

5. SPECIAL ZONES

5.0. Overview

Each of the uses listed in Section 5 of these Regulations may also subject to the requirements of Section 7 of these Regulations including but not limited to:

1. Parking;
2. Signage;
3. Earth removal and filling;
4. Access drives and corner visibility; and
5. Performance standards.

Eastern Point Beach



Shennecossett Golf



Coastal Area



Floodplain



5.1. ROS – Recreational Open Space

5.1.A Purpose

The Recreational Open Space zone is intended to provide for recreation and open space uses and to allow for public buildings and uses in appropriate areas.

5.1.B Permitted Uses

1. Nature trails, arboretums, land reserves, and other areas of natural scenic beauty.
2. Parks, playgrounds and recreation facilities including, but not limited to, public swim or beach club, golf course and/or athletic field.
3. Officially designated historic sites or buildings.

5.1.C Principal Uses Permitted By Special Permit Approval And Site Plan Approval (Commission)

1. Municipal and other public buildings, including educational institutions with 2,000 square feet or more floor area.
2. Restaurants, snack bars, concession stands, or any other facilities for the dispensing of food and/or non-alcoholic beverages, provided that they are accessory to a permitted principal use.
3. Telecommunication facilities, subject to the requirements of Section 6.12 of these Regulations.

5.1.D Permitted Accessory Uses

1. Swimming pools, bleachers, grandstands, and other permanent recreational facilities, provided that such facilities shall be located at least 100 feet from the nearest Residential zone.
2. Offices and buildings for the storage and use of equipment necessary to maintain the principal use.
3. Bathrooms and other public facilities provided that such facilities are accessory to and necessary for the principal use.
4. Parking only as an accessory to the principal use.

5.1.E Dimensional Standards

	ROS Zone (1)
Minimum Lot Area	40,000 square feet
Minimum Lot Width	100 feet
Minimum Frontyard Setback	50 feet
Minimum Side Yard Setback	50 feet
Minimum Rear Yard Setback	50 feet <i>except that a rear yard setback shall not be required for the portion of the lot abutting navigable water</i>
Maximum Building Coverage	10%
Maximum Building Height	35 feet

Notes: 1. Section 8.3 of these Regulations may provide flexibility related to some of these dimensional standards.

5.1.F OS –Open Space Zone

Purpose

The Open Space zone is open space with no approved uses, buildings or other uses. An example of an OS zone is a wetlands buffer that happens to be a distinct parcel.

Permitted Uses

Approved maintenance only.

5.2 CAM - Coastal Area Management Overlay Zone

5.2.A Purpose

This Section of the Regulations is adopted for the purpose of managing activities within the coastal area and implementing the provisions of Chapter 444 of the Connecticut General Statutes (CGS Sections 22a-90 through 22a-115).

5.2.B Zone Location

The Coastal Area Management Overlay Zone applies to all areas within the coastal boundary, as defined by CGS Section 22a-94, and as adopted and delineated on the Coastal Boundary Map for the City of Groton on file in the office of the City Clerk.

5.2.C Applicability

Except as may be exempted in Section 5.2.E below, all buildings, uses and structures fully or partially within the Coastal Area Management Overlay Zone shall be subject to the coastal site plan review requirements and procedures in:

- These Regulations;
- Appendix B; and
- CGS Sections 22a-105 through 22a-109.

5.2.D Coastal Resource Setback

1. No new building construction, including minor additions to or modifications of existing buildings, such as garages, utility sheds, pools, tennis courts or parking lots, shall be permitted within 25 feet of any tidal waterbody or watercourse or of the following coastal resource areas: tidal wetlands, coastal bluffs, escarpments, beaches or dunes, as defined by Chapter 444, Section 22a-93(7) of the Connecticut General Statutes or shown on the map entitled, "Coastal Resource Map" on file in the office of the City Clerk.
2. This setback shall apply to all lots within the Coastal Area Management Overlay Zone, in addition to the requirement of lot, building and yard setback requirements in the underlying zone, *except that it shall not apply to:*
 - a. *Section 4.1 Waterfront Business Residential Zone, or*
 - b. *Water-dependent uses as defined by Chapter 444, Section 22a-93(16) of the Connecticut General Statutes.*

5.2.E Coastal Site Plan Review Exemptions

Pursuant to CGS Section 22a-109(b), the following activities are exempt from coastal site plan review requirements for the applications specified in Section 5.2.F of these Regulations:

1. Gardening, grazing and the harvesting of crops;
2. Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds;
3. Construction of new or modification of existing structures incidental to the enjoyment and maintenance of a one- or two-family residential property, including, but not limited to, walks, terraces, driveways, swimming pools, tennis courts, docks, and detached accessory buildings;
4. Construction of the following new or modifications of the following existing on-premises structures: 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 CGS Section 22a-93(7) or restrict access along the public beach;
5. Construction of an individual single family residential structure, *except in or within 100 feet of the following coastal resource areas, as defined by CGS Section 22a-93(7)*:
 - Tidal wetlands;
 - Coastal bluffs and escarpments;
 - Beaches; and
 - Dunes;
6. Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal and water resources.
7. Interior modifications to buildings;
8. Minor changes in use of a building, structure, or property *except those changes occurring on property adjacent to or abutting coastal waters*.

5.2.F Effect of Coastal Site Plan Review Exemptions

The exemptions from coastal site plan review requirements as provided in Section 5.2.E above shall apply to the following applications:

1. Site plan applications submitted to the Commission in accordance with CGS Section 22a-109 and Section 9.3 of these Regulations;
2. Application for a Special Permit submitted to the Commission in accordance with CGS Section 8-2 and Section 9.4 of these Regulations.
3. Applications for a variance submitted to the Zoning Board of Appeals in accordance with CGS Section 8-6(3) and Section 9.7 of these Regulations; *except that a use variance shall not be exempt from coastal site plan review.*
4. A referral of a proposed municipal improvement project to the Commission in accordance with CGS Section 8-24.

5.3 FP - Flood Protection Overlay Zone

5.3.A Purpose and Intent

The provisions of this Section are adopted to fulfill requirements for participation by the City of Groton in the National Flood Insurance Program. These regulations are also intended to:

1. To minimize expenditure of public funds for costly flood control projects;
2. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
3. To minimize prolonged business and economic disruptions;
4. To minimize damage to public facilities, infrastructure and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges, located in the floodplain;
5. To help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize flood damage;
6. To prevent increases in flood heights that could further increase flood damage;
7. To discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

5.3.B Applicability

1. The floodplain management provisions of this Section and City Ordinance #186 shall apply to the areas of Special Flood Hazard Areas identified by the Federal Emergency Management Agency (FEMA) in its:
 - Flood Insurance Study (FIS) for New London County, Connecticut (August 5, 2013) and
 - Accompanying Flood Insurance Rate Maps (FIRM) (August 5, 2013).The FIS, accompanying FIRMs and other supporting data applicable to the City of Groton, *and any subsequent revisions thereto*, are adopted by reference and declared to be a part of these Regulations.
2. The area of special flood hazard includes any area shown on the FIRM as Zones A, AE, Coastal AE and VE, including areas designated as a floodway on a FIRM. Zone VE is also identified as a Coastal High Hazard Area.
3. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.

5.3.C Caveat

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

5.3.D Definitions

For the purposes of this Section of the Regulations, the following words and terms shall be interpreted and applied as defined below:

Basement – For floodplain management purposes, a basement is any area of the building having its floor sub grade (below ground level) on all sides. See *“basement” for the general definition of basement.*

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

Base Flood Elevation (BFE) – The water-surface elevation of the base flood in relation to a standard set of geographic data in Areas of Special Flood Hazard. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the Flood Insurance Study for the City of Groton.

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

Building – See definition for “Structure”.

Coastal AE Zone – The portion of the Coastal High Hazard Area with wave heights between 1.5 feet and 3.0 feet during the base flood and seaward of the line labeled the “Limit of Moderate Wave Action” (LiMWA) on a Flood Insurance Rate Map (FIRM).

Coastal High Hazard Area – The area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on the FIRM as Zone VE and Coastal AE.

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

Development – Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

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

Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before April 21, 1980, the effective date of the floodplain management regulations adopted by the community.

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

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

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

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

Floodproofing –Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures, primarily for the reduction or elimination of flood damage to lands, water, and sanitary facilities, structures, and contents of buildings.

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

Flood, 100 Year –A 100-year flood is a flood of such magnitude as can reasonably be expected to be equaled or exceeded on an average of once every 100 years; the term also means the level of flooding having a 1% probability of occurrence in any year.

Flood Hazard Area –The maximum area of the flood plain which is likely to be flooded by a 100-year flood, or any area for which mudslides can reasonably be anticipated.

Flood Insurance Rate Map (FIRM) –An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) –The official report by the Federal Emergency Management Agency (FEMA), which contains flood profiles, the water surface elevation of the base flood, and other flood data.

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

Historic Structure - Any structure that is:

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

Limit of Moderate Wave Action (LiMWA) – The landward limit of the 1.5-foot breaking wave within a Coastal AE Zone. These areas are seaward of the line labeled “Limit of Moderate Wave Action” (LiMWA) on a Flood Insurance Rate Map (FIRM).

Lowest Floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor provided that such an area meets the design requirements specified in Section 5.3.G.3 of the regulation.

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

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

Market Value – As related to substantial improvement and substantial damage, the estimated market value of the structure as determined by the Assessor or an independent appraiser as the appraised value of the structure:

- Prior to the start of the initial repair or improvement; or
- Prior to the damage occurring.

Mean Sea Level –For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mobile Home – A transportable, single-family home, which may be towed on its own running gear, and which may be temporarily or permanently affixed to real estate, used for non-transient residential purposes, and constructed with the same, or similar, electrical, plumbing, and sanitary facilities as immobile housing. Any mobile home which remains on any lot within the limits of this City for more than forty-eight hours within any six-month period shall be construed to be a dwelling, and as such, shall be subject to the Zoning Regulations of the City of Groton. *See "Building"*

North American Vertical Datum (NAVD) – As corrected in 1988, this is a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction – Structures for which the "start of construction" commenced on or after April 21, 1980, the effective date of these Floodplain Regulations and includes and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after April 21, 1980, the effective date of the floodplain management regulation adopted by the community.

Recreational Vehicle – A vehicle which is:

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

Sand Dunes – Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special Flood Hazard Area (SFHA) – The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, AE, and the Coastal High Hazard Areas shown as Zones VE and Coastal AE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

Start of Construction – Includes substantial improvement and means the date that the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the building permit date (should the permittee fail to begin work within this time frame, a new permit shall be required). The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure –For floodplain management purposes, a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures. *See “Building vs Structure” for the general definition of structure.*

Substantial Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. “Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement – Any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during a three-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the “start of construction” of the initial repair or improvement; or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include

any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the zoning official and which are the minimum necessary to assure safe living conditions.

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

Violation, Floodplain - A failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

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

5.3.E General Requirements

In all Special Flood Hazard Areas, the following provisions shall apply in addition to those set forth elsewhere in these Regulations:

1. A Floodplain Development Permit shall be required in conformance with the provisions of this Section prior to the commencement of any development activities. Permits issued under this Section shall expire if actual construction of a permitted structure does not commence within one hundred and eighty (180) days of the permit approval date.
2. All applications for building permits within the flood hazard area shall include with the application the base flood elevation data from the FIRM for that portion of the activity located within the flood hazard area.
3. The Commission shall review plans for new developments requiring Site Plan approval or Special Permit to determine whether such development is consistent with the need to minimize flood damage within the flood prone areas and to determine whether proposed developments and building sites will be reasonably safe from flooding. Special consideration shall be given to the placement of public utilities and the provision of adequate drainage to reduce exposure of flood hazards.
4. In riverine situations, the Planning and Zoning Commission shall notify adjacent communities and the Connecticut Department of Energy and Environmental Protection (DEEP) prior to approving any activity involving alterations or relocation of the watercourse and submit copies of such notice to the Federal Emergency Management Agency. In any portion of a watercourse that is altered or relocated, the flood carrying capacity must be maintained.

5. All building permits for new construction, substantial improvements (including placement of prefabricated buildings), or other development shall require, as a condition of building permit approval, confirmation by the Zoning Official that the development is designed and constructed to minimize flood damage.
6. The Zoning Official shall record the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction or substantially improved structures and shall record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood proofed. In coastal high hazard areas (VE zones), the Zoning Official shall record the elevation of the bottom of the lowest horizontal structural member for all new construction and substantial improvements to structures. All records pertaining to the provisions of these Regulations shall be maintained on file.
7. The bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, appliances, fixtures and components, HVAC duct work and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure shall be elevated one (1.0) foot above the base flood elevation (BFE). This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation duct work, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes. Systems, fixtures, equipment and components shall not be mounted on or penetrate through breakaway walls intended to fail under flood loads. Connections or other equipment that must be located below the BFE plus 1.0-foot elevation are permitted only when no other elevation alternative is available and, provided they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood event. Electrical wiring systems that must be located below the BFE plus 1.0 foot shall conform to the standards for wet locations.
8. New construction, substantial improvements, and repair to structures that have sustained substantial damage shall be constructed with materials and utility equipment that are flood-damage resistant and conform to the provisions of FEMA Technical Bulletin 2, Flood Damage-Resistant Material Requirements. This includes, but is not limited to, flooring, interior and exterior walls, wall coverings and other materials installed below the base flood elevation plus one (1.0) foot.
9. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
10. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
11. New and replacement sanitary sewage systems shall be designated to minimize or eliminate infiltration of floodwaters into the systems and discharges from the system into flood waters.
12. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

13. All manufactured homes to be placed within Zone A, AE and VE on the City's FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
14. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
15. When base flood elevation data or floodway data have not been provided, the Planning and Zoning Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source to administer the provisions of this regulation. A registered professional engineer, at the applicant's expense, must determine the BFE in accordance with accepted hydrologic and hydraulic engineering practices and document the technical methods used. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval.

5.3.F Site Plan and Building Permit Requirements

On all Site Plan and building permit applications for development in the Special Flood Hazard Areas, the following information is required:

1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
3. Description to the extent to which any watercourse will be altered or relocated as a result of proposed development;
4. Assurances that the flood carrying capacity of any watercourse, and its related flood plain is maintained;
5. Copies of all applicable Federal and State permits shall be included with the building permit.
6. For non-residential structures certification at time of building permit application shall be provided to the Zoning Official on the FEMA Floodproofing Certificate, Form 81-65 and in accordance with 5.3.G.2.b below.

5.3.G Requirements in Zones A and AE

1. Residential - All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are residential structures shall have the bottom of the lowest floor, including basement, elevated one (1.0) foot above the base flood elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.
2. Non-Residential - All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial or non-residential structures shall:
 - a. Have the bottom of the lowest floor, including basement, elevated one (1.0) foot above the base flood elevation (BFE); or
 - b. In lieu of being elevated, non-residential structures may be dry flood-proofed to one (1.0) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this section.
 - c. Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.
3. Wet Flood-proofing - All new construction, substantial improvements, or repair to structures that have sustained substantial damage, whether residential or non-residential, that include fully enclosed areas formed by a foundation and other exterior walls shall have the lowest floor elevated to one (1.0) foot above the base flood elevation (BFE). The elevated building shall be designed to preclude finished living space below the lowest floor and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect as meeting the requirements of ASCE 24 Section 2.6.2.2, or meet the following minimum criteria listed in sections (a)-(h) below:
 - a. Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. These hydraulic openings must be located on at least two different walls. Only the area (square footage) that lies below the base flood elevation can be used in the calculation of net area of vents required. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;

- b. The bottom of all openings shall be no higher than one (1) foot above the finished grade adjacent to the outside of the foundation wall. At least one entire side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab of a crawlspace, must be set equal to the outside finished grade on at least one side of the building;
- c. The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by a registered professional engineer or approved by the Zoning Official;
- d. Openings shall not be less than three (3) inches in any direction in the plane of the wall;
- e. The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation or partitioned into separate rooms;
- f. All interior walls, floor, and ceiling materials located below the base flood elevation shall be unfinished and resistant to flood damage in accordance with FEMA Technical Bulletin 2, Flood Damage-Resistant Requirements.
- g. Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washer and dryer hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the base flood elevation. Utilities or service equipment located in this enclosed area, even if elevated above the base flood elevation in the space, will subject the structure to increased flood insurance rates.
- h. A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections 5.3.G.4 (a)-(g). A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened do not meet the flood vent opening requirements in Section 5.3.G.4 (a)-(c). In

addition to the automatic entry of floodwaters, the areas of the garage below BFE plus one (1.0) foot must be constructed with flood damage-resistant materials per the requirements of FEMA Technical Bulletin 2. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 5.3.G.2.b.

5.3.H Requirements in Zone VE and Coastal AE (Coastal High Hazard Areas)

1. The provisions of Section 5.3.G shall also apply in the VE zone unless specifically modified by this Subsection.
2. All new construction or substantial improvement shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.
3. All new construction, substantial improvement and repair to structures that have sustained substantial damage shall be elevated so that the bottom of the lowest horizontal structural member (excluding pilings, pile caps, and columns) is elevated at least one (1.0) foot above the base flood elevation (BFE), with all space below the lowest horizontal supporting member open and free of obstruction so as not to impede the flow of water. Basement floors that are below ground on all sides are prohibited.
4. The bottom of all electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE and cannot be located below the structure. Any service equipment that must be located below the BFE must be floodproofed to prevent water from entering during conditions of flooding. Electrical, mechanical and plumbing system components are not to be mounted on or penetrate through walls designed to breakaway under flood loads.
5. All new construction or substantial improvement shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located above the base flood elevation plus one foot, with all space below the lowest supporting member open as not to impede the flow of water.
6. All new construction or substantial improvement shall be securely anchored on pilings or columns.
7. All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water-loading values which equal or exceed the one-hundred-year mean recurrence interval (1% annual chance floods and winds).
8. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction and shall certify that the design, specifications and plans for construction are in accordance with acceptable standards.

9. There shall be no fill used as structural support. Minor grading and the placement of minor quantities of non-compacted fill shall be permitted for landscaping and drainage purposes under and around buildings, and for support of parking slabs, pool decks, patios and walkways installed at current grade. Prior to generating excessive loading forces the fill must wash out from storm surge, thereby rendering the building free of obstruction, ramping effects, or wave deflection. The Zoning Official shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect and/or soil scientist, which demonstrates that the following factors have been considered:
 - a. Particle composition of fill material does not have a tendency for excessive natural compaction;
 - b. Volume distribution of fill will not cause wave deflection to adjacent properties; and
 - c. Slope of fill will not cause wave run-up or ramping.

10. Non-supporting breakaway walls, lattice work or mesh screening shall be allowed below the base flood elevation provided it is not part of the structural support of the building and is designed so as to break away under abnormally high tides or wave action without damage to the structural integrity of the building on which it is to be used and provided the following specifications are met:
 - a. Design safe loading resistance of each wall shall be not less than 10 nor more than 20 pounds per square foot; or
 - b. If more than 20 pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components during the base flood event.
 - c. Maximum wind and water loading values to be used in this determination shall each have 1% chance of being equaled or exceeded in any given 100-year mean recurrence interval.

Areas enclosed by breakaway walls shall contain hydraulic flood vents.

11. If breakaway walls, lattice work or screening are utilized, the resulting enclosed space shall not be designed to be used for human habitation but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.

12. Prior to construction, plans for any structures that will have breakaway walls, lattice work or screening must be submitted to the Zoning Official for approval.

13. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor *except with breakaway walls, latticework, or screening*.
14. There shall be no alteration of sand dunes (naturally occurring accumulations of sand in ridges or mounds landward of the beach) which would increase potential flood damage.
15. To protect the building envelope, an exterior door shall be installed at the top of the stairs that provides access to the lowest (habitable) floor of the structure.
16. The base of a chimney or fireplace shall not extend below the BFE plus one foot. When vertical support is required, a chimney or fireplace shall be vertically supported on pile or column foundations embedded at least as deep as the rest of the structure foundation or deeper where needed to support the chimney against water and wind loads. The chimney and fireplace system shall be designed to minimize transfer of water and wind loads to the structure or structure foundation.

5.3.1 Requirements for Floodways

1. Within areas designated as floodways on the FIRM or other available source, encroachments, including fill, new construction, substantial improvements, and other developments, are prohibited unless certification with supporting technical data, by a Connecticut registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that the encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge.
2. Buildings and structures meeting the standard above and located in whole or in part in the floodway shall be designed and constructed in accordance with ASCE 24.
3. Fences in the floodway must be aligned with the flow and be of an open design.
4. The City may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the City's request or not), the City shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than 1 foot at any point within the community.
5. In Zone A when base flood elevations become available and in Zone AE when base flood elevations have been determined, but before a regulatory floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase the water surface elevation of the base flood elevations more than 1 foot at any point the community when all existing and anticipated development is considered cumulatively with the proposed development.

5.3.J Additional Provisions

1. Equal Conveyance

- a. Within the floodplain, *except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community*, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation).
- b. Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way to cause an increase in flood stage or flood velocity.

2. Compensatory Storage

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

3. Aboveground and Underground Storage Tanks

- a. In all flood zones, underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- b. In VE and Coastal AE zones, above-ground storage tanks which are located outside or inside of a structure must be elevated one (1.0) foot above the base flood elevation (BFE).

- c. Where elevated on platforms, the platforms shall be cantilevered from, or knee braced to the building or shall be supported on elevated foundations that conform to the standards for the particular flood zone as described in Section 5.3.
- d. In A and AE zones, above-ground storage tanks which are located outside or inside of a structure shall be elevated one (1.0) foot above the base flood elevation (BFE) or shall be securely anchored to prevent flotation, collapse or lateral movement under conditions of the base flood.
- e. Anchored tanks must have the top of the fill pipe located at least one (1.0) foot above the BFE and have a screw fill cap that does not allow for the infiltration of flood water.

4. Portion of Structure in Flood Zone

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

5. Structures in Two Flood Zones

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

6. **No Structures Entirely or Partially Over Water** - New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

7. **Manufactured Homes (Existing Park)** - Manufactured homes placed or substantially improved in an existing manufactured home park within A, AE, Coastal AE, and VE zones shall be elevated so that:

- a. The lowest floor is at or above the base flood elevations;
- b. The chassis is supported by reinforced piers no less than 36 inches above grade and securely anchored; and
- c. The installation meets the requirements of Section 5.3.E.12.

8. **Manufactured Homes (Other Locations)** - Manufactured homes placed or substantially improved within A, AE, Coastal AE and VE zones shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation plus one foot and meet the requirements of Section 5.3.E.13 if situated in one of the following locations:
 - a. Outside a manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision;
 - d. On a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.
9. **Recreational Vehicles** - In A, AE, Coastal AE, and VE zones , all recreational vehicles to be placed on a site must:
 - a. Be elevated and anchored, meeting the requirements of Section 5.3.E.13; or
 - b. Be on the site for less than 180 consecutive days, be fully licensed, and be ready for highway use as evidenced by:
 - Being on its wheels or a jacking system, is
 - Being attached to the site only by quick disconnect type utilities and security devices, and
 - Having no permanently attached additions.

5.3.K Floodplain Variances

1. A floodplain variance shall not be granted if the Zoning Board of Appeals determines that:
 - a. No exceptional hardship would result from failure to grant the variance;
 - b. Granting the variance would result in increased flood heights, additional threats to the public safety, extraordinary public expense, or creation of a nuisance.
 - c. Within any designated floodway, an increase in flood levels during the base flood discharge would occur as a result of such variance.
2. A floodplain variance may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally-dependent use provided the structure or other development is protected by methods that minimize flood damage and create no additional threat to public safety.
3. An applicant for a floodplain variance to this Section 5.3 shall be notified by the Zoning Official that the issuance of a floodplain variance to construct a structure below the base flood elevation will result in increased rates for insurance coverage, and that a record of all flood protection variance action and resulting construction shall be maintained.

4. Any applicant to whom a floodplain variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of risk resulting from the reduced lowest floor elevation up to amounts as high as \$25.00 for \$100.00 of insurance coverage.
5. The Zoning Official shall maintain a record of all flood protection variance actions, including justification for their issuance, and biennial report such variances issued in the annual report submitted to the Federal Emergency Management Agency

5.4 Planned Development Districts.

Section 5.4 of these Regulations is reserved for adoption, by the Planning and Zoning Commission, from time to time, of regulations authorizing the implementation of Planned Development Districts, which shall be floating zones, designed to provide flexibility, but with regulatory control, to achieve targeted developmental objectives within the City of Groton which will enhance and diversify development opportunities within the City, and which development cannot be feasibly achieved pursuant to the regulatory framework created by other sections of these regulations. Each Planned Development District adopted by the Planning and Zoning Commission hereunder shall be a floating zone. Development within any Planned Development District may only be accomplished by (1) obtaining from the Planning and Zoning Commission a zone change attaching the applicable Planned Development District regulation to a parcel or parcels of land proposed for inclusion within the zone, which zone change shall only be granted in conjunction with the approval of a preliminary site development plan and land use concept plan ("Master Plan") as provided in these Regulations and (2) obtaining final site plan approval for the development as proposed.

5.4.A Mixed Use Development District.

1. **General.** The Planning and Zoning Commission recognizes that areas exist within the City of Groton which present unique opportunities for development and re-development in an urban setting in order to develop a “sense of place”, provide population densities which will promote a pedestrian friendly environment, create a walkable environment to major regional employers and enhance the economic diversity of the City of Groton. The Planning and Zoning Commission desires to create a legislative framework which will allow the type of development contemplated by this Section 5.4.A of the City of Groton Zoning Regulations with stringent controls which will allow the Planning and Zoning Commission to ensure that the uses proposed within the Planned Development District can be developed in harmony with each other and in harmony with surrounding uses, both existing and contemplated, giving due consideration to the unique characteristics and location of the property which is proposed for rezoning.
2. **Intent.** The Mixed-Use Development District (“MUDD”) will be a floating zone governed by a Master Plan, in accordance with Section 5.4.A of these Regulations. The Master Plan will be subject to review and approval by the Planning and Zoning Commission as a zone change and zoning text amendment, in conjunction with a contemporaneous zoning map amendment to MUDD, but subject to a public hearing and all other applicable procedural terms and conditions of these Regulations. *Except as provided in Section 5.4.A hereof*, the MUDD will supersede all pre-existing zoning, and any development of the zoned property owned and/or controlled by the Applicant, will be subject to the specific requirements for the MUDD set forth herein and as delineated in the approved Master Plan.
 - a. **Unified and Comprehensive Design.** The MUDD is designed to encourage urban development in close proximity to places of major employment incorporating a neighborhood concept of both commercial and residential uses within the District. Such unified design shall include comprehensive standards for the architectural style of buildings within the MUDD, pedestrian linkages and linked community facilities, the design of utilitarian elements such as lighting fixtures, and signage and preliminary designs for sewer, water and stormwater management and renovation for the District.
 - b. **Expand Property Tax Base and Employment Opportunities.** Use

the incentives of higher density residential development and increased flexibility in overall development density and intensity to create an expanded tax base for the City; to create attractive urban scale mixed use commercial and recreational lifestyle environments which address the needs of City and which will create residential units in close proximity to places of major employment in order to promote a pedestrian friendly environment within the City and a “Sense of Place” in the eligible zoning districts which occupy strategical locations within the City.

- c. **Increased Residential Density Near Employment Opportunities.** Provide housing units in compact urban residential patterns that are located within reasonable walking distance of major places of employment and other service businesses in order to promote a walkable environment and sense of place within the City.

- d. **Health, Safety, and Welfare; Plan of Conservation and Development.** To encourage mixed use development at such degrees of intensity as can be conveniently accommodated by parcel size, available infrastructure and parking demands in a manner which is consistent with the Plan of Conservation and Development of the City of Groton, and which promotes the health, safety, economic development and general welfare of the City and its residents.

5.4.A.1 Mixed Use Development District.

- 1. **Applicants.** Any owner of property within a proposed MUDD may apply to the Planning and Zoning Commission for a change of zoning district classification from the underlying zoning district to MUDD. Such owner, herein referred to as the “Applicant”, need not own all land within the proposed MUDD, and failure to own all land within such proposed district shall not prevent the Planning and Zoning Commission from hearing or granting any such application; provided, however, that the owner of each parcel delineated on the Master Plan for which MUDD approval is requested consents, in writing, to the filing of the application for the MUDD. For the purpose of this Section, the term “underlying zoning district” shall be defined as the zone(s) or district(s) existing on the subject parcel prior to the filing of an application for a MUDD.

- 2. **Limitations on Underlying Zoning Districts.** An Applicant can only apply

for MUDD zoning district classification in the existing Waterfront Business Residential District or the existing Five Corners District.

3. **Uses Allowed and Required.** A MUDD may include any use of land set forth in Sections 4.1 or 4.2 of these Regulations (whether permitted as of right or by special permit), developed at the density and in accordance with the design parameters permitted by this Section 5.4.A of these Regulations, in distinction to the density and design requirements set forth in the hereinbefore referenced underlying districts.
 - a. **Residential Uses.** Multi-family residential uses established in a size and configuration consistent with urban scale residential development; provided, however, that no such residential use shall be permitted on the first floor of any structure within the MUDD. Residential density shall be determined by the Planning and Zoning Commission based upon the unique characteristics of the neighborhood context in which the MUDD is proposed. Residential components of the MUDD shall contain, be linked to, or be supported by commercial development on the first floor of any structure in the MUDD accommodating residential dwelling units. Nothing herein contained shall be construed to limit or prohibit the utilization of first floor space within the limits of any building footprint from accommodating required parking spaces.
 - b. **Commercial Uses.** Any use permitted (whether as of right or by special permit) in the Waterfront Business Residential District or the Five Corners District.
 - c. **Recreational Use.** Any use located entirely within a building or buildings in a MUDD available as an amenity for residents of the MUDD, or on a fee for use basis, including, but not limited to a swimming pool, fitness center, gymnasium, video golf facilities, arcade or bowling alleys.
 - d. **Accessory Uses.** Those accessory uses permitted pursuant to the provisions of Section 4.1.E.2 and 4.2.E.1 of these Regulations.
4. **Performance standards for MUDDs.** Any MUDD established pursuant to the provisions of this Section 5.4.A of the City of Groton Zoning Regulations shall satisfy the following minimum standards:
 - a. Each MUDD shall be designed to provide for adequate access for emergency access to structures within the MUDD.

- b. All uses in the MUDD shall be served by municipal water and municipal sewer facilities.

5.4.A.2 **Application Procedure For Mixed Use Development Districts.**

1. **Informal Preliminary Review.** The Planning and Zoning Commission recommends that, prior to the submission of an official application for MUDD approval, the Applicant initiate a pre-application conference with the Planning and Zoning Commission and its staff and subsequently prepare and present a preliminary plan for informal consideration by the Planning and Zoning Commission. The preparation of the preliminary plan is recommended to facilitate the general consideration of factors and problems affecting the development of the MUDD before the Applicant proceeds with the official application and the preparation of submittable maps, plans and documents required for formal consideration by the Planning and Zoning Commission. The presentation of a preliminary plan will more readily and economically facilitate alterations and changes recommended by the Planning and Zoning Commission. The pre-application conference and the informal consideration of the preliminary plan shall not be deemed to constitute any portion of the official and formal procedure of applying for a change of zone or a Master Plan approval. Neither the Applicant nor the Planning and Zoning Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the Applicant, and the Planning and Zoning Commission upon the future receipt, if any, of a formal application for a MUDD. Following any informal discussion, the Planning and Zoning Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for change of zone.
2. **Formal Application.**
 - a. **Application Form and Fee.** All applications for a MUDD shall be submitted to the Planning and Zoning Commission on a form prescribed by it and accompanied by an application fee for a zone change in accordance with the Ordinances of the City of Groton. In addition, each application shall be accompanied by a list of names and addresses of the owners of all properties located within and within five hundred (500') feet of the property included in the zone change application, as such names and addresses appear in the

most recent Grand List of the Municipal Assessor.

- b. **General Statement.** Applications for change of zone to MUDD shall include a general statement describing the following:
 - i. The specific types of proposed uses on the site and the approximate square footage of each use;
 - ii. The methods by which site utilities will be provided;
 - iii. The proposed timetable for development, including a description of phases, if any;
 - iv. A list of all additional licenses, permits, and approvals which will be required for the development together with a delineation of the agency responsible for the issuance of such permits, licenses and approvals;
 - v. For residential portions of the site, a schedule of bedrooms per dwelling unit, total numbers of units, and such other data as may be required to evaluate compliance with the standards and criteria of these Regulations; and
 - vi. A statement outlining how the proposed development conforms to the Comprehensive Plan embodied in these Regulations and the adopted Plan of Conservation and Development of the City.
3. **Zone Change Map for Recording.** All applications for a MUDD shall be accompanied by a property boundary survey, suitable for filing in the Office of the Groton Town Clerk, indicating the area of the proposed zone change relative to existing property boundaries, and the names of all property owners owning property located within the MUDD and the names of all abutting property owners of record and the names of all property owners located within five hundred (500') feet of any portion of the zone change parcel as evidenced by the then most current records of the Municipal Assessor as of the date of filing of the zone change application for the MUDD. Said survey shall include a key map. Said property boundary survey shall be certified by a Connecticut licensed land surveyor certifying that the survey conforms to the standards of survey and map accuracy respectively of Class A-2 as defined in the Minimum Standards for Surveys and Maps in the State of Connecticut, as the same may be amended from time to time. In the event that the Planning and

Zoning Commission approves a zone change of a lesser area than that requested, the Applicant shall provide an amended zone change map reflecting the zone change as approved.

4. **Master Plan.** All applications for a MUDD shall be accompanied by a Master Plan as required below:
 - a. The Plan shall be drawn clearly and legibly at a scale of 1" = 100' presented on sheets not exceeding 24" x 36" (unless a different scale or sheet size is approved by the Commission) and the plan shall be drawn by a professional engineer, architect, landscape architect, or land surveyor registered in the State of Connecticut. Sixteen (16) paper prints shall be provided with each application. Where appropriate, supporting information may be provided in textual rather than graphic form.
 - b. The following items are required to be submitted to the Commission with each application for change of zoning district classification to MUDD and the approval of a master plan:
 - i. **Key Map.** A key map at a scale of 1" = 1000' showing the location of the proposed development and its relationship to existing City and State roads.
 - ii. **Adjacent Land Uses.** The boundaries of the subject parcel or parcels to be rezoned and/or developed, owners of these parcels and adjacent parcels, roadways, structures, and land uses.
 - iii. **Existing Site Features.** Existing structures, roads, land uses, topography at a contour interval of two (2') feet or less, major and unique natural, scenic and historic features of the parcel and their relationship to the proposed development.
 - iv. **Proposed Land Uses.** The proposed density of land uses intended for different parts of the parcel, including the number of residential and commercial units, and the amount of land to be devoted to each land use including the amount and general location of parking, walkways and other amenities.
 - v. **Proposed Buildings.** The general height, bulk, use and

location of buildings, including conceptual elevations of the buildings in the MUDD sufficient to demonstrate to the Planning and Zoning Commission a consistent architectural theme which will be maintained throughout the MUDD.

- vi. **Circulation.** The proposed location of roads, driveways, parking and pedestrian circulation including tie-ins with existing City, state and public utility facilities.
- vii. **Water Supply.** The proposed method for a provision of a potable water supply to the development and a projection of the number of gallons per day to be consumed by the project upon completion.
- viii. **Sewage Disposal.** The proposed method for the collection and disposal of all sanitary waste.
- ix. **Stormwater.** A stormwater quality and management plan that will incorporate low impact development techniques and processes.
- x. **Surface Water Quality.** A statement indicating the quality of existing watercourses through or near the site, if any.
- xi. **Erosion Control.** A statement indicating the erodibility of the soils and a general indication of the need for erosion and sedimentation control. All erosion and sediment control measures shall comply with the latest edition of the Connecticut Guidelines for Soil Erosion and Sediment Control.
- xii. **Watercourses.** The location of any inland wetland and watercourse as defined by the City Inland Wetlands and Watercourses Regulations, and map, as amended.
- xiii. **Traffic Impact Study.** A traffic impact analysis prepared by a Connecticut licensed professional engineer specializing in traffic engineering, evaluating the capacity of existing streets and highways to accommodate the projected traffic which will be generated by the MUDD uses.
- xiv. **Pedestrian Impact Study.** An impact analysis prepared by a Connecticut licensed professional engineer evaluating the

movement of pedestrian traffic within the MUDD and between the MUDD and adjacent uses, which impact analysis shall incorporate recommendations to facilitate pedestrian traffic both within the MUDD as well as between the MUDD and adjacent uses.

- xv. **Parking Analysis.** A parking plan for the MUDD prepared by a licensed professional engineer specializing in parking needs and design, which analysis shall determine the amount and location of parking required by the MUDD. The recommendations of the parking analysis shall be incorporated into the Master Plan by the Applicant=s consulting civil engineer; and, when approved by the Planning and Zoning Commission, shall supersede any and all parking requirements otherwise contained in these Regulations.

- xvi. **Signage Plan.** A general signage plan delineating the general signage program for the MUDD, including directional signage. Signage within the MUDD shall not be required to comply with the requirements of Section 7.2 of these Regulations but shall be subject to the approval of the Planning and Zoning Commission. In approving the Master Plan, the Planning and Zoning Commission shall approve, or modify and approve, as the case may be, the signage program for the MUDD. In conjunction with each site plan application for a specific element or phase of development within the MUDD, the Applicant shall present the specific signage proposal for that element or phase of the MUDD, including the size, location, illumination and design of all signage, which signage shall be determined by the Planning and Zoning Commission to be consistent with the general signage program for the MUDD approved in the Master Plan approval, and which signage shall be consistent with the architectural character and theme of the MUDD, and which shall be consistent with the Plan of Conservation and Development of the City.

- xvii. **Restrictions.** The substance of any proposed covenants, easements and restrictions.

- xviii. **Further Documentation.** Other documentation as may reasonably be required by the Planning and Zoning

Commission to make an adequate determination of the appropriateness of the proposal to the site and of its fulfillment of the intent of these Regulations. The Planning and Zoning Commission may require information generally required in the final site development plan if it feels such information is necessary to make an informed judgment. Preliminary findings for all site investigations shall be indicated.

5. **Additional Information.** A zone change application calls upon the Planning and Zoning Commission to exercise a legislative function, and to determine that the MUDD applied for will be superior to the underlying zone in achieving the purposes of these Regulations and the Plan of Conservation and Development of the City. It is the obligation of the Applicant to provide any additional information which the Planning and Zoning Commission may request or require in order to make such a determination. Such information may include but is not limited to: additional information concerning surrounding land uses, building locations, driveways, streets, topography, watercourses and wetlands, utilities, and the like.

5.4.A.3 Public Hearing, Personal Notice, and Action.

1. **Procedure, Applicant's Notice Requirements.** The Planning and Zoning Commission shall act in such manner, and in accordance with such time limits, as are designated for changes of zone in accordance with Section 9.6 of these Regulations and in accordance with the applicable provisions of Section 8-7d of the Connecticut General Statutes. In the event of conflict between the procedures set forth in these Regulations and the General Statutes, the latter shall prevail. In addition, the Applicant shall mail personal notice of the proposed zone change to MUDD to each owner of property within the MUDD and within two hundred (200') feet of any portion of the MUDD as required by the provision of Section 9.9.G of these Regulations and post notice of the pendency of the public hearing on the zone change application on the property constituting the MUDD in accordance with the requirements of Section 9.9.H of these Regulations.
2. **Action on Master Plan.** The Planning and Zoning Commission shall approve, modify and approve, or disapprove the Master Plan. Any site plan approval subsequently granted for any use within the approved MUDD shall substantially conform to the approved Master Plan, *except to the extent that the Planning and Zoning Commission approves a departure therefrom*. No Certificate of Zoning Compliance or Building Permit shall be issued, nor shall any construction activity of any kind commence, for any

work depicted on an approved Master Plan, until such time as a site plan approval in accordance with Section 9.3 of these Regulations has been issued for development to be located in the phase, or on the lot or site, where such development is to occur.

- 3. **Notice of Action and Filing of Map.** Upon approval of a MUDD and Master Plan, the Planning and Zoning Commission shall provide notice to the Applicant and the public, as provided in the General Statutes, and shall cause the approved MUDD zone change map to be noted on the official zoning map of the City of Groton by outlining the boundaries of the land affected thereby and indicating the approval date.
- 4. **Recording.** The Applicant shall, within ninety (90) days of approval of any MUDD, record notice thereof in the Groton Land Records under the name of the record owner(s) of land affected thereby, giving a legal description of the land, and giving specific reference to the approved plan(s) and map(s); and, further, the Applicant shall file in the Groton Land Records a copy of the approved plan(s) and map(s), endorsed by the signature of the Planning and Zoning Commission’s Chairman or Secretary.

5.4.A.4

Criteria for Decisions on Change of Zone and Master Plan. In acting on the application for change of zone and approval of a Master Plan, the Planning and Zoning Commission is performing a legislative function and shall be allowed the discretion granted to zoning commissions acting in a legislative capacity by Connecticut law. The Planning and Zoning Commission shall, in acting upon the Master Plan, consider the Plan of Conservation and Development adopted by the Planning and Zoning Commission as well as make a determination that the Master Plan is in conformance with the Comprehensive Plan of the City of Groton.

- 1. **General Findings.** In general, the application shall allow the Planning and Zoning Commission to make the following findings in support of any decision to approve a MUDD:
 - a. The proposed MUDD shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties.
 - b. The location and size of proposed uses, the intensity of operations involved in connection with such uses, the site layout, and their relationship to access streets shall be such that vehicular and pedestrian traffic generated by the use or uses, shall not be

detrimental to the character of the neighborhood.

- c. The establishment of such MUDD will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- d. The proposed uses permit the development of the site with the design of structures and land uses which is compatible with the shape, size, topography and natural character of the zone.

- 2. **Site Plan Approval.** Upon the adoption of a MUDD by the Planning and Zoning Commission, the Applicant shall prepare a final site plan for the development of each phase of the MUDD. Each phase of the MUDD shall be capable of being fully developed without dependence upon any subsequent phase of the MUDD.

Any application for site plan approval shall be submitted to the Planning and Zoning Commission, if applicable, on a “Per Phase” basis. Any site plan approval granted by the Planning and Zoning Commission shall require a finding that the architectural style and placement of buildings within the Phase of the MUDD will not adversely impact residentially zoned properties abutting the MUDD. In order to assist the Planning and Zoning Commission in making these findings, the Applicant shall, in conjunction with a site plan application for a Phase of the MUDD, provide architectural information with respect to all buildings in the Phase including, if applicable, screening, building and site illumination, landscaping plans, the location and construction material of any fences, walls, walkways, trash disposal areas and the like.

5.4.A.5 **Specific Requirements for All MUDDs.**

1. Access.

- a. Access and circulation ways shall be designed to permit appropriate firefighting equipment, fuel trucks, refuse collection, deliveries and snow removal equipment to operate in a safe and efficient manner.
- b. The MUDD shall be served from, or have access to, at least one through improved State or municipally owned and maintained street or highway which provides adequate circulation and access to other sections of the City. The design of the MUDD shall be formulated to facilitate ingress to and egress from the MUDD without significantly adversely impacting traffic flow and traffic safety on interconnecting City or State streets and highways.

- c. The street system shall be designated to permit connection to existing and proposed facilities where necessary for proper functioning of the utility systems, or the extension of utilities to adjoining properties.
 - d. Buildings, walls, fences, planting and other sight obstructions shall be so located and designed that a driver exiting any garage, carport or parking space has an unobstructed view of approaching traffic.
 2. **Parking.** Parking for all uses shall be in accordance with the requirements of the parking analysis and plan for the MUDD incorporated into the Master Plan and approved by the Planning and Zoning Commission. The Planning and Zoning Commission shall, where possible, seek to minimize the construction of parking spaces, and encourage the use of shared parking facilities, mass transit and pedestrian connections.
 3. **Underground Utilities.** All development in a MUDD shall provide for underground installation of all utilities interior to the MUDD. All development shall provide proper design and construction of storm sewer facilities, including grading, gutters, piping and treatment of pervious areas to handle stormwater, prevent erosion and the formation of dust. Utilities and maintenance facilities shall be in accordance with the requirements and regulations of the appropriate authority having jurisdiction.
 4. **Pedestrian and Bicycle Circulation.** The Planning and Zoning Commission may, where deemed appropriate, require walkways and/or bikeways within the development to facilitate non-vehicular movement to community facilities within the development and on adjoining and neighboring properties.
 5. **Driveways.**
 - a. **Private Driveways.** All driveways within a MUDD shall be designed by a licensed professional engineer and submitted with the Master Plan for approval by the Planning and Zoning Commission. The design of driveways and the interconnection of driveways with abutting streets and highways shall be based upon the anticipated volume of vehicular traffic on the driveway, the alignment of the driveway with the intersecting street and the available sight stopping distance.
 - b. **Waste Disposal.** Adequate sight screening must be provided for all

common and commercial garbage collection areas.

- c. **Setback Requirements, Building Proximity.** Where the MUDD abuts any residentially zoned property outside of the MUDD, all buildings or structures shall be at least thirty (30') feet from any residentially utilized building on any residentially zoned parcel adjoining the exterior boundaries of the MUDD.

Setbacks between buildings and structures within the MUDD shall be such as to provide reasonable access to light and air, and access space for service, fire protection and maintenance equipment and operations.

- d. **Design.** The design of any MUDD shall protect neighborhood property values, prevent future deterioration, promote good community living standards, provide for the preservation and enhancement of the character of the City, provide for feasible management and control of the premises, and serve the purposes of this Section 5.4.A and Section 1.2 of these Regulations, specifically including the protection of the public health, safety, and welfare. Site and architectural design shall take advantage of topographic features, provide for landscaping and restoration of all areas disturbed by construction, and complement any adjoining neighborhood. Consistency of scale and complementary architectural design and landscaping standards shall be maintained throughout the various components of the MUDD.
- e. **Phasing.** Each phase proposed for a MUDD shall be capable of independent existence and operation and shall be consistent with the approved Master Plan. Amenities, such as recreation areas, community buildings and facilities and other similar improvements shall be divided as equally as possible among phases or shall be completed in the earlier phase(s) of the development, as the Planning and Zoning Commission may require.

For any phase of a MUDD containing dwelling units, such phase shall also include not less than three (3%) percent of the gross floor area of buildings within that phase of the MUDD as commercial or recreational development, which calculation shall be made on a cumulative basis; i.e. in the event that the commercial or recreational development in any phase of development in a MUDD contains in excess of the minimum required floor area of commercial or recreational development, the excess contained in such phase over the requirement for such phase shall

be applied to the satisfaction of the minimum commercial and recreational use development required in future phases of development of the MUDD. For purposes hereof, recreational development shall be limited to recreational facilities located entirely within a building such as, but not limited to, bowling alleys, video golf facilities, arcades, swimming pools, exercise facilities and gymnasiums. Small-scale commercial uses may be included within mixed-use buildings or complexes within a phase, provided that no Certificate of Zoning Compliance at either the Building Permit or Certificate of Occupancy stages shall be issued for any residential use until construction has commenced on the commercial uses within the applicable phase of the MUDD.

5.4.A.6 Specific Requirements for Residential Development in a MUDD

1. **Multi-family Dwellings.** In addition to other applicable standards of this Section, multi-family dwelling complexes within the MUDD shall comply with the following additional requirements:
 - a. Each multi-family building shall not contain more than one hundred (100) dwelling units nor less than four (4) dwelling units.
 - b. Each building containing multi-family dwelling units shall not exceed the lesser of (i) sixty (60') feet in height (ii) such height, based upon the location of and access to the building, as has been approved for fire protection purposes by the fire marshal of the City of Groton or (iii) four (4) floors of residential units above commercial, office or parking use.
 - c. Exterior walls longer than fifty (50') feet shall include an offset for each fifty (50') feet of length of at least four (4') feet or shall include a commonly accepted architectural feature that breaks the building wall plane.
 - d. All multi-use buildings within a MUDD containing residential units shall contain only commercial or office space on the ground level floor (*with the exception of areas which are reserved for parking below second floor residential units*). Sidewalks, five (5') feet in width, shall be required adjacent to all existing municipal streets and highways which abut the MUDD. In addition, sidewalks, five (5') feet in width, may be required by the Planning and Zoning Commission in locations interior to the MUDD in order to provide for the efficient and convenient movement of pedestrian traffic within the MUDD and to and from the MUDD from the adjoining state or municipally owned and maintained street or highway.

Proposed sidewalk locations shall be determined by the Applicant’s licensed professional engineer and delineated on the circulation plan included with the Master Plan submitted to the Planning and Zoning Commission for approval in conjunction with a zone change application for a MUDD.

- e. The landscaping and architectural design of buildings containing multi-family dwellings shall be in harmony with that of the MUDD of which it is a part, and the maintenance of the approved architectural style shall be enforced by declarations and covenants acceptable to the Planning and Zoning Commission’s legal counsel. Building and site design, lighting, landscaping, walkways, and other site improvements shall create a consistent, complimentary visual atmosphere, and shall incorporate layout, architectural, development and landscaping plans and techniques including, but not limited to: varied, but complimentary roof lines and styles, complimentary building styles, sizes, orientations and exterior finishes, foundation plantings, street trees, bollard lighting for walkways, ornamental gardens, gazebos and courtyard park settings to accomplish the desired effect.
- f. **Satellite Receivers.** A single satellite receiver may be provided for each building in the MUDD; or, each unit may be served by cable television service. Any receiver serving a building or complex of buildings shall be located in a manner which will minimize its visibility.
- g. **Landscaping.** Suitable landscaping, as determined by the Planning and Zoning Commission, and based upon the geographic location and community context in which the MUDD is approved shall be provided.

5.4.A.7 **Specific Requirements for Commercial and Mixed-Use Development in a MUDD.** In addition to other applicable standards of this Section, commercial and mixed-use development within the MUDD shall comply with the following additional requirements:

- 1. All buildings within a MUDD shall be setback not less than five (5’) feet from an adjoining streetline. Building placement shall be designed by the Applicant’s consulting professional engineer in order to maintain adequate sightline at all intersections of state or municipally owned and maintained streets abutting the MUDD. Rear yard setbacks shall be thirty (30’) feet. Building height in a MUDD shall not exceed the lesser of (i) sixty (60’) feet in height or (ii) such height, based upon the location of and access to the

building, as has been approved for fire protection purposes by the fire marshal of the City of Groton. The Planning and Zoning Commission may increase the setbacks contained in this Regulation in the event that greater setbacks are required in order to achieve the purposes enumerated in Section 1.2 of these Regulations.

2. The architectural design and landscaping of the commercial use or building, including mixed-use buildings shall be in harmony with that of the MUDD, and the maintenance of the approved architectural style shall be enforced by declarations and covenants acceptable to the Planning and Zoning Commission's legal counsel. Building and site design, lighting, landscaping, walkways and other site improvements shall create a consistent, complimentary, visual atmosphere, and shall incorporate layout, architectural, development and landscaping plans and techniques including, but not limited to: varied, but complimentary roof lines and styles, complimentary building styles, sizes, orientations and exterior finishes, foundation plantings, street trees and bollard lighting for walkways to accomplish the desired effect.

5.4.A.8 **Conformance to Recorded Documents.** Land included in a MUDD shall be used and developed only in accordance with the recorded documents. Any site plan approval issued for any phase in the MUDD shall substantially conform to the design, use, and other standards of the approved Master Plan, unless modified as provided hereunder.

5.4.A.9 **Amendment or Extension of Approved MUDDs.** An application to extend or amend an approved MUDD shall specify the nature of the planned extension(s) or amendment(s) and shall be accompanied by a scale plan of the proposed extension(s) or amendment(s) in the same detail as is required in an initial application for Master Plan approval and shall be accompanied by a fee in accordance with the applicable fee ordinance establishing fees for land use applications in the City of Groton. An applicant for extension or amendment of a MUDD shall have sufficient interest in the land subject to MUDD regulations, in accordance with section 5.4.A.1.1. See Section 9.5 of these Regulations – Text Amendment Application and Section 9.6 of these Regulations – Zone Change Applications.

An applicant applying for a MUDD and submitting a Master Plan may choose to incorporate language and plan components with sufficient detail to allow the applicant to make minor and foreseeable deviations on a subsequent site plan(s). Such information shall become the basis for minor deviations from the Master Plan at such a time that an applicant applies for site plan approvals, so that a formal change to the Master Plan is not required. The Planning and Zoning Commission shall have the authority in approving a Master Plan to determine the nature and extent of such minor deviations which may be allowed on subsequent site plans. In all cases where additional application language and plan components are incorporated into a Master Plan, such information shall be sufficient

in detail to allow for all necessary reviews of the Master Plan by the Commission, its staff, and its consultants.

- 5.4.A.10 **Commencement and Completion of Construction.** For any MUDDs approved pursuant to this Section 5.4.A, the construction of any building or structure or the establishment of any use depicted on the Master Plan, or any phase thereof, shall be completed by the Applicant, and a Certificate of Zoning Compliance and Certificate of Occupancy, where required, shall be issued, within five (5) years from the effective date of any site plan approval of each individual Phase of the MUDD, as the case may be, which has been issued in accordance with the approved Master Plan. Upon application, the Planning and Zoning Commission may grant one (1) or more extensions of the aforesaid time limit for a total period of up to five (5) additional years. The foregoing time limits shall be tolled during the pendency of any court appeal of the approval of the MUDD or, for any particular phase or portion of the MUDD, or of any site plan approval issued thereunder.
- 5.4.A.11 **Performance Bonds.** The Planning and Zoning Commission shall require performance bonds to insure the completion of any public improvements in connection with any MUDD, for the installation of any infrastructure which, in accordance with the MUDD documents will be available for public use, and for the maintenance of erosion and sediment control measures until each phase of the MUDD is stabilized as delineated on any site plan approved for a use in the MUDD in a form satisfaction to the Town Attorney.
- 5.4.A.12 **Deeds.** Any conveyance of real property and/or drainage and utility easements, or other interests in real property to be conveyed to the City of Groton in accordance with the approved Master Plan shall be by Warranty Deed, and shall be accompanied by a current Certificate of Title, prepared by an attorney admitted to the bar of the State of Connecticut or an owners policy of title insurance issued by a title insurance company licensed to transact title insurance business in the State of Connecticut, and certifying or insuring, as the case may be, that title to the real property conveyed or the interest therein conveyed is free and clear of, or superior in right to, any mortgage lien, restriction or other encumbrance materially affecting the use thereof for its intended purpose.
- 5.4.A.13 **Outside Storage Applicable to Uses in a Mixed-Use Development District.** No outside storage of materials, products or refuse shall be permitted unless specifically authorized by the Planning and Zoning Commission, and such authorized outside storage shall be screened in such manner as the Planning and Zoning Commission may require. All loading areas shall be oriented away from residential areas and public ways and adequately screened from view by appropriate landscaping.