

# Zoning Regulations

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Town of Bloomfield – Connecticut

Adopted June 25, 2009 | Effective August 15, 2009

Amended Through February 27, 2025



# HOW TO USE THESE REGULATIONS

## PHILOSOPHY

These Zoning Regulations are intended to guide land use activities in Bloomfield in ways that will:

- protect the public health, safety, and welfare,
- maintain and enhance community character, and
- improve the economic value of property and general welfare of residents.

It is recognized that the appearance of property has a direct bearing on the economic value of that property and also the economic value of adjacent and surrounding properties. The appearance of a single property also has a cumulative effect which can enhance or diminish the beauty of the entire Town, and consequently the values of property elsewhere within the Town.

## ORGANIZATION

This set of Regulations has been organized around four main thematic elements. Understanding this organization will help the user quickly locate the regulatory provisions they seek.

THEME	ARTICLES	DESCRIPTION
Basics	Introduction Definitions	Background information and how the regulations will be used and interpreted
Zones and Uses	Residential Zones Business Zones Special Zones	Information about the various zoning districts and the standards that apply within them
Standards	Basic Standards Special Permits Special Requirements	Requirements for landscaping, signage, parking, non-conforming uses and other activities
Administrative	Procedures Administration	How applications will be processed and the regulations will be administered

## PHILOSOPHY

These Regulations are intended to be a dynamic document, not a static document. It is anticipated that these Regulations will be regularly reviewed and updated, as necessary, to anticipate and reflect the ever changing needs of the community and to guide land use activities in Bloomfield in ways that will continue to maintain and enhance community character and protect the public health, safety, and welfare.



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# ARTICLE 1      Introduction

## 1.1      AUTHORITY.

These Regulations are adopted under the authority of Chapter 124 of the General Statutes of the State of Connecticut, as amended.

## 1.2      PURPOSES.

1.2.A These Regulations are adopted for the purposes of:

1. guiding the future growth and development of Bloomfield in accordance with the Plan of Conservation and Development,
2. lessening congestion in the streets,
3. securing safety from fire, panic, flood and other dangers,
4. promoting health and the general welfare,
5. providing for adequate light and air,
6. preventing the overcrowding of land and avoiding the undue concentration of population, and
7. facilitating the adequate provision for transportation, water, sewerage, schools, parks and other public requirements.

1.2.B These Regulations are adopted to:

1. give consideration to the character of each area and its peculiar suitability for particular uses,
2. conserve the value of buildings and encourage the most appropriate use of land throughout Bloomfield,
3. protect historic factors and resources,
4. protect existing and potential public surface and ground drinking water supplies,
5. provide for the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of Bloomfield and the planning region, and
6. provide for housing choice and economic diversity in housing, including housing which will meet identified housing needs.

### **1.3 INTERPRETATION OF REGULATIONS.**

#### **1.3.A Prohibited If Not Permitted.**

1. Any principal use of land, buildings or structures not expressly permitted by these Regulations in a particular zoning district is prohibited in that district.
2. For a principal use permitted by these Regulations, accessory uses which are clearly and customarily incidental and are actually subordinate to the permitted principal use may be permitted by the Zoning Enforcement Officer.
3. Any activity not expressly permitted by these Regulations in a particular zoning district is prohibited in that district.
4. In the event of uncertainty as to whether a use or activity is permitted, the Commission shall be responsible for interpreting these Regulations.

#### **1.3.B Minimum Standards.**

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare, unless the context clearly indicates that such provision is intended to be a maximum limitation.

#### **1.3.C Multiple Standards.**

1. In the event that there are found to be conflicting requirements within these Regulations, the most restrictive provision shall be applied
2. The provisions of these Regulations may be superseded by other local, State, or Federal laws or regulations
3. These Regulations do not release a person from having to comply with a more restrictive law, ordinance, easement, covenant, rule, regulation, or permit.

## 1.4 ZONING DISTRICTS.

### 1.4.A Districts and Boundaries.

1. To accomplish the purposes of these Regulations, the Town of Bloomfield shall be and is divided into different classes of districts or zones as enumerated in these Regulations.
2. The location and boundaries of zoning districts shall be as shown on the official Zoning Map, as may be amended, which is on file in the Planning and Zoning Department.
3. The official Zoning Map, as may be amended, is hereby declared to be a part of these Zoning Regulations.

### 1.4.B Boundary Interpretation.

1. If not clearly delineated on the Zoning Map, zone district boundaries shall be construed in the following sequence:
  - a. following the center line of a street, railroad, right-of-way, or easement;
  - b. following lot lines, such being lines of record at the time of adoption of these Regulations or relevant amendments hereto;
  - c. where zone boundaries are set back from street lines, they shall be considered as running parallel thereto, at distances shown or measured; and
  - d. following the lines of a particular physical feature including brooks, streams, floodplains, or steep slopes.
2. In cases of uncertainty regarding a zone boundary on the Zoning Map, the location of the zone boundary shall be determined by the Town Plan and Zoning Commission.

## 1.5 CONFORMITY REQUIRED.

No building or structure shall be erected or structurally altered, moved or maintained, nor shall any building, structure, or land be used except in conformity with these regulations and the permitted uses herein prescribed for the zone in which such building, structure or land is located. All uses which are not permitted shall be considered as prohibited.

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## ARTICLE 2 Definitions

### 2.1 USE OF TERMS.

#### 2.1.A Definitions to be Applied.

In the interpretation and enforcement of these Regulations, the words and phrases set forth in these Regulations shall be construed as defined in this Article, unless otherwise clearly qualified by their context.

#### 2.1.B Specific Terms.

In the interpretation and enforcement of these Regulations, certain words contained herein shall be interpreted as follows:

1. The word "shall" is mandatory and not discretionary.
2. The word "may" is permissive.
3. When not inconsistent with the context:
  - a. Words in the present tense include the future and vice-versa.
  - b. Words in the singular include the plural and vice-versa.
  - c. Words in the masculine include the feminine and neuter and vice-versa.
4. The words "occupied" or "used" include the words "designed, arranged or intended to be occupied or used."
5. The words "zone", "zoning district", and "district" have the same meaning.
6. The word "person" also includes a partnership, association, trust, corporation or other legal entity.
7. "Filed" shall mean "submitted" and vice-versa.
8. The "Town" is the Town of Bloomfield, Connecticut.
9. The "Commission" is the Town Plan and Zoning Commission.

#### 2.1.C Terms Not Defined.

In the interpretation and enforcement of these Regulations, words not defined in this Article shall be interpreted by the Commission after consulting one or more of the following:

1. The State Building Code, as amended.
2. The Connecticut General Statutes, as amended.
3. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ), as amended.
4. Black's Law Dictionary.
5. A comprehensive general dictionary.

## 2.2 DEFINED TERMS.

For the purpose of these regulations, the following words are defined below:

### CONCEPT OF "ACCESSORY" AND "PRINCIPAL"

**Accessory** – Subordinate and customarily incidental to a principal building, structure, or use on the same property.

**Accessory Dwelling Unit** – See “Housing Unit” Related Terms.

**Accessory Building** – See “Building, Accessory” @ “Building” Related Terms.

**Accessory Dwelling Unit** – See “Dwelling Unit, Accessory” @ “Housing Unit” Related Terms.

**Accessory Use** – See “Use, Accessory” @ “Use” Related Terms.

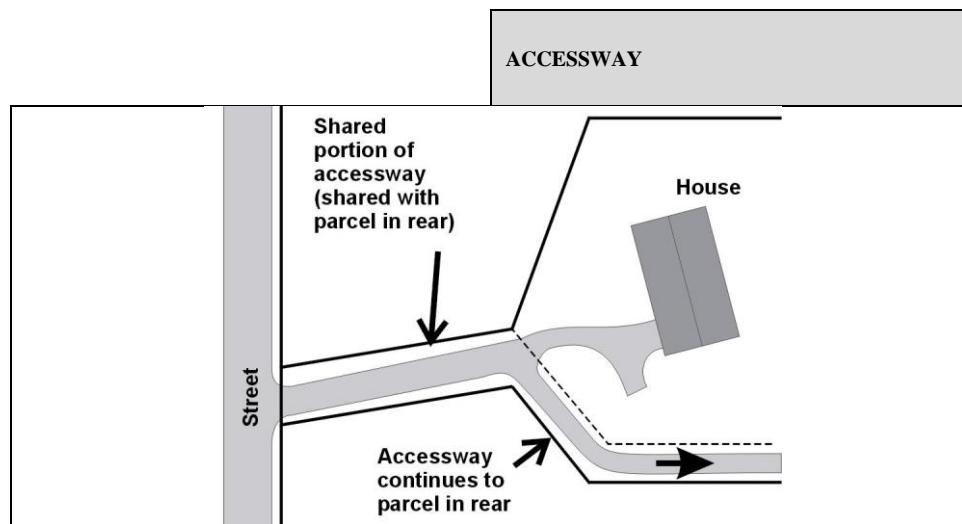
**Principal** – The primary or predominant building, structure, use, or activity on a lot or parcel

**Principal Building** – See “Building, Principal” @ “Building” Related Terms.

**Principal Use** – See “Use, Principal” @ “Use” Related Terms.

**Accelerated Erosion** – See “Erosion, Accelerated” @ “Flood Management” Related Terms.

**Accessway** – A private way for vehicular traffic providing access to a street for not more than three (3) lots. Also see definition of “Lot Area” @ “Lot” Related Terms.



## “ADULT ORIENTED” RELATED TERMS

**Adult-Oriented Establishment** – Shall include, without limitation, “adult bookstores,” “adult motion picture theaters,” “adult mini-motion picture theaters” and further means, any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, adult cabaret, or therein an entertainer provides adult entertainment to a member of the public, a patron or member, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An “adult-oriented establishment” further includes, without limitation, any “adult entertainment studio” or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term or like import.

**Adult Bookstore** – An establishment having a substantial or significant portion of its stock and trade and offers for sale or rent, for any form of consideration any one or more of the following: books, films, videocassettes, or magazines and other publications which are distinguished or characterized by their emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined below; and in conjunction therewith has facilities for the presentation of adult material, as defined below, including adult-oriented films, movies or live entertainment, for the observation by patrons therein.

**Adult Motion Picture Theater** – An enclosed building with a capacity for 25 or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined below, for observation by patrons therein.

**Adult Mini-Motion Picture Theater** – An enclosed building with a capacity for less than 25 persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.

**Adult Cabaret** – An establishment such as, but not limited to a nightclub, bar, restaurant, or similar establishment that regularly features live performances, that are characterized by the exposure of “specific anatomical areas” or by “specified sexual activities.” Or films, motion pictures, videocassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.

**Adult Material** – Shall include but is not limited to accessories, books, films, videocassettes, or live entertainment, for observation by patrons therein, or magazines and other periodicals or any combination thereof which are distinguished or characterized by their emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined herein.

**Sexual Activities** – As used in these regulations, this term is not intended to include any

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**“ADULT ORIENTED” RELATED TERMS**

medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications which devote at least 25 percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in conjunction with the dissemination of the news. Nor does this definition apply to publications or films which describe and report different cultures and which from time to time publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

**Specified Anatomical Areas** – Less than completely and opaquely covered:  
 human genitalia and pubic region; buttocks, anus; female breast below a point immediately above the top of the areola,  
 human genitalia in a discernibly turgid state, even if completely opaquely covered.

**Specified Sexual Activities** – human genitalia in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitalia, pubic region, buttocks, anus or female breast.

**Substantial or Significant Adult Material in Stock or Trade** – shall be defined as an adult-oriented establishment having more than 25 percent of its stock or trade devoted to adult material as defined herein.

**Agriculture** – The cultivation of the soil, and the raising and harvesting of crops, including but not limited to nursery gardening, horticulture, forestry, and the raising and/or caring for livestock or poultry.

**Amusement Enterprise** – Any indoor or outdoor place that is maintained for the amusement, patronage, or recreation of the public to including but not limited to any coin-controlled amusement device of any description, pool tables, miniature golf or driving range.

**“ANIMAL” RELATED TERMS”**

**Animal, Domestic** – Any animal customarily kept by humans for companionship, including but not limited to dogs, cats, birds, rabbits, hamsters, mice, turtles and the like.

**Livestock** – Animals commonly raised in an agricultural, rather than a domestic environment, including but not limited to chickens, pigs, sheep, goats, horses, cattle, donkeys, llamas, emus, ostriches.

**Assisted Living** – See “*Housing Type*” Related Terms.

**Attached** – Connected by or having in common any portion of one or more of the following: walls, floors, ceilings or roofs.

**Average Grade** – See Grade, Average @ “*Grade*” Related Terms.

**Basement** – See “*Flood Management*” Related Terms.

**Bed and Breakfast Inn** – An owner-occupied dwelling unit, constructed prior to 1950, that contains no more than four guest rooms where lodging, with or without meals, is provided for compensation.

**Billboard** – See “Sign, Billboard” @ “Sign” Related Terms.

**Bloomfield Design Standards** – The most recent edition of the “Town of Bloomfield Engineering Standards for the Design of Roadway and Site Improvements,” as issued by the Town of Bloomfield Engineering Department and including any supplements, addenda and corrections issued thereto.

**Bloomfield Standard Construction Specifications** – the most recent edition of the “Town of Bloomfield Standard Specifications and Requirements for the Construction of Municipal Improvements,” as issued by the Town of Bloomfield Engineering Department and including any supplements, addenda and corrections issued thereto.

**BMP (Best Management Practice)** – An industry standard best management practice measure for stormwater quality or erosion and sedimentation control.

**Breezeway** – A roofed passageway, which is open-sided or screened, connecting a building or structure to another building or structure.

#### “BUILDING” RELATED TERMS

**Building** – Any structure having a roof and intended for the shelter, housing or enclosure of person, animals, goods, or personal possessions.

**Building, Accessory** – A building which is subordinate and customarily incidental to the principal building and/or use permitted on the same lot. A building shall be considered an accessory building unless it shares a common wall or common roof with the principal building. The term “accessory building” when used in connection with a farm shall include all structures customarily used for farm purposes. Except for farms, no accessory building shall be larger than the principal building.

**Building, Detached** – One which is separated on all sides from adjacent buildings by an open area from the ground up.

**Building Area** – The aggregate or the maximum horizontal cross-section area of the main building on the lot and its accessory buildings, excluding cornices, eaves, gutters, or chimneys projecting not more than 30 inches, steps, one-story open porches, and balconies and terraces. For purposes of measuring required parking spaces under Article 6, building area shall be considered gross area of outside dimensions of all floors. For professional/commercial office uses, all interior space with headroom, including basements, shall be considered a part of the building area.

**Building Coverage** – The percentage which the aggregate area of all buildings on the lot bears to the area of the lot.

**Building Height** – See “Height, Building” @ “Height” Related Terms.

**Building, Principal** – A building in which is conducted the main or principal use of the lot on which said building is situated.

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**“BUILDING” RELATED TERMS**

**Building, Nonconforming** – See “Nonconforming Structure” @ “*Nonconforming*” Related Terms.

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**Structure** – Anything constructed or erected which requires location on the ground or attached to something having a location on the ground. The structure includes any attached additions, garages, decks sunrooms or any other such feature attached to the main structure. In the Floodplain Management Overlay District, the term also means a manufactured home or a storage tank for gas or liquid.

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**“BULKY WASTE” RELATED TERMS**

**Bulky Waste** – Landscaping debris and waste resulting directly from construction demolition activities other than clean fill, and roadway debris. Hazardous wastes, sludges, fly-ash, casting sands or slag, contaminated dredge spoils, scrap tires, asbestos or other non-bulky waste materials shall not be considered as bulky waste.

4

**Bulky Waste Disposal Area** – An area utilized for the ultimate disposal of bulky wastes as defined by the State of Connecticut Department of Environmental Protection.

5

**Bulky Waste Recycling Facility** – A facility where bulky wastes are brought for sorting, and/or processing to reclaim recyclable materials and reduce the waste to be disposed of. A bulky waste recycling facility shall not include incineration or energy recovery technology.

6

**Leaf Composting Facility** – A processing area, excluding backyard composting areas, where an accelerated aerobic biodegradation and stabilization of only the source separated foliage of trees and chipped woody vegetation under controlled conditions yield a product which can be safely stored, handled and used in an environmentally acceptable manner.

7

**Municipal Leaf Collection Transfer Facility** – A facility where leaves collected as part of a municipal leaf collection operation are brought for temporary storage and ultimate removal from the site within a predetermined time. No processing or composting of the leaves is allowed and access to the facility by the general public for leaf disposal purposes is prohibited.

**Recycling Storage** – The holding of materials intended for recycling for a temporary period of time.

8

**Transfer Station** – Any location or structure where more than ten (10) cubic yards of solid waste generated elsewhere may be stored for transfer, or transferred from transportation units and placed in other transportation units of movement to another location, whether or not such waste is stored at the location prior to transfer.

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**(Note: where there may be conflicts in the state versus local definition of terms the State Statutory definitions shall govern)**

**Cannabis** - marijuana, as defined in section 21a-240 of the Connecticut General Statutes (CGS) as may be amended from time to time;

**Cannabis Establishment.** - Producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and or delivery service.

"Cannabis product" means cannabis that is in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption.

"Consumer" means an individual who is twenty-one years of age or older.

"Cultivation" has the same meaning as provided in section 21a-408 of the CGS as may be amended from time to time;

"Cultivator" means a person that is licensed to engage in the cultivation, growing, and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.

**Delivery Service.** A person that is licensed to deliver cannabis from (A) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in Section 21a-408, C.G.S., or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to Chapter 368v, C.G.S. that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.

**Dispensary Facility.** Means a place of business where cannabis may be dispensed, sold or distributed in accordance with Chapter 420f, C.G.S. and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under Chapter 420f, C.G.S. and any regulations adopted thereunder.

**Food and Beverage Manufacturer.** A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.

"Hybrid retailer" means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products;

"Micro-cultivator" means a person licensed to engage in the cultivation, growing, and Propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the Commissioner of Consumer Protection;

**Person.** An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

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**"CANNABIS" RELATED TERMS****(08/3/2022)**

**Product Packager.** A person that is licensed to package and label cannabis and cannabis products.

2

**"Production facility"** means a secure, indoor facility where the production of marijuana occurs and is operated by a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit under CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended.

3

**"Retailer"** means a person, excluding a dispensary facility and hybrid retailer that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs.

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**Transporter.** Means a person licensed to transport cannabis between cannabis establishments, laboratories and research programs.

**Clean Fill** – See *"Fill, Clean."*

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**Commercial Use** – See *"Use, Commercial"* @ *"Use" Related Terms.*

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**Commercial Vehicle** – See *"Vehicle, Commercial"* @ *"Vehicle Related Terms.*

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**Commission** – See *Section 2.1.B.Terms.*

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**Congregate Housing** – See “*Housing Type*” Related Terms.

**Convalescent Home** – See “*Nursing Home/Convalescent Home*” @ “*Housing Type*” Related

**Craft Café** -- means a space in a suitable and permanent building holding a manufacturer permit from the Connecticut Department of Consumer Protection, Liquor Control Division, kept, used, maintained, advertised and held out to the public to be a place where alcoholic liquor and food is served for sale at retail for consumption on the premises but that does not necessarily serve hot meals.

#### “DAY CARE” RELATED TERMS

**Day Care** - A program of supplementary care provided to one or more persons on a regularly recurring, but part-time basis, in a place other than the recipient's own dwelling.

**Day Care Center** - As defined in CGS 19a-77 [[“CHILD DAY CARE SERVICES” DEFINED – https://www.cga.ct.gov/current/pub/chap\\_368a.htm#sec\\_19a-77](https://www.cga.ct.gov/current/pub/chap_368a.htm#sec_19a-77)], as may be amended: (A facility ... which offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis).

**Family Day Care Home** - As defined in CGS 19a-77 [[“CHILD DAY CARE SERVICES” DEFINED – https://www.cga.ct.gov/current/pub/chap\\_368a.htm#sec\\_19a-77](https://www.cga.ct.gov/current/pub/chap_368a.htm#sec_19a-77)], as may be amended: (A facility ... which consists of a private family home caring for not more than six (6) children, including the provider's own children not in school full time ...).

**Group Day Care Home** - As defined in CGS 19a-77 [[“CHILD DAY CARE SERVICES” DEFINED – https://www.cga.ct.gov/current/pub/chap\\_368a.htm#sec\\_19a-77](https://www.cga.ct.gov/current/pub/chap_368a.htm#sec_19a-77)], as may be amended: (A facility ... which offers or provides a program of supplementary care to not less than seven (7) nor more than twelve related or unrelated children on a regular basis).

**Day Care Center** – See “*Day Care*” Related Terms.

**Detached Building** – See “*Building, Detached*” @ “*Building*” Related Terms.

**Direct Light** – See “*Light, Direct*” @ “*Lighting*” Related Terms.

**Disabled** – A person who is declared permanently and totally disabled by the Social Security Administration or by signed statements from two (2) medical doctors.

**District** – See Section 2.1.B.

**Disturbed Area** – See “*Erosion*” Related Terms.

**Domestic Animal** – See “*Animal, Domestic*” @ *Animal* Related Terms.

**Dormitory** – See “*Housing Unit*” Related Terms.

**Drive-in Window** – An opening the wall of a building or structure designed and intended to be used to provide sales to and/or service to patrons who remain in their vehicles.

**Dwelling / Dwelling Unit** – See “*Housing Unit*” Related Terms.

**Dwelling Unit, Accessory** – See “*Housing Unit*” Related Terms.

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**"EROSION" RELATED TERMS**

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

**Earth Disturbing Activities** - Any activity or use of the land that results in a change in the natural or man-made cover or topography, and that may cause or contribute to erosion and sedimentation.

**Erosion** - The wearing away of land surface by the action of wind, water, gravity, ice, or any combination thereof.

**Erosion, Accelerated** - Any increase over the rate of natural erosion as a result of earth disturbing activities.

**E&S Guidelines** – The “Connecticut Guidelines for Soil Erosion and Sediment Control,” as issued by the Connecticut Council on Soil and Water Conservation in cooperation with the Connecticut Department of Environmental Protection, DEP Bulletin 34, including any supplements, addenda, and corrections issued thereto.

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

**Sedimentation** - The process of transporting sediment from its site of origin and/or forming of silt or other sediment due to earth-disturbing activities.

**Soil** - Any unconsolidated material or organic material of any origin.

**Elderly** – For the purposes of housing, a person who is 62 years of age or older.

**Family** – See “Family” @ “*Housing Unit*” Related Terms.

**Family Day Care Home** – See “*Day Care*” Related Terms.

**"FARM" RELATED TERMS**

**Farm** – A tract of land, the principal use of which is for agricultural use.

**Farming** – Land and associated buildings used in connection with the raising and/or caring for agricultural, livestock, poultry or dairy products, but excluding the raising of fur bearing animals and excluding dog kennels.

**Farm Building** – A building on a farm, other than a dwelling.

**Farm Market** – An accessory use related to a bona fide farm operation which offers for sale to the general public such goods as fruits, vegetables, plants, flowers, eggs, honey, maple syrup, dairy products, and seasonal items including Christmas trees, cemetery baskets, etc. The sale of jams, jellies and baked or prepared foods may also be permitted.

**Roadside Stand** – A seasonal accessory use related to a bona fide farm operation or single-family home offering for sale to the general public only items grown on the premises

**Filed** – See Section 2.1.B.

**Fill, Clean** – Natural soil, rock, brick, ceramic, concrete, and asphalt paving fragments which are virtually inert and pose neither a pollution threat to ground or surface waters nor a fire hazard.

**Finished Grade** – See Grade, Finished @ “Grade” Related Terms.

#### “FLOOD MANAGEMENT” RELATED TERMS

**Base Flood** – The flood having a one percent chance of being equaled or exceeded in any given year, generally as determined and published by FEMA as part of the Flood Insurance Study and depicted on the Flood Insurance Rate Map. The base flood may also be referred to as the “**100-year flood**”.

**Base Flood Elevation (BFE)** – The elevation, above mean sea level, of the crest of the base flood at a particular location. The BFE in relation to actual ground elevation sets the limits of the base flood floodplain.

**Basement** – means any area of a building having its floor subgrade (below ground level) on all sides, and as such, in accordance with these Regulations, is not intended to flood.

**BFE** - “Base Flood Elevation” – see above.

**Building** – See the Structure @ “Building” Related Terms.

**Cost** – means, as related to substantial improvements to a structure, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of the subject structure. The cost shall be established by a detailed written estimate prepared by a contractor, an architect, or an engineer. Such estimate shall include, but not be limited to: the cost of materials (interior finishing and structural elements, utility and service equipment), building equipment and fixtures, (including heating and air conditioning and utility meters,) labor; built-in appliances, demolition, site preparation, and contractor’s overhead and profit. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

**Development** – Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of structures; any additions, alterations or other substantial improvements made to structures; the placement of structures; the construction of, placement of, and substantial modifications made to structural features; mining, dredging, grading, paving, landscaping, and drilling operations; the storage of equipment; the storage of materials; and the installation, repair and removal of sewage disposal systems, water supply facilities, drainage facilities, and other utility-type facilities, both public and private. As a point of emphasis, a subdivision is a form of development.

**Erosion, Accelerated** – See “Erosion” Related Terms.

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

**FEMA** – “Federal Emergency Management Agency” – see above.

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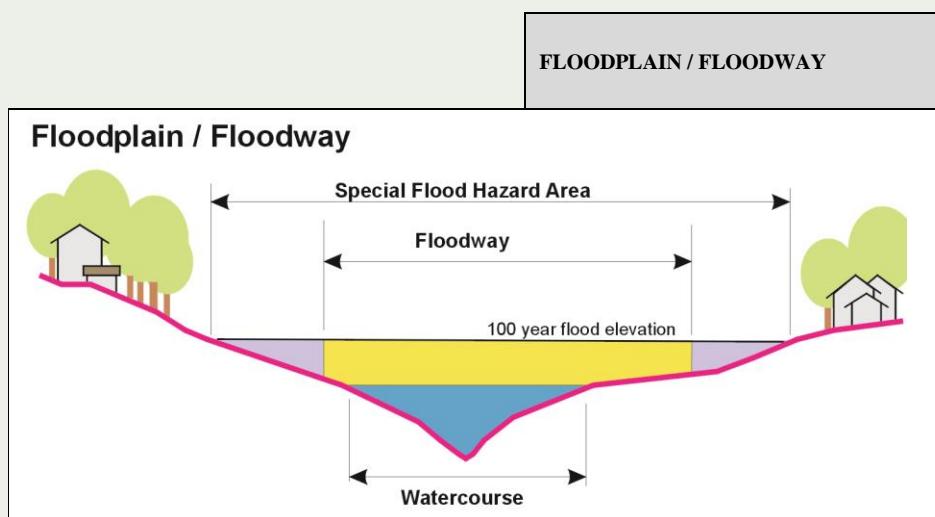
#### “FLOOD MANAGEMENT” RELATED TERMS

**Finished Living Space** – An area of a building that has, or in accordance with these Regulations, may have, finished interior walls and/or floors, (i.e. finished with carpeting, linoleum, wood, paneling, insulation, gypsum wallboard [aka drywall or sheet rock], etc.), and, as such, is not intended to flood.

**FIRM** – “Flood Insurance Rate Map” – see below.

**FIS** – “Flood Insurance Study” – see below.

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



**Flood Insurance Rate Map (FIRM)** – The current effective official map, issued by FEMA, on which FEMA has delineated the special flood hazard areas (100-year floodplain), the regulatory floodway, and the insurance risk premium zones applicable to Bloomfield. The FIRM may include one or more sheets, and/or may be digital in nature. The FIRM for Bloomfield may be a subset of a larger set issued for a more expansive area, and consist of only those sheets, or digital coverages, relevant to Bloomfield. The FIRM shall include any revisions, amendments, or other modifications to the current official map that have been subsequently duly issued by FEMA. The FIRM is on file at the Planning and Development Office, (which includes Engineering,) in Town Hall, 800 Bloomfield Avenue, Bloomfield.

**Flood Insurance Study (FIS)** – The current effective official study of Bloomfield issued by FEMA, along with the FIRM, in which FEMA has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and floodwater surface elevations. The FIS for Bloomfield may be a subset of a larger set issued for a more expansive area, and consist of only those portions relevant to Bloomfield. The FIS shall include any revisions, amendments, or other modifications to the current official study that have been subsequently duly issued by FEMA. The FIS is on file at the Planning and Development Office, (which includes Engineering,) in Town Hall, 800 Bloomfield Avenue, Bloomfield.

**“FLOOD MANAGEMENT” RELATED TERMS**

**Flood Variance** – A grant of relief by the Town from the terms of these Floodplain Management Regulations that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

**Flood Zone** – The FEMA flood zone, as shown on the FIRM and designated by one or two letters, indicating the status of the area with respect to its determined probability and nature of flooding and with respect to various regulations.

**Floodproofing** – Protective measures added to or incorporated in a building that is not elevated above the base flood elevation to prevent or minimize flood damage. "Dry floodproofing" measures are designed to keep water from entering a building. "Wet floodproofing" measures minimize damage to a structure and its contents from water that is allowed into a building.

**Floodplain Violation** – The failure of a structure or other development to be fully compliant with the **Floodplain Overlay District**. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

**Floodway** – Has, for purposes of these regulations, the same definition as "regulatory floodway", i.e.: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot.

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

**Grading** – See “Grade” Related Terms.

**Highest Adjacent Grade** – The highest natural elevation of the ground surface adjacent to and/or within, as applicable, the foundation footprint of the subject structure prior to the subject development.

**Historic Structure** – Any structure that is:

- Listed individually in the National Register of Historic Places, as maintained by the Department of the Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- Individually listed on the State inventory of historic places.

**Lowest Floor** – The lowest floor of the lowest enclosed area (including basement) of a structure. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Section 5.1 of these Regulations.

## “FLOOD MANAGEMENT” RELATED TERMS

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

2

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

3

**Market Value** – of a structure as of a particular date shall be determined by the Town Assessor as follows: the basis shall be the market value of the subject tax parcel at the most recent revaluation date and as determined by such revaluation; which value shall be adjusted or trended forward to said particular date through the use of a sales/assessment ratio study provided by the State of Connecticut Office of Policy and Management, thereby resulting in a market value of the subject parcel as of the particular date in question; the market value of the subject structure shall then be determined by calculating the proportion of subject parcel's market value at said revaluation date that is attributable to the subject structure, and applying this proportion to the said market value of the parcel as of the particular date in question. (e.g.

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*– Say the market value of a subject parcel at the last revaluation was \$100,000, and applying the provided sales/assessment ratio resulted in a market value of the parcel as of the particular date in question equal to \$200,000; further, say the portion of the parcel value at revaluation attributable to the main structure was \$70,000, then the proportion of the structure's value to the parcel value would be  $70,000/100,000 = 70$  percent; finally, the market value of the structure as of the particular date in question would be equal to  $\$200,000 \times 70$  percent = \$140,000.)*

5

**Mean Sea Level (MSL)** – The average elevation of the sea as determined from The North American Vertical Datum of 1988 (NAVD 88), to which base flood elevations shown on the FIRM and/or included in the FIS for Bloomfield are referenced.

6

**New Construction** – The construction activities, as a whole, associated with a development, or any significant portion thereof such that: 1) for structures: as a result of the associated development a structure will or is contemplated to exist at a location where prior to commencement of the subject construction activities, or for any period of time during the subject construction activities, no structure existed/will exist, excepting herefrom existing structures having sustained substantial damage and undergoing substantial improvement; or 2) for development other than structures: such development requires or required a new or separate zoning permit, or other such development permit. Any such new construction shall include any subsequent associated development. (5/24/12)

7

**Recreational Vehicle** – See “Vehicle” Related Terms.

8

**Regulated Structure** – A structure in the SFHA proposed for, in the process of, or having been completed from new construction, substantial improvements, or repairs from having sustained substantial damage; “regulated structure” shall also mean a structure already in compliance in accordance with Section 5.1 hereof.

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**Regulatory Floodway** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. For the purposes of these regulations, the term “floodway” is synonymous in meaning with the term “regulatory floodway”.

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## “FLOOD MANAGEMENT” RELATED TERMS

**Riverine** – Associated with a flowing watercourse or channel, such as a river, brook, stream, etc.

**SFHA** – Special Flood Hazard Area – see below.

**Special Flood Hazard Area (SFHA)** – An area within Bloomfield where the land is located within a floodplain subject to a one percent or greater chance of flooding in any given year. The SFHA includes, but is not necessarily limited to, the land in areas designated as Zones A, AE, AO, AH on the FIRM. An SFHA is also called an “area of special flood hazard”.

**SFHA Encroachment Certificate** – A certificate in a standard form acceptable to the Town Engineer, appropriately completed, signed and sealed by a Connecticut registered professional engineer, and including its referenced study and other supporting information, which certifies that the subject SFHA encroachment complies with the requirements of Equal Conveyance and Compensatory Storage as set forth in Sections 5.1.O.21 and 5.1.O.22, respectively, hereof. (5/24/12)

**Structural Facility** – A man-made facility or infrastructure that is principally above ground and is fixed and structural in nature, and, further, is not covered by the definition of “structure” herein; examples include, but are not limited to, communications, viewing, and other similar towers, platforms, bridges, bleachers, pavilions, open storage facilities, push walls, decorative and security walls, plant trellises and other such landscaping features, fences, etc.

**Substantial Damage** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

**Substantial Improvement** – Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure as determined at the beginning of such ten (10) year period. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. For purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the dimensions of the structure.

The term does not, however, include either:

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

Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

**Water Surface Elevation** – The elevation, relative to mean sea level, of the water surface of a watercourse, floodway, lake, pond, or other water feature at a particular location and time.

**Front Yard** – See “Yard, Front” @ “Yard” Related Terms.

**Garage, Private** – A detached accessory building or portion of a principal building for the parking or storage of motor vehicles belonging only to the occupant of the premises.

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**Garage, Public** – A building, other than a private garage, used for maintenance, repair, and storage of automobiles.

**“GRADE” RELATED TERMS**

**Grade, Finished** – The elevation of a particular point above or below a given reference datum (such as mean sea level) measured after completion of construction, grading, landscaping, and similar improvements.

**Grade, Pre-Existing** – The elevation of a particular point above or below a given reference datum (such as mean sea level) measured prior to construction, grading, landscaping, or similar improvements intended to manipulate the overall contour of the land.

**Grading** – the reshaping or altering of land surface through the removal (excavation) and/or placement (filling) of materials.

**Gross Sign Area** – See “Signs, Gross Area” @ “Sign” Related Terms.

**Group Day Care Home** – See “Day Care” Related Terms.

**Group Home** – See “Housing Type” Related Terms.

**“HEIGHT” RELATED TERMS**

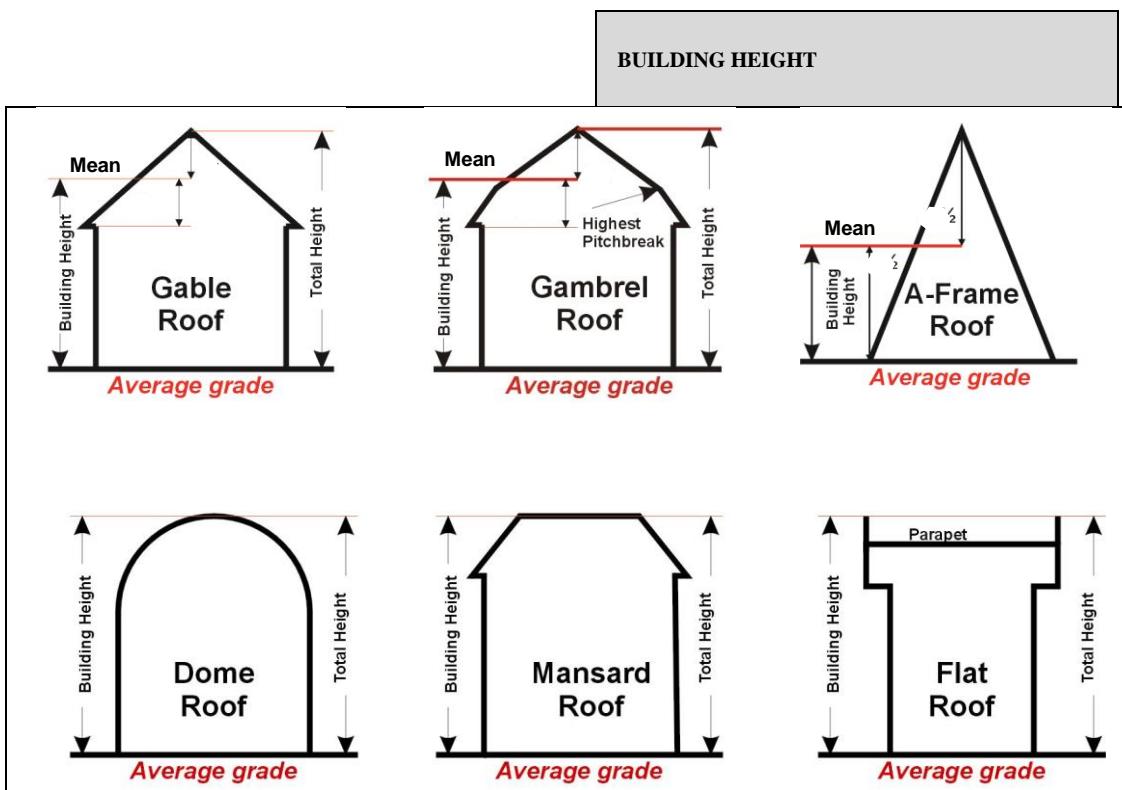
**Height, Building** – The vertical distance from the average finished grade for a building or other structure, or for a building wing or distinct portion of a building or other structure, to the highest of the following elevations on the building or other structure:

- the elevation of the highest point of the highest dome, flat, shed, or mansard roof, including the top of any parapet;
- for roofs which are gable, hip, or A-frame roofs, the mean elevation of the roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave;
- for roofs which are gambrel roofs, the mean elevation of the roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave or the elevation of the highest pitchbreak, whichever is greater, and for roofs which are salt box roofs, the mean elevation of the side of the salt box roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave.

**Height of Luminaire** – See “Lighting” Related Terms.

**Height, Sign** – See “Sign Height” @ “Sign” Related Terms.

**Story** – A part of a building, a building wing or distinct portion, or other structure between any floor and the floor above or, in its absence, the ceiling or roof above; except that if a floor above a cellar, slab or crawlspace is elevated at the front wall of the building two-and-a-half (2½) feet or more above the average level of the ground along the front wall of the building or building wing or distinct portion (any other zone district), then such cellar, slab or crawlspace shall be deemed to constitute one (1) story.



**Hotel** – A building designed as the more or less temporary abiding place for more than 12 persons or providing six (6) or more sleeping rooms in which lodging is provided for compensation with or without meals.

#### “HOME-BASED BUSINESS” RELATED TERMS

**Home-Based Business** – The use of a portion of a dwelling or out-building for business purposes by the resident occupants when clearly incidental and secondary to the residential use of the dwelling (such as a home office or a home occupation).

This definition includes, but is not limited to, the office, studio or workshop of an architect, artist, computer or Internet-based business, dentist, dressmaker, economist, engineer, insurance agent, lawyer, musician, photographer, physician, psychologist, real estate broker, serviceman or a dwelling used for preserving or cooking for compensation. Such uses as restaurants, tearooms, funeral homes, barbershops, beauty parlors, dancing schools, public garages, and animal hospitals are not considered incidental and accessory to a residential use and shall not be deemed a home-based business.

**Home Occupation** – A home-based business involving up to two (2) non-resident employees or involving regular visitors to the business.

**Home Office** – The use of a dwelling for occasional business use (as part of employment typically occurring elsewhere) or a home-based business involving no non-resident employees and no regular visitors to the business.

**1** "HOUSING TYPE" RELATED TERMS

**Assisted Living** – A facility that provides dwelling units together with areas for communal dining, kitchen, meeting room, laundry and similar support areas for persons desiring assistance with basic "daily living" functions (e.g., dressing, dining, bathing).

**Congregate Housing** – As defined in CGS 8-119e [CONGREGATE HOUSING FOR THE ELDERLY – DEFINITIONS – [https://www.cga.ct.gov/current/pub/chap\\_128.htm#sec\\_8-119e](https://www.cga.ct.gov/current/pub/chap_128.htm#sec_8-119e)], as may be amended. (Independent dwelling (units) assisted by congregate meals, housekeeping and personal services who have temporary or periodic difficulties with one or more essential activities of daily living such as feeding, bathing, grooming, dressing or transferring).

**Dwelling** – See "Housing Unit" Related Terms.

**Dwelling, Multi-Family** – A building designed and occupied exclusively as a residence for three (3) or more families. This definition includes condominiums, cooperatives, townhouses and garden apartments.

**Dwelling, Single-Family:**

**4 Single-Family Detached** – A building designed for and occupied exclusively as a dwelling unit for one (1) family and having no party wall in common with an adjacent dwelling. Where a private garage or accessory structure is attached to such building, it shall be considered as a part thereof.

**5 Single-Family Semi-Detached** – A portion of a building designed for and occupied exclusively as a dwelling unit for one (1) family and having a party wall in common with one adjacent dwelling.

**Dwelling, Two-Family** – A building designed for and occupied exclusively as a residence for two (2) families.

**6 Group Home** - A community residence as defined in CGS 17a-220 [COMMUNITY RESIDENTIAL FACILITY – DEFINITIONS – [https://www.cga.ct.gov/current/pub/chap\\_319b.htm#sec\\_17a-220](https://www.cga.ct.gov/current/pub/chap_319b.htm#sec_17a-220)] which is licensed under the provisions of CGS 17a-227 [LICENSING AND REGULATION OF RESIDENTIAL FACILITIES FOR PERSONS WITH INTELLECTUAL DISABILITY, PRADER-WILLI SYNDROME OR AUTISM SPECTRUM DISORDER. – [https://www.cga.ct.gov/current/pub/chap\\_319b.htm#sec\\_17a-227](https://www.cga.ct.gov/current/pub/chap_319b.htm#sec_17a-227)], or a child-care residential facility and which is licensed under CGS 17a-145 to 17a-151 [LICENSING OF CHILD-CARE FACILITIES. ANNUAL REPORT. CHANGE IN FACILITY, INSTITUTION OR HOME POPULATION. – [https://www.cga.ct.gov/current/pub/chap\\_319a.htm#sec\\_17a-145](https://www.cga.ct.gov/current/pub/chap_319a.htm#sec_17a-145)], inclusive.

**7 Nursing Home/Convalescent Home** – A facility licensed by the State of Connecticut to provide services which meet a need beyond the basic provisions for food, shelter, laundry, including, but not limited to, recreation, physical therapy, health services, and licensed nursing services.

**8 Private Multi-Family Elderly Housing** – Multi-family elderly residential uses which restrict occupancy.

**9 Public Multi-Family Elderly Housing** – Multi-family elderly residential users which are owned and operated by the Housing Authority of the Town of Bloomfield and for which extensive control and regulations beyond that permitted by zoning apply.

**10 House Of Worship** - A building or structure owned, operated, maintained and/or used by a duly amalgamated religious organization in which people regularly congregate primarily to

participate in or hold religious services, worship, religious training or education, or meetings or other activities related to religious expression and recognized as such for non-profit status by the Internal Revenue Service. (10/22/15)

#### “HOUSING UNIT” RELATED TERMS

**Accessory Dwelling Unit** – A dwelling unit accessory to a single-family dwelling, either attached to the principal dwelling or detached, that provides complete housekeeping facilities.

**Dormitory** – A building or group of buildings designed or altered for the purpose of accommodating students of educational institutions or members of religious orders with sleeping quarters with or without communal kitchen facilities, and administered by a bona fide educational or religious institution. Dormitory includes fraternity and sorority houses, convents, priories and monasteries, but does not include clubs or lodges.

**Dwellings** – A building or portion thereof designed exclusively for residential occupancy, including single-family, two-family and multi-family dwellings, but not including hotels or lodging facilities.

**Dwelling / Dwelling Unit** – One or more rooms which are arranged, designed, or used for independent residential purposes for one family. In general, each dwelling unit shall be limited to one (1) kitchen or kitchen area and shall contain at least one (1) bathroom with a toilet and a bathtub/shower, and a sleeping area.

**Dwelling Unit, Accessory** – A secondary dwelling unit on a single-family residential property which is clearly accessory to the single-family dwelling and is a complete independent living facility with provisions within the unit for cooking, eating, sanitation, and sleeping.

In general, an accessory dwelling unit shall be inferred when there is a sleeping area, a separate kitchen or kitchen area and a separate bathroom with a toilet and a bathtub/shower.

**Family** – Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a hotel or dormitory; provided that unless all members are related by blood or marriage, no such family shall consist of more than five (5) members.

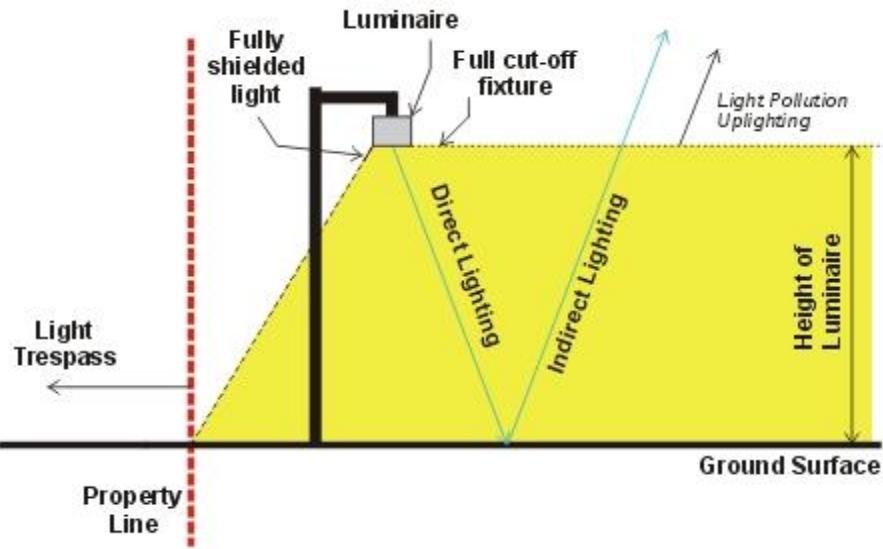
**Government Program Multi-family Elderly Housing:** Multi-family elderly residential uses which are constructed under one or more categories of State, Federal or local subsidy or regulation other than zoning. In order to qualify for a “government program” definition, the following must apply: The developer must be a nonprofit or limited profit sponsor as defined by the applicable program. Age and occupancy limitations which conform to the appropriate program limitation.

**Improvements** – The various structures, utilities, drainage facilities, traffic control facilities, pavement, grading, landscaping, and other facilities and installed features, and including appurtenances incidental thereto, existing or proposed for a site.

**Kennel** – Commercial: Premises maintained and operated as a business for the grooming, boarding, daycare or training of dogs, or uses determined by the Commission to be similar in nature and are licensed by the State of Connecticut.

## "LIGHTING" RELATED TERMS

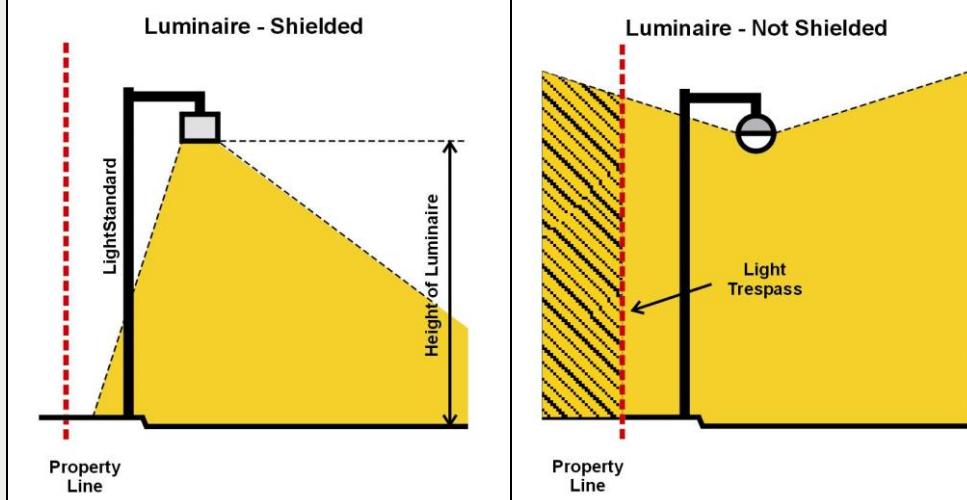
## LIGHTING



**Light, Direct** – Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

**Light Fixture, Full Cut-off Type** – A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base of the luminaire.

## SHIELDED LIGHT FIXTURE



## “LIGHTING” RELATED TERMS

**Light, Fully Shielded** – Fully shielded luminaire light fixtures which can control the glare in any direction.

**Light Glare** – Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see.

**Light, Indirect** – Direct light that has been reflected or has scattered off of surfaces other than those associated with the light fixture.

**Light Isodiagram** – A graphical representation of illuminance used to show the level and/or evenness of a lighting design and to show how light fixtures will perform on a given site.

**Light Pollution** – Stray or reflected light that is emitted into the atmosphere above the 90-degree horizontal plane from the luminaire and which can or does cause unwanted sky glow or which can or is seen from an abutting property.

**Light Trespass** – Direct light from an artificial light source on one property that is intruding into an area where it is not wanted or does not belong.

**Lighting, Outdoor** – The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

**Lumen** – A unit of luminous flux, determined from the initial lumen output ratings of a lamp, where one foot-candle is one (1) lumen per square foot.

**Luminaire** – A complete lighting system, including a light source component (lamp or lamps that produce the actual light) and a fixture.

**Luminaire, Height of** – The vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

**Uplighting** – Any light source that distributes illumination above a 90-degree horizontal plane.

**Land Cultivation** – Production of food by preparing the land to grow crops.

**Leaf Composting Facility** – See “*Bulky Waste*” Related Terms.

**Legal Nonconforming** – See “*Nonconforming, Legal*” @ “*Nonconforming*” Related Terms.

**Livestock** – see “*Livestock*” at “*Animal*” Related terms.

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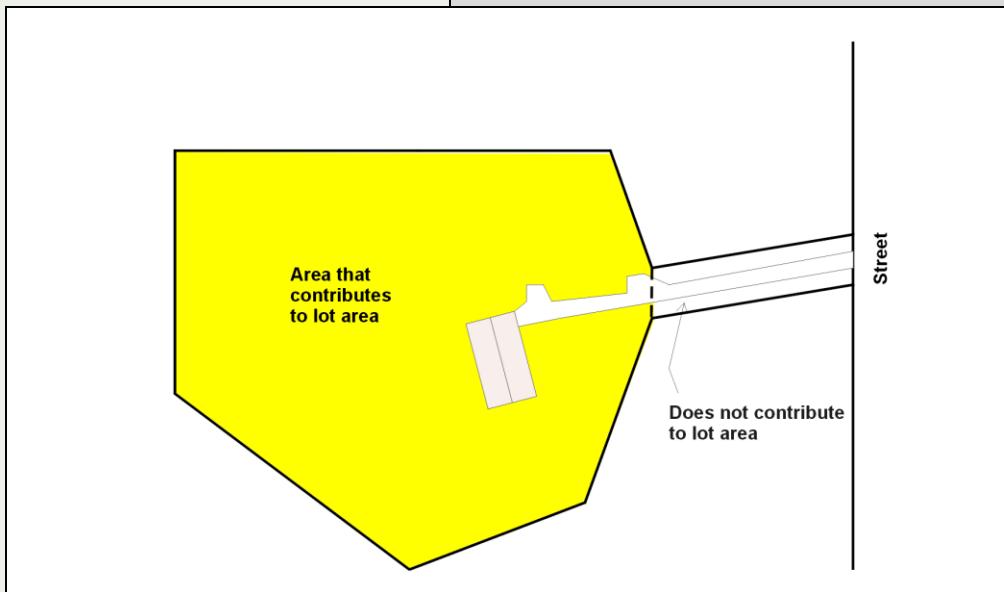
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**“LOT” RELATED TERMS**

**Lot** – A single parcel or tract of land under separate ownership.

**Lot Area** – The total horizontal area included within lot lines but excluding:

- the area of any accessway or vehicular easement or right-of-way for vehicular travel to the subject lot or any other lot,
- any portion of the parcel separated from the remainder of the parcel by an area used for vehicular access to any other parcel, and
- any portion of the lot having less than fifty percent (50 percent) of the required lot width.
- 50 percent of the total area of lands with:
  - inland wetland soils which are very poorly drained,
  - lands subject to flooding,
  - water bodies or water courses, or
  - lands with slopes in excess of 25 percent
  - In business zones the Commission may modify this requirement, when in the opinion of the Commission, the location or configuration of such lands in relation to the buildable area on the site may warrant such a modification.

**LOT AREA**

**Lot Coverage** – The area of a lot covered by buildings, structures and required parking areas.

**Lot, Depth** – The mean distance from the front lot to the rear lot line, measured in the general direction of the side lines.

**Lot, Nonconforming** – See “Nonconforming Lot” @ “Nonconforming” Related Terms.

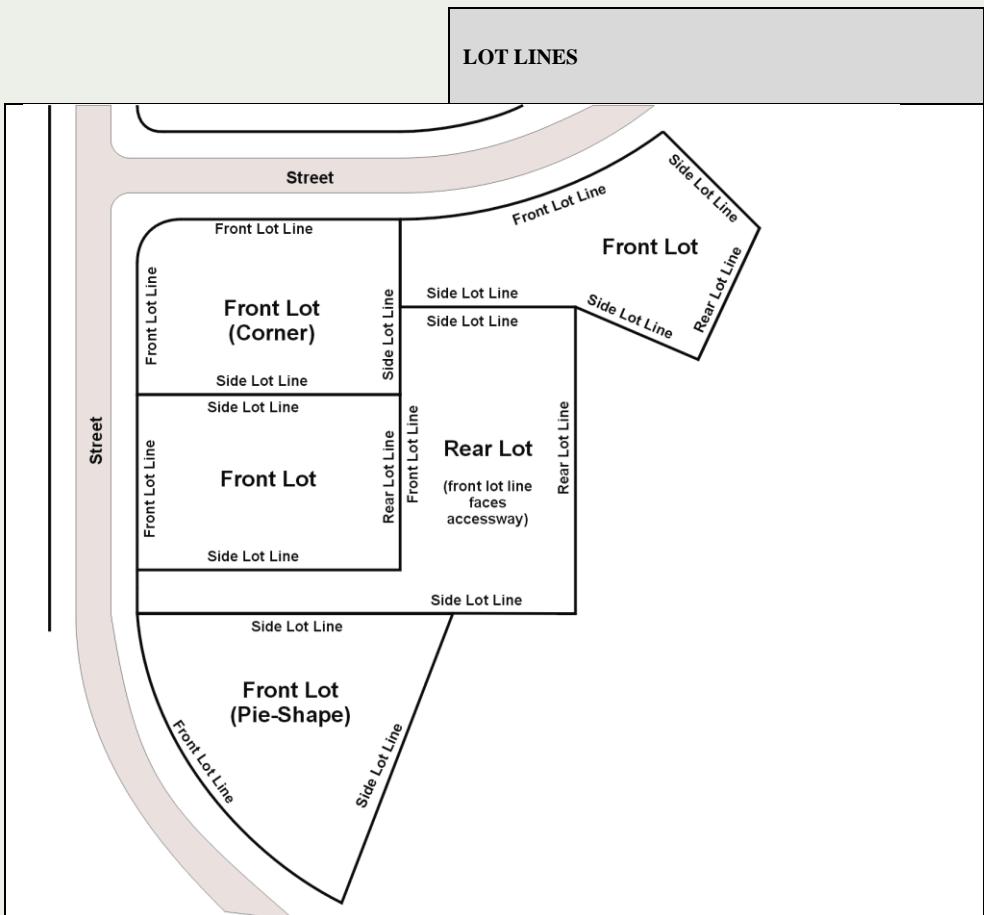
**Lot Width** – The distance between the side lines of a lot measured along the front lot line. On a cul-de-sac, where the front lot line is an arc or the side lines converge toward the front lot lines, the distance may be measured along the front yard setback line.

## “LOT LINE” RELATED TERMS

**Lot Frontage** – The extent of land along a front lot line.

**Lot Line** – the property line bounding the lot.

- **Lot Line, Front** – A boundary which separates a lot from the street, or the boundary located adjacent to the accessway and most parallel to the street that provides access to the lot.
- **Lot Line, Rear** – A boundary line which separates two (2) lots and is located most directly opposite the front lot line except that a corner lot, a through lot, or a pie-shape lot shall not be required to have a rear lot line.
- **Lot Line, Side** – A boundary line which is not a front lot line or a rear lot line and which separates two (2) lots.



NOTE: This image is for illustrative purposes only. Actual configuration may differ.

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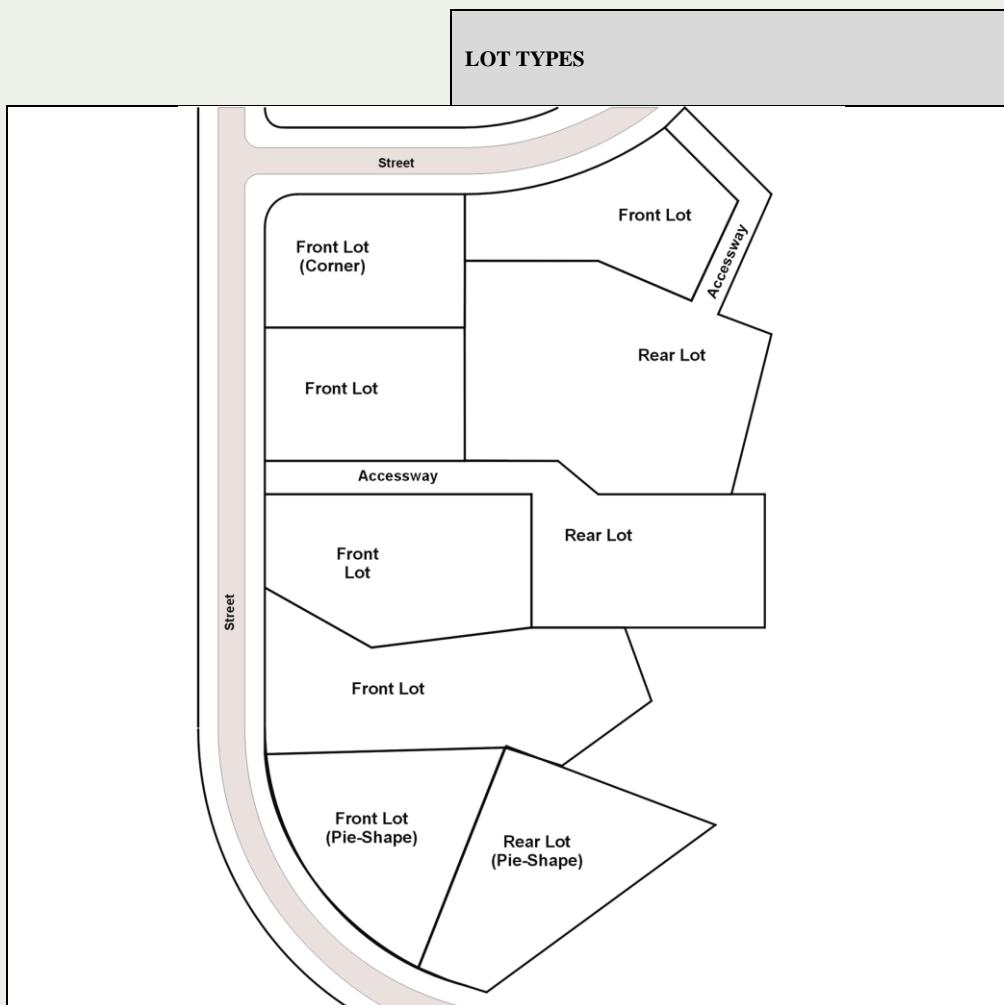
**"LOT TYPE" RELATED TERMS**

**Lot, Corner** – A type of lot situated at an intersection of and fronting on two (2) or more streets.

**Lot, Front** – A type of lot:

- fronting on a public street, and
- having direct driveway access to the street, and
- where the building site is generally located on or near the front yard setback as measured from the front lot line. See "Lot, Rear".

**Lot, Rear** – A type of lot not having the required lot width on a public street, and having access to the street via an accessway or a strip of land that must be part of the rear lot, and where the building site is located generally to the rear of other lots having frontage on the same street. See "Lot, Front".



NOTE: This image is for illustrative purposes only. Actual configuration may differ.

**Parcel** – The land contained within one (1) contiguous property line.

**Lowest Floor** - See “*Flood Management*” Related Terms.

**Lumen** – See “*Lighting*” Related Terms.

**Luminaire** – See “*Lighting*” Related Terms.

**Luminaire, Height Of** – See “*Lighting*” Related Terms.

**Major Home Occupation** – See “*Home Occupation, Major*” @ “*Home-Based Business*” Related Terms.

**Minimum Lot Area** – See “*Lot Area, Minimum*” @ “*Lot*” Related Terms.

**Mixed Use** – see “*Use, Mixed*” @ “*Use*” Related Terms.

**Multi-family Dwelling** – See “*Housing Type*” Related Terms.

**Municipal Leaf Collection Transfer Facility** – See “*Bulky Waste*” Related Terms.

#### “NON-CONFORMING” RELATED TERMS

**Nonconforming** – The situation where a use, activity, building, structure, or lot does not conform to the requirements of these Regulations.

**Nonconforming Building** – See “*Nonconforming Structure*”.

**Nonconforming, Legal** – The situation where a nonconforming use, activity, building, structure, or lot existed or was lawful prior to the time:

- these Regulations became effective, or
- an amendment hereto which created the nonconformity became effective.

**Nonconforming Lot** – A parcel of land which fails to meet the area, shape, or frontage or any other applicable requirement of these regulations pertaining to lots.

**Nonconforming Structure** – A structure that does not conform to these Regulations with respect to size, area, height, setback or other requirement for the zone in which it is situated.

**Nonconforming Use** – A use of land or of a building that does not conform to these Regulations for the zone in which it is situated.

**Nursing Home** – See “*Housing Type*” Related Terms.

**Open Porch** - See “*Porch*.”

**Open Space** – Land preserved in perpetuity for protection of natural resources, natural features, scenic resources, or community character.

**Parcel** – See “*Parcel*” @ “*Lot*” Related Terms.

**Permitted Use** – See “*Use, Permitted*” @ “*Use*” Related Terms.

**Porch** – A portion of a structure which has a roof and a floor and is not enclosed by full walls.

- **Porch, Closed** – A porch with screened-in or glassed-in openings.
- **Porch, Open** – A porch that is open to the air without screened-in or glassed-in openings.

**Portable Sign** – See “Sign, Portable” @ “Sign” Related Terms.

**Principal Building** – See “Building, Principal” @ “Building” Related Terms.

**Principal Use** – See “Use, Principal” @ “Use” Related Terms.

**Private Multi-family Elderly Housing** – See “Housing Type” Related Terms.

**Professional Office** – The office of recognized professions such as doctors, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers and others, who through training or experience are qualified to perform services of a professional as distinguished from a business nature.

**Public Multi-family Elderly Housing** – See “Housing Type” Related Terms.

**Rear Yard** – See “Yard, Rear” @ “Yard” Related Terms.

**Recreational Vehicle** – See “Vehicle, Recreational” @ “Vehicle” Related Terms.

**Recycling Storage** – See “Bulky Waste” Related Terms.

**Rental Halls and function rooms** - Any place of business maintained, in whole or in part, for public rental for the purpose of private party events, whether family, group, or corporate in nature, where access by the general public is restricted, and with or without the sale, serving, or consumption of food and/or alcoholic beverages. (04/12/21)

**Required Yard** – See “Yard Setback” @ “Yard” Related Terms.

#### “RESTAURANT” RELATED TERMS

**Restaurant** – any business establishment whose principal business is the sale of foods or beverages, typically served by waiters/waitresses, to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customers consume these foods while seated at tables or counters located within the building.

**Fast Food Restaurant** – Any business establishment whose principal business is the sale of foods or beverages to the customer in a ready-to-consume state, typically served in paper, plastic or other disposable containers, for consumption within the restaurant building, elsewhere on the premises or for carryout/delivery for consumption off the premises.

**Retail Business** – A business whose primary activity is the sale of merchandise kept and displayed on the premises to customers visiting the premises.

**Roadside Stand** – See “Farm” Related Terms.

**Sediment** – See “Erosion” Related Terms.

**Sedimentation** – See “Erosion” Related Terms.

**Setback** – See “Yard Setback” @ “Yard” Related Terms.

**Sexual Activities** – See “Adult-Oriented Business” Related Terms.

**Side Yard** – See “Yard, Side” @ “Yard” Related Terms”.

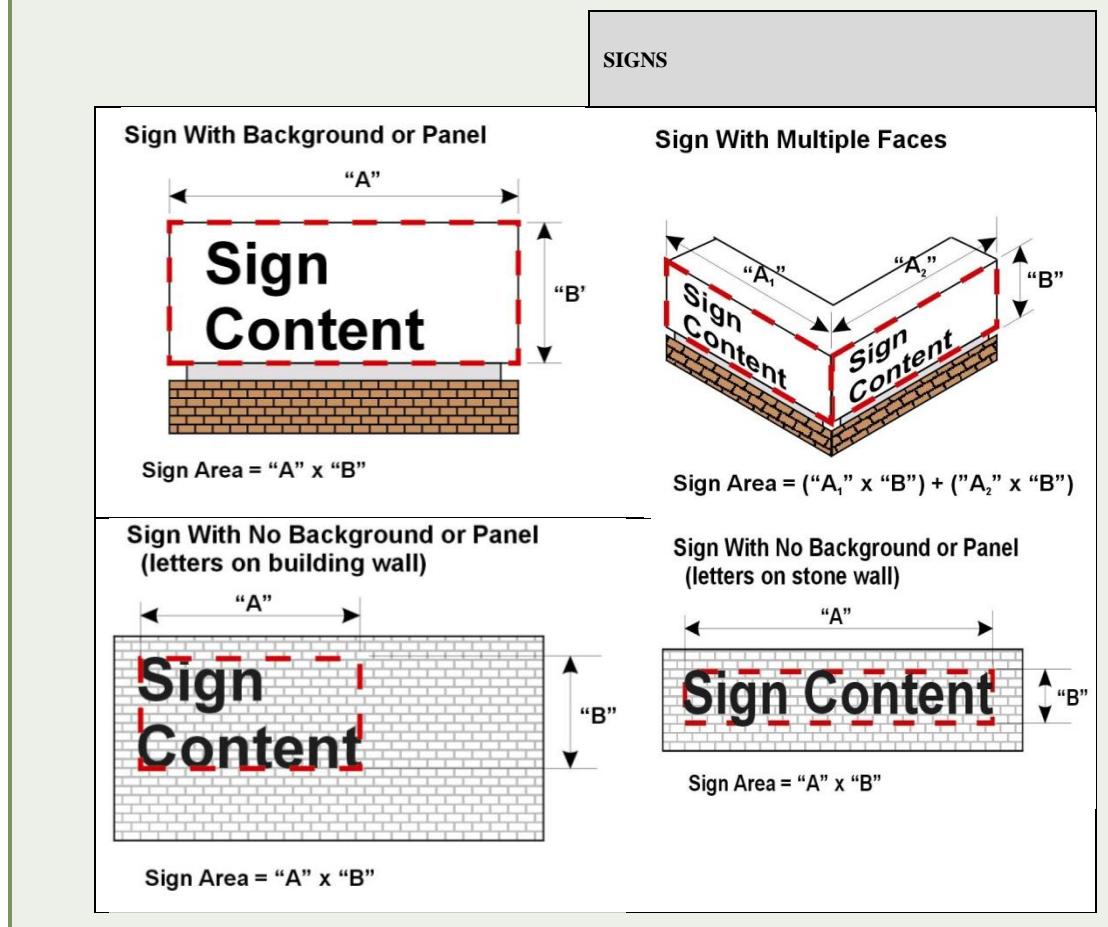
#### “SIGN” RELATED TERMS

**Sign** – A structure or device designed or intended to convey information to the public in written or pictorial form.

**Sign Area** – The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. Where there is no defined sign background or panel (such as individual detached letters or symbols which are mounted, placed or painted on a building or wall) the smallest rectangular area enclosing all such letters or symbols.

**Sign, Billboard** – An outdoor sign advertising products or services which are not made, produced, assembled, stored or sold from the premises upon which the sign is displayed.

**Sign, Electronic Public Bulletin Board (EPB)** - A sign erected by a governmental entity that features a display where words, symbols, and images can be digitally presented and changed automatically or remotely. **(added 03/24/22)**



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**“SIGN” RELATED TERMS**

**Sign, Freestanding** – A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

**Sign Height** – The vertical distance measured from the lowest adjacent grade to the highest point on the sign or sign structure.

**Sign, Portable** – Any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service or entertainment, when the vehicle is so parked as to attract the attention of the motoring or pedestrian traffic.

**Sign, Projecting** – A sign which is attached and perpendicular to a building or structure.

**Sign, Temporary** – A sign which is intended to advertise community or civic events, construction projects, real estate for sale or lease, or any other special event of a temporary nature.

**Sign, Wall** – A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building.

**Sign, Window** – A sign affixed to a surface of a window or erected within two (2) feet thereof for the purpose of advertising the sale of goods or services sold or provided from the premises.

**Signs, Gross Area** – The entire area within a continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between adjacent elements of same. Such perimeter shall not include any structural elements lying outside of the limits of such sign and not forming an integral part of the display.

**Single-Family Detached Housing** – See “House, Single-Family Detached” @ “*Housing Type*” Related Terms.

**Single-Family Semi-Detached Housing** – See “House, Single-Family Semi-Detached” @ “*Housing Type*” Related Terms.

**Site Plan** – A professionally prepared drawing, or set of drawings, regarding proposed development to a property, depicting and detailing boundary lines, setback lines, and other legal and regulatory lines relevant to the property, the existing and proposed topography, improvements and other features associated with the proposed development, and any other drawing-related information relevant to the proposed development, and including any covenants, studies, calculations, and other such documents relevant to the proposed development. When required by these regulations, a site plan is subject to the approval and issuance of a permit by the Commission.

**Soil** – See “*Erosion*” Related Terms.

**Specified Anatomical Areas** – See “*Adult-Oriented Business*” Related Terms.

**Specified Sexual Activities** – See “*Adult-Oriented Business*” Related Terms.

**Storage of Motor Vehicles** – See “*Vehicle*” Related Terms.

**Street** – A public roadway or private roadway, laid out and maintained in accordance with the laws of the State of Connecticut and the ordinances and regulations of the Town of Bloomfield, used or designed to be used for travel of vehicles and including the right-of-way and the traveled way.

**Streetscape** – This term generally encompasses the design elements that create the visual and pedestrian environment of a street. Standards for tree-lined streets and sidewalks or other landscaping along street edges, as well as special curb treatments, railings, bollards, planter posts, stone features, public art, pylons, specialty lighting, signal and light pole treatments, specialty paving, and the like are employed to create a vibrant streetscape that is safe and inviting for pedestrians and contributes to the character of the district. (7/24/14)

**Street Line** – the line that defines the limit of a street-right-of-way.

**Structural Alteration** – Any change in or addition to the structural or supporting members of a building such as bearing walls, columns, beams or girders.

**Structure** – See “*Building*” Related Terms.

**Structure, Nonconforming** – See “*Nonconforming Structure*” @ *Nonconforming Related Terms*.

**Substantial or Significant Adult Material in Stock or Trade** – See “*Adult-Oriented Business*” Related Terms.

**Surgery Center** - A surgery center is a facility where only surgeries that do not require hospital admission or overnight stays are performed. A Surgery Center has no beds or overnight facilities but may have post-operative care and recovery rooms. All surgery centers shall have at least one dedicated operating room. (01/01/20)

**Temporary Sign** – See “*Sign, Temporary*” @ *Sign* Related Terms.

**Town** – See Section 2.1.B.

**Transfer Station** – See “*Bulky Waste*” Related Terms.

**Two-Family Dwelling** – See “*Housing Type*” Related Terms.

**Uplighting** – See “*Lighting*” Related Terms.

#### “USE” RELATED TERMS

**Use** – The specific purpose for which a building, structure or land is designed, arranged, intended or for which it is or may be occupied or maintained.

**Use, Accessory** – A use which is customarily incidental and subordinate to the principal use of a lot or a building and located on the same lot therewith.

**Use, Commercial** – Activity carried out for monetary gain.

**Use, Mixed** – A building, or property that contains both residential and nonresidential uses.

**Use, Nonconforming** – See “*Nonconforming Use*” @ *Nonconforming* Related Terms.

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**“USE” RELATED TERMS**

**Use, Permitted** – A use allowed by these Regulations, but specifically excluding any nonconforming use.

**Use, Principal** – The primary or predominant use of any lot or building.

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**“VEHICLE” RELATED TERMS**

**Storage of Motor Vehicles** – The overnight parking of a motor vehicle, not specifically a part of the principal use or accessory thereto, shall be considered storage of such vehicles.

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**Vehicle** – Any motor vehicle as defined by the General Statutes, as amended.

**Vehicle, Commercial** – Any motor vehicle with commercial or combination license plates or with lettering, markings, racks or other apparent accessories indicating that it is intended for use other than personal and/or recreational transportation.

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**Vehicle, Recreational** – means a vehicle which is:

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

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Recreational vehicles include boats, boat trailers, campers, camp trailers, horse trailers, horse vans, house trailers, motor homes, snowmobiles and utility trailers.

**Violation, Floodplain** – See “*Floodplain Violation* @ “*Flood Management*” Related Terms.

**Violation, Zoning** – See “*Zoning Violation*.”

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**Wall Sign** – See “*Sign, Wall*” @ “*Sign*” Related Terms.

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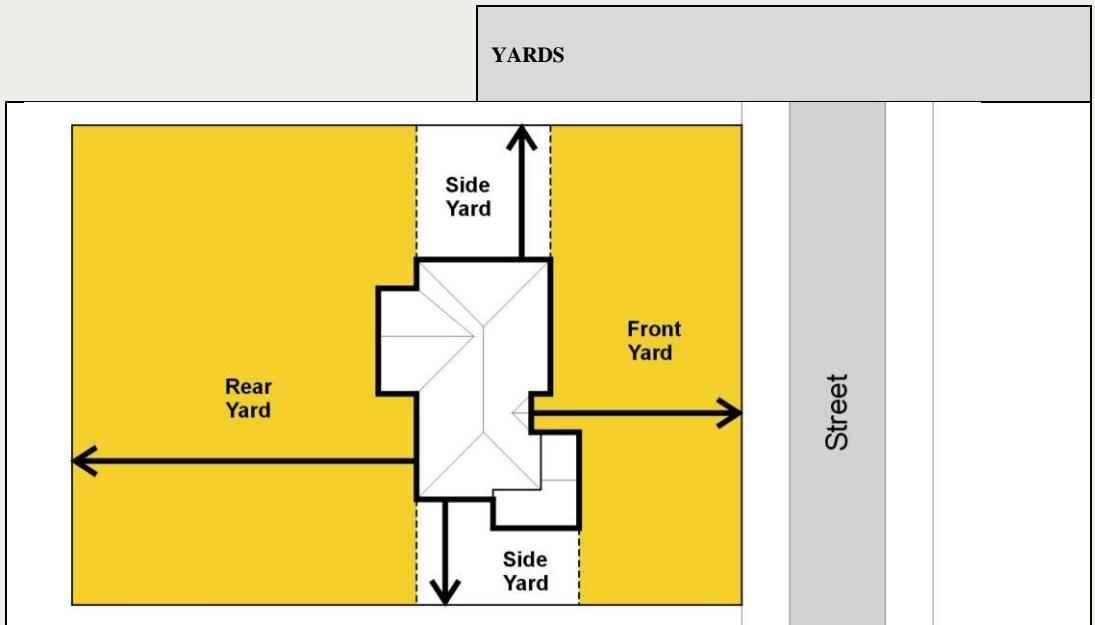
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## "YARD" RELATED TERMS

**Yard** – An area on a lot which is occupied and unobstructed from its lowest level to the sky except as otherwise permitted.

- **Yard, Front** – An area extending across the full width of the lot, bounded on one side by a street to a depth as required by these regulations.
- **Yard, Rear** – An area extending across that portion of the lot more opposite from the front lot line, bounded on one side by a property line and to a width as required by these regulations.
- **Yard, Side** – An area extending from the front to the rear yard, bounded on one side by the lot boundary and to a depth as required by these regulations.



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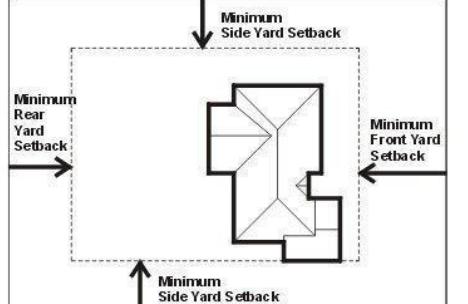
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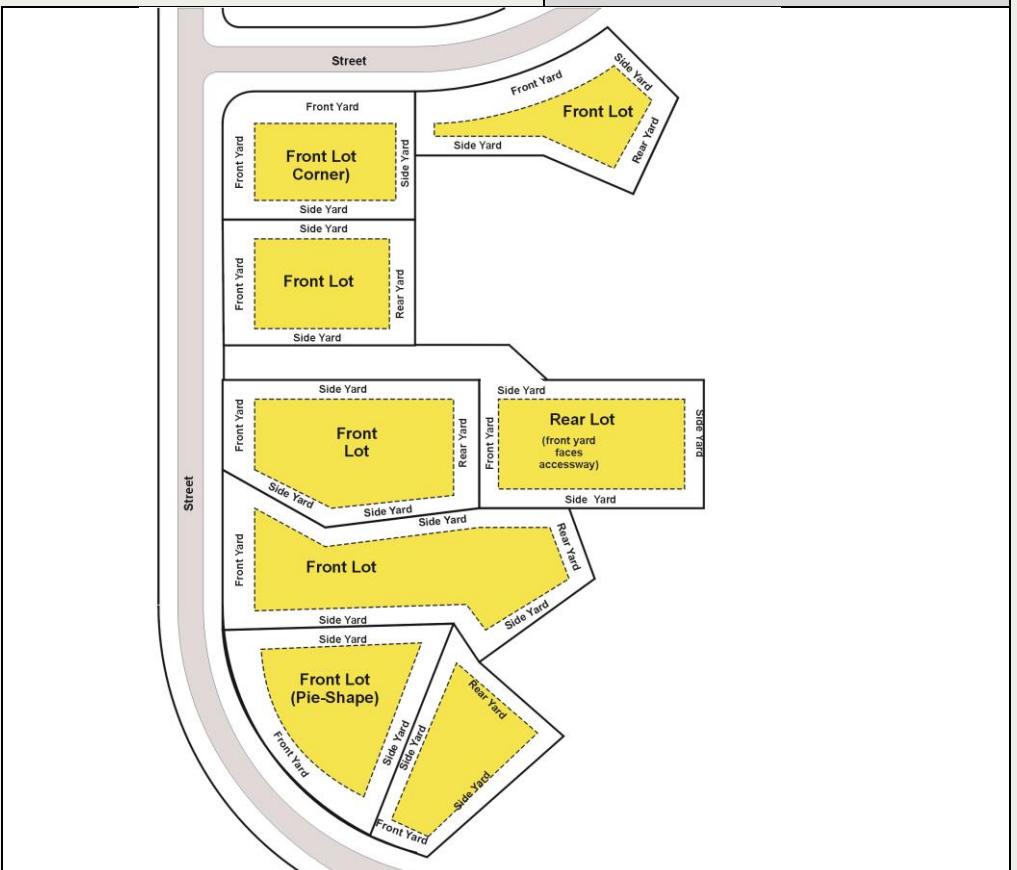
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#### "YARD" RELATED TERMS

**Yard Setback** –The minimum required distance from any street line, parcel line, or edge of an accessway (in the case of a parcel encumbered by an accessway) to a building, structure or use (for instance, see Section 3.1 for yard setback requirements in residential zones). See "Yard".

#### YARD SETBACKS



**"YARD" RELATED TERMS****YARD SETBACK LOCATIONS**

**Zone** – See Section 2.1.B or “Zoning District”.

**Zoning District** – An area described by the Bloomfield Zoning Regulations in which a uniform set of regulations relating to use of the land and structures on the land, in order to protect the public health, safety and welfare.

**Zoning Enforcement Officer** - As provided in CGS 8-12 [PROCEDURE WHEN REGULATIONS ARE VIOLATED. – [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-12](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-12)] as may be amended, the person or persons designated by the Commission to interpret and enforce the Regulations.

**Zoning Violation** - The failure of a structure or use to be compliant with the Bloomfield Zoning Regulations.

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## ARTICLE 3 Residential Zones

### 3.1 R-80, R-40 AND R-30 RESIDENTIAL DISTRICTS.

#### 3.1.A. Purpose.

These districts have been established to restrict development to retain the rural character of the Town and limit the need to extend utilities to remote areas.

#### 3.1.B. Bulk Requirements.

DISTRICT	MINIMUM						MAXIMUM	
	LOT AREA	LOT WIDTH	FRONT YARD	SIDE YARD <sup>1</sup>	REAR YARD <sup>1</sup>	HEIGHT <sup>2</sup>	STORIES	BUILDING COVERAGE
R-80	80,000 sf	200 ft	50 ft	35 ft	50 ft	35 ft	2	15 %
R-40	40,000 sf	150 ft	50 ft	25 ft	50 ft	35 ft	2	25 %
R-30	30,000 sf	150 ft	50 ft	25 ft	25 ft	35 ft	2	20 %

#### TABLE LEGEND

N/A Not applicable  
sf square feet  
ft feet  
R Residential

#### NOTE:

1. See Section 3.7.B for accessory structure yard requirements.
2. See Section 6.12.A for height exceptions..

#### 3.1.C. Principal Uses and Structures.

1. Authorized Without a Zoning Signoff. The following uses and structures are authorized without the issuance of a Zoning Signoff:
  - a. Open space.
  - b. Public utility substations, pursuant to the Connecticut Siting Council.
  - c. Agricultural Uses. Including dairy farms, livestock, land cultivation, and poultry raising, provided that the commercial raising of pigs shall be prohibited and at no time shall more than six (6) pigs over six (6) months old be kept.
  - d. Roadside stands.
2. Authorized by Zoning Signoff. The following uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. Single-family dwelling.
  - b. Farm buildings. All farm building and residential accessory buildings housing livestock or poultry shall be located at least 100 feet from any street or lot line.
3. Authorized by Special Permit. The following uses and structures may be authorized upon the issuance of a Special Permit in accordance with Section 9.5:
  - a. Accessory apartments in accordance with Section 6.13 (amended 5/1/23).
  - b. Affordable housing for volunteer municipal firefighters in accordance with Section 7.2.
  - c. Antique shop in accordance with Section 7.4.
  - d. Bed and breakfast inn in accordance with Section 7.5.

- e. Cemeteries in accordance with Section 7.7.
- f. Conservation development in accordance with Section 7.9.
- g. Farm markets.
- h. Firehouse.
- i. Houses of worship, Colleges, public and private schools in accordance with Section 8.4 (10/22/15)
- j. Golf course.
- k. Leaf composting facility as an accessory use in accordance with Section 7.6.
- l. Municipal leaf collection transfer facility in accordance with Section 7.6.
- m. Municipal lands and facilities of the Town of Bloomfield.
- n. Museums.
- o. Public utility buildings.
- p. Rear lots in accordance with Section 7.12.
- q. Riding stables in accordance with Section 7.13.
- r. Temporary beer permits in accordance with Section 7.3.
- s. Towers for radio and television in accordance with Section 8.3.

**3.1.D. Accessory Uses and Structures.**

- 1. Authorized Without A Zoning Signoff. The following uses and structures are allowed, as an accessory use, without the issuance of a Zoning Signoff:
  - a. Cultivation of land.
  - b. Customary uses.
  - c. Family day care home.
  - d. Fences which are less than six (6) feet tall in accordance with Section 6.7.
  - e. Keeping of domestic animals
  - f. Keeping of horses in accordance with Section 3.7.B.6.b.
  - g. Home Office in accordance with Section 3.7.A.1
  - h. Parking areas for permitted uses.
  - i. Parking or storage of any number of motor vehicles, registered or unregistered, if parked or stored in a completely enclosed garage or building. Any number of registered vehicles may be parked outside except as otherwise prohibited by these regulations.
  - j. Parking of commercial vehicles. The outside parking or storage of no more than one (1) vehicle having any commercial marking or advertising. The outside parking or storage of any vehicle exceeding one and one-half (1½) ton-capacity, including truck-type tractor or trailer of semi-trailer units, is prohibited (except motor homes or recreational vehicles).
  - k. Parking of recreational vehicles. No recreational vehicle exceeding five (5) feet in height may be parked or stored in any required yard. Under no circumstances may motor homes, campers or recreation vehicles be occupied for living purposes.
  - l. Playhouses and dog houses, provided the structure is less than five (5) feet tall and does not exceed 25 square feet
  - m. Playscapes.

2. Accessory Uses and Structures Authorized By Zoning Signoff. The following accessory uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. Poultry raising except that not more than 20 fowl may be kept but only if they are confined in suitable enclosures and housed at least 100 feet from any street line or lot line.
  - b. Garages, sheds, gazebos, or similar structures.
  - c. Home Occupation in accordance with Section 3.7.A.2.
  - d. Pools and other recreational structures, such as tennis courts.
  - e. Signs pertaining to a permitted principal use on a lot.

### 3.2 R-20 RESIDENTIAL DISTRICT.

#### 3.2.A. Purpose.

This district reflects areas where better soil conditions prevail and/or public utilities may be available or planned.

#### 3.2.B. Bulk Requirements.

DISTRICT	LOT AREA	LOT WIDTH	MINIMUM			HEIGHT <sup>2</sup>	MAXIMUM	
			FRONT YARD	SIDE YARD <sup>1</sup>	REAR YARD <sup>1</sup>		STORIES	BUILDING COVERAGE
R-20	20,000 sf	125 ft	40 ft	20 ft	25 ft	35 ft	2	20 %

#### TABLE LEGEND

N/A Not applicable  
sf square feet  
ft feet  
R Residential

#### NOTES

1. See Section 3.7.B for accessory structure yard requirements.
2. See Section 6.12.A for height exceptions.

#### 3.2.C. Principal Uses and Structures.

1. Authorized Without A Zoning Signoff. The following uses and structures are authorized without the issuance of a Zoning Signoff:
  - a. Open space.
  - b. Public utility substations, pursuant to the Connecticut Siting Council.
  - c. Agricultural Uses. Including dairy farms, livestock and poultry raising (providing that the commercial raising of pigs shall be prohibited and at no time shall more than six (6) pigs over six (6) months old be kept.
  - d. Roadside stands.
2. Authorized By Zoning Signoff. The following principal uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. Single-family dwelling.
  - b. Two-family dwelling units on properties with a minimum lot area of 30,000 square feet.
  - c. Farm buildings. All farm building and residential accessory buildings housing livestock or poultry shall be located at least 100 feet from any street or lot line.
3. Authorized by Special Permit. The following uses and structures may be authorized upon the issuance of a Special Permit in accordance with Section 9.5:
  - a. Accessory apartments in accordance with Section 6.13. (amended 5/1/23)
  - b. Affordable housing for volunteer municipal firefighters in accordance with Section 7.2.
  - c. Antique shop in accordance with Section 7.4.
  - d. Bed and breakfast inn in accordance with Section 7.5.
  - e. Cemeteries in accordance with Section 7.7.
  - f. Houses of worship, Colleges, public and private schools in accordance with Section 8.4 (10/22/15)
  - g. Farm markets.
  - h. Firehouse.
  - i. Golf course.

- j. Leaf composting facility as an accessory use in accordance with Section 7.6.
- k. Municipal leaf collection transfer facility in accordance with Section 7.6.
- l. Municipal lands and facilities of the Town of Bloomfield.
- m. Museums.
- n. Office or studio of a professional person when situated in the building which is used by the professional person as his dwelling.\Public utility buildings.
- o. Riding stables in accordance with Section 7.12.
- p. Temporary beer permits in accordance with Section 7.3.
- q. Towers for radio and television in accordance with Section 8.3.

### 3.2.D. **Accessory Uses and Structures.**

- 1. Authorized Without a Zoning Signoff. The following uses and structures are allowed, as an accessory use, without the issuance of a Zoning Signoff:
  - a. Cultivation of land.
  - b. Family day care home.
  - c. Fences which are less than six (6) feet tall in accordance with Section 6.7.
  - d. Home office in accordance with Section 3.7.A.1.
  - e. Keeping of domestic animals.
  - f. Keeping of horses in accordance with Section 3.7.B.6.b.
  - g. Playscapes.
  - h. Parking areas for permitted uses.
  - i. Parking or storage of any number of motor vehicles, registered or unregistered, if parked or stored in a completely enclosed garage or building. Any number of registered vehicles may be parked outside except as otherwise prohibited by these regulations.
  - j. Parking of commercial vehicles. The outside parking or storage of no more than one vehicle having any commercial marking or advertising. The outside parking or storage of any vehicle exceeding one and one-half (1½) ton-capacity, including truck-type tractor or trailer or semi-trailer units, is prohibited (except motor homes or recreational vehicles).
  - k. Parking of recreational vehicles. No recreational vehicle exceeding five (5) feet in height may be parked or stored in any required yard. Under no circumstances may motor homes, campers or recreation vehicles be occupied for living purposes.
- 2. Authorized By Zoning Signoff. The following accessory uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. Garages, sheds, gazebos, or similar structures.
  - b. Home Occupation in accordance with Section 3.7.A.2.
  - c. Pools and other recreational structures, such as tennis courts.
  - d. Signs pertaining to a permitted principal use on a lot.
  - e. Poultry raising except that not more than 20 fowl may be kept but only if they are confined in suitable enclosures and housed at least 100 feet from any street line or lot line.

### 3.3 R-15 AND R-10 RESIDENTIAL DISTRICTS.

#### 3.3.A. Purpose.

The R-15 and R-10 residential districts are intended to provide suitable areas for residential use and development where utilities are available allowing for a smaller, compact development pattern.

#### 3.3.B. Bulk Requirements.

DISTRICT	MINIMUM						MAXIMUM	
	LOT AREA	LOT WIDTH	FRONT YARD	SIDE YARD <sup>1</sup>	REAR YARD <sup>1</sup>	HEIGHT <sup>2</sup>	STORIES	BUILDING COVERAGE
R-15	15,000 sf	100 ft	40 ft	15 ft	25 ft	35 ft	2	20 %
R-10	10,000 sf	100 ft	25 ft	10 ft	25 ft	35 ft	2	20 %

#### TABLE LEGEND

N/A Not applicable  
sf square feet  
ft feet  
R Residential

#### NOTES

1. See Section 3.7.B for accessory structure yard requirements.
2. See Section 6.12.A for height exceptions.

#### 3.3.C. Principal Uses and Structures.

1. Authorized Without A Zoning Signoff. The following uses and structures are authorized without the issuance of a Zoning Signoff:
  - a. Land cultivation.
  - b. Open space.
  - c. Public utility substations, pursuant to the Connecticut Siting Council.
  - d. Roadside stands.
2. Authorized By Zoning Signoff. The following principal uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. Single-family dwelling.
  - b. Two-family dwelling units on properties with a minimum lot area of 20,000 square feet in R-15 districts and 15,000 square feet in R-10 districts.
3. Authorized by Special Permit. The following uses and structures may be authorized upon the issuance of a Special Permit in accordance with Section 9.5:
  - a. Accessory apartments in accordance with Section 6.13. (amended 5/1/23)
  - b. Affordable housing for volunteer municipal firefighters in accordance with Section 7.2.
  - c. Antique shop in accordance with Section 7.4.
  - d. Bed and breakfast inn in accordance with Section 7.5.
  - e. Cemeteries in accordance with Section 7.7.
  - f. Clubs and fraternal organizations, in the R-10 zone only, except where the principal activity is a service carried on as a business.
  - g. Houses of worship, Colleges, public and private schools in accordance with Section 8.4 (10/22/15)
  - h. Rest homes, convalescent or nursing homes in accordance with Section 7.10.
  - i. Firehouse.

- j. Golf course.
- k. Leaf composting facility as an accessory use in accordance with Section 7.6.
- l. Municipal leaf collection transfer facility in accordance with Section 7.6.
- m. Municipal lands and facilities of the Town of Bloomfield.
- n. Museums.
- o. Public utility buildings.
- p. Temporary beer permits in accordance with Section 7.3.
- q. Towers for radio and television in accordance with Section 8.3.

### 3.3.D. **Accessory Uses and Structures.**

1. Authorized Without a Zoning Signoff. The following uses and structures are allowed, as an accessory use, without the issuance of a Zoning Signoff:
  - a. Cultivation of land.
  - b. Family day care home.
  - c. Fences which are less than six (6) feet tall in accordance with Section 6.7.
  - d. Home office in accordance with Section 3.7.A.1.
  - e. Keeping of domestic animals.
  - f. Playscapes.
  - g. Parking areas for permitted uses.
  - h. Parking or storage of any number of motor vehicles, registered or unregistered, if parked or stored in a completely enclosed garage or building. Any number of registered vehicles may be parked outside except as otherwise prohibited by these regulations.
  - i. Parking of commercial vehicles. The outside parking or storage of no more than one vehicle having any commercial marking or advertising. The outside parking or storage of any vehicle exceeding one and one-half (1½) ton-capacity, including truck-type tractor or trailer or semi-trailer units, is prohibited (except motor homes or recreational vehicles).
  - j. Parking of recreational vehicles. No recreational vehicle exceeding five (5) feet in height may be parked or stored in any required yard. Under no circumstances may motor homes, campers or recreation vehicles be occupied for living purposes.
2. Authorized By Zoning Signoff. The following accessory uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1.
  - a. Garages, sheds, gazebos, or similar structures.
  - b. Home Occupation in accordance with Section 3.7.A.2.
  - c. Pools and other recreational structures, such as tennis courts.
  - d. Signs pertaining to a permitted principal use on a lot.

3.4 **RESERVED FOR FUTURE USE.**

3.5 **RESERVED FOR FUTURE USE.**

3.6 **RESERVED FOR FUTURE USE.**

**3.7 SPECIAL PROVISIONS FOR RESIDENTIAL DISTRICTS.**

**3.7.A. Home Based Businesses.**

1. Home Office. Use of residence for personal business purposes. Nothing in these regulations shall restrict the use of a residence by the occupant for business purposes where:
  - a. No business is conducted on the premises except by computer, mail, telephone or future communication technology.
  - b. No persons other than members of the family are employed.
  - c. No external evidence of the business is visible.
  - d. No business signs are erected.
  - e. No pedestrian or automobile traffic other than that is normally generated by a residence.
2. Home Occupation. A home-based business where such business is located within the same dwelling used by such person as his or her primary residence provided that:
  - a. the area devoted to such accessory use (including storage of any supplies or materials) shall not exceed 25 percent of the total square footage of the dwelling (exclusive of garage, attic and basement);
  - b. not more than one (1) nonresident person shall be employed on the premises;
  - c. The accessory use shall:
    - (1) be conducted entirely within the principal dwelling by the resident occupant,
    - (2) clearly be incidental and secondary to the use of the dwelling for living purposes,
    - (3) not change the exterior residential appearance or character of the building or be noticeable from the exterior of the building,
    - (4) not materially change the traffic characteristics of the neighborhood,
    - (5) not have any outside storage or display of merchandise, equipment, or machinery relative to the use,
    - (6) not include the keeping of stock in trade nor the sale or rental of any goods not produced within the premises,
    - (7) not involve the display of signs or products in, on, or about the premises except for a sign as permitted by these Regulations,
    - (8) not involve retail sales at the premises, and
    - (9) parking areas for residents, employees or the general public shall not be located in an inappropriate location and any parking areas shall be screened, if necessary.

### 3.7.B. Accessory Buildings In Residential Zones.

In residential zones, accessory buildings or structures shall be located according to the following criteria:

1. An accessory building or structure may not be located in any front yard or closer to any street line than the principal building. A building or structure attached to the principal building by a covered, fully enclosed passageway, or by having a wall or part of a wall in common with it shall be considered an integral part of the principal structure and not an accessory building.
2. Accessory buildings shall not exceed a height of 15 feet.
3. Accessory buildings or structures located behind the rear face of the principal building, excluding decks, porches and similar non-habitable space, shall be located at least five feet from the rear or side lot lines, except that accessory buildings used to house motor vehicles shall be located at least 10 feet from any rear or side lot line.
4. Accessory buildings or structures located between the rear face of the building, as noted above, and the front face of the building shall abide by the established setbacks for the zone in which the structure is located.
5. Swimming pools, tennis courts and other similar accessory structures must adhere to the required setback for principal buildings within each zone, except that no such structure shall be located in front of the front face of the principal building.
6. Farm Uses:
  - a. Roadside stands may be located in front yards, but must be set back at least 25 feet from the street line.
  - b. All farm buildings and residential accessory buildings housing livestock or poultry shall be located at least 100 feet from any street line or lot line. For the purposes of this Section all farm buildings shall be deemed accessory buildings.

### 3.7.C. Keeping of Horses in All Single-family Residential Zones.

The keeping of horses, ponies and other animals of the equine family for use of the occupants of the property only, shall be permitted as an accessory use subject to the following requirements:

1. There shall be a minimum lot area of two (2) acres required for the first animal being kept and one-half (½) acre for each additional animal with a maximum of five (5) such animals.
2. No barn, shelter, or other buildings used for the housing of said animals, the storage of feed and supplies or the storage of waste materials shall be located any closer than 100 feet from any property line. Waste materials and manure shall be disposed of according to the State of Connecticut Public Health Code.
3. The area used for the grazing, exercising or training of said animals shall be securely fenced to prevent straying and to prevent the public from entering the enclosure. While the use of low-voltage electric fencing is permitted under suitable conditions, these fences shall be clearly labeled as being "electric" fences along the entire perimeter of the fence. Said areas shall also be designed and managed to prevent soil erosion and runoff from leaving the property.
4. This shall not be construed as allowing the establishment of any commercial enterprise.

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## ARTICLE 4 Business Zones

### 4.1 BLOOMFIELD CENTER DISTRICT (BCD).

#### 4.1.A Purpose.

The purpose of the Bloomfield Center District (BCD) is to preserve the neighborhood character of this distinct place. These regulations further the purpose by:

1. Protecting distinctive architectural character, historic structures and attractive landscaping elements presently found within the center of Town.
2. Placement, scale and design of buildings shall be organized to promote activity nodes and context within the BCD.
3. Maintenance and improvement of public views and amenities.
4. Standards for the design, treatment, layout of public roadways, sidewalks and streetscape features that enhance the image and pedestrian use of the BCD.
5. Formally establishing design criteria that will guide and improve the relationship, and compatibility of structures, landscaping, signs, roadways parking lots and drives, street hardware, lighting and similar features. Such criteria may include guidance for color, material, height, proportion, orientation, roof treatments, and setbacks of commercial and residential property contained within the BCD.
6. Creating an acceptable architectural design context that pays tribute to the area's historic vocabulary, landmarks and character and creates a marketable appeal.

#### 4.1.B General.

The BCD is a Village District in accordance with CGS 8-2j [VILLAGE DISTRICTS. COMPATIBILITY OBJECTIVES WITH OTHER USES IN IMMEDIATE NEIGHBORHOOD. APPLICATIONS. VILLAGE DISTRICT CONSULTANT. – [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-2j](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-2j)]

#### 4.1.C Bulk Requirements.

DISTRICT	LOT AREA	LOT WIDTH	MINIMUM			HEIGHT	MAXIMUM	
			FRONT YARD <sup>1</sup>	SIDE YARD <sup>1</sup>	REAR YARD <sup>1</sup>		STORIES	BUILDING COVERAGE
BCD	N/A	0 ft	10 ft	0 ft	0 ft	50 ft	4	50 %

#### TABLE LEGEND

N/A Not applicable  
ft feet

#### NOTES

1. No parking is permitted in any required front yard and on parcels exceeding one (1) acre the Commission may require that no parking or loading is permitted in any side or rear yard.

#### 4.1.D Principal Uses and Structures.

1. Authorized Without A Zoning Signoff. The following uses and structures are authorized without the issuance of a Zoning Signoff:
  - a. Public space and passive recreation.
  - b. Public utility substations, pursuant to the Connecticut Siting Council.
2. Authorized By Zoning Signoff. The following principal uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. None.

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3. Authorized By Site Plan Review. The following principal uses and structures may be authorized by the Commission through the Site Plan Review process in accordance with Section 9.4:
  - a. Day care center/nursery.
  - b. Parking areas for non-profit uses.
  - c. Parking lot.
4. Authorized by Special Permit. The following uses and structures require approval of a Special Permit application in accordance with Section 9.5:
  - a. Affordable housing for volunteer municipal firefighters in accordance with Section 7.2.
  - b. Alcoholic liquor sales in accordance with Section 7.3
  - c. Amusement enterprises.
  - d. Banks.
  - e. Banquet facilities.
  - f. Bed and breakfast inns in accordance with Section 7.5.
  - g. Billiard parlor.
  - h. Cannabis Retailer; Dispensary facilities and Hybrid-retailers in accordance with Section 7.17. **(08/3/2022)**
  - i. Cemeteries in accordance with Section 7.7.
  - j. Clubs.
  - k. Coffee, soda and ice cream shops
  - l. Community centers.
  - m. Conference centers.
  - n. Drive-in windows in accordance with Section 7.11.
  - o. Farm markets.
  - p. Fast food restaurants
  - q. Firehouses.
  - r. Fraternal organizations.
  - s. Funeral parlors.
  - t. Health and fitness clubs.
  - u. Hotels/motels.
  - v. Houses of worship, Colleges, public and private schools in accordance with Section 8.4. **(10/22/15)**
  - w. Libraries.
  - x. Medical clinic/offices.
  - y. Multi-family dwelling units, provided the units are located above the ground floor, in accordance with Section 7.14.
  - z. Municipal facilities.
  - aa. Museums.
  - bb. Offices.
  - cc. Personal service shop.
  - dd. Pharmacies.
  - ee. Places of worship and churches.
  - ff. Printing and publishing establishments.
  - gg. Public utility buildings
  - hh. Radio/television broadcasting studios.
  - ii. Restaurants
  - jj. Retail stores.
  - kk. Service, repair or storage of motor vehicles may be permitted as long as the overnight storage of all motor vehicles takes place within the confines of a building. **(3/28/13)**
  - ll. Single-family dwelling.
  - mm. Studio and sample rooms
  - nn. Surgery center **(01/01/20)**
  - oo. Temporary beer permit.

- pp. Theaters.
- qq. Towers for radio, wireless communications and television in accordance with Section 8.3.

## Accessory Use and Structures

5. Authorized Without a Zoning Signoff. The following uses and structures are authorized without the issuance of a Zoning Signoff:
  - a. Uses clearly accessory to the principal use including customary service and support facilities.
  - b. Home office in accordance with Section 3.7.A.1.
  - c. Keeping of domestic animals.
  - d. Playhouses and dog houses provided the structure is less than five (5) feet tall and does not exceed 25 square feet.
  - e. Playscapes.
6. Authorized with a Zoning Signoff. The following accessory uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. Garages, sheds, gazebos, or similar structures.
  - b. Home Occupation in accordance with Section 3.7.A.2.
  - c. Pools and other recreational structures, such as tennis courts.
  - d. Signs pertaining to a permitted principal use on a lot.

### 4.1.E Permitted Residential Densities.

The maximum number of dwelling units (D.U.) to be permitted is six (6) dwelling units per acre.

### 4.1.F Design Guidelines.

The following design guidelines for the BCD are intended to guide the applicant when preparing an application in the BCD. These guidelines promote creativity through the design process and are supportive of the BCD design goals, and are to be considered by the Commission in determining the appropriateness of the application.

1. Maintain privacy between commercial and single-family residential uses.
2. Minimize any adverse impacts on adjacent properties.
3. Locate all utilities underground.
4. Emphasize curb cuts and internal circulation routes with landscaping or appropriate lighting and without the need of excessive signs.
5. Provide safe and accessible access to the site and building which blend in with the architecture and landscaping of the site.
6. Minimize conflicts between pedestrians and all vehicles with consistent treatments of sidewalks, driveways and parking lots.
7. Provide for snow storage or removal areas which do not damage landscaped areas.
8. Encourage outdoor art in public spaces and along pedestrian walkways.
9. Create a strong architectural setting by locating as much of the parking as possible in the rear of the site. Additional parking may be located in the sideyard.
10. Screen parking areas from public view by using landscaping, berms, fencing or elements of the building.
11. Locate no more than 20 parking spaces in a row without providing for a landscaped divider.
12. Where appropriate, provide for a landscaped barrier between the parking area and the building.
13. Pave and grade parking and site to prevent storm water from crossing public sidewalks.
14. Shared parking is encouraged where site conditions and uses permit.
15. Plant street trees along the frontage of the site to establish a canopy.
16. Utilize plant materials which provide year-round interest in color, texture, shape or form.
17. Avoid blocking sight lines at curb cuts and intersections.
18. Include walks as public amenities and include benches, decorative paving, walls or other features to promote pedestrian use and gathering.
19. Bike racks are encouraged throughout the BCD.

20. Install trash receptacles.
21. Low Impact Design ( LID) standards as set forth by the Town of Bloomfield published guidelines are encouraged. (1/1/17)

#### 4.1.G **Architecture.**

The following guidelines shall be incorporated in all new buildings and renovated structures located within the BCD:

1. Create visual variety by avoiding large, long or uninteresting building facades.
2. Incorporate existing architectural features into new structures.
3. Create visual points of interest and pedestrian amenities particularly on large tracts of land.
4. Preserve and reflect historic massing and scale where applicable.
5. Incorporate rooflines of adjacent properties in the design of new buildings.
6. Pitched roof structures are encouraged to reinforce existing prominent buildings.
7. Provide a balance of massing between the building and roof.
8. Provide prominent building entrances oriented to the street and include features which encourage pedestrian use.
9. Utilize architectural treatments to minimize the appearance of large buildings.
10. Provide breaks in the frontage of such buildings by incorporating appropriate features which reduce the buildings bulk.
11. Create variety in the BCD by encouraging buildings which complement one another in form, color, or architectural detail.
12. Ensure that proportions between building height, length and width are consistent with contemporary design standards.
13. Conceal all views of roof mounted mechanical equipment and other appurtenances by incorporating these features into the building design, not by artificial screening methods.
14. Use natural building materials on the exterior of buildings and avoid aluminum, vinyl or manmade finish systems.
15. Because the BCD possesses an assortment of architectural styles, these standards do not offer any particular architectural style or genre. Rather, they describe basic design elements and relationships that should be adhered to in order to maintain and enhance the architectural fabric that currently exists.
16. Preferred building materials are brick, stone and wood. Well executed cast stone details are also appropriate. Limited use of concrete and concrete block is acceptable if detailed and finished to be compatible with surrounding buildings. Corrugated, split block and "cinder block" exteriors visible by the public are not appropriate.
17. Materials should be used according to their particular logic of use and assembly and with appropriate detailing and expression. Cladding materials, such as wood siding, should not be used as a monolithic treatment, but rather broken up by appropriate trim and detailing.
18. The following roofing materials are encouraged: slate, wood shingles, shakes, and standing seam metal. Asphalt shingles are acceptable and should be neutral to dark in color.
19. Any new or exterior alterations should have significant trim detail to be compatible with surrounding architecture. Renovation should not significantly reduce the level of architectural detail, and new construction should be detailed at a level compatible with the immediate area.
20. Siding of vinyl, asphalt and other synthetic materials are strongly discouraged.
21. Trim details such as rake boards, corner boards and fascia trim should be of a material and dimension appropriate to the overall treatment of the façade.
22. Windows and doors should be balanced in their placement on building facades. Though literal symmetry is not necessary, a general balance between façade elements is desirable.

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- 23. Buildings should have many windows and doors at street level to encourage pedestrian traffic and commercial activity. Frequent entries contribute to a lively pedestrian space.
- 24. All exterior walls should have windows, especially if they face the street or any other public space.
- 25. Principal building entries should be oriented toward and visible from the street. Main entrances
- 26. Conceal views of all roof-mounted equipment from the public right-of-way by using detailed incorporated into the architectural design as opposed to an applied barrier.
- 27. Screen all ground mounted equipment (e.g. "heating, ventilating, and air conditioning," electrical, gas) using evergreen plantings or architectural detailing.
- 28. Conceal garage doors and loading areas from view from surrounding streets.

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#### 4.1.H **Landscaping.**

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- 1. Commercial development shall provide and maintain appropriate landscaping designed by a licensed landscape architect in accordance with the Guidelines found in Section 6.1 and Section 6.10.D 2 of these regulations. **(1/1/17)**
- 2. Outdoor areas for public enjoyment are encouraged.
- 3. Residential development in the BCD shall include appropriate landscaping, including lawns, plantings and walkways designed by a licensed landscape architect that is compatible with the traditional character of the BCD. Landscaping plans shall also follow the Guidelines found in Section 6.1 and Section 6.10.D 2 of these regulations. Where the standards of Section 6.1 and Section 6.10.D 2 conflict with the guidelines of this subsection, the more stringent requirements shall apply. **(1/1/17)**
- 4. The use of indigenous plant material and native characteristic species is encouraged. Landscaping is an important element to the public character of the BCD and should be appropriate to that context.
- 5. Berms may also be required by the Commission where deemed necessary as an additional buffer.
- 6. Landscaping shall be provided in all front, side and rear yards.
- 7. A front yard landscape buffer may be required by the Commission where necessary to preserve and protect residential property values and privacy of residential developments.
- 8. An appropriate landscaped buffer in accordance with Section 6.1.D of these regulations shall be provided along the side and rear yards where commercial uses abut residential uses or residential zones.
- 9. Canopy trees should be deciduous shade trees planted at least three (3) inches in caliper with a mature height of at least 35 feet. Trees planted under utility lines should be carefully selected so that their mature height does not interfere with the lines. Trees should be deciduous shade or ornamental trees planted at two (2) inches in caliper with a mature height of at least 12 feet.
- 10. Evergreens should be coniferous species planted at six (6) to eight (8) feet in height. Shrubs should be either deciduous species planted at two and one-half (2½) feet in height with a mature height of at least six (6) feet or coniferous species planted at two and one-half (2½) feet in spread. The mature height of all plant material should be respected in selection and design.
- 11. Parking areas, in particular, should be provided with appropriate landscaping, providing a buffer to adjacent properties and breaking up large expanses of paving.
- 12. The Commission may require additional landscaping or more mature plantings when circumstances require, for noise and light abatement to prevent the depreciation of adjoining residential properties.

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#### 4.1.I **Exterior Site Lighting.**

1. Use lighting fixtures with shielded devices or full cut-off refractors to eliminate up lighting and glare. Direct lighting without light splay off site.
2. Avoid relative brightness differences with adjacent dissimilar land uses.
3. Provide photometric data for specific development.
4. Conceal the lighting source from the public view.
5. Use white light lamps (e.g. metal halide, fluorescent, incandescent) for all new site development illumination. White light is crisp and has true color rendition qualities.
6. Do not use low or high-pressure sodium sources.
7. Use lighting standards no more than 14 feet in height.
8. Coordinate lighting fixtures with architecture it serves.
9. Conceal lighting source from public view, provide photometric data with site development submissions.
10. A lighting plan shall provide sufficient information to show how the lighting will comply with the specific standards of Section 6.9 of these regulations. Where the standards of Section 6.9 conflict with the guidelines of this subsection, the more stringent requirements shall apply. **(1/1/17)**

#### 4.1.J **Signs.**

Signage in the BCD shall comply with the specific standards found in Section 6.3 of these regulations. In addition to the specific requirements of Section 6.3, signage within the BCD shall comply with the following design guidelines: **(1/1/17)**

1. Integrate the signs into the site plan and ensure that it complements its surroundings.
2. Avoid visual competition with other signs in the area.
3. Minimize the number of building and directional signs to avoid repetition.
4. Integrate signage architecturally into the building façade.
5. Avoid repetitive signage information on the same building frontage regardless of the sign area allowed in the zoning regulations.
6. Construct freestanding monument signs at a low height whenever site conditions allow for visibility. Avoid top heavy, pole mounted freestanding signs.
7. Do not use advertising and business slogans but identify the business and street address.
8. For buildings with more than one occupant, a unified sign plan is required. The site should have an identifier sign that is generally freestanding and located at the main entrance. Signs for each occupant may be placed on the building but need to be coordinated with each occupant.
9. It is recommended that the color of the signs complement either the body or trim color of the structure being served.
10. Applicants should look to provide signs of appropriate scale to the site and building being designed.
11. Directional signs shall be used only when necessary. These signs shall mark entrance and direct traffic. Maximum area: three (3) square feet.
12. Temporary outdoor signs used to announce grand opening or temporary sales activities shall be consistent with the requirements contained within the zoning regulations.

#### 4.1.K **Public Amenities.**

New buildings in the BCD are encouraged to incorporate public spaces to enhance the pedestrian environment, reinforce the open space network and provide for a balance of public and private space. All open space elements should enhance a pedestrian oriented environment that has the appearance of stability, quality and safety. To this end, the following elements are encouraged:

1. Orient public space to receive the maximum direct sunlight possible, using trees, overhangs and umbrellas to provide shade in the warmest months.
2. The design of planters, landscaping, walls and other street elements should allow visibility into and out of the open space.
3. Public spaces can feature art work; street furniture and landscaping that invite customers or enhance the building's setting. Examples of desired features include walking surfaces of attractive pavers, site furniture, art work, or amenities such as fountains, seating and kiosks.

**2 4.1.L Design Consultant**

In accordance with Section 8-2j (Village Districts) of the Connecticut General Statutes all applications for new construction and substantial reconstruction within the BCD and in view from public roadways shall be subject to review and recommendation by an architect or architectural firm, landscape architect, or planner who is a member of the American Institute of Certified Planners selected and contracted by the commission and designated as the village district consultant for such application. Alternatively, the commission may designate as the village district consultant for such application an architectural review board whose members shall include at least one architect, landscape architect or planner who is a member of the American Institute of Certified Planners. The village district consultant shall review an application and report to the commission within thirty-five days of receipt of the application. Such report and recommendation shall be entered into the public hearing record and considered by the commission in making its decision. Failure of the village district consultant to report within the specified time shall not alter or delay any other time limit imposed by the regulations. Should the Commission decide that an outside consultant is necessary on a given application, the applicant shall deposit funds with the Commission for the costs of any such consulting review fees. (1/1/17)

**4.1.M Buffers.**

1. Side and rear yards which adjoin a residential zone shall contain a buffer yard meeting or exceeding the requirements of the landscaped buffer yard for all uses in the BCD, in accordance with Section 6.1.
2. Where there is a conflict between the rear and/or side yards and the buffer yard requirements, the more stringent yard requirements shall apply.
3. Minimum Buffer Yard Width: ten (10) Feet.
4. Minimum Buffer Yard Height (at time of planting, or for fences): six (6) feet.
5. The Commission may waive the Buffer requirements, except when the BCD abuts a residential zone.
6. There shall be no requirement for a buffer on a BCD parcel where the parcel abuts a business zone.

## 4.2 PROFESSIONAL OFFICE DISTRICT (POD).

### 4.2.A Purpose.

The POD provides for uses associated with professional or administrative services, including corporate offices, financial institutions, and other similar uses.

### 4.2.B Bulk Requirements.

DISTRICT	LOT AREA <sup>2</sup>	LOT WIDTH	MINIMUM			HEIGHT	MAXIMUM	
			FRONT YARD <sup>1</sup>	SIDE YARD <sup>1</sup>	REAR YARD <sup>1</sup>		STORIES	BUILDING COVERAGE
POD	2 acres	0 ft	40 ft	20 ft	20 ft	40* ft	N/A	N/A

#### TABLE LEGEND

N/A Not applicable  
sf square feet  
ft feet

\* Amended 7/6/20

#### NOTES

1. No parking or loading is permitted in any required front yard on any parcels. The Commission may reduce the parking front yard setback to 10 feet on any parcel located on a local road. Landscaping in the reduced front yard shall be provided in accordance with Section 6.1.B.4. The Commission may require that no parking or loading is permitted in any side or rear yard when a larger yard would protect adjacent residential properties. Parking may be permitted in the inside 20 feet of a 40-foot side yard of a corner lot. All parking and loading areas shall be hard-surfaced.
2. Unless adjacent to a POD.

### 4.2.C Principal Uses and Structures

1. Authorized Without A Zoning Signoff. The following uses and structures are authorized without the issuance of a Zoning Signoff:
  - a. Open space and passive recreation.
  - b. Public utility substations, pursuant to the Connecticut Siting Council.
2. Authorized By Zoning Signoff. The following principal uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. None.
3. Authorized by Site Plan Review. The following principal uses and structures may be authorized upon the issuance of a Site Plan approval in accordance with Section 9.4:
  - a. Parking and other accessory uses to a permitted use.
  - b. Office for professional business, medical, or banking use and business services related thereto.
  - c. Surgery center (01/01/20)
4. Uses and Structures Authorized by Special Permit. The following uses and structures may be authorized upon the issuance of a Special Permit in accordance with Section 9.5:
  - a. Commercial kennel in accordance with Section 7.9 (Added 7/1/16)
  - b. Leaf composting facility in accordance with Section 7.6.
  - c. Multi-family dwelling units in accordance with Section 7.15 (Added 10/1/16)
  - d. Municipal leaf collection transfer facility in accordance with Section 7.6.
  - e. Temporary beer permits.
  - f. Towers for radio, wireless communication and television in accordance with Section 8.3.

g. Uses judged by the Town Plan and Zoning Commission to be of a similar character to those listed above.

**Accessory Uses and Structures.**

5. Authorized Without a Zoning Signoff. The following uses are authorized without the issuance of a Zoning Signoff:
  - a. None.
6. Authorized with a Zoning Signoff. The following accessory uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. Signs pertaining to a permitted principal use on a lot.

**4.2.D Buffers.**

1. Side and rear yards which adjoin a residential zone shall contain a buffer yard meeting or exceeding the requirements of the landscaped buffer yard for all uses in the POD, in accordance with Section 6.1.
2. Where there is a conflict between the rear and/or side yards and the buffer yard requirements, the more stringent yard requirements shall apply.
3. Minimum Buffer Yard Width: 20 Feet
4. Minimum Buffer Yard Height (at time of planting, or for fences): six (6) feet.
5. The Commission may waive the Buffer requirements, except when the POD abuts a residential zone.
6. There shall be no requirement for a buffer on a POD parcel where the parcel abuts a business zone.

### 4.3 I-1 GENERAL INDUSTRY DISTRICT (I-1).

#### 4.3.A Purpose.

The purpose of the I-1 District (I-1) is to provide areas suitable for warehousing, secondary processing and packaging and fabricating of finished goods and equipment with related outdoor storage and retail sales.

#### 4.3.B Bulk Requirements.

DISTRICT	MINIMUM						MAXIMUM	
	LOT AREA	LOT WIDTH	FRONT YARD <sup>1, 4</sup>	SIDE YARD <sup>1, 2, 4</sup>	REAR YARD <sup>1, 2, 4</sup>	HEIGHT <sup>4</sup>	STORIES	LOT COVERAGE <sup>3</sup>
I-1	N/A	0 ft	40 ft	20 ft	50 ft*	60 ft	N/A	50 %

#### TABLE LEGEND

N/A Not applicable

sf square feet

ft feet

\* - Amended 3/08/21

#### NOTES

1. No parking is permitted in any required front yard and on parcels exceeding one (1) acre the Commission may require that no parking or loading is permitted in any side or rear yard. For corner lots, parking is permitted in the inside 20 feet of the 40 foot front yard for the minor street. (4/15/19)
2. No building or structure shall be located within 20 feet of any property line or within 50 feet of the boundary line of any residential zone or within 40 feet of a street line.
3. No more than 50 percent of the total area of any lot may be used for building, access drives, parking and loading areas and other hard-surfaced areas, provided that the Commission may permit coverage of up to 60 percent when in their sole judgment circumstances relating to the lot or the development of the lot require such increase.
4. See Section 6.12 for Special Bulk Requirements.

#### 4.3.C Principal Uses and Structures

1. Authorized Without A Zoning Signoff. The following uses and structures are authorized without the issuance of a Zoning Signoff:
  - a. Open Space and passive recreation.
  - b. Public utility substations, pursuant to the Connecticut Siting Council.
2. Authorized By Zoning Signoff. The following principal uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. None.
3. Authorized By Site Plan. The following principal uses and structures may be authorized upon the issuance of a Site Plan approval in accordance with Section 9.4:
  - a. Banks.
  - b. Day care centers/nurseries.
  - c. Municipal facilities.
  - d. Offices.
  - e. Parking areas.
  - f. Personal service shop.
  - g. Retail stores.
  - h. Schools: colleges, public and private institutions.
  - i. Warehouses less than 100,000 square feet.
4. Authorized by Special Permit. The following uses and structures may be authorized upon the issuance of a Special Permit in accordance with Section 9.5:

- a. Adult-oriented establishments in accordance with Section 7.1
- b. Affordable housing for volunteer municipal firefighters in accordance with Section 7.2.
- c. Alcoholic liquor sales in accordance with Section 7.3.
- d. Any nonresidential use, not otherwise prohibited, which takes place within the confines of an enclosed building where no goods, equipment or materials are stored outside.
- e. Cannabis Dispensary facilities, Production facilities, Cannabis retailer, Hybrid-retailer, Cultivator and Micro-cultivator facilities, Food and Beverage Manufacturing facilities, Transporter and Delivery Services in accordance with Section 7.17 **(08/3/2022)**
- f. Cemetery in accordance with Section 7.7.
- g. Commercial kennel in accordance with Section 7.8.
- h. Cultivation of land provided that no products are sold on the premises.
- i. Drive-in windows in accordance with Section 7.12 (2.24/2011)
- j. Firehouses.
- k. Golf courses.
- l. Leaf composting facility in accordance with Section 7.6.
- m. Manufacturing **(03/08/21)**
- n. Medical clinics and offices **(01/01/20)**
- o. Municipal leaf collection transfer facility in accordance with Section 7.6.
- p. Museums.
- q. Outdoor storage of registered vehicles in accordance with Section 6.11.
- r. Restaurants and ice cream bars, except the following: dining cars, mobile types of eating and drinking places, places offering curb services and places selling prepared food for consumption on the premises in motor vehicles.
- s. Storage trailers
- t. Surgery center **(01/01/20)**
- u. Temporary beer permits.
- v. Storage trailers as primary use for warehousing may be permitted as a permanent use or with a time limitation as stipulated by the Commission.
- w. Warehouses greater than or equal to 100,000 square feet.

#### **4.3.D Accessory Uses and Structures.**

- 1. Authorized Without a Zoning Signoff. The following accessory uses are authorized without the issuance of a Zoning Signoff:
  - a. None.
- 2. Authorized with a Zoning Signoff. The following accessory uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. Signs pertaining to a permitted principal use on a lot.
- 3. Authorized by Site Plan. The following accessory uses and structures may be authorized upon the issuance of a Site Plan approval in accordance with Section 9.4:
  - a. Building mechanical equipment located outside the structure provided that such equipment is properly screened.
  - b. Parking lots, loading areas, and similar uses customarily accessory to the conduct of permitted business.
  - c. Quarters for caretakers.
  - d. Signs pertaining to a permitted principal use on a lot.
- 4. Authorized by Special Permit
  - a. Craft Cafés in accordance with Section 7.4.B.3 **(11/30/20)**
  - b. Outdoor storage of raw and finished materials and equipment directly accessory to on-site manufacturing uses in accordance with the standards of Section 7.16. **(03/08/21)**

#### 4.3.E **Buffers.**

1. Side and rear yards which adjoin a residential zone shall contain a buffer yard meeting or exceeding the requirements of the landscaped buffer yard for all uses in the I-1, in accordance with Section 6.1.
2. Where there is a conflict between the rear and/or side yards and the buffer yard requirements, the more stringent yard requirements shall apply.
3. Minimum Buffer Yard Width: 25 Feet
4. Minimum Buffer Yard Height (at time of planting, or for fences): six (6) feet.
5. The Commission may waive the Buffer requirements, except when the I-1 abuts a residential zone.
6. There shall be no requirement for a buffer on an I-1 parcel where the parcel abuts a business zone.

#### 4.4 **I-2 RESTRICTED INDUSTRY DISTRICT (I-2).**

##### 4.4.A **Purpose.**

The purpose of the I-2 District (I-2) is to provide areas suitable for warehousing, secondary processing and packaging and fabricating of finished goods and equipment with related outdoor storage and incidental sales.

##### 4.4.B **Bulk Requirements.**

DISTRICT	LOT AREA	LOT WIDTH	MINIMUM			HEIGHT <sup>4</sup>	STORIES	LOT COVERAGE <sup>3</sup>
			FRONT YARD <sup>1</sup>	SIDE YARD <sup>1, 2</sup>	REAR YARD <sup>1, 2</sup>			
I-2	40,000 sf	125 ft	40 ft	20 ft	10 % depth	60 ft	N/A	50 %

##### TABLE LEGEND

N/A Not applicable  
sf square feet  
ft feet

##### NOTES

1. No parking is permitted in any required front yard and on parcels exceeding one acre the Commission may require that no parking or loading is permitted in any side or rear yard.
2. No building or structure shall be located within 20 feet of any property line or within 50 feet of the boundary line of any residential zone or within 40 feet of a street line. No parking areas shall be permitted in a required front yard.
3. No more than 50 percent of the total area of any lot may be used for building, access drives, parking and loading areas and other hard-surfaced areas, provided that the Commission may permit coverage of up to 60 percent when in their sole judgment circumstances relating to the lot or the development of the lot require such increase.
4. See Section 6.12 for Special Bulk Requirements.

#### 4.4.C **Principal Uses and Structures.**

1. Authorized Without A Zoning Signoff. The following uses and structures are authorized without the issuance of a Zoning Signoff:
  - a. Open Space and passive recreation.
  - b. Public utility substations, pursuant to the Connecticut Siting Council.
2. Authorized By Zoning Signoff. The following principal uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:

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- a. None.
- 3. Authorized By Site Plan. The following principal uses and structures may be authorized upon the issuance of a Site Plan approval in accordance with Section 9.4:
  - a. Banks.
  - b. Day care centers/nurseries.
  - c. Offices.
  - d. Outdoor storage of registered vehicles in accordance with Section 6.11.
  - e. Schools: colleges, public and private institutions.
- 4. Authorized by Special Permit. The following uses and structures may be authorized upon the issuance of a Special Permit in accordance with Section 9.5:
  - a. Adult-oriented establishments in accordance with Section 7.1.
  - b. Affordable housing for volunteer municipal firefighters in accordance with Section 7.2.
  - c. Alcoholic liquor sales in accordance with Section 7.3.
  - d. Automotive repair services and gasoline service stations. Where special circumstances relating to the site exist, the Commission may approve a limited number of vehicles or ancillary items to be stored outside in suitably screened areas as a part of the special permit process for automotive repair services.
  - e. Bulky waste disposal area in accordance with Section 7.6.
  - f. Bulky waste recycling facility in accordance with Section 7.6.
  - g. Cannabis Dispensary facilities, Production facilities, Cannabis retailer, Hybrid-retailer, Cultivator and Micro-cultivator facilities, Food and Beverage Manufacturing facilities, Transporter and Delivery Services in accordance with Section 7.17 **(8/3/2022)**
  - h. Cemeteries in accordance with Section 7.7.
  - i. Commercial kennel in accordance with Section 7.8.
  - j. Cultivation of land provided that no products are sold on the premises.
  - k. Drive-in window in accordance with Section 7.12. (3/26/12)
  - l. Fabricating.
  - m. Firehouse.
  - n. Indoor and outdoor tennis facilities **(Added 9/01/18)**
  - o. Leaf composting facility in accordance with Section 7.6.
  - p. Manufacturing.
  - q. Municipal facilities.
  - r. Municipal leaf collection transfer facility in accordance with Section 7.6.
  - s. Municipal transfer station in accordance with Section 7.6.
  - t. Museums.
  - u. Outside storage as an accessory use.
  - v. Recycling storage in accordance with Section 7.6.
  - w. Restaurants and ice cream bars.
  - x. Retail sales that are accessory to the permitted use, personal service, convenience retail, banks and restaurants, where in the Commission's judgment the business is supplemental to the permitted uses, serves a function which is accessory to the entire I-2 industrial zone, conforms to the current Plan of Conservation and Development in the proximity of Blue Hills Avenue and Old Windsor Road, or is not specifically prohibited by other sections of these regulations.
  - y. Temporary beer permits.
  - z. Transfer Station in accordance with Section 7.6.
  - aa. Warehouses.
  - bb. Any other uses provided it is not prohibited by Section 1.3.A.

#### 4.4.D Accessory Uses and Structures.

1. Authorized Without a Zoning Signoff. The following accessory uses and structures are authorized without the issuance of a Zoning Signoff:
  - a. None.
2. Authorized with a Zoning Signoff. The following accessory uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. Building mechanical equipment located outside the structure provided that such equipment is properly screened.
  - b. Parking lots, loading areas, and similar uses customarily accessory to the conduct of permitted business.
  - c. Quarters for caretakers.
  - d. Signs pertaining to a permitted principal use on a lot.
3. Authorized by Special Permit. The following accessory uses and structures may be authorized upon the issuance of a Special Permit in accordance with Section 9.5:
  - a. Storage of tractor trailer boxes. Storage trailers as primary use for warehousing may be permitted as a permanent use or with a time limitation as stipulated by the Commission.
  - b. Outside storage.
  - c. Craft Cafés in accordance with Section 7.4.B.3 (11/30/20)

#### 4.4.E **Buffers.**

1. Side and rear yards which adjoin a residential zone shall contain a buffer yard meeting or exceeding the requirements of the landscaped buffer yard for all uses in the I-2, in accordance with Section 6.1.
2. Where there is a conflict between the rear and/or side yards and the buffer yard requirements, the more stringent yard requirements shall apply.
3. Minimum Buffer Yard Width: 25 Feet
4. Minimum Buffer Yard Height (at time of planting, or for fences): six (6) feet.
5. The Commission may waive the Buffer requirements, except when the I-2 abuts a residential zone.
6. There shall be no requirement for a buffer on an I-2 parcel where the parcel abuts a business zone.

## 4.5 BLUE HILLS GATEWAY DISTRICT (GWD).

### 4.5.A Purpose.

1. Blue Hills Avenue has historically been one of Bloomfield's primary access points and will continue to function as one of the Town's major focal points well into the future. With this in mind, development along this corridor must take place in such a manner which will be reflective of the Town and greet visitors in an appropriate manner.
2. The Avenue is also unique in that it contains a business zone abutting a developed residential zone. All development in the Blue Hills Gateway District (GWD) must be designed to protect, enhance, and if possible, serve the adjoining residential neighborhoods.
3. The GWD is intended to encourage the development of lower traffic generating retail service and office activities, upgrading of existing uses to help promote the public health, safety, comfort, convenience, prosperity, amenities, and other aspects of the general welfare of the Avenue and the adjoining residential neighborhood, and whenever possible, to preserve the residential appearance of the remaining houses along the Avenue.
4. Land uses that are permitted in the corridor shall be designed to discourage discernible detrimental influences such as lights, noise, and traffic to the surrounding area and yet project a sense of community and economic soundness.

### 4.5.B General.

1. Any new construction, substantial enlargement, or change in use in the GWD may be permitted only as a Special Permit by the Town Plan and Zoning Commission.
2. A substantial enlargement shall be defined as any addition which increases the building footprint or total gross floor area by 15 percent or more. A change in use shall occur whenever an existing use in a building or on a tract of land is changed so that a more stringent (e.g. additional parking spaces are required) section of the Zoning Regulations becomes applicable.

### 4.5.C Bulk Requirements.

DISTRICT	MINIMUM						MAXIMUM	
	LOT AREA	LOT WIDTH	FRONT YARD <sup>1</sup>	SIDE YARD <sup>1</sup>	REAR YARD <sup>1</sup>	HEIGHT <sup>2</sup>	STORIES	BUILDING COVERAGE
GWD	N/A	0 ft	25 ft	10 ft	20 ft	35 ft <sup>3</sup>	N/A	25 %

#### TABLE LEGEND

N/A Not applicable  
ft feet

#### NOTES

1. No parking is permitted in any required front yard and on parcels exceeding one acre the Commission may require that no parking or loading is permitted in any side or rear yard.
2. See Section 6.12 for Special Bulk Requirements.
3. Maximum Building Height 35 feet except where the development meets the affordable unit requirements for enhanced density under Section 4.5.F, in which case the Maximum Building Height may be increased to 60 feet.

#### 4.5.D Principal Uses and Structures.

1. Authorized Without A Zoning Signoff. The following uses and structures are authorized without the issuance of a Zoning Signoff:
  - a. Open Space and passive recreation.
  - b. Public utility substations, pursuant to the Connecticut Siting Council.
2. Authorized By Zoning Signoff. The following principal uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. None.
3. Authorized By Site Plan. The following principal uses and structures may be authorized upon the issuance of a Site Plan approval in accordance with Section 9.4:
  - a. Retail stores.
  - b. Personal service shops.
  - c. Banks (excluding drive-in windows).
  - d. Offices.
  - e. Printing and publishing establishments
  - f. Studio and sample rooms.
  - g. Coffee, soda and ice cream shops, excluding drive-in windows.
  - h. Uses similar to the above provided that the manufacture or fabrication of a product is not the principal business.
4. Authorized by Special Permit. The following uses and structures may be authorized upon the issuance of a special permit in accordance with Section 9.5:
  - a. Alcoholic liquor sales in accordance with Section 7.3.
  - b. Automotive service uses. New automotive service uses shall be discouraged because of the traffic generation, the general detrimental effect upon the adjoining residential neighborhood, and lack of need for additional outlets in the GWD. Only after a public hearing and a finding of need demonstrated to the Commission, shall new automotive service uses be permitted.
  - c. Cannabis Retailer; Dispensary facilities and Hybrid-retailer in accordance with Section 7.17 (8/3/2022)
  - d. Day care centers and nursery schools.
  - e. Funeral parlors and mortuaries.
  - f. Houses of worship, Colleges and schools including schools for special training such as music, dancing, barbering or industrial pursuits, in accordance with Section 8.4. (10/22/15)
  - g. Multi-family dwelling units in accordance with Section 7.14.
  - h. Public utility buildings, with service and storage yards.
  - i. Radio and television broadcasting studios.
  - j. Rental Halls and function rooms (4/12/21)
  - k. Restaurants, but excluding drive-in windows and fast-food restaurants.
  - l. Temporary beer permit.
  - m. Towers for radio, wireless communications, and television antennas.

#### 4.5.E Accessory Uses and Structures.

1. Authorized Without a Zoning Signoff. The following accessory uses and structures are authorized without the issuance of a Zoning Signoff:
  - a. Fences.
  - b. Home office in accordance with Section 3.7.A.1.
  - c. Keeping of domestic animals.
  - d. Playscapes.
  - e. Uses clearly accessory to the principal use including customary service and support facilities.

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2. Authorized with a Zoning Signoff. The following accessory uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. Garages, sheds, gazebos, or similar structures.
  - b. Home Occupation in accordance with Section 3.7.A.2.
  - c. Pools and other recreational structures, such as tennis courts.
  - d. Signs pertaining to a permitted principal use on a lot.
3. Authorized By Site Plan Review .The following accessory uses and structures may be authorized by the Commission through the Site Plan review process in accordance with Section 9.4:
  - a. Parking lots and similar uses normally accessory to the conduct of business.

#### **4.5.F Permitted Residential Densities.**

The maximum number of dwelling units to be permitted is four (4) dwelling units per acre. For existing parcels, or assemblages of parcels to be consolidated, greater than eight (8) acres in area, the maximum number of dwelling units to be permitted is sixteen (16) dwelling units per acre provided that at least ten percent (10%) of said units meet the State of Connecticut definition of affordable and contain controls to assure long-range affordability. The plan for ensuring the affordability of units shall be presented at the time of application. (5/17/19)

#### **4.5.G Design Requirements.**

1. Landscaping.
  - a. The design of any proposed development plan shall keep the natural landscape intact as much as possible.
  - b. Required landscaping, trees and plants shall be planted in a growing condition according to accepted agricultural practices, and they shall be maintained in a healthy growing condition.
  - c. Required screening, fences or walls shall be maintained by the property owner in good condition throughout the period of the use of the lot.
  - d. All landscaping, trees and planting materials adjacent to parking areas, loading areas or driveways, shall be properly protected by barriers, curbs, or other means from damage by vehicles or snow removal operations.
2. To the extent possible, existing trees, vegetation and unique site features such as stone walls shall be retained and protected. Rare or specimen trees shall be protected and worked into the development plan.
3. Screening and Buffers. A buffer area shall be required along all exterior boundaries of the GWD. The buffer area shall provide privacy from noise, headlight glare and visual intrusion to surrounding uses. Such buffer area shall comply with at least the following minimum standards:
  - a. The buffer area shall be located within the boundaries of the subject property abutting any residential district.
  - b. The buffer area shall be of evergreen planting of such type, height, spacing and arrangements as, in the judgment of the Commission, shall effectively screen the activity on the lot from the neighboring residential area. At a minimum, the planting shall consist of a double row of trees six (6) feet in height planted at intervals of ten (10) feet on center. Non-evergreen planting may be included to supplement evergreen plantings but not take its place.
  - c. A landscaped earthen berm, wall or fence of location, height, design and materials approved by the Commission may be accepted for any portion of the required planting and/or buffer area.
  - d. All nonresidential development shall have a minimum six (6) feet wide landscaped (non-paved) area around the entire perimeter of the lot. This landscaped area shall be designed to the satisfaction of the Commission. The

Commission, where appropriate, should also encourage buffering of abutting nonresidential uses.

4. Outdoor Storage. No outside storage of any type is permitted.
5. Refuse. The outside storage of refuse shall be located at the side or rear of the building in a specifically designated location and shall be enclosed with an aesthetically acceptable opaque enclosure. This storage area should be large enough to handle both the trash and recyclable materials generated by the use. Materials stored within the designated area shall not protrude above the enclosure and doors/gates shall be closed at all times except when access to the enclosure is necessary.
6. Lighting. Outside lighting shall be designed and located so as to confine the illumination to the site. When conditions warrant, the Commission may require a reduction in the lighting intensity after 10:00 P.M.

#### 4.5.H **Buffers.**

1. Side and rear yards which adjoin a residential zone shall contain a buffer yard meeting or exceeding the requirements of the landscaped buffer yard for all uses in the POD, in accordance with Section 6.1.
2. Where there is a conflict between the rear and/or side yards and the buffer yard requirements, the more stringent yard requirements shall apply.
3. Minimum Buffer Yard Width: 15 Feet
4. Minimum Buffer Yard Height (at time of planting, or for fences): six (6) feet.
5. The Commission may waive the Buffer requirements, except when the GWD abuts a residential zone.
6. There shall be no requirement for a buffer on a GWD parcel where the parcel abuts a business zone.

**1** 4.6 **BLOOMFIELD CENTER SPECIAL DEVELOPMENT DISTRICT (CENTER SDD).**  
(7/24/14)

**2** 4.6.A **Purpose.**

The purpose of the Bloomfield Center Special Development District (Center SDD) is to enhance and ensure the Center's role as a vibrant and diverse focal point for the community. These regulations further this purpose by:

1. Enabling mixed use neighborhoods to develop in Bloomfield Center in an orderly fashion, responsive to market demands, and without the potentially constraining or prohibitive underlying bulk, density, dimensional, and use standards of the Bloomfield Center District in which the Center SDD may be located.
2. Allowing design flexibility in the permitting and construction of desired development types through a Center SDD Master Plan approval process.
3. Encouraging the development of housing and other uses at a density and in a style that will attract residents to Bloomfield Town Center to ensure the center's continued viability as a vibrant and diverse focal point of the community.
4. Creating a catalyst for investment in commercial, residential, entertainment, and recreational uses in the larger Bloomfield Center District.
5. Fostering the best in the design and construction of buildings, streetscape, and other site features.

**3** 4.6.B **Location.**

A Center SDD may be located only in the Bloomfield Center District. Unless and until these regulations are amended, only a single Center SDD, which may be expanded to add land area to it, may be approved in the Town. The maximum total area of all Center SDDs combined shall not exceed 23 acres. **(Amended 08/02/21)**

**4** 4.6.C **Development Standards.**

**5** The following standards are the basic parameters for development in a proposed Center SDD and supersede the corresponding standards otherwise applicable in the Bloomfield Center District. All other standards shall be those proposed by the applicant and approved by the Commission for a Center SDD re-zoning. The Center SDD standards replace those of the underlying zoning district.

1. Maximum building height of 65 feet or 5 stories, whichever is less.
2. Maximum impervious lot coverage of 80 percent.
3. Maximum 15-foot setback from a street right-of-way.
4. **6** Parking: The number and dimensions of on-site residential parking spaces shall conform to Section 6.2, except that only one parking space is required for each dwelling unit of 650 square feet or less. Parking spaces for non-residential uses shall be provided in accordance with the Center SDD Parking Demand Report (if one is submitted) and Center SDD Master Plan, which may include the use of shared, public, or on-street parking as available and feasible.
5. **7** Residential density and the intensity of site development for all uses shall be determined by compliance with the following standards:
  - a. Adequate parking is provided, as demonstrated by the application materials, for the proposed use(s). Proposed parking may include one or more of the following:
    - (1) Within the site proposed for development;
    - (2) Along a parking lane in a public right-of-way corresponding to the lot frontage of the site;

- (3) By purchase or lease of 25 years or more of parking spaces approved by the Commission in a lot or structure within 500 feet of the proposed use; or,
- (4) In a public garage or lot within 500 feet of the proposed use.
- b. Water and sanitary sewer service are capable of meeting the projected demand.
- c. Stormwater runoff is managed in accordance with federal, state, and local laws.
- d. Projected traffic can be accommodated by adjacent streets with proposed mitigation measures.
- e. Projected needs for fire and police safety and emergency services can be met.

#### **4.6.D Permitted Uses.**

- 1. All uses permitted in the Bloomfield Center District and ground floor multi-family dwelling units are permitted as of right, subject to Site Plan Review by the Commission and conformance with the approved Center SDD regulations and Center SDD Master Plan, with the exception of the following, which shall be governed by the Special Permit and Special Conditions referenced in Section 4.1.D.4.:
  - a. Alcoholic/liquor sales; and
  - b. Drive-in windows.
- 2. The floor area of non-residential uses shall not exceed 20% of the developed residential floor area within the Center SDD.

#### **4.6.E Application.**

An application for approval of a Center SDD shall be submitted in accordance with Section 9.7 Map Amendment and shall include:

- 1. Statement: Twelve copies of a statement describing how the Center SDD application fulfills the purposes outlined in Section 4.6.A and the standards of Section 4.6.C.
- 2. Site Map: Five full size (24" x 36") and 12 reduced size (11" x 17") copies of the map of the area to be re-zoned Center SDD, to include:
  - a. An A-2 survey of the district boundary;
  - b. All properties within 500 feet of the proposed district boundary, based on the Tax Assessor or town GIS mapping;
  - c. The names and addresses of all owners as appearing on the latest assessor's records within the proposed Center SDD and within 500 feet of the proposed Center SDD.
  - d. Streets, highways, and rights-of-way within 100 feet of the proposed Center SDD;
  - e. Watercourses and wetlands within the proposed Center SDD as shown on the Town of Bloomfield Inland Wetlands and Watercourses map;
  - f. existing and proposed contours within the proposed district at a two-foot interval;
  - g. Floodplains designated by the Federal Emergency Management Administration (FEMA);
  - h. Existing zone designations and existing zone boundaries; and,
  - i. A key map at a scale of not less than 1" = 400' showing the proposed Center SDD boundaries.
- 3. Architectural Plans: Five full size (24" x 36") copies of Architectural plans, to include:
  - a. Conceptual bulk and massing of all proposed buildings and structures;
  - b. Sign standards and illustrative signs;
  - c. General exterior elevation illustrating:
    - (1) Range of materials and colors;
    - (2) Solid void ratio;

(3) Screening for roof top mechanical equipment;

(4) Concept and application of Center SDD and/or underlying BCD standards for architectural design; and

(5) Relationships of streetscape elements to buildings and any public spaces.

4. Center SDD Special Regulations: The applicant shall provide 12 copies of a proposed Center SDD Special Regulations listing the elements of the existing regulations and the limitations and conditions of the underlying zone which are to be modified or eliminated; and the new regulations, limitations and conditions which shall be applicable to the Center SDD. All words and terms defined in Section 2.2 of these regulations shall be used as so defined. The standards shall follow the typographic format of the existing regulations. The Center SDD Special Regulations may divide the district into areas, and assign different standards to each area, provided the intent of such action and the relationship of the areas to each other are consistent with the purpose of this section. The regulations shall include the following elements and standards, as applicable:

- a. Bulk regulations: regulations for lot width, front yards, side yards, rear yards, height limitations, minimum and maximum floor areas; open space; and lot coverage or natural or screening buffer areas;
- b. Architectural and design standards;
- c. Sign standards;
- d. Landscaping standards;
- e. Lighting standards;
- f. Standards for covenants for continued maintenance of utility, open space, and recreational elements in common ownership, if any;
- g. Parking requirements; and
- h. Proposed permitted uses.

5. Center SDD Master Plan: Five full size (24" x 36") copies and 12 reduced (11" x 17") copies of a Center SDD Master Plan for development in the proposed Center SDD, showing in schematic fashion the areas of proposed development with the following elements:

- a. Proposed principal use areas and the acreage and proportional floor area assigned to each principal use;
- b. Proposed vehicular and pedestrian circulation patterns including location, size and number of parking stalls; access routes; and parking barriers;
- c. Walking, recreational, and bicycle ways;
- d. Curb cut and crossing locations on existing and proposed streets;
- e. Proposed open space areas, such as courtyards, lawn areas, recreational and natural spaces;
- f. Concept plan for streetscape improvements illustrating the relationship of the private development to the streets, sidewalks, paths and other public spaces, to include typical streetscape elements;
- g. Schematic layout of utility systems, including water, sewerage, and drainage including capacity and anticipated additional flow into watercourses and ponds and the location of connections of the proposed utility system to present utilities;
- h. Reports prepared by a Connecticut licensed professional engineer documenting the adequacy of water, sewer and storm drainage provisions for the proposed development;
- i. Proposed location of buildings and other structures; and
- j. Proposed boundaries for stages of development within the proposed Center SDD if phased development is anticipated.

6. Traffic Impact Report: Traffic impact report prepared by a licensed professional traffic engineer.

7. Parking Demand Analysis: Parking demand analysis.

#### 4.6.F **Procedure.**

In acting on any application for a Center SDD, the Commission shall hold a public hearing on the application in the same manner as required for amendment of these regulations. In addition to the application, the Commission shall consider the following:

1. A report of the Town Planner;
2. A report of the Fire Marshall;
3. A report of the Police Chief on emergency response access;
4. A report from the Town Engineer with respect to the adequacy of drainage, the engineering soundness of the street layout, traffic considerations including sight-line analysis on all abutting and connecting streets, actual versus posted speed analysis, and the adequacy of the utility plan; and
5. Reports of other departments, commissions and agencies as may be required by the Commission or state statute.
6. A report of a Design Consultant or architectural review board designated in accordance with Section 4.1.M of these Regulations. (1/1/17)

#### 4.6.G **Standards and Findings.**

The Commission may approve a zone change to a Center SDD provided that, in its judgment, the applicant has met the following standards:

1. The proposed special regulations and the proposed Center SDD Master Plan are consistent with the intent of these Center SDD regulations, the Bloomfield Plan of Conservation and Development, and the laws and standards for zone changes and amendments in the State of Connecticut.
2. The increase in population or activity caused by the new development will not overburden community facilities, streets, utilities, and services, as presently existing or to be provided or enhanced by the applicant.
3. The reports from the Town Planner, Fire Marshal, Police Chief, Town Engineer, and Traffic Authority do not indicate that there will be any significant unmitigated public safety or fire protection problems and that emergency access is adequately provided.
4. The internal circulation system and streetscape improvements encourage pedestrian use.
5. Adequate on-site parking for the proposed development is provided.
6. Stormwater is properly managed.
7. The design of buildings, and other structures and facilities, by virtue of their location, orientation, texture, materials, landscaping, general bulk and height and other features, are consistent with purposes of this Center SDD zone.
8. Standards for landscaping, lighting, graphics, and streetscape elements have been designed and coordinated to create a pleasing environment.
9. Phases of development as submitted are capable of sustained and independent existence within the standards of this section without development of subsequent phases.
10. All utilities are underground, except above-ground utilities existing at the time of the initial Center SDD may be retained temporarily subject to a planned program approved by the Commission to have them relocated underground.

#### 4.6.H **Approval of Special Development District.**

The Commission shall approve, disapprove, or approve with conditions the Center SDD Special Regulations and Center SDD Master Plan as a Center SDD in accordance with the provisions of Section 9.7.H, Adoption of Master Plan.

**1** 4.6.I **Time Limitation.**

Any development authorized as an approved Center SDD shall be established and any construction authorized thereby shall be completed within the time periods established by Connecticut General Statutes for a site plan approval. The Commission may grant at any time, including at the time of the initial approval, one or more extensions of the time to complete all or part of the work in connection with the site plan for such time as the Connecticut General Statutes provide.

**2** 4.6.J **Mylar Filing.**

Following approval of the Center SDD, the applicant shall provide mylars to the Planning and Zoning Department, in accordance with the master plan requirements of Section 9.7.H.5., and file the signed, approved mylars with the Town Clerk in accordance with Section 9.7.H.6.

**3** 4.6.K **Establishment of District.**

A Center SDD is established upon filing on the land records the Center SDD Master Plan and Center SDD Special Regulations, and these regulations and the zoning map shall be deemed modified to permit the development as approved. The Center SDD shall be shown on the zoning map with a reference to the records of the Commission where the approved standards and plans may be reviewed. Center SDDs shall be numbered consecutively starting with Center SDD-1 and so indicated on the zoning map.

**4** 4.6.L **Site Plan Review.**

1. As part of, or after the approval of the Center SDD Master Plan and Center SDD Special Regulations for Center SDDs, all Center SDDs shall be subject to site plan review and approval by the Commission solely to verify compliance with the Center SDD Master Plan and Center SDD Special Regulations. The site plan review may be by individual areas or phases or may include the entire Center SDD, and may be applied for at the time of the approval of the Center SDD Master Plan and Center SDD Special Regulations or any time later.
2. The site plan review shall not require a public hearing.
3. As part of the Site Plan Review for any phase of development within the SDD, the Commission shall utilize a Design Consultant as set forth in Section 4.1.M for the BCD Village District to review, comment, and guide its deliberations on the final design plans for consistency with the Master Plan plans approved for the SDD. (1/1/17)

**5** 4.6.M **Amendments to an Approved Center SDD Master Plan.**

1. The Commission may approve the expansion of the boundaries of an established Center SDD following the same procedure used for the establishment of a Center SDD.
2. The Town Planner may administratively approve minor changes in the approved Center SDD Master Plan of an established Center SDD, without formal amendment of the Center SDD Master Plan, provided the minor changes are limited to one or more of the following:
  - a. A decrease in the residential or nonresidential density approved for a specific area or phase within;
  - b. Reduction in the building volume or height on a specific area or phase;
  - c. Change to open space/passive recreation from any other use;
  - d. Adjustments in the mix of residential uses where there is no increase in the number of dwelling units and no significant increase in traffic or parking demand;
  - e. An increase or decrease in non-residential use, compliant with Section 4.6.D.2, where there is no significant increase in traffic or parking demand;

- f. Improvements or increased capacity in major infrastructure features, including but not limited to roads/access, sewer, water, storm drainage, that benefit those residing in the Center SDD Master Plan area and environs;
- g. Reconfiguration or relocation of principal buildings or uses, where there is no alteration to the proposed streetscape elements and no expansion of the building envelope, overall massing, bulk, or lot coverage; and no reduction in open space areas on the approved Master Plan; or
- h. Installation of co-located or building-mounted telecommunication antennas.

3. The Commission may approve, by site plan approval without a public hearing, a formal amendment to the approved Center SDD Master Plan of an established Center SDD when the change is not subject to administrative approval by the Town Planner pursuant to Section 4.6.L.2 or when the Town Planner rejects a request for approval of a minor change.

#### **4.6.N Building Permit and Zoning Approval.**

A zoning sign-off by the Zoning Enforcement Officer, following review and approval by the Town Planner, Town Engineer, Police Chief and Fire Marshal, and written notice from the Town Planner to the Commission, is the only zoning approval required for construction following the Commission's Site Plan approval verifying consistency with the approved Center SDD Master Plan of an established Center SDD.

## 4.7 COMMERCIAL DISTRICT (C) (Added 03/08/21)

### 4.7.A Purpose.

The purpose of the Commercial District (C) is to provide areas suitable for commercial services, including offices, retail, restaurants, personal service establishments and other similar uses.

### 4.7.B Bulk Requirements

DISTRICT	MINIMUM					MAXIMUM		
	LOT AREA	LOT WIDTH	FRONT YARD <sup>1,2,3</sup>	SIDE YARD <sup>1,2,3</sup>	REAR YARD <sup>1,2,3</sup>	HEIGHT <sup>3</sup>	STORIES	LOT COVERAGE
C	N/A	0 ft	40 ft	20 ft	20 ft	60 ft	N/A	60%

#### TABLE LEGEND

N/A Not applicable  
sf square feet  
ft feet

#### NOTES

1. No parking is permitted in any required front yard and on parcels exceeding one (1) acre the Commission may require that no parking or loading is permitted in any side or rear yard. For corner lots, parking is permitted in the inside 20 feet of the 40 foot front yard for the minor street.
2. No building or structure shall be located within 20 feet of any property line or within 50 feet of the boundary line of any residential zone or within 40 feet of a street line.
3. See Section 6.12 for Special Bulk Requirements.

### 4.7.C . Principal Uses and Structures

1. Authorized Without A Zoning Signoff. The following uses and structures are authorized without the issuance of a Zoning Signoff:
  - a. Open space and passive recreation.
  - b. Public utility substations, pursuant to the Connecticut Siting Council.
2. Authorized by Zoning Signoff. The following principal uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. None
3. Authorized by Site Plan Review. The following principal uses and structures may be authorized upon the issuance of a Site Plan approval in accordance with Section 9.4:
  - a. Banks.
  - b. Day care centers/nurseries.
  - c. Municipal facilities.
  - d. Office for professional business, medical, or banking use and business services related thereto.
  - e. Parking and other accessory uses to a permitted use
  - f. Personal service shop.
  - g. Restaurants and ice cream bars.
  - h. Retail stores.
  - i. Schools: colleges, public and private institutions.

4. Uses and Structures Authorized by Special Permit. The following principal uses and structures may be authorized upon the issuance of a Special Permit in accordance with Section 9.5:
  - a. Affordable housing for volunteer municipal firefighters in accordance with Section 7.3.
  - b. Alcoholic liquor sales in accordance with Section 7.4.
  - c. Automobile refueling stations with convenience markets with at least 2 electric vehicle charging stations on parcels of at least three (3.0) acres in size.
  - d. Cannabis Retailer; Dispensary facilities and Hybrid-retailer in accordance with Section 7.17 (8/3/2022)
  - e. Cemetery in accordance with Section 7.8.
  - f. Commercial kennel in accordance with Section 7.9.
  - g. Cultivation of land provided that no products are sold on the premises.
  - h. Drive-in windows in accordance with Section 7.12.
  - i. Firehouses.
  - j. Golf courses
  - k. Multi-family dwelling units in accordance with Section 7.15.
  - l. Museums.
  - m. Surgery center.
  - n. Temporary beer permits.
  - o. Uses judged by the Town Plan and Zoning Commission to be of a similar character to those listed above.

#### **4.7.D Accessory Uses and Structures.**

1. Authorized Without a Zoning Signoff. The following uses are authorized without the issuance of a Zoning Signoff:
  - a. Playscapes
2. Authorized with a Zoning Signoff. The following accessory uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. Garages, sheds, gazebos, or similar structures
  - b. Pools and other recreational structures, such as tennis courts
  - c. Signs pertaining to a permitted principal use on a lot.
3. Authorized by Site Plan. The following accessory uses and structures may be authorized upon the issuance of a Site Plan approval in accordance with Section 9.4:
  - a. Building mechanical equipment located outside the structure provided that such equipment is properly screened.
  - b. Parking lots, loading areas, and similar uses customarily accessory to the conduct of permitted business.
4. Authorized by Special Permit. The following accessory uses and structures may be authorized upon the issuance of a Special Permit in accordance with Section 9.5:
  - a. Outside storage.
  - b. Car washes as an accessory use to an automobile refueling station.

#### **4.7.E Buffers.**

1. Side and rear yards which adjoin a residential zone shall contain a buffer yard meeting or exceeding the requirements of the landscaped buffer yard for all uses in the Commercial Zone, in accordance with Section 6.1.
2. Where there is a conflict between the rear and/or side yards and the buffer yard requirements, the more stringent yard requirements shall apply.
3. Minimum Buffer Yard Width: 25 Feet.
4. Minimum Buffer Yard Height (at time of planting, or for fences): six (6) feet.

- 5. The Commission may waive the buffer requirements, except when the Commercial Zone abuts a residential zone.
- 6. There shall be no requirement for a buffer on a Commercial Zone parcel where the parcel abuts a business zone.

## ARTICLE 5 Special Zones

### 5.1 FLOODPLAIN MANAGEMENT OVERLAY DISTRICT (FMOD) – FLOODPLAIN MANAGEMENT REGULATIONS

#### 5.1.A Statutory Authorization.

These “Floodplain Management Regulations”, Section 5.1, of the Bloomfield Zoning Regulations, are adopted as part of, thereby amending, the Zoning Regulations of the Town of Bloomfield, Connecticut, as originally adopted March 15, 1950, and subsequently amended at various times, by the Bloomfield Town Plan and Zoning Commission under the authority granted to such Commission by the Connecticut General Statutes and the Charter and Ordinances of the Town of Bloomfield, Connecticut,

#### 5.1.B Finding of Fact.

1. The flood hazard areas of Bloomfield are subject to periodic flood inundation which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are exacerbated by the cumulative effect of obstructions in the floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damage. Uncontrolled development and use of the floodplains can adversely affect the community.
3. Bloomfield voluntarily participates in the National Flood Insurance Program (NFIP). The NFIP is founded on a mutual agreement between the Federal government and each participating community. Local, State and Federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. The community's role is of paramount importance. Property owners are able to receive Federally-subsidized flood insurance only if the community enacts and enforces the minimum floodplain regulations required for participation in the NFIP.

#### 5.1.C Purpose.

It is the purpose of these Regulations to regulate floodplain development, promote public health, safety, and general welfare, and minimize public and private losses due to flood conditions in specific areas through provisions designed:

1. To protect human life and health, and prevent damage to property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at public expense;
4. To minimize prolonged business interruptions and other economic disruptions;
5. To minimize damage to public facilities, infrastructure and utilities;
6. To help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize flood damage and flood blight areas;
7. To insure that potential buyers are notified that property is in a flood hazard area;
8. To prevent increase in flood heights that could exacerbate flood damage and result in conflicts between property owners;
9. To ensure that those who occupy the flood hazard areas assume responsibility for their actions;

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- 10. To discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain; and,
- 11. For Bloomfield to fulfill its role and comply with its obligations as a participant in the NFIP.

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#### 5.1.D **Objectives.**

In order to accomplish its purposes, these Regulations include objectives, methods and provisions that:

- 1. Restrict or prohibit uses which are dangerous to health, safety and property due to flood or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- 2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction or substantial improvement;
- 3. Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;
- 4. Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- 5. Prevent or regulate the construction of barriers or obstructions which will unnaturally divert flood waters or which may increase flood hazards to other lands.

#### 5.1.E **Application of These Regulations.**

These regulations shall apply to all development in Special Flood Hazard Areas (SFHA) within Bloomfield. These regulations are effective as of September 26, 2009.

#### 5.1.F **Floodplain Management Regulations Defined.**

Section 5.1 of the Zoning Regulations of the Town of Bloomfield, Connecticut, as amended, present the standards, requirements, and restrictions governing the management of and development within the Special Flood Hazard Areas, as defined herein, in the Town of Bloomfield; and, as such, are known as the "Floodplain Management Regulations" for the Town of Bloomfield. Any reference to the "Floodplain Management Regulations" made in or related to the conduct of business of or relating to the Town of Bloomfield shall mean said Section 5.1 of the Bloomfield Zoning Regulations. As used within this Section 5.1 of the Zoning Regulations, the term "Regulations", as may be in appropriate context, shall mean and refer to said Floodplain Management Regulations.

#### 5.1.G **Map and Study Made a Part Hereof and Adopted Hereby.**

The Flood Insurance Rate Map (FIRM) and the Flood Insurance Study (FIS) for Bloomfield, as defined in Section 2.2, are made a part hereof by reference, and are officially adopted by the Town of Bloomfield with the adoption of these Regulations by the Plan and Zoning Commission.

#### 5.1.H **FIRM and FIS Apply.**

- 1. Where Special Flood Hazard Areas (SFHAs), base flood elevations (BFEs), and/or floodway limits have been provided by FEMA on the FIRM and/or within the FIS, then such provided data shall be applicable and have precedence; except, and only to the extent any such exception may be applicable, in particular situations where such data may be incomplete or information used to derive such data may have been rendered inaccurate or superseded by more accurate information. Section 5.1 of these Regulations sets forth the situations where such exceptions may be applicable and the provisions associated therewith. In general, the BFE data contained in the FIS shall have precedence over the BFE data shown on the FIRM.

2. Notwithstanding the provisions of Section 5.1.H1, the current FIRM and or FIS information shall be applicable and have precedence in all cases where such current information is more restrictive than any new or subsequent information until such time FEMA issues a map amendment incorporating any such new or subsequent information.
3. As a point of emphasis, however, any area of potential, demonstrable, or historical flooding during a base flood event is subject to regulation hereunder as being located within a SFHA notwithstanding its inclusion as such on the FIRM.

#### **5.1.I Structures and Developments Already In Compliance.**

A structure or development subject to regulation under and already in compliance with these Regulations shall not be made non-compliant by any alteration, modification, repair, reconstruction or improvement. No structure, structural feature, or land subject to regulation hereunder shall hereafter be located, extended, converted, modified or structurally altered without the same being in full compliance with the terms of these Regulations and other applicable regulations.

#### **5.1.J Abrogation and Greater Restrictions.**

These Regulations are not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where these Regulations and another ordinance, regulation easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions with respect to the purposes of these Regulations shall prevail.

#### **5.1.K Interpretation.**

In the interpretation and application of these Regulations, all provisions shall be:

1. considered as minimum requirements,
2. liberally construed in favor of the governing body and/or the purpose of these Regulations, and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

#### **5.1.L Warning and Disclaimer of Liability.**

The degree of flood protection required by these Regulations is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on occasion. Flood heights may be increased by man-made or natural causes. These Regulations do not imply or guarantee that land outside the Special Flood Hazard Areas or that uses permitted in such areas will be free from flooding and/or flood damages. These Regulations shall not create liability on the part of the Town of Bloomfield, or any officer or employee thereof, for any flood damages that occur in spite of, as a result of, or in any way associated with reliance on and/or compliance, or lack thereof, with these Regulations or any administrative decision lawfully made thereunder. The Town of Bloomfield, its officers and employees shall assume no liability for another person's reliance on and/or use of any maps, data or other information provided by the Town of Bloomfield or any officer or employee thereof.

#### **5.1.M Severability.**

If any article, provision, paragraph, sentence, clause, or phrase of these Regulations should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of these Regulations, which shall remain in full force and effect; and to this end the provisions of these Regulations are hereby declared to be severable.

#### **5.1.N FEMA Guidance Documents.**

FEMA promulgates a number of publications and other materials which may be used for reference and guidance to those required to comply with various aspects of these Regulations. The preferred method for obtaining or otherwise learning about such publications is via the FEMA website.

**5.1.O Provisions For Flood Hazard Reduction.**

1. Engineering Studies: Any engineering study required in accordance with, or otherwise associated with, these Regulations shall comply with and be subject to the following:
  - a. Use analyses and other methods appropriate to the purpose of the study, the nature of the proposed encroachment, and the relevant flood characteristics, applying standard engineering practices, and be prepared in accordance with NFIP regulations, requirements, and practices where applicable; (5/24/12)
  - b. Be documented, summarized, and concluded in a report to be submitted to the Town Engineer;
  - c. Be performed, reported, and appropriately certified by a Connecticut Registered Professional Engineer;
  - d. Be conducted, reported, and certified in a manner acceptable to the Town Engineer;
  - e. Clearly demonstrate and conclude that any subject requirement is being met by the development as proposed; and,
  - f. Be performed and reported at the expense of the subject developer.
2. Any development shall not increase the flood hazard potential on any other property or person; and the same shall be designed and constructed accordingly. To this end, the Town Engineer may, as deemed appropriate thereby, require the developer to submit an engineering study complying with the provisions of this Section.
3. Regional and local governmental agencies and entities are not exempt from any requirements or provisions of these Regulations.
4. Regulated structures, structural facilities and other development shall be designed and constructed using methods and practices so as to minimize flood damage.
5. Regulated structures and structural facilities shall be constructed with materials and utility equipment resistant to flood damage.
6. Regulated structures and structural facilities shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
7. Regulated structures and structural facilities cannot be constructed or located entirely or partially over water unless they are a functionally dependent use or facility.
8. If any portion of a structure or structural facility lies within a SFHA, the entire structure or structural facility is considered to be in the SFHA. As such, the entire structure or structural facility must meet the construction requirements of the flood zone. For emphasis, decks or porches that extend into a SFHA will require the entire structure to meet the requirements for the SFHA.
9. If a structure or structural facility lies within two (2) or more flood zones, then the entire structure or structural facility is considered to be located in the more restrictive zone. As such, the entire structure or structural facility must meet the construction requirements of the more restrictive zone. For emphasis, decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
10. As a standard, electrical, heating, ventilation, plumbing, HVAC equipment and ductwork, and other service or utility facilities, and any machinery or utility equipment or connections servicing a structure shall be elevated to or above the base flood elevation to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, water heaters, ventilation ductwork, clothes washers and dryers, electrical junction boxes, and circuit breaker boxes. In particular circumstances associated with a non-residential regulated structure where complying

with the requirements of this Section 5.1.O10 are demonstrated to the permitting authority, and deemed so thereby, to not be reasonably feasible, then the same may be permitted to be located below the BFE subject to the applicable provisions of Section 5.1.P8 below.

11. Above-ground storage tanks (oil, propane, etc.), whether located outside or inside of a structure, must either be elevated above the base flood elevation on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
12. New development shall be provided with adequate drainage to reduce exposure to flood hazards. As a point of emphasis, the area around regulated structures shall be graded such that adequate drainage paths are provided to direct flood waters safely around and away from the subject structure. (Note that this requirement shall be applied with reason with respect to a non-residential structure with a portion of its finished space located below the BFE in accordance with Section 5.1.P8.)
13. New and replacement public utilities systems and facilities, such as communications, electric, natural gas, sewer, water, etc., shall be designed, located, and constructed to minimize flood damage.
14. New and replacement water supply systems and facilities shall be designed to minimize or eliminate infiltration and inflow of flood waters into the system.
15. New and replacement sanitary sewage systems and facilities shall be designed to minimize or eliminate the infiltration and inflow of flood waters into the system and discharges from the system into flood waters or any stormwater conveyance system.
16. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
17. The storage of hazardous materials within a SFHA is strongly discouraged. Where hazardous materials are stored within a SFHA, measures should be taken and the utmost care exercised to absolutely minimize the possibility of the stored materials being released as a result of a flood event. Using the U.S. Army Corps of Engineers' Flood Proofing Regulations as a guide, the following materials shall not be stored within a SFHA in any quantities larger than those associated with normal, periodic household use (as appropriate): acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, prussic acid, magnesium, nitric acid, oxides of nitrogen, phosphorus, potassium, sodium, and sulfur.
18. Development that encroaches on a floodway is strongly discouraged; and the same is prohibited unless and until it can be demonstrated that:
  - a. there is no feasible alternative, and,
  - b. through a study prepared and documented in accordance herewith, that such encroachment does not increase the water surface elevation within the floodway by any amount (0.00 feet) in any location, onsite or offsite, for the base flood event.
19. For purposes of Section 5.1.O18 above, the definition of development shall be extended to include any modification of a structure or structural feature that alters the dimensions of the same in such a way as may affect the water surface elevation of the floodway.
20. Any development that proposes to introduce or increase an encroachment on a SFHA shall require the developer to submit an engineering study, termed an "Encroachment Review Study," complying with this Section that evaluates the effects of such proposed encroachment on water surface elevations and flow velocities within the SFHA during the base flood event. The Professional Engineer that performed the subject study shall submit with the study report an appropriately completed, signed, and sealed SFHA Encroachment Certificate, in a standard form acceptable to the Town Engineer, stating that said Professional Engineer did perform the subject study and prepare the subject report and that the findings of the study clearly demonstrate that the requirements for Equal Conveyance and Compensatory Storage, (Sections 5.1.O.21 and 5.1.O.22) are

1 satisfied. Where applicable, effects on the floodway may also be required to be evaluated. (5/24/12)

2 21. Equal Conveyance: A proposed encroachment into the SFHA resulting from fill or the introduction of, or the footprint expansion to, a Regulated Structure into the SFHA, or work within adjacent land subject to flooding, shall not increase the water surface elevation or flow velocity within the SFHA in any location, onsite or offsite, for the base flood event. (5/24/12)

3 22. Compensatory Storage: Development shall not reduce the water holding capacity of a SFHA. Any reduction thereof as a result of development shall be compensated for by deepening and/or widening of the floodplain in a volume corresponding to the subject reduction. Compensating storage shall be:

4 a. Provided on-site, unless an appropriate easement has been obtained from the owner of any impacted property;

5 b. Provided within and hydraulically connected to, in an unrestricted manner, the same hydraulic reach as where storage will be/has been reduced;

6 c. Hydraulically comparable and incrementally equivalent to the volume of flood water at each elevation, up to and including the base flood elevation, that will be/has been displaced by the development; and,

7 d. To this end, the Town Engineer may, as deemed appropriate thereby, require the developer to submit an engineering study complying with the provisions of this Section.

8 23. As a standard, the alteration and/or relocation of any watercourse within a SFHA is not allowed. Where the particular circumstances associated with a proposed development are such that allowing the same is deemed by the permitting authority to be consistent with the purposes of these regulations and those of the permitting authority, then the same may be allowed, subject to the following:

9 a. The flood carrying capacity of any portion of a watercourse that is altered or relocated must be maintained; and

10 b. Sufficient notification must be given to adjacent communities and the Connecticut Department of Environmental Protection (DEP), Inland Water Resources Division prior to any alteration or relocation of any watercourse.

11 c. The Town Engineer may, as deemed appropriate thereby, require the developer to submit an engineering study complying with the provisions of this Section to assist in determining compliance with requirement (a) hereof.

12 d. Note that any alteration and/or relocation of a watercourse will require an Inland Wetlands and Watercourses and Watercourses permit as well.

13 5.1.P **Provisions Where BFEs and/or Map Limits Are Incomplete or Inaccurate.**

14 1. In applying SFHA and BFE information under these regulations, Bloomfield may vary from and/or supplement the FIRM, FIS, and other data provided by FEMA in particular situations and particular areas and conditions where/that:

15 a. The FIRM SFHA limits are in error with respect to actual ground surface elevations;

16 b. Are designated on the FIRM as "Zone A", sometimes herein and elsewhere referred to as "Approximate Zone A", in that specific BFEs for the subject area have not been included in the FIS or shown on the FIRM;

17 c. A watercourse is within a SFHA but does not have floodway limits delineated or otherwise designated for it;

18 d. Are or may be subject to inundation during the base flood event but are not designated as within a SFHA by the FIS or FIRM;

19 e. FEMA has notified Bloomfield of and provided to the Town draft revised NFIP data;

20 f. FEMA has issued advisory flood hazard data following a flood event; or

21 g. It may be in the public interest to allow increase in flood heights greater than

one foot.

2. In such cases, the provisions of this Section 5.1.P, as may be applicable to the particular case, shall be complied with; and the Town Engineer and permitting authority shall have the responsibilities and authorities as applicable and necessary to comply with the provisions of this Section 5.1.P.
3. Sound engineering and regulatory judgment shall be applied, in a conservative sense with respect to the purposes hereof, to all decisions, determinations and actions made or taken hereunder.
4. The Town Engineer shall obtain, from Federal, State, or other source, and including by means of requiring a study complying with the provisions of this Section, review and reasonably utilize any data or other information available that may assist in determining, as applicable and needed, the base flood elevations, floodplain limits, floodway limits, and/or any other factor relevant to meeting the responsibilities, making the decisions and determinations, and complying with the purposes and objectives set forth in these Regulations. The same shall be used as long as it:
  - a. reasonably reflects flooding conditions expected during the base flood,
  - b. is not known to be technically incorrect, and
  - c. represents the best data/information available.
5. The developer of any proposed development is also hereby required to comply with the requirements of Sections 5.1.P.3 and 5.1.P.4 above, where applicable, in the preparation and modification of any submitted proposal. (5/24/12)
6. Any determination of elevation or limit made hereunder shall be properly documented, prepared, and arranged in a manner appropriate for submittal by the Town to FEMA; and the same shall accompany any associated application or other such submittal made to the Town. The Town shall forward the same to FEMA as soon as practicable, but not later than six (6) months after the date such information becomes available to the Town.

#### **Elevation Requirements for Regulated Structures.**

7. Residential Construction: Regulated structures which are residential in nature shall have the bottom of the lowest floor, including basement, elevated to or above the BFE.
8. Non-Residential Construction: Regulated structures which are commercial, industrial, or otherwise non-residential in nature shall:
  - a. Have the bottom of the lowest floor, including basement, elevated to or above the BFE;
  - b. Or, in lieu of being elevated, non-residential structures may be dry floodproofed to one foot above the BFE provided that, together with all attendant utilities and sanitary facilities, the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water; and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Connecticut-licensed professional engineer or architect shall develop and/or review the structural design, specifications, and plans for the subject construction, and shall appropriately certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this Section 5.1.P.8. Such certification shall be provided to the Town Building Official on the FEMA Floodproofing Certificate, Form 81-65.

#### **5.1.Q Enclosures - Fully Enclosed Areas Below the Base Flood Elevation:**

1. Regulated structures may have non-basement enclosures under and/or directly adjacent and attached to them that extend below the BFE which may be formed by a

foundation or other exterior walls. Any such enclosure is intended to flood and shall be wet-floodproofed.

2. The allowed uses within any such enclosure shall be limited to:
  - a. Building access;
  - b. Vehicle parking; and
  - c. Storage that is limited to that which is incidental and accessory to the principal use of the structure, has low potential for disintegration, discomposure, release of contained materials, or other types of flood damage that may occur in such an environment, and is not susceptible to being transported, in whole or in part, out of the enclosure by floodwaters.
3. Any such enclosure shall be designed to preclude finished living space and to allow for the free entry and exit of flood waters so as to automatically equalize hydrostatic flood forces on exterior walls.
4. The design and construction of any such non-basement enclosure shall be in accordance with the requirements set forth in (a) through (i) below:
  - a. Provide a minimum of two (2) openings to act as hydraulic flood vents allowing for the free flow of flood waters into and out of the enclosure in order to automatically equalize hydrostatic flood forces on the exterior walls of the enclosure. The total combined net area of opening shall not be less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding. These hydraulic openings must be located on at least two (2) different walls. Only the area that lies below the BFE shall be used in the calculation of total net area of an opening. If a structure has more than one (1) such enclosure, openings must be installed in the exterior walls of each enclosure so that flood waters can enter directly from the outside. Access doors cannot be considered as an opening, although an access door may contain an opening.
  - b. The bottom of all openings provided in accordance with (a) above shall be no higher than one (1) foot above exterior finish grade. The exterior finish grade on at least one (1) side of any such enclosure must be at or below the elevation of the interior floor/ground surface adjacent thereto; and at least one (1) opening must be located on the associated wall and such opening shall have its bottom at the adjacent interior floor/ground elevation; and the floor adjacent to such opening must be at the lowest point in the interior of the enclosure and the whole of the floor of the interior of the enclosure must be designed and constructed so as to drain to such opening; i.e. the enclosure must be designed and constructed to completely and feely drain of floodwaters without the use of floor drains, under drains, sumps, pumps, or other such drainage facilities.
  - c. The openings provided in accordance with (a) above may be equipped with screens, louvers, or other coverings or devices provided such coverings or devices permit the free entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. The cross-sectional material area of any such covering or device located within the opening area used for the calculation of the total combined net area of opening required hereunder shall be subtracted from and not included in such calculations; i.e. only the effective open space of an opening below the BFE as finally configured, constructed, and finished shall be used for the calculation of the total combined net area of opening required hereunder.
  - d. Notwithstanding the requirements of (c) above, any opening provided in accordance with (a) above shall be secured in some manner so as to prohibit the movement of rodents or other small wildlife through the opening while maintaining compliance with all other provisions of this Section 5.1.P; and the measures utilized to comply with this requirement shall be appropriately

accounted for in the associated total combined net area of opening calculations.

- e. The calculations of the total combined net area of opening for any enclosure as required hereunder shall be performed and/or reviewed by a Connecticut-licensed professional engineer or architect; and the same shall be appropriately documented for submittal; and the design and calculations of the openings and appurtenant other design elements as required under (a), (b), and (c) above shall be appropriately certified by a Connecticut-licensed professional engineer or architect and the same submitted as part of the associated permit application.
- f. Any such enclosure cannot be used as finished living space. As such, interior walls and floors shall remain unfinished, and carpeting, paneling, insulation, gypsum wallboard (aka drywall or sheet rock), or other such finishings are not allowed to be installed. And, as such, any such enclosure may not be partitioned into separate rooms.
- g. Any such enclosure must be built of flood-resistant materials. FEMA provides guidance information regarding acceptable flood-resistant materials.
- h. Any such enclosure shall be subject to the provisions of Section 5.1.O21 hereof as if it were a residential structure, regardless of the nature of the use or construction of its attendant main structure. Utilities or service equipment located in this enclosed area, even if elevated above the BFE in the space, may subject the structure to increased flood insurance rates. (5/24/12)
- i. As a point of emphasis, a garage that is structurally attached to a residential structure and that has its finished floor elevation below the BFE shall be considered to be an enclosed area below the BFE for purposes of these Regulations; and, as such, shall comply with the provisions of this Section 5.1.R.4. (5/24/12)

**1** 5.1.R **FEMA Flood Variance for Low-cost Accessory Structures:**

**2** In some cases, low-cost accessory structures that extend below BFE may be wet-floodproofed and do not have to be elevated or dry floodproofed. Any such structure proposed must obtain a flood variance from FEMA, (not the local zoning variance procedure set forth in these regulations), prior to application for any Town permit that may be required. Notwithstanding any requirements for any such variance as may be granted by FEMA, such structure, upon the granting of such flood variance by FEMA, shall be considered to be an enclosed area below the BFE for purposes of these Regulations; and, as such, shall comply with the provisions of Section 5.1.Q.

**3** 5.1.S **Manufactured (Mobile) Homes and Recreational Vehicles (RVs).**

- 4** 1. In all SFHAs, any manufactured (mobile) homes to be newly placed, undergoing a substantial improvement, or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at or above the BFE. The manufactured home must also meet all the construction standards per Section 0. This includes SFHAs outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.
2. All manufactured (mobile) homes within a SFHA shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.
3. All manufactured (mobile) homes within a SFHA shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (1) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.
4. Recreational vehicles placed on sites within a SFHA shall either:
  - a. be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or
  - b. meet all the general standard of Section 5.1 and the elevation and anchoring requirements set forth in this Section 5.1.Q for manufactured homes. (5/24/12)
  - c. A recreational vehicle is ready for highway use if it is on its wheels or a temporary jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (5/24/12)

**5** 5.1.T **Standards for Development in Areas of Shallow Flooding (Flood Zones AO and AH).**

1. The Special Flood Hazard Areas within Bloomfield may contain areas designated as shallow flooding areas, which are designated on the FIRM as Flood Zone AO or Flood Zone AH. These areas have flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In Zone AH, FEMA provides a base flood elevation; while in Flood Zone AO, FEMA generally, though not always, provides a depth of flooding rather than a BFE. In AO and AH flood zones, the following provisions apply:
2. Within Zone AH, as a BFE has been established, all relevant provisions of this Section 5.1 shall apply in the same manner as for Zone AE.
3. Within Zone AO, all relevant provisions of this Section 5.1 shall apply in the same manner as for Zone AE with the exception that:

- a. Where a flood depth is designated on the FIRM, the effective base flood elevation for a given regulated structure shall be the designated flood depth added to the highest adjacent grade of the regulated structure.
- b. Where no flood depth is designated on the FIRM, the effective base flood elevation for a given regulated structure shall be two (2) feet above the highest adjacent grade of the regulated structure.

#### 5.1.U Administration.

1. Designation, Duties, Responsibilities, and Authority of the Local Administrator. The Town Engineer is hereby appointed to administer, implement and enforce the provisions of these Regulations. In the event (1) the position of Town Engineer is vacant, (2) the Town Engineer is unavailable to fulfill the duties and responsibilities set forth within these Regulations for an extended period of time exceeding five consecutive working days, or (3) the Town Engineer is not readily available and the Director of Planning deems that an enforcement or emergency situation requires attention prior to the time the Town Engineer is likely to become available to address the subject situation, then the Bloomfield Director of Planning, or the designee thereof, shall have the authority and responsibility to act for and in the capacity of the Town Engineer in respect to these Regulations. The duties, responsibilities and authority of the Town Engineer hereunder shall include, but not be limited to:
  2. The authority to fully and properly administer, implement, and enforce these Regulations.
    - a. The authority to enter onto a property or development in order to carry out the duties, responsibilities and purposes set forth in these Regulations; and the purposes of such entry may include, but not be limited to, evaluations, inspections, potential or actual damage assessment, documentation, and enforcement. This authority shall extend to any Town employee, official, or agent assigned, tasked, authorized, or designated by the Town Engineer to carry out such evaluation, inspection, assessment, documentation, and/or enforcement in accordance with these Regulations on behalf of the Town Engineer.
    - b. Review all permit applications for completeness in accordance with the requirements hereof.
    - c. Review all permit applications and other proposed developments to determine whether the proposed development and building sites will be reasonably safe from flooding.
    - d. Review all permit applications and other proposed developments to assure that the permit requirements of these Regulations have been satisfied.
    - e. Review all permit applications to assure that all necessary federal or state permits have been received. Require that copies of such permits be provided and maintained on file with the permit application. Such permits include, but are not limited to, Stream Channel Encroachment Line (SCEL) Permit, Water Diversion Permit, Dam Safety Permit, and Army Corps of Engineers 401 and 404 Permits.
    - f. Notify the regional planning agency and affected municipality at least thirty-five (35) days prior to a public hearing if any change of regulation or use of a flood zone will affect an area within 500 feet of another municipality.
    - g. Notify the adjacent communities and the Department of Environmental Protection (DEP), Inland Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
    - h. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
    - i. Obtain, record, and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all regulated structures.

j. Obtain, record, and maintain the elevation (in relation to mean sea level) to which a regulated structure has been flood-proofed.

k. When flood-proofing is utilized for a particular structure, obtain certification from a registered professional engineer or architect.

l. Where interpretation is needed as to the exact location of any boundaries of the SFHA, the Town Engineer shall make necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in these Regulations.

m. Require the applicant to provide base flood elevation data for all proposed development, including manufactured home parks and subdivisions.

n. When base flood elevation data or floodway data are not provided by the FIRM or the FIS, and the same are not otherwise provided as part of the permit process, the Town Engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of Article 5.

o. All records pertaining to the provisions of these Regulations shall be received, obtained and maintained in the office of the Town Engineer.

p. Require and, upon completion of the permitted development and prior to issuance of any Certificate of Occupancy associated therewith, or as otherwise appropriate, receive necessary as-built surveys (prepared by a Connecticut Licensed Professional as per Connecticut State Statutes) and engineering and architectural certifications demonstrating compliance with the approved plans, standards, and other requirements as set forth herein.

3. Certifications. Where required under these Regulations, a Connecticut registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of these Regulations. Such certification must be provided to the Town Engineer.

4. Establishment of Permit Authorization. In general, every development subject to regulation under these Floodplain Management Regulations requires a Floodplain Development Permit issued by the Bloomfield Plan and Zoning Commission in accordance with these Regulations prior to the commencement of any development activities within any SFHA; and a Floodplain Management Permit for such purposes in Bloomfield is hereby established. As used within these Regulations, and except where the intent of the use is obviously meant otherwise, the term "Permit" shall mean and refer to a Floodplain Development Permit; and, any reference to a Floodplain Management Permit shall include a Building Permit as may be issued in accordance with exception "a." of this Section 5.1.V.4 below, unless specifically designated otherwise. Permits issued under these Regulations shall expire if actual construction of a permitted structure does not commence within one hundred and eighty (180) days of the permit approval date. There are only two exceptions to the foregoing requirement for Floodplain Management Permit:

a. Where a proposed development within a SFHA only involves repairs and/or improvements to an existing structure and does not involve changing the exterior dimensions of the structure below the BFE, then the permitting of such development may be performed administratively by the Town Building Official through the Floodplain Development section of the Building Permit; and (5/24/12)

b. Where certain insignificant development meeting the criteria as set forth in Article 5.1.V.5 of these Regulations may be exempt from the requirement of obtaining a Floodplain Development Permit subject to, and provided that, all other applicable provisions of these Regulations shall apply to and be complied with during the subject development. (5/24/12)

5. Certain Insignificant Development Exempt from Acquiring a Permit.

- a. Certain insignificant, minor developments within a SFHA may be exempt from the requirement of obtaining a Floodplain Development Permit provided:
  - (1) The determination of exemption is solely at the discretion of the Town Engineer;
  - (2) All other applicable provisions of these Floodplain Management Regulations shall apply to and be complied with during the subject development;
  - (3) The subject development does not encroach upon a floodway;
  - (4) The subject development does not present a new significant obstruction to flood flows;
  - (5) The subject development does not involve filling;
  - (6) The subject development does not in any way alter or encroach upon a watercourse;
  - (7) The subject development does not involve significant clearing of land;
  - (8) The subject development does not involve significant removal of trees;
  - (9) The subject development does not involve the significant planting of trees, shrubs, or other vegetation that may present an obstruction to flood flows;
  - (10) No items included in the subject development shall be subject to transport by flood waters; and
  - (11) The cost of the subject development, or value thereof as determined by the Town Engineer, shall not exceed one thousand dollars (\$1,000), and where such cost or value does not include the cost of land or rights acquisition, design, or permitting.
- b. The following development activities may be exempt from permitting: installation of a mailbox, flagpole, or other such small diameter item, farming, gardening, minor landscaping, and routine maintenance.

6. Permit Application: Procedures.

- a. Where the subject development meets the criteria for exception set forth above, the proposed developer shall fully and accurately complete and submit the Floodplain Development section of the Building Permit application concurrently with Building Permit application for the subject development, and, taking into account the relevant information, etc., supplied within the subject Building Permit application, supply and submit all other information, certifications, and permissions required under these Regulations to the Building Official concurrently with the submittal of the subject Building Permit application.
- b. For all other developments, the Floodplain Development Permit application form as promulgated by the Town Engineer shall be fully and accurately completed and executed, including all certifications and/or permissions required thereunder, and, taking into account the relevant information, etc., supplied within the subject Permit application, all information, certifications, and permissions required under these regulations shall be made ready for submittal and packaged with the subject Permit application and any other supporting information deemed relevant by the applicant, and, together with the application fee associated therewith, such package shall be submitted to the Director of Planning in the Offices of the Bloomfield Department of Planning and Development.
- c. Incomplete or nonconforming applications, to any extent, may be rejected as such.

7. Permit Application: Requirements.

- a. An acceptable application shall include the following format information and comply with the requirements included therein:
- b. Any and all required application forms, fully and accurately completed and properly executed with original signatures at all required locations within the forms.

c. Drawings of the proposed development including the information required by and prepared in accordance with the applicable provisions of the these Zoning Regulations.

d. (removed – 5/12/2012)

e. In addition to the format information required above, and notwithstanding redundancies therewith, an acceptable application shall include, as a minimum, the following information in writing or presented on drawings:

- (1) A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. Computations by a registered professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained. The applicant is responsible to and must officially amend or revise the FIRM through FEMA, and pay any fees or other costs assessed by FEMA for this purpose. And, the applicant must provide evidence that FEMA has been made aware of, and acknowledges, the proposed development, that a watercourse will be altered or relocated as a result thereof, and that the FIRM will have to be revised or amended as a result thereof, and any and all supporting information requested or required by FEMA in association therewith has been provided.
- (2) A statement and supporting documentation (all costs of project, market value of structure, etc.) verifying that any proposed alterations to an existing structure meets or does not meet the criteria of the substantial improvement and/or substantial damage definition. If a development meets the definition of substantial improvement and/or substantial damage, the structure must be brought into compliance with all floodplain regulations as if it was new construction.
- (3) Any studies and/or calculations, properly certified, required by these Regulations or by the Town Engineer in accordance herewith.
- (4) Copies of any federal, state, or other local permits obtained, and/or copies of applications submitted, and relevant correspondence associated therewith, for any such permits applied for but, as yet, not obtained. With the exception of local building permits and/or any local permit concurrently applied for with the subject application for a Floodplain Management Permit, all other federal, state, or local permits as may be required for the subject development shall be acquired (preferred) or applied for with expected approval imminent, (as supported by submitted documentation,) at the time of application for a Floodplain Development Permit. Failure to fully comply with this requirement shall immediately, upon discovery, render the subject application incomplete and void, regardless of its status within the approval process.
- (5) Written authorization for the Town Engineer, the Building Official, the Director of Planning, and/or any agent thereof, enter upon the subject premises of the application and pertinent surrounding areas under the control of the owner and/or applicant for purposes of inspection, evaluation, and enforcement as related to the subject application and any associated permit.
- (6) Any other pertinent information to support the application, better comply with the application requirements, and/or improve the ability of the Commission to make an informed decision on the matter.
- (7) The appropriate filing fee, based on the current applicable fee schedule.

f. Where any portion of the subject development proposes to encroach upon a floodway, the following shall be included with the application: (5/24/12)

- (1) A statement and appropriate supporting documentation, including discussions and evaluations of any alternatives considered, that there is no feasible alternative to such encroachment;
- (2) An Encroachment Review Study; and,
- (3) A completed, signed, and sealed "No-Rise" Encroachment Certificate in accordance to applicable FEMA requirements. (5/24/12)

g. A certificate from a Connecticut licensed professional engineer, and, as applicable, a similar certificate from a Connecticut licensed architect shall be conspicuously included within the Application documents that states that the development has been designed to comply with all applicable provisions of these Regulations, and in particular, to comply with applicable requirements relating to: (5/24/12)

- (1) Not increasing the flood hazard potential to any other property or person;
- (2) Using accepted methods and practices to minimize flood damage;
- (3) Using materials and equipment resistant to flood damage where applicable;
- (4) Providing proper anchorage for any structure potentially subject to floodwaters in accordance with these regulations and accepted design methods and practices;
- (5) Setting the lowest floor of regulated structures, the bottom of above-ground storage tanks, and utility and service facilities and equipment to appropriate elevations;
- (6) Providing proper dry floodproofing where required for non-residential regulated structures;
- (7) Providing proper wet floodproofing and openings for sub-BFE enclosures;
- (8) That all federal, state, and local permits required for the subject development have been acquired, or have been applied for and are still under consideration by the subject permitting authority; and that copies of the same have been provided within the application; and,

h. If the approval of any required permits are pending at the time of application, the applicant shall submit the final approved permit to the Town Engineer upon acquiring such approval. The applicant shall immediately notify the Town Engineer of any significant changes and/or happenings with respect to any acquired or pending, at the time of application, federal, state, or local permits required for the subject development.

### 5.1.V Post Development Requirements.

1. Following completion of development construction or other relevant activities, the following shall be appropriately completed, including signatures, certificates, and seals where applicable, and submitted to the Town Engineer:
2. As-built survey/drawings in accordance with these Zoning Regulations; and, included on such As-built shall be a note or table identifying any variances from the approved site plan to any aspect of the development located within a SFHA, or, if appropriate, a statement that there are no such variances.
3. Elevation certificates for all regulated structures;
4. Where applicable, the elevation to which a sub-BFE non-residential structure has been dry floodproofed; and
5. Where any variances from the approved site plan affect, or have the potential to affect, the results or conclusions of any calculations or studies associated with the subject Permit application or any compliance by the development with any provision of these Regulations, such calculations and/or studies shall be revised, or new calculations and/or studies performed and prepared, and the same shall be submitted to the Town Engineer.
6. Where any result of construction or other development activity is a non-compliance with any provision of these Regulations, the same shall be appropriately corrected in

1 a timely manner, unless a variance for the same is appropriately acquired in accordance with the applicable provisions of these Regulations.

2 7. Where such non-compliance is significant, the Town Engineer may require that any applicable task, effort, and/or submittal associated with the original Permit application be revised, re-performed, recreated, or otherwise corrected or adjusted accordingly, resubmitted, and approved, which approval, at the discretion of the Town Engineer, may be administrative or through the Plan and Zoning Commission, prior to commencement of the any portion or all of any corrective work or actions contemplated.

3 8. Notwithstanding any such required approval and any time necessary to acquire and effectuate the same, the applicant is and remains responsible for any such non-compliance and any adverse effects, damages, and/or liabilities that result from the same. The applicant shall take whatever interim measures are necessary to prevent damage or other adverse effects as a result of any such non-compliance; and is responsible to give proper notice and information of any such interim measures to the Town Engineer prior to commencing the same, and to keep the Town Engineer properly informed of the status of the same until such time as any such issue has been satisfactorily resolved.

4 5.1.W **Security For Performance.**

5 1. The Plan and Zoning Commission may, at its discretion and as deemed fit thereby, require, as a permit condition, the applicant to post with the Commission a surety instrument, or instruments, (hereinafter referred to as "Security" or "Securities",) in an amount deemed appropriate by the Commission to secure the faithful performance of the regulated development in accordance with these Regulations and the terms and conditions of the associated Permit.

6 2. Any such required Security may be combined and administered jointly with other Securities required by the Town in association with the subject development and retained for a similar purpose, while maintaining separateness in the accounting thereof.

7 3. Any such required Security shall be administered by or under the direction of the Director of Planning, (hereinafter referred to as the "Director"). The Director, acting in such administrative role and consistent with the purposes and terms of these regulations and the subject Permit, has the authority:

8 a. To determine the acceptability of a Security as to form, terms, and provider;

9 b. To receive, evaluate, and act upon requests to modify any such Security, which modifications may include changes in the amount secured, the form of the instrument, the provider of the instrument, and extensions of the term of the Security;

10 c. To initiate the calling of any such Security; and,

1 a. To perform and make any other actions and determinations as are consistent with such administrative role.

2 4. Any such Security shall be of a form and provisions acceptable to the Director. The default instruments for any such Security shall be an irrevocable, evergreen Letter of Credit or cash. A Letter of Credit shall be issued by a bank licensed to conduct such business in the State of Connecticut and of appropriate financial soundness and stability. The period to expiration of a Letter of Credit shall be not less than one (1) year, with a provision for automatic renewal at increments of not less than one (1) year. A cash security shall be held in escrow at a bank acceptable to the Director. Other forms of Security may be deemed acceptable at the discretion of the Director, as deemed fit thereby.

3 5. A performance Security shall remain in force until all of the terms and conditions of the subject Permit have been successfully met, or six (6) months beyond the date the Director becomes aware that the subject Permit ceases to be in effect, whichever is

earlier. The suspension of a Permit does not in any way affect the term of any associated Security.

6. Any such Security may be called by the Director at the request of the Town Engineer when, it is deemed by the Town Engineer and the Director that:
  - a. The permittee is, to any extent, not complying with the provisions of the Permit and/or these Regulations;
  - b. Such non-compliance has caused, is causing, and/or has the reasonable potential to cause conditions that are counter to the purposes of these Regulations;
  - c. The permittee, being responsible for the regulated development associated with a Permit, Permit compliance associated with such development, and the impacts and effects of the efforts, or lack thereof, to perform the same, has had reasonable opportunity to identify and move to correct such non-compliance, irrespective of the status of notification of such non-compliance; and,
  - d. The permittee is not showing good faith towards remedying the non-compliance and/or the adverse impacts thereof and/or complying with the orders of the Town Engineer, or representatives thereof, associated therewith, and/or the permittee is otherwise not making adequate progress towards the same.
7. In making such determination, the Director and Town Engineer may consider, to varying degrees deemed thereby to be appropriate to the situation, and amongst other factors, in no particular order:
  - a. The compliance-related history of the permittee with respect to the subject Permit, and, for critical situations, a broader scope may be considered;
  - b. The scope and magnitude of realized and potential adverse impacts;
  - c. Time-critical factors; and,
  - d. The status of the project.
8. For purposes of this Section, not adequately progressing on completing work or conducting activities associated with the Permit in a timely manner with respect to various applicable requirements is considered non-compliance with the permit.
9. For purposes of this Section, the term "non-compliance" is to be interpreted as generally or specifically as is most in keeping with the purposes of these Regulations.
10. The permittee shall be given a minimum of ten calendar-days notice of the intent of the Director to call a Security prior to the Director actually notifying the surety of such Security that the permittee is in default with respect to the commitments covered by the Security and that the Director is calling for the forfeiture of the Security.
11. The Director and/or Town Engineer, and/or any other Town official and/or administrator acting on behalf of the same, may use the proceeds from the forfeiture of a Security in any manner deemed thereby to be in keeping with the purposes of these Regulations with respect to the subject default and any potential or realized adverse effects associated therewith, allowing for the consideration of the amount of funds available, as well as to cover any expenses incurred in association with the process of obtaining the forfeiture of the Security. Such uses may include, but not be limited to, removal, in whole or in part, of any obstruction within the SFHA that is not in compliance with the subject Permit, expenses associated with completion of all or any part of the improvements associated with the subject development, stabilization and/or restoration of graded and damaged areas, construction of improvements not contemplated in or redesigned from the original plans as may best suit the current situation, repairs, design, bidding, testing, evaluation and analysis, professional consulting, and financial and legal services. Proceeds may be applied to events, actions, improvements, and work that are located off-site as well as on-site, are of a temporary as well as a permanent nature, that occur or occurred at any time subsequent to the Director becoming aware of the subject default, and that were incurred by the Town of Bloomfield acting on the Director's and/or Town Engineer's behalf, including staff and equipment time.

12. Nothing herein shall be construed to in any way limit or restrict the Town of Bloomfield, Acting through the Director of Planning, from pursuing any legal remedy afforded it to recover damages for expenses incurred by it in any way associated with the default of a permittee with respect to the permittee's obligations and commitments associated with a Permit.

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#### 5.1.X Appeals and Variances.

1. Appeals and Variance Process: General Provisions

- a. Zoning Board of Appeals, as established by the Charter of the Town of Bloomfield, shall hear and decide appeals and requests for variances from the requirements of these Floodplain Management Regulations in accordance with applicable provisions of CGS Chapter 124, the Town Charter, and the Town Code of Ordinances, and Section 9.11 of the Bloomfield Zoning Regulations.
- b. The process and procedures associated with the hearing and deciding of appeals and variances shall be as set forth in said Section 9.11 of the Bloomfield Zoning Regulations, and as may be expanded under this Section.
- c. Upon consideration of the various factors set forth in these regulations and Section 9.11 of the Zoning Regulations, the Zoning Board of Appeals may attach such conditions to the granting of any variance as it deems fit to further the purposes of these Regulations.
- d. Any person aggrieved by a decision of the Zoning Board of Appeals or any person owning land which abuts or is within a radius of one hundred feet of the land in question may appeal a decision of the Zoning Board of Appeals within 15 days after such decision to the State Superior Court of Hartford, as provided in CGS Section 8-8.
- e. The Town Engineer shall maintain records of all actions of the Zoning Board of Appeals in association with these Regulations, and shall forward the same to FEMA upon request.
- f. Where a variance application proposes to waive or relax any provision, requirement, or standard of the NFIP as it applies to the Town, then the requirements of 44CFR60.6(a) of the Federal NFIP Regulations shall be complied with. (5/24/12)

2. Appeals. Where any order, requirement, or decision of the Town Engineer, the Building Official, or any other Town official charged with the enforcement of these Regulations is alleged to be in error, appeals of the same shall be heard and decided by the Zoning Board of Appeals.

3. Specific Situation Variances.

- a. Buildings on a Historic Register: Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally-adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.
- b. Functionally Dependent Use or Facility: Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety, and meets all the requirements of this Section.

4. Considerations for Granting of a Variance for Floodplain Development. In addition to other considerations set forth in Section 9.11 of the Zoning Regulations, the Zoning Board of Appeals in making determinations on any application for variance to any provision of these Floodplain Management Regulations shall consider:
  - a. The requirements, standards, and purposes specified in other sections of these Regulations.
  - b. The input and opinion of the Town Engineer in respect to how the subject variance request relates to the requirements, standards, and purposes specified in these Regulations.
  - c. All technical studies, evaluations, and information as may be relevant to the subject variance request.
  - d. The danger that materials may be swept onto other lands to the injury of others;
  - e. The danger to life and property due to flooding or erosion damage;
  - f. The susceptibility of the proposed development and its contents to flood damage and the effect of such damage on the individual owner;
  - g. The importance of the services provided by the proposed development to the community;
  - h. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
  - i. The availability of alternative locations, on-site or off-site, not subject to flooding or erosion damage for the proposed use, or the offending portion thereof; (5/24/12)
  - j. The compatibility of the proposed use with existing and anticipated development;
  - k. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - l. The safe access to the property in times of flood for ordinary and emergency vehicles;
  - m. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects thereof; and
  - n. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
5. A variance shall only be granted upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and not to result in the loss of historic designation for the building.
6. Any applicant to whom a variance is granted shall be given written notice that the subject structure or development will be permitted to be constructed not totally in compliance with these Regulations, and, therefore, probably not in compliance with NFIP regulations; and that, as such, the cost of flood insurance may be set or adjusted commensurate with the increased risk resulting from such noncompliance.

1      **5.1.Y Enforcement. For purposes of this Section:**

1. The default responsible party for any violation of these Regulations shall be:
  - a. In instances where the violation is in association with an issued and effective Permit, the subject permittee;
  - b. In all other instances, the owner of record of the subject property.
2. The Building Official shall have all the powers, authorities, and responsibilities, separately and dually, of the Town Engineer as set forth herein for any permits administered thereby for which the subject development is in any way subject to these Regulations.
3. If the Town Engineer finds that one or more violations of these Regulations are occurring or have occurred, then the Town Engineer must take enforcement action as deemed appropriate to the nature, seriousness and significance, potential and/or realized harm, and the history of the responsible party with respect to the particular violation(s) and/or compliance in general with respect to the subject development and/or property, and performance with respect to corrective measures ordered and/or undertaken for the same, against the party responsible for such violation(s). Where the seriousness, significance, and/or potential and/or realized harm of such violation(s) justify, the Town Engineer may also take into account the total past history of the responsible party with respect to violations, and corrective measures ordered/or undertaken therefor, in determining appropriate action. Such enforcement actions may be combined as deemed fit by the Town Engineer and may include:
  - a. Verbally notifying the responsible party of the concerns.
  - b. Issue a written "Notice of Violation and Order of Corrective Action", (may be referred to as simply a "Notice of Violation" as associated with these Regulations,) to the responsible party. Any such Notice of Violation shall identify the violation(s) found, the relevant circumstances associated therewith, the corrective actions to be taken (alternatives may be included), and the required timing of such corrective actions. Such written Notice of Violation shall be sent to the responsible party by certified mail, return receipt requested; and, a copy of the may also be forwarded to the responsible party by other means as well. Such corrective actions shall be as deemed fit by the Town Engineer, and, for purposes of emphasis and not intended to be singular, limiting or encompassing, may include:
    - (1) Requiring a Permit to be acquired,
    - (2) Removing unpermitted obstructions or other violating facilities or development,
    - (3) Correcting and/or rectifying harm that has been caused,
    - (4) Temporary stabilization and/or protective measures, which may have to be partially or totally removed or otherwise 'undone' to proceed with subsequent work,
    - (5) Independent professional evaluation of the situation,
    - (6) Redesign of all or any portion of the subject development to account for irreversible or unanticipated [by the Permit] consequences of the violation(s), and
  - c. Studying the effects of any new or changed obstructions as a result of the violation(s), any associated redesign, and/or any other corrective measure, on the base flood elevation of the subject SFHA.
  - d. Issue, or request or cause to be issued, a written Cease and Desist Order to the responsible party, accompanied by a written Notice of Violation issued. Such Cease and Desist Order shall direct the responsible party to cease and desist with all or any part of any grading activities in any way associated with the subject violations. Any Cease and Desist Order issued hereunder may be delivered to the responsible party in person by the Town Engineer or other issuing authority, or directed representative thereof, provided that a reliable witness is present at such delivery; and/or the same may be sent to the

responsible party by certified mail, return receipt requested. The Town Engineer, or other issuing authority, may, however, also forward a copy of the same to the responsible party by other means as well.

- e. Suspend or revoke the subject Permit if it is found that the permittee has not complied with the terms, conditions or limitations set forth in such Permit or has exceeded the scope of work as set forth in the application for such Permit. Prior to revoking any Permit, the Town Engineer shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action.
- f. Notify the administrator and/or permitting authority for any other Town permit issued to the subject development of the subject violations and, if deemed fit, request that any such other permit be suspended and/or revoked in accordance with the appropriate provisions thereof as a result of these violations.

4. Failure to comply with any written order issued shall be considered a violation of these Regulations and is subject to penalties.
5. Failure to appropriately correct any non-compliance with these Regulations may result in the calling of any Security; and the proceeds of the same may be used to correct the violation or non-compliance.
6. **Penalties For Violation.** The penalties for violation of these Regulations shall be as set forth in Chapter 124, Section 8-12 of the Connecticut General Statutes.

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## 5.2 TALCOTT MOUNTAIN OVERLAY DISTRICT (TMOD).

### 5.2.A Purpose.

1. The purpose of the Talcott Mountain Overlay District (TMOD) is to carefully monitor development along the Talcott Mountain Range in order to determine whether public services (such as fire, ambulance, and public works) can be reasonably provided, to minimize soil erosion and sedimentation, and to minimize adverse visual impacts on the character of the community.
2. It is not the intent of the TMOD to prohibit or preclude development in designated areas. Rather, the TMOD is intended to establish a process whereby property owner's interests in capitalizing on scenic views or other assets can be balanced with the community's desire to provide a reasonable level of services and to protect environmentally sensitive steep slopes and hillsides from inappropriate development.

### 5.2.B General.

1. The extensive and essentially undisturbed Talcott Mountain Range is a defining feature of Bloomfield.
2. Experience in other communities has shown that, if these resources are not protected, insensitive development of ridgelines and steep slopes can adversely affect the availability of public services, harm important natural resources, and detract from community character.
3. Because of their steepness and prominent visibility, the areas within the TMOD need stricter standards to protect them from excessive or inappropriate development.
4. These standards should strike an appropriate balance between the use of private property and the Commission's responsibility to protect the public health, safety and welfare, the integrity of the steep slopes, and the scenic views within the community.

### 5.2.C Delineation.

1. The TMOD, as delineated on the Zoning Map, shall be superimposed on underlying zoning districts and the standards in this Section shall apply in addition to the requirements of an underlying zoning district.
2. If there is a conflict between the provisions listed below and the underlying zoning district or other Regulations, the more restrictive provisions shall apply.

### 5.2.D Permitted Uses.

1. Authorized Without Zoning Signoff. The following uses are authorized within the Overlay Zone subject to the requirements of these Regulations in the underlying zone:
  - a. Open space uses which do not require moving, removing or otherwise altering the position of the earth, stone, sand, gravel, or water.
  - b. Game management, fishing, hunting (where permitted), camping and picnicking, hiking, and other passive recreational activities.
  - c. Maintenance, repair, or reconstruction of existing public ways or bridges.
  - d. Public utilities.
2. Authorized by Special Permit. Other uses and structures shall only be allowed within the TMOD as a Special Permit and only to the extent permitted in the underlying zone. This procedural requirement is intended to ensure that activities are conducted in ways that avoid or minimize adverse impacts in these significant natural and aesthetic resource areas.

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**5.2.E Special Permit Considerations.**

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In deciding upon a Special Permit application in the TMOD, the Commission shall, in addition to the criteria specified in 9.4.D, consider the following:

1. The extent to which public services (such as fire, ambulance, and public works) can be provided at all times and in all seasons to current and future owners of the property.
2. The extent to which any proposed activity will cause erosion or slipping of soil, or cause sediment to be discharged including whether:
  - a. the stability of soils will be adequate to support any proposed construction, landscaping, agricultural use, or similar activities.
  - b. the natural stability of the soil on the site has been used to determine the proper placement of structures and other development within the steep slope area.
  - c. all construction shall be accomplished in conformance with the erosion prevention provisions of the Connecticut Guidelines for Erosion and Sediment Control, as amended.
  - d. such operation will occur with an acceptable conservation plan, so that it will not leave an objectionable scar on the landscape.
  - e. The extent to which existing vegetation will help to retain the stability of the slopes and soils including whether:
    - f. plant life located on the slopes outside of the minimum area that needs to be disturbed for carrying on approved development will be retained.
    - g. plants or other acceptable ground cover will be re-established in the disturbed area immediately upon completion of development activities to maintain the natural scenic characteristics of any steep slope. The extent to which storm water drainage will be designed and located to ensure slope stability and not:
      - (1) cause erosion or siltation,
      - (2) contribute to slope failure,
      - (3) pollute groundwater, or
      - (4) cause damage to, or flooding of, property.
  - h. The extent to which care will be taken to protect scenic views, scenic vistas, scenic roads, and unique aesthetic features such as prominent ridgelines, from damage, obstruction or other degradation.
  - i. The extent to which there is an alternative location for the proposed development on that portion of the site not containing steep slopes or an alternative location on that portion of the site having fewer impacts on sensitive resources

### 5.3 MULTI-FAMILY ELDERLY RESIDENTIAL DISTRICT (MFER).

#### 5.3.A Purpose.

The intent of this special purpose regulation is to achieve the public purpose accomplished through the provision of Housing for the Elderly while recognizing the wide differences of regulation which State and Federal regulations provide for subsidized dwelling units.

#### 5.3.B General.

1. The MFER will be governed by a Master Plan in accordance with these regulations. The Master Plan will be subject to review and approval by the Commission as a zone change, subject to a public hearing and the terms and conditions of these regulations.
2. The Master Plan requires certain fluidity, and as such, may change over time; but any substantial and material change would be subject to the same review and public hearing procedures as the original zone change.
3. Once enacted, the MFER will supersede all pre-existing zoning, and any development on the zoned property will be subject to the new zone.

#### 5.3.C Bulk Requirements.

DISTRICT	LOT AREA	LOT WIDTH	MINIMUM			HEIGHT <sup>2</sup>	MAXIMUM	
			FRONT YARD	SIDE YARD <sup>1</sup>	REAR YARD <sup>1</sup>		STORIES <sup>3</sup>	BUILDING COVERAGE
MFER	N/A	0 ft	0 ft	35 ft	35 ft	35 ft	2	N/A

#### TABLE LEGEND

N/A	Not applicable
ft	feet
R	Residential

#### NOTES

1. See Section 3.7.B for accessory structure yard requirements.
2. May be increased to 60 feet as part of Commission review.
3. May be increased to four (4) stories as part of Commission review.

#### 5.3.D Principal Uses and Structures.

1. Principal Uses and Structures Authorized Without A Zoning Signoff. The following uses and structures are authorized without the issuance of a Zoning Signoff:
  - a. Open space.
  - b. Public utility substations, pursuant to the Connecticut Siting Council.
2. Principal Uses and Structures Authorized By Zoning Signoff. The following principal uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.4:
  - a. None.
3. Principal Uses and Structures Authorized by Special Permit. The following uses and structures may be authorized upon the issuance of a Special Permit in accordance with Section 9.5:
  - a. Residences for individuals and families as defined and restricted by these regulations.
  - b. Uses clearly accessory to the principal residential use.

**5.3.E Accessory Uses and Structures.**

1. Authorized Without a Zoning Signoff. The following uses and structures are authorized without the issuance of a Zoning Signoff:
  - a. Family day care home.
  - b. Home office in accordance with Section 3.7.A.1.
  - c. Keeping of domestic animals.
2. Accessory Uses and Structures Authorized By Zoning Signoff. The following accessory uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. Customary uses.
  - b. Signs pertaining to a permitted principal use on a lot.

**5.3.F Permitted Residential Dwelling Unit Densities.**

1. Development Type. **(Amended 03/28/16)**

	DEVELOPMENT TYPE		
	PRIVATE	GOVERNMENT PROGRAM	PUBLIC
<b>RESIDENCY REQUIREMENTS*</b>	One person must be over 55 and none under 18	As defined by applicable program	As defined by applicable program
<b>DWELLING UNITS PERMITTED PER GROSS ACRE</b>	12	See schedule below (Section 5.3.F2)	See schedule below (Section 5.3.F2)
<b>MAXIMUM DWELLING UNITS PER SITE</b>	150	200	200
<b>MINIMUM PARKING SPACES PER DWELLING UNIT</b>	1½	1**	½**

\*Residency limitations must be submitted as part of the original application and may not change even though the program requirements change. Any changes in residency limitations of approved projects are declared to be substantial changes requiring Commission action following a public hearing. Nonconformity to approved residency limitations is declared to be a use violation of these regulations.

\*\*May be reduced up to 50 percent provided that required spaces are shown on the site plan and may be required by the Commission at any time if needed.

2. Permitted Dwelling Unit Density: Government and Public Programs.

AVERAGE DWELLING UNIT SIZE	MAXIMUM DWELLING UNITS PER ACRE
400-450 SQUARE FEET	20
451-500 SQUARE FEET	18
501-550 SQUARE FEET	16
551-600 SQUARE FEET	14
601 SQUARE FEET AND OVER	12

### 5.3.G **Establishment of District.**

1. The Commission shall establish the MFER by approving a Master Plan in accordance with Section 9.7, which while not intended to be a substitute for detailed documentation associated with a site plan, provides sufficient information to determine whether the proposal is in conformance with Section 5.3.A and the POCD. Such adoption shall constitute a zoning map amendment in accordance with Section 9.7 of these Regulations.
2. District Eligibility. The following characteristics are required for a site to be eligible for the MFER designation:
  - a. On or within 300 feet of an arterial or collector road as defined by the Plan of Conservation and Development. Where peculiar and distinctive circumstances exist, if a principal means of access to an arterial or collector can be achieved, the Commission may vary the distance requirement, but in no case shall the proposed zone be more than 1,200 feet from an arterial or collector.
  - b. Public water and sewers shall be provided.
  - c. Minimum District Size: None.

### 5.3.H **Master Plan.**

1. The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to Section 5.3.A and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the dimensional characteristics of the MFER and its uses.
2. Changes to the Master Plan.
  - a. Any modifications to dimensional elements in the Master Plan shall follow the Special Permit Application Procedures in Section 9.5.
  - b. Any modifications to the use elements in the Master Plan shall follow the Zoning Map Amendment Procedures in Section 9.7.

### 5.3.I **Site Plan.**

1. As part of, or after Master Plan approval for districts established after August 15, 2009 an application for a site plan must be submitted for approval.
2. The Commission shall schedule a public hearing for the site plan review.

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#### 5.3.J **Design Requirements.**

1. Building Height Adjustments. Buildings may not exceed 35 feet or two (2) stories. However, this provision may be increased up to a maximum of 60 feet or four (4) stories at the sole discretion of the Town Plan and Zoning Commission, where the Commission feels that the proposal would be compatible with the scale and character of the area, and its relationship to the abutting property.
2. Landscaping.
  - a. The Commission may require fences or landscaped screens between the proposed use and existing uses of such extent and design as they feel appropriate to properly buffer proposed and existing uses.
  - b. Where an application is located in lands previously or naturally landscaped, such as an estate, every effort should be made to preserve the original landscaping.
3. Parking. No parking bays shall be permitted on primary interior streets, but shall be permitted on secondary interior streets where not more than ten (10) spaces are provided and where such bays are not across from one another.
4. Circulation. No interior street shall be less than 20 feet in width. The Commission may, where in its judgment traffic circumstances merit, require primary streets to be designed and constructed in accordance with the Town of Bloomfield road specifications with a minimum road width of 26 feet. Curbs and sidewalks may be required if the Commission deems them necessary.
5. Accessibility. All facilities shall be designed for the safety of and to facilitate use by elderly and handicapped persons.
6. Recreation Areas. The applicant shall show to the satisfaction of the Commission that suitable recreation areas, meeting facilities, service needs, including transportation and similar facilities for residents will be provided.

#### 5.3.K **Buffers.**

1. Side and rear yards which adjoin a residential district shall contain a buffer yard meeting or exceeding the requirements of the landscaped buffer yard for all uses in the MFER, in accordance with Section 6.1.
2. Where there is a conflict between the rear and/or side yards and the buffer yard requirements, the more stringent yard requirements shall apply.
3. Minimum Buffer Yard Width: 25 Feet.
4. Minimum Buffer Yard Height (at time of planting, or for fences): six (6) feet.
5. The Commission may waive the Buffer requirements, except when the MFER abuts a residential district.
6. There shall be no requirement for a buffer on a MFER parcel where the parcel abuts a business district.

## 5.4 PLANNED LUXURY RESIDENTIAL DISTRICT (PLR).

### 5.4.A Purpose.

Intent. The Planned Luxury Residential (PLR) District is established to provide a limited range of multi-family housing types to carry out the policies established in the Plan of Development and special housing studies prepared by the Town.

### 5.4.B General.

1. The PLR will be governed by a Master Plan in accordance with these regulations. The Master Plan will be subject to review and approval by the Commission as a Zoning Map Amendment, subject to a public hearing and the terms and conditions of these regulations.
2. The Master Plan requires certain fluidity, and as such, may change over time; but any substantial and material change would be subject to the same review and public hearing procedures as the original Zoning Map Amendment.
3. Once enacted, the PLR will supersede all pre-existing zoning, and any development on the zoned property will be subject to the new district.

### 5.4.C Bulk Requirements.

DISTRICT	MINIMUM						MAXIMUM	
	LOT AREA	LOT WIDTH	FRONT YARD	SIDE YARD <sup>1</sup>	REAR YARD <sup>1</sup>	HEIGHT <sup>2</sup>	STORIES	BUILDING COVERAGE
PLR	N/A	0 ft	0 ft	35 ft	35 ft	35 ft <sup>2</sup>	N/A	N/A

#### TABLE LEGEND

N/A Not applicable  
ft feet

#### NOTES

1. See Section 3.7.B for accessory structure yard requirements.
2. May be increased to 60 feet as part of Commission review.

### 5.4.D Principal Uses and Structures.

1. Principal Uses and Structures Authorized Without A Permit. The following uses and structures are authorized without the issuance of a permit:
  - a. Open space.
  - b. Public utility substations, pursuant to the Connecticut Siting Council.
2. Principal Uses and Structures Authorized By Zoning Signoff. The following principal uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. None.
3. Principal Uses and Structures Authorized by Special Permit. The following uses and structures may be authorized upon the issuance of a Special Permit in accordance with Section 9.5:
  - a. Residences for individuals and families as defined and restricted by these regulations.
  - b. Uses clearly accessory to the principal residential use.

1      **5.4.E Accessory Uses and Structures.**

1. Accessory Uses and Structures Authorized Without A Permit. The following uses are authorized without the issuance of a permit:
  - a. Family day care home.
  - b. Home office in accordance with Section 3.7.A.1.
  - c. Keeping of domestic animals.
2. Accessory Uses and Structures Authorized By Permit. The following accessory uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1.
  - a. Fences
  - b. Home Occupation in accordance with Section 3.7.A.2.
  - c. Playscapes.
  - d. Pools and other recreational structures, such as tennis courts.
  - e. Signs pertaining to a permitted principal use on a lot.

2      **5.4.F Permitted Residential Densities.**

1. The maximum number of dwelling units (D.U.) to be permitted is four (4) per acre. In acting on a Zoning Map Amendment or Site Plan Application, the Commission may increase the permitted residential densities up to six (6) dwelling units per acre if any of the following circumstances exist:
  - a. If the parcel abuts existing public open space which is equal to or larger than the size of the parcel the density may be increased to no more than six (6) dwelling units per acre. If the parcel abuts public open space which is smaller than the parcel, the density may be increased to no more than five (5) dwelling units per acre. No part of any parcel designated as public open space may be utilized in this manner for more than one (1) PLR or other multi-family development.
  - b. The parcel is of such a location and character that the development within its boundaries will not be readily apparent to existing or potential single-family development in the neighborhood or from public roads so that the impact, in the judgment of the Commission, will be limited to the increase in traffic resulting from the development.
2. Of the total dwelling units approved, at least 50 percent must have net inside living space floor areas equal to or greater than 1,200 square feet and an additional 25 percent must be equal to or greater than 1,000 square feet. The balance of the total number of dwelling units may be sized at the developer's discretion subject to the approval of the Town Plan and Zoning Commission.

3      **5.4.G Establishment of District.**

1. The Commission shall establish the PLR by approving a Master Plan in accordance with Section 9.7, which while not intended to be a substitute for detailed documentation associated with a site plan, provides sufficient information to determine whether the proposal is in conformance with Section 5.4.A and the Plan of Conservation and Development. Such adoption shall constitute a Zoning Map Amendment in accordance with Section 9.7 of these Regulations.
2. District Eligibility. The following characteristics are required for a site to be eligible for the PLR designation:
  - a. No PLR shall be permitted unless it is on or within 300 feet of an arterial or collector road as defined by the Plan of Conservation and Development. Where peculiar and distinctive circumstances exist, if a principal means of access to an arterial or collector road can be achieved, the Commission may increase the distance requirement, but in no case shall the proposed district be more than 2,000 feet from an arterial or collector road.

- b. Public water and sewers shall be provided, except that alternate water and sewage disposal systems may be permitted by the Commission upon the favorable recommendation of the West Hartford-Bloomfield Health District.
- c. Minimum District Size: None.
- d. Eligible Districts: All Residential Districts (Article 3) are eligible for this district.
- 3. When a district is changed to PLR, the Commission shall designate the maximum density permitted and such condition shall be a part of the PLR.
- 4. Expiration. Where approved site plans in a PLR are permitted to lapse, the Commission shall consider rezoning the applicable PLR.

#### **5.4.H Master Plan.**

- 1. The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to Section 5.4.C and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the dimensional characteristics of the PLR and its uses.
- 2. Changes to the Master Plan.
  - a. Any modifications to dimensional elements in the Master Plan shall follow the Special Permit Application Procedures in Section 9.5.
  - b. Any modifications to the use elements in the Master Plan shall follow the Zoning Map Amendment Procedures in Section 9.7.

#### **5.4.I Site Plan.**

- 1. As part of, or after Master Plan approval for districts established after August 15, 2009 an application for a site plan must be submitted for approval.
- 2. The Commission shall schedule a public hearing for the site plan review.

#### **5.4.J Design Requirements.**

- 1. Building Height Adjustments. Buildings may not exceed 35 feet in height, except where topographical considerations permit a variation in this requirement, the Commission may authorize an increase, but in no case may any ground to top of construction measurement exceed 60 feet.
- 2. Landscaping.
  - a. The Commission may require fences or landscaped screens or natural cover up to 100 feet between the proposed use and existing uses of such extent and design as they feel appropriate to properly buffer proposed and existing uses.
  - b. Where an application is located in lands previously or naturally landscaped, such as an estate, every effort should be made to preserve the original landscaping.
- 3. Parking. Two and one-half (2½) parking spaces shall be required for each dwelling unit, located inside the structure or out.
- 4. Circulation. No interior street shall be less than 20 feet in width. The Commission may, where in its judgment traffic circumstances merit, require primary streets to be designed and constructed in conformance with Town of Bloomfield road specifications with a minimum road width of 26 feet. Curbs and sidewalks may be required if the Commission deems them necessary.
- 5. Recreation Areas. The site plan shall show to the satisfaction of the Commission that suitable recreation areas, service facilities and family amenities are provided.
- 6. Utilities. Any required storm drainage improvements shall be designed and constructed in conformance with Town of Bloomfield specifications.

**5.4.K Buffers.**

1. Side and rear yards which adjoin a residential district shall contain a buffer yard meeting or exceeding the requirements of the landscaped buffer yard for all uses in the PLR, in accordance with Section 6.1.
2. Where there is a conflict between the rear and/or side yards and the buffer yard requirements, the more stringent yard requirements shall apply.
3. Minimum Buffer Yard Width: 25 Feet.
4. Minimum Buffer Yard Height (at time of planting, or for fences): six (6) feet.
5. The Commission may waive the Buffer requirements, except when the PLR abuts a residential district.
6. There shall be no requirement for a buffer on a PLR parcel where the parcel abuts a business district.

## 5.5 PLANNED ELDERLY CONGREGATE DISTRICT (PEC).

### 5.5.A Purpose.

Intent. The Planned Elderly Congregate (PEC) is established to provide, in a single district, private residential dwelling units restricted to elderly residents, with common facilities and services which are not clearly accessory to multi-family permitted uses under prior regulations. These include, but are not limited to, common dining facilities, and health care facilities, but in order to qualify as PEC, the proposed development must include at least residences, common dining facilities, and health care facilities.

### 5.5.B General.

The PEC will be governed by a Master Plan in accordance with these regulations. The Master Plan will be subject to review and approval by the Commission as a Zoning Map Amendment, subject to a public hearing and the terms and conditions of these regulations.

1. The Master Plan requires certain fluidity, and as such, may change over time; but any substantial and material change would be subject to the same review and public hearing procedures as the original Zoning Map Amendment.
2. Once enacted, the PEC will supersede all pre-existing zoning, and any development on the zoned property will be subject to the new district.

### 5.5.C Bulk Requirements.

DISTRICT	LOT AREA <sup>1</sup>	LOT WIDTH	MINIMUM			HEIGHT <sup>2</sup>	MAXIMUM	
			FRONT YARD	SIDE YARD	REAR YARD		STORIES	BUILDING COVERAGE
PEC	30 acres	0 ft	0 ft	35 ft	35 ft	35 ft	N/A	N/A

#### TABLE LEGEND

N/A Not applicable  
ft feet  
R Residential

#### NOTES

1. May be reduced to 20 acres as part of Commission review.
2. May be increased to 60 feet as part of Commission review.

### 5.5.D Principal Uses and Structures.

1. Authorized Without A Zoning Signoff. The following uses and structures are authorized without the issuance of a Zoning Signoff:
  - a. Open space and passive recreation.
  - b. Public utility substations, pursuant to the Connecticut Siting Council.
2. Authorized By Zoning Signoff. The following principal uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. None.
3. Authorized by Special Permit. The following uses and structures may be authorized upon the issuance of a Special Permit in accordance with Section 9.5:
  - a. Multi-family dwelling units as residences for single person occupants over age 62 or multiple occupants where one person is over age 62 and all others over age 50. Some age restrictions shall apply at the time of purchase.
  - b. Uses clearly accessory to the principal residential use, including continuing service and support facilities.

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c. Uses normally defined as convalescent or health care facilities and common dining rooms for the food service of the primary use occupants. Such health facilities may offer services to non-occupants as limited by the regulations, and guests of occupants may be served by the food service facility.

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#### 5.5.E Accessory Uses and Structures

1. Authorized Without A Zoning Signoff. The following uses are authorized without the issuance of a Zoning Signoff:
  - a. Keeping of domestic animals.
2. Authorized By Zoning Signoff. The following accessory uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1.
  - a. Fences.
  - b. Pools and other recreational structures, such as tennis courts.
  - c. Signs pertaining to a permitted principal use on a lot.

#### 5.5.F Permitted Residential Densities.

1. The maximum number of dwelling units shall be limited to eight (8) dwelling units per acre for the first 30 acres of any approved site and four (4) dwelling units per acre for remaining acres.
2. No site shall exceed 370 dwelling units. Any unit used as permanent dwellings for staff shall be counted as dwelling units. In addition to dwelling units the facility may contain health care beds as set forth in this section.
3. There may be two (2) types of beds in the health care facility and the number of them shall be limited as follows:
  - a. The number of assisted living beds shall be limited to 30 percent of the total dwelling units permitted.
  - b. The number of nursing care beds shall be limited to 35 percent of the total dwelling units permitted.
  - c. The kinds of services provided in assisted living beds include varying degrees of help with bathing, dressing, nutrition, medication, the making and keeping of appointments, general supervision and support, care of personal clothing and other activities of daily living.
  - d. The kinds of services provided in nursing care beds include both intermediate and skilled levels of care. Skilled nursing care is defined as highly intensive, comprehensive, planned care by a registered professional nurse in instances where his or her judgment is required, or by a licensed practical nurse under professional nursing supervision.
  - e. Intermediate care is defined as care rendered on a regular basis to individuals who do not require hospital or skilled nursing care, but who, due to mental or physical disabilities require services which are planned and supervised on a 24-hour basis in an institutional setting.
  - f. Minimum floor area per dwelling unit shall be 395 square feet for efficiency dwelling units, 600 square feet for one (1) bedroom dwelling units and 800 square feet for two (2) bedroom dwelling units.
  - g. When a district is changed to PEC, the Commission shall designate the maximum density permitted and such condition shall be a part of the PEC.

#### **5.5.G Establishment of District.**

1. The Commission shall establish the PEC by approving a Master Plan in accordance with Section 9.7, which while not intended to be a substitute for detailed documentation associated with a site plan, provides sufficient information to determine whether the proposal is in conformance with Section 5.5.A and the POCD. Such adoption shall constitute a zoning map amendment in accordance with Section 9.7.
2. District Eligibility. The following characteristics are required for a site to be eligible for the PEC designation:
  - a. On or within 300 feet of an arterial or collector road as defined by the Plan of Conservation and Development.
  - b. Where peculiar and distinctive circumstances exist, if a principal means of access to an arterial or collector road can be achieved, the Commission may vary the distance requirement, but in no case shall the proposed district be more than 2,000 feet from an arterial or collector road.
  - c. Minimum District Size: Minimum site area for any PEC shall be 30 acres. Where specific circumstances relating to the exceptional characteristics of the site, neighborhood or proposed development exist, the Commission may reduce the required acreage to no less than 20 acres, or where land proposed for PEC use abuts permanent open space, the Commission may reduce the acreage requirement to no less than 20 acres, providing the total of PEC and open space exceeds 40 acres.
3. Expiration. Where approved site plans in a PEC are permitted to lapse, the Commission shall consider rezoning the applicable PEC. If the entire development is not to be built at one time, the developer shall present to the Commission a plan for phasing different portions of the construction; such plan shall be subject to approval by the Commission.

#### **5.5.H Master Plan.**

1. The purpose of the Master Plan submission is to determine whether the proposed uses a layout conform to Section 5.5.C and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the dimensional characteristics of the PEC and its uses.
2. Changes to the Master Plan.
  - a. Any modifications to dimensional elements in the Master Plan shall follow the Special Permit Application Procedures in Section 9.5.
  - b. Any modifications to the use elements in the Master Plan shall follow the Zoning Map Amendment Procedures in Section 9.7.

#### **5.5.I Site Plan.**

1. As part of, or after Master Plan approval for districts established after August 15, 2009 an application for a site plan must be submitted for approval.
2. The Commission shall schedule a public hearing for the site plan review.

#### **5.5.J Specific Design Requirements.**

1. Building Height Adjustments: Buildings may not exceed 35 feet in height, except where topographical considerations permit a variation in this requirement, the Commission may authorize an increase, but in no case may any ground to top of construction measurement exceed 60 feet.
2. Residency. Residency requirements shall be imposed by the developer as part of the Zoning Map Amendment approvals which restrict occupancy per dwelling unit in such a manner that one (1) person must be over age 62 and none younger than age 50.
3. Landscaping.

a. The Commission may require fences or landscaped screens or natural cover up to 100 feet between the proposed use and existing uses of such extent and design as they feel appropriate to buffer proposed and existing uses.

b. Where an application is located in lands previously or naturally landscaped, such as an estate, every effort should be made to preserve the original landscaping.

4. **Parking.** One and one-half (1½) parking spaces shall be required for each dwelling unit. Parking spaces may be located inside or outside the structure. The Commission may permit deferral of a portion of the required parking provided the required spaces are shown on the site plan and may be required by the Commission at any time if needed.

5. **Circulation.** No interior street shall be less than 20 feet in width. The Commission may, where in its judgment traffic circumstances merit, require primary streets to be designed and constructed in conformance with Town of Bloomfield road specifications with a minimum road width of 26 feet. Curbs and sidewalks may be required if the Commission deems them necessary.

6. **Recreation Areas.** The site plan shall show to the satisfaction of the Commission that suitable recreation areas, service facilities and resident amenities are provided.

7. **Utilities.** Public water and sewers shall be provided, except that alternate water and sewage disposal systems may be permitted by the Commission under the favorable recommendation of the West Hartford-Bloomfield Health District.

**5.5.K Buffers.**

1. Side and rear yards which adjoin a residential district shall contain a buffer yard meeting or exceeding the requirements of the landscaped buffer yard for all uses in the PEC, in accordance with Section 6.1.
2. Where there is a conflict between the rear and/or side yards and the buffer yard requirements, the more stringent yard requirements shall apply.
3. Minimum Buffer Yard Width: 25 Feet
4. Minimum Buffer Yard Height (at time of planting, or for fences): six (6) feet.
5. The Commission may waive the Buffer requirements, except when the PEC abuts a residential district.
6. There shall be no requirement for a buffer on a PEC parcel where the parcel abuts a business district.

## 5.6 DESIGN DEVELOPMENT ZONE (DDZ) and (DDZ-II). (04/11/19)

### 5.6.A Purpose.

1. Intent. The creation of a combined work, service, shopping, retail and residential environment that promotes the maintenance of quality open space, reduces the traffic generation that occurs when the uses are separated, enhances the quality and proximity of facilities to employees and retains the character of an area and its suitability for particular uses is beneficial because it will reduce traffic, pollution and congestion which would arise from disparate and piecemeal development and will provide an enhanced living and work environment for the residents of the Town.
2. General. The DDZ and DDZ-II will be governed by a Master Plan in accordance with these regulations. The Master Plan will be subject to review and approval by the Commission as a Zoning Map Amendment, subject to a public hearing and the terms and conditions of these regulations. The Master Plan requires certain fluidity, and as such, may change over time; but any substantial and material change would be subject to the same review and public hearing procedures as the original Zoning Map Amendment. Once enacted, the DDZ and DDZ-II will supersede all pre-existing zoning, and any development on the zoned property will be subject to the new district.

### 5.6.B Bulk Requirements.

DISTRICT	MINIMUM						MAXIMUM	
	LOT AREA <sup>2</sup>	LOT WIDTH	FRONT YARD <sup>1</sup>	SIDE YARD <sup>1</sup>	REAR YARD <sup>1</sup>	HEIGHT <sup>3</sup>	STORIES <sup>3</sup>	BUILDING COVERAGE
DDZ	20 acres	0 ft	0 ft	0 ft	0 ft	60 ft	4	50%
DDZ-II	10 acres	150ft	50ft	25ft	50ft	60ft	5	50%

#### TABLE LEGEND

ft feet

#### NOTES

1. No parking is permitted in any required front yard and on parcels exceeding one acre the Commission may require that no parking or loading is permitted in any side or rear yard.
2. Unless adjacent to a DDZ at least 20 acres in area.
3. The Commission may modify this requirement per §5.6.J.1

### 5.6.C Principal Uses and Structures (12/18/2014)

1. Authorized Without A Zoning Signoff. The following uses and structures are authorized without the issuance of a Zoning Signoff:
  - a. Open space.
  - b. Public utility substations, pursuant to the Connecticut Siting Council.
2. Authorized By Zoning Signoff. The following principal uses and structures may be authorized upon the issuance of a Zoning Signoff in accordance with Section 9.1:
  - a. None.
3. Authorized By Site Plan. The following principal uses and structures may be authorized upon the issuance of a Site Plan approval in accordance with Section 9.4:
  - a. Category 1 Land Use Type - uses permitted in the R-20 district.
  - b. Category 2 Land Use Type - professional, business and insurance offices including offices for public utilities, banks, industrial, educational, charitable and civic organizations; retail stores, personal service shops, banks, printing, and publishing establishments, studios and sample rooms and similar uses;

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- c. hotel, motel, conference center and banquet facility; radio and television broadcasting studio; medical clinic or facility; surgery center, research, data processing and product development facilities, including laboratories and light manufacturing and assembly associated with the same. (01/01/20)
- c. Category 3 Land Use Type - theater or place of assembly for amusement; amusement enterprises such as skating rinks and bowling alleys, billiard and pool tables and coin-operated game and devices are permitted when incidental to a permitted use; cultural and/or social community facilities; restaurants, with or without entertainment incidental to the serving of food and beverages, delicatessen with food consumed on the premises or within the DDZ.\* (See Subsection 4 below for DDZ-II Special Permit requirement)
- d. Category 4 Land Use Type - health and fitness club, racquetball club, tennis facilities, golf course and other indoor or outdoor recreation (both passive and active) and/or athletic facilities.\*
- e. Category 5 Land Use Type - churches, schools, daycare facilities, governmental and quasi-governmental facilities.
- f. Category 6 Land Use Type - telecommunications service and facilities, including towers.
- g. Category 7 Land Use Type - multi-family dwelling units provided that the maximum number of dwelling units to be permitted is 16 per acre.
- h. Category 8 Land Use Type - accessory uses to those permitted above including, without limitation, storage facilities in permanent structures and garages associated with the permitted uses, recreational and personal service facilities for employees and visitors (which may include uses listed in Categories 1 through 6 above and other uses not specifically listed herein, such as fast food restaurants, provided the same are not the primary use of the building), communications antennae to service the primary uses, parking structures providing parking for the primary uses and outdoor signs advertising the business(es), products and/or services on the premises.
- i. Category 9 Land Use Type - In the I-2 in Bloomfield or land adjacent to the I-2 in Bloomfield or to industrial development in Windsor, in addition to the foregoing, any use that is permitted in the I-1 may be permitted.

\*In no case shall carousels, roller coasters, mechanical machine rides, penny arcades, shooting galleries and similar activities of amusement and/or recreation generally related to circuses, carnivals, freak shows, side shows or adult-oriented establishments be permitted.

4. Authorized by Special Permit. The following uses and structures may be authorized upon the issuance of a special permit in accordance with Section 9.5:

- a. None.
- b. In the DDZ-II, Category 3 Land Use Types in Section 5.6.C.3.a require a special permit. (04/11/19)

#### 5.6.D **Accessory Uses and Structures.**

1. Authorized Without a Zoning Signoff. The following uses and structures are authorized without the issuance of a Zoning Signoff:
  - a. None.
2. Authorized by Zoning Signoff. The following accessory uses and structures are authorized by Zoning Signoff in accordance with Section 9.1
  - a. None
3. Authorized by Site Plan Review. The following accessory uses and structures may be authorized upon the issuance of a Site Plan approval in accordance with Section 9.4:
  - a. Storage facilities in permanent structures and garages associated with the permitted uses.
  - b. Recreational and personal service facilities for employees and visitors.
  - c. Communications antennae to service the primary uses.
  - d. Parking structures providing parking for the primary uses.
  - e. Outdoor signs advertising the business(es), products and/or services on the premises.
4. Authorized by Special Permit. The following accessory uses and structures may be authorized upon the issuance of a Special Permit in accordance with Section 9.5:
  - a. Alcoholic liquor may be sold in retail stores, hotels, motels, conference centers, banquet facilities, golf courses, restaurants, entertainment-related accessory uses and amusement enterprises as an accessory use and in accordance with Section 7.3; provided, however, that a temporary beer permit may be issued for a use in any category.

#### 5.6.E **Permitted Residential Densities.**

The maximum number of dwelling units to be permitted is 16 units per acre.

#### 5.6.F **Establishment of District.**

1. The Commission shall establish the DDZ and DDZ-II by approving a Master Plan in accordance with Section 9.7, which while not intended to be a substitute for detailed documentation associated with a site plan, provides sufficient information to determine whether the proposal is in conformance with Section 5.6.A and the POCD. Such adoption shall constitute a zoning map amendment in accordance with Section 9.7 of these Regulations.
2. District Eligibility - DDZ. The following characteristics are required for a site to be eligible for the DDZ designation:
  - a. I-2 in Bloomfield.
  - b. Land adjacent to the I-2 in Bloomfield or to industrial development in Windsor.
  - c. On or within 300 feet of an arterial or collector road as defined by the Plan of Conservation and Development.
  - d. Minimum District Size: No site may be zoned to DDZ unless it is at least 20 acres in area or is adjacent to a DDZ at least 20 acres in area.
3. District Eligibility – DDZ-II. The following characteristics are required for a site to be eligible for the DDZ-II designation: (4/11/19)
  - a. R-15 in Bloomfield.
  - b. Land adjacent the BCD Zone.
  - c. On an arterial road as defined by the Plan of Conservation and Development.
  - d. Theaters, active recreational uses, places of assembly, and similar uses as determined by the Commission and allowed in Section 5.6.C.3.c (Category 3 Land Use Type) shall require a special permit in the DDZ-II. This is to ensure that such uses do not create nuisance for neighboring or proximate residential properties.
  - e. Minimum District Size: No site may be zoned to DDZ-II unless it is at least 10 acres in area or is adjacent to a DDZ-II at least 10 acres in area.

**1** 5.6.G **Master Plan.**

1. The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to Section 5.6.C and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the dimensional characteristics of the DDZ and its uses.
2. Changes to an approved Master Plan shall be made in accordance with Section 5.6.I.

**2** 5.6.H **Site Plan.**

1. As part of, or after Master Plan approval for districts established after August 15, 2009 an application for a site plan must be submitted for approval.
2. The Commission shall schedule a public hearing for the site plan review.

**3** 5.6.I **Modifications to an approved DDZ and DDZ-II Master Plan.**

1. Any modification to an approved DDZ or DDZ-II Master Plan that results in a change in the Table as follows:
  - a. changes the permitted uses in a land use area (except as set forth in 4 herein below),
  - b. increases the impervious surface in a land use area by more than ten (10) percent from what was approved in the original Master Plan,
  - c. increases the permitted area of or amount of building development for a land use area by more than ten (10) percent from what was approved in the original Master Plan, or
  - d. increases the maximum permitted building height in a land use area, shall be deemed a material modification and shall be acted upon in accordance with the procedures and within the time frame established for a Zoning Map Amendment in accordance with Section 9.7. In reviewing and acting upon such proposed modification to the approved DDZ or DDZ-II Master Plan, the Commission, in accordance with the Connecticut General Statutes, may approve, modify or deny the proposed modifications.
2. Any modifications to an approved DDZ or DDZ-II Master Plan that results in a change to the table as follows:
  - a. Increases the impervious surface in a land use area by ten (10) percent or less than that permitted in the original DDZ or DDZ-II approval,
  - b. Increases the area of, or amount of, building development permitted for a land use are by ten (10) percent or less than that permitted in the original DDZ or DDZ-II approval, or
  - c. Result in any other change to an item listed in the Table, shall not be deemed a material modification and shall not require a Zoning Map Amendment. Rather, such a proposal shall be submitted as a Special Permit Application and shall be reviewed and acted upon in accordance with the procedures and requirements set forth in Section 9.5. In connection therewith, the Commission shall have the right to approve, deny or approve with modifications such proposed modification to the DDZ or DDZ-II Master Plan and shall have the right to impose on such modification conditions and restrictions which, in its judgment, are required to protect adjacent land uses and the neighborhood in general.
3. Any modification to an approved DDZ or DDZ-II Master Plan that does not result in a change to any item listed in the Table shall be deemed a minor modification and shall not require any additional approval other than site plan approval or modification as provided for in subsection 2 above.

4. Notwithstanding the requirements set forth above, a change in a land use from one (1) use to another within the same land use type category shall not be deemed a material change of an approved DDZ or DDZ-II. Such a change shall be subject to site plan approval as provided for in subsection 2 above. In addition, the addition of or modification to a Category 8 land use type accessory use shall not be deemed a material change of an approved DDZ or DDZ-II. Such changes shall be subject to site plan approval or modification as provided for in subsection 2.
5. In addition to the foregoing, if the Commission determines that the site plan application submitted by the applicant, although it complies with the criteria established in the Table, differs substantially from the illustrative plan by virtue of increasing the height of a building on the site, increasing/decreasing the number of buildings on the site, substantially changing the internal traffic pattern of the site or substantially modifying the layout of the buildings on the site, then the Commission, in reviewing and approving the application, may make modifications to the proposed site plan to address issues raised by the changes from the illustrative plan, such as increasing the amount or type of buffering and/or landscaping required.

#### 5.6.J **Design Requirements.**

1. Building Height Adjustments: Buildings may not exceed four stories in height, except that where, in the sole discretion of the Commission, topographical considerations permit a modification in this requirement and negative impacts on surrounding properties can be minimized, the Commission may authorize an increase in the building height, but in no case may the height of any building, from the ground to top of construction measurement exceed 90 feet in a DDZ or 60 feet in a DDZ-II. In those instances where building heights in excess of four stories are requested, a corresponding reduction in impervious surface, such as providing for structured parking, shall be considered. Structured parking facilities located primarily underneath a building and which are at least partially located below the finished grade of the adjoining ground shall not be deemed a "story" for purposes of calculating the height of a building.
2. Consolidated Development. Where a contiguous area in Business, Industry, or Professional Office is in multiple ownership or is composed of two (2) or more parcels, it may, at the option of the Commission, be developed under a single site plan with height, area, and yard requirements governing the boundaries of the entire parcel so developed. Where individual parcels are developed individually, height, area and yard requirements shall apply to each parcel, unless otherwise provided in these regulations.
3. Landscaping.
  - a. The applicant shall provide landscaping within a DDZ or DDZ-II in areas of transition of uses or in areas where the DDZ or DDZ-II abuts a residential district, the purpose of which shall be to screen the more intense or commercial uses from the less intense or residential uses.
  - b. Where an application is located in lands previously or naturally landscaped, such as an estate, every effort should be made to preserve the original landscaping.
  - c. Circulation. No interior street shall be less than 24 feet in width. The Commission may, where in its judgment traffic circumstances merit, require primary streets to be designed and constructed in conformance with the Town of Bloomfield road specifications. Curbs and sidewalks may be required if the Commission deems them necessary.

4. Utilities and Public Improvements.

- a. Public water and sewage shall be provided, except that alternate water and sewage disposal systems may be permitted by the Commission upon favorable recommendation of the West Hartford/Bloomfield Health District.
- b. Public improvements, such as traffic improvements, drainage improvements, water and sewer improvements, utility installation and similar improvements may be phased in as distinct phases of an approved DDZ or DDZ-II master plan are implemented. Each site plan submitted pursuant to an approved DDZ or DDZ-II master plan shall state specifically what, if any, portion of the public improvements are to be constructed in connection with such site plan and shall contain such information necessary to confirm that the improvements to be constructed will be adequate to support the development set forth in the site plan.

**5.6.K Subdivision into Lots.**

1. A DDZ or DDZ-II may be subdivided into lots by an applicant in accordance with the requirements of the Bloomfield subdivision regulations.
2. The requirements that applied to the site prior to the subdivision shall remain in force and apply after the subdivision; however, the individual lots may differ from the standards for land use area coverage, impervious surface, yards and other requirements established in the Table, provided that each land use area, as a whole, conforms to the standards established in the Table.
3. As a condition of such subdivision, the subdivision map and any deeds delivered in accordance therewith shall designate for each lot the requirements applicable to each lot, such as maximum square footage of building area, maximum impervious surface, open space requirements and parking spaces, the total of which for the lots in any given land use area shall not exceed the total set forth in the Table for such land use area.
4. Such designation of the applicable requirements may be modified by the property owners at any time with the consent of all property owners involved in the redesignation.
5. After such subdivision, if any site plan application is submitted which proposes to shift requirements between lots, then the consent of the owner(s) of any lot(s) to or from which a requirement will be shifted must be submitted to the Commission with the application.
6. The owner of any lot in a DDZ or DDZ-II shall have the right to submit an application to modify the DDZ as set forth in Section 5.6.I provided that the same does not impose additional obligations on any other lot in the DDZ or DDZ-II unless consented to by such lot owner, does not increase or decrease the bulk and area requirements applicable to the other lots in the DDZ or DDZ-II unless consented to by such lot owner(s) and does not render the DDZ or DDZ-II, as a whole, in noncompliance with the requirements of the Regulations.
7. The foregoing requirements shall also apply to any division of land in a DDZ or DDZ-II into lots, which division is not considered to be a subdivision or resubdivision under the Connecticut General Statutes or the Bloomfield subdivision regulations.

**5.6.L Buffers.**

1. Side and rear yards which adjoin a residential district shall contain a buffer yard meeting or exceeding the requirements of the landscaped buffer yard for all uses in the DDZ or DDZ-II, in accordance with Section 6.1.
2. Where there is a conflict between the rear and/or side yards and the buffer yard requirements, the more stringent yard requirements shall apply.
3. Minimum Buffer Yard Width: 25 Feet

# ARTICLE 6 Basic Standards

## 6.1 LANDSCAPING.

### 6.1.A Purpose.

These landscaping standards are established for the purpose of protecting property values by preserving existing vegetation and planting new materials; providing privacy from visual intrusion, light, dirt, and noise; preventing the erosion of soil; providing water recharge areas; improving the quality of the environment and the attractiveness of Bloomfield, and improving the quality of life for residents and visitors.

### 6.1.B Applicability.

1. These landscaping standards shall apply to any development in Bloomfield which requires Site Plan Approval or Special Permit Approval.
2. Landscape architect required. Unless waived by the Director of Planning due to the minimal impact of a proposed activity, a landscape architect licensed in Connecticut shall prepare the plans illustrating compliance with the requirements of this Section.
3. Parking area landscaped area requirements. **(Amended 8/29/19)**
  - a. Any lot which contains parking facilities for more than fifteen vehicles shall provide landscaped areas within the parking lot. Such landscaped area requirement shall include, but not be limited to, landscaped end islands and/or landscaped center islands within the parking area which are designed and located to maximize the attractiveness of parking lots by providing ornamental landscapes areas and shade to reduce the urban heat island effect.
  - b. Large parking lots that have a half-acre or more of surface area shall provide, at a minimum, landscaped end islands and landscaped center islands for every two parking access ways or every four rows of parking.
  - c. Such landscaping plans shall be designed, signed, and sealed by licensed landscape architect.
  - d. The burden is on the applicant to demonstrate the effectiveness of said design to facilitate adequate circulation, aesthetic appeal, shade, and capacity for snow removal and storage as a result of plowing.
  - e. No parking area or driveways shall be closer than ten feet from any portion of a building other than its garage entrance or loading area apron. This ten-foot area shall be used for walkways and landscaping.
  - f. Parking areas shall be planted with trees a minimum of four (4) inches in caliper measured six (6) inches above ground level, so that there is at least one tree per ten (10) parking spaces within the parking lot.
  - g. Such trees must be staked with two (2) three (3)-inch diameter stakes and protected by curbing against damage by vehicles.
  - h. A minimum planting area, equivalent to 150 square feet per tree shall be provided.
  - i. Required parking areas shall have a landscaped island at each end of each row of vehicle spaces and an intermediate island for every 15 vehicle spaces. The Commission may require more landscaped area based on the size of the parking lot.
  - j. Such planting islands shall be not less than nine (9) feet wide in the direction parallel to the row and not less than 18 feet long in the direction perpendicular to the row.
  - k. Each such island shall have a suitable curb of stone or poured-in-place concrete, and shall be planted with grass or ground cover, or have pedestrian

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pavers where approved by the Commission or Staff, unless it is part of a drainage system.

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4. Landscaped buffer requirement.

- Nonresidential buildings and uses, including vehicular areas, shall provide a landscape buffer along the property line abutting land used for residential purposes or located in a residential district.
- Unless modified by the Commission, multi-family dwelling uses, including vehicular areas, shall provide a landscape buffer along each property line.
- The depth of the landscape buffer and the density of plant materials shall be determined by the Commission based on the nature of surrounding uses and using the following diagrams as a guide.
- Where circumstances warrant, the Commission may reduce the buffer width and/or planting requirements due to existing vegetation or other factors or may increase the planting requirements.

#### 6.1.C Existing Vegetation. (Amended December 21, 2023)

- Existing plant materials may be used to meet all or part of the landscape regulations.
- To the Maximum extent possible, all trees on site shall be preserved and the loss or damage to trees on site which are to remain shall be minimized.
- All significant heritage trees, as defined herein, shall be indicated on the site plan and any significant or heritage tree proposed for removal shall be clearly designated on the site plan. Unless clearly designated for removal, significant and heritage trees shall be considered to be designated for preservation.

Significant Tree: A deciduous tree 14 inches or greater in diameter measured at DBH (Diameter at Breast Height, normally a point 4.5 feet above ground). An evergreen tree 10 inches or greater in diameter measured at DBH.  
Heritage Tree: Any tree, single or multi-leader, having a cumulative diameter of 44 inches or greater measured at DBH, and of significant age, health and quality deemed valuable by a Town approved certified arborist and/or has an intangible, historic or cultural value to the surrounding neighborhood or overall Town.
- Unless otherwise authorized by the commission, any significant or heritage tree designated for preservation shall;
  - Have no construction or site work operations carried on within the drip-line of the tree;
  - Have no material stored within the drip-line of the tree;
  - If at risk of damage from construction or site work operations, be protected by a four-foot high fence offset ten (10) feet from the tree's truck(s) or installed at the tree's drip-line whichever is the greater distance from the tree's truck(s).
  - Have tree protection installed in advance prior to any construction or site work activity occurring within sixty (60) feet of the effected tree(s); and remain in place and be maintained in good repair until all construction and site work is fully completed.
- Damage to any significant or heritage tree shall be repaired by a licensed arborist.
- Any significant or heritage tree designated for preservation which is removed or damaged beyond satisfactory repair shall be replaced with sufficient trees on site as approved by the Commission or its agent so that the combined caliper measurements of the replacement trees shall equal or exceed the Caliper measurement at DBH of the significant or heritage tree which was removed or damaged. The replacement tree(s) to the maximum extent possible shall be tree(s) native to the area.
- If a suitable tree replacement location is not available on site, the replacement tree(s) shall be planted at a location within the Town designated by the Commission or its agent.

8. Any tree cutting and/or removal consisting in excess of ten percent (10%) of the tree canopy cover on the lot shall require a special permit in accordance with these regulations

**6.1.D Buffers.**

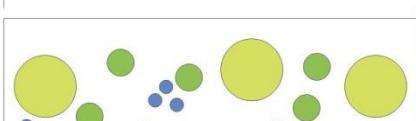
1. When required in the district, landscaped buffers shall be provided where required by this Section and shall conform to the standards illustrated in the buffer yard graphics.
2. Buffer yard within each category shall be used upon a review of the site design, topography, existing vegetation and abutting land uses. The Commission may authorize the use of existing vegetation in lieu of part or all of the buffer yard requirements; require the substitution of plant materials shown in the buffer yard graphic; or require the use of berms or berm/walls (See Section 6.1.D) where necessary in any buffer yard as an additional buffering mechanism.
3. Buffer yard planting materials shall conform to the following standards:
  - a. Canopy trees shall be deciduous shade trees, three (3) inches in caliper at planting with a mature height of at least 35 feet.
  - b. Understory trees shall be deciduous shade or fruit trees, two (2) inches in caliper at planting with a mature height of at least 12 feet.
  - c. Evergreens shall be coniferous species, six (6) feet in height at planting.
  - d. Shrubs shall be either deciduous species two and one-half (2½) feet in height at planting with a mature height of at least six (6) feet or coniferous species two and one-half (2½) feet in spread at planting.
4. Reduced Landscaping - The Commission may reduce the landscape buffer yard requirements by not more than 25 percent for excellence in building or space design. The Commission shall consider, among other features, the site characteristics, compatibility of proposed structures with surrounding architectural types, quality of building materials and the size and quality of landscape materials.
5. Pedestrian pathways, streetscape features and passive recreational features are permitted within all required yard areas.
6. Retention and detention ponds are permitted in side and rear yards and at the Commission's discretion may be allowed in front yards if designed to enhance the appearance of the property.
7. All unpaved areas not used for parking and storage shall be landscaped with ground cover and/or shrub and tree material. Undeveloped areas proposed for future expansion may be maintained in a natural vegetative state but need not be landscaped.
8. Buffer Yard Landscaping.
  - a. Minimum Buffer Yard Width: ten (10) feet. The buffer yard shall include the number of trees indicated in the illustration provided under Section 6.1.D8.c, and may include existing documented trees.
  - b. Required plantings may be reduced by one (1) percent for each additional two (2) feet of buffer yard provided, not to exceed 30 percent of the required plantings.
  - c. Buffer Yard (Illustration).

## LANDSCAPE BUFFER CONCEPTS

NUMBER OF PLANTS / 100' OF BUFFER
Simple Screen (10' deep)

10 Evergreen Trees - 6+ feet in height
Basic Buffer (15' deep)

20 Evergreen Trees - 6+ feet in height
Enhanced Buffer (25' deep)

5 Canopy Trees 3+ inches in caliper 10 Understory Trees - 1.5+ inches in caliper 15 Shrubs - 4+ feet in height
Wide Buffer (45' deep)

3 Canopy Trees - 3+ inches in caliper 6 Understory Trees - 1.5+ inches in caliper 9 Shrubs - 4+ feet in height Natural vegetation may be substituted.

### 6.1.E Other Landscaping Provisions.

1. Screening of security fences. When the proposed site plan includes the installation of security fences necessary for the operation and maintenance of permissible uses, the Town Plan and Zoning Commission, or its authorized agent, may require that such fences be adequately screened from public view.
2. Additional screening, landscaping and buffering. The Commission shall retain the right to require additional screening, landscaping or buffering as deemed necessary.
3. Native species.
  - a. Planting materials used for landscaping and screening shall be appropriate for Connecticut; native species are preferred.
  - b. The use of any plant designated by the Connecticut Department of Environmental Protection as an invasive species is prohibited.

## 6.2 PARKING AND LOADING. (Amended 09/09/19)

### 6.2.A Purpose.

This Section is intended to provide adequate parking and loading facilities to serve all existing and proposed uses. It is the goal of the Bloomfield Town Plan and Zoning Commission to minimize the impact of parking facilities on the character of the town and the impact of parking facilities on stormwater from impervious surfaces.

### 6.2.B General Requirements.

1. On any lot which is hereafter developed for residential, business, industrial, hotel or institutional use there shall be provided adequate space suitably located on the lot for parking, loading and unloading of goods and materials.
2. The minimum amount of parking and loading facilities required for any property shall be determined by applying the standards of this Section to the actual and proposed uses and when the requirements result in a fractional number, the minimum requirement shall be rounded up to the next whole number.
3. Where different uses occur on a single parcel of land, the parking and loading spaces to be provided with respect to such parcel shall be the aggregate of the requirements for each such use. However, an applicant may request shared parking as provided by Section 6.2.H.
4. Except as may be provided in Section 6.2.H, all required parking spaces shall be maintained for the exclusive use of residents, patrons, employees or tenants of the building(s) on the site and shall not be used to meet the parking requirements of any other use.
5. Any parking rights acquired from another parcel shall be recorded in the land records in the deed of each parcel involved in such agreement.
6. Any change of use between spaces of retail, service, restaurants, and first floor office space for existing uses that have been approved by a site plan application and require an additional staff or Commission approval for the change of use, shall be afforded some flexibility in the application of the requirements of Section 6.2.D (Number of Spaces Required). Strict compliance with Section 6.2.D is not required provided the applicant can demonstrate that there is adequate parking on the site, or staff or the Commission can determine that there is adequate parking on site and full compliance will not result in any threat to public health, safety, and welfare.)

6.2.C **Area Required.**

1. Parking Area Criteria. Except as provided below, off-street parking spaces and aisles shall be installed and maintained as follows:

PARKING AREA CRITERIA DIAGRAM				
	A - CURB LENGTH	B - STALL DEPTH	C - VEHICULAR AISLE WIDTH - TWO-WAY CIRCULATION	D - VEHICULAR AISLE WIDTH - ONE-WAY CIRCULATION
	30°	45°	60°	90°
B - CURB LENGTH	18'-0"	12'-9"	10'-5"	9'-0"
C - STALL DEPTH	16'-6"	19'-10"	21'-0"	20'-0"
D - VEHICULAR AISLE WIDTH - TWO-WAY CIRCULATION	24'-0"	24'-0"	24'-0"	24'-0"
D - VEHICULAR AISLE WIDTH - ONE-WAY CIRCULATION	12'-0"	13'-0"	18'-0"	24'-0"

**ADDITIONAL PARKING TABLE INFORMATION**

1. **Loading Space Size.** Each off-street loading space shall be at least ten (10) feet by 25 feet, with a height clearance of at least 14 feet.
2. All residential parking spaces shall have a minimum length of 18 feet. **(Amended 9/09/19)**
3. Specifications for Parking Facilities.
  - a. Except for private residences, every parking facility shall be graded, hard-surfaced, drained, and permanently marked to delineate both the individual parking spaces and the uses served thereby. Alternative materials and pervious surfaces are encouraged when approved by the Town Engineer and at the discretion of the Commission. **(Amended 9/09/19)**
  - b. Every parking facility shall be maintained by the owner of the premises.
  - c. Where required parking areas abut upon public streets or sidewalks, permanent barriers or bumpers shall be provided.
  - d. Completion of the off-street motor vehicle parking facilities and off-street loading spaces required by this Section shall be a condition precedent to the issuance of the Certificate of Occupancy.

#### 6.2.D Number of Spaces Required.

1. In all districts, permanently maintained off-street parking spaces shall be provided as follows:

USE / ACTIVITY SERVED	PARKING SPACES REQUIRED		LOADING SPACES <sup>2</sup>
	MINIMUM	MAXIMUM	
<b>RESIDENTIAL USES</b>			
Multi-family dwelling units	1 space for each studio, single-bedroom unit, or age restricted unit; two spaces per two-bedroom unit or larger. (amended 11-20-23)		
Single-family dwelling unit	2 spaces.		
Single-family dwelling unit with a home based business	2 spaces for the dwelling unit plus adequate parking for employees, clients, and visitors screened by landscaping from abutting residential districts		
<b>RETAIL, BUSINESS, BANK OR OFFICE USES</b>			
Banks	8 spaces per 1,000 square feet of building area		
Professional and commercial offices <sup>1</sup>	5 spaces for each 1,000 square feet of total building area.		At least 1 loading space per building
Retail outlets, shopping centers, and similar uses up to 10,000 square feet	4 spaces for each 1,000 square feet of building area.	5 spaces for each 1,000 square feet of building area	At least 1 loading space per building
Retail outlets, shopping centers, and similar uses between 10,001 and 50,000 square feet	3 spaces for each 1,000 square feet of building area.	3.5 spaces for each 1,000 square feet of building area	At least 1 loading space per building
Retail outlets, shopping centers, and similar uses over 50,000 square feet	2.5 spaces for each 1,000 square feet of building area.	3 spaces for each 1,000 square feet of building area	At least 2 loading space per building
<b>MEDICAL RELATED USES</b>			
Hospitals	1 space for every 3 beds		At least 1 loading space per building
Medical clinics and offices (4/15/19)	5 spaces per 1,000 square feet of gross floor area.		



USE / ACTIVITY SERVED	PARKING SPACES REQUIRED		LOADING SPACES <sup>2</sup>
	MINIMUM	MAXIMUM	
<b>RESTAURANTS</b>			
Dairy bars (even when in conjunction with retail stores, shopping centers, etc.)	1 space for each 50 square feet of building area		At least 1 loading space per building
Restaurants	1 space for each 4 seats		At least 1 loading space per building
Restaurants in the Bloomfield Center District	1 space for each 5 seats		At least 1 loading space per building
<b>OTHER USES</b>			
Auditoriums, stadiums, theaters, churches or other places of assemblage	1 space for each 3 seats based on maximum seating capacity.		As determined by the Commission based on the requirements applicable to comparable uses
Clubs	1 space per 3 persons of the total capacity established by the Fire Marshal		
Hotel	1 space for every guest room or suite		At least 1 loading space per building
Industrial and all other commercial uses	1 space for every 2 employees on any 1 shift, and in no case less than 1 space per 500 square feet of building area		Commission based on the requirements applicable to comparable uses
Lodging	1 space for each 5 guests or persons residing on the premises, but not less than 2 spaces in any case		Commission based on the requirements applicable to comparable uses
Sorority or fraternity house or dormitory	1 space for each 5 guests or persons residing on the premises, but no less than 2 parking spaces in any case		Commission based on the requirements applicable to comparable uses
Uses not listed or not clearly defined	As required by the Commission based on the requirements applicable to comparable uses		Commission based on the requirements applicable to comparable uses

**TABLE LEGEND**

1. Total building area to be reduced by ten (10) percent to allow for common areas including hallways, common lavatories, utility area, etc.
2. Additional loading spaces may be required by the Commission if in its opinion such additional off-street loading spaces are necessary to meet the needs of the location where they are provided.

**1** 6.2.E **Accessible Parking.**

Accessible parking spaces shall be provided as prescribed in the Connecticut State Building Code (C.G.S Section 14-253a), as may be amended from time to time, and/or Americans with Disabilities Act.

**2** 6.2.F **Bicycle Parking.**

1. Bicycle parking facilities shall be provided as part of new multi-family developments of four (4) dwelling units or more, new retail, office, industrial, and institutional developments, and all transit transfer stations and park and ride lots. Existing developments and uses that require site plan approval for renovations, expansions, and other improvements shall provide bicycle parking in accordance with this section. **(Amended 9/09/19)**
2. Bicycle parking requirements shall apply to all new construction, changes of use, or substantial improvement
3. Bicycle parking spaces shall:
  - a. Provide a convenient place to lock a bicycle, and shall be at least six (6) feet long, two (2) feet wide, and shall provide at least seven (7) feet of vertical clearance, unless a bicycle locker is provided.
  - b. Be capable of locking the bicycle and supporting the bicycle in an upright position.
  - c. Be securely anchored to a supporting surface.
4. Bicycle parking shall not interfere with pedestrian circulation, and shall be separated from automobile parking.
5. For any use where bicycle parking is required, if the vehicular parking is covered or partly covered the bicycle parking will be covered at the same ratio.
6. Bicycle racks shall be located at each main building entrance, and placed in an area that is highly visible.
7. In the PEC and MFER districts the Commission may grant a waiver of Section 6.2.H.

**3** 6.2.G **Shared Parking Facilities.**

Shared uses of off-street parking facilities is permitted provided that the area of such facilities shall be not less than the sum of the requirements of the various uses computed in accordance with the number of spaces required in Section 6.2.D or as modified by Section 6.2.H.

**4** 6.2.H **Reduction of Parking Facilities.**

1. Permanent Shared Use Reduction. The Commission may, by Special Permit, allow a reduction of the provision of up to 35 percent of the parking spaces required for the uses on one or more sites due to shared use of parking facilities when:
  - a. the parking facilities provided on the site(s) are interconnected with adjacent parking facilities to create a functional parking arrangement,
  - b. appropriate access and parking easements are executed between the adjacent properties and in accordance with Section 6.2.B5, and
  - c. The applicant shall demonstrate to the Commission's satisfaction that the parking needs of the joint users on the sites occur at different hours of the day or that adequate parking will be available for the current and potential future uses.
    - (i) The following are acceptable sources for demonstration parking need:
      - (a) Institute of Transportation Engineers, Trip Generation Manual, 9th Edition, as amended; (b) Institute of Transportation Engineers, Trip Generation Handbook, 3rd Edition, as amended; and (c) Institute of Transportation Engineers, Transportation Analysis for Site Development, as amended.

- (ii) Parking need can also be demonstrated by three or more case studies of Bloomfield existing sites and uses that demonstrate, to the Commission's satisfaction, the need for based on similar uses and time of day analysis.
- d. Areas of shared parking shall be identified by signage or pavement markings.
- e. Permanent Site Use Reduction. The Commission may, by Special Permit, allow a reduction of up to 35 percent of the required parking spaces on an individual site that is not interconnected with one or more adjacent parking facilities when the Commission is satisfied that the parking needs of the uses on the site occur at different hours of the day, or adequate parking will be available for the current and potential future uses.

2. Temporary Installation Deferral. The Commission may, by Special Permit, defer the immediate installation of up to 25 percent of the required parking spaces where:

- a. sufficient evidence has been presented, in the judgment of the Commission, to show that the reduced parking facilities will adequately serve the proposed use,
- b. the applicant shall show upon the Site Development Plan the complete layout for the full parking requirements, and
- c. the applicant accepts, in writing, a requirement that the owner will file the Site Development Plan in the Office of the Town Clerk, stipulating that the owner, or the successor and assigns of the owner, will install as many of the deferred parking spaces as the Commission deems necessary within six (6) months of the Commission's request, when, in the opinion of the Commission, such installation is needed.

#### **6.2.I Parking Lot Landscaping Required.**

Parking lot landscaping shall be provided in accordance with Section 6.1. of these Regulations

#### **6.2.J Parking Lot Construction.**

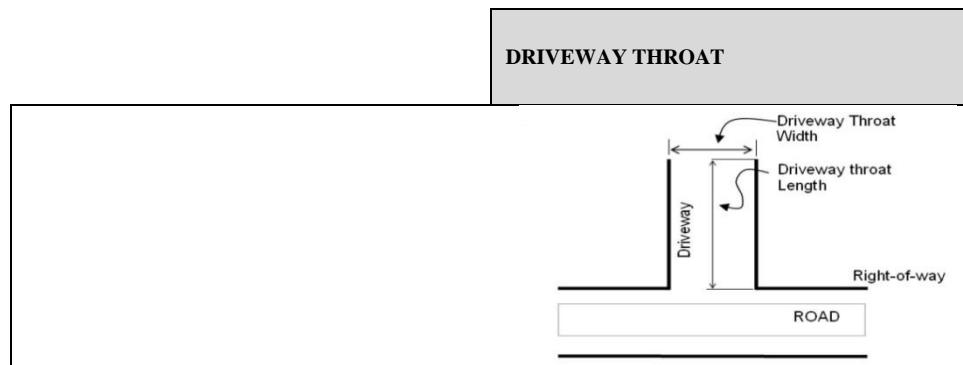
Parking layout construction shall be in accordance with the following parking specifications:

1. Parking Surface. The parking surface shall be treated with bituminous pavement products. Alternative materials and pervious surfaces are encouraged when approved by the Town Engineer and at the discretion of the Commission.
2. Alternative Parking Surface. The Commission may allow an alternate surface if the use is a low traffic generator and the Commission is satisfied with the maintenance provisions. Where appropriate, use of porous pavement, specially designed brick or block should be promoted to increase on-site water retention for plant material and groundwater recharge and to reduce problems related to runoff.

## 6.2.K Access Drives.

Driveway Throat. A driveway throat shall be provided in accordance with:

DEVELOPMENT TYPE	MINIMUM
WIDTH	LENGTH
RESIDENTIAL, LESS THAN EIGHT (8) PARKING SPACES-	15 feet
ONE (1) WAY TRAVEL, NON-RESIDENTIAL AND RESIDENTIAL, GREATER THAN OR EQUAL TO EIGHT (8) PARKING SPACES	15 feet
TWO (2) WAY TRAVEL, NON-RESIDENTIAL AND RESIDENTIAL, GREATER THAN OR EQUAL TO EIGHT (8) PARKING SPACES –	24 feet
BUSINESS WITH NO SIGNALIZED DRIVEWAYS	24 Feet
BUSINESS WITH SIGNALIZED ACCESS	24 Feet
BUSINESS WITH GREATER THAN 200,000 GROSS LEASEABLE SPACE	30 Feet
	200 Feet



## 6.2.L Access Management.

This section is intended to control the number, size, and location of driveways and access points for business uses in order to promote overall traffic control and promote public safety and welfare.

### a. Commercial Access.

Commercial access is defined as an access way for vehicles providing a connection from a public or private roadway to parking area serving commercial, recreational, institutional, office, multi-family, mixed use, or industrial land uses.

### b. Design Standards

- i. No exit from or entrance to an off-street motor vehicle parking facility or off-street loading space shall be so laid out as to constitute or create a traffic hazard or nuisance.
- ii. Commercial access shall be designed to be as perpendicular to the street line as possible, and in no case, may the angle between the street line and the access-way centerline be less than 60 degrees.
- iii. Access shall be designed and located to provide a minimum sight distance clear of all obstructions, natural or man-made, for at least 250 feet in either

direction on local access roads, 325 feet on collector roads, and 375 feet on arterial roads.

- iv. The portion of driveway through the right-of-way connecting the property with the physical roadway shall be the shortest perpendicular distance possible. Any grading, filling, or drainage design in the right-of-way that is not part of a subdivision shall be require a Zoning Permit and the approval of the Town Engineer.
- v. Commercial access shall be placed so the following minimum distances are maintained to any street intersection, including a T-intersection on the opposite side of the street from a property where access is proposed.
  - (i) Local access or low volume road: a minimum distance of 50 feet from driveway curve return to edge of right-of-way at the intersection, shall be maintained.
  - (ii) Collector or larger road: a minimum distance consisting of the left turn stacking distance plus 20 feet, as measured from intersection curve return to driveway curve return, shall be maintained.
  - (iii) The left turn stacking distance shall be calculated using the following formula (or based on a traffic study, if available or required):
    1. Peak Hour Traffic = ADT/10
    2. Peak hour left turns = 1/6 of peak hour traffic for 4-way intersections
    3. Peak hour left turns = 1/4 of peak hour traffic for T-intersections
    4. [1.5 x peak hour left turns x 20'] + 20' = driveway to intersection spacing

c. Commission Authority:

Where street geometry, traffic volumes or traffic patterns warrant, the Commission may:

- i. limit the number of driveways that serve a specific site;
- ii. designate the location of any driveway;
- iii. require the use or provision of a shared driveway with associated easements;
- iv. limit access to a major street and require access from a minor street.

d. Requirements for Future Interconnections:

As part of application approval, the Commission may allow or require an applicant or owner to:

- i. Prepare a site layout which allows and encourages for future connections to adjoining properties. This plan shall define easement areas to accomplish these connections.
- ii. File easements on the land records in favor of the abutting property owners and/or the Town of Bloomfield to facilitate interconnections with adjacent properties, as shall be acceptable to the Commission and the Town Attorney.
- iii. In their review of future applications for adjacent properties, the Commission may at its discretion, require these properties to also convey an easement to accomplish these connections. These easements shall be exchanged at no cost to either party. For the purposes of these regulations, it shall be assumed each property receives an equal benefit. The cost of making physical improvements to accomplish the interconnection, including any work which may be required on the adjoining parcel, shall be borne by the developer of the most recently approved property.

**6.2.M Location of Parking Spaces.**

- 1. The off-street motor vehicle parking facilities and off-street loading spaces required by this Section in any Business or Special Zone shall be located on the same land as the use or building served thereby except that:

a. The Commission may permit two (2) or more abutting properties to be served by a common facility situated on one (1) or more of said properties.

b. The Commission may permit parking facilities to be on land within 500 feet of a building or use if it determines that it is impractical to provide parking facilities on the same land where the building or use is located.

c. In the BCD, parking shall not be located within any required yard setbacks or between the building and the front street line.

d. In all other Business or Special Zones, off-street parking facilities shall be located in back of the front yard lines. For corner lots in the I-1 General Industry District, parking is permitted in the inside 20 feet of the 40 foot front yard for the minor street. **(4/15/19)**

e. Parking lots in any Business or Special Zone shall be located at least five (5) feet from a building, except as may be required for loading facilities.

f. Where the required parking spaces in any Business or Special Zone are provided by garage or other covered space, the location of such garage or other covered space shall be in conformity with the Zoning Regulations relating to the zone and class of building involved.

2. Underground parking and parking structures shall be permitted as a substitute for surface parking to allow the area normally occupied by surface parking to remain undisturbed or to provide open space, landscaping and similar amenities,

a. may permit a larger above-ground structure or intensification in use of the site to an above-ground floor area exceeding the applicable floor ratio by up to 15 percent,

b. shall be screened from abutting properties, and street-level views of underground parking access shall be minimized, and

c. shall be designed such that any first-floor level above such parking shall not exceed the curb level of any adjacent street by more than two (2) feet.

3. **Parking Structures.**

Above ground parking structures are permitted provided they comply with the zoning requirements for height, size, and location, do not front on or present a façade on a public street, and designed to minimize their visual and aesthetic impact. No parking structures, other than public owned parking structures shall be the principal use on any lot.

4. In the Bloomfield Center District (BCD) on-street parking can be included in the required parking calculations provide said on-street parking does not exceed 10% of the total required parking. As part of the site plan approval process, the applicant may design and propose to construct on-street parking facilities. The design and construction of such on-street parking facilities shall be approved and inspected by the Town Engineer.

6.2.N **Multi-Modal Site Design and Parking Reductions.**

1. For applications requiring site plan and site designs that encourage and incorporate access to the site via alternative modes of transportation, the Commission may allow reductions in the required off-street-parking standards. Alternative modes of transportation shall include walking, bicycles, public transit, ride-hailing, and when applicable, autonomous self-driving vehicles. To request such reduction, the applicant shall submit a traffic and parking study that provides an analysis of the projected modal-split for the site. Based on the traffic and parking study, considerations for best practices, and the recommendations of the Town Engineer and Town Planner, the Commission may allow reductions not to exceed 20 percent of the required parking.

2. Regardless of this provision, a proposed application requiring site plan approval shall provide Bicycle Parking in accordance with Section 6.2.F.

3. The site design shall encourage and incorporate safe pedestrian circulation on the site and access to the site. This includes providing separate walkways, crosswalks, and similar facilities on-site and sidewalks along the lot frontage of public streets.

#### 6.2.O Speculative Industrial Buildings.

Speculative buildings in the industrial zones for which a specific use has not been determined shall be assumed to contain 25 percent office space for purposes of determining required parking

#### 6.2.P Existing Off-Street Parking and Loading Facilities

1. Where, as of the effective date of this Section, off-street motor vehicle parking facilities and off-street loading spaces are provided conforming in whole or in part to the provisions of this Section, such off-street parking facilities and off-street loading spaces shall not be altered or reduced in area below the requirements set forth herein.
2. In the event, however, that there shall be an enlargement or alteration of any building served by such off-street motor vehicle parking facilities or off-street loading spaces or a new or changed use of the property requiring additional off-street parking facilities or off-street loading spaces under the provisions of this Section, such additional off-street parking facilities or off-street loading spaces shall be provided as required herein.

#### 6.2.Q Policing of Parking Spaces.

Nothing contained in this Section shall be construed to prohibit the owner or owners of the land on which such off-street parking facilities are located from policing the same and from forbidding the parking of motor vehicles thereon when the owner or user of such motor vehicle is not making use of the facilities, uses or buildings for which such parking area is provided.

## 6.3 SIGNS.

### 6.3.A Purpose.

The purposes of these sign regulations are to encourage the effective use of signs as a means of communication in the Town; to maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property.

### 6.3.B General Requirements.

1. All signs erected in the Town of Bloomfield shall comply with the requirements set forth in addition to all other applicable regulations.
2. Sign Prohibitions and Limitations.
  - a. Signs which are not expressly permitted by these Regulations are prohibited.
  - b. No sign shall use any word, phrase, symbol, shape, form, or character in such manner as to interfere with moving traffic, including signs which incorporate typical street-type and/or traffic control-type signage designs and colors.
  - c. No illuminated flashing, animated, changeable copy or revolving signs shall be permitted except: **(Amended 03/24/22)**
    - i. Electronic time/temperature signs and gas price signs which are permitted with a Special Permit,
    - ii. when required by the Town of Bloomfield, State of Connecticut Department of Transportation or other state or federal governmental unit,
    - iii. as part of an Electronic Public Bulletin Board (EPB) limited to the Bloomfield Center District (BCD) and Blue Hills Gateway District (GWD) and is related to non-commercial activities in accordance with 6.3.E.
  - d. No portable signs shall be permitted.
  - e. Off-premise directional and informational signs shall be permitted only for governmental uses or as otherwise approved by the Commission by Special Permit in accordance with Section 9.5 **(Amended 9/19/22)**
  - f. No inflatable signs shall be permitted.
  - g. No sign shall be placed so as to obstruct or interfere with traffic visibility.
  - h. Advertising in bus shelters shall not be considered a sign for the purposes of this section.

### 6.3.C Sign Illumination.

1. The light source in any lighted sign shall be shielded in such a manner as to prevent undue glare or blinding effects upon traffic or adjoining properties.
2. Colored lights shall not be used where they create any conflict with highway control traffic signals.
3. Direct external lighted signs shall be illuminated only to the degree necessary to ensure the sign is readable.
4. The intensity of the lighting source shall be determined by the Commission or Director of Planning, as appropriate, based on the placement, style and materials of the sign itself.
5. Under appropriate conditions the hours of illumination may be limited to minimize adverse effects on surrounding land uses or properties.

### 6.3.D **Sign Placement and Location.**

1. All signs except identification and directional signs for municipal facilities and municipal signs for central directional indexing in industrial areas shall be erected inside property lines and shall not be located within or allowed to intrude into any public street, road or highway right-of-way. **(Amended 9/19/22)**
2. No sign shall be located on any corner lot or near any driveway that would violate the visibility at intersections requirements in Sections 6.8.
3. The area restrictions below shall be interpreted as maximum area per sign face and are not meant to prohibit the use of more than one (1) face.
4. **(Added 9/19/22)** Off-premises freestanding directional and informational signs may be permitted on separate parcels for situations where the business or residential use to which they pertain is not visible from a collector or arterial street, as designated by the Connecticut Department of Transportation.
  - a. Off-premises freestanding signs must conform to all requirements of Section 6.3.
  - b. Signs may be allowed only on separate parcels with frontage on collector or arterial streets, as designated by the Connecticut Department of Transportation.
  - c. Only one sign is permitted for each separate parcel.
  - d. Written evidence shall be provided to the Commission at the time of application of an executed easement allowing the sign on the separate parcel.

### 6.3.E **Sign Types.**

1. **"A" Frame Signs.** "A" frame signs shall only be permitted for welcoming new businesses to Town or as a Temporary Sign.
  - a. No more than six (6) "A" frame signs Town-wide shall be erected/permited at any one time.
  - b. Such signs shall be erected/permited for no more than 30 days.
  - c. Such signs shall be no larger than 12 square feet in sign area (on each side) and shall stand no higher than five (5) feet above grade.
  - d. Such signs shall be purchased by and made available to businesses by the Town or its designee.
  - e. A permit to display such signs will be required and can be procured from the Town Zoning Enforcement Officer or such party as designated by the Town Plan and Zoning Commission to administer these signs.
2. **Billboards.** Billboards are deemed to be a prohibited use.
3. **Freestanding Signs.**
  - a. Permanent freestanding signs shall not be located closer than ten (10) feet from where the public may walk, nor 15 feet from where vehicles may drive. A freestanding sign shall not be closer than ten (10) feet to a street right-of-way line.
  - b. A permanent freestanding sign shall be appropriately landscaped at its base. Said landscaping shall be approved by the Commission or Director of Planning as appropriate per the nature of the application.
4. **Internal Directional Signs.** Internal use signs shall be permitted provided they meet the following criteria:
  - a. are not be legible from a public right-of-way.
  - b. are not internally illuminated.
  - c. do not exceed 18 square feet in sign area. The Commission may allow an internal use sign to exceed 18 square feet through the Special Permit Application Process in Section 9.5.
  - d. a multi-tenant signage program for internal use signs is required when internal use signs exceed 18 square feet on a multi-tenant site.
5. **Portable Signs.** Portable signs are deemed to be a prohibited use.

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4. Construction Sign. A sign not to exceed 12 square feet in sign area when displayed on a building or property in process of construction or improvements.
5. Farm Sign. A sign identifying the name of a farm or agricultural activity, not to exceed six (6) square feet in sign area, or be higher than six feet.
6. Public Purpose Signs. Incidental signs, generally informational, that have a purpose secondary to the use of the property on which it is located, such as "no parking," "entrance," "loading" and other similar directives, subject to the approval of the Commission, on any lot provided no such sign shall be larger than two (2) square feet in sign area nor exceed a height of six (6) feet. Signs for bus shelters are exempt from these regulations.
7. Real Estate Sign. One (1) freestanding real estate sign announcing the availability of a use of parcel provided such sign may not exceed four (4) square feet and an overall height of six (6) feet.
8. Subdivision Sign. One subdivision identification sign, not to exceed 32 square feet, to identify an approved subdivision provided that such sign shall be removed after one (1) year if an extension has not been granted by the Commission.
9. Traffic Control Signs. Traffic control signs and devices as permitted by the Local Traffic Authority.

#### **6.3.G Signs Permitted in Residential Zones (Article 3).**

1. No illuminated sign shall be permitted in any residential zone except to light residential nameplates, addresses, garden apartments, public building entrances or per Section 6.3.C.
2. Home Based Business Sign. One (1) sign announcing the home based business provided such sign may not exceed one (1) square feet per face and an overall height of six (6) feet.
3. Freestanding Signs. Special Permit uses within the residential districts may be permitted to install freestanding signs under appropriate circumstances during the Town Plan and Zoning Commission review. Any freestanding sign approved during this special permit/site plan review shall not exceed 32 square feet in area nor a height of six (6) feet.

#### **6.3.H Signs Permitted in Business and Special Zones (Articles 4 and 5).**

1. Wall Signs. Signs affixed and parallel to the façade of a building pertaining to a permitted use or business, providing said signs on a given wall surface shall not exceed two (2) square feet of sign area for every linear foot of the same wall of that section of the building.
2. Freestanding Signs. One (1) freestanding sign representing all permitted uses or businesses on a single parcel providing said sign does not exceed 40 square feet of sign area per face and an overall height of 20 feet. Freestanding signs shall be screened from the view of adjacent residential districts.
3. Menu Board. The Commission may authorize the use of detached menu boards on projects permitted for drive-in windows, provided the following standards are satisfied:
  - a. Only one (1) detached menu board shall be permitted per order window, on a lot.
  - b. Display surface area shall not exceed 32 square feet of sign area per detached menu board.
  - c. The detached menu board shall be screened from a public right-of-way.
4. Signage for large parcels. For parcels in excess of three (3) acres and containing more than one (1) principal building within an I-1 or I-2 only, the Commission may, during a site plan review, determine the number of freestanding signs based upon the frontage of the property.

- a. One (1) freestanding sign per each 125 feet of frontage may be permitted provided that the maximum number of freestanding signs shall not exceed the number of principal buildings on the site.
- b. The Commission may waive this provision and permit more than one (1) sign per building on such a site when the property is a corner lot or the property possesses other qualities, such as but not limited to heavy natural vegetation, which would warrant an additional sign.
- c. All signs within the property shall be of a consistent design theme and approved by the Commission. Such signs shall not exceed 40 square feet in sign area nor a height of eight (8) feet.
- d. Each sign shall be appropriately landscaped at its base.

5. Internal Directional. On-site directional information and identification signs not exceeding two (2) square feet in sign area, pertaining to any permitted use.
6. Window Signs. Window signs may be displayed provided they do not exceed 15 percent of the window area.
7. Real Estate Sign. One (1) freestanding real estate sign announcing the availability of a use of parcel provided such sign may not exceed 20 square feet and an overall height of six (6) feet.
8. **(Added 9/19/22)** Off-premises free standing directional and informational signs. One (1) sign not to exceed 32 square feet of sign area per face and a maximum height of 10 feet.
9. **(Added 9/19/22)** An off-premises sign may contain the names of more than one business or residential use as approved by the Commission

#### 6.3.I **Multi-Tenant Signage Program.**

1. Multiple tenant commercial and industrial buildings shall submit a signage program to the Town Plan and Zoning Commission for approval before permits for new signs are issued at the property.
2. Program Scope. Such signage program shall address size, colors, materials, placement, illumination, and other information as may be required for the Commission to evaluate all attached and detached signs which may be installed on a given site.
3. Approved Program. Such approved signage program shall guide the owner, tenants, Commission, and Zoning Enforcement Officer in the application for and issuance of any permits required by these Regulations.
4. Existing Sites. A Multi-Tenant Sign Program is required when a property owner can not show compliance with the standards listed above.

#### 6.3.J **Civic Organization and Directional Signs.**

No permanent sign shall be erected, relocated, or altered for the purpose of directing the public or announcing civic organizations without the approval of the Commission or its designated agent. Any signs approved under this section of the regulations and located within a public right-of-way must first be approved by the Town Manager or Legal Traffic Authority or the State of Connecticut Department of Transportation.

#### 6.3.K **Administration.**

1. Applications for sign approval for new signs in Business and Special Zones and any other Special Permit uses shall be made on forms provided by the Planning and Zoning Department and shall be accompanied by such plans and information specified on such forms.
2. Modifications to existing signs and temporary signs shall be reviewed and approved by the Commission's staff unless said staff believes the proposal needs to be referred to the Commission for their action.

3. No sign shall be erected, relocated, or altered, except for normal maintenance, without the proper permits being issued by the Commission or its staff.

### 6.3.L Sign Permit Procedures.

TYPE OF SIGN	PERMIT REQUIRED	ISSUING AGENCY
“A” FRAME	Zoning Signoff	ZEO
CONSTRUCTION	None	-
FARM	None	-
FREESTANDING	Site Plan	TPZ
HOME BASED BUSINESS	Zoning Signoff	-
IDENTIFICATION	None	-
INSTITUTIONAL	Zoning Signoff	ZEO
INTERNAL DIRECTIONAL	Zoning Signoff	ZEO
MENU BOARD	Special Permit	TPZ
MULTI-TENANT SIGNAGE PROGRAM	Site Plan	TPZ
OFF PREMISES SIGN (Added 9/19/22)	Special Permit	TPZ
PUBLIC PURPOSE	None	-
REAL ESTATE	None	-
SUBDIVISION	Zoning Signoff	ZEO
TEMPORARY	Zoning Signoff	ZEO
TRAFFIC	None	-
WALL SIGNS	Zoning Signoff	ZEO
WINDOW	Site Plan	TPZ

#### TABLE LEGEND

ZEO = Zoning Enforcement Officer

TPZ = Town Plan and Zoning Commission

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## **6.4 GRADING.**

### **6.4.A Purpose.**

This Section is intended to control soil disturbance (including removal of trees and vegetative ground cover), excavation, site grading, and drainage changes associated with building demolition, building construction, and site development in order to:

1. protect the public safety and general welfare;
2. prevent adverse impacts to other property due to erosion, sedimentation, and increases in storm water runoff;
3. prevent sedimentation of public and private streets;
4. prevent sedimentation of public storm sewer and drainage systems;
5. reduce the risk of flooding caused by increased runoff and sedimentation of drainage channels, wetlands, and watercourses; and
6. protect water quality by reducing the risk of sediment pollution of reservoirs.

### **6.4.B Removal of Trees or Vegetative Ground Cover.**

1. The Commission finds that trees and other vegetative ground cover play an important role in controlling erosion by: protecting the soil surface from the impact of falling rain; holding soil particles in place; enhancing the soil's capacity to absorb water; slowing the velocity of runoff; removing subsurface water between rain falls through the process of evapo-transpiration; and improving infiltration rates.
2. Therefore, for purposes of this Section, clear-cutting or removal of trees and other vegetative ground cover, regardless of whether stumps and root systems are removed, shall be considered an erosion factor equivalent to grading and other forms of soil disturbance, and references in this Section to soil disturbance and/or grading shall include clear-cutting or removal of trees and vegetative ground cover.

### **6.4.C Applicability.**

Within the Town of Bloomfield, there shall be no excavation, grading, or other soil disturbance (including removal of trees or vegetative ground cover) except as herein provided. The occurrence of any off-site sedimentation, flooding, or erosion caused by excavation, grading and/or soil disturbance is prohibited and shall be grounds for enforcement action.

### **6.4.D Other Approvals May Be Required.**

1. Any approval or exemption under this Section does not relieve any person from having to obtain any other approvals that may be required, such as for:
2. Regulated activities under the Town of Bloomfield Inland Wetlands and Watercourses Commission Regulations;
3. Activities within a floodplain area;
4. Activities regulated by other local, State, or Federal agencies.

#### 6.4.E Activities Allowed Without Zoning Signoff.

The following activities are allowed without a separate Zoning Signoff, provided the proposed use of the property otherwise complies with these Regulations, and no off-site sedimentation, flooding, or erosion occurs. The Zoning Enforcement Officer may require a Zoning Signoff and compliance with Section 9.1 in the event that any off-site sedimentation, flooding, or erosion occurs as a result of these activities:

1. Farming.
2. Excavation or grading of less than 100 cubic yards of earth material;
3. Soil disturbance (including removal of trees and vegetative ground cover) of up to 5,000 square feet in area;
4. Excavation, grading and/or soil disturbance associated with specific plans for a subdivision, site plan, or special permit approved by the Commission, where the proposed excavation, grading and/or soil disturbance is specified in such other approval.

#### 6.4.F Activities Permitted by Zoning Signoff or Other Permit.

The following activities may be permitted by the Zoning Enforcement Officer provided: the proposed use of the property otherwise complies with these Regulations; the provisions of this Section are satisfied; and a Zoning Signoff, a demolition permit, a building permit, or a septic permit has been issued for such activity and the proposed excavation, grading, and/or soil disturbance is specified in such permit:

1. Excavation or grading of 100 to 1,000 cubic yards of earth material;
2. Soil disturbance (including removal of trees and vegetative ground cover) of more than 5,000 square feet but less than 10,000 square feet in area.
3. Any excavation, grading or soil disturbance (including removal of trees and vegetative ground cover) in connection with and clearly essential to:
  - a. construction or alteration of a building or structure (including the area of the building or structure plus the surrounding twenty-five feet);
  - b. installation of driveways, utilities or amenities (e.g., septic systems, utility service lines, swimming pools, walls or fencing).

#### 6.4.G Activities Permitted by Special Permit.

The following activities may be permitted provided the proposed use of the property otherwise complies with these Regulations and the Commission issues a Special Permit for the activity:

1. Excavation or grading of more than 1,000 cubic yards of earth material;
2. Soil disturbance (including removal of trees and vegetative ground cover) of 10,000 square feet in area or more.

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**6.4.H Bonding and “As-Built” Plan.**

1. Prior to the commencing, or restoration, of any excavation or grading of more than 200 cubic yards of material per acre of lot area, and/or more than 5,000 square feet of soil disturbance (including removal of trees and vegetative ground cover), the Commission or the Zoning Enforcement Officer may require that a bond be provided in an acceptable form and in an amount to be set by the Commission or Zoning Enforcement Officer to insure the faithful performance of the work to be undertaken pursuant to the conditions of the permit.
2. Following the completion of excavation or grading for a project where a bond was required, the Zoning Enforcement Officer may require that the permit holder file a certified “as-built” plan with the Commission, showing the relationship between the approved plan and the actual grading.

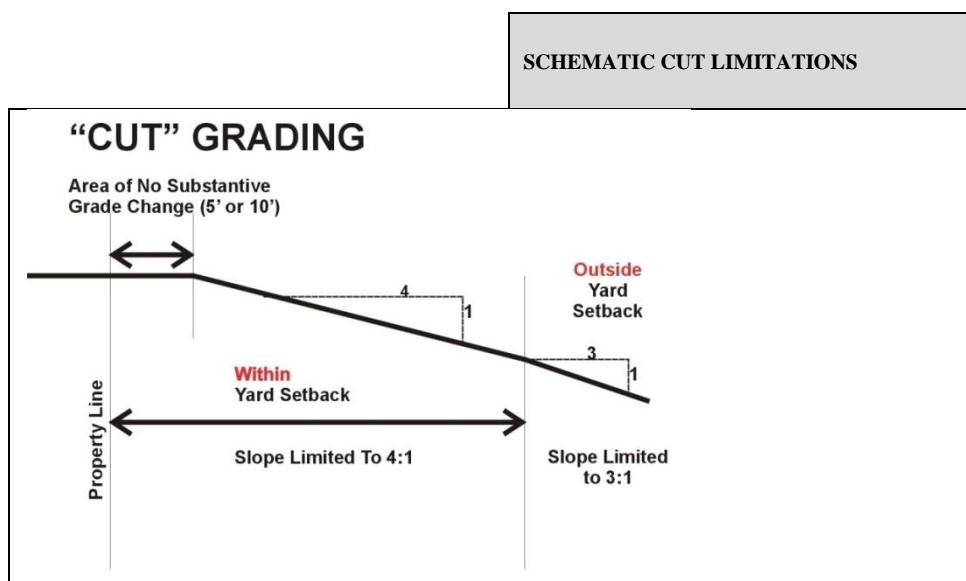
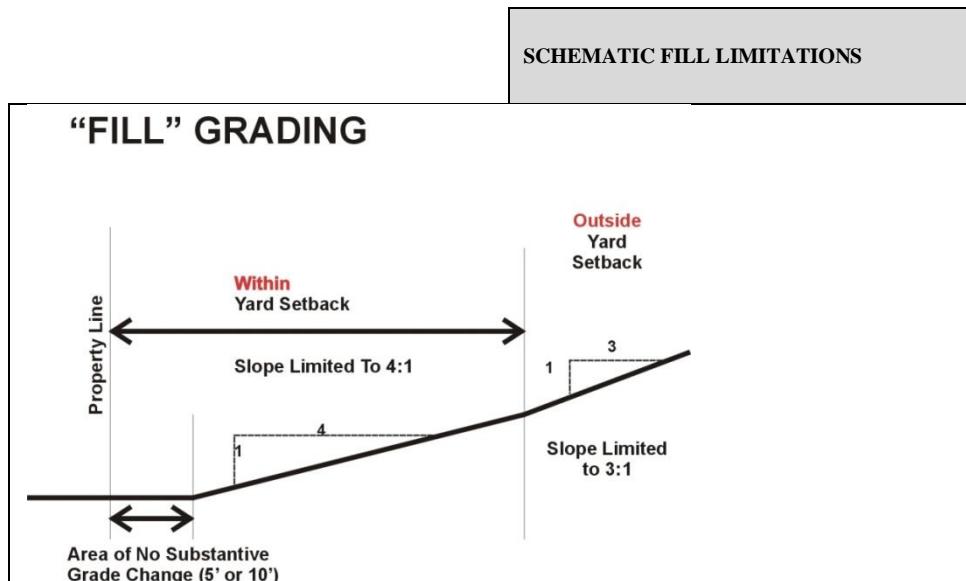
**6.4.I Permit Standards and Conditions.**

1. The occurrence of any off-site sedimentation, flooding, or erosion caused by excavation, grading and/or soil disturbance is prohibited.
2. All allowed or permitted excavation, grading, and soil disturbance activities shall be conducted with appropriate soil erosion and sediment control measures installed and maintained at all times until the site is fully stabilized. The Commission or the Zoning Enforcement Officer may require soil erosion and sediment control measures and project phasing as a condition to the issuance of any permit. Control measures may include (without limitation) silt fencing, hay bales, sediment barriers, mulch, temporary erosion control blankets, turf reinforcement mats, stone slope protection, or other soil stabilization measures set forth in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002) necessary to prevent off-site sedimentation, flooding, and erosion.
3. All earth materials to be stockpiled on site shall be contained within a sediment control barrier.
4. All earth materials to be transported onto or off the site shall be covered to minimize flying dust or rock.
5. Truck access/egress to and from the site shall be conducted as to minimize danger to off-site traffic, and nuisance to surrounding properties. The Commission or the Zoning Enforcement Officer may require that tracking pads or dust-less driveway aprons be utilized until the site is stabilized.
6. Grading shall not result in the creation of any stagnant water, sharp pits, depressions, soil erosion, drainage or sewerage problems or other conditions which would impair the use of the property or other property in accordance with the Regulations.
7. Unless modified by the Commission through granting of a Special Permit, finished grades shall blend with existing grades at the property line and no grade change of one (1) foot or more shall occur:
- 8.

ZONING DISTRICT	GRADING AT PROPERTY LINES
R-20, R-15 and R-10	within five (5) feet of a side or rear property line
R-30, R-40, R-80, MFER, PLR and PLC	within six (6) feet of a side or rear property line where a retaining wall is installed and ten (10) feet otherwise
BCD, I-1, 1-2, GWD and DDZ	within six (6) feet of a side or rear property line where a retaining wall is installed and ten (10) feet otherwise

9. Unless modified by the Commission through granting of a Special Permit, no grading activity that increases the finished slope shall result in a finished slope in any filled or excavated area that exceeds:

- a slope of four (4) horizontal to one (1) vertical (4:1) within the yard setback.
- a slope of three (3) horizontal to one (1) vertical (3:1) elsewhere.



10. The Commission may allow grading activity in excess of these standards provided: (amended 11/20/23)

- The applicant provides a geotechnical report from a Connecticut-licensed geotechnical engineer establishing that the property stability of proposed deeper slopes will be achieved but, in no event to exceed a slope of two (2) horizontal to one (1) vertical (2:1) on site; or

11. With respect to yard setbacks: (Added 11/20/23)

- For the installation or construction of a berm, swale, level spreader, reverse slope bench or similar measures to better protect down-gradient parcels from storm water runoff, or

- b. For grading of a slope of up to three (3) horizontal to one (1) vertical (3:1) provided that the total grade change within the yard setback is no greater than would otherwise be permitted.

## **6.5 EROSION AND SEDIMENT CONTROL.**

### **6.5.A Purpose.**

This Section is intended to provide standards for earth-disturbing activities in order to minimize accelerated erosion and sedimentation and to avoid unnecessary damage to land features, bodies of water and public works, both on-site and offsite.

### **6.5.B Overall Requirements.**

1. Any earth-disturbing activity, including grading and grubbing, shall consider the potential problem of accelerated erosion and sedimentation and shall address such potential problem in accordance with the standards outlined in a publication prepared and distributed by the Connecticut Department of Environmental Protection (DEP) entitled "Guidelines for Soil Erosion and Sediment Control (2002)," as may be amended from time to time, available for inspection at the Planning and Zoning Department.
2. Any development activity which will result in a cumulative disturbed area of more than one-half acre, or in other cases as determined by Planning and Zoning Department according to topographical conditions of the property, shall prepare and submit a soil erosion and sediment control plan.

### **6.5.C Plan Requirements.**

1. When required, a soil erosion and sediment control plan shall consist of a map, a narrative, and such other materials as may be necessary to fully describe the techniques which will be utilized to minimize soil erosion and sedimentation resulting from development and earth-disturbing activities.
2. Such soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sediment and reduce the danger from storm water runoff on the proposed site based on the best available technology and the guidelines specified in the "Guidelines for Soil Erosion and Sediment Control (2002)," as amended.
3. Alternative design criteria, principles, methods and practices may be used with the approval of the Commission or its designated agent.

### **6.5.D Plan Review and Approval.**

1. Any soil erosion and sediment control plan submitted pursuant to this Section may be reviewed by a technical expert retained by the Commission at the expense of the applicant.
2. The Commission or its designated agent may refer the plan to any other local, State or Federal agency for their findings and recommendations.
3. Nothing in this Section shall be construed as extending the time limits for actions on any application under Chapter 124 or 126 of the Connecticut General Statutes.
4. The Commission or its designated agent may require as a condition of approval that the applicant/developer post a performance bond in favor of the Town in form, content and amount satisfactory to the Commission or its agent.

**6.5.E Implementation.**

It shall be the responsibility of the developer to:

1. Implement the approved plan or any revision thereto,
2. Install the erosion and sediment control measures and facilities as scheduled and as shown on the approved plan, prior to the commencement of any site development activity except as may be required to implement the plan; and
3. Maintain the plan measures and facilities in effective condition to ensure compliance with the approved plan.
4. The Commission or its agent may require the permittee to:
  - a. verify through progress reports and "as-built" surveys that soil erosion and sediment control measures and facilities have been performed or installed according to the approved plan and are being operated and properly maintained, or
  - b. retain an inspector who is a Certified Professional in Erosion and Sediment Control (CPESC) or other qualified professional to inspect the development activity and to file periodic reports with the Planning and Zoning Department.
5. The Commission or its agent is hereby authorized to withhold the issuance of Zoning Signoffs or the issuance of zoning certificates of compliance unless, in its judgment, accelerated erosion and sedimentation control measures have been complied with.
6. Inspections shall be made by the Commission or its agent during development to ensure compliance with the approved plan and that control measures and facilities are properly performed or installed and maintained.

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## 6.6 STORMWATER RUNOFF CONTROL.

### 6.6.A Site Plans.

Site plans shall be accompanied by plans, prepared by a registered Professional Engineer licensed in the State of Connecticut, providing measures for detention and controlled release of stormwater runoff when, at least one (1) of the following is met:

1. Proposed Commercial or Industrial Developments;
2. Proposed residential developments of (3) acres or more (excluding single-family, duplex or triplex residential construction, as part of a previously approved building lot);
3. The proposed impervious area is 50 percent or greater.
4. Any other developments may be required to provide such measures if deemed necessary to protect the public health, safety and welfare, by the Commission

### 6.6.B Infiltration.

Maximum infiltration to the ground water is encouraged. Design of the stormwater management system shall consider reducing runoff by use of such techniques as minimizing impervious areas and maximizing travel times by using grass or rock-lined channels in lieu of storm sewers, and the use of rain gardens for roof surface drainage.

### 6.6.C General Requirements.

When required, measures for the detention and controlled release of stormwater runoff shall meet the following standards, and shall be designed in accordance with the requirements as set forth in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985 and 2002), as amended:

1. Peak discharge from the two (2) year, ten (10) year, 25-year, and 100-year frequency, 24-hour duration, type iii distribution of Hartford County storms shall be analyzed.
2. No increases in peak flow from these storms shall be allowed to leave the site. This may be accomplished through the use of, but not limited to, the following design elements:
  - a. detention basins,
  - b. retention ponds,
  - c. roof or parking lot storage or
  - d. other acceptable means.
3. The required stormwater detention volume shall be that necessary to handle the stormwater runoff from the drainage area of a 100-year frequency, twenty-four (24) hour, type iii distribution rainfall in Hartford County, as published by the National Weather Service or other recognized agency.
4. For developments of less than ten (10) acres, runoff may be computed using the rational method. In all other cases, runoff shall be computed in accordance with Technical Release #55, Urban Hydrology, Engineering Division, Soil Conservation Service, USDA, January 1975, as amended. The Commission may allow alternate peak runoff modeling techniques.
5. Culvert design shall conform to the Connecticut Department of Transportation standards.

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#### 6.6.D Shared Stormwater Management Facilities.

When the Commission determines that engineering, aesthetics, and economic factors make combined retention or other drainage facilities more practical, the Commission may permit several developers to construct joint facilities, provided that a maintenance agreement is filed on the land records for each property involved. The Commission may require bonding or the creation of a maintenance fund for combined retention areas.

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#### 6.6.E Maintenance.

1. All on-site facilities shall be properly maintained by the owner of such, so that they do not become nuisances. The owner shall submit a yearly record to the Commission of all maintenance activities in compliance with the maintenance plan.
2. All stormwater control structures located on private property, whether dedicated to the Town or not, shall be accessible at all times for Town inspection. Where runoff control structures have been accepted by the Town for maintenance, access easements shall be provided.
3. All projects shall have a Stormwater Management/Best Management Practice (BMP) Maintenance Agreement with the Town of Bloomfield. This agreement shall be recorded in the Land Records of the Town of Bloomfield.

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#### 6.6.F Stormwater Structure Landscaping.

1. Stormwater management systems shall be visually compatible with the surrounding landscape and should have sufficient vegetation to screen adjacent properties.
2. Basin landscaping shall provide for stormwater quality remediation.

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#### 6.6.G Other Permit Requirements.

Permits for Stormwater Management Systems may also be required from the Town of Bloomfield Inland Wetland and Watercourse Commission where such systems may have an impact on inland-wetlands and watercourses, and from the Connecticut Department of Environmental Protection, where a dam is to be constructed or water diverted, see Sections 22a-365 et seq. and 22a-409 of the Connecticut General Statutes.

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## 6.7 FENCES AND WALLS.

### 6.7.A Purpose.

This Section is intended to control the size, location, and type of perimeter fences, freestanding walls, and retaining walls in all zoning districts in order to provide for protection of private property while not infringing on the public safety and general welfare, or on adjoining properties. In addition, this Section is specifically intended to allow such structures to be located within yard setbacks to the extent authorized by this Section.

### 6.7.B Retaining Walls.

1. No retaining wall of any kind shall be constructed in a way so as to obstruct the visibility at intersections, as required by Sections 6.8, at intersections of roads, driveways, accessways, or other travel ways.
2. In Residential Zones no retaining wall shall:
  - a. be located closer than one-half (½) the required yard from any property line in a Residential Zone,
  - b. ten (10) feet from any property line in any other district, or
  - c. exceed four (4) feet in height per segment.
3. A series of retaining walls shall be separated by a distance at least twice the height of any other generally parallel retaining wall and the area between the retaining walls shall be planted or landscaped to mitigate the appearance of the retaining wall(s).
4. Unless modified by the Commission through granting of a Special Permit, no proposed retaining wall in any Business or Special District shall exceed four (4) feet in height.
5. A retaining wall four (4) feet or higher above ground level requires the issuance of a Zoning Signoff and the plans shall address construction design and drainage within ten (10) feet of the wall. The retaining wall design shall be prepared by a Connecticut-licensed professional engineer and shall include construction details and calculations.
6. A retaining wall may be combined with an open fence (such as a wrought iron fence or a fence where no more than 50 percent of the fence is opaque) provided that such fence is not more than 42 inches high.

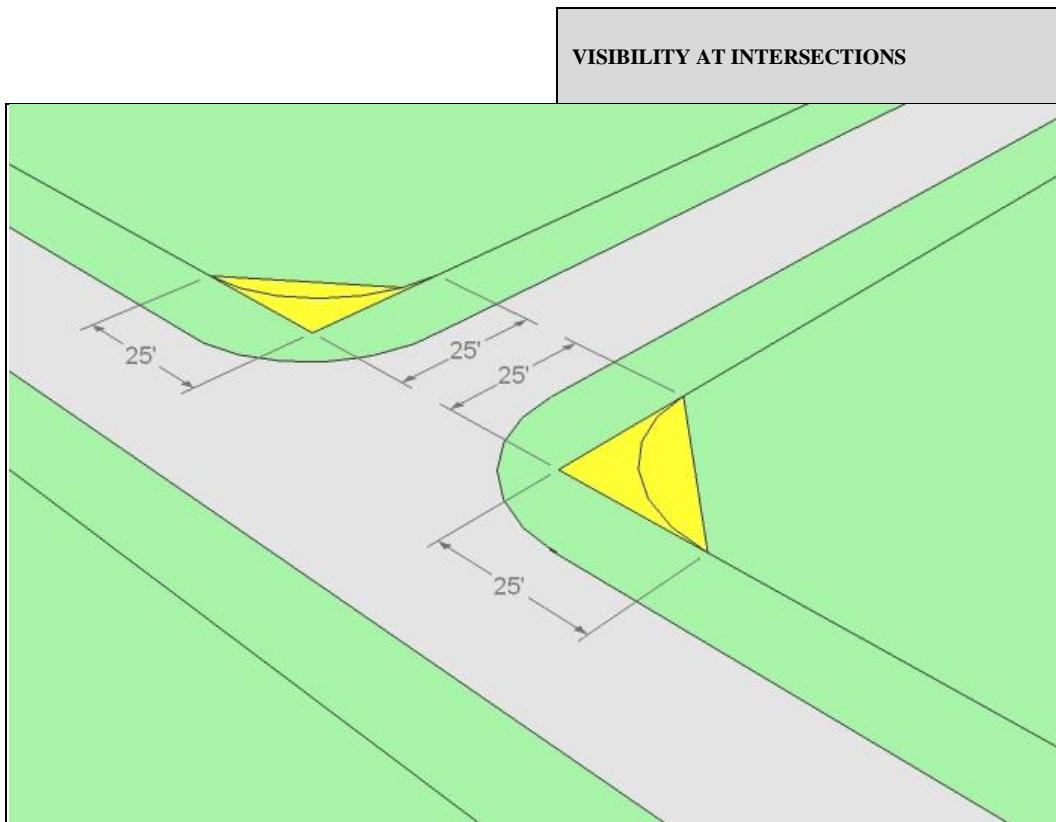
### 6.7.C Fences and Freestanding Walls

1. No fence, post, column, freestanding wall, or portion thereof shall be constructed in a way so as to obstruct the visibility at intersections, as required by Sections 6.8 at intersections of roads, driveways, accessways, or other travel ways.

## 6.8 VISIBILITY AT INTERSECTIONS AND DRIVEWAY OBSTRUCTIONS.

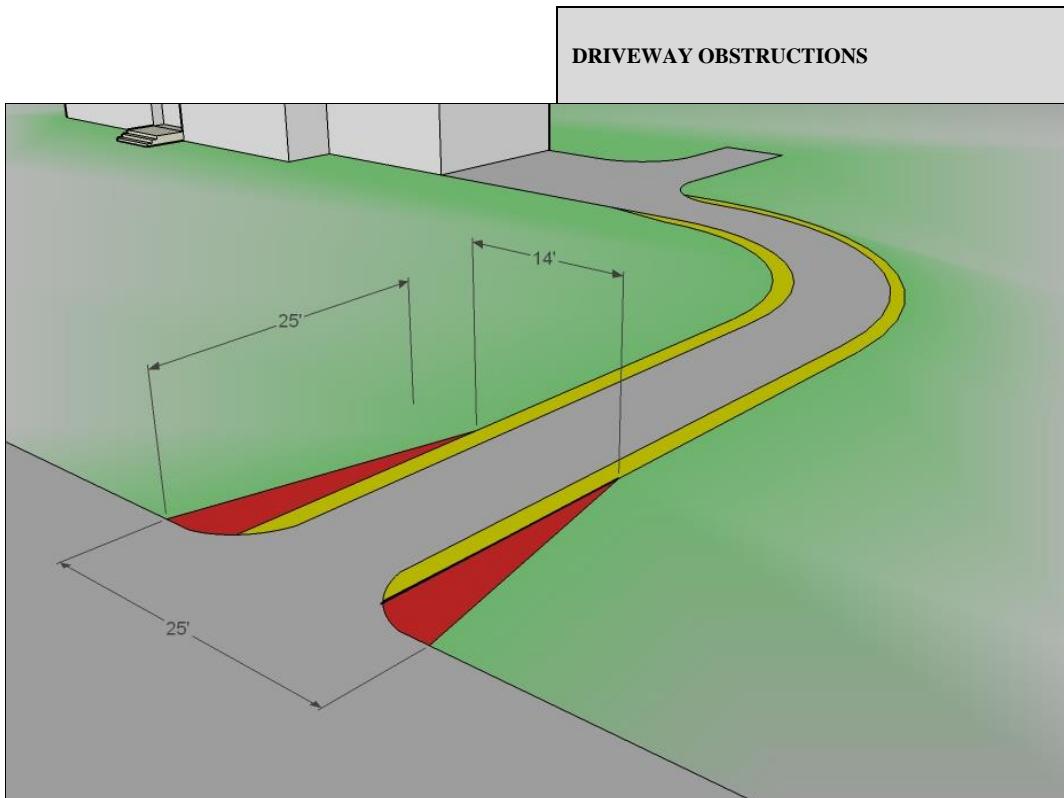
### 6.8.A Intersections.

1. On a corner lot in any district, no planting, snow, structure, fence, walls or obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines, each of which points is 25 feet distant from the point of intersection.
2. Any obstruction to vision which in the opinion of the Bloomfield Traffic Authority is a traffic hazard shall be removed as a violation of these regulations.



6.8.B **Driveways.** In order to provide adequate room for emergency vehicles to turn into driveways and access all buildings and parcels within the Town of Bloomfield, all driveways (including alleys, private roads, and other accessways) shall provide the following minimum clearances for emergency vehicles, regardless of the paved width of the driveways:

1. No building, fence, wall, lamp post, telephone pole, mailbox, or other structure, nor any trees, boulders, or other obstructions shall be erected, placed or installed alongside any driveway so as to reduce the access to less than 14 feet wide.
2. No building, fence, wall, lamp post, telephone pole, mailbox or other structure, nor any trees, boulders, or other obstructions shall be erected, placed or installed within the triangular areas on either side of the driveway at its intersection with the travel portion of the road, formed by connecting the outer points of a line measured 25 feet on the road (centered on the driveway), and a parallel line 14 feet wide (centered on the driveway) at a distance of 25 feet from the travel portion of the road.
3. Where there are automatic gates at driveways, an emergency means of opening the gates shall be provided to the Fire Department.
4. If all buildings on the parcel are within 50 feet from the traveled portion of the road and can be easily accessed from the road, the Commission or the Zoning Enforcement Officer may exempt the parcel from the requirements of this Section.



## 6.9 OUTDOOR LIGHTING.

### 6.9.A Purpose.

These Regulations are intended to provide standards with regard to exterior lighting in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to raise public awareness of energy conservation, to discourage the installation of lighting fixtures that emit objectionable illumination, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare.

### 6.9.B Applicability.

The standards herein shall apply to all exterior lighting where Site Plan Application or Special Permit is required, except for single-family dwellings. The Director of Planning may refer any Site Plan to the Commission for a determination of acceptable lighting fixtures.

### 6.9.C Standards.

1. All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:
  - a. prevent direct glare or light trespass,
  - b. employ soft, transitional light levels which are consistent from area to area,
  - c. minimize contrast between light sources, lit areas and dark surroundings, and
  - d. be confined within the target area.
2. For commercial uses, for multi-family developments, for institutional uses or other non-residential uses in residential districts:
  - a. no externally-mounted, direct light source directed towards the property line shall be visible at the property line at ground level or above, and
  - b. lighting fixtures for all vehicular areas and pedestrian areas shall be full cut-off type fixtures or IESNA cut-off fixtures as approved by the Commission, or shall be fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
3. Lighting fixtures for building security or aesthetics and any display purposes shall, unless otherwise approved by the Commission or these regulations, be:
  - a. top downward (not upward or sideways), and
  - b. full cut off, or IESNA cut-off fixtures as approved by the Commission, or fully shielded/recessed. Any application for use of IESNA fixtures shall include "cut-sheets" with specifications and details of the proposed fixture and pole.
4. Where outdoor playing fields or other special outdoor activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that:
  - a. their beams fall within the primary playing area and immediate surroundings, and
  - b. no light trespass is directed off the site.
5. Lighting designed to highlight flagpoles shall be targeted directly at the flag.
6. All non-essential lighting (such as display, aesthetic, parking and sign lighting) shall be configured for "photocell on - time clock off" operation.
7. Where necessary, lighting for site security may be configured for motion or infrared sensor operation.
8. The height of luminaires, except streetlights in public right-of-ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of:
  - a. 14 feet from the ground to the highest point of the fixture or pole in the BCD.
  - b. 14 feet in height from the ground to the highest point of the fixture or pole in any other district unless specifically authorized by the Commission by granting

of a Special Permit and in no instance shall any pole or fixture exceed 24 feet in height from the ground to the highest point of the fixture or pole.

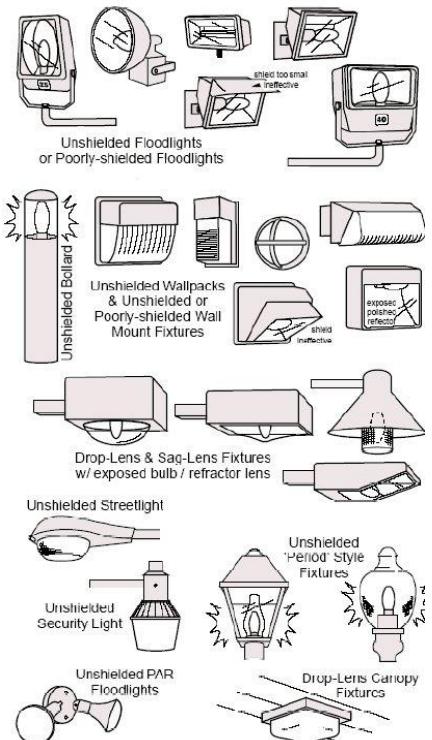
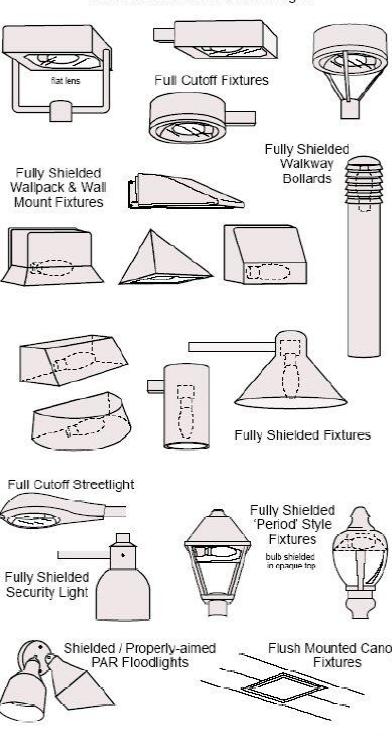
c. Any application for use of fixtures in excess of 14 feet in height shall:

- include plans and details prepared by a professional lighting designer or electrical engineer,
- show that the proposed number, height, and placement of fixtures will provide sufficient illumination for both pedestrian and vehicular use with sensitivity to the surrounding area and the proximity of residential and other uses that may be affected,
- demonstrate that the proposed plan will result in fewer light poles and fixtures, less visual impact on surrounding properties, reduced electrical consumption, reduced overall glare, and lower light intensity, and
- show that the scale of the proposed fixtures and poles is appropriate in relation to the elevation of the site and surrounding properties and the buildings and natural features on the site.

9. The "maintained horizontal illuminance recommendations" set by the Illuminating Engineering Society of North America (IESNA) shall be observed unless modified by the Commission.

10. High pressure sodium light sources are prohibited.

11. In any case, the Commission shall determine whether the type and style of proposed lighting fixtures and illumination meets the standards, purpose and intent of these regulations.

LIGHT FIXTURES	
Fixtures Which Might Produce Glare or Light Trespass	Fixtures Which Might Not Produce Glare or Light Trespass
<p>Fixtures that produce glare and light trespass</p>  <p>Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night</p> 	

**6.9.D Exemptions and Modifications.**

The following types of lighting are exempt from these Regulations:

1. Traditional seasonal lighting:
  - a. Temporary lighting associated with a fair, carnival or similar function authorized by the Town of Bloomfield;
  - b. Temporary light used by the Police Department, Fire Department or Emergency Services.
2. The Commission may, by Special Permit, allow lighting that does not comply with the specific standards listed in this Section provided the Commission determines that such proposed lighting is consistent with the intent and purpose of these Regulations.

## **6.10 DESIGN CONSIDERATIONS.**

### **6.10.A Purpose.**

This Section is intended to aid applicants in ensuring that their designs are in harmony with the character of the community, encourage high quality building and site design, and result in development which is compatible with the character of the community.

### **6.10.B Applicability.**

The following types of applications shall be reviewed as indicated below:

1. Any proposed development, construction, or use in any Business or Special Zone shall be reviewed in relation to these design guidelines.
2. A principal use or activity permitted by Special Permit in any Residential Zone, except for a Bed and Breakfast Inn, shall be reviewed in relation to these design guidelines.

### **6.10.C Procedure.**

1. The Commission shall review an application in relation to the design guidelines of this Section and may request the assistance of a Design Professional(s) in evaluating such plans.
2. Any recommendations or suggestions so received from the Design Professional(s) shall not be binding upon the Commission.

### **6.10.D Guidelines.**

1. Relationship of Buildings to Site and Adjoining Areas.
  - a. Buildings should be organized in a coordinated and functional manner that is compatible with site features and the desirable characteristics of adjoining areas.
  - b. A unified design theme for building massing, exterior treatments and signage should be established where harmony in textures, lines, and masses is provided and monotony is avoided.
  - c. Parking areas should be treated appropriately in relation to the building, the neighborhood, and the community.
  - d. The height and scale of each building should be compatible with its site and existing (or anticipated) adjoining buildings.
  - e. Newly installed utility services, and service revisions necessitated by exterior alterations, should be underground.
  - f. A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided.
2. Landscape and Site Treatment.
  - a. Landscape treatment should be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.
  - b. Plant material that is indigenous to the area should be selected for its ultimate growth and for interest in its shape, texture, and color.
  - c. Pedestrian walkways should 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).
  - d. Existing trees at four (4) inches or greater caliper should be incorporated into the site plan.

**6.10.E Building Design.**

1. Architectural features should be evaluated based on the scale of the building(s), the quality of the design, and the relationship to surroundings.
2. Facades and rooflines should be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.
3. Building materials should have good architectural character and durable quality and shall be selected for harmony of the building with adjoining buildings.
4. Building textures, colors, and components should be selected for harmony of the building with adjoining buildings.
5. Utility and service equipment areas shall be screened from public view with materials harmonious with the building.
6. Signs and Lighting.
  - a. Signs should 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.
  - b. Exterior lighting, where used, should enhance the building design and the adjoining landscape.
  - c. Lighting should be restrained in design and excessive brightness avoided.

**6.10.F Sidewalks and Multi-Use Paths. (Added 02/02/24)**

1. Five (5) feet sidewalks or eight (8) feet multi-use paths shall be required along the street frontage of all new site developments or redevelopments, as defined by this section, with construction in accordance with Bloomfield engineering standards and specifications. The sidewalk and/or multi-use path shall be maintained by the property owner.
2. Following a written request for a waiver from the applicant, the commission may waive or modify the sidewalk/path requirement when one or more of the following conditions exist:
  - a. The provision of a sidewalk/path would cause significant environmental harm to adjacent wetlands or wildlife habitat;
  - b. The provision of a sidewalk/path poses significant engineering challenges as presented by a Connecticut-licensed engineer; or
  - c. In the judgment of the Commission, a sidewalk/path would serve no public benefit at the site location.

## **6.11 OUTSIDE STORAGE OF REGISTERED VEHICLES.**

Outside storage of registered vehicles, excluding dealer or repairer plate registrations, not relating to uses in permanent buildings on a site may be permitted under the following conditions:

### **6.11.A Buffers and Screening.**

1. The site must be so located that the vehicles to be stored are not visible from the street or adjacent properties other than those properties which are an integral part of the development complex within which the use is located.
2. The site must be so located that the area designated for such outside storage is buffered by a natural or manmade barrier sufficient to provide visual screening during all seasons.
3. The Commission may require additional landscaping, screening or any other requirements which in their sole judgment are necessary to protect the area and abutting uses, including but not restricted to, dense opaque landscaping or fencing.

### **6.11.B Parking.**

Designated parking spaces for such outside storage of vehicles shall be clearly shown on the site plan and shall not include any spaces required for other uses located on the site, regardless of whether such required spaces are constructed or deferred. The plan shall show the size and number of parking spaces designated for such outside storage of vehicles. The designated spaces for such storage shall be striped and clearly marked with upright signs specifying the authorized occupant of the spaces.

### **6.11.C Vehicle Storage Limitations.**

The approval by the Commission shall specify the maximum number of vehicles to be stored and the duration for such storage.

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**6.12 SPECIAL BULK REQUIREMENTS. (Amended February 27, 2025)**

**1** 1 **6.12.A Height Exceptions.**

1. The height provisions of these regulations shall not apply to the erection of churches, belfries, and towers designed exclusively for ornamental purposes, flagstaffs, chimneys, flues, gas holders, electric generating plants, water tanks, standpipes, penthouses, bulkheads, stage towers or scenery lofts.
2. The height and story provisions of these regulations shall not prevent the erection of a school, public library, public museum, or a central telephone exchange, to a height not exceeding 40 feet in a residential district except that where such structure is located on a lot having an area of 25 acres or greater, and having a front yard setback of 100 feet or greater, the maximum height shall be 65 feet
3. Nothing in these regulations shall prevent the erection above the height limit of a parapet wall or cornice extending above such height limit not more than three (3) feet.

**1** 2 **6.12.B Yard Exceptions.**

1. Except as governed by requirement for corner visibility at intersections in Section 6.8, steps, terraces, fences and walls not over six (6) feet in height may be erected anywhere within the property. In residential districts and nonresidential districts (other than the I-1 and I-2 industrial districts), structures more than six (6) feet in height must conform to the yard requirements. In industrial districts such structures more than eight (8) feet in height must conform to the yard requirements.
2. Other usual projections such as window sills and cornices may extend into any required yard not more than one (1) foot, and a bay window may extend not more than two (2) feet.
3. Reduced Front Yard on Corner Lots. On corner lots a building shall be required to comply with the front yard requirements on only one (1) street front, but the width of the side yard on a street line shall not be less than 15 feet in R-10 and R-15 districts, 25 feet in R-20, R-30 and R40 districts, and 40 feet in R-80, PO, I-1 and I-2 districts. (See MFER, PLR and PEC for specific requirements in these districts.)

**1** 3 **6.12.C Height, Area and Yard Requirements Exceptions (Added February 27, 2025)**

1. Where a contiguous area in a Business or Special Zones, is in multiple ownership or composed of two or more parcels, it may, at the option of the Commission, be developed under a single site plan with height, area, and yard requirements governing the boundaries of the entire parcel so developed.
2. Where single parcels are developed individually, height, area and yard requirements shall apply to each parcel, unless otherwise provided in these regulations.

## 6.13 ACCESSORY DWELLING UNITS (5/1/23)

### 6.13.A Purpose

The purpose of this regulation is to assist with Bloomfield's need to address affordable housing, and the social and financial needs of homeowners, in particular the elderly and disabled. This regulation provides additional non-institutional housing arrangements to reduce the dependency on public agencies to provide housing and supportive services, and to promote stronger family ties and community through more flexible housing alternatives.

### 6.13.B Applicability

These Accessory Dwelling Units shall only be permitted in or on the property of a single family dwelling unit, and require zoning approval from the Zoning Enforcement Officer. An A-2 Survey which shows the existing improvements on the lot and the location and improvements associated with the proposed accessory dwelling unit shall be required.

### 6.13.C Occupancy

1. Either the principal dwelling unit or the accessory dwelling unit shall be owner-occupied.
2. The owner of the property containing an accessory dwelling unit which is rented for income shall file an affidavit with the Zoning Enforcement Officer certifying that either the principal dwelling or accessory dwelling unit is owner-occupied. The affidavit shall expire at the time of change of ownership of said property and a new affidavit must be filed by the new property owner.
3. No more than two adults and their dependents shall occupy the accessory dwelling unit.
4. The minimum rental term for accessory dwelling units shall be twelve (12) consecutive months. Accessory dwelling units which are rented for less than twelve (12) months shall be considered in violation of this regulation.

### 6.13.D Design Criteria

1. Only one accessory dwelling unit shall be allowed on any property.
2. The accessory dwelling unit shall be located in one of the following:
  - a. In an existing detached accessory structure such as a garage, barn, or similar use structure;
  - b. Within the existing principal structure or as an addition to the principal structure, where a separate entrance to the exterior is optional; or
  - c. In a new free-standing structure built for this purpose and that meets the standards in this section.
3. The accessory dwelling unit shall have a maximum gross floor area of 1,000 square feet or no larger than the gross floor area of the principal dwelling unit (as determined by the Bloomfield Assessor's property listing report), whichever is less, provided the resulting structure(s) do not exceed the building coverage requirements for the zone.
4. An accessory dwelling unit in a detached accessory building must be located in a rear or side yard. If located in the rear yard, the accessory dwelling unit must observe a minimum of 10 feet from all property lines. If located in a side yard, the accessory dwelling unit must comply with the principal structure setbacks required by the zone.
5. New separate utility connections may be installed for the accessory dwelling unit, but are not required. Utility lines from the principal structure to a detached accessory dwelling unit shall be located underground.

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- 6. At least one off-street parking space, subject to the requirements of Sec. 6.2 shall be provided for accessory dwelling units, and the total off-street parking for the principal dwelling shall not be reduced.
- 7. Accessory dwelling units may be permitted on nonconforming lots of record, provided that the lot coverage percentage is not exceeded, and all setback requirements are met.
- 8. Accessory dwelling units are not exempt from any other applicable codes, including but not limited to health and building codes.

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# ARTICLE 7 Special Permits

## 7.1 ADULT-ORIENTED ESTABLISHMENTS.

### 7.1.A Purpose.

1. The purpose of this Section is to address and mitigate the secondary effects of adult entertainment establishments.
2. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate, adverse impacts on the property values of residential and commercial property and adverse impacts on the quality of life.
3. All of said secondary impacts are adverse to the health, safety and general welfare of the Town of Bloomfield and its inhabitants.
4. The provisions of this Section have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials.
5. Similarly, it is not the purpose or intent of this Section to restrict or deny access by adults to adult entertainment establishments or to sexually oriented matter or materials that is protected by the Constitutions of the United States or of the State of Connecticut, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials.
6. Neither is it the purpose or intent of this Section to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

### 7.1.B Eligibility.

1. Minimum Lot Size. Each lot shall have an area of at least 40,000 square feet with a minimum street frontage (lot width) of 125 feet on a State of Connecticut or Town of Bloomfield accepted street.
2. Minimum Separating Distances.
  1. No adult-oriented establishment shall be permitted within a 1,500-foot radius of an existing adult-oriented establishment property line. Measurement of the 1,500-foot radius shall be made from the outermost boundaries of the lot or parcel upon which the existing or proposed adult-oriented establishment will be situated.
  2. No adult-oriented establishment as defined herein shall be permitted within a 1,500-foot radius of a school, church, synagogue, or other similar place of worship, charitable institution whether supported by public or private funds, hospital, library, public playground or park, municipal fire or police station or municipal building. Measurement of the 1,500-foot radius shall be made from the outermost boundaries of the lot or parcel upon which the existing or proposed adult-oriented establishment will be situated.
  3. No adult-oriented establishment as defined herein shall be permitted within 1,500 foot of any lot or parcel classified in any of the residential districts including single-family, multi-family and elderly zoning districts. Measurement of the 1,500-foot radius shall be made from the outermost boundaries of the lot or parcel upon which the existing or proposed adult-oriented establishment will be situated.
4. No adult-oriented establishment as defined herein, shall be conducted in any manner that permits the observation of any material depicting or describing "specified sexual activities" or "specified anatomical areas" as defined herein, from any public way. This provision shall apply to any building exterior display, decoration, sign, show window or

other building exterior opening. No adult-oriented establishment shall be conducted out-of-doors.

**7.1.C Nonconforming Uses.**

All adult-oriented establishments which were lawfully in existence as of the effective date of these regulations shall comply with all provisions of Section 8.1 nonconforming uses.

## **7.2 AFFORDABLE HOUSING FOR VOLUNTEER MUNICIPAL FIREFIGHTERS.**

### **7.2.A Purpose.**

The purpose of this section is to permit the housing of authorized firefighters and ambulance personnel of the municipal fire districts and ambulance services serving the Town of Bloomfield. The provision of such affordable housing has been determined necessary to attract and maintain adequate emergency personnel to safeguard lives and property within Bloomfield.

### **7.2.B Eligibility.**

The Commission may permit the use of any municipal fire station or municipal ambulance building to house authorized personnel as their permanent place of residence. Such housing shall meet the State of Connecticut definition of affordable and contain controls to assure long-range affordability.

### **7.2.C Occupancy Limits.**

The Commission shall determine the number of authorized firefighters or ambulance personnel who may reside on the premises and shall be assured that the operation of the facility as an emergency service provider shall not be negatively impacted.

### **7.2.D Additional Requirements.**

Floor plans shall accompany any application noting the proposed living arrangements and other uses of the building. Such living arrangements shall provide bathroom, shower, kitchen, and sleeping facilities

## 7.3 ALCOHOLIC LIQUOR.

### 7.3.A General.

No alcoholic liquor shall be sold, offered for sale or kept with intent to sell in the Town, except as specifically provided in this section.

### 7.3.B Types of Permits.

1. The sale of shall be limited to the following classes or permits (as defined in CGS Chapter 545 [[LIQUOR CONTROL ACT - http://www.cga.ct.gov/2007/pub/Chap545.htm](http://www.cga.ct.gov/2007/pub/Chap545.htm)], as amended,) in the districts specified below, provided that prior approval of the Commission is obtained as a condition precedent to the establishment of such a use pursuant to this Section:

2.

CLASS OF PERMIT	PERMITTED DISTRICTS
PACKAGE STORE	BCD; I-1; DDZ; GWD
RESTAURANT	BCD; I-1; I-2; DDZ; GW; R-30 <sup>1</sup> ; R-40 <sup>1</sup>
CAFÉ	R-30 <sup>1</sup> ; R-40 <sup>1</sup> ; BCD <sup>5</sup>
CLUB <sup>2</sup>	BCD; I-1; I-2; DDZ; GWD
DRUGGIST	BCD; I-1; DDZ; GWD
GROCERY STORE - BEER	BCD; I-1; DDZ; GWD
BOWLING ESTABLISHMENT	BCD; I-1; DDZ
TEMPORARY LIQUOR PERMIT	All Zoning Districts (5/2/11)
CRAFT CAFÉ	I-1, I-2 ( <b>11/30/20</b> )

#### TABLE LEGEND

1. As part of a municipally owned golf course only in the R-30 and R-40 districts
2. Private clubs which are part of nonprofit golf courses as permitted under these regulations may be permitted in any district, providing such private club has a total site of at least 15 acres.
3. Notwithstanding any other provisions of these Zoning Regulations, the sale of alcoholic liquor shall be prohibited in all other districts.
4. Temporary Liquor Permits may be approved by the Town Planner if minor in nature and of a short duration or submitted to the Commission for a full review should the Town Planner determine the proposal to be more of a size or duration requiring action by the Commission. (**5/2/11**)
5. Café permits in the BCD shall be allowed in conjunction with a restaurant as defined in these regulations and subject to Special Permit approval. Existing restaurant permit upgrades to a café permit will also require a Special Permit from the Town Plan and Zoning Commission. (**12/14/18**)
3. (**11/30/20**) Craft cafés may be allowed by Special Permit in conjunction with any new or existing manufacturer permit issued by the State of Connecticut, Department of Consumer Protection, Liquor Control Division." Where there is a conflict between the provisions of the Liquor Control Commission and the Bloomfield Zoning regulations, the stricter standard shall apply. A craft cafe permit may allow:
  1. The retail sale of alcoholic liquor manufactured in this state to be consumed on the premises of such cafe.

2. The holder of such permit shall keep food available during a majority of the hours such premises are open pursuant to this subsection for sale to and consumption by customers on the premises.
3. The availability of food from outside vendors located on or near the premises shall be deemed compliance with such requirement.
4. The permit premises shall at all times comply with all regulations of the West Hartford/Bloomfield Health District.
5. Nothing herein shall be construed to require that any food be sold or purchased with any alcoholic liquor.
6. A craft café permit may allow, with the prior approval of the Town Plan and Zoning Commission and the State Department of Consumer Protection, alcoholic liquor to be served at tables in outside areas.
7. An application for a craft café permit shall include the proposed hours of operation. No craft café shall be allowed to operate beyond 9.p.m.

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### 7.3.C Eligibility.

The Commission shall not approve any application if it finds that the following circumstances exist:

1. No package store shall be permitted any of whose public entrances area within 1,500 feet, as measured along the center line of public streets, of any of the public entrances to any existing package store or of any proposed package store approved by the Commission within the prior year, except those within a shopping center as hereinafter defined, and as permitted in a DDZ, as hereinafter provided for. This provision shall not apply to BCD zone. **(08/18/17)**
2. No restaurant selling alcoholic beverages shall be permitted any of whose public entrances are within 1,500 feet, as measured along public streets, of any of the public entrances to any existing restaurant selling alcoholic beverages or of any proposed restaurant selling alcoholic beverages approved by the Commission within the prior year, except those within a shopping center as hereinafter defined, and except as permitted in a DDZ, as hereinafter provided for. This provision shall not apply to BCD zone. **(08/18/17)**
3. No package store or restaurant selling alcoholic beverages shall be permitted, any of whose public entrances are within 300 feet of any adjacent residential district, including any RB district, located on the same street as said entrance, as measured along the center line of said public street, or any of whose public entrances are within 1,500 feet, as measured along the center line of public streets, of any lot or plot upon which a school, church or library is located, whether or not said building is within the Town of Bloomfield.
  1. Package stores and restaurants within a DDZ and restaurants associated with municipally owned golf courses shall be exempt from the provisions of this paragraph
  2. Package stores and restaurants within shopping centers as defined in Section 4 below shall be exempt from the provisions of this Paragraph.
  3. The 1,500 feet distance from a school, church or library shall not apply to package stores and restaurants located in the BCD zone. **(08/18/17)**
4. Shopping Centers. For the purpose of this Section, a shopping center shall be defined as a grouping of retail stores planned and developed as a single unit which shall have a minimum of 25,000 square feet of gross retail floor area, and in which the store entrances are separated by a common parking area from public streets, with limited access from said parking area to said public streets.
  1. Each shopping center may contain a maximum of one package store and one restaurant selling alcoholic beverages. One (1) additional package store or restaurant selling alcoholic beverages, or both, may be permitted in a shopping center larger than 200,000 square feet but less than 300,000 square feet and

2. one additional restaurant selling alcoholic beverages may be permitted for each 100,000 square feet over 300,000 square feet. Such uses may be permitted without restrictions to distance limitations except that no public entrance to any permit premises shall be within 300 feet of the main entrance to a school, church, or library, whether or not located within the Town, as measured from door to door.
3. The distance and quantity requirements set forth in this Section shall not apply to an approved DDZ, provided that no public entrance to any permit premises shall be within 225 feet to the main entrance to a school, church or library, whether or not located within the Town, as measured from door to door, and provided further that an approved DDZ may not have more than one (1) permit premises for each 100,000 square feet of development.
4. The shopping center provisions shall not apply in the BCD zone. **(08/18/17)**

### 7.3.D Considerations.

In acting upon an application, the Commission shall be guided by the following considerations:

1. The creation of a traffic hazard.
2. Whether or not the proposed use would be inconsistent with or detrimental to existing uses of other property in the neighborhood which are deemed to fulfill a governmental, religious, charitable, or other public need.

### 7.3.E Additional Requirements.

1. All applications pursuant to a restaurant or café permit shall be accompanied by a detailed floor plan, drawn to scale, of the proposed restaurant premises, and a site plan, drawn to scale in accordance with the site plan requirements in Section 9.4.
2. Applications pursuant to Temporary Beer Permits shall be accompanied by a site plan, and floor plan if applicable, indicating the area of the site or building where beer will be sold, offered for sale or kept with intent to sell.
3. Applications pursuant to Bowling Establishments Permit shall be accompanied by a floor plan of the entire facility indicating the portion of the facility where alcoholic liquor will be sold, offered for sale or kept with intent to sell.

## 7.4 ANTIQUE SHOP.

#### 7.4.A General.

1. The Commission may allow an antique shop in conjunction with a primary single-family dwelling subject to the following requirements:
  1. Not more than 25 percent of the residence shall be used for the business, ensuring the operation is clearly secondary to the residential use of the property. One accessory building may be used in conjunction with the business, provided that the accessory structure was in existence at the date of adoption of this regulation. The Commission may limit the area of the accessory structure to be used in conjunction with this use to ensure the use is clearly accessory in nature.
  2. The residential character of the dwelling, accessory structure and the property must be maintained at all times.
  3. One nonresident employee may be allowed.
  4. Only one sign, not exceeding eight (8) square feet, is permitted which shall be approved by the Commission as part of the application. Said sign shall be freestanding and non-illuminated.
2. Hours of Operation. The antique shop may be open for customers at a designated time or by appointment and the Commission may institute limits on the days and/or hours of operation to protect the neighborhood.

3. Storage. There shall be no outdoor storage, sorting or processing of merchandise; tag sales are not allowed.
4. Parking. All parking needs for the residence and business shall be met on-site. No parking is allowed on the street.

#### **7.4.B Permit Expiration.**

Commission approval shall be valid for a period not to exceed three (3) years. The Commission may grant permit renewals of the same term upon application. Discontinuance of the use will automatically terminate the Commission's approval.

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## **7.5 BED AND BREAKFAST INN.**

### **7.5.A General.**

The Commission may allow a Bed and Breakfast Inn in conjunction with a primary single-family dwelling in the R-80, R-40, R-30 and R-20 districts subject to the following requirements in this section.

### **7.5.B Eligibility.**

The lot must meet the minimum lot area requirement and be of sufficient size and shape to accommodate required off-street parking. The business shall be conducted by the resident owner/occupant of the dwelling and no more than one (1) non-resident employee.

### **7.5.C Requirements.**

1. One (1) off-street parking space shall be provided for each guest bedroom in addition to the spaces required for the dwelling itself.
2. Only one (1) sign, not exceeding eight (8) square feet, is permitted which shall be approved by the Commission as part of the application. Said sign shall be freestanding and non-illuminated.
3. Where on-site water and sewage disposal systems are proposed, the Health District shall certify that the systems are adequate to serve the proposed use.
4. Such facilities shall not provide for cooking within the rooms, but may include meals served by the owner to the guests. No meals shall be served to non-guests.
5. Rooms shall be provided with access and egress from within the principal residence only.
6. Additions to a bed and breakfast inn for the purpose of providing additional guest rooms or bed and breakfast facilities may be permitted where the addition shall be constructed in a manner that is in keeping with the size and scale of the dwelling, maintains the residential appearance of the structure and lot and blends with the existing neighborhood. In no case shall an addition be permitted which would allow for more than four (4) guest rooms to be provided.

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## **7.6 BULKY WASTE, MUNICIPAL SOLID WASTE TRANSFER STATIONS AND LEAF COMPOSTING FACILITIES.**

### **7.6.A Purpose.**

The State of Connecticut has mandated that municipalities implement recycling programs to reduce the wastes ultimately disposed of in our landfills, and whereas the Town of Bloomfield has recognized the need to provide recycling programs, and has adopted a recycling ordinance and developed a recycling program, and whereas to fully implement that program specific recycling facilities will be required, now be it resolved that the Town Plan and Zoning Commission shall permit the following uses subject to special permit approval.

### **7.6.B Eligibility.**

1. Permitted Special Permit use in the I-2 district: The following uses may be permitted in the I-2 district when granted a Special Permit by the Town Plan and Zoning Commission:
  1. bulky waste recycling facility.
  2. bulky waste disposal area.
  3. leaf composting facility.
2. Permitted special permit use in any district: The following uses may be permitted in any district when granted a special permit by the Town Plan and Zoning Commission:
  1. leaf composting facility as an accessory use to a bona fide farm operation of a minimum of 50 acres provided that all the composted materials are used on the subject farm for soil augmentation purposes
  2. municipal leaf collection transfer facility.
  3. Municipal transfer station

### **7.6.C Requirements.**

#### **1. Bulk Requirements.**

1. A bulky waste disposal area shall contain a minimum of 20 acres and shall not exceed 40 acres. Existing topographic conditions must be present which would facilitate the establishment and operation of a bulky waste disposal area without extensive regrading of the land.
2. The height and area requirements of the I-2 district shall be adhered to as a minimum. When appropriate, the Commission may also require larger setbacks for structure, equipment or storage piles to reduce or eliminate noise, dust, air pollution or water pollution, problems associated with the facility or area.
3. Leaf composting facilities must meet the following minimum requirements:
  - (1) 300 feet setback from surface water in the I-2 district, 500 feet setback from surface water in all other districts 200 feet setback from adjacent property lines in the I-2 district, 500 feet setback from adjacent property lines in all other districts
  - (2) 450 feet setback from residential and business complexes in the I-2 district, 1,000 feet setback from residential and business complexes in all other districts
  - (3) Five (5) feet from surface of ground to seasonal high groundwater
  - (4) Five (5) feet from surface of ground to bedrock
  - (5) A minimum grade of two (2) percent and soil conditions favorable to proper drainage and acceptable water quality standards
  - (6) Any bulky waste area shall be constructed to ensure the present and future protection of the State's natural resources including but not limited to its groundwater resources.

2. Landscaping. Each facility or area shall be properly secured and screened with landscaping to the Commission's satisfaction.
3. Traffic and Site Access.
  1. The applicant shall submit traffic projections, proposed vehicle routes and the number and type of vehicles trips per day. The Commission shall be empowered to fix established vehicle routes and the type of vehicles utilizing each facility or area and the days of vehicle usage to minimize negative impacts on existing development; provided; however, such limitations shall not be so restrictive as to unreasonably impact the safe, sanitary construction or operation of the facility or area.
  2. Bulky waste disposal areas and bulky waste recycling facilities must be located on an arterial road as defined in the Plan of Development. Facilities not located directly on an arterial road must be:
    - (1) Located within 5,000 feet, as measured along the travelled way, of such a designated roadway.
    - (2) Located such that no vehicle leaving the site and travelling to the arterial road shall pass within 1000 feet, as measured in a straight line, of any residentially zoned property.
    - (3) Located such that no bulky waste disposal areas or bulky waste recycling activities are located within 1000 feet, as measured in a straight line, of any residentially zoned property.
    - (4) Shall only process construction debris and similar materials and shall not process any household wastes, rubbish or similar materials.
    - (5) Shall process all such material within a permanent structure designed for said purpose
    - (6) Shall store all unsorted and sorted material within said structure or metal dumpsters (roll-off containers) which shall be covered when not in use.
4. Each facility or area shall be required to be properly maintained to prevent recyclables, litter, debris or other materials from being stored, processed or disposed of in an unsightly, unsafe or unhealthy manner. The operator of any facility or area shall also perform street cleaning services as needed to remove any spillage on any adjoining roadway or established route. The Commission may require the posting of a performance bond to ensure the timely cleaning of any spillage.
5. Should a bulky waste disposal area be approved, a closure plan must accompany the application to conduct the use and a performance bond must be posted to ensure the area is closed properly. This bond shall be revised annually to address any changes in the operation of the disposal area, to address inflationary conditions, or to satisfy changing legal requirements. Such area shall be evenly graded to slopes not exceeding one (1) foot of vertical rise to three (3) feet of horizontal distance. A top layer of arable soil free of debris or boulders at the surface, spread to a depth of not less than six (6) inches over the entire area.

#### 7.6.D **Operational Restrictions.**

1. When applicable, the Commission may establish the months, days and hours of operation for any facility or area; provided, however, such limitations shall not be so restrictive as to unreasonably impact the safe, sanitary construction or operation of the facility or area.
2. Any approvals granted by the Commission to operate a facility or area shall specify the daily type tonnage of materials permitted on the site and the methodology to be utilized in the operation.
3. In the operation of a bulky waste recycling facility, residue remaining after processing shall be no greater than 20 percent of the materials brought to the site. The Commission shall determine whether such residue shall be calculated by weight or volume based upon the nature of the operation.

4. The Commission may also establish limits for the amount of materials that can be stored prior to and subsequent to processing.

**1 7.6.E Compliance Assurances.**

1. When appropriate, the Commission may require scales or other measurement devices to be provided to ensure proper accountability for the facility or area. The owner/operator shall provide all reports required by State statute or regulation or municipal ordinance in a timely fashion.
2. Prior to the approval of any use permitted within this section, the Commission shall obtain a report from the Town Manager, or his/her designee, outlining the need for such a facility or area and the Town Manager's assurance that all pertinent local agreements between the potential operator or applicant and the Town have been agreed to or executed.

**2 7.6.F Outside Storage.**

1. For the purposes of this section only, the Commission may authorize outside storage, processing or disposal in connection with an approved facility or area.
2. The location and nature of any outside storage shall be approved by the Commission. The maximum height of any outside storage piles shall also be approved by the Commission. Proper access through any facility or area, including any outside storage areas must be maintained at all times to assure proper emergency vehicle access.
3. The Commission requires all recycling functions to take place within an enclosed building but realizes some particular functions, e.g. storage and sorting, must take place outdoors.

**3 7.6.G Other Requirements.**

1. A site plan must accompany any application showing the limits of the operation, outside storage and processing and details of the equipment necessary to operate the facility. Existing and proposed contours and drainage shall also be provided. The maximum grading associated with any bulky waste disposal area must be provided. The Commission shall determine the final grading and maximum height of any bulky waste disposal area.
2. Prior to approving and constructing a bulky waste recycling facility, the Commission shall be assured that proper long-term contracts or agreements are in place to ensure the prompt removal of all reclaimed recyclables and waste materials.
3. Special permits granted by the Commission shall be renewed on a yearly basis with a public hearing, provided the applicant submits a report and/or an updated map showing existing conditions, both prepared by and bearing the seal of a Connecticut-licensed land surveyor or professional engineer.
4. The Commission may also waive the requirement that a report or map be submitted should conditions of the site not warrant such map or report. Any changes to the approved site plan or nature of the conditions of the special permit must be reviewed and approved by the Commission.
5. In addition to any local approvals required, all State and/or Federal permits must be obtained prior to the construction and operation of any facility or area.
6. Any facility or area including any access road shall be provided with a dustless surface constructed, used and maintained at all times so as to take reasonable precautions to prevent particulate matter from becoming airborne.
7. Activities shall be reviewed with respect to the condition of the site after completion of the operation and the relationship of the site to existing and potential development in the general area. Should the proposed facility or area be determined by the Commission to have detrimental impacts on adjacent properties, the use shall not be approved.

## 7.7 CEMETERIES.

### 7.7.A **Eligibility.** Cemeteries may be authorized as follows:

1. A new cemetery must have a minimum of six (6) acres; or
2. An extension of existing cemetery to property abutting the existing cemetery, whether directly adjacent to the site or across the street from the site. Under special circumstances the Commission may reduce the minimum acreage when in their judgment surrounding land uses will not be negatively impacted.

### 7.7.B **General Requirements.**

1. No burial plot shall be closer to a property line than as provided for front yard, rear yard and side yard setbacks for the district in which the cemetery property is situated.
2. Landscape buffers and/or open space, subject to the approval of the Town Plan and Zoning Commission, must be provided to screen adjoining residential land.
3. Mausoleums must be screened from public view.
4. Curvilinear roads and natural landscaping are encouraged in the design of the cemetery.
5. No cremations are permitted on the site.
6. Ownership and management of the cemetery shall be in conformance with Chapter 368j of the Connecticut General Statutes [CEMETERIES – [https://www.cga.ct.gov/current/pub/chap\\_368j.htm](https://www.cga.ct.gov/current/pub/chap_368j.htm)], as amended.

## 7.8 COMMERCIAL KENNELS.

Commercial Kennels authorized by Special Permit may be authorized as follows:

### 7.8.A **Restrictions.**

1. Commercial kennels shall take place within the confines of an enclosed building.
2. Any outdoor dog runs shall be supervised at all times by staff when in use to prevent unwanted noise
3. No indoor/outdoor runs are permitted

### 7.8.B **Additional Requirements.**

A floor plan of the kennel shall be presented at the time of an application. The Commission shall establish the number of dogs to be boarded based upon the facilities and staffing proposed.

### 7.8.C **Requirements for Professional Office Districts (Added 7/1/16)**

Commercial kennels may be authorized by Special Permit in Professional Office (PO) Districts subject to the standards listed above and the following additional requirements.

1. Any lot for which a Commercial kennel is proposed must directly abut a Zoning District that permits Commercial kennels.
2. No Commercial kennel shall be permitted on any lot that abuts a Residential District.
3. The minimum lot size for a Commercial kennel in a PO District shall be one (1) acre.

## **7.9 CONSERVATION DEVELOPMENT.**

### **7.9.A Purpose.**

The purpose of this section is to permit flexibility in residential land development by allowing for a variation in lot area in the R-80, R-40, R-30 districts without increasing the density permitted within the district in which the property is located.

### **7.9.B Intent.**

It is the intent of these regulations that no more dwelling units be permitted than that permitted by reasonable development of the original district. The Conservation Development use provides opportunities to increase open space, protect water quality by reducing impervious surfaces and to enhance community character through tree protection, farm land protection and other means.

### **7.9.C Development Options.**

The Conservation Development use can be developed as a subdivision with roads built to Town standards or as a common interest community with private driveways.

1. Subdivision of Land. The Town Plan and Zoning Commission may permit an Conservation Development wherein the individual units are subdivided into lots. In the case of a subdivision, a minimum required yard (side, front and rear) of 15 feet shall be provided for each lot. There is no minimum lot size or frontage associated with a Conservation Development proposal.
2. Common Interest Community. The Town Plan and Zoning Commission may permit a Conservation Development wherein the land and common facilities shall be under single common ownership, in which case individual lots and yards shall not be required; however, no principal structure shall be within 30 feet of another structure. The Commission shall determine which of the other requirements and conditions of this section shall be applicable. A proposal under the Common Interest Community option shall not constitute a subdivision under the provisions of the General Statutes if no new lot is created.

### **7.9.D Permitted Residential Densities.**

1. The maximum number of lots to be permitted on a given tract of land is determined by reducing the total acreage of the tract by 15 percent for street right-of-way, and by dividing the remaining developable area by the minimum lot requirements for the zoning district in which the tract is located.
2. Land utilized by utilities or others for easements for major facilities such as electric transmission lines and water mains, where such land is not available to the owner for development, shall not be considered as part of the gross acreage in computing the maximum number of lots to be permitted under this Section.
3. The Commission may increase the number of lots permitted by the above formula when in their judgment the principles of these regulations are met, the land is better used, or housing and development goals of the Plan of Conservation and Development merit the increase. In no case, however, may the increase be greater than 20 percent of the formula calculation.

### 7.9.E **Eligibility.**

A tract shall be at least ten (10) acres in area, except that if, in the opinion of the Commission the shape, topography, existence of wetlands or watercourses, or other unique features should be preserved for the benefit of the community, or the tract is contiguous to a previously approved Conservation Development, the provisions of this Section may be applied to any parcel of land.

### 7.9.F **Buffers.**

To insure the protection of existing residences contiguous to a tract of land for which approval of a Conservation Development is sought, the Commission may require that new lots be separated from existing contiguous parcels by a distance equal to the rear yard requirement for the district in which the tract is located, or by the introduction of buffer plantings.

### 7.9.G **Utilities Required.**

The tract of land proposed for development under this Section shall be served by public water supply and sewage disposal systems. The Commission may permit an alternative method of water supply or sewage disposal, provided such systems are approved by the Connecticut Department of Environmental Protection and the West Hartford-Bloomfield Health District, as appropriate.

### 7.9.H **Preservation Areas.**

1. The balance of land not contained in the building lots, or utilized by street, driveway or unusable utility rights-of-way, shall be of such a condition, location, size and shape as to be open space. In no case shall the dedicated open space be less than 50 percent of the total area of the subdivision. The use of the land set aside as open space shall be approved by the Commission and such use shall be noted on the record subdivision map.
2. The open space land shall be either:
  1. deeded to the Town in an acceptable condition,
  2. established legally as part of a homeowner's association, or
  3. deeded to a land trust.
3. If the land is deeded to the Town, no mylars can be filed or any building permit shall be issued until the land is accepted by the Town Council. The property deeded to the Town shall remain as open space in perpetuity.
4. If a homeowner's association is established, it must be legally established pursuant to the provisions of CGS Chapter 828 [[COMMON INTEREST OWNERSHIP ACT](#) - <http://www.cga.ct.gov/2007/pub/Chap828.htm>], as amended. The applicant shall submit such suitable legal instruments, which, to the satisfaction of the Commission, will insure that such land will continue to be used for the purposes approved by the Commission, and shall not be disposed of by sale or otherwise except to an organization established for the purposes of owning and maintaining such open space, in which case the land must first be offered to the Town of Bloomfield. In such legal instruments, provisions shall be made for the adequate maintenance of the areas set aside as open space and further provide the necessary safeguards and conditions to carry out the purposes contained in this section of the regulations. In the event that the homeowner's association fails to maintain the open space, provisions shall be made for the Town of Bloomfield, its agents, servants and employees, to enter upon such open space, without liability, in order to remove or cause to be removed anything, object or condition which may be deemed to be a nuisance or in the nature of a nuisance. Within such open space, no buildings may be erected without the express approval of the Commission and no change in the designation of the land set aside for conservation, park and recreation shall be made without approval of the Commission.

5. Where open space is proposed for contribution to a land trust, the Commission may require whatever provisions they deem appropriate, including but not limited to necessary deed restrictions, to insure that the developers proposals for open space improvements or maintenance are assured.

7.9.1 **Vehicular Accessways.**

1. Common/shared driveways. Because Conservation Developments are developed under design controls as special permits, interior accessways streets may be owned and maintained by a property owner's association.
2. Driveways serving up to three (3) dwelling units: A minimum driveway width of 15 feet with a two and one-half (2½) inch bituminous concrete layer over eight (8) inches of processed gravel shall be provided. Slopes shall not exceed 12 percent grade at any point. Construction plans and profiles prepared by a Connecticut-licensed professional engineer are to be provided by the applicant. The Commission may allow an alternate surface if the Commission is satisfied with maintenance provisions. Alternate surface means crushed stone, gravel, or other materials deemed appropriate to the use.
3. Drives serving four (4) or more units. A minimum driveway width of 20 feet with a two and one-half (2½) inch bituminous concrete layer over eight (8) inches of processed gravel shall be provided. Slopes shall not exceed ten (10) percent grade at any point. Construction plans and profiles prepared by a Connecticut-licensed professional engineer are to be provided by the applicant.
4. Ownership and Maintenance. Common/shared driveways shall be owned and maintained by a homeowner's association of the owners of lots within the Conservation Development. Maintenance shall be permanently guaranteed by such association which shall provide for mandatory assessments for maintenance expenses to each lot. Each individual deed, and the deed, trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such association shall be submitted to the Town Plan and Zoning Commission for approval, and shall thereafter be recorded on the Land Records. Town services will not be provided for common/shared drives.
5. Public Streets. Any accessway street to be dedicated as a public street shall meet the full design requirements of the Town of Bloomfield.

## **7.10 CONVALESCENT HOMES, REST HOMES OR NURSING HOMES.**

Convalescent, rest homes or nursing homes may be permitted as special permits in R-10 and R-15 residential districts. The predominantly residential character of the district must be maintained. These uses may therefore be authorized, after a public hearing before the Town Plan and Zoning Commission, subject to the following requirements:

### **7.10.A Eligibility.**

1. No site shall be less than six (6) acres. Size of the site shall permit no more than 20 beds per acre.
2. No site shall be approved unless it is on or within 300 feet of a travel artery as set forth in the Site Development plan and unless it is on or may readily be connected to Metropolitan District water and sewer.
3. Minimum lot frontage shall conform to the residential requirements of the district. Buildings shall be sited and landscaped and buffer areas provided to assure maximum privacy into the patients and adjoining residential uses. In no case shall any building or structure or parking area be located less than 25 feet from any property line.

### **7.10.B Height of Buildings.**

No principal buildings may exceed the height of two (2) stories or 35 feet. No accessory building may exceed the height of 15 feet.

### **7.10.C Landscaped Areas.**

1. Suitable recreation facilities, appropriate in function and area shall be provided. Drives and access and egress points.
2. Internal circulation shall provide for easy movement of vehicular and pedestrian traffic and the convenient access of emergency vehicles.

## 7.11 DRIVE-IN WINDOWS.

Drive-in windows may be authorized as a Special Permit provided the use is allowed in the district, and the following standards are met:

### 7.11.A Vehicle Queuing.

1. Queuing lanes (stacking lanes) are separated from other circulation lanes and are so identified by pavement striping.
2. All queuing lanes shall minimize conflict with pedestrian traffic through the use of pavement markings and signing, and may include internal walkways and speed bumps in queuing lanes.
3. The distance from the pick-up window to the exit onto the street shall be a minimum of:
  1. 30 feet in the BCD
  2. 60 feet in all other Business and Special Zones.

### 7.11.B Site Access.

1. An exit or entrance for such lanes shall be as far away as possible from a street intersection.
2. Each entrance lane shall provide a minimum queuing of ten (10) 10 feet x 18 feet stations.

### 7.11.C Screening.

1. Drive-in windows or lanes shall be located at least 50 feet from any residential property.
2. A solid wood fence, synthetic wood-like fence, or masonry wall at least six (6) feet in height shall be installed. The fence, or wall, shall be augmented with suitable landscaping on both sides to soften the visual impact of the fence, or wall. The Commission may allow screening to be located on an adjacent property(ies), provided documentation regarding owner consent can be supplied to the Commission.

## **7.12 REAR LOTS.**

### **7.12.A Purpose.**

As land available for development becomes more difficult to find and when more conventional forms of development would cause negative impacts on the land, the creation of rear lots may be desirable.

### **7.12.B Minimum Lot Size.**

The rear lot conforms to all requirements prescribed for in the district in which it is located except that the front yard setback and the lot area, exclusive of the accessway shall be at least 50 percent greater than the minimum requirement for the district, and the minimum lot width shall apply only to the developable portion of the lot, not the accessway.

### **7.12.C Access Drives.**

1. Each rear lot shall be connected by its own accessway at least 25 feet in width, in fee simple ownership by the owner of said rear lot, to an existing Town road or a subdivision road approved by the Commission and on file with the Town Clerk.
2. Accessways shall not exceed 1,200 feet in length with the maximum number of adjoining accessways is limited to three (3).
3. Drives shall be constructed within an accessway so as to adequately accommodate fire apparatus and other emergency equipment. Such drive shall not exceed a grade steeper than 11 percent and shall be constructed with an all-weather surface. Common drives serving more than one lot shall be encouraged.

### **7.12.D Buffers and Screening.**

A landscaped buffer may be required by the Commission along the accessway to ensure that the development of rear lots will be in harmony with surrounding areas.

### **7.12.E Utilities.**

All utilities shall be installed underground and street numbers shall be posted at the intersection of the public street or street contained within a subdivision and the accessway.

### **7.12.F Site Configuration.**

1. The Commission shall determine that the development of the rear lot will provide the most appropriate use of the land considering such factors as the preservation of the natural character of the land, drainage, configuration, accessibility and topography.
2. If the Commission, in its sole judgment, finds that the established development pattern of a neighborhood will be damaged by the development of a rear lot, it may deny this application for a rear lot.

## **7.13 RIDING STABLES.**

Riding stables, riding schools, boarding of horses, renting of saddle horses and similar activities may be permitted by the Commission subject to the following requirements:

### **7.13.A Eligibility.**

There shall be a minimum lot area of five (5) acres. The maximum number of horses, ponies or other animals of the equine family shall be based upon the ratio of one (1) animal for every acre.

### **7.13.B Building Setbacks.**

No barn, shelter, or other buildings used for the housing of said animals, the storage of feed and supplies or the storage of waste materials shall be located any closer than 100 feet from any property line. Waste materials and manure shall be disposed of according to the State of Connecticut Public Health Code.

### **7.13.C Pasture Requirements.**

The area used for the grazing, exercising or training of said animals shall be securely fenced to prevent straying and to prevent the public from entering the enclosure. While the use of low voltage electric fencing is permitted under suitable conditions, these fences shall be clearly labeled as being "electric" fences along the entire perimeter of the fence. Said areas shall also be designed and managed to prevent soil erosion and runoff from leaving the property.

### **7.13.D Parking.**

There shall be adequate off-street parking and sanitary facilities for all occupants of the site.

## 7.14 MULTI-FAMILY DWELLING UNITS.

### 7.14.A Purpose.

To provide for medium-high density attached and detached dwellings, townhouses and multi-family units.

### 7.14.B Design Considerations.

	BCD	POD*	GWD++	OTHER DISTRICTS
MINIMUM DWELLING UNITS PER BUILDING	3	3	4	4
MAXIMUM DWELLING UNITS PER BUILDING	N/A	N/A	20 <sup>1</sup>	20
MINIMUM BUFFER FROM ADJACENT RESIDENTIAL ZONED PROPERTY	20 Feet	20 FEET	35 Feet	35 feet
MINIMUM LANDSCAPED AREA	1,000 square feet per dwelling unit	1,000 square feet per dwelling unit	1,000 square feet per dwelling unit	2,000 square feet per dwelling unit

\* Added 10/1/16- Amended 02/10/20 ++Added 5/17/19

### NOTES

1. Maximum dwelling units per building in the GWD Zone is 20, except where the development meets the affordable unit requirements for enhanced building density under Section 4.5.f, in which case the maximum dwelling units per building may be increased to a maximum of 60 dwelling units per building. (added 11/20/23)

### 7.14.C Vehicular Accessways.

1. Driveways serving up to three (3) dwelling units: A minimum driveway width of 15 feet with a two and one-half (2½) inch bituminous concrete layer over eight (8) inches of processed gravel shall be provided. Slopes shall not exceed 12 percent grade at any point. Construction plans and profiles prepared by a Connecticut-licensed professional engineer are to be provided by the applicant. The Commission may allow an alternate surface if the Commission is satisfied with maintenance provisions. Alternate surface means crushed stone, gravel, or other materials deemed appropriate to the use.
2. Drives serving four (4) or more units. A minimum driveway width of twenty (20) feet with a two and one-half (2½) inch bituminous concrete layer over eight (8) inches of processed gravel shall be provided. Slopes shall not exceed ten (10) percent grade at any point. Construction plans and profiles prepared by a Connecticut-licensed professional engineer are to be provided by the applicant.
3. Ownership and Maintenance. Common/shared driveways shall be owned and maintained by a homeowner's association of the dwelling units within the development. Maintenance shall be permanently guaranteed by such association which shall provide for mandatory assessments for maintenance expenses to each lot. Each individual deed, and the deed, trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such association shall be submitted to the Town Plan and Zoning Commission for approval, and shall thereafter be recorded on the Land Records. Town services will not be provided for common/shared drives

### 7.14.D Requirements for Professional Office Districts. (Added 10/1/16)

1. Any parcel for which multi-family dwellings are proposed must abut both a Residential and an Industrial Zoning District

2. The minimum lot area requirement is two gross acres

3. Parking required to serve a new multi-family structure on a corner parcel may be located within the 40 - foot front yards as long as the parking is set back at least 20 feet from both property lines.

4. The Commission may allow buildings up to 4 stories with 60ft. as the maximum height. **(Added 02/10/20)**

5. The number and dimensions of on-site residential parking spaces shall conform to Section 6.2.D.1 except that only one parking space is required for each studio dwelling unit of 650 square feet or less. **(Added 02/10/20)**

6. The Commission may allow on-site designated Open Space or Conservation Area to meet the Minimum landscaped Area Requirement. **(Added 02/10/20)**

7. **Master Plan (Added 02/10/20)**

1. The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to Section 7.15 and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the dimensional characteristics of the proposed project.
2. Changes to the Master Plan:
  - (1) Any modifications to dimensional elements in the Master Plan shall follow the Special Permit Application Procedures in Section 9.5.
  - (2) Any modifications to the use elements in the Master Plan shall follow the Zoning Map Amendment Procedures in Section 9.7.
  - (3) As part of, or after Master Plan approval for districts established after August 15, 2009 an application for a site plan must be submitted for approval.

## 7.15 OUTDOOR STORAGE RELATED TO ON-SITE MANUFACTURING (03/08/21)

### 7.15.A Location

1. The outdoor storage of vehicles, materials and equipment shall be located on the same premises as the principal use or building.
2. Outdoor storage areas must comply with all applicable setback requirements for buildings.
3. Outdoor storage shall not exceed a height of twenty (20) feet, provided, however, that any outside storage that exceeds a height of ten (10) feet shall count toward maximum coverage limitations listed in the Bulk Requirements Tables.
4. All equipment and vehicles in a storage area shall be in operable condition.
5. Outside storage shall be limited to areas that are designated on the Site Plan.

### 7.15.B Screening

The outside storage shall be suitably screened from the road and adjacent lots or zones (except for access driveways) by shrubs and/or trees so that within five (5) years there will exist a minimum twelve (12) foot high foliage screen.

### 7.15.C Plan Requirements

Each application for activities and storage in outdoor areas in industrial zones shall be accompanied by a site plan, which shall include in addition to all other site plan requirements:

1. locations and types of containers for all volatiles and all enclosures for outdoor storage;
2. traffic aisles and parking for the establishment;
3. an operating plan indicating types of materials to be accepted at the facility and estimates of the volume and number of trips of incoming and outgoing materials daily and during peak periods;
4. a plan for preventing and controlling offensive noises, odors, and rodents and other disease vectors;
5. a plan for preventing and controlling fire and explosions occurring at the site;
6. a plan and for keeping the area immediately around the facility free and clear of debris;
7. a plan for managing dust and other airborne particles and debris, which may include covering or enclosing the stored material, and controlling dust and dirt on the vehicles (including tires) that enter and leave the site, and;
8. stormwater management calculations and plans in compliance with Section 6.6, Stormwater Runoff Control Regulations.

### 7.15.D General

1. Nothing in this section shall preclude the Planning and Zoning Commission from imposing additional or stricter conditions pertaining to design, screening, buffering, lighting, soundproofing, signs, or any matter necessary to protect adjacent property.
2. In no case shall this section be construed to permit the use of premises for the storage of goods, possessions or similar items not associated with a principal permitted or Special Permit Use located on the same premises

**7.16 RECREATIONAL AND MEDICAL CANNABIS CULTIVATION AND SALE (Added 8/03/22)**

**1 7.17.1. Purpose.** The purpose of this section is to regulate the location and operation of medical marijuana dispensary facilities, medical and recreational marijuana production facilities, and cannabis retail and cultivation. The intent of these regulations is to minimize any adverse impacts of such facilities, and to protect and preserve Bloomfield's neighborhoods, commercial districts, property values and quality of life.

**2 A. Moratorium.** A moratorium on the uses in Section 7.17 of these regulations is in place until November 1, 2024. Until that date, no applications for the uses described in this Section 7.17 will be considered by the Town Plan and Zoning Commission. (Added 4/15/24) (Extended on 02/27/2025 to September 1, 2025)

**3 7.17.2 Definitions.** (See Section 2 under "Cannabis Related Terms")

**4 7.17.3 Applicability:**

**5 A.** Medical marijuana dispensary facilities and production facilities shall be governed by CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended. These facilities shall be permitted only in the zoning districts designated in these regulations, subject to Special Permit approval in accordance with Section 9.5 of these Regulations, site plan approval in accordance with Section 9.4 of these Regulations, and the requirements of this section.

**6 B.** Cannabis retail and hybrid-retail facilities shall be governed by The Responsible and Equitable Regulation of Adult-Use Cannabis Act ("RERACA"), Public Act 21-1 / Senate Bill 1201 as may be amended and inclusive of the Regulations of Connecticut State Agencies as they may be amended. These facilities shall be permitted only in the zoning districts designated in these regulations, subject to special permit approval in accordance with Section 9.5 of these Regulations, site plan approval in accordance with Section 9.4 of these Regulations, and the requirements of this section.

**7 C.** Cannabis cultivator, micro-cultivator facilities and other applicable licenses and uses shall be governed by the RERACA, Public Act 21-1 / Senate Bill 1201 as amended inclusive of the Regulations of Connecticut State Agencies as they may be amended. These facilities shall be permitted only in the zoning districts designated in these regulations, subject to special permit approval in accordance with Section 9.5 of these Regulations, site plan approval in accordance with Section 9.4 of these Regulations, and the requirements of this section.

**8 D.** Dispensary facilities, Production facilities, Cannabis retailer, Hybrid-retailer, Cultivator and Micro-cultivator facilities, Food and Beverage Manufacturing facilities, Transporter and Delivery Services shall be allowed in the I-1 and I-2 Industrial Zones subject to the requirements of these regulations.

Cannabis Retailer; Dispensary facilities and Hybrid-retailer shall be allowed in the BCD, GWD, I-1 and Commercial (C) subject to the requirements of these regulations.

**9 7.17.4 Separation Requirements.** Uses identified in this section shall be subject to the following separation restrictions:

**10 A.** No medical marijuana production, food and beverage manufacturing, transporter or delivery service, or cannabis cultivator or micro-cultivator facility shall be allowed within 500 feet of any lot or plot upon which a school, house of worship or library is located,

**B.** No medical marijuana production, food and beverage manufacturing, transporter or delivery service, or cannabis cultivator or micro-cultivator facility shall be allowed on a site that is less than 300 feet from any property that is zoned for single-family residential use as a permitted use;

**C.** No medical marijuana dispensary facility or production facility, food and beverage manufacturing, transporter or delivery service, or adult use cannabis retailer, hybrid-retailer,

cultivator, or micro-cultivator facility shall be allowed within the same building, structure or portion thereof that is used for residential purposes, or that contains another medical marijuana dispensary, production facility, or cannabis retail, hybrid retail, cultivator or micro-cultivator facility;

D. No adult-use cannabis retail or hybrid-retail shall be located less than 500 feet from another adult-use cannabis retail or hybrid-retail. Distance shall be measured from the radius of the front door to front door of each establishment.

E. All distances contained in this section, other than those specified in the subsection "D" above shall be measured by taking the nearest straight line between the respective lot boundaries of each site.

#### **7.17.5 Sign and exterior display requirements:**

A. Exterior signage shall be restricted to a single sign no larger than 16" x 18" containing the legal name of the entity and the street address of the facility.

#### **7.17.7 Off-Street Parking requirements:**

A. Required off-street parking shall be in compliance with Section 6.2 of these regulations.

#### **7.17.8 Security Requirements:**

A. All marijuana dispensary facilities and production facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana utilizing commercial grade equipment meeting at least the minimum requirements of the State of Connecticut Regulations;

B. The hours of operation for retail marijuana, medical marijuana dispensary facilities, and hybrid facilities shall be limited to between 8:00 a.m. and 10:00 p.m., Monday through Saturday and 12 p.m. to 6:00 p.m. on Sundays.

C. There shall be no limitation on the hours of operation for marijuana production or cultivation facilities.

#### **7.17.9 Conditional Approval:**

A. Special Permits shall be approved with the condition that the applicant obtains the appropriate license issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur);

B. The conditional approval shall become finalized upon the receipt by the Director of Planning of a copy of the Department of Consumer Protection-issued license;

C. The conditional approval shall expire if the applicant fails to provide the Director of Planning with a copy of the Department of Consumer Protection-issued license within six months of the date of the Town Plan and Zoning Commission's (TPZ) conditional approval;

1. A six month extension of such conditional approval shall be granted to the applicant upon written notification to the Director of Planning that an application for a Department of Consumer Protection license has been filed, indicating the expected decision date of the Department of Consumer Protection license.

D. No entity shall operate without a valid, current license.

#### **7.17.10 Connecticut Department of Consumer Protection Approval:**

A. The applicant shall provide the Director of Planning with a copy of the appropriate license issued by the State of Connecticut Department of Consumer Protection, and any subsequent renewed license.

**7.17.11 Additional Requirements** – In addition to the requirements for Special Permit and Site Plan submission the following shall be required:

- A. Applicants for Production, Cultivator and Micro-cultivator facilities shall submit an odor control plan as part of their application.
- B. All production, manufacturing, retail and storage of cannabis shall be conducted indoors.
- C. A security plan that meets or exceeds State of Connecticut requirements shall be submitted with the application for any type of cannabis facility permitted under these regulations.
- D. Applicants for Production, Cultivator and Micro-cultivator facilities shall submit plans for the storage of fertilizers used in the operation which shall detail fire safety measures that will be in place once the facility is in operation.





## ARTICLE 8 Special Provisions

### 8.1 NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURES AND PREMISES.

#### 8.1.A Purpose.

1. Within the districts established by this regulation or any amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this regulation was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this regulation or future development.
2. It is the intent of this regulation to permit these nonconformities to continue until they are removed, but not to encourage their survival.
3. Such uses are declared by this regulation to be incompatible with permitted uses in the districts involved. It is further the intent of this regulation that nonconformities shall not be enlarged upon, expanded or extended if such a change increases the nonconformity, nor shall they be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
4. A nonconforming use of a structure or land, or of a structure and land shall not be extended or enlarged after passage of this regulation by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which could be prohibited generally in the district involved.
5. To avoid undue hardship, nothing in this regulation shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of the adoption or amendment of this regulation.

#### 8.1.B Nonconforming Lots of Record and in Subdivisions.

1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this regulation a single-family dwelling and accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this regulation. This provision shall apply even though such lot fails to meet the requirements for area or lot frontage, or both, generally applicable in the district, provided however, that yard dimensions and other requirements not involving lot area or frontage, shall conform to the regulations for the district in which such lot is located.
2. Variance of yard requirements shall be obtained only through action of the Zoning Board of Appeals. However, if adjoining property was in the same ownership as the lot in question at the time of the adoption of the Zoning Regulations (March 15, 1950), the lot must conform in area and frontage to the present requirement of the district in which it is located, if the combination of both parcels would result in a conforming lot. The owner of any lot in a subdivision heretofore validly approved or in the process of approval at the time of the adoption of this regulation may use the lot for the erection of or alteration of a single-family dwelling.

1

#### 8.1.C Nonconforming Uses of Land.

2

Where, at the effective date of adoption or amendment of this regulation, lawful use of land exists that is made or no longer permissible under the terms of this regulation as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this regulation.
2. No such nonconforming use shall be moved in whole or in part of any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this regulation.

3

#### 8.1.D Nonconforming Structures.

4

Where, at the effective date of adoption or amendment of this regulation, a lawful structure exists that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or by its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity.
2. Should such structure be destroyed by natural cause or damaged, it may be repaired or replaced to an extent which does not increase the nonconformity. If such repair or replacement is not accomplished within 18 months, it shall not be reconstructed except in conformity with the provisions of this regulation.
3. Should such structure, for any reason, be moved any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

5

#### 8.1.E Nonconforming Use of Structures.

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If, at the effective date of adoption or amendment of this regulation, a lawful use of a structure, or of a structure and premises in combination, exists which use would not be allowed in the district under the terms of this regulation, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No existing structure, devoted to a use not permitted by this regulation in the district in which it is located, shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered in a manner which increases the nonconformity except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Town Plan and Zoning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Commission may require appropriate conditions and safeguards in accord with the provisions of this regulation.
3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
4. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one year, the structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

#### **8.1.F Repairs and Maintenance.**

1. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs or remodeling which does not increase the nonconformity.
2. Nothing in this regulation shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### **8.1.G Uses Under Exception Provisions Not Nonconforming Uses.**

Any use for which a special exception is permitted or which is part of a legally approved Conservation Development as provided in this regulation, shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

### **8.2 PUBLIC GARAGES, SERVICE STATIONS, SALE OF GASOLINE, MOTOR VEHICLE REPAIRS, MOTOR VEHICLE SALES AND CAR WASH FACILITY.**

#### **8.2.A Locational Criteria.**

No permit or approval of location shall be issued unless the Town Plan and Zoning Commission finds that the proposed building or use:

1. Will not aggravate a traffic hazard, fire hazard, or panic hazard.
2. Will not tend to depreciate the value of property in the neighborhood or be otherwise detrimental to the neighborhood and its residents, or alter the neighborhood's essential characteristics.

#### **8.2.B Separation Requirements.**

Under no circumstances shall a permit be issued for the erection or enlargement of a garage for more than five (5) motor vehicles, or a motor vehicle service station or gasoline service station or automotive car wash facility, or an outside storage area for motor vehicles, or for the conversion of any premises not so used to be used for such purposes, in any business or industrial district, if any part of the lot or plot in question is situated within a distance of 400 feet from any part of the lot or plot as measured along the center line of public streets, on which there exists:

1. A public school or duly organized school other than a public school, conducted for children under 16 years of age, and giving regular instruction at least five (5) days a week for eight or more months a year.
2. A hospital maintained as a charitable institution, or private hospital maintaining at least 15 beds for patients.
3. A church with a seating capacity of 300 persons.
4. A theater containing at least 300 seats, or
5. A public library.

#### **8.2.C Subsequent Situations.**

No existing garage for more than five motor vehicles, a group of garages for more than five vehicles, or a motor vehicle service station or gasoline filling station or commercial automotive car wash facility shall be deemed to become a nonconforming use through the subsequent erection of such a school, hospital, theater, or library, as defined above, within the aforesaid prescribed area

**8.3 RADIO-TELEVISION ANTENNA, WIRELESS COMMUNICATIONS, CELLULAR TOWERS AND SATELLITE RECEPTOR DISH ANTENNA.**

1 Radio-television antenna and satellite receptor dish antenna of any size or height or satellite reception dishes over three (3) feet in diameter for the reception or broadcasting of radio or television signals shall be governed by height and area requirements of the district in which they are located, except that freestanding radio or television antenna or those mounted on structures may exceed the maximum height regulations provided that no such structure shall exceed a height that is more than the distance to the nearest property line.

**8.4 HOUSES OF WORSHIP, COLLEGES, SCHOOLS AND SIMILAR USES IN RESIDENTIAL DISTRICTS. (10/22/15)**

**8.4.A Special Standards**

2 Where permitted subject to the following additional standards:

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1. Minimum lot size shall be forty thousand (40,000) square feet;
2. No parking or active recreation facilities shall be permitted in any required front or side yard;
3. Front and side yards shall be two (2) times the required side and front yards for permitted uses in the district; and
4. Not more than fifty (50) percent of the area of the lot shall be occupied by buildings.

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# ARTICLE 9 Procedures

## 9.1 ZONING SIGNOFF. (STAFF)

### 9.1.A Applicability.

No building or land shall be occupied or used, the use of an existing building or land shall not be changed, and no building or other structure shall be constructed, reconstructed, altered, extended or enlarged in whole or in part for any purpose until a Zoning Signoff has been issued by the Zoning Enforcement Officer:

1. showing conformance with these Regulations, or
2. conforming to a variance granted by the Zoning Board of Appeals.

### 9.1.B Application Required.

An application for a Zoning Signoff shall be made to the Zoning Enforcement Officer (ZEO) on a form provided for that purpose before:

1. the erection or alteration of any building, or structure is commenced in any district; or
2. the commencement of any other activity which requires a Zoning Signoff or other permit as required by these Regulations.

### 9.1.C Application Requirements.

1. Such application for a Zoning Signoff shall be accompanied by:
  - a. a completed Zoning Signoff application form;
  - b. the appropriate fee;
  - c. a Class A-2 boundary survey prepared, stamped with an embossed seal, and signed by a Connecticut-licensed land surveyor showing the information required in the Appendix of these Regulations;
  - d. a Soil Erosion and Sediment Control Plan in accordance with Section 6.5 of these Regulations; and
  - e. other drawings and documentation showing the information required in the Appendix of these Regulations.
2. The Zoning Enforcement Officer may reduce the application requirements provided there is sufficient documentation to determine compliance with the Regulations.

### 9.1.D Proceedings.

1. If the proposed activity or use is found from the Application to be in compliance with these Regulations, the ZEO shall issue a Zoning Signoff setting forth the date on which the permit was issued.
2. The recipient of a Zoning Signoff may provide notice of approval of such Zoning Signoff by publication in a newspaper having substantial circulation in Bloomfield stating that the certification has been issued and, if published, such notice should contain: a description of the building, use or structure; the location of the building, use or structure; the identity of the applicant; and a statement that an aggrieved person may appeal the granting of the Zoning Signoff to the Zoning Board of Appeals (ZBA) in accordance with the provisions of CGS 8-7 [APPEALS TO BOARD. HEARINGS. EFFECTIVE DATE OF EXCEPTIONS OR VARIANCES; FILING REQUIREMENTS. – [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-7](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-7)].
3. If all of the requirements are met, the Zoning Signoff shall be issued within 30 days; otherwise the permit shall be denied for stated reasons.
4. An application for a Zoning Signoff may be withdrawn, in writing, by the applicant at any time prior to final action.

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#### 9.1.E Notice Provisions.

In accordance with CGS 8-3(f), [ESTABLISHMENT AND CHANGING OF ZONING REGULATIONS AND DISTRICTS. ENFORCEMENT OF REGULATIONS. CERTIFICATION OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY. SITE PLANS. DISTRICT FOR WATER-DEPENDENT USES. – [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-3](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-3)] the applicant may publish notice of the Zoning Signoff in order to establish the appeal period under CGS 8-7 [APPEALS TO BOARD. HEARINGS. EFFECTIVE DATE OF EXCEPTIONS OR VARIANCES; FILING REQUIREMENTS. – [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-7](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-7)]. Any such notice published by the applicant shall contain:

1. A description of the building, use or structure and its location. If the property does not have a street address assigned, the applicant shall provide additional information to inform residents about the location of the property for which the signoff applies.
2. The identity of the applicant
3. A statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS 8-7 [APPEALS TO BOARD. HEARINGS. EFFECTIVE DATE OF EXCEPTIONS OR VARIANCES; FILING REQUIREMENTS. – [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-7](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-7)] and the Bloomfield Zoning Regulations Section 10.4.

#### 9.1.F Foundation Survey Required.

1. Upon completion of the foundation of any new building or structure or addition thereto, no further work shall be done on such building or structure until a Class A-2 boundary survey prepared by a Connecticut-licensed land surveyor has been filed with the Zoning Enforcement Officer (ZEO) showing the foundation location of the new building, structure, or addition.
2. The ZEO may waive the requirement for a foundation location survey when a building, structure, or addition related to a single-family dwelling is less than 500 square feet in area or when other conditions allow a clear determination of compliance.

#### 9.1.G Zoning Signoff Expiration.

1. Any Zoning Signoff issued by the ZEO under the provisions of these Regulations shall become invalid if the authorized work is not commenced within six (6) months after issuance of the Zoning Signoff, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.
2. A permit may be renewed for one (1) year upon filing a written request to do so and paying the applicable application fee.

## 9.2 CERTIFICATE OF ZONING COMPLIANCE. (STAFF)

### 9.2.A **Applicability.**

1. No structure, land or premises shall be occupied of use or converted to a new use until a certificate of zoning compliance has been issued by the Zoning Enforcement Officer or his designee.
2. The Zoning Enforcement Officer shall determine that any use, building, structure or alteration for which a Zoning Signoff has been issued conforms in all respects to the zoning regulations.

### 9.2.B **Procedures.**

1. Upon completion of any building, structure or addition for which a Zoning Signoff has been issued, the applicant shall submit the following information to the ZEO before a Certificate of Compliance may be issued:
  - a. a Class A-2 boundary survey prepared, stamped with an embossed seal, and signed by a Connecticut-licensed land surveyor showing the information required in the Appendix of these Regulations; and
  - b. a certification by a Connecticut-licensed land surveyor as to the location of the completed building, structure or addition, the lot coverage, and building height, where applicable.
  - c. As an alternative to full project completion, the applicant may post a bond for the remaining work. The bond amount shall be determined by the Town Engineer based on a breakdown of remaining project elements provided by the applicant. Bonding shall be in accordance with Section 10.3. The bond amount shall include costs incurred for administration should the bond need to be called upon.
2. The Zoning Enforcement Officer, or his designee, shall determine if the project conforms to the zoning regulations
3. In the event that any certificate of zoning compliance is issued based on incorrect information or the specific conditions of approval are not adhered to strictly, such certificate shall be null and void.
4. A certificate of zoning compliance shall remain in effect as long as the specified uses and conditional requirements are properly maintained but shall terminate whenever such conditions and uses are no longer maintained.

### 9.2.C **Notice Provisions.**

In accordance with CGS 8-3(f), the applicant may publish notice of the zoning signoff in order to establish the appeal period under CGS 8-7 [APPEALS TO BOARD. HEARINGS. EFFECTIVE DATE OF EXCEPTIONS OR VARIANCES; FILING REQUIREMENTS. – [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-7](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-7)]. Any such notice published by the applicant shall contain:

1. A description of the building, use or structure and its location. If the property does not have a street address assigned, the applicant shall provide additional information to inform residents about the location of the property for which the signoff applies.
2. The identity of the applicant
3. A statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of Connecticut General Statutes Section 8-7 and the Bloomfield Zoning Regulations Section 9.10.

### 9.3 PRELIMINARY CONCEPT PLAN. (COMMISSION)

#### 9.3.A **Applicability.**

If an application is of such size or nature that providing a Site Plan or other application may be a significant expense, the applicant may submit a Concept Plan for informal presentation to the Commission.

#### 9.3.B **Concept Plan Submission.**

1. A Concept Plan submission shall be submitted to the Planning and Zoning Office and shall be accompanied by plans and/or other information that comply with the requirements in the Appendix of these Regulations.
2. The Commission may informally review the Concept Plan for general conformance with these Regulations and may request additional information where deemed necessary.
3. A Concept Plan shall be considered only informational and advisory in nature and no development rights shall attach to the review or consideration of any Concept Site Plan.
4. Such review shall not be binding on the applicant or the Commission.
5. In accordance with GGS Section 7-159b [**PREAPPLICATION REVIEW OF USE OF PROPERTY**  
– [https://www.cga.ct.gov/current/pub/chap\\_098.htm#sec\\_7-159b](https://www.cga.ct.gov/current/pub/chap_098.htm#sec_7-159b)], such review and any results or information obtained from it may not be appealed under any provision of the Connecticut General Statutes.
6. A Concept Plan shall be placed on file in the Commission's office for continuing reference purposes for any subsequent application.

## 9.4 SITE PLAN APPLICATION PROCEDURES. (COMMISSION)

### 9.4.A Objectives.

In reviewing any site plan under this section, the Commission shall be concerned with the following objectives:

1. To promote the public health, safety, comfort, convenience, prosperity, amenity and other aspects of the general welfare.
2. To ensure that the layout of the proposed use shall be in harmony with the surrounding area, and shall contribute to its desirable and orderly development.
3. To ensure that traffic generated by the proposed use will not adversely affect the surrounding area, and will not disrupt the orderly movement of vehicles and pedestrians in the area.
4. To protect and preserve the supply of potable drinking water by protecting and preserving subsurface aquifers.

### 9.4.B Application Requirements.

1. A Site Plan Application shall be submitted:
  - a. for any activity designated in the Regulations as requiring Site Plan Approval,
  - b. in a Residential Zone, for any construction, development, expansion, or major alteration of a multi-family use or non-residential use, or,
  - c. in any Business or Special 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. A Site Plan Application shall be accompanied by five (5) full-size (24" x 36") and 12 reduced-size (11" x 17" or 12" x 18") copies of detailed plans, signed and sealed by an appropriate professional, for review by the Commission and its designees that comply with the requirements in the Appendix of these Regulations.
3. The Commission may in accordance with the requirements of these Regulations and the Appendix of these Regulations, require the submission of additional information as deemed necessary to make a reasonable review of the application.
4. If a Site Plan Application involves an activity regulated pursuant to CGS 22a-36 to 22a-45 [INLAND WETLANDS AND WATERCOURSES ACT - [https://www.cga.ct.gov/current/pub/chap\\_440.htm](https://www.cga.ct.gov/current/pub/chap_440.htm)] inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission not later than the day such application is filed with the Commission.

### 9.4.C Proceedings.

1. The date of receipt for the Site Plan Application shall be determined in accordance with Section 9.12.B.
2. An incomplete Site Plan Application may be denied in accordance with Section 9.12.C.
3. For new construction or other activity considered to be significant in the sole judgment of the Commission, the Commission:
  - a. may hold a public hearing on the application, and
  - b. if such hearing is to be held, shall:
    - (1) require that the applicant give notice to property owners in accordance with the requirements of Section 9.12.G of these Regulations, and
    - (2) post a sign in accordance with the requirements of Section 9.12.H of these Regulations.
4. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.12.I
5. Notification to water companies may be required in accordance with the requirements of Section 9.12.J.

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6. Notification to a regional planning agency may be required in accordance with the requirements of Section 9.12.K.
7. Whenever a Site Plan Application is required in conjunction with another application requiring a public hearing (such as a Special Permit Application or a Zoning Map Amendment):
  - 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 65 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 65 days.
8. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within 65 days after the date of receipt of such Site Plan Application except that the applicant may consent to one (1) or more extensions of such period provided the total period of any such extension or extensions shall not exceed 65 days.
9. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS 22a-36 to 22a-45 [**INLAND WETLANDS AND WATERCOURSES AND WATERCOURSES ACT** – [https://www.cga.ct.gov/current/pub/chap\\_440.htm](https://www.cga.ct.gov/current/pub/chap_440.htm)], 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 and Watercourses Commission, the time period for a decision shall be extended to 35 days after the decision of such agency.
10. Approval of a site plan shall be presumed unless a decision to deny or modify it is rendered within the applicable time period specified above (approval as a result of failure of the Commission to act).
11. The applicant may, at any time prior to action by the Commission, withdraw such application.

#### 9.4.D Decision Considerations.

1. On a Site Plan Application involving an activity regulated pursuant to CGS 22a-36 to 22a-45 [[INLAND WETLANDS AND WATERCOURSES AND WATERCOURSES ACT – https://www.cga.ct.gov/current/pub/chap\\_440.htm](https://www.cga.ct.gov/current/pub/chap_440.htm)], inclusive, the Commission shall:
  - a. wait to render its decision until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision, and
  - b. give due consideration to any report of the Inland Wetlands and Watercourses Commission when making its decision.
2. On a Site Plan Application involving notice to adjoining municipalities under Section 9.12.I or notice to water companies under Section 9.12.J, the Commission shall give due consideration to any report or testimony received.
3. Before the Commission approves a Site Plan Application, it shall determine that the application is in conformance with the applicable provisions of these Regulations.
4. Before the Commission approves a Site Plan Application, it shall consider the following. In such review the Commission shall take into consideration such factors as the following:
  - a. The adequacy of access, for fire and police protection and otherwise.
  - b. The adequacy of provisions for drainage of surface waters and storm water management and for waste disposal.
  - c. The location and the layout of accessory off-street parking and off-street loading spaces, the width and grading of all entrances and exits to such spaces, the locations of such exits and entrances, and degree of visibility and the direction of major traffic flow, together with:
    - (1) the distance from street intersections,
    - (2) the likelihood of left-hand turns and other turning movements, and
    - (3) the likelihood of drawing vehicular traffic to and through local residential streets.
  - d. The arrangements for safe and convenient pedestrian circulation, on the site and its approaches.
  - e. The impact of the proposed layout upon the surrounding area, and particularly upon any nearby residences, including, but not limited to:
    - (1) the location and height of buildings and the extent of their shadows,
    - (2) the location, intensity and direction of any outdoor lighting and the proposed times for its use,
    - (3) the location of any overhead power lines,
    - (4) the likelihood for any other nuisances, and
    - (5) whether appropriate and adequate screening is provided.
  - f. The size, location and type of any signs, and their appropriateness in the area involved.
  - g. The nature and arrangement of any outdoor display lighting and loudspeakers or noise-making devices.
  - h. the availability of adequate sewerage, water supply, drainage, and fire and police protection.
  - i. the proposed location and configuration of any outdoor storage areas including trash receptacles and proposed screening.
  - j. The proposed landscaping and its appropriateness in the area involved. Preservation of substantial trees and other important natural features is to be encouraged to the maximum extent possible.
  - k. The arrangement of buildings, structures and landscaped areas on the site.
  - l. If, in the judgment of the Commission, screening is necessary to protect nearby residential areas from detriment, the Commission may require landscaping, fencing, or other appropriate screens within any required front, side or rear yard.
  - m. All site plans shall conform to appropriate sections of the Building Code of the State of Connecticut which specify requirements for exterior access to all

structures in order to accommodate the physically handicapped.

n. During the review process, the Commission shall consider the basic design of the proposed use, buildings or development; the relationship between buildings; the overall physical appearance of the proposed use and its compatibility with the surrounding area. Consideration shall also be given by the Commission concerning the following: the design, architecture, and aesthetics of any proposed development relative to excessive uniformity, dissimilarity, inappropriateness, or poor quality of the exterior appearance of the development which may adversely affect the desirability for subsequent development in the area, and by so doing, may impair the benefits of present or future occupancy of existing property; the stability and value of both improved and unimproved real property in the surrounding area, which may produce degeneration of property with attendant deterioration of conditions in the area affecting the health, safety and general welfare of the community and which may diminish a proper ratio between the taxable values of real property in the area and the cost of municipal services provided therefore.

**9.4.E Procedures and Powers.**

1. In any submission under this section, the Commission may approve or disapprove the proposed plan, or may approve it subject to appropriate conditions and safeguards designed to further the general purposes of this ordinance and the specific purposes indicated above. The certificate of occupancy shall then be made explicitly subject to the continued conformity with those conditions and safeguards.
2. In approving a Site Plan Application, the Commission may impose conditions deemed necessary to protect the public health, safety, welfare, convenience, and property values.
3. The Commission or Zoning Enforcement Officer may require that a bond be posted, in an amount and form acceptable to the Town, to ensure:
  - a. that adequate erosion and sediment control measures are installed and maintained, before any Zoning Signoff is issued for activities shown on the approved plan, an
  - b. that all of the improvements shown on the approved plan are implemented before a Zoning Signoff related to issuance of a Certificate of Occupancy is granted.
  - c. As an alternative to full project completion, the applicant may post a bond for the remaining work. The bond amount shall be determined by the Town Engineer based on a breakdown of remaining project elements provided by the applicant. Bonding shall be in accordance with Section 10.3. The bond amount shall include costs incurred for administration should the bond need to be called upon.
4. 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.
5. The Commission shall act upon any such proposal within 65 days from the time of its referral, and if the Commission does not act within such period, the proposal shall be deemed approved. However, if the owner (or developer) consents, the Commission's action may be postponed for one or more periods not to exceed 65 days each. The applicant or his representative shall appear before the Commission to present his proposal. If the Commission believes that any such proposal raises questions of major public interest, the Commission may hold a public hearing on such proposal upon due notice as required for a Zoning Map Amendment.

#### 9.4.F **Action Documentation.**

1. Whenever it grants or denies a Site Plan Application, the Commission shall state upon its record the reason(s) for its decision.
2. The Commission shall send, by certified mail, a copy of any decision to the applicant within 15 days after such decision is rendered.
3. The Commission shall cause notice of the approval or denial of site plans to be published in a newspaper having a substantial circulation in Bloomfield within 15 days after such decision is rendered.
4. In any case in which such notice is not published within the 15 day period after a decision has been rendered, 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 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 expires.

#### 9.4.G **Post Approval Actions.**

Following approval of a Site Plan Application, the applicant shall submit the following:

1. Three (3) sets of Final Plans (24" x 36") shall be submitted to the Planning and Zoning Department bearing:
  - a. a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity, and
  - b. containing a signature block where the Chairman of the Commission or Zoning Enforcement Officer can indicate the approval of the Commission.
2. Proposed modifications to approved site plans shall be submitted to the Zoning Enforcement Officer for review and such proposed modifications may be:
  - a. approved by the Town Planner if minor in nature, or
  - b. submitted to the Commission for additional review if they propose major changes (i.e., additional building floor area, alteration of building location).

#### 9.4.H Expiration and Completion.

1. All work in connection with a site plan shall be completed within five (5) years after the date of approval of the plan and failure to complete all work within such five (5) 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 work in connection with such site plan.
2. 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.
3. The Commission may condition the approval of such extension on a determination of the adequacy of any bond or other surety.

## **9.5 SPECIAL PERMIT APPLICATION PROCEDURES. (COMMISSION)**

### **9.5.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 Site Plan approval under Section 9.4, or as a Special Permit under these regulations, provided that:
  - a. the use is permitted within the district,
  - b. there are no exterior alterations to the structure or the site, and
  - c. there is no additional requirement for parking.

### **9.5.B *Application Requirements.***

1. A Special Permit Application shall be submitted for any activity designated in the Regulations as requiring a Special Permit.
2. Each application for a Special Permit shall be accompanied by a Site Plan Application unless the Zoning Enforcement Officer 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. A Special Permit Application shall be accompanied by 12 copies of the following information:
  - a. a detailed statement describing the existing and proposed use or uses,
  - b. a detailed statement describing how the Special Permit criteria in Section 9.5.E are addressed, and
  - c. any approval from any local, regional, State or Federal agency or department having jurisdiction over any aspect of the application.
4. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
5. If a Special Permit Application involves an activity regulated pursuant to CGS 22a-36 to 22a-45 [[INLAND WETLANDS AND WATERCOURSES AND WATERCOURSES ACT – https://www.cga.ct.gov/current/pub/chap\\_440.htm](https://www.cga.ct.gov/current/pub/chap_440.htm)], inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission not later than the day such application is filed with the Commission.
6. Where the Commission determines that, because of the particular size, location or nature of a proposal, the public interest would be best served by a three-dimensional (3D) physical representation or a computer simulation of the project, the Commission may require that the applicant provide a digital model of the proposal or a physical model of the proposal at such appropriate scale as the Commission may approve. The Commission may also require that the model include 3D representation of all or portions of the abutting properties where this would significantly aid the Commission and the public to visualize and understand the proposal.

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**9.5.C Proceedings.**

1. The date of receipt of the Special Permit Application shall be determined in accordance with Section 9.12.B.
2. An incomplete Special Permit Application may be denied in accordance with Section 9.12.C.
3. 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 9.12.F of these Regulations,
  - b. Inform the applicant of the deadline to provide notice to property owners in accordance with the requirements of Section 9.12.G of these Regulations,
  - c. Confirm that the applicant has mailed notice to property owners in accordance with these Regulations.
  - d. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.12.I.
  - e. Notification to water companies may be required in accordance with the requirements of Section 9.12.J.
  - f. Notification to a regional planning agency may be required in accordance with the requirements of Section 9.12.K.
4. The Commission shall require that the applicant:
  - a. post a sign in accordance with the requirements of Section 9.12.H of these Regulations, and
  - b. give notice to nearby property owners in accordance with the requirements of Section 9.12.G of these Regulations.
5. The Commission shall process the Special Permit Application within the period of time permitted under CGS 8-7d [**HEARINGS AND DECISIONS. TIME LIMITS. DAY OF RECEIPT. NOTICE TO ADJOINING MUNICIPALITY. PUBLIC NOTICE REGISTRY.** – [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-7d](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-7d)]:
  - a. the public hearing shall commence within 65 days after receipt of the application,
  - b. the public hearing shall be completed within 35 days after such hearing commences,
  - c. all decisions shall be rendered within 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 65 days.
6. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS 22a-36 to 22a-45 [**INLAND WETLANDS AND WATERCOURSES AND WATERCOURSES ACT** – [https://www.cga.ct.gov/current/pub/chap\\_440.htm](https://www.cga.ct.gov/current/pub/chap_440.htm)], inclusive and the time for a decision by the Commission would elapse prior to the 35th day after a decision by the Inland Wetlands and Watercourses Commission, the time period for a decision shall be extended to 35 days after the decision of such agency.
7. The applicant may, at any time prior to action by the Commission, withdraw such application.
8. The applicant shall bear the burden of demonstrating that any applicable Special Permit Criteria in these Regulations are addressed.

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#### 9.5.D **Decision Considerations.**

1. On a Special Permit Application involving an activity regulated pursuant to CGS 22a-36 to 22a-45 [**INLAND WETLANDS AND WATERCOURSES AND WATERCOURSES ACT – [https://www.cga.ct.gov/current/pub/chap\\_440.htm](https://www.cga.ct.gov/current/pub/chap_440.htm)**], inclusive, the Commission shall:
  - a. wait to render its decision until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision, and
  - b. give due consideration to any report of the Inland Wetlands and Watercourses Commission when making its decision.
2. On a Special Permit Application involving notice to adjoining municipalities under Section 9.12.I. notice to water companies under Section 9.12.J, or notice to a regional planning agency under Section 9.12.K the Commission shall give due consideration to any report or testimony received.
3. Before the Commission approves a Special Permit Application, it shall determine that the application:
  - a. is in conformance with the applicable provisions of these Regulations,
  - b. has, in the sole discretion of the Commission, satisfied any applicable Special Permit criteria in these Regulations, and
  - c. is in harmony with the purposes and intent of these Regulations.
4. Before granting a Special Permit, the Commission shall determine that any accompanying Site Plan application is in conformance with the applicable provisions of these Regulations.
5. In granting a Special Permit, the Commission may:
  - a. stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety or welfare; property values; the environment; sound planning and zoning principles; improved land use, site planning and land development; or better overall neighborhood compatibility, and
  - b. impose additional requirements, conditions or safeguards as a prerequisite to the issuance of the Zoning Signoff by the Zoning Enforcement Officer, if it shall be found necessary in order that the spirit of these Regulations may be observed, public safety and welfare secured or substantial justice done.
6. Any condition or safeguard attached to the granting of a Special Permit:
  - a. shall remain with the property as long as the Special Permit use is still in operation, and
  - b. shall continue in force and effect regardless of any change in ownership of the property.
7. 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.

## 9.5.E Special Permit Criteria.

In considering any application for a Special Permit, the Commission shall evaluate the merit of the application with respect to the following factors:

1. **Suitable Location for Use.** The location and size of the site, the nature and intensity of the operations involved in or conducted in connection with the use, and the location of the site with respect to streets giving access to it are such that the use shall be in harmony with the appropriate and orderly development in the district in which it is located and shall promote the welfare of the Town.

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2. **Appropriate Improvements.**
  - a. The design elements of the proposed development will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and probable future character of the neighborhood in which the use is located.
  - b. The location, nature and height of buildings, walls, and fences, planned activities and the nature and extent of landscaping on the site will be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
  - c. The proposed use or activity shall have no adverse effect upon the neighboring area resulting from the use of signs, exposed artificial lights, colored lights of any nature, flashing lights, loudspeakers or other noisemaking devices.
  - d. In cases where it is proposed to convert a structure designed and built originally for other uses, the structure is adaptable to the proposed use from the point of view of public health and safety.

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3. **Suitable Transportation Conditions.**
  - a. The design, location and specific details of the proposed use or activity shall not adversely affect safety in the streets nor unreasonably increase traffic congestion in the area nor interfere with the pattern of vehicular circulation in such a manner as to create or augment unsafe traffic conditions.
  - b. Parking area or areas will be of adequate size for the particular use, shall be suitably screened from adjoining residential uses, and entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.
  - c. Streets and other rights-of-way shall be of such size, condition and capacity (in terms of capacity, width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the particular proposed use.

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4. **Adequate Public Utilities and Services.**
  - a. The provisions for water supply, sewage disposal, and storm water drainage conform to accepted engineering practices, comply with all standards of the appropriate regulatory authority, and shall not unduly burden the capacity of such facilities.
  - b. The proposed use or activity shall provide easy accessibility for fire apparatus and police protection and is laid out and equipped to further the provision of emergency services.

5. **Environmental Protection and Conservation.** Appropriate consideration shall be given to the protection, preservation, and/or enhancement of natural, scenic, historic, and 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.
6. **Long-term Viability.** Adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).
7. **Plan of Conservation and Development.** The proposed use or activity does not conflict with the purposes of the Regulations and facilitates achievement of one or more of the goals, objectives, policies, and recommendations of the Plan of Conservation and Development, as amended.

#### 9.5.F Commission Decision.

Following the public hearing, the Commission may approve, disapprove or approve with modifications the proposed special permit use. Because of the variety and peculiarities of each special permit use, the Commission may impose conditions and restrictions to any such use which in its judgment is required to protect adjacent uses and the neighborhood in general.

#### 9.5.G Action Documentation.

1. Whenever it grants or denies a Special Permit, the Commission shall state upon its record the reason(s) for its decision.
2. The 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 or denied, and
  - d. specify the nature of the Special Permit.
3. The Commission shall send, by certified mail, a copy of any decision to the applicant within 15 days after such decision is rendered.
4. The Commission shall cause notice of the approval or denial of the Special Permit Application to be published in a newspaper having a substantial circulation in Bloomfield within 15 days after such decision is rendered.
5. In any case in which such notice is not published within the 15 day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.
6. 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 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 (5) year completion period expires.

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#### 9.5.H Post Approval Actions.

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1. Following approval of a Special Permit Application, the applicant shall submit the following final plan to the Planning and Zoning Department:
  - a. bearing the raised seal and signature of the appropriate professionals who prepared the drawing(s),
  - b. bearing a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity, and
  - c. containing a signature block where the Chairman of the Commission can indicate the approval of the Commission.
2. Following signature by the Chairman, the applicant shall file said plans in the office of the Town Clerk before any Zoning Signoffs are issued for the activities shown on the approved plan. A Special Permit granted by the Commission shall only become effective upon the filing of a copy, certified by the Commission, in the land records of the Town in accordance with the provisions of CGS 8-3d [SPECIAL PERMITS TO BE RECORDED - [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-3d](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-3d)]
3. The applicant shall also submit application documents in an electronic format in accordance with Planning and Zoning Department requirements.
4. A Special Permit shall only authorize the particular use or uses specified in the Commission's approval.
5. 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 and the Commission shall have the authority to revoke the permit at any time the operation is found to be in noncompliance with the original permit.
6. A Special Permit may be amended or modified in like manner as provided above for the granting of a Special Permit except that amendments which shall be found to be of a minor nature or which do not materially alter the Special Permit, as determined by the Commission, may be authorized with Commission approval only, without another public hearing.

#### 9.5.I Expiration and Completion.

A Special Permit will expire for the following reasons:

1. if it is not recorded on the land records within one (1) year of the date of the expiration of the appeal period.
2. All work in connection with a site plan shall be completed within five (5) years after the date of approval of the plan and failure to complete all work within such five (5) 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 work in connection with such site plan.
3. 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.
4. The Commission may condition the approval of such extension on a determination of the adequacy of any bond or other surety.

## 9.6 REGULATION AMENDMENT APPLICATION PROCEDURES. (COMMISSION)

### 9.6.A Application Requirements.

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

1. Any such application shall be accompanied by 12 copies of the precise wording of the existing and proposed text and any other supporting information.
2. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
3. A Regulation Amendment Application shall only be submitted by:
  - a. an owner of real property in Bloomfield,
  - b. residents or persons having a legal interest in land in Town, or
  - c. by the Commission on its own initiative.
4. The Commission shall not be required to hear any petition or petitions relating to the same changes, or substantially the same changes, more than once in a period of 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.

### 9.6.B Proceedings.

1. The date of receipt for the Regulation Amendment Application shall be determined in accordance with Section 9.12.B.
2. An incomplete Regulation Amendment Application may be denied in accordance with Section 9.1.C.
3. The Commission shall hold a public hearing on the Regulation Amendment Application and:
  - a. shall cause a legal notice to be published in accordance with the requirements of Section 9.1.F. of these Regulations.
  - b. may publish the full text of such proposed regulation in full in such notice.
  - c. file the proposed text in the Office of the Town Clerk.
4. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.12.I.
5. Notification to water companies may be required in accordance with the requirements of Section 9.12.J.
6. A copy of the proposed regulation shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
7. The Commission shall process the Regulation Amendment Application within the period of time permitted under CGS 8-7d [HEARINGS AND DECISIONS. TIME LIMITS. DAY OF RECEIPT. NOTICE TO ADJOINING MUNICIPALITY. PUBLIC NOTICE REGISTRY. - [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-7d](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-7d)]:
  - a. the public hearing shall commence within 65 days after receipt of the application.
  - b. the public hearing shall be completed within 35 days after such hearing commences.
  - c. all decisions shall be rendered within 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 65 days.
  - e. these provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.
8. The applicant may, at any time prior to action by the Commission, withdraw such application.

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**9.6.C Decision Considerations.**

1. The Commission shall act upon the changes requested in such Regulation Amendment Application.
2. Any report from an adjacent municipality or a regional planning agency shall be made a part of the record of such hearing.
3. On a Regulation Amendment Application involving notice to adjoining municipalities, water companies, or a regional planning agency, the Commission shall give due consideration to any report or testimony received.
4. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS 8-23 [PREPARATION, AMENDMENT OR ADOPTION OF PLAN OF CONSERVATION AND DEVELOPMENT - [https://www.cga.ct.gov/current/pub/chap\\_126.htm#sec\\_8-23](https://www.cga.ct.gov/current/pub/chap_126.htm#sec_8-23)].
5. Before approving any Regulation 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.
6. Such Regulation(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 20 percent or more of the area of the lots affected by such proposed change or of the lots within 500 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 (2/3) of all the members of the Commission.

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**9.6.D Action Documentation.**

1. Whenever the Commission acts upon a Regulation Amendment Application, it shall state upon the record the reasons for its decision.
2. In making its decision, the Commission shall state upon the record its findings on consistency of the proposed establishment, change or repeal of such Regulations with the Plan of Conservation and Development, as amended.
3. As part of approving a Regulation Amendment Application, 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 Bloomfield before such effective date.
4. The Commission shall send, by certified mail, a copy of any decision on a Regulation Amendment Application to the applicant within 15 days after such decision is rendered.
5. The Commission shall cause notice of the approval or denial of the Regulation Amendment Application to be published in a newspaper having a substantial circulation in Bloomfield within 15 days after such decision is rendered.
6. In any case in which such notice is not published within the 15 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.E Following Approval.**

Before the Effective Date, the Commission shall file a copy of the adopted amendment in the Office of the Town Clerk.

## **9.7 ZONING MAP AMENDMENT APPLICATION PROCEDURES. (COMMISSION)**

### **9.7.A Application Requirements.**

1. A Zoning Map Amendment shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.
2. A Zoning Map Amendment shall be:
  - a. signed by the affected property owner(s);
  - b. initiated by petition provided that the petitioner(s) shall notify by certificate of mailing all property owners who have not cosigned the petition but whose premises are included within the area proposed for the Zoning Map Amendment (zone change);
  - c. commenced by the Commission on its own initiative; or
  - d. by the Commission in response to a petition, duly signed and acknowledged, requesting change or modification of the official Zoning Map.
3. The following special zoning districts require the submission of a Master Plan at the time of application for a Zoning Map Amendment:
  - a. PEC
  - b. PLR
  - c. MFER
  - d. DDZ
4. Applicants involved in a Master Plan process may elect to submit documentation that satisfies both the Master Plan and Site Plan requirements at the time of submission for the Zoning Map Amendment application.
5. The Commission shall not be required to hear a Zoning Map Amendment 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.

### **9.7.B Proceedings.**

1. The Zoning Map Amendment shall be submitted in accordance with Section 9.12.A.
2. The date of receipt of the Zoning Map Amendment shall be determined in accordance with Section 9.12.B.
3. Supplemental Zoning Map Amendment materials may be required in accordance with Section 9.7.
4. The Commission shall hold a public hearing on the Zoning Map Amendment and:
  - a. Publish a legal notice to be published in accordance with the requirements of Section 9.12.F of these Regulations.
  - b. Inform the applicant of the deadline to provide notice to property owners in accordance with the requirements of Section 9.12.G of these Regulations,
  - c. Confirm that the applicant has mailed notice to property owners in accordance with these Regulations.
  - d. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.12.I.
  - e. Notification to water companies may be required in accordance with the requirements of Section 9.12.J.
  - f. Notification to a regional planning agency may be required in accordance with the requirements of Section 9.12.K.
  - g. The Zoning Map Amendment may be required to be referred to the Village District consultant in accordance with Section 9.12.E.
5. The Commission shall require that the applicant:
  - a. post a sign in accordance with the requirements of Section 9.12.H of these Regulations, and

1 b. give notice to nearby property owners in accordance with the requirements of Section 9.12.G of these Regulations.

2 6. A copy of the proposed Zoning Map Amendment shall be filed by the Director of Planning in the Office of the Town Clerk for public inspection at least ten (10) days before the public hearing.

7. The applicant may withdraw such Zoning Map Amendment at any time prior to action by the Commission.

2 **9.7.C Timeframe for Action.**

3 The Commission shall process the Zoning Map Amendment within the period of time permitted under CGS 8-7d. [[HEARINGS AND DECISIONS. TIME LIMITS. DAY OF RECEIPT. NOTICE TO ADJOINING MUNICIPALITY. PUBLIC NOTICE REGISTRY.](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-7d) [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-7d](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-7d)] except that these timeframe provisions shall not apply to any action initiated by the Commission regarding establishment, amendment, or change of any zone:

4 1. the public hearing shall commence within 65 days after receipt of the application,

2. the public hearing shall be completed within 35 days after such hearing commences,

3. all decisions shall be rendered within 65 days after completion of such hearing, and

4. 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 65 days.

4 **9.7.D Decision Considerations.**

5 1. On a Zoning Map Amendment, the Commission shall incorporate into the record, and give due consideration to, any report or testimony received from:

a. an adjoining municipality under Section 9.12.I,

b. a regional planning agency under Section 9.12.K, and

c. a Metropolitan District Commission and the Commissioner of Public Health under Section 9.12.J.

2. Whenever it grants or denies a Zoning Map Amendment, the Commission shall state upon its record:

a. the reason(s) for its decision, and

b. the findings on consistency of the proposed Zoning Map Amendment with the Plan of Conservation and Development, as amended.

6 **9.7.E Protest Petition.**

7 Such Zoning Map Amendment 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 with the Commission at or before a hearing, signed by all of the owners of record of 20 percent or more of the area of the lots affected by such proposed change or of the lots within 500 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.

8 **9.7.F Effective Date.**

9 Unless otherwise expressly provided for by the Commission, such Zoning Map Amendment shall become effective on the day following the publication of such change in a newspaper having a substantial circulation in Bloomfield provided that, prior to the effective date a copy of the Zoning Map Amendment approved by the Commission shall be filed in the office of the Town Clerk.

### 9.7.G Action Documentation.

- a. The Commission shall send, by certified mail, a copy of any decision on a Zoning Map Amendment to the applicant within 15 days after such decision is rendered.
- b. The Commission shall cause notice of the approval or denial of the Zoning Map Amendment to be published in a newspaper having a substantial circulation in Bloomfield within 15 days after such decision is rendered and any such notice of approval shall identify the effective date established by the Commission.
- c. In any case in which such notice is not published within the 15 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.

### 9.7.H Adoption of a Master Plan.

1. When a Master Plan is required, the Commission shall act upon the application in accordance with the procedures for a Zoning Map Amendment.
2. The Master Plan shall be established as the district criteria for the subject parcel(s). The specific bulk requirements, total building coverage and square footage, along with proposed uses shall be depicted in a Table that is incorporated into the Master Plan documents.
3. A Master Plan shall be accompanied by schematic drawings and documentation necessary for the Commission to evaluate the proposal. The Master Plan should also include a Table that identifies the following elements:
  - a. proposed uses and amount of land use area (square feet or acres),
  - b. proposed total amount of impervious surface in a land use area (square feet or acres),
  - c. proposed total amount of building development for a land use area (square feet or acres), and
  - d. proposed maximum permitted building height and locations where height requirements will be applied.
  - e. The applicant may submit more detailed information about these elements.
4. A Master Plan shall be accompanied by 12 copies of the following information:
  - a. a detailed statement describing the existing and proposed use or uses, and
  - b. the Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
5. Following approval of a Master Plan, the applicant shall prepare and submit two (2) fixed-line mylar copies of the approved plan(s) shall be submitted to the Planning and Zoning Department, with the following:
  - a. Mylar documents shall comply with CGS 7-31 [[MAP FILING REQUIREMENTS – https://www.cga.ct.gov/current/pub/chap\\_092.htm#sec\\_7-31](https://www.cga.ct.gov/current/pub/chap_092.htm#sec_7-31)],
  - b. bearing the raised seal and signature of the appropriate professionals which prepared the drawing(s),
  - c. bearing a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity, and
  - d. containing a signature block where the Chairman of the Commission can indicate the approval of the Commission.
  - e. The Zoning Map shall be modified to reflect such change and shall contain a notation giving reference to the Master Plan.
6. Following signature by the Chairman, the applicant shall file said plans in the office of the Town Clerk before any Zoning Signoffs are issued for the activities shown on the approved plan. A Master Plan approved by the Commission shall only become effective upon the filing of a copy, certified by the Commission, in the land records of the Town in accordance with the provisions of CGS 8-3d [[SPECIAL PERMITS TO BE https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-3d](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-3d)]

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- 7. A Master Plan shall only authorize the particular use or uses specified in the Commission's approval.
- 8. 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 and the Commission shall have the authority to revoke the permit at any time the operation is found to be in noncompliance with the original permit.

## 9.8 MOTOR VEHICLE LOCATION APPROVAL. (COMMISSION)

### 9.8.A Application Requirements Dealing and Repairing Motor Vehicles.

In accordance with CGS 14-54 [[LOCATION TO BE APPROVED BY LOCAL AUTHORITY - https://www.cga.ct.gov/current/pub/chap\\_246.htm#sec\\_14-54](https://www.cga.ct.gov/current/pub/chap_246.htm#sec_14-54)], an application for a Certificate of Location Approval shall be submitted to the Commission by any person who desires to obtain a license for dealing in or repairing motor vehicles in Bloomfield except that this requirement shall not apply to:

1. a transfer of ownership to a spouse, child, brother, sister or parent of a licensee;
2. a transfer of ownership to or from a corporation in which a spouse, child, brother, sister, or parent of a licensee has a controlling interest; or
3. a change in ownership involving the withdrawal of one (1) or more partners from a partnership.

### 9.8.B Application Requirements Sale of Gasoline.

In accordance with CGS 14-321 [[APPROVAL OF GASOLINE STATION LOCATION BY LOCAL AUTHORITIES - https://www.cga.ct.gov/current/pub/chap\\_250.htm#sec\\_14-321](https://www.cga.ct.gov/current/pub/chap_250.htm#sec_14-321)], an application for a Certificate of Location Approval shall be submitted to the Commission by any person who desires to obtain a license for the sale of gasoline or any other product, under the provisions of CGS 14-319 [[LICENSE REQUIREMENTS -https://www.cga.ct.gov/current/pub/chap\\_250.htm#sec\\_14-319](https://www.cga.ct.gov/current/pub/chap_250.htm#sec_14-319)], including the alteration or changing of adjoining physical properties for such purposes, except that this requirement shall not apply:

1. in the case of a renewal of a license by the holder of the license;
2. to the transfer of the last issued license from one person to another provided no more than one (1) year has elapsed since the expiration of such license; or
3. in the case of the addition or discontinuance of pumps.

### 9.8.C Proceedings.

In reviewing a Certificate of Location Approval application, the Commission acts as an agent of the State of Connecticut, not in a zoning capacity, and the notice provisions and other provisions of CGS Chapter 124 [[ZONING - https://www.cga.ct.gov/current/pub/chap\\_124.htm](https://www.cga.ct.gov/current/pub/chap_124.htm)] shall not apply. As an agent of the State of Connecticut, the Commission serves solely to determine whether a Certificate of Location Approval should be issued based upon such considerations as:

1. whether the use is permitted in the zoning district;
2. the suitability of the location in view of traffic, intersecting streets, width of highway, effect on public travel, and other conditions;
3. the relationship of the proposed use or operation with respect to schools, churches, theaters, playhouses or other places of public gathering;
4. whether the proposed use of the location would imperil the safety and welfare of the public;
5. whether the proposed use of the location would have a detrimental effect on the value of nearby properties or development thereof; or
6. whether there has been a material change in conditions which might reverse a decision of granting or denying a previous application.

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**9.8.D Public Hearing May Be Held.**

The Commission may hold a public hearing on the Certificate of Location Approval application and, if such hearing is to be held:

1. shall cause a legal notice to be published in accordance with the requirements of Section 9.12.F of these Regulations, and
2. may require that the applicant give notice to nearby property owners in accordance with the requirements of Section 9.12.G of these Regulations.
3. Shall require the applicant to post a sign in accordance with Section 9.12.H of these regulations.

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**9.8.E Withdrawal of Application.**

The applicant may withdraw such Certificate of Location Approval Application at any time prior to action by the Commission.

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**9.9 CHANGE OF USE. (COMMISSION)**

1. Unless waived by the Commission, a Change of Use Application shall be submitted when a land or building use is proposed to be changed to a use that has different requirements in these Regulations for setbacks, parking, building coverage, or other requirements.
2. A Change of Use Application shall meet the same standards and be treated as a Site Plan application, unless the Regulations clearly indicate that it should be treated as a Zoning Map Amendment, Special Permit Application, or similar application.

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## 9.10 AN APPEAL OF ORDER. (ZONING BOARD OF APPEALS)

### 9.10.A Authority.

In accordance with CGS 8-7 [APPEALS TO BOARD. HEARINGS. EFFECTIVE DATE OF EXCEPTIONS OR VARIANCES; FILING REQUIREMENTS. – [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-7](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-7)], an appeal may be taken to the Board by any person aggrieved, where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer.

### 9.10.B Application Requirements.

1. Any such appeal shall be taken by filing an application with the Zoning Board of Appeals and a notice of appeal specifying the grounds thereof.
2. An appeal shall be taken within ten (10) days of the issuance of the order by the Zoning Enforcement Officer.
3. The Zoning Enforcement Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

### 9.10.C Effect of Appeal.

1. An appeal of an order, requirement or decision made by the Zoning Enforcement Officer which prohibits further construction or expansion of a use in violation of the Zoning Regulations shall not be cause for such construction or expansion to continue except to such extent that the Board may allow.
2. An appeal from any other order, requirement or decision made by the Zoning Enforcement Officer shall stop all enforcement and proceedings with regard to such order, requirement or decision unless the Commission or the Zoning Enforcement Officer certifies to the Board after the appeal has been filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.
3. If the Commission or the Zoning Enforcement Officer certifies to the Board that a stay would cause imminent peril to life or property, enforcement and proceedings shall only be stayed by a Restraining Order granted by a court of record, on notice to the Commission or the Zoning Enforcement Officer and on due cause shown.

### 9.10.D Proceedings.

1. The date of receipt of the Appeal of Order shall be determined in accordance with Section 9.12.B.
2. The Board shall hold a public hearing on the Appeal of Order and:
  - a. publish a legal notice in accordance with the requirements of Section 9.12.F of these Regulations, and
  - b. require that the applicant give notice to property owners in accordance with the requirements of Section 9.12.G of these Regulations.
  - c. At such hearing, any party may appear in person or may be represented by agent or by attorney.
3. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.12.I.
4. Notification to water companies may be required in accordance with the requirements of Section 9.12.J.
5. An incomplete Appeal of Order may be denied in accordance with Section 9.12.C.
6. The Board shall process the Appeal of Order within the period of time permitted under CGS 8-7d. [HEARINGS AND DECISIONS. TIME LIMITS. DAY OF RECEIPT. NOTICE TO ADJOINING MUNICIPALITY. PUBLIC NOTICE REGISTRY. – [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-7d](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-7d)]:
7. The public hearing shall commence within 65 days after receipt of the appeal.
8. The public hearing shall be completed within 35 days after such hearing commences.

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- 9. All decisions shall be rendered within 65 days after completion of such hearing.
- 10. 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 65 days.
- 11. The applicant may, at any time prior to action by the Board, withdraw such application.

**9.10.E Decision Considerations.**

- 1. The Board shall have all the powers of the officer from whom the appeal has been taken but only in accordance with the provisions of this Section.
- 2. The application of a regulation affirming a statute shall not be subject to an appeal of order.
- 3. The Board shall make such order, requirement, or decision as in its opinion should be made concerning the premises.
- 4. The Board may reverse or affirm wholly or partly or may modify any order, requirement or decision appealed from.
- 5. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, or decision of the official charged with the enforcement of the Regulations.

**9.10.F Action Documentation.**

- 1. Whenever it grants or denies an Appeal of Order, the Board shall state the reason(s) for its decision upon the record.
- 2. Notice of the decision of the Board shall be sent by certified mail to any person who appeals to the Board within 15 days after such decision has been rendered.
- 3. Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in Bloomfield within 15 days after such decision has been rendered.
- 4. In any case in which such notice is not published within such 15 day period, the person who took such appeal may provide for the publication of such notice within ten (10) days thereafter.

## 9.11 VARIANCE PROCEDURES. (ZONING BOARD OF APPEALS)

### 9.11.A Authority.

In accordance with CGS 8-6 [POWERS AND DUTIES OF BOARD OF APPEALS – [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-6](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-6)], the Board shall have the power and duty to determine and vary the application of the Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship.

### 9.11.B Application Requirements.

1. A Variance Application shall be accompanied by ten (10) copies of sufficiently detailed plans showing actual site conditions for review by the Board and its designees.
2. The Board shall require the filing of an up-to-date survey prepared by a Connecticut-licensed land surveyor when the variance is dimensional in nature or such survey is integral to the understanding of the application.
3. The Board may fix a reasonable fee to be paid by the applicant and may include therein the cost of any newspaper advertisement necessary in connection with such appeal.
4. The Board shall not be required to hear any application for the same variance or substantially the same variance for a period of six (6) months after a decision by the Board or by a court on an earlier such application.

### 9.11.C Proceedings.

1. The date of receipt for the Variance Application shall be determined in accordance with Section 9.12.B..
2. The Board shall hold a public hearing on the Variance Application and:
  - a. Publish a legal notice in accordance with the requirements of Section 9.12.F. of these Regulations,
  - b. Inform the applicant of the deadline to provide notice to property owners in accordance with the requirements of Section 9.12.G of these Regulations,
  - c. Confirm that the applicant has mailed notice to property owners in accordance with these Regulations.
  - d. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.12.I.
  - e. Notification to water companies may be required in accordance with the requirements of Section 9.12.J.
  - f. Notification to a regional planning agency may be required in accordance with the requirements of Section 9.12.K.
3. The Commission shall require that the applicant:
  - a. post a sign in accordance with the requirements of Section 9.12.H of these Regulations, and
  - b. give notice to nearby property owners in accordance with the requirements of Section 9.12.G of these Regulations.
4. At such hearing, any party may appear in person or may be represented by agent or by attorney.
5. An incomplete Variance Application may be denied in accordance with Section 9.12.C.
6. The Board shall process the Variance Application within the period of time permitted under CGS 8-7d [HEARINGS AND DECISIONS. TIME LIMITS. DAY OF RECEIPT. NOTICE TO ADJOINING MUNICIPALITY. PUBLIC NOTICE REGISTRY – [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-7d](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-7d)]:
  7. The public hearing shall commence within 65 days after receipt of the application.
  8. The public hearing shall be completed within 35 days after such hearing commences.
  9. All decisions shall be rendered within 65 days after completion of such hearing.

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- 10. 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 65 days.
- 11. The applicant may, at any time prior to action by the Commission, withdraw such application.

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#### **9.11.D Decision Considerations.**

- 1. Whenever a Variance Application is joined with an Appeal of Order Application, the Board shall first decide the issues presented by such Appeal of Order.
- 2. The application of a regulation affirming a statute shall not be subject to variance.
- 3. The Board shall find that a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship:
  - a. solely with respect to the parcel of land that is the subject of the application,
  - b. owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated
- 4. The Board shall only grant the minimum variance necessary to alleviate the exceptional difficulty or unusual hardship:
  - a. in harmony with the general purpose and intent of the Regulations.
  - b. with due consideration for conserving the public health, safety, convenience, welfare and property values, and
  - c. so that substantial justice shall be done and the public safety and welfare secured.
- 5. The concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.

#### **9.11.E Additional Considerations for Use Variances.**

- 1. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.
- 2. No use variance for a business use or an industrial use shall be granted in a Residential Zone.
- 3. No use variance shall be granted for an industrial use in any Business or Special Zone.
- 4. A use variance shall only be granted where, without the use variance, the private property would be rendered valueless.
- 5. For any Use Variance application, the Zoning Board of Appeals shall refer the application to the Town Plan and Zoning Commission. The Zoning Board shall provide the Town Plan and Zoning Commission with 35 days to review and comment on the application.

#### **9.11.F Action Documentation.**

1. Whenever it grants or denies a Variance Application, the Board shall state upon its records:
  - a. the reason for its decision,
  - b. the Regulation which is varied in its application, and
  - c. a specific description of the exceptional difficulty or unusual hardship on which its decision is based.
2. Notice of the decision of the Board shall be sent by certified mail to any person who appeals to the Board within 15 days after such decision has been rendered.
3. Such notice shall:
  - a. state the name of the owner of record,
  - b. contain a description of the premises to which it relates,
  - c. state the nature of the hardship claimed, and
  - d. specify the nature of such variance including the Regulation which is varied in its application.
4. Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in Bloomfield within 15 days after such decision has been rendered.
5. In any case in which such notice is not published within such 15 day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

#### **9.11.G Following Approval.**

1. A variance granted by the Board shall only become effective upon the filing of a copy, certified by the Board, in the land records of the Town in accordance with the provisions of CGS 8-3d. [VARIANCES, SPECIAL PERMITS, SPECIAL EXCEPTIONS AND SPECIAL EXEMPTIONS TO BE RECORDED. – [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-3d](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-3d)]
2. A variance shall only authorize the particular activity specified in the Commission's approval.

## 9.12 PROCEDURAL REQUIREMENTS.

### 9.12.A Application Submission Requirements.

1. Applications to the Commission or Zoning Board of Appeals shall be submitted to the Planning and Zoning Department.
2. Applications shall be submitted on forms obtained from the Planning and Zoning Department for the type of application being submitted.
3. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town 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 and, if applicable, the owner of the property affected.

### 9.12.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 to the Planning and Zoning Department, or
2. 35 days after submission, whichever is sooner.

### 9.12.C Incomplete Applications.

1. Each application shall be reviewed by the Planning and Zoning Department 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 at a regularly scheduled meeting.
3. An incomplete application or an application submitted without the requisite fee are grounds for denial.

### 9.12.D Sequence of Hearings.

1. 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.

### 9.12.E Consultations.

1. On any application, the Commission or Zoning Board of Appeals may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.
2. On any application, the Commission or Zoning Board of Appeals may retain an architect, landscape architect, professional land use planner, or other consultant to review, comment, and guide its deliberations on any application, and require that the applicant:
  - a. deposit funds with the Commission for the costs of any consulting review fees, or
  - b. reimburse the Commission for the cost of such consulting review.

#### 9.12.F Notice by Newspaper.

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

#### 9.12.G Notification of Abutting Property Owners.

- For all applications to the Commission or Zoning Board of Appeals which will require the Commission or Zoning Board of Appeals to hold a public hearing, except amendments to these regulations, the applicant shall mail notice to the following persons as required by this section:
  - The owner of all property which is the subject of the application.
  - Owners of Abutting properties – Notification to all persons owning property, any portion of which is within:

ZONING BOARD OF APPEALS	TOWN PLAN AND ZONE COMMISSION
USE VARIANCES – persons who own land within 400 feet of the land that is the subject of the hearing	ALL PUBLIC HEARINGS – persons who own land within 500 feet of the land that is the subject of the hearing
OTHER PUBLIC HEARINGS – persons who own land that is adjacent to the land that is the subject of the hearing	

- Said notice shall consist of written notification of the public hearing, by mail, at least seven (7) days prior to the public hearing. A Certificate of Mailing from the US Post Office of said written notice shall be conclusive evidence of compliance with the provisions of this section.
- Property owners, for the purpose of this section, shall be as they appear on the property street cards in the Town Assessor's office on the date of application, and distances shall be delineated on the Assessor's tax maps on the date of said application.
- Failure to mail such notice to any person or persons shall not in any way invalidate the public hearing.

#### 9.12.H Public Hearing Sign Posting Requirements.

- For any site which is the subject of a public hearing before the Commission or the Zoning Board of Appeals, the applicant shall display a sign or signs on the subject property indicating that a zoning application is pending. Said signs shall:
  - Be provided by the Planning and Zoning Department.
  - Be erected and maintained by the applicant wherever the parcel abuts any public or private street, in a manner to be clearly visible from all adjacent street frontages.
  - Be posted ten (10) days before the date of the public hearing, shall remain in place until the public hearing is completed, and shall be removed by the applicant not later than three (3) days after the public hearing.
- At the public hearing the applicant must present an affidavit certifying that the sign or signs have been in place for the required period prior to the public hearing.

1      **9.12.I    Notification of Abutting Municipalities.**

1. In accordance with CGS 8-7d(f) [HEARINGS AND DECISIONS. TIME LIMITS. DAY OF RECEIPT. NOTICE TO ADJOINING MUNICIPALITY. PUBLIC NOTICE REGISTRY – [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-7d](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-7d)], 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 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 certificate of mailing requested and shall be mailed within seven (7) days of the day of the submission to the Planning and Zoning Department of the application, petition, request or plan.
3. No hearing shall be conducted on any application, petition, request or plan 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.

2      **9.12.J    Notification of Water Companies.**

1. In accordance with CGS 8-3i [NOTICE TO METROPOLITAN DISTRICT COMMISSION RE PROJECTS WITHIN AQUIFER PROTECTION AREA OR WATERSHED OF METROPOLITAN DISTRICT COMMISSION – [https://www.cga.ct.gov/current/pub/chap\\_124.htm#sec\\_8-3i](https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-3i)] an applicant shall provide written notice to a Metropolitan District Commission and the Commissioner of Public Health when an application, petition, request or plan 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 22a-354c [MAPPING OF WELL FIELDS BY WATER COMPANIES – [https://www.cga.ct.gov/current/pub/chap\\_446i.htm#sec\\_22a-354c](https://www.cga.ct.gov/current/pub/chap_446i.htm#sec_22a-354c)], or
  - b. the watershed of a Metropolitan District Commission, provided such Metropolitan District Commission or said Commissioner has filed a map with the Commission or the Board and on the Bloomfield land records showing the boundaries of the watershed.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven (7) days after the date of the day of the submission to the Planning and Zoning Department.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Planning and Zoning Department or the application shall be considered incomplete:
  - a. a copy of the complete package of information, and
  - b. proof of mailing.
4. Such Metropolitan District Commission 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.

#### 9.12.K **Notification of Regional Planning Agency.**

1. 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 district is located within 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 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.

#### 9.12.L **Beneficiaries of a Trust.**

1. 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.

#### 9.12.M **Design Review for the Bloomfield Center District.**

In order to facilitate the review and approval process, minimize delay, misunderstanding and therefore cost, all applicants with projects requiring design review are required to use the following procedures.

1. **Project Initiation.** Contact the Bloomfield Planning and Zoning Department for new construction or significant renovations. The process begins with a review of the proposal between the property owner, developer or architect and the Town's professional staff. These early discussions are designed to explain the process and save time and costs since the various applicable regulations can be explained.
2. **Informal Review.** Schedule an informal review with the Bloomfield Design Consultant. As the plan begins to take shape, contact the Design Consultant agenda. This informal review will allow the Design Consultant to determine if the proposal meets all of the design guidelines before the completed project and required documentation are developed for a formal application. As part of the informal review, the following documentation shall be submitted:
  - a. Building and/or sign schematic plan.
  - b. Building and/or sign schematic elevations or perspective sketches.
  - c. Photographs of the site from principal vantage points.
  - d. Material samples and product literature (e.g. paint colors, lighting fixtures, roofing, siding etc.)
  - e. The Design Consultant may make specific design recommendations for a subsequent meeting, or may waive the formal review process if sufficient information has been shown, and submitted a recommendation directly to the Town Plan and Zoning Commission.
  - f. Schedule a formal review with the Design Consultant.

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3. **Formal Review.** Schedule a formal review with the Bloomfield Design Review Consultant. This formal review will allow the Design Review Consultant to determine if the proposal meets all of the design guidelines for the Bloomfield Center District, as identified in Section 4.1.F. Formal presentation materials required:
  - a. Site photographs from the principal vantage points.
  - b. Signage plan and elevations drawn to scale.
  - c. Site plan.
  - d. Site lighting.
  - e. Architectural design.
  - f. Material samples.
  - g. Landscaping.
  - h. Supporting information shall accompany each of the above-mentioned submittals to provide the Design Consultant with sufficient data to determine compliance with the design regulations.
4. **Design Consultant Recommendation.** Following a review of the submission, the Design Consultant will take one of four actions in referring the matter to the Town Plan and Zoning Commission.
  - a. Recommend acceptance of the application as submitted,
  - b. Recommend acceptance of the application with modifications as stated,
  - c. Recommend not accepting the application for specific reasons and request the matter be revised and resubmitted,
  - d. Recommend that the Commission take no action pending further discussion or resubmission.
5. **Formal Application.** Submit a formal application, for the specific land activity, to the Town Plan and Zoning Commission.
6. Freedom of Information Act Compliance. All meetings with applicants shall comply with the Connecticut Freedom of Information Action in CGS Chapter 14 [**FREEDOM OF INFORMATION ACT** – [https://www.cga.ct.gov/current/pub/chap\\_014.htm](https://www.cga.ct.gov/current/pub/chap_014.htm)].

# ARTICLE 10 Administration

## 10.1 ENFORCEMENT.

### 10.1.A Authority.

These regulations shall be enforced by the Zoning Enforcement Officer(s) who are hereby authorized to cause any building, place, premises or use to be inspected, and to order in writing the remedying of any condition found to exist in violation of these regulations.

### 10.1.B Inspections Authorized.

The Zoning Enforcement Officer(s) shall have authority to cause an inspection to be made of any premises and the building and structures thereon and the use of any land and any kind of work upon any building or structure being erected or altered, whether or not such work is being done under authority of a Zoning Signoff.

### 10.1.C Enforcement Authorized.

The Town Plan and Zoning Commission, the Zoning Enforcement Officer, or any official having jurisdiction, in addition to other remedies, may institute an action or proceeding to prevent the unlawful erection, alteration, reconstruction, maintenance or use of any building or to correct or abate any unlawful act or to prevent the illegal occupation of buildings or land or to prevent any illegal act in or about such premises.

### 10.1.D Penalties.

The penalties for such illegal acts shall be provided in the General Statutes of the State of Connecticut.

### 10.1.E Notice of Violation.

1. If the Zoning Enforcement Officer (ZEO) shall find a violation of these Regulations, he or she shall serve upon the owner, lessee, tenant, architect, engineer, builder, contractor, manager, or any agent, a violation notice and an order to discontinue such work and violation and to correct or abate the condition complained of within ten (10) days from service of such notice and order, or earlier in the case of earth removal, grading, erosion or sediment control, or other matters requiring more immediate attention.
2. The ZEO shall have the authority to order the removal of any sign erected on, attached to, maintained on or displayed on any property in any district where no permit has been issued in accordance with these Regulations or where such sign is in violation of any provision of these Regulations.
3. The ZEO shall have the authority to remove signs where no sign permit has been issued and where the sign is located within a public road right-of-way or is located on Town property.

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10** 10.1.F **Further Action.**

1. Any person violating any of the provisions of these Regulations shall be subject to the fines, injunctive procedures, and any other penalties prescribed by Chapter 124 of the Connecticut General Statutes, as amended, including, when warranted, a separate violation for each day that a violation exists.
2. Where it is alleged that there is an error in any enforcement order, requirement or decision made by the ZEO, an aggrieved party may file an appeal with the Zoning Board of Appeals (ZBA) in accordance with Section 9.10.

## **10.2 GENERAL ADMINISTRATION.**

### **10.2.A Severability.**

If a court of competent jurisdiction shall declare any provision or part of these regulations to be invalid, unconstitutional, or beyond the powers granted to the Commission by law, such action shall not affect the validity of any other provision or part hereof.

### **10.2.B When Effective.**

These Regulations and any amendments hereto, shall be effective from and after the effective date established by the Commission.

### **10.2.C Appointment.**

The Commission shall appoint a Zoning Enforcement Officer and may appoint one (1) or more Assistant Zoning Enforcement Officer(s) who shall act as its agent(s) for administration of these Regulations.

### **10.2.D Duties and Responsibilities.**

The Commission hereby delegates the following administrative duties and responsibilities to the Zoning Enforcement Officer and any Assistant Zoning Enforcement Officer(s):

1. To issue or withhold zoning permits, as herein provided.
2. To issue or withhold certificates of zoning compliance, as herein provided.
3. To enforce these Regulations in accordance with Section 10.1.
4. To maintain a proper record of all applications, zoning permits, certificates of zoning compliance, site plans and plot plans, complaints, violations, orders, corrections, correspondence, notices, fees levied and collected and such other data and files as are required by these Regulations.
5. To report regularly to the Commission and carry out its directives in all matters pertaining to these Regulations.
6. Any and all duties referred to in these Regulations.
7. Any other duties or responsibilities which the Commission chooses to delegate.

## 10.3 BONDING REQUIREMENTS.

### 10.3.A General.

1. The Commission may require the applicant to post a performance bond to cover any or all site improvements.
2. Such performance bond shall be executed on a form approved by the Town of Bloomfield and shall include the requirement that both cash and/or other collateral be provided.
3. Such bond shall set a time limit following its issuance for all the improvements stated therein to be completed.
4. In addition to proposed site improvements, said bond may also cover any required site cleanups of debris, abandoned vehicles or any other material which would cause a deterioration of conditions in the area.

### 10.3.B Bond Format.

Where a bond is required by any Section of these Regulations, it shall be in one (1) of the following forms and the Planning and Zoning Department shall require evidence of compliance with the following standards before accepting any bond:

1. Cash deposited with the Town.
2. Certified check to the order of the Town when the amount of the check is fully insured by the FDIC.
3. Bank deposit assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC.
4. Irrevocable evergreen letter of credit naming the Town as sole beneficiary provided that:
  - a. such evergreen letter of credit shall be issued by, and drafts thereunder presentable at, a branch of a bank in Connecticut provided that:
  - b. 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
  - c. 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.
  - d. The terms and conditions of such letter of credit shall be acceptable in form and substance to the Town and substantially in the form of the model letter of credit in the Appendix,
  - e. 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 Town may draw under said letter of credit the full amount thereof and the proceeds may be retained by the Town as the bond.
  - f. a Letter of Credit shall be issued by a bank licensed to conduct such business in the State of Connecticut and of appropriate financial soundness and stability. The Letter must meet Evergreen Bond Standards. The period to expiration of a Letter of Credit shall be not less than one (2) year, with a provision for automatic renewal at increments of not less than one (1) year. The Town of Bloomfield must be informed of the intention not to renew or the bond shall automatically be renewed.

### 10.3.C Bond Initiation and Term.

1. Should the performance bond not be posted within 180 days of the Commission's approval, the site plan approval shall become null and void. The Commission may grant, for good cause, an extension of the established time limit if, in its opinion, unusual circumstances prohibit the posting of the bond within the required timeframe. The performance bond shall be posted prior to the Town's issuance of a "Permit to Develop" and a building permit.
2. A performance bond shall remain in force until all of the terms and conditions of the subject Permit have been successfully met, or six (6) months beyond the date the Town Planner becomes aware that the subject Permit ceases to be in effect, whichever is earlier. The suspension of a Permit does not in any way affect the term of any associated Security.

### 10.3.D Project Performance

1. Any such bond may be called by the Town Planner at the request of the Town Engineer when, it is deemed by the Town Engineer and the Town Planner that:
  - a. The permittee is, to any extent, not complying with the provisions of the Permit and/or these Regulations,
  - b. Such non-compliance has caused, is causing, and/or has the reasonable potential to cause conditions that are counter to the purposes of these Regulations,
  - c. The permittee, being responsible for the regulated development associated with a Permit, Permit compliance associated with such development, and the impacts and effects of the efforts, or lack thereof, to perform the same, has had reasonable opportunity to identify and move to correct such non-compliance, irrespective of the status of notification of such non-compliance, and
  - d. The permittee is not showing good faith towards remedying the non-compliance and/or the adverse impacts thereof and/or complying with the orders of the Town Engineer, or representatives thereof, associated therewith, and/or the permittee is otherwise not making adequate progress towards the same.
2. In making such determination, the Town Planner and Town Engineer may consider, to varying degrees deemed thereby to be appropriate to the situation, and amongst other factors, in no particular order:
  - a. the compliance-related history of the permittee with respect to the subject Permit, and, for critical situations, a broader scope may be considered,
  - b. the scope and magnitude of realized and potential adverse impacts,
  - c. time-critical factors, and,
  - d. the status of the project.
3. For purposes of this Section, not adequately progressing on completing work or conducting activities associated with the Permit in a timely manner with respect to various applicable requirements is considered non-compliance with the permit.
4. The term "non-compliance" is to be interpreted as generally or specifically as is most in keeping with the purposes of these Regulations.
5. The permittee shall be given a minimum of ten calendar-days notice of the intent of the Town Planner to call a Bond prior to the Town Planner actually notifying the surety of such Security that the permittee is in default with respect to the commitments covered by the Security and that the Town Planner is calling for the forfeiture of the bond.
6. The Town Planner and/or Town Engineer, and/or any other Town official and/or administrator acting on behalf of the same, may use the proceeds from the forfeiture of a bond in any manner deemed thereby to be in keeping with the purposes of these Regulations with respect to the subject default and any potential or realized adverse effects associated therewith, allowing for the consideration of the amount of funds

available, as well as to cover any expenses incurred in association with the process of obtaining the forfeiture of the bond. Proceeds may be applied to events, actions, improvements, and work that are located off-site as well as on-site, are of a temporary as well as a permanent nature, that occur or occurred at any time subsequent to the Town Planner becoming aware of the subject default, and that were incurred by the Town of Bloomfield acting on the Town Planner's and/or Town Engineer's behalf, including staff and equipment time.

7. Nothing herein shall be construed to in any way limit or restrict the Town of Bloomfield, Acting through the Town Planner, from pursuing any legal remedy afforded it to recover damages for expenses incurred by it in any way associated with the default of a permittee with respect to the permittee's obligations and commitments associated with a Permit.
8. Any cost of collecting a bond, including without limitation, attorney, bank and other collection fees and expenditures, shall be for account of the applicant and may be deducted from the Bond..

#### **10.3.E Bond Reduction.**

At the request of the developer, the Town may reduce the required Bond commensurate with the bondable items completed and found acceptable to the Town Engineer. Said bond may be reduced to not less than 15 percent of the original Bond until all improvements are completed and a Certificate of Zoning Compliance is granted.

#### **10.3.F Bond Release.**

Any required bond shall not be released by the Commission, or agent until:

1. The release has been requested, in writing, by the applicant,
2. The Town Engineer has submitted a letter stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied, and
3. The applicant's engineer or surveyor has certified to the Commission, or agent, through submission of a set of detailed "Record" plans or sufficient documentation, that all improvements and other work are in accordance with submitted site plans

## **10.4 ZONING BOARD OF APPEALS ADMINISTRATION.**

### **10.4.A General.**

The Zoning Board of Appeals, hereinafter called the Board, is appointed pursuant to the provisions of any special or public act adopted by the General Assembly and any Charter provisions adopted by the Town of Bloomfield.

### **10.4.B Powers and Duties.**

The Zoning Board shall have the following powers and duties:

1. To hear and decide appeals where it is alleged that there is error in any order, requirement or decision made by the Zoning Enforcement Officer, or any other official charged with the enforcement of these regulations.
2. To determine and vary the application of the Zoning Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship and only when such determination or variance shall:
  - a. be in harmony with the general purpose and intent of these Regulations,
  - b. give due consideration for conserving the public health, safety, convenience, welfare and property values, and
  - c. result in substantial justice being done and the public safety and welfare secured.
3. To hear and decide all matters referred to it and upon which it shall be required to pass under any provision of these Regulations.

### **10.4.C Meetings.**

1. All hearings of said Board shall be held at the call of the Chair or Secretary at such times as the Board may determine and shall be open to the public.
2. The Board, in considering and determining matters brought to it, may hold meetings to review and deliberate after the public hearing duly held on such matter.
3. The Chair or, in his absence, the Acting Chair, may administer oaths and compel the attendance of witnesses.
4. The Board shall keep Minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, shall indicate such fact, and shall keep records of its examinations and other official acts.
5. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the Board shall immediately be filed in the office of the Board and shall be a public record.
6. If a regular member of the Board is absent, the member may designate an alternate from the panel of alternates to act in his or her place but if he or she fails to make such designation or if he or she is disqualified, the Chair shall designate an alternate from such panel.
7. In choosing an alternate, the Chair shall choose alternates in rotation so that they shall act as nearly equal a number of times as possible and, if any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

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#### 10.4.D **Nature of Zoning Variance.**

1. Any variance granted by the Board shall run with the land and shall not be personal in nature to the person who applies for and receives the variance.
2. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.

**TOWN PLAN AND ZONE COMMISSION:**

Byron R. Lester, Chair  
Vacant, Secretary  
Stephen Millette  
Dwight H. Bolton, Sr.  
Jennifer Marshall-Nealy  
Leon Peters  
Kevin Gough

**ALTERNATES**

Renae James  
Kathleen Blint  
Ola Aina

**PLANNING AND ZONING DIVISION**

Jonathan Colman – Director  
Lynda Laureano – Assistant Director  
Alexander Samalot – Zoning Enforcement Officer

**ADOPTION OF ZONING**

March 15, 1950

**AS AMENDED THROUGH**

February 27, 2025