

8. SPECIAL PROVISIONS

8.1. Frontage Required

1. No use shall be permitted hereunder on any lot in the City of Groton, unless said lot has a minimum of 25 feet of street frontage and no building permit shall be issued for any building or structure unless the lot for which such permit is sought has a minimum frontage of 25 feet.
2. Said minimum frontage of 25 feet must:
 - a. Be owned by the applicant in fee and rights-of-way, easements, and other areas not owned in fee by the applicant will not be accepted as frontage.
 - b. Be on a street accepted by the City of Groton or approved by the Planning and Zoning Commission under the Subdivision Regulations of the City of Groton.
 - c. Maintain the 25 feet width to the buildable area of the lot.

8.2. Dimensional Exceptions

8.2.A Yard Setback Exceptions

1. Open entries, steps, stoops, or porches, cantilevered roofs, eaves, cornices, chimneys, belt-courses, windowsills, balconies, and similar architectural features may project into a required yard setback provided that such features shall not project more than 4 feet into any required yard setback or more than a distance equal to 20% of the required yard setback, whichever is less.
2. Public utility equipment may be installed within a frontyard setback provided it is installed in an underground vault or is screened to the satisfaction of the Zoning Official or City Planner.
3. Notwithstanding any other provision of these Regulations, a Zoning/ Building Permit may be issued to allow construction of stairways and landings within a frontyard setback, side yard setback, and/or rear yard setbacks when such construction is necessary to elevate an existing structure in a flood plain to meet FEMA requirements and the intrusion of such stairways and/or landings within the required yard setback is minimized.

8.2.B Height Exceptions

1. The height provisions of these Regulations shall not apply to the erection of church spires, belfries, towers designated exclusively for ornamental purposes, flagstaffs, chimneys, flues, or gas holders.

2. The height provisions of these Regulations shall not apply to bulkheads, elevator enclosures, penthouses, water tanks, standpipes, or stage towers occupying in the aggregate less than 10% of the area of the roof on which they are located.
3. Nothing in these Regulations shall prevent the erection of a parapet wall or a cornice extending not more than 3 feet above the height limit indicated.
4. The height provisions of these Regulations shall not prevent the erection of a permitted public building or facility not exceeding 40 feet in a Residential zone.

8.2.C Second Principal Building on Same Lot

1. No lot in any residential district, *except for approved multi-family dwellings in groups*, boat clubs, beach clubs and marinas, and bed and breakfast establishments, shall contain more than one principal building or structure.
2. No building to be used as a dwelling shall be constructed, altered, or moved on, to, or in the rear of a building situated on the same lot, nor shall any building be constructed in front of, or moved to the front of a dwelling situated on the same lot.

8.3. Non-Conforming Uses, Structures and Lots

8.3.A Non-Conforming Uses

1. **May Be Continued** - Notwithstanding any other provision of these Regulations, a pre-existing non-conforming use may be continued, including through change of title or possession or right of possession of property, *except as otherwise specified in this Section*.
2. **Alteration Or Enlargement** - A non-conforming use shall not be extended or enlarged and no structure containing a non -conforming use shall be structurally altered *except*:
 - a. *To make it a conforming structure;*
 - b. *To comply with requirements of health and safety laws or ordinances; and/or*
 - c. *Subject to Special Permit approval and Site Plan approval by the Commission, to result in a situation with a lesser impact upon the surrounding area than the existing use.*
3. **Relocation** -A pre-existing non-conforming use may, subject to Special Permit approval and Site Plan approval by the Commission, be moved or relocated provided that such moving or relocation will:
 - a. Reduce or eliminate the non-conformity; or
 - b. Result, in the opinion of the Commission, in a situation with a lesser impact upon the surrounding area than the existing use.

4. **Change Of Use** - The Commission may, subject to Special Permit approval and Site Plan approval, allow a change from a pre-existing non-conforming use to another non-conforming use provided that:
 - a. The proposed use is similar in intensity to the existing use or lower in intensity than the existing use; and
 - b. The proposed use will have a lesser impact upon the surrounding area than the existing use.
5. **Restoration** - When a building, whether conforming or non-conforming, in which there is a non-conforming use is damaged or destroyed by fire, collapse, explosion, act of God or act of the public enemy, it may be restored only to its previous floor area, cubical content and exterior appearance and the non-conforming use continued to the same extent as said use existing before such destruction.
6. **Reversion Or Abandonment-**
 - a. Whenever a non -conforming use has been abandoned, changed to a conforming use, or changed to a more conforming use, it shall not thereafter be changed back to the previous non-conforming use or to a less conforming use.
 - b. For the purposes of this provision, abandonment shall mean the voluntary and intentional discontinuance of a use such as:
 - i. A change to a conforming use or to a more conforming use; or
 - ii. Any other act indicating an intent to abandon.

8.3.B Non-Conforming Structures

1. **May Be Continued** - Notwithstanding any other provision of these Regulations, a pre-existing non-conforming structure may remain, including through change of title or possession or right of possession of property, *except as otherwise specified in this Section*.
2. **Limitation** - This Section shall not permit the non-conforming structure to violate any other provisions of these Regulations.
3. **Alteration Or Enlargement** - A non-conforming structure shall not be extended, enlarged, or altered *except*:
 - a. *To make it a conforming structure;*
 - b. *To comply with requirements of health and safety laws or ordinances;*
 - c. *Subject to Site Plan approval by the Commission, changes to the exterior appearance of the non-conforming structure may be permitted when the Commission determines that such change is more compatible with the surrounding neighborhood; and/or*
 - d. *Subject to Special Permit approval and Site Plan approval by the Commission, to result in a situation with a lesser impact upon the surrounding area than the existing structure.*

4. **Relocation** - A pre-existing non-conforming structure may, subject to Special Permit approval and Site Plan approval by the Commission, be moved or relocated provided that such moving or relocation will:
 - a. Reduce or eliminate the non-conformity; or
 - b. Result, in the opinion of the Commission, in a situation with a lesser impact upon the surrounding area than the existing structure.
5. **Restoration** - When a non-conforming building is damaged or destroyed by fire, collapse, explosion, act of God or act of the public enemy, it may be restored only to its previous floor area, cubical content and exterior appearance as existing before such destruction.
6. **Flood Preparation** - When a non-conforming building is located within a FEMA flood zone and is being elevated to comply with FEMA standards, it may be so elevated provided doing so does not increase its non-conformity as to yard setbacks or building coverage.
7. **Reversion Or Abandonment-**
 - a. Whenever a non -conforming structure has been abandoned, changed to a conforming structure, or changed to a more conforming structure, it shall not thereafter be changed back to the previous non-conforming structure or to a less conforming structure.
 - b. For the purposes of this provision, abandonment shall mean the voluntary and intentional discontinuance of a structure such as:
 - iii. A change to a conforming structure or to a more conforming structure; or
 - iv. Any other act indicating an intent to abandon.

8.3.C Non- Conforming Lots

1. **May Be Continued** - Notwithstanding any other provision of these Regulations, a pre-existing non-conforming lot may remain, including through change of title or possession or right of possession of property, *except as otherwise specified in this Section*.
2. **Merger Of Adjoining Lots -**
 - a. If two or more adjoining lots of record, one or both of which fail to meet the requirements of these Regulations with regard to lot area, lot width, yard setback requirements and/or coverage, have continuous frontage and are in a single ownership at the effective date of these Regulations, and if such lots are taken together would form one or more lots, each more nearly meeting the requirements of these Regulations with regard to lot area, lot width, yard setback requirements, and/or coverage, such lot or lots shall no longer be considered legally existing on the effective date of these Regulations and must be used in compliance with the zoning requirements irrespective of subsequent changes in ownership.
 - b. Provided however, a lot of record, existing and recorded as a separate lot in the land records of the Town of Groton prior to February 18, 2005, even though the said lot was neither part of an approved subdivision plan nor a lot which has a valid building permit, shall be exempt from the above referenced provisions. The burden of proof to show compliance with this exemption shall be upon the lot owner.

8.4. *Design Considerations*

8.4.A Purpose

Since the architectural design, scale and mass of the buildings and other structures are important in determining the visual character of an area, the considerations listed in this Section are recommended in certain areas (such as the Waterfront Business Residential Zone and the Five Corners Zone) so as to ensure that new buildings harmonize with and will be compatible with the neighborhood, to protect property values and to preserve and improve the appearance and the beauty of the community.

The design considerations listed in this Section are intended to aid in maintaining and enhancing the character and quality of the buildings and public spaces in designated areas in Groton (such as the Waterfront Business Residential Zone and the Five Corners Zone) to maintain and enhance:

- The distinctive character, landscape and historic value, especially in areas designated as “village districts”;
- The sensitive balance of visual and spatial relationships that create the character and support the function of the designated areas;
- The overall quality of the built environment; and
- The economic and social vitality of areas which depends upon maintaining the attractiveness of the street environment, the economic viability of businesses, and a hospitable atmosphere for residential occupants and visitors.

These design considerations may also be used as part of development reviews in other areas of Groton, particularly as part of the Special Permit process.

8.4.B Relationship of Buildings to Site and Adjoining Areas

1. Buildings shall be designed and located on the site to retain the existing topography and natural features of the land to the greatest extent possible.
2. Buildings shall be organized in a coordinated and functional manner that is compatible with site features and the desirable characteristics of adjoining areas.
3. A unified design theme for building massing, exterior treatments and signage shall be established where harmony in textures, lines, and masses is provided and monotony is avoided.
4. Parking areas shall be treated appropriately in relation to the building, the neighborhood, and the community.
5. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
6. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
7. A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided.

8.4.C Landscape and Site Treatment

1. The design of the development and the placement of buildings, driveways, walkways, parking facilities and other improvements shall be such that existing trees, watercourses, rock outcrops and similar natural features are preserved to the greatest extent possible.
2. Landscape treatment shall be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.
3. Plant material that is indigenous to the area shall be selected for its ultimate growth and for interest in its shape, texture, and color.
4. Pedestrian walkways shall provide safe and convenient connections within the site and between adjacent sites and shall be constructed of all-weather materials appropriate for the location (such as brick, concrete, or paving blocks but not earth, gravel, or loose stone).
5. Existing trees of four (4) inches or greater caliper shall be incorporated into the site plan to the extent practicable and appropriate.

8.4.D Building Design

1. Architectural designs appropriate to a New England community are generally preferred (pitched roof buildings, colonial facades, etc.).
2. Architectural features shall be evaluated based on the scale of the building(s), the quality of the design, and the relationship to surroundings.
3. Facades and rooflines shall be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.
4. Building materials shall have good architectural character and durable quality and shall be selected for harmony of the building with adjoining buildings.
5. Building textures, colors, and components shall be selected for harmony of the building with adjoining buildings.
6. Utility and service equipment areas shall be screened from public view with materials harmonious with the building.
7. Rooftop mechanical equipment (other than solar energy panels) should be concealed to the extent practicable.

8.4.E Signs and Lighting

1. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates and shall be coordinated with the building architecture.
2. Exterior lighting, where used, shall enhance the building design and the adjoining landscape.
3. Lighting shall be restrained in design and excessive brightness avoided.
4. Roof lighting is prohibited unless specifically approved by the Commission.

8.4.F Additional Design Guidelines for Village Districts

1. Special attention shall be paid to protecting the distinctive character, landscape, and historic structures within any Village District.
2. The removal or disruption of historic, traditional, or significant structures or architectural elements shall be avoided or minimized.
3. The conversion, conservation, and preservation of existing buildings and sites in a manner that maintains the historic or distinctive character of a Village District is encouraged.
4. The exterior of structures or sites shall be consistent with:
 - a. The “Connecticut Historical Commission - The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings”, revised through 1990, as amended; or
 - b. The distinctive characteristics of the district identified in the Plan of Conservation and Development.
5. Proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, the terrain in the district, and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification.
6. All spaces, structures, and related site improvements visible from public roadways shall be designed to be compatible with the elements of the area of the Village District in and around the proposed building or modification.
7. The color, size, height, location, proportion of openings, roof treatments, building materials, and landscaping of commercial or residential property, and any proposed signs and lighting, shall be evaluated for compatibility with the local architectural motif.
8. Maintenance of views, historic buildings, monuments, and landscaping shall be encouraged.

9. ADMINISTRATIVE PROVISIONS

9.1. Pre-Application Reviews

1. Prior to the submission of a formal application, the potential applicant is encouraged to present a preliminary plan for informal consideration by the City Planner, the Zoning Official, City Staff, and/or the Commission.
2. The optional pre-application plan is recommended to facilitate consideration of factors and problems that may be associated with a particular proposal before the applicant proceeds with preparation of official maps, plans and documents required for formal consideration by the Commission.
3. Neither the pre-application plan nor the informal consideration by City Staff or the Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for any approval as contemplated herein or under the provision of the Connecticut General Statutes.

9.2. Zoning/ Building Permit

9.2.A Applicability

1. A Zoning/ Building Permit shall be obtained from the Zoning Official prior to:
 - a. Construction, reconstruction, alteration, extension, enlargement, relocation, or demolition of any building or structure: and
 - b. Occupancy of any building or structure or for any change, extension, or alteration of any use.
2. Nothing herein contained shall require any change in the plans, construction, or use of a building for which a Zoning/ Building Permit has been issued or for which plans were on file with the Zoning Official before the effective date of these Regulations.

9.2.B Application Procedures

2. An application for a Zoning/ Building Permit shall be made on a form to be furnished by the City.
3. The application for a Zoning/ Building Permit shall be accompanied by such information and exhibits as are required herein or may be reasonably required by the Zoning Official in order that the proposal of the applicant may be adequately interpreted and judged as to its conformity with any approval of the Planning and Zoning Commission, the provisions set forth in the Zoning Regulations, and/or with a variance granted by the Zoning Board of Appeals.
4. If required:
 - a. An application for a Zoning/ Building Permit shall include a certification that the lot is on record by map or by deed, including the date of recording or is in a subdivision which has been approved by the Planning and Zoning Commission and a bond covering the cost of street improvements has been received.
 - b. An application for a Zoning/ Building Permit shall include verification in writing from the engineer who designed the Site Plan that the site work has been completed substantially in accord with the approved Site Plan.
5. In the event that any Zoning/ Building Permit is issued based on incorrect information or the specific conditions of approval are not strictly adhered to, such permit shall be null and void.

9.2.C Approval

1. No Zoning/ Building Permit, order, or other zoning enforcement document shall be issued unless they are in full compliance with the provisions of these Regulations and any conditions of approval established by the Planning and Zoning Commission and/or Zoning Board of Appeals and until they are signed by the Zoning Official.
2. Any Zoning/ Building Permit issued to the contrary shall be null and void, and any work undertaken, or use established pursuant to such approval or issuance shall be lawful.
3. If site improvements cannot be completed because of weather, or if an alteration does not require the vacating of the premises, or if a portion of a building or development is ready for occupancy before the completion of the entire building or development, or for other pertinent reasons, a conditional Zoning/ Building Permit may be issued by the Zoning Official for a period not to exceed 180 days, provided that a bond shall be posted or a portion of the posted bond shall be retained in an amount sufficient to cover the cost of completing the remaining site improvements. Upon satisfactory completion of the remaining site improvements and the written request of the applicant, the Commission shall then release the bond.

9.2.D Notice Provisions

1. In accordance with CGS Section 8-3(f), the recipient of a Zoning/ Building Permit may publish notice of issuance of the Zoning/ Building Permit to establish the appeal period per CGS Section 8-7.
2. Any such notice to be published by the recipient shall contain:
 - a. A description of the building, use or structure and its location;
 - b. The identity of the applicant; and
 - c. A statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS Section 8-7.

9.3. Site Plan Application

9.3.A Purpose

A Site Plan is intended to provide the Commission with information that will enable it to determine that the proposed building, use or structure is consistent with the requirements of these Regulations.

9.3.B Applicability

1. Unless exempted by Section 9.3.B.2, a Site Plan application shall be submitted:
 - a. For any activity designated in the Regulations as requiring Site Plan approval.
 - b. For any activity designated in the Regulations as requiring Special Permit approval.
 - c. In a residential zone, for any construction, development, expansion, or major alteration of a multi-family use or any non-residential use.
 - d. In a non -residential zone, for any construction, development, expansion, or major alteration of any use including any alteration in site improvements such as parking, pedestrian or vehicle circulation, public utilities or reduction of landscaping.

2. Notwithstanding the provisions of Section 9.3.B.1, the following activities *shall be exempt from the requirement to submit a formal Site Plan application* (a Zoning Permit may still be required) provided that a plot plan drawn to scale is submitted to the City Planner and/or Zoning Official showing any changes from existing conditions, such as new signs, revised parking arrangements and entrances, new lighting and similar alterations:
 - a. When the structure or use is existing and will not be enlarged.
 - b. When a change from a principal use to another principal use permitted by site plan approval does not require the enlargement of an existing building or structure or an increase in site improvements.
 - c. When off-street parking requirements for the new use are not more than those required for the existing use.
 - d. When the site is in the Industrial/Technology Zone or the Technology Campus zone and:
 - i. The use is permitted,
 - ii. The use will not result in a structure over 10,000 square feet,
 - iii. The use will not result in a structure over 25 feet in height, and
 - iv. The site to be built upon does not abut or lie directly across the street from a residential zone. The term “site” for the purpose of this provision is defined as the area of disturbance to support the structure's construction and associated improvements and may be limited to a confined area of an overall property that may also abut or lie adjacent to or across the street from non-residential zones.

3. The City Planner may conduct the formal Site Plan application review for Principal Uses Permitted by Site Plan within a non-residential district and when not associated with a Coastal Area Management Zone and approve, condition, modify, or deny the application. The City Planner may refer any Site Plan application to the Commission in accordance with these regulations.
4. Modifications to an approved site plan shall be reviewed by the City Planner or Commission, as may be applicable, and are classified as either a minor or major using the guidelines outlined below.
 - a. Minor modifications are reviewed by the City Planner and generally meet the following:
 - i. The changes are required because of conditions that were unknown at the time the approval was issued and have only a de minimis impact;
 - ii. The City Planner determines that the changes satisfy and are consistent with the intent of these regulations and the findings made by the decision-making body in connection with the approval and have only a de minimis impact; and
 - iii. The changes involve, as applicable: a change in placement of a building or structure which is less than 5 feet away from the approved placement; the use of materials, components, features or materials (site or building) which do not adversely affect any prior design review decisions; a modification in site improvements that produces no additional negative environmental effects.
 - b. Major modifications exceed the above guidelines as determined by the City Planner and may require review by the Commission.

9.3.C Submission Requirements

1. A Site Plan application shall be submitted to the Commission or its agent and shall include a completed application form and the appropriate fee.
2. A Site Plan application shall be accompanied by detailed plans that conform to Appendix A and comply with the requirements of these Regulations, signed and sealed by an appropriate professional, for review by the Commission and its designees.
3. The Site Plan application and accompanying plans shall be submitted to the City Planner three-weeks prior to any regularly scheduled meeting of the Commission.
4. In addition to paper copies of the application a DIGITAL COPY of the initial application and all subsequent revisions and supplemental materials shall be provided.
5. The Commission may, in accordance with the requirements of these Regulations, require the submission of additional information as deemed necessary to make a reasonable review of the application.
6. Site Plans will not be considered complete unless they contain all applicable information as required by these Regulations.

9.3.D Proceedings

1. The date of receipt for the Site Plan application shall be determined in accordance with Section 9.9.B.
2. An incomplete Site Plan application may be denied in accordance with Section 9.9.C.
3. If a Site Plan application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such Site Plan application is filed with the Commission.
4. Notification by the Commission may be required to:
 - a. Adjoining municipalities in accordance with the requirements of Section 9.9.1.
 - b. Water companies in accordance with the requirements of Section 9.9.J.
 - c. The Department of Energy and Environmental Protection (DEEP) in accordance with the requirements of Section 9.9.K.
5. Whenever a Site Plan application is required in conjunction with another application requiring a public hearing (such as a Special Permit application or a Zone Change application):
 - a. The time period for acting on the Site Plan application shall coincide with the time period for acting on the related application; and
 - b. A decision on the application shall be rendered within sixty-five days after the close of the public hearing on such other application *except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days.*
6. In accordance with CGS Section 8-7d, whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan application *except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.*
7. In accordance with CGS Section 8-7d, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth (35th) day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
8. The Commission may hold a public informational meeting on a Site Plan application.
9. In accordance with CGS Section 8-3(g), a Site Plan shall be presumed approved unless a decision to deny or modify it is rendered within the applicable time period specified above.

10. The applicant may, at any time prior to action by the Commission, withdraw such application.
11. To assist with its consideration of an application for Site Plan approval, the Commission may refer the plan to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.
12. The Commission may require additional technical assistance when evaluating an application, the expense of this assistance shall be paid by the applicant as set forth in City Ordinance.
13. If any modification of the Site Plan is made by the Commission as part of its approval, revised copies of the Site Plan reflecting such modification shall be submitted to, and approved by, the City Planner prior to the issuance of any Zoning/ Building Permit relating to the application.

9.3.E Considerations

1. On a Site Plan application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the Commission shall:
 - a. Wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision; and
 - b. Give due consideration to any report of the Inland Wetlands Commission when making its decision.
2. On a Site Plan application involving notice to other agencies, the Commission shall give due consideration to any report or testimony received.
3. On a Site Plan application involving new construction or remodeling of the exterior of a building within an area designated within these Regulations as a “village district” in accordance with CGS Section 8-2j, the Commission shall give due consideration to any report or testimony received from the village district consultant.
4. Before the Commission approves a Site Plan application, it shall determine that the application is in conformance with these Regulations.
5. The Commission shall not approve any Site Plan for any property on which there exists a zoning violation, unless such Site Plan application will remedy such violation.
6. The Commission may require, as a condition of approval, such modifications of the proposed plans as it deems necessary to ensure that structures and the uses of land area are arranged in a manner that protects the public health, safety, and general welfare.
7. In cases where the development of the property is proposed to be undertaken in phases, the Commission may grant Site Plan approval limited to each phase of development. Each phase shall be capable of independent existence without the completion of succeeding phases.

8. As a condition of approval of a Site Plan, the Commission may require:
 - a. Submission of a passbook savings account, a statement savings account, or similar cash equivalent to guarantee the installation and performance of erosion and sediment control measures at the site.
 - b. A performance guaranty in accordance with Section 9.9.L of these Regulations in an amount and in a form satisfactory to the Commission to guaranty satisfactory completion of drainage facilities, parking and access facilities, buffer strips and any other site improvements other than buildings.
9. When a performance guaranty is required by the Commission:
 - a. The applicant shall provide a cost estimate of improvements to be guaranteed, together with a description of the basis for the estimate.
 - b. The performance guaranty shall become effective prior to issuance of a building permit or prior to the commencement of site work, whichever comes first, and shall stay in effect until the Site Plan is 100% complete.

9.3.F Action Documentation

1. The Planning and Zoning Commission shall approve, modify and approve, or disapprove a Site Plan.
2. Whenever it grants or denies a Site Plan application, the Commission shall state upon its record the reason(s) for its decision. Commission disapproval shall include written findings upon any Site Plan element found contrary to the provisions or intent of these Regulations.
3. The Commission shall send, by certified mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.
4. The Commission shall cause notice of the approval or denial of a Site Plan to be published in a newspaper having a substantial circulation in Groton within fifteen (15) days after such decision is rendered and, in any case where such notice is not published by the Commission, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.
5. On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within fifteen (15) days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period, as set forth in Section 9.3.H below, expires.

9.3.G Following Approval

1. Following approval of a Site Plan application and expiration of the appeal period, one (1) “mylar” copy and four (4) paper copies of each approved plan shall, unless waived by the Commission, be submitted to the City Planner for signature by the Chair:
 - a. Each such plan shall bear the seal and signature of the appropriate professional(s) which prepared the drawing;
 - b. Each such plan shall contain a signature block where the Chairman of the Commission can indicate the approval of the Commission and state the date on which the five-year period for completing all work in connection with such Site Plan, as set forth in Section **9.3.H** below, expires; and
 - c. At least one (1) sheet shall bear a copy of the decision letter of the Commission and any other town regulatory agencies authorizing the activity.
2. Such plans shall be so filed before any Zoning Permit is issued for the activities shown on the approved plan.
3. Within an area designated within these Regulations as a “village district “ in accordance with CGS Section 8-2j (such as the Waterfront Business Residential Zone, no approval shall be effective until a copy thereof, certified by the Commission, containing the name of the owner of record, a description of the premises to which it relates and specifying the reason(s) for its decision, is recorded by the applicant in the land records, indexed in the grantor's index under the name of the record owner.
4. All site improvements shall be carried out in strict compliance with the Site Plan approved by the Commission. Minor amendments to the approved Site Plan may be approved only in writing by the City Planner upon the written request of the applicant. All other amendments or modifications to the Site Plan shall require the approval of the Commission.
5. All conditions and improvements shown on the approved Site Plan shall continue in force as long as the use indicated on the approved Site Plan shall be in operation, regardless of any change in ownership of the property.
6. When a performance guaranty has been provided, the performance guaranty shall be held by the Commission and the Commission shall not release the performance guaranty until it has determined that all the improvements subject to the guaranty have been satisfactorily completed.
7. The Commission may require an “as built” A-2 survey of the lot showing the location of the buildings and improvements to determine compliance with the approved Site Plan.

9.3.H Expiration and Completion

1. Unless otherwise provided in CGS Section 8-3, all work in connection with a Site Plan shall be completed within five (5) years after the date of approval of the Site Plan and failure to complete all work within such five-year period shall result in automatic expiration of the approval of such Site Plan unless the Commission shall have granted an extension of the time to complete such work.

2. Provided the applicant has requested an extension prior to the expiration of the completion period, the Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with the Site Plan provided the total extension or extensions shall not exceed ten (10) years from the date of approval of such Site Plan unless otherwise provided in CGS Section 8-3.

3. The Commission may condition the approval of such extension on a determination of the adequacy of any performance guaranty in accordance with Section 9.9.L or other surety.

9.4. Special Permit Application

9.4.A Applicability

1. A Special Permit application shall be submitted for any activity designated in the Regulations as requiring Special Permit approval.
2. Notwithstanding the above, a Special Permit shall not be required for interior renovations and modifications for space within a structure previously approved by the Commission as a Special Permit, provided that:
 - a. The City Planner finds that the proposed use is substantially similar to what was previously approved by Special Permit;
 - b. There are no exterior alterations to the structure or the site;
 - c. There is no additional requirement for parking under Section 7.1 of these Regulations.

9.4.B Submission Requirements

1. A Special Permit application, in accordance with the requirements as specified in these Regulations, shall be submitted to the Commission or agent and shall include a completed application form and the appropriate fee.
2. Each application for a Special Permit shall be accompanied by a Site Plan application, as specified in Section 9.3, unless the City Planner finds that there are no physical changes proposed to the site or any building or structure and the submission of a Site Plan application is not necessary for the Commission to evaluate the proposal.
3. The Special Permit application, Site Plan application, if applicable, and accompanying plans shall be submitted to the City Planner three- weeks prior to any regularly scheduled meeting of the Commission.
4. In addition to paper copies of the application a DIGITAL COPY of the initial application and all subsequent revisions and supplemental materials shall be provided.
5. Each application for a Special Permit shall be accompanied by a written statement describing the proposed use in sufficient detail to permit the Commission to determine whether the proposed use complies with these Regulations.
6. The Commission shall not be required to hear an application relating to the same request or substantially the same request, more than twice in a twelve-month period.
7. Notwithstanding the basic submission requirements, the Commission may require the submission of such additional information as the Commission deems necessary to determine compliance of the proposed use with these Regulations.

9.4.C Proceedings

1. The date of receipt of the Special Permit application shall be determined in accordance with Section 9.9B.
2. An incomplete Special Permit application may be denied in accordance with Section 9.9.C.
3. If a Special Permit application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.
4. The Commission shall hold a public hearing on the Special Permit application and:
 - a. Publish a legal notice in accordance with the requirements of Section 9.9.F of these Regulations;
 - b. Require that the applicant give notice to property owners in accordance with the requirements of Section 9.9.G of these Regulations; and
 - c. Require that the applicant post a sign on the property in accordance with the requirements of Section 9.9.H of these Regulations.
5. Notification by the Commission may be required to:
 - a. Adjoining municipalities in accordance with the requirements of Section 9.9.1.
 - b. Water companies in accordance with the requirements of Section 9.9.J.
 - c. The Department of Energy and Environmental Protection (DEEP) in accordance with the requirements of Section 9.9.K.
6. Unless otherwise provided in CGS Section 8-7d, the Commission shall process the Special Permit as follows:
 - a. The public hearing shall commence within sixty-five (65) days after receipt of the application;
 - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences;
 - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing; and
 - d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.

- 7. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
- 8. The applicant may, at any time prior to action by the Commission, withdraw such application.

9.4.D Special Permit Criteria

In considering an application for a Special Permit, the Commission shall evaluate the application with respect to the following factors, *except that the Commission may determine that some factors may not be applicable to certain types of applications:*

1. Zoning Purposes

Whether the proposed use or activity is consistent with the purposes of the Regulations.

2. Environmental Protection and Conservation

Whether appropriate consideration has been given to the protection, preservation, and/or enhancement of natural, scenic, historic, or unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features which enhance the character and environment of the area.

3. Overall Neighborhood Compatibility

Whether the proposed use will have a detrimental effect on neighboring properties or the development of the district.

4. Suitable Location For Use

Whether the nature and intensity of the operations involved with the use or resulting from the proposed use and the location of the site are such that the use will be in harmony with the appropriate and orderly development in the district in which it is located.

5. Appropriate Improvements

Whether design elements of the proposed development (such as location, type, size and height of buildings and other structures, parking, access, landscaping, screening, lighting, signage, etc.) will be suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and desirable future character of the neighborhood in which the use is located.

6. Suitable Transportation Conditions

Whether the streets and other rights-of-way are or will be of such size, condition and capacity (width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the proposed use and not create traffic problems.

7. Adequate Public Utilities and Services

Whether the provisions for water supply, sewage disposal, storm water drainage, and emergency access conform to accepted engineering practices, comply with all standards of the appropriate regulatory authorities, and will not unduly burden the capacity of such facilities.

8. Long Term Viability

Whether adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).

9. Nuisance Avoidance

Whether the use, configuration, design, and/or hours of operation are appropriate to control noise, light, odors, parking visibility, unsightly appearance, erosion, water contamination and storm-water runoff on the site and in relation to the surrounding area.

10. Plan of Conservation and Development

Whether the proposed use or activity is in accordance with or facilitates achievement of one or more of the goals, objectives, policies, and recommendations of the Plan of Conservation and Development, as amended.

11. Mitigation

Whether adequate provisions have been made to moderate or mitigate neighborhood impacts by limiting the intensity of use of the property (including, without limitation, such considerations as the area devoted to the use, the number of people involved in the use, the number of events or activities proposed, the hours of operation, etc.) or by modifying the location or configuration of the proposed use.

9.4.E Decision Considerations

1. Special Permit uses are declared to possess such special characteristics that each shall be considered on an individual basis subject to the standards and requirements of these Regulations.
2. The applicant shall bear the burden of demonstrating that the applicable Special Permit criteria in Section 9.4.D of these Regulations are addressed.
3. Before the Commission approves a Special Permit application, it shall determine that the application:
 - a. Has, in the sole discretion of the Commission, satisfied the applicable Special Permit criteria in Section 9.4.D of these Regulations; and
 - b. Is in conformance with other applicable provisions of these Regulations; and
 - c. Is in harmony with the purposes and intent of these Regulations.
4. For a Special Permit application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the Commission shall:
 - a. Wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision; and
 - b. Give due consideration to any report of the Inland Wetlands Commission when making its decision.
5. On a Special Permit application involving notice to adjoining municipalities under Section 9.9.1 or notice to water companies under Section 9.9.J or notice to DEEP under Section 9.9.K, the Commission shall give due consideration to any report or testimony received.
6. On a Special Permit application involving new construction or remodeling of the exterior of a building within an area designated within these Regulations as a “village district” in accordance with CGS Section 8-2j (such as the Waterfront Business Residential Zone or the Five Corners Zone, the Commission shall give due consideration to any report or testimony received from the village district consultant.
7. In granting a Special Permit, the Commission may determine whether and to what extent permitted uses may be undertaken and stipulate such conditions as are reasonable and necessary to:
 - a. Protect or promote the public health, safety or welfare;
 - b. Protect or promote public convenience or property values; or
 - c. Enhance overall neighborhood compatibility.

8. A Special Permit and any condition attached to the granting of a Special Permit shall:
 - a. Remain with the property as long as the Special Permit use is in operation; and
 - b. Continue in force and effect regardless of any change in ownership of the property.
9. The Commission shall not approve any Special Permit for any property on which there exists a zoning violation, unless such Special Permit application will remedy such violation.

9.4.F Action Documentation

1. The Planning and Zoning Commission shall approve, disapprove or approve with conditions the proposed Special Permit.
2. Whenever it acts on a Special Permit application, the Commission shall state upon its record the reason(s) for its decision.
3. In granting a Special Permit, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations. Such conditions and safeguards may include, but shall not be limited to:
 - a. A maximum number of employees.
 - b. Hours of operation.
 - c. Periodic review and renewal of the Special Permit by the Commission to determine continuing compliance therewith.
 - d. Conservation restrictions necessary to protect and permanently preserve unique natural site features.
 - e. Soil erosion and sediment control measures in accordance with the provisions of Section 7.8.C.10.
 - f. A bond in accordance with the provisions of Section 9.9.L.
4. Whenever it acts on a Special Permit application, the Commission may:
 - a. Establish a condition that commencement of the use or construction begins within a certain time frame.
 - b. Require a performance guaranty in accordance with Section 9.9.L of these Regulations in an amount and in a form satisfactory to the Commission, based upon a cost estimate of improvements provided by the applicant, to ensure satisfactory completion of site improvements other than buildings.

5. Any decision to grant a Special Permit shall:
 - a. State the name of the owner of record;
 - b. Contain a description of the premises to which it relates;
 - c. Identify the Section and/or Section of the Regulations under which the Special Permit was granted; and
 - d. Specify the nature of the Special Permit; and
 - e. State the conditions of approval, if any.
6. The Commission shall send, by certified mail, a copy of any decision on a Special Permit application to the applicant within fifteen (15) days after such decision is rendered.
7. The Commission shall cause notice of the approval or denial of the Special Permit application to be published within fifteen (15) days after such decision is rendered in a newspaper having a substantial circulation in Groton.
8. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

9.4.G Following Approval

1. A Special Permit granted by the Commission shall become effective only upon the filing of a copy, certified by the Commission, in the land records of the Town of Groton, in accordance with the provisions of CGS Section 8-3d.
 - a. A Special Permit shall expire if the Special Permit approval is not filed in the Town of Groton's land records within 1 (one) year after approval.
 - b. A Special Permit shall expire if the Site Plan associated therewith is not submitted and approved within 12 months following approval of the Special Permit. However, an extension of not more than six months may be granted by the Commission upon written request by the applicant prior to the expiration date.
2. A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.
3. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations. The Zoning Official shall notify the applicant in writing of the specifics of the non-compliance and shall provide a reasonable time period for compliance therewith. Unless there is full compliance within such time period, the Commission may, following a duly advertised public hearing, rescind and revoke such Special Permit.

4. An approved Special Permit may be amended or modified, provided that application shall be made in the same manner as the original application and subject to the same procedures for approval.
 - a. Amendments to the Special Permit found to be of a minor nature or which would not substantially alter the Special Permit as determined by the City Planner may be approved by the Commission without another public hearing.
 - b. Amendments to the Special Permit which would substantially alter the Special Permit or increase the existing building coverage or gross floor area of the use by 10% or more may be approved by the Commission only after a public hearing.
5. The Special Permit uses as set forth in these Regulations are deemed to be permitted uses in their respective districts when granted by the Commission, subject to compliance with the requirements and standards set forth in this Section in addition to all other requirements of these Regulations.
6. Unless otherwise established by the Commission, a Special Permit, along with any conditions and safeguards attached thereto, shall remain with the property as long as the use allowed by the Special Permit remains in operation. Such conditions and safeguards shall continue in force regardless of any change in ownership of the property.

9.5. Text Amendment Application

9.5.A Applicability

A Text Amendment application shall be submitted for any proposal to amend, change, or repeal any Section of these Regulations.

9.5.B Submission Requirements

1. A Text Amendment application shall be submitted to the Commission or agent and shall include a completed application form and the appropriate fee. The Commission shall not be required to pay a fee for a text amendment application made on its own initiative.
2. A Text Amendment application shall be accompanied by ten (10) copies of the wording of the existing and proposed text and any other supporting information, including reason(s) for the proposed amendment.
3. The Text Amendment application and accompanying documents shall be submitted to the City Planner three-weeks prior to any regularly scheduled meeting of the Commission.
4. In addition to paper copies of the application a DIGITAL COPY of the initial application and all subsequent revisions and supplemental materials shall be provided.
5. The Commission shall not be required to hear any petition or petitions relating to the same text changes, or substantially the same text changes, more than once in a period of twelve (12) months unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

9.5.C Proceedings

1. The date of receipt for the Text Amendment application shall be determined in accordance with Section 9.9.B.
2. An incomplete Text Amendment application may be denied in accordance with Section 9.9.C.
3. The Commission shall hold a public hearing on the Text Amendment application and:
 - a. Shall cause a legal notice to be published in accordance with the requirements of Section 9.9.F of these Regulations.
 - b. May publish the full text of such proposed regulation in full in such notice.

4. In accordance with CGS Section 8-3b, the Commission shall give written notice to the regional planning agency when any portion of the land affected by a regulation change affecting the use of a zone is located within five hundred (500) feet of the boundary of another municipality and:
 - a. Such notice shall be made by certified mail, return receipt requested.
 - b. Such notice shall be made not later than thirty (30) days before the public hearing.
 - c. The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.
5. Notification by the Commission may be required to:
 - a. Adjoining municipalities in accordance with the requirements of Section 9.9.1.
 - b. Water companies in accordance with the requirements of Section 9.9.J.
 - c. The Commissioner of Connecticut Department of Energy and Environmental Protection in accordance with CGS Section 22a-104.
6. The Commission may refer any application to amend these Regulations to any City department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to such department or agency.
7. A copy of the proposed regulation shall be filed by the applicant in the office of the City Clerk for public inspection at least ten (10) days before the public hearing.
8. The Commission shall process the Text Amendment application within the period provided under CGS Section 8-7d:
 - a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
 - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
 - e. These provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.
9. The applicant may, at any time prior to action by the Commission, withdraw such application.

9.5.D Decision Considerations

1. The Commission shall act upon the changes requested in such Text Amendment application.
2. On a Text Amendment application involving notice to adjoining municipalities under Section 9.9.1 or notice to water companies under Section 9.9.J or notice to a regional planning agency under CGS Section 8-3b:
 - a. Any report received from those agencies shall be made a part of the record of such hearing.
 - b. The Commission shall give due consideration to any report or testimony received.
3. In making its decision the Commission shall:
 - a. Consider whether the text amendment will be in accordance with a comprehensive plan (the overall scheme of the zoning map and these Regulations); and
 - b. Take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23.
4. Before approving any Text Amendment application, the Commission shall determine that the proposed regulation change will aid in:
 - a. Protecting the public health, safety, welfare, or property values; and
 - b. Attaining the purposes of these Regulations.
5. In accordance with CGS Section 8-3(b), such text change(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission *except that , if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty (20) percent or more of the area of the lots affected by such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.*

9.5.E Action Documentation

1. Whenever the Commission acts upon a Text Amendment application, it shall state upon the record the reason(s) for its decision.
2. In accordance with CGS Section 8-3a(a), the Commission shall state on the record its findings on consistency of a proposed zoning regulation or text change with the Plan of Conservation and Development, as may be amended.
3. As part of approving a Text Amendment application:
 - a. The Commission shall establish an effective date for the Regulation change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Groton before such effective date; or
 - b. If an effective date is not so specified, the text amendment shall become effective upon publication in a newspaper having a substantial circulation in Groton.
4. The Commission shall send, by certified mail, a copy of any decision on a Text Amendment application to the applicant within fifteen (15) days after such decision is rendered.
5. The Commission shall cause notice of the approval or denial of the Text Amendment application to be published within fifteen (15) days after such decision is rendered in a newspaper having a substantial circulation in Groton.
6. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

9.5.F Following Approval

A regulation amendment approved by the Commission shall be filed in the office of the City Clerk before the effective date.

9.6 . Zone Change Application

9.6.A Applicability

A Zone Change application (a map amendment) shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.

9.6.B Submission Requirements

1. A Zone Change application shall be submitted to the Commission or agent and shall include a completed application form and the appropriate fee. The Commission shall not be required to pay a fee for a zone change application made on its own initiative.
2. A Zone Change application shall be accompanied by:
 - a. Two (2) full-size copies of a map at an appropriate scale indicating existing and proposed zone boundaries; and
 - b. Ten (10) copies of an 11 x 17 map indicating existing and proposed zone boundaries.
3. The Zone Change application and accompanying documents shall be submitted to the City Planner three- weeks prior to any regularly scheduled meeting of the Commission.
4. In addition to paper copies of the application a DIGITAL COPY of the initial application and all subsequent revisions and supplemental materials shall be provided.
5. The Commission shall not be required to hear a Zone Change application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

9.6.C Proceedings

1. The date of receipt for the Zone Change application shall be determined in accordance with Section 9.9.B.
2. An incomplete Zone Change application may be denied in accordance with Section 9.9.C.
3. The Commission shall hold a public hearing on the Zone Change application and shall:
 - a. Publish a legal notice in accordance with the requirements of Section 9.9.F of these Regulations;
 - b. Require that the applicant post a sign on the land affected by the application in accordance with the requirements of Section 9.9.G of these Regulations; and
 - c. Require that the applicant give notice to property owners in accordance with the requirements of Section 9.9.H of these Regulations.

4. In accordance with CGS Section 8-3b, the Commission shall give written notice to the regional planning agency when any portion of the land affected by a map change is located within five hundred (500) feet of the boundary of another municipality and:
 - a. Such notice shall be made by certified mail, return receipt requested.
 - b. Such notice shall be made not later than thirty (30) days before the public hearing.
 - c. The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.
5. Notification by the Commission may be required to:
 - a. Adjoining municipalities in accordance with the requirements of Section 9.9.1.
 - b. Water companies in accordance with the requirements of Section 9.9.J.
 - c. The Commissioner of Connecticut Department of Energy and Environmental Protection in accordance with CGS Section 22a-104.
6. The Commission may refer any application to amend the zoning map to any City department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to such department or agency.
7. A copy of the proposed zoning map change shall be filed by the applicant in the office of the City Clerk for public inspection at least ten (10) days before the public hearing.
8. The Commission shall process the Zone Change application within the period of time provided under CGS Section 8-7d:
 - a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
 - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
 - e. These provisions shall not apply to any action initiated by the Commission regarding a zoning map change.
9. The applicant may, at any time prior to action by the Commission, withdraw such application.

9.6.D D Decision Considerations

1. The Commission shall act upon the changes requested in such Zone Change application.
2. On a Zone Change application involving notice to adjoining municipalities under Section 9.9.I or notice to water companies under Section 9.9.J or notice to a regional planning agency under CGS Section 8-3b:
 - a. Any report received from those agencies shall be made a part of the record of such hearing.
 - b. The Commission shall give due consideration to any report or testimony received from such agencies.
3. Changes in zone district boundaries:
 - a. Should be in harmony with the Plan of Conservation and Development for Grot on, as amended.
 - b. Shall, where possible, constitute logical extensions of like or compatible district s.
 - c. Where appropriate, follow property lines or geo-physical features.
4. *Except where a proposed zone change is to extend an existing zoning district, no area of land having less than 300 feet of frontage on one street shall be changed from one zoning district to another zoning district except by the affirmative vote of two-thirds of the Commission.*
5. Before approving any Zone Change application, the Commission shall determine that the proposed regulation change:
 - a. Is in accordance with the Plan of Conservation and Development?
 - b. Is suitable for the intended location?
 - c. Will aid in protecting the public health, safety, welfare, or property values; and
 - d. Will aid in attaining the purposes of these Regulations?
6. In accordance with CGS Section 8-3(b), such zone change(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission *except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty (20) percent or more of the area of the lots affected by such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission .*

9.6.E Action Documentation

1. Whenever the Commission acts upon a Zone Change application, it shall state upon the record:
 - a. The reason(s) for its decision.
 - b. Its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.
2. As part of approving a Zone Change application:
 - a. The Commission shall establish an effective date for the zoning map change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Groton before such effective date; or
 - b. If an effective date is not so specified, the zoning map change shall become effective upon publication in a newspaper having a substantial circulation in Groton.
3. The Commission shall send, by certified mail, a copy of any decision on a Zone Change application to the applicant within fifteen (15) days after such decision is rendered.
4. The Commission shall cause notice of the approval or denial of the Zone Change application to be published within fifteen (15) days after such decision is rendered in a newspaper having a substantial circulation in Groton.
5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

9.6.F Following Approval

1. A zoning map change approved by the Commission shall be filed in the office of the City Clerk before the effective date.
2. When a zone boundary is changed by the Commission, such change shall:
 - a. Be made on the Zoning Map; and
 - b. Be noted with an entry on the Zoning Map as follows: "Amended to (date)," such date to be the effective date of the boundary amendment.

9.7. Zoning Board of Appeals

9.7.A Powers and Duties

The Zoning Board of Appeals (ZBA) shall have all the powers and duties prescribed by Chapter 124, Section 8 and by Chapter 250, Section 14 of the Connecticut General Statutes, and by these Regulations, which powers and duties are summarized and more particularly specified below. None of the following provisions shall be deemed to limit any of the authority of the ZBA that is conferred by general law.

1. **Adopt Rules** - The ZBA shall have the authority to adopt such rules and procedures as may be deemed necessary to carry into effect the provisions of these Regulations.
2. **Appeals** - The ZBA shall have the authority to hear and decide upon any appeal where it is alleged that there is an error in the order, requirements, decision or determination of the Zoning Official. No question of hardship shall be involved in such an appeal, and the action of the ZBA thereon shall be limited to the question of whether or not, and to what extent such order, requirement, decision, or determination was a correct interpretation of the subject provision of these Regulations.
3. **Extend Zone** - Where a zone boundary line divides a lot in a single ownership at the time of the passage of these Regulations, the ZBA shall have the authority to permit a use authorized on either portion of such lot to extend to the entire lot, but not more than 25 feet beyond the boundary line of the zone in which such use is authorized.
4. **Variances** - The ZBA shall have the authority to vary or adjust the strict application of these Regulations in only those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.
5. **Location of Motor Vehicle Uses** - The ZBA shall have the authority to hear and decide upon all requests for Certificates of Approval for motor vehicle sales, services and repair uses in accordance with the Connecticut General Statutes. Such authority shall not supersede the Commission's authority to hear and decide upon requests for Special Permits for such uses.

9.7.B Appeals

1. All appeals to the ZBA from an order, requirement, decision or determination of the Zoning Official shall be taken within such time as is prescribed by a rule adopted by the ZBA.
2. Such appeals shall be made in writing on a form prescribed by the ZBA, in conformance with Appendix C, and shall be accompanied by a filing fee to cover the cost of processing the appeal.
3. Each appeal shall fully set forth the circumstances of the case, shall refer to the specific provision of the Regulations involved and shall exactly set forth the interpretation that is claimed and the grounds on which it is claimed that the same should be granted.

4. No appeal shall be granted that would alter, revise or otherwise change any of the conditions attached to the granting of a Special Permit by the Commission, if such conditions are more restrictive than otherwise provided for in these Regulations or if such conditions do not refer to specified standards in these Regulations.

9.7.C Variances

1. All applications for variances shall be submitted in writing in a form prescribed by the ZBA and in conformance with Appendix C. The ZBA may deny an application for incomplete information having been submitted.
2. Each variance application shall fully set forth the circumstances of the case, shall refer to the specific provision of the Regulations involved and shall exactly set forth the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted.
3. The Board may require the filing of a survey prepared by a land surveyor licensed to practice in Connecticut when the variance is dimensional in nature, or such survey is integral to the understanding of the application.
4. The date of receipt for the Variance application shall be determined in accordance with Section 9.9.B.
5. The ZBA shall hold a public hearing on all appeals and applications for variances, shall decide thereon, and shall give notice of the date of the public hearing on the application and on its decision in accordance with the provisions of the Connecticut General Statutes.
6. To assist with its consideration of an appeal or application, the ZBA may refer such appeal or application to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.
7. All variance applications shall be referred to the Planning and Zoning Commission at least fourteen (14) days prior to the date assigned for a public hearing on that request and:
 - a. The Planning and Zoning Commission, or its staff, may submit an advisory opinion on such referrals prior to the public hearing.
 - b. Any finding of the Planning and Zoning Commission, or its staff, shall be read into the record of the public hearing.
 - c. The failure of the Planning and Zoning Commission, or its staff, to submit a report to the Zoning Board of Appeals shall not prevent the Zoning Board of Appeals from reaching a decision on any matter before it.
8. The applicant may, at any time prior to action by the Commission, withdraw such application.

9. A concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.
10. No variance shall be granted by the ZBA unless it finds:
 - a. That there are special circumstances or conditions, fully described in the findings of the ZBA, applying to the lot or structure for which the variance is sought, which are peculiar to such lot or structure and do not apply generally to lots or structures in the neighborhood and which have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation from which the variance is sought, whether in violation of the provisions herein or not;
 - b. That, for reasons fully set forth in the findings of the ZBA, the aforesaid circumstances or conditions are such that the particular application of the provisions of these Regulations would deprive the applicant of the reasonable use of the lot or structure, that the granting of the variance is necessary for the reasonable use of the lot or structure, and that the variance as granted by the ZBA is the minimum adjustment necessary to accomplish this purpose;
 - c. That the granting of the variance shall be in harmony with the general purposes and intent of these Regulations and the City's Plan of Conservation and Development and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare; and
 - d. That the granting of the variance is not based upon the nonconformity of neighboring lots, uses, buildings or structures, nor upon a financial or economic hardship.
11. Whenever the ZBA grants a variance, it shall include in its minutes as part of the record the reason for its decision, the specific provision of these Regulations which was varied, the extent of the variance and the specific hardship upon which its decision was based.
12. In exercising any of its authority, the ZBA may attach any conditions and safeguards as may be required to protect the public health, safety and general welfare, and to ensure ongoing compliance with these Regulations. Violation of such conditions and safeguards shall be deemed to be a violation of these Regulations and any variance granted with the prescribed conditions or safeguards shall be subject to revocation by the ZBA if the said conditions or limitations are not adhered to strictly provided that, before the ZBA may revoke its action in granting such variance(s), it shall hold a public hearing thereon, of which the applicant and property owner in each case shall be given notice and afforded an opportunity to be heard.
13. Any variance granted by the ZBA shall become effective upon its filing by the applicant in the Town land records.
14. Any variance granted by the ZBA which is not recorded within one year from its effective date shall be null and void.
15. If the ZBA denies a variance, it shall not be required to hear an application for the same variance or substantially the same variance for a period of twelve months after the date of denial, unless

the circumstances associated with the application have substantially changed. A change in ownership of property or any interests therein shall not be deemed a substantial change.

16. No variance shall be granted that would alter, revise or otherwise change any of the conditions attached to the granting of a Special Permit by the Commission, if such conditions are more restrictive than otherwise provided for in these Regulations or if such conditions do not refer to specified standards in these Regulations.

9.7.D Use Variances

1. Use variances may be granted by the Zoning Board of Appeals only in the Industrial zone.
2. No use variance shall be granted by the ZBA which would permit:
 - a. A use prohibited either implicitly or explicitly by these Regulations;
 - b. The expansion of a non-conforming use;
 - c. The number of dwelling units on a lot to exceed the maximum allowed in the district in which the lot is located; or
 - d. A use otherwise allowed by Special Permit in the district in which the use is located.
3. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.
4. Prior to a public hearing on any application for a use variance, the ZBA shall transmit the application to the Commission for its review and comment. Any report submitted by the Commission to the ZBA shall be read into the record of the public hearing of the subject application.

9.8 Administration and Enforcement

9.8.A Enforcement

1. These Regulations shall be administered and enforced by the Zoning Official or his/her designee who is hereby empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provisions of these Regulations or to issue in writing a cease-and-desist order to be effective immediately.
2. The Zoning Official shall keep records of all applications for Building Permits and Certificates of Occupancy, of all identifiable violations of these Regulations, of all inspections made under these Regulations, and of all notices of violation served by him/ her and the action taken thereon.
3. The owner or agent of a building or premises where a violation of any provision of these Regulations has been committed or exists; or the lessee or tenant of an entire building or an entire premises where such violation has been committed or exists; or the owner, agent, lessee or tenant of any part of a building or premises in which such violation has been committed or exists; or the agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists shall be subject to penalties in accordance with the provisions of CGS Section 8-12, as may be amended.

9.8.B Penalties

1. Any person shall be subject to penalties in accordance with the provisions of CGS Section 8-12, as may be amended, who:
 - a. Having been served by the Zoning Official with an order to discontinue any such violation, fails to comply with such order within 10 days after such service, or
 - b. Having been served with a cease-and-desist order with respect to a violation involving grading of land or removal of earth, fails to comply with such order immediately, or
 - c. Continues to violate any provision of these Regulations in the manner named in such order.

9.9 Procedural Details

9.9.A Application Submittal Requirements

1. Applications to the:
 - a. Planning and Zoning Commission shall be submitted to the City Planner.
 - b. Zoning Board of Appeals shall be submitted to the Zoning Official.
2. Applications shall be submitted on forms obtained from the City Planner or the Zoning Official or agent for the type of application being submitted.
3. Applications shall be accompanied by the appropriate fee(s) *except that the Commission or the City of Groton shall be exempt from any application fee.*
4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
5. Applications shall be signed by the applicant or an authorized agent.
6. Applications shall be signed by the owner of the property affected unless the application is for a text change or is a map change initiated by the Commission.
7. Applications should be submitted at least fourteen (14) days prior to the monthly Commission meeting.
8. If the application involves land located within an area designated in these Regulations as a village district, the applicant shall submit a narrative describing compliance with the guidelines of Section 8.4.F of these Regulations.

9.9.B Date of Receipt

For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Commission or the Board shall be:

1. The day of the next regularly scheduled meeting of the Commission or the Board immediately following the day of submission of the application; or
2. Thirty-five (35) days after submission, whichever is sooner.

9.9.C Incomplete Applications

1. Each application shall be reviewed to determine whether the application is substantially complete.

2. An application requiring approval from the Commission or Board shall not be considered actually complete until all of the information as required by these Regulations, the Commission, or the Board has been received by the Commission or the Board.
3. An incomplete application or an application submitted without the requisite fee may be denied.

9.9.D Sequence of Hearings

Where a proposed development or activity requires multiple applications, the Commission or the Board may conduct any public hearings simultaneously or in the order they deem appropriate.

9.9.E Consultations

1. On any application, the Commission or Board may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.
2. In accordance with any ordinance adopted in accordance with CGS Section 8-1c, the Commission or Board may also, at the applicant's expense, retain a civil engineer, a traffic engineer, an environmental professional, an architect, a landscape architect, a professional land use planner, and/or other consultant(s) to review, comment, and guide its deliberations on any application.
3. The Zoning Official or the City Planner may make a preliminary determination of the need for such technical assistance to be provided by non-City personnel following a review of the application provided that such preliminary determination shall be subject to review by the Commission or the Board.
4. Prior to actually retaining such outside consultant(s), the Commission or the Board shall make findings that the nature and intensity of the proposal may have a significant impact on Groton and that:
 - a. City staff will not be able to complete a technical review of the application in a timely fashion; or
 - b. That the proposal is of such a nature as to require expertise not available from staff.
5. The Commission, Board, Zoning Official, or City Planner shall estimate the projected expenses for reviewing, evaluating and processing the application based upon information received from the potential consultant(s) and shall notify the applicant of such supplemental fee estimate.
6. The applicant shall submit funds sufficient to cover the basic application fee plus the cost of the consultant review within fifteen (15) calendar days of being notified by the Zoning Official or the City Planner and the application shall be deemed incomplete until the fee(s) have been submitted.
7. Should the estimate of supplemental funds prove inadequate, the Commission, Board, Zoning Official, or City Planner shall recalculate the projected expenses for reviewing evaluating and processing the application and notify the applicant of such supplemental fee estimate.

8. The applicant shall submit funds sufficient to cover the supplemental fee estimate within fifteen (15) calendar days of being notified by the Zoning Official or the City Planner and the application shall be deemed incomplete until the fee(s) have been submitted.
9. Any portion of the estimated processing fee not expended by the City on the project shall be refunded to the applicant upon completion of the review, evaluation and processing of the application.
10. In accordance with any ordinance adopted in accordance with CGS Section 8-1c, the Commission or Board shall bill the applicant for any costs incurred by the City of Groton in processing the application in excess of the estimated processing fee(s) paid by the applicant and this bill shall be paid by the applicant within fifteen (15) calendar days of such notice regardless of whether the application is approved, denied, or withdrawn.
11. No permits shall be issued until all processing fees are paid.

9.9.F Notice by Newspaper

1. When a public hearing is required by these Regulations or scheduled by the Commission or Board, the City shall cause notice of the hearing to be published in a newspaper having a substantial circulation in Groton.
2. Such notice shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before the date of the hearing.

9.9.G Notification to Property Owners

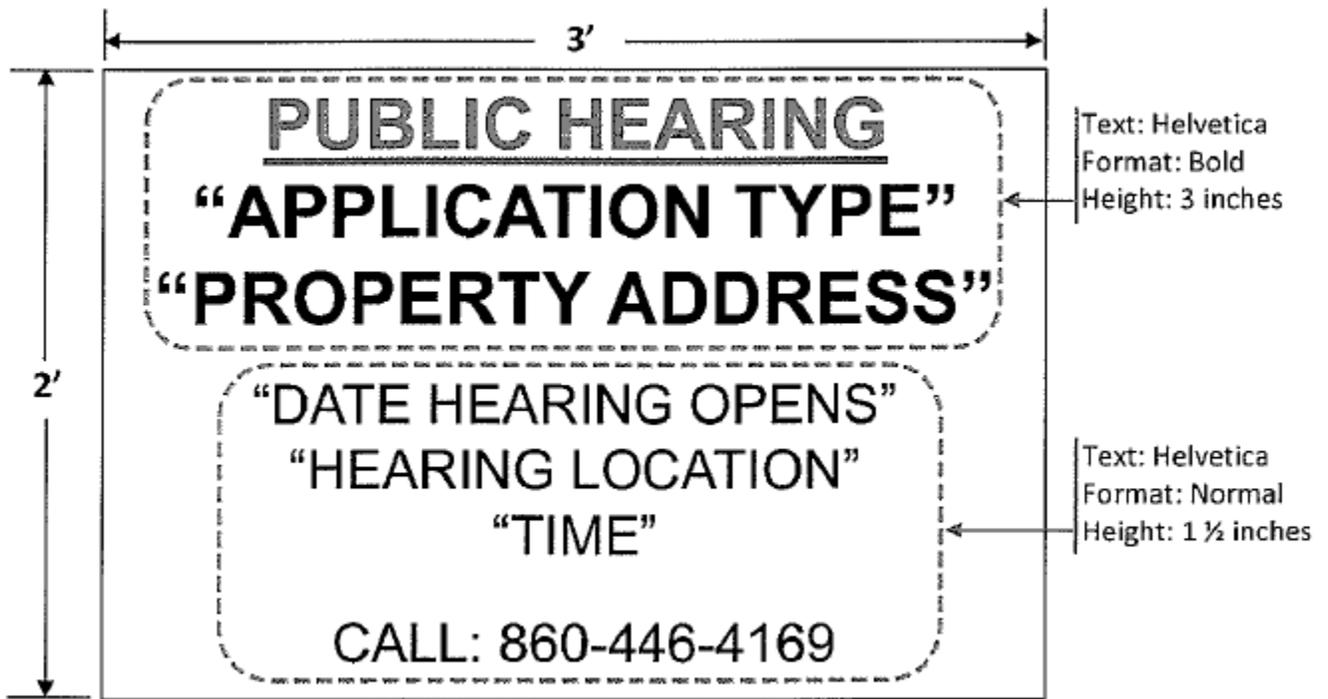
1. When required by these Regulations, the applicant (other than the Commission which is exempt as per PA 06-80) shall notify owners of property within two hundred (200) feet of the subject property (including owners of all condominium units both on and adjacent to the subject property), whether inside or outside Groton, of a pending application by mailing a notice at least seven (7) days prior to the first scheduled hearing.
2. At a minimum, such notice shall consist of:
 - a. A description of the proposed activity;
 - b. Notification of the date, time, and place of the first scheduled hearing.
3. Proof of mailing forms from the United States Postal Service shall serve as evidence that the notice was given in accordance with this Section.
4. The most recent Assessor's records on file in the Assessor's Office shall be utilized to determine the owner of each property for the purpose of this mailing.

5. The applicant shall certify to the Commission or the Board prior to or at the public hearing that the required notices were mailed to all parties identified in Section 9.9.G.I.
6. Prior to the first scheduled hearing regarding the application, the applicant shall submit the following to the City, or the application shall be considered incomplete:
 - a. A copy of the complete package of information sent to abutters;
 - b. A list of the abutters to whom the notices were sent; and
 - c. Proof of mailing from the United States Postal Service.

9.9.H Posting of Sign

1. When required by these Regulations, the applicant shall post one or more signs at his or her expense, in conspicuous locations on the property or properties affected by the application.
2. In the event any such property has frontage on or access to more than one street, there will be posted a minimum of one sign on each street on which the property has frontage or access.

The City Planner may require multiple signs for properties with frontage of more than two hundred (200) feet on any onestreet.
3. The sign shall be no smaller than two feet high by three- feet wide.
4. The sign shall be approved by the City Planner prior to posting, installed at least seven (7) days prior to the public hearing and consist of the following content and format:



5. The applicant shall file a written statement with the Commission at the time of the public hearing certifying that the required signs were posted as required by these Regulations.
6. Failure to post and maintain the signs as required by this Section shall constitute grounds for continuation of the public hearing or denial of the application.
7. Any signs shall be removed following the close of the public hearing.

9.9.1 Notification to Abutting Municipalities

1. In accordance with CGS Section 8-7d(f), the Commission or Board shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
 - a. Any portion of the property affected by a decision is within five hundred (500) feet of the boundary of the adjoining municipality;
 - b. A significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site;
 - c. A significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
 - d. Water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.

2. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the day of the submission to the City of the application, petition, request or plan.
3. No hearing shall be conducted on any such application unless the adjoining municipality has received the notice required under this Section.
4. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

9.9.J Notification to Water Companies

1. In accordance with CGS Section 8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application is filed with the Commission or Board concerning any project on any site that is within:
 - a. An aquifer protection area provided such area has been delineated in accordance with CGS Section 22a-354c; or
 - b. The watershed of a water company provided such water company or said commissioner has filed a map with the Commission or the Board and on the Groton land records showing boundaries of the watershed. evaluating and processing the application and notify the applicant of such supplemental fee estimate.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven days after the date of the day of the submission to the City.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the City, or the application shall be considered incomplete:
 - a. A copy of the complete package of information; and
 - b. Proof of mailing.
4. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

9.9.K Notification of DEEP

1. If any portion of the property which is the subject of the application is located within a “shaded area” identified on the most current Natural Diversity Database maps for Groton, the applicant shall notify the Connecticut Department of Energy and Environmental Protection (DEEP) of the pending project.
2. A report from DEEP shall be a required for any application for a Site Plan or a Special Permit for property located within a “shaded area” identified on the most current Natural Diversity Database maps for Groton.
3. Any application submitted without a DEEP report shall be considered incomplete (see Section 9.9.C).
4. Additional information is available on the DEEP website (www.ct.gov/deep).

9.9.L Performance Guaranty

1. Where a performance guaranty is required by any Section of these Regulations, an itemized estimate of the cost of the site improvements shall be prepared by the applicant, including a separate inflation factor for the estimated construction period, and shall be submitted to the Commission's Engineer for approval.
2. The performance guaranty shall be posted with the City for an initial period of 18 months unless an extension of time shall be requested by the applicant and granted by the Commission.
3. Where a performance guaranty is required by any Section of these Regulations, it shall be in one (1) of the following forms and the City Planner shall require evidence of compliance with the following standards before accepting any performance guaranty:
 - a. Cash deposited with the City.
 - b. Certified bank check to the order of the City when the amount of the check is fully insured by the FDIC.

- c. Bank deposit (such as a passbook savings account or a statement savings account) assigned irrevocably and solely to the City when the amount of the deposit is fully insured by the FDIC.
 - d. Irrevocable letter of credit naming the City as sole beneficiary provided that:
 - i. Such letter of credit shall be issued by, and drafts thereunder presentable at, a branch of a bank in Connecticut provided that;
 - ii. Such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, "NAIC") as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes; or
 - iii. The long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service.
 - iv. The terms and conditions of such letter of credit shall be acceptable in form and substance to the City; and
 - v. If and when such letter of credit shall, through the passage of time, have less than thirty (30) days remaining until its expiration or lapse date, and such date shall not have been extended, the City may draw under said letter of credit the full amount thereof and the proceeds may be retained by the City as the bond.
 - e. Other forms of bond (such as a performance bond) acceptable in form and substance to the City.
4. Upon the completion of at least 25%, 50% or 75% of the cost of the bonded site improvements, the applicant may request in writing a reduction of the bond. The Commission shall cause the site to be inspected by the City Planner, the Commission's Engineer, and/or other appropriate City officials to determine if the portion of the required site improvements for which the reduction is being requested has been satisfactorily completed in accordance with the approved Site Plan. Based upon these findings, the Commission may authorize the reduction of such bond.
5. No portion of any required performance guaranty shall be released by the Commission or the City Planner until:
- a. A release has been requested, in writing, by the applicant;
 - b. The applicant's engineer or surveyor has certified to the City, in writing, that an appropriate level of improvements in relation to the requested release have been satisfactorily completed in accordance with approved plans;

- c. If such release is a final release, the applicant's engineer or surveyor has submitted a set of detailed "Record" plans on mylar, that all improvements and other work are in accordance with approved plans; and
 - d. the City Planner has confirmed, in writing, that the appropriate level of improvements in relation to the requested release have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied.
- 6. In accordance with CGS Section 8-3, if the person posting a performance guaranty requests a release of all or a portion of such performance guaranty, the Commission or the City Planner shall, not later than sixty-five days after receiving such request:
 - a. Release any such performance guaranty or portion thereof, provided the Commission or the City Planner is reasonably satisfied that the improvements for which such performance guaranty or portion thereof was posted have been completed, or
 - b. Provide the person posting such performance guaranty with a written explanation as to the additional work that must be completed before such performance guaranty or portion thereof may be released.
- 7. Before the release of a performance guaranty, the Commission:
 - a. May require the applicant to submit "as-built" drawings; and
 - b. May require that the applicant post a maintenance performance guaranty to be retained for a period of two years after vegetative cover and plantings have been installed to guarantee the survival of landscaping and to ensure any other relevant improvements.
- 8. Any cost of collecting a performance guaranty, including without limitation, attorney's fees, bank fees, and other collection fees and expenditures, shall be for account of the applicant and may be deducted from amounts released.

9.9.M Beneficiaries of a Trust

Any person who makes an application to the Commission or Board pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner (s) of such real property or the beneficiary(ies) of the trust.

Appendix A: Site Plan Requirements

Sheet Size	24" x 36"; (12" x 18" or 18" x 24" if approved in advance by City Planner)
Number of Plan Sets	The number of plans submitted shall be determined by the City Planner depending on staff referrals.

When approval of a Site Plan is required under these Regulations, application for approval shall contain the following minimum documentation. Additional information may be required by the City Planner at time of, or following, application submission:

- A. A completed application form(s), fee, and a written statement of the proposed use of the building, structure or use of property for which the application is made.
- B. Locations and use of structures in any residential zone abutting the site or lying immediately across the street from the site of the proposed use and within 100 feet thereof and the approximate distance of any street intersections within 500 feet of the site of the proposed use.
- C. A Zoning Table outlining the required bulk zoning and dimensional requirements of the zone, and the proposed dimensions or calculation associated with each requirement.
- D. The following note:

“A foundation location as-built drawing shall be submitted to the City Planner following completion of the foundation's installation and prior to backfill and the construction of any vertical walls or other features attached to the foundation structure. Said plan shall depict the location of all foundation walls and finished elevation of the top of all foundation walls when the elevation varies and demonstrate the location is consistent with the approved plans. The foundation location as-built shall be prepared in accordance with Sec. 20-300b-2 (b) {1} and Sec. 20-300b-4 of the Department of Consumer Protection Concerning Survey and Map Standards, conforming to A-2 and T-2 classes of accuracy and shall be signed & sealed by a licensed site surveyor registered to do business in the State of Connecticut with appropriate references attesting to the above noted standards and accuracy.”

- E. All plans shall be prepared, signed, and sealed by a Connecticut registered engineer, surveyor, architect, or landscape architect, whichever is appropriate. All Site Plans shall be prepared at a scale of not more than 40 feet to 1 inch and each plan shall include:
 - 1. Date, north arrow, numerical and graphical scale;
 - 2. Sheet title and sheet number;
 - 3. Property address as depicted on the assessor's card;
 - 4. Signature and seal of the professional responsible for the preparation of the drawing, as applicable;
 - 5. The following signature block:

CITY OF GROTON: APPROVED PLAN

The plans upon which this stamp is affixed are approved. All work must conform to the representations made herein and other applicable documents or conditions. It is the applicant's responsibility to secure additional permits as may be required. Any modifications to these plans required in order to secure other permits or address field conditions during construction must first be approved by the City Planner or Planning and Zoning Commission, as may be applicable, and prior to commencing with said improvements.

Chairman

Date

- F. The Planning and Zoning Commission may require approval of the Site Plan by any City of Groton agency, department, and/or official, other than the Planning and Zoning Commission or the Zoning Official of said City; however, the approval of such agency, department, and/or official shall be obtained by the applicant.
- G. As part of the Site Plan requirement in all zones, sidewalks shall be provided along all street frontages where such sidewalks are absent. Such walks shall be S feet wide and built to City of Groton Highway Department specifications. The Commission shall require such walks to be extended a reasonable distance beyond the site frontage to connect to existing walks. Such extensions shall not exceed a total of 100 feet.
- H. Drawings shall include enough detail to demonstrate, to the satisfaction of staff and the Commission that all improvements comply with all applicable local, state and federal land use, building and fire codes. General statements that compliance will be achieved following site plan approval or at time of building permit application will not be accepted.
- I. All drawings shall be collated, and edge bound. The following minimum information shall be provided along with the completed Site Plan Application & Fee and depicted on its own drawing as noted below or as otherwise approved by the City Planner:
 - 1. Site Surveys. Provide a Property Survey in accordance with Sec. 20-300b-2 (b) (1) of the *Department of Consumer Protection Concerning Survey and Map Standards*, conforming to A-2 Class of Horizontal Accuracy; and a Topographic Survey in accordance with Sec. 20-300b-4 (a) of the *Department of Consumer Protection Concerning Survey and Map Standards*, conforming to T-2 Vertical Class of Accuracy. Both surveys shall be signed & sealed by a licensed site surveyor registered to do business in the State of Connecticut with appropriate references attesting to the above noted standards and accuracy. In addition to the minimum requirements to meet the above standards the surveys shall include:
 - a. The name of abutting property owners & location of intersecting property lines;

- b. All existing improvements including buildings, pavement, utilities (above and below grade), fences, walls, curbing, walkways, etc.;
- c. Existing vegetation and trees with a diameter of 12 inches or more, as measured at the base located on site;
- d. Existing contours at 2 feet intervals and appropriate spot elevations;
- e. Limits of wetlands and watercourses as delineated by a licensed CT Soil Scientist;
- f. Limits of Special Flood Hazard Areas;
- g. Limit of Moderate Wave Action (LiMWA) Boundary Line
- h. Coastal resources;
- i. The general location of existing buildings within fifty feet of the property line situated on other properties;
- j. Location of significant physical/natural features on and within 100 feet of the Lot;
- k. Edge of roadways and other existing improvements within the public right of way for the entire Lot frontage (both sides of the street) extending 100' beyond the corner of the Lot;
- l. Easements and setback lines;
- m. Existing deed restrictions or covenants applying to the Lot.

Information provided upon the Site Survey(s) shall be depicted on all plans noted below to convey the relationship of existing conditions to future Lot improvements.

- 2. Demolition Plan showing all existing improvements and vegetation to be removed including limits of sawcut lines and construction fencing.
- 3. Layout Plan depicting all proposed improvements, clearly labeled and corresponding to the applicable construction detail provided; critical dimensions provided for such items as walks, drives, setbacks, parking spaces, etc. to demonstrate code requirements (building and zoning). At minimum the Layout Plan shall depict the following proposed information:
 - a. Building and structure locations and decks/balconies (including roof overhangs);
 - b. Walks;
 - c. Fences and Bollards;

- d. Pavement materials and markings;
 - e. Curbing and parking;
 - f. Handicap parking and ramps;
 - g. Outdoor storage areas;
 - h. Trash enclosures and mechanical equipment (i.e. HVAC, transformers, heat pumps, etc.);
 - i. Signage (including those used for traffic control);
 - j. Setback lines and building/structure distance to property lines;
 - k. Existing and proposed easements;
 - l. Existing and proposed deed restrictions or covenants applying to the Lot.
4. Sedimentation and Erosion Control Plan depicting the information contained upon the Layout Plan as required above and, at minimum, containing:
- a. Silt fence, hay bales, etc.
 - b. Temporary sedimentation trap (with supporting calculations)
 - c. Stockpile areas
 - d. Staging and storage of equipment
 - e. Location of construction trailer and contractor parking
 - f. Erosion control narrative and sequence of construction
 - g. Inspection requirements and schedule
 - h. Contact information for individual responsible for ES measures
 - i. All other items necessary to conform to the requirements of Section 7.8 of these regulations.
5. Stormwater Management Plan prepared by a CT licensed Professional Engineer demonstrating compliance with Section 7.7 of these Zoning Regulations and including the following:
- a. Grading and Drainage Plan(s) depicting at minimum:
 - i. Proposed contours at a minimum of 2' intervals;
 - ii. Spot elevations at high and low points, top and bottom of stairs and ramps, intermediate landings of ramps, top and bottom of all walls

- (retaining and free standing);
 - iii. All drainage structures, piping (including inverts, size, slope and material);
 - iv. Stormwater facilities (above and below ground);
 - v. Finished floor elevations of all structures;
 - vi. Existing and proposed easements;
 - vii. Existing and proposed deed restrictions or covenants applying to the Lot;
 - viii. Location and base flood elevation of all Special Flood Hazard Areas;
 - ix. Cut and fill calculations when material is to be imported to, or exported from, the Lot;
 - x. Nature and character of material to be imported to, or exported from, the Lot
 - b. Stormwater report with supporting calculations and consistent with the provisions Section 7.7
 - c. A narrative describing the methods of low impact development implemented into the plan
 - d. Construction details of all materials and techniques used to control stormwater and address water quality
- 6. Utility Plan showing all proposed electrical, telecommunications, fiber optics, sanitary sewer, water, transformers, and other above and below grade utilities, including those to remain.
- 7. Landscape Plan, Tree Survey, Tree Protection Plan depicting the location of all plant material and protection measures. The plan shall include all proposed and existing features to remain, below and above grade utility improvements, signage and lighting to confirm no conflicts exist with proposed landscape materials. Plan shall also include a Landscape Schedule, provide on each landscape plan when more than one is necessary, and contain the following information:
 - a. Plant Code or Symbol
 - b. Scientific Name
 - c. Common Name
 - d. Size at time of planting using American Nursery & Landscape Association standard size nomenclature
 - e. Method of planting (i.e. container grown, balled and burlapped, etc.)

- f. Notes as may be applicable to plant species
8. Lighting Plan depicting the location of all exterior lighting, including those mounted on the exterior of a building. Provide lighting details and product cuts to demonstrate compliance with the zoning regulations. Lighting may be combined with the Site Layout Plan or Landscape Plan as long as legibility is not affected.
9. Photometric Plan prepared by a Connecticut licensed professional engineer depicting foot candles on the ground, in relationship to all property lines and site improvements and demonstrating conformance with the zoning regulations. This plan must be separate from all other plans.
10. Building Floor Plans with clearly labeled space/room uses, provide critical dimensions, location of windows, exterior and interior doorways, utility and storage rooms, location of utilities entering the building.
11. Building Elevations (Including existing buildings with additions) depicting all exterior improvements and accurately illustrating roof lines, wall/roof height, window location and styles, siding, shutters, trim, roof/building mounted mechanical/utility equipment, etc.
12. Phasing Plan, when the improvements upon the Lot will be constructed at different times, clearly showing the limits of each phase and associated improvements. Provide a schedule and duration of each phase.
13. Construction details depicting the methods and means of installation of major site improvements.
14. Information pertaining to development in a Special Flood Hazard Area, as applicable, and as outlined in Section 5.3 of these regulations.
15. Additional items that may be required include:
 - a. Traffic report and identification of necessary offsite improvements;
 - b. Environmental reports;
 - c. Architectural product samples;
 - d. Noise study;
 - e. Structural analysis;
 - f. Geotechnical reports;
 - g. Illustrative renderings;
 - h. Cross section of buildings or site improvements;
 - i. Other supporting information found necessary by staff or the Planning and Zoning Commission.

Appendix B: Coastal Site Plan Requirements

Sheet Size	24" x 36"; (12" x 18" or 18" x 24" if approved in advance by City Planner)
Number of Plan Sets	The number of plans submitted shall be determined by the City Planner depending on staff referrals.

Coastal Site Plan Contents

1. A Coastal Site Plan application and accompanying plans shall be submitted to the City Planner three- weeks prior to any regularly scheduled meeting of the Commission.
2. In addition to paper copies of the application a DIGITAL COPY of the initial application and all subsequent revisions and supplemental materials shall be provided.
3. A coastal site plan shall include a plan showing the location and special relationship of coastal resources on and contiguous to the site; a description of the entire project with appropriate plans, indicating project location, design, timing and methods of construction; an assessment of the capability of the resources to accommodate the proposed site; evaluation of the potential beneficial and adverse impacts of the project and a description of proposed resources.
4. "Any person submitting a coast al site plan, as defined above, shall demonstrate that the adverse impacts of the proposed activity are acceptable and shall demonstrate that such activity is consistent with the goals and policies of Section 22a-92 of the Connecticut General Statutes."
5. To evaluate the potential impacts upon coastal resources the Commission or its designated agent may require the submission of a stormwater management plan or soil erosion and sedimentation control plan prepared in accordance with these Regulations.
6. Coastal Site Plan Action:
 - a. The Board or Commission reviewing the coastal site plan shall, in addition to the discretion granted in any other sections of the Connecticut General Statutes or in any special act, approve, modify, condition or deny the activity proposed in a coast al site plan based on the criteria listed in Chapter 444, Section 22a-106 of the Connecticut General Statutes. Furth er, pursuant to Connecticut General Statutes Section 22a-106(e), the reviewing commission must find that the proposed activity is consistent with all applicable goals and policies of Section 22a-92 and incorporate as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water -dependent development activities.
 - b. The Board or Commission approving, modifying, conditioning or denying a coastal site plan based on criteria listed above shall state in writing the findings and reasons for its action.
 - c. In accordance with CGS Section 22a-105, failure to act on a coastal site plan within 65 days of the date of receipt (plus any extensions) shall be deemed a rejection.

Appendix C: ZBA Application Requirements

Sheet Size	Standard letter or legal-size sheets of paper although plot plans prepared on larger sheets of paper may be accepted by the Zoning Board of Appeals, provided that such plot plans are duly certified.
Number of Plan Sets	8 plot plans

1. All applications for variances shall show the location of the buildings on abutting property, drawn to the same scale as the plot plan and the specific location of all proposed buildings, if applicable. This does not in any way authorize trespassing for any purpose.
2. No division of a lot, reduction in lot area, reduction in lot width, or relocation of common lot lines shall be considered by the Zoning Board of Appeals unless a certified plot plan is submitted with the application.
3. No division of a lot which would reduce the area of the resulting lots below the minimum required lot area of the applicable zoning district shall be considered by the Zoning Board of Appeals unless the lot abuts a public sewer or the owner obtains a satisfactory sanitation report from the Ledge Light Health District and submits same with the application.
4. All applications for approval of location for new gas stations, motor vehicle dealerships and motor vehicle repair garages shall be accompanied by an approved site plan and an authorized special permit.
5. The Board may waive or modify any or all the requirements set forth above.
6. Failure of the applicant to meet any of the requirements set forth in Sections 6.22 and 6.23 shall in no event invalidate any decision made by the Board on the merits of such application.

Effective TBD

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Effective TBD

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Chronology of Text Amendments

Date	Section Affected Number	Title	Description of Amendment
5/15/75			
	All		Adoption of Zoning Ordinance
12/1/16			
	All		Comprehensive reorganization and amendments
12/21/17			
	2.2	Definitions	Added definition for Historic/Institutional Adaptive Reuse
	6.13 NEW	Historic/Institutional Adaptive Reuse	New Section
2/12/18			
	4.3.C	Principal Uses Permitted by Site Plan	New use Cultural/Historic Memorial Parklet
4/3/19			
	All		Reformatting of page numbers, section titles and headers
	2.1.8.1	Common Terms	Added 'site'
	2.2	Definitions	Deleted incorrect subsection cross reference
	2.2	Definitions	Added definition of 'structural fill' to complement amendments to 7.3
	4.1.C; 4.2.C; 4.3.C; 4.4.B; 4.5.B	Business and Industrial Zones	Added 'and City Planner'; see Section 9.3 for complementing amendments
	4.1.J	Design Considerations	Corrected cross-reference to Section 8.4
	4.2.H	Design Considerations	Corrected cross-reference to Section 8.4
	5.2.C	Applicability	Added cross reference to Appendix B
	5.3	FP - Flood Protection Overlay Zone	Various amendments to respond to State of Connecticut building code revisions
	7.1.8	(Parking) Other Uses	Added item 'g. Mixed Use '
	7.3	Earthwork and the Importing and Exporting of Earth Products	Various amendments to clarify importing and exporting rather than using the terms 'fill' and 'cut'; Amendments clarify applicability of bringing or removing earth products to a site
	7.8.C.10	Erosion and Sedimentation	added "planned, engineered and..." to distinguish that ES measures should not only be installed per the CT manual but also designed in accordance with the Manual
	9.3.8.2.b	Applicability	Change of use only requires zoning permit based up on listed thresholds
	9.3.B.2.d.iv	Applicability	Defined 'site' for its use in this section only
	9.3.8.3 NEW	Applicability	City Planner may review and approve site plans in non-residential districts; CAM shall be reviewed by Commission by CGS
	9.3.8.4	Applicability	Defined minor v. major modifications
	9.3.C	Submission Requirements	Cross referenced Appendix A; clarified timing of submission and requirements
	9.4.B	Submission Requirements	Clarified timing of submission and requirements
	9.5.B	Submission Requirements	Clarified timing of submission and requirements
	9.6.B	Submission Requirements	Clarified timing of submission and requirements
	9.7.C.1	Variances	Cross referenced Appendix C
	9.9.H	Posting of Sign	Added specific sign dimensions and formatting requirements
		Appendix A	Redraft of submission requirements
		Appendix B	Clarified timing of submission
9/2/20			
	5.4	Planned Development Districts	Mixed Use Development Districts
	5.4.A; 5.4.A.1	Mixed Use Development District	Mixed-Use Development District ("MUDD") will be a floating zone governed by a Master Plan

Date	Section Affected Number	Title	Description of Amendment
9/2/20			
	5.4.A.2	Application Procedure for MUDD	Submitted to the Planning and Zoning Commission
	5.4.A.3	Public Hearing, Personal Notice, and Action	
	5.4.A.4	Criteria for Decisions on Change of Zone and Master Plan	General Findings and Site Plan Approval
	5.4.A.5	Specific Requirements for All MUDDs	
	5.4.A.6	Specific Requirements for Residential Development in a MUDD	
	5.4.A.7	Specific Requirements for Commercial and Mixed-Use Development in a MUDD	
	5.4.A.8	Conformance to Recorded Documents	
	5.4.A.9	Amendment or Extension of Approved MUDDs	
	5.4.A.10	Commencement and Completion of Construction.	
	5.4.A.11	Performance Bonds	
	5.4.A.12	Deeds	
	5.4.A.13	Outside Storage Applicable to Uses in a Mixed Use Development District	

