- (1) One sign allowed per lot, except for corner lots where two signs will be allowed provided that each sign be placed at least 150 feet from the corner.
- (2) Real estate signs advertising the sale or lease of property shall be no greater than 16 square feet per side or 32 square feet in aggregate.
- (3) Real estate signs advertising the lease of a building or space within a building cannot be put in place prior to 120 days before the expiration of the existing lease agreement and must be removed within five working days after a lease of the property, in order to promote the health, safety and welfare of other commercial enterprises or residents of the Town of Orange.
- (4) In the event of a sale of a property, real estate signs must be removed within five working days after the closing.
- (5) A sign may not be located whereby its position, shape, or color may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device. The location of the sign is subject to the approval of the Zoning Enforcement Officer, Building Inspector, Police Department or Fire Department.

§ 383-189. Measurements.

Any sign may be double facing, and when a sign is attached to the ground only one face shall be counted in determining conformity to sign area limitations. All dimensions for signs shall be based on measurements to the outside edge of the sign, excluding any structure necessary to support the sign. The area of any sign shall be the entire area encompassed by the perimeter of the sign, which perimeter shall be the polygon formed by connecting all the outermost edges or points of the sign.

§ 383-190. Site plans and special exceptions.

Limitations on signs which may be imposed in connection with the approval of a site plan or the approval of special use under these Regulations are in addition to the provisions of this article.

A. Temporary signs in the Commercial, BOP, and Industrial Districts.

[Amended 11-4-2009]

- (1) Temporary signs or banners used to identify or promote a business while an application for a permanent conforming sign has been filed and the application is pending.

- (2) Temporary signs or banners used to identify or promote a business while an approved permanent sign is under construction: not to exceed 30 days without approval of the Plan and Zoning Commission.
- (3) Temporary signs or banners, approved by the Commission, advertising the grand opening of a commercial enterprise shall be posted no more than 30 days.

B. Construction signs erected in connection with an approved development. The following restrictions are enforced in order to promote the health, safety and welfare of other commercial enterprises or residents of the Town of Orange.

- (1) One temporary construction sign per street front not to exceed 32 square feet in area.
- (2) Temporary construction signs may not be erected closer than 12 feet to any public roadway or within the public right-of-way.
- (3) Temporary construction signs must be of a height, size and location that do not have a negative effect on the health, safety, and welfare of other commercial enterprises or the residents of the Town of Orange.
- (4) No temporary construction sign shall obstruct or impair a public sidewalk, public or private street or driveway, traffic control sign or fire hydrant or otherwise create a hazard to public safety.
- (5) Temporary construction signs shall be designed to be stable under all weather conditions, including high winds.
- (6) Temporary construction signs determined to be in violation of § 383-90B(3), (4), or (5) by Town officials are subject to removal by the Town of Orange without notice.
- (7) Development and construction signs may not be displayed until after the project being promoted has been approved by the Plan and Zoning Commission and must be removed within 24 hours after the issuance of a final certificate of occupancy or the expiration of the zoning approval.
- (8) A "call before you dig" number must be provided to the Zoning Enforcement Officer prior to construction.

§ 383-191. Nonconforming signs.

No sign that is nonconforming with respect to this article which is discontinued or abandoned for a continuous period of six months shall thereafter be reused, repaired or replaced, except with a sign which conforms to the standards of this article for the district in which the property is located. No sign that is nonconforming with respect to this article shall be replaced, altered or relocated without conforming to the standards of this article. No existing sign for any nonconforming use may be enlarged or relocated, unless such sign conforms to this article. The repainting or minor repair of existing nonconforming signs is permitted under this section.

§ 383-192. Severability.

The provisions of these Sign Regulations are declared severable, to the maximum extent permitted by law. If any provision of provisions of these Sign Regulations or the application thereof to any person or circumstance is held invalid or unlawful, it is the intent of the Commission that said invalidity shall not affect other provisions of these Regulations, which shall remain in full force and effect as if such portion so declared invalid or unlawful were not originally part of these Regulations, even if the surviving parts of the Regulations result in greater restrictions after any unlawful provisions are stricken. In particular, and without limitation, in the event any portion of these Regulations is declared invalid as applied to noncommercial signs, the Regulations, or any surviving portions thereof, shall remain in full force and effect as applied to commercial signs.

Article XX. Earth Materials Removal and Filling

§ 383-193. General.

On any lot, there shall be no excavation, filling, grading or removal of topsoil, clay, sand, gravel, rock or other natural material, or the slashing of trees, except as authorized under § 383-194 or as authorized under an application for a temporary special use approved by the Commission under the provisions of this article. Any person, firm or corporation who shall violate any provisions of this article shall be subject to penalties in accordance with the General Statutes of the State of Connecticut.

§ 383-194. Exemptions.

The provision of this article and the requirement to obtain approval of an application for a temporary special use shall not apply to the following cases, when such excavation, filling, grading or removal or slashing of trees is conducted and completed in such a manner as to cause no danger to the public health or safety, including stagnant water, soil erosion, water pollution or excessive drainage runoff:

- A. Necessary excavation, filling, grading or removal, not exceeding 400 cubic yards, in direct connection with the lawful construction, on the lot, of buildings, foundations, roads, driveways, storm drainage, utility services, fences, wells, swimming pools, or other bona fide construction project;
- B. Necessary excavation, filling, grading or removal not exceeding 400 cubic yards, in connection with improvements on the lot solely for farming or landscaping purposes (other than such purposes as are enumerated in Subsection A above) such as the construction of ponds, draining of wetlands, improvement of water courses, burying of stones or refuse, regrading of difficult contours and the excavation of earth for use on the lot and not for sale, and, when, if applicable, a certified soil erosion and sediment control plan is in effect in accordance with Article XXI;
- C. Necessary excavation, filling, grading or removal in connection with the construction of improvements and the changing of contours in an approved subdivision in accordance with the construction plans and contour plans approved by the Commission under the Subdivision Regulations of the Town of Orange; and
- D. Provided that the excavation, filling, grading or removal authorized under Subsections A and B shall be deemed to permit the excavation, filling, grading or removal of only the quantity of material which is necessary to make the lot more suitable for the proposed use, and provided further that excavation, filling, grading or removal authorized under Subsections A and B in connection with a project for which an application for a certificate of zoning compliance has been approved shall be contingent upon completion of such project within two years after commencement, and in the event of failure to complete such project, as evidenced by failure to obtain a certificate of zoning compliance for such project, then such excavation, filling, grading or removal shall be deemed a violation of these Regulations unless an application for a temporary special use for the excavation, filling, grading or removal has been approved by the Commission in accordance with this article.

§ 383-195. Application.

Application for a temporary special use under this article shall be submitted in writing to the Commission together with an application fee as determined by the Commission. The application shall be accompanied by maps and plans, prepared by and bearing the seal of a land surveyor or engineer, licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut, showing the following:

- A. The location and exterior limits of the area to be excavated, filled, or graded, property lines and streets adjoining the lot and the names of owners of property adjoining the lot;
- B. Existing contour lines on the lot to be excavated, filled or graded, drawn to a scale of one inch equals 40 feet and with a contour interval not exceeding five feet;
- C. Proposed contour lines within the area to be excavated, filled or graded, drawn to a scale of one inch equals 40 feet and with a contour interval not exceeding five feet;
- D. Existing and proposed drainage on the lot and existing rivers, streams, water courses, ponds and swamps on or within 200 feet of the lot;
- E. Proposed vehicular access to the lot and any proposed work roadways;
- F. The location on the lot of any wooded areas, rock outcrops and existing and proposed buildings and structures;
- G. An estimate of the number of cubic yards of material to be excavated, filled, graded or removed; and
- H. Provisions for soil erosion and sediment control in accordance with Article XXI, unless a separate soil erosion and sediment control plan is submitted as specified in Article XXI.

§ 383-196. Procedure.

In acting upon an application under this article, the Commission shall follow such procedures as are provided by law with respect to applications for special permits or special exceptions.

§ 383-197. Standards and conditions.

The excavation, filling, grading or removal, authorized under this article, shall conform to the following standards and conditions, and before approving a temporary special use, the Commission shall find that the following standards and conditions shall be met:

- A. The excavation, filling, grading or removal shall be carried out in accordance with the maps and plans as approved by the Commission and within the exterior limits shown thereon;
- B. The excavation, filling, grading or removal shall not result in sharp declivities, pits or depressions, soil erosion, drainage or sewerage problems or conditions which would impair the reasonable reuse and development of the lot for purposes permitted under these Regulations as a matter of right in the district where the lot is located;

- C. At all stages of the work, proper drainage shall be provided to avoid stagnant water, soil erosion problems, excessive runoff, silting of streams and damage to public property, streets or drainage facilities;
- D. Truck access to the lot and the work area shall be so arranged as to minimize traffic hazards on streets and to avoid nuisance to residents of the neighborhood;
- E. No excavation, filling, grading or removal which is below the elevation of any abutting street or property line shall occur within 50 feet of such line, except that excavation, filling, grading or removal below the elevation of an abutting property line may be permitted if written approval from the adjoining owner is received by the Commission;
- F. No processing machinery shall be erected or maintained on the lot;
- G. The work shall be limited to the hours and days of the week that may be specified by the Commission;
- H. Proper measures shall be taken to minimize nuisance from noise, dust, vibration and flying debris;
- I. Upon completion of the work authorized, the area of excavated, filled or otherwise disturbed ground shall be restored as follows:
 - (1) Such area shall be evenly graded to slopes not exceeding one foot of rise for two feet of horizontal distance or to such lesser slope necessary for soil stability, safety and reasonable reuse and development of the lot; in addition, the area shall be evenly graded with sufficient slopes to assure adequate drainage of the area, so that stagnant pools of water will be avoided;
 - (2) Adequate drainways of gradual slopes shall be provided to assure drainage;
 - (3) There shall be no excavation, filling, grading or removal below an elevation three feet above any ledge;
 - (4) All debris and all loose boulders shall be buried or removed from the lot; and
 - (5) The top layer of any arable topsoil, to a depth of six inches, shall be retained on the lot and replaced over the entire area with any large stones removed, and the area shall then be seeded with a perennial grass and maintained until the ground shall be completely stabilized with a dense cover of grass and there exists no danger of erosion, but this provision shall not apply to the area of ponds nor to exposed areas of ledge existing prior to the work.
- J. The applicant shall obtain and maintain liability insurance with a limit of not less than \$300,000 as to personal injury and \$100,000 as to property damage and shall furnish a certificate of insurance to the Commission, and in the event of cancellation of such insurance, the temporary special use application shall terminate.

K. The applicant shall file with the Commission a bond as outlined in § 383-11.1 to insure the faithful performance of all work in accordance with the provisions of this Article XX.

[Amended 6-19-2001]

L. The Commission and Zoning Enforcement Officer, or their authorized agents, shall at all times have reasonable access to the lot for the purpose of inspection and determination of compliance with this article; the Commission may require the applicant to submit periodic reports prepared by and bearing the seal of a land surveyor or engineer, showing the status and progress of the work.

§ 383-198. Time limit.

Each application for temporary special use granted under this article shall be valid for a period of two years or for such shorter period requested by the applicant or fixed by the Commission. Upon application made at least 14 days before the expiration of a temporary special use application, the Commission may extend the time period for periods of not more than one year, provided that there exists no violation of the terms of the current temporary special use application.

§ 383-199. Inspection fee.

At the time of issuance of a certificate of zoning compliance authorized by a temporary special use application approved under this article, the applicant shall pay to the Town of Orange an inspection fee equal to \$2 for each 1,000 cubic yards of material, or fraction thereof, to be excavated, filled, graded or removed.

§ 383-200. Existing operations.

Any existing operation, involving the excavation, filling or grading, or removal from any lot, of any earth, loam, topsoil, sand, gravel, clay or stone and authorized by a permit issued under zoning regulations in effect previous to these Regulations, may continue for the term of such permit and subject to all of the requirements of such permit, but upon the expiration of such permit, the existing operation shall cease unless an application for temporary special use therefor is approved under this article.

§ 383-201. Return of bond.

Upon completion of the excavation, filling, grading or removal in accordance with the terms of an approved application and after any area of the lot required to be seeded has grown in a second growing season a dense cover of grass as required under this article, the applicant may apply to the Commission for return of the bond filed as provided in this article, and if the Commission is satisfied that the work has been completed as required by the approved application, the bond shall be returned to the applicant, but otherwise the bond shall remain in full force and effect.

§ 383-202. Town operations.

Upon written request by the Board of Selectmen of the Town of Orange, the Commission may waive or modify the required application fee and requirements of § 383-195, the procedure set forth in § 383-196, the bond requirements of § 383-197K and the inspection fee required in § 383-199 in connection with the excavation, filling, grading or removal from any lot, of any earth, loam, topsoil, sand, gravel, clay or stone when the excavation, filling, grading or removal on such lot is conducted solely by or on behalf of the Town of Orange for the municipal purposes

of the town. The excavation, filling, grading or removal, however, shall meet all of the standards and conditions of § 383-197A through I.

Article XXI. Soil Erosion and Sediment Control

§ 383-203. General.

When any use, building or other structure or site development that is subject to these Regulations involves a disturbed area of 1/2 acre or more, or otherwise when provision for soil erosion and sediment control is required by these Regulations, a certified soil erosion and sediment control plan in connection therewith shall be in effect prior to, during and upon completion of construction. The control plan may be integrated with plot plans, site plans, other maps and plans and statements of use required by these Regulations and shall cover all construction, clearing, grading and site development locations that constitute a disturbed area. A control plan certified in connection with approval of a subdivision under Chapter 382, Subdivision Regulations, of the Town of Orange and in effect for the lot where the disturbed area is located, may constitute the control plan required by these Regulations.

§ 383-204. Definitions.

Certain words used in this article are defined as follows:

DISTURBED AREA

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

EROSION

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

INSPECTION

The periodic review of sediment and erosion control measures shown on the certified control plan.

SEDIMENT

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

SOIL

Any unconsolidated mineral and organic material of any origin.

SOIL EROSION AND SEDIMENT CONTROL PLAN

A plan for minimizing soil erosion and sedimentation, consisting of no less than a map and narrative as follows:

- A. A narrative describing the project, the schedule of conservation practices, design criteria, construction details and the maintenance program for any erosion and sediment control facilities that are installed; and
- B. A map showing topography, cleared areas and graded areas, proposed area alterations and the location of and detailed information concerning erosion and sediment measures and facilities.

§ 383-205. Control plan.

To be eligible for certification, a soil erosion and sediment control plan shall contain proper provision adequate to control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the lot 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 (1985), as amended, published by the Connecticut Council on Soil and Water Conservation. Alternative principles, methods and practices may be used with prior

approval of the Town Engineer or the Commission. The control plan shall contain the following to the extent applicable to the particular use, building or other structure and site development:

A. Narrative: a narrative describing elements such as the following:

- (1) The use, building or other structure and site 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; and
 - (d) Sequence for final stabilization of the project site;
- (3) The design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
- (4) The construction details for proposed soil erosion and sediment control measures and storm water management facilities;
- (5) The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities; and
- (6) The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

B. Map: a site plan map at a sufficient scale to show the following:

- (1) The location of the proposed use, building or other structure and site development and adjacent properties;
- (2) The existing and proposed topography including soil types, wetlands, water courses and water bodies;
- (3) The existing structures on the lot, if any;
- (4) The proposed area alterations including cleared, excavated, filled or graded areas and proposed buildings, 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; and

(8) The sequence for final stabilization of the development site.

C. Any other information deemed necessary and appropriate by the applicant or requested by the Zoning Enforcement Officer, Town Engineer or Commission may be made part of the control plan.

§ 383-206. Minimum standards.

The following are minimum standards applicable to soil erosion and sediment control plans required by these Regulations, and the preparer of the control plan shall certify that the plan complies with the minimum standards:

A. Plans for soil erosion and sediment control shall be developed using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The soil erosion and sediment control plan shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed, and does not cause off-site erosion and/or sedimentation.

B. The minimum standards for individual measures shall be those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Town Engineer or the Commission may approve alternate standards when requested by the applicant if technically sound reasons are presented.

C. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Town Engineer or the Commission.

§ 383-207. Certification.

The soil erosion and sediment control plan shall be in effect when certified as follows:

A. The Town Engineer or the Zoning Enforcement Officer, or the New Haven County Soil and Water Conservation District if so requested, shall certify that the soil erosion and sediment control plan, as filed, complies with the requirements and criteria of this article or shall deny certification when the control plan does not comply. Certification may be incorporated in the approval of a site plan, approval of a special use or other action by the Commission, and otherwise shall be incorporated in the approval of an application for a certificate of zoning compliance by the Zoning Enforcement Officer.

B. The Zoning Enforcement Officer shall coordinate certification of the control plan with related actions of other agencies, such as the Zoning Board of Appeals and the Inland Wetlands and Water Courses Commission.

§ 383-208. Conditions.

The soil erosion and sediment control plan shall be certified subject to the following conditions and requirements:

A. The estimated cost of measures and facilities to control erosion and sedimentation shall be guaranteed by a bond as outlined in § 383-11.1 of these Regulations. It shall be in amount deemed sufficient by the Commission or otherwise acceptable to and deemed sufficient by the Zoning Enforcement Officer. It is not intended, however, that such bond duplicate similar bonds required by other agencies.

[Amended 6-19-2001]

B. No site development shall commence unless the soil erosion and sediment control plan is certified, the bond has been posted and the control measures and facilities in the plan, scheduled for installation prior to site work, have been installed and are functional.

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

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

§ 383-209. Inspection and orders.

Soil erosion and sediment control measures of the certified control plan are subject to inspection as provided in § 383-9 and orders as provided in § 383-10. The Zoning Enforcement Officer may require the applicant under these Regulations to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed in accordance with the certified control plan and are being operated and maintained.

Article XXII. Administration and Enforcement

§ 383-210. Amendments.

These Regulations, including the Zoning Map which is a part hereof, may be amended by the Commission on its own initiative or when initiated by a petition. Any amendment may be adopted only after due notice and public hearing as prescribed by the General Statutes of the State of Connecticut. Any petition for amendment shall be accompanied by the following:

- A. For petitions concerning the text of these Regulations, 15 copies of the precise wording of the existing and proposed text shall be submitted.
- B. For petitions concerning the Zoning Map, two copies of a map shall be submitted, drawn to a scale of not less than 200 feet to the inch, covering the area of the proposed change and all area in the Town of Orange within 500 feet of the proposed change, and showing within such area the existing and proposed zoning district boundary lines, the existing property lines and the names of the current property owners as indicated in the Orange Assessor's records.
- C. A fee to cover the cost of required legal notices, stenographic or mechanical recordings of hearings, and other required expenses, must accompany each petition to amend the Orange Zoning Regulations and/or Map. Said fee shall be determined by the Orange Town Plan and Zoning Commission.

§ 383-211. Penalties for offenses.

[Amended 6-19-2001]

Any person, firm or corporation who shall violate any provision of these Regulations shall be subject to penalties in accordance with the General Statutes of the State of Connecticut. Each day that any violation exists, shall constitute a separate violation.

§ 383-212. Validity.

- A. If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations shall continue to be valid and fully effective.
- B. If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid as such provision applies to a particular building, other structure or lot, the effect of such decision shall be limited to the particular building, other structure or lot, and the general application of such provision to other buildings, structures or lots shall not be affected.

§ 383-213. Effective date and repeal.

- A. These Regulations, and any amendment or change hereto, shall be in full force and effect from the date established by the Commission in accordance with the General Statutes of the State of Connecticut.
- B. The Zoning Regulations of the Town of Orange, adopted effective November 19, 1959, and all amendments thereto, are repealed coincident with the effective date of these Regulations. The repeal of the above Regulations and all amendments thereto shall not affect or impair any act

done, offense committed or right accruing, accrued and acquired or any liability, penalty, forfeiture or punishment incurred prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.

Article XXIII. Coastal Site Plan Review Requirements

§ 383-214. Applicability of requirements.

All buildings, uses, and structures fully or partially within the coastal boundary as defined by Section 4 of Public Act 79-535 entitled "An Act Concerning Coastal Management" shall be subject to the coastal site plan review requirements and procedures in Sections 11 through 15 of Public Act 79-535 with the exception of the following activities which are hereby exempted from coastal site plan review requirements under the authority of Subsection (b) of Section 15 of Public Act 79-535.

- A. Gardening, grazing and the harvesting of crops.
- B. Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds.
- C. Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, docks and detached accessory buildings.
- D. Construction of new or modification of existing on premises fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources as defined by Section 3(7) of Public Act 79-535 or restrict access along the public beach.
- E. Construction of an individual conforming single-family residential structure except in or within 100 feet of the following coastal resource areas as defined by Section 3(7) of Public Act 79-535: tidal wetlands, coastal bluffs and escarpments, beaches and dunes.
- F. Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources.