ARTICLE VIII.

Site Plan Approval and Special Permit Review

Section 800 Site Plan Approval Review

A. Applicability

For all non-residential uses of land or buildings, including any change of use, and for all residential uses, and for all expansions of existing uses, other than single-family residences, which add 10 percent or more to the floor area, cars generated, parking spaces, a site plan review and approval by the Commission shall be required before any zoning permit or building permit may be issued. *(Amended 7/90)*

All uses requiring a Special Permit or a coastal site plan review (see Article VIII, Section 840) shall require a Site Plan Approval by the Planning and Zoning Commission.

The Commission shall have the authority to waive the requirement of a site plan and/or the A-2 survey prescribed in Paragraph H of this Section, below, for changes of use in existing buildings, if the change of use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting, and other considerations of site plan review. *(Amended 06/28/90)*

B. Site Plan Objectives

In reviewing a Site Plan Application, the Planning and Zoning Commission shall take into consideration the health, safety and welfare of the public in general and the immediate neighborhood in particular, and may prescribe reasonable conditions and safeguards to insure the accomplishment of the following general objectives.

1) That the proposed site plan shall be in general conformance with the intent of the Plan of Development, however, the Plan of Development shall not take precedence over specific provisions of the Zoning Regulation.

2) That all buildings, structures, uses, equipment, or material are readily accessible for fire and police protection.

3) That adequate off-street parking and loading spaces are provided to prevent on-street and off-street traffic congestion; that all parking spaces, maneuvering areas are suitably identified; that entrances and exits are suitably identified and designed to specific use radii; that the interior circulation system is adequately designed to provide safe and convenient access to all structures, uses, and/or parking spaces; that parking areas are provided with suitable bumper guards, guard rails, islands, crosswalks, speed bumps and similar safety devices when deemed necessary to adequately protect life and property; and that provision is

made for safe pedestrian movement within and adjacent to the property by the installation of sidewalks.

4) That all proposed traffic and pedestrian access ways do not create traffic hazards and are: adequate, but not excessive in number; adequate in width, grade, alignment, and visibility; adequate in distance from street corners, places of public assembly and other access ways; and adequate in design for other similar safety considerations.

5) That the general landscaping of the site complies with the purpose and intent of this regulation; that existing trees are preserved to the maximum extent possible; and that parking, storage, refuse and service areas are suitably screened during all seasons from the view of adjacent residential areas and public rights-of-way.

6) That lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation.

That glare from the installation of outdoor lights and illuminated signs is properly shielded from the view of adjacent property and public rights-of-way.

7) That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air, water, or land pollution.

8) That in planning the layout on the site, and design of structures, consideration is given to energy conservation.

9) That the development of the site will preserve sensitive environmental land features such as steep slopes, wetlands, coastal beaches, dunes, other coastal resources, large rock outcroppings and will attempt to preserve public scenic views or historically significant features.

10) That the location and size of any proposed use, building or structure, as well as the nature and intensity of operations involved or conducted in connection therewith, will be in general harmony with the character of the surrounding neighborhood, and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land, building, or structure.

C. Procedure

1) Application for Site Plan Approval shall be made to the Planning and Zoning Commission on a form prescribed by the Commission eighteen (18) days *(Amended 04/08/15)* prior to a regular meeting and shall be accompanied by plans, elevations and any other data necessary to show the detail of the proposed

use of land or buildings, as outlined in Section 800.H herein. The number of copies to be provided by the applicant shall be set forth on the application. *(Amended 12/4/03)* Prior to submission of a formal Site Plan Application, the applicant may meet with the Zoning Officer to discuss the Site Plan Application and if the Planning and Zoning Commission deems it appropriate they may waive the submission of specific information identified in Section 800.H.

2) The Planning and Zoning Commission shall act to approve, reject or approve with condition within 65 days of the meeting at which the application is presented. The time limit for a decision may be extended upon consent of the applicant for up to one additional 65-day period. *(Amended 12/04/03)*

3) Before approval is granted by the Planning and Zoning Commission under this section, the applicant may be required to post a bond with the City in an amount approved by the Commission as sufficient to guarantee conformity with provisions of the permit issued thereunder. Said bond shall be submitted at a time to be determined by the Commission.

4) Prior to issuing a final Certificate of Zoning Compliance or authorizing the issuance of a Certificate of Occupancy all site improvements must be completed. However, in the event that weather or other conditions are such that it would prohibit the completion of such improvements, a bond for 150% of the cost of the remaining improvements or $5,000.00, whichever is greater, may be posted and a Conditional Certificate of Zoning Compliance or an authorization for a Certificate of Occupancy with the exception of single-family homes for which other arrangements acceptable to the Zoning Enforcement Officer may be made. Such bond shall be in the form or a cash payment must be in a form acceptable to the Director of Law and in an amount approved by the Director of Public Works/ City Engineer. No Certificate of Zoning Compliance may be issued or authorization for the issuance of a Certificate of Occupancy granted unless the binder layer of the payment for any proposed parking area, with spaces marked, or driveway and all sidewalks are installed as required on the approved Site Plan. *(Amended 07/26/06)*

D. Expiration

1) All work in connection with any site plan approval shall be completed within five (5) years after the approval of the plan except for the following: *(Effective 04/21/92)*

(a) For any site plan approved on or after October 1, 1989, the Commission may, upon application prior to the actual expiration date, grant one or more extensions of such five (5) year period, provided the total period shall not exceed ten (10) years from the original date of approval of such site plan;

(b) Any site plan approval issued on or before October 1, 1989 shall be completed within seven (7) years after the approval of the plan;

(c) Any site plan approval consisting of four hundred (400) or more dwelling units issued on or after June 19, 1987 shall be completed within ten (10) years after the approval of the plan;

(d) For any site plan approval consisting of any commercial, industrial or retail project having an area equal to or greater than four hundred thousand (400,000) square feet issued on or after October 1, 1988, the Commission shall set a date for the completion of all work in connection with the site plan, which date shall be not less than five (5) nor more than ten (10) years after the date of approval of the plan. The Commission may, upon application by the applicant prior to the actual expiration date, extend the date of completion for the work for an additional period or periods, to a date not to exceed a total of ten (10) years from the original date of approval of such site plan.

2) The certificate of approval for all site plans shall state the date on which such work shall be completed. Failure to complete all work within such period shall result in the automatic expiration of the approval of the site plan. The Commission shall declare the permit to be null and void and a notice shall be recorded on the land records that the Site Plan Approval has expired and the approval is void. "Work" for the purposes of this subsection of the regulations shall mean all physical improvements required by the approved plan. *(Effective 04/21/92)*

E. Amendments or Modification

Application for amendments to an approved Site Plan shall be made in the same manner as the original application. Minor modification may be approved by the Zoning Officer.

F. Continuance

All conditions and improvements shown on an approved Site Plan shall remain with the property, as long as the use indicated on the approved Site Plan is still in operation. The conditions and improvements shall continue in force, regardless of any change in ownership of the property.

G. Appeals

Any person aggrieved by any decision of the Planning and Zoning Commission may take an appeal to the Superior Court of the New London Judicial District within fifteen days from the date when notice of such decision was published in a newspaper having a substantial circulation in the City. *(Effective 4/21/92)*

H. Application for Site Plan Approval

The number of sets of information, maps, and plans shall be set forth in the application. *(Amended 12/04/03)*

All applications shall include an accurate class A-2 survey of the property and improvements prepared by a land surveyor registered in the State of Connecticut. All plans shall be prepared, signed and sealed by a Connecticut registered engineer, architect, or landscape architect whichever is appropriate. All plans shall be prepared at an appropriate scale to the scope of the project.

1) General Information

(a) Name and address of the applicant and owner of record as listed on the City's tax rolls. If the applicant is not the owner of record, the latter shall also sign the application.

(b) Date, north arrow, and numerical and graphical scale on each map.

(c) A written description of the proposed use or

(d) A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, landscaping, and open spaces as they relate to the requirements of the zoning regulations.

2) Location Map. An accurate scale map at a scale of one inch equals 500 feet shall be submitted showing the subject property and all property and streets within 500 feet of any part of the subject property.

3) Easement(s). Location, width, and purpose of all existing and proposed easements and rights-of-way on the property and written approval of the easement holder when work is to be done in or affecting the easement. *(Amended 07/11/88)*

4) Proposed Buildings and Uses

(a) Location, dimensions, area, height and setbacks of all existing and proposed buildings, signs, fences, and walls.

(b) Location of all existing and proposed uses and facilities not requiring a building such as swimming pools, tennis courts, light standards, tanks, transformers and dumpsters.

5) Parking, Loading, and Circulation

(a) Location, arrangement, and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits, and ramps.

(b) Location, arrangement, and dimensions of loading and unloading areas.

(c) Location and dimensions of pedestrian walkways, entrances, and exits.

6) Signs and Lighting

(a) Location, size, height, orientation and plans of all signs.

(b) Location, size, height, orientation and design of any outdoor lighting.

7) Utilities. Location and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities, and refuse collection areas, as well as other underground and above ground utilities. All public utilities shall be placed under ground. This requirement may be waived if engineering data substantiates that such underground placement of utilities is impractical.

8) Topographic Map. The Topographic map shall illustrate the existing and proposed conditions of the property including existing and proposed contours with intervals of five feet, referred to the City of New London datum, and location of all existing wooded areas, watercourses, coastal resources, wetlands, rock outcrops, and other significant physical features, and, where appropriate, the wetlands boundary, coastal area management boundary and the flood hazard area.

9) Open Space and Landscaping Plan. The Open Space and Landscaping Plan shall illustrate the existing and proposed landscape development of the property, including location, general layout, type and size of buffer or landscape area, plant material, fencing, screening devices, decorative paving, or other materials proposed.

10) Staging Plan Map. In cases where the applicant wishes to develop in stages, an overall site and staging plan indicating ultimate development for the entire property shall be submitted at the same scale as the Site Plan.

11) Hazardous Materials and Wastes. The applicant shall identify any hazardous materials or wastes to be associated with the proposed occupancy and use of a non-residential property. Hazardous materials are defined as any material

included in EPA's list of priority pollutants, or Section 3001 of the Resource Conservation and Recovery Act or Connecticut's Hazardous Waste Regulations, whichever is in effect. If these materials or wastes are to be present then the applicant shall present evidence that all applicable permits and approvals from Federal, State or local authorities have been or are in the process of being obtained. The applicant shall demonstrate that the hazardous materials or wastes shall be contained or managed in such a manner that these substances will not pollute or degrade the natural resources, environment or ecology of the City of New London.

At least, the following information shall be presented in satisfaction of this section:

(a) The amount and composition of any hazardous materials that will be handled, stored, generated, treated or disposed of on the property.

(b) Provisions for treatment, storage and/or disposal of any hazardous materials.

(c) Distance to nearest natural resource.

(d) Whether public sewer is available or proposed at the location.

(e) Septic tank location, size and capacity, and/or sewage lift stations, force mains and grease traps.

(f) Expected types and amount of discharge to sewers, to the ground and to surface water.

(g) Provisions for storm water runoff controls which will minimize suspended solids.

(h) Location of loading and unloading docks.

(I) Provision for containment of any spills.

(j) Location and description of outside storage areas and types of materials to be stored.

(k) Written comments by the City's Fire Marshall, Building Official and City Engineer that the applicants proposed method of handling and storing hazardous materials and wastes appears safe and reasonable from the viewpoint of their office.

12) Environmental Impact Statement

If the scale of nature of a development warrants, the Commission may require the applicant to provide additional environmental information for the purpose of compiling a complete environmental impact analysis. The statement shall address at least the following:

(a) The likely impact of the proposed development on the characteristics of the surrounding neighborhood addressing such issues as congestion on public streets, harmony with surrounding development and effect on property values.

(b) How the proposed development is consistent with the objectives of the Plan of Development.

(c) The extent to which any sensitive environmental features on the site may be disturbed and what measures will be taken to mitigate these impacts. Consideration shall be given to steep slopes (including erosion control), wetlands, coastal resources, drainage ways and vegetation and any other land feature considered to be significant.

(d) The impact of the proposed development on the water and sewer system of the City and an indication of improvements that may be necessitated by the project.

(e) Analysis of vehicular and pedestrian traffic impact on the street system and proposed methods of handling situations where the street system is found to be inadequate.

(f) Analysis of how the proposed project will affect various city services such as police, fire, schools and recreation.

(g) Adverse impacts which cannot be avoided.

(h) Alternatives to the proposed action.

In order to ensure complete consideration of the impact of a proposed development, the Commission shall require that a public hearing be held to present the findings of the environmental impact analysis and to receive public comment thereon.

The applicant shall place a copy of the environmental impact analysis on file in the Office of the Building Official at least 7 calendar days prior to the public hearing. *(Amended 09/19/88)*

13) Other Information. The applicant shall submit any other information deemed necessary to determine conformity with the intent of this regulation.

14) Erosion and Sediment (E&S) Control Plan

Whenever plans for the proposed development show that it will result in the disturbance of more than one-half acre of land, the applicant will submit with the site plan an erosion and sediment control plan that presents, in mapped and narrative form, the measures to be taken to control erosion and sedimentation both during and after construction. The E&S plan shall be based on "Connecticut Guidelines for Soil and Erosion and Sediment Control," available from the Natural Resources Center of the Connecticut Department of Environmental Protection. A single-family dwelling that is not part of a subdivision of land shall be exempt from these E&S plan requirements.

The E&S Plan shall include the following:

a) A description of the project and a schedule of the major activities to be constructed on the land.

b) Locations of areas to be stripped of vegetation and locations of all wetlands and watercourses.

c) Location of areas to be regraded and contour data indicating existing and proposed grades.

d) A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving installation of drainage features and the like.

e) Seeding, sodding, or re-vegetation plans and specifications for all unprotected or un-vegetated areas.

f) Location, design and timing of structure control measures. such as diversions, waterways, grade stabilization structures, debris basins, and the like. The narrative shall indicate design criteria used in the design of control measures.

g) A description of procedures to be followed to maintain sediment control measures.

h) The plan map shall show the words: "Erosion and Sediment Control Plan Certified by vote of the New London Planning and Zoning Commission on (insert date)" and a space for the signature of the Chairman or Secretary of the Commission.

After review of the E&S Control Plan by the Commission or its designee, the Commission shall vote to certify that the plan is in compliance with these Regulations (a vote of the Commission to approve a site plan shall imply certification of the E&S plan as well.)

The Commission, through its agents or consultants, shall periodically inspect construction projects for which site plans have been approved to verify that E&S controls are consistent with the certified plan.

Any bond required for site plan improvements under Section 820 of these Regulations shall also cover the costs of E&S control measures prescribed by the E&S Plan. *(Amended 05/23/85)*

15) Referral to Adjoining Municipality

The Commission shall notify the clerk of any adjoining municipality of the pendancy of any application or site plan concerning any project on any site when: (1) any part of the property affected by the Commission's decision is within 500 feet of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewer system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by registered mail and shall be mailed within seven (7) days of the date of receipt of the application or site plan and no hearing shall be held on the application or site plan until after the adjoining municipality has received such notice. A representative from the adjoining municipality may appear and be heard at any hearing on any such application or site plan. (P.A. 87-307)

16) Referral to Wetland Agency

If an application for special permit and/or site plan approval involves an activity regulated as an inland wetland or watercourse under the provisions of Chapter 440 of the Connecticut General Statutes, the applicant shall submit an application to the Wetlands Agency no later than the day the application is filed with the Commission. The Commission shall not render a decision until the Wetlands Agency has submitted a report with its final decision to the Commission. In making its decision, the Commission shall give due consideration to the report of the Wetlands Agency. (P.A. 87-533) *(Amended 11/27/87)*

Section 810 <u>Special Permit Procedure</u>

A. Applicability

1. In all cases where this regulation requires approval by Special Permit, no Building Permit shall be issued by the Building Official except after public notice and hearing in accordance with the General Statutes of the State of Connecticut and upon authorization of the Commission. (*Amended 03/28/18)*

2. Existing Uses Which Would Be Allowed With the Approval of a Special Permit

When the use of land or a building or structure existed prior to the adoption of these regulations which is only allowed hereafter upon approval of a special permit, such existing use shall be considered a permitted use, provided the provisions of this section shall apply to all proposed changes to such existing use.

B. Special Permit Objectives

In evaluating a Special Permit application, the Commission shall take into consideration the health, safety and welfare of the public, in general, and the immediate neighborhood, in particular, and may prescribe reasonable conditions and safeguards to insure the accomplishment of the following objectives(*Amended 03/28/18)*

1) Harmony with Development. That the proposed use is of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated will not tend to depreciate the value of property in the neighborhood and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

2) Site Plan Objectives. That the Site Plan submitted as part of Special Permit application will accomplish the Site Plan objectives described in Section 800.B, particularly in that it will not create traffic or fire hazards and will not block or hamper the City circulation pattern.

3) Conformance to Requirements. Unless a variance has been granted, a special permit use shall conform to all requirements of the district in which it is located.

Where two or more special permit uses apply to the same premises, the minimum requirements shall be the minimum requirements for each use as specified in these regulations, or in cases of two or more special permit uses in the same building, whichever requirements are more restrictive.

C. Procedure

Application for a Special Permit shall be made to the Planning and Zoning Commission where applicable in writing at least twenty (20) days *(Amended 03/28/18)* prior to a

regular meeting and shall be accompanied by all required items as outlined in Section 800.H. The applicant shall the number of copies set forth in the application *(Amended 12/04/03)* to the Planning and Zoning Commission.

1) Public Hearing and Notice. The Commission where applicable shall hold a public hearing on all applications for a Special Permit and a notice of said hearing in a newspaper of general circulation in accordance with requirements of Connecticut General Statutes. *(Amended 03/28/18)*

   In addition to published notice, the Commission shall give notice of any such hearing at least 10 days prior to the date of the hearing to the applicant filing the application. *(Amended 03/28/18)*

   Further, the petitioner shall erect, or cause to have erected, a sign on the premises affected by the proposed Special Permit at least 15 days prior to the public hearing on such Special Permit. Said sign shall be provided by the Zoning Officer upon request of the applicant. Said sign shall be installed by the applicant securely fastened or staked, be clearly visible from the street closest to the affected property, and be maintained as such until 15 days following the published notice of the results of the Planning and Zoning Commission actions. *(Amended 03/28/18)*

   A report from the ZO attesting to whether the above described sign was erected and maintained as required shall be made part of the record at the public hearing. Failure of a petitioner to comply with this requirement may be grounds for automatic denial of the proposed Special Permit with consideration being given to cases where weather conditions or acts of vandalism have destroyed a properly posted sign.

   Each application for a special permit shall include a list, prepared by the applicant, of the names and addresses of the owners of all land included within the application and of all properties 200 feet or less distance therefrom, all as shown on the most recent records on file in the City of New London's Tax Assessor's Office (or the actual owners of record if otherwise known to the applicant). The applicant shall mail notification of said pending application to at least one owner of each such property not more than 15 days or less than 10 days before the date set for the public hearing, by transmitting the text of the public hearing notice as provided by the Commission.

   Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the Zoning Officer along with the above said list of property owners, not less than five calendar days prior to the hearing date. Failure to comply with any of the procedures required herein shall be deemed valid basis for denial of a special permit request.

2) The date of receipt of an application in the day of the Commission next regularly scheduled meeting or thirty-five (35) days after the application is submitted, which ever is sooner. *(Amended 03/28/18)*

Commencement of the public hearing must be within sixty-five (65) days of the date of receipt; the public hearing must be completed within thirty-five (35) days of commencement; and the Commission must render a decision to reject, modify and approve or approve the application within sixty-five (65) days of the completion of the public hearing. *(Amended 03/28/18)*

An applicant can consent to extend the time frames for any of the above steps, but the total of all extensions together cannot exceed sixty-five (65) days. *(Amended 12/04/03)*

No Special Permit shall be effective until a copy thereof, certified by the Chairman of the Planning and Zoning Commission or his/her designee, is recorded in the land records. The City Clerk shall index the same in the grantor's index under the name of the then record owner and the record owner shall pay for such recording. *(Amended 08/01/10)*

D. Conditions and Safeguards

Any condition or safeguards, attached to the granting of a Special Permit, shall remain with the property, as long as the special permit use is still in operation. These conditions and safeguards shall continue in force regardless of any change in ownership of the property.

E. Revocation

Any authorized Special Permit shall be subject to revocation by the Commission if any condition or safeguard imposed by the Commission upon buildings, structures, land or uses for said permit is not strictly adhered to by the applicant, user and/or owner. *(Amended 03/28/18)*

F. Amendments or Modifications

Applications for Special Permit amendments that are necessitated by site conditions or which are deemed to be in the public interest shall be made in the same manner as the original application; except that amendments that are found to be of a minor nature or that do not materially alter the Special Permit as determined by The Chairman of the Planning and Commission *(Amended 11/30/12)* may be authorized with Commission approval only, without another public hearing. *(Amended 03/28/18)*

G. Time Period and Expiration

In approving a Special Permit, the Commission may set time limits on the permit and/or require periodic renewal of the permit without a public hearing. In the event an appeal is taken from the Commission's approval of a Special Permit, then the time period shall commence on the date of final disposition of such litigation. Expired Special Permits shall be considered not valid. *(Amended 03/28/18)*

H. Continuance

Notwithstanding any other provision of these Regulations, when an amendment is adopted in these zoning regulations or boundaries of zoning districts, a Special Permit which has been approved according to the regulation in effect at the time of filing, shall not be required to conform to such amendment provided:

1) Construction of any of the proposed improvements, including but not limited to roads, sewer lines, landscaping, recreational facilities, etc. shall have commenced within 12 months from the effective date of the Special Permit and Site Plan approvals.

2) Construction of the improvements are diligently pursued and prosecuted to substantial completion within the original time constraints set forth at the time of approval or within two years following the effective date of such amendment in the zoning regulations or boundaries of zoning districts.

3) If the applicant and/or owner does not adhere to these conditions, the Special Permit shall be reconsidered by the Commission and declared void. Notification thereof shall be filed with the City Clerk and applicant so notified. *(Amended 03/28/18)*

I. Applications

Applications for a Special Permit shall be made in writing and the number of copies to be provided by the applicant shall be set forth on the application. Said copies shall include: *(Amended 01/01/05)*

1) A statement describing the existing and proposed use or uses.

2) A Site Plan in accordance with Article VIII, Section 800.H, if applicable.

3) Such other information as the Commission may require to determine compliance with the intent and purpose of this regulation.

4) All applications shall be accompanied by a fee, as provided in the fee schedule of the City of New London, to cover the cost of administration. Said fee shall be paid at the time of filing the application.

Section 820 Bonds

A. Procedure

The Commission may require, as a condition of approval of a Site Plan Section 800 or Special Permit Section 810, that the applicant post a bond with surety satisfactory to the Commission in order to assure conformance with all proposed improvements (excluding buildings) shown on the approved site plan. An itemized estimate of the cost of the specific improvements shall be prepared by the applicant, including a separate inflation factor for the estimated construction period, and shall be submitted to the City Engineer for approval. The bond may be in the form of cash, a certified check payable to the City of New London, a savings passbook with a signed withdrawal slip for a joint account in the name of the City and applicant, an irrevocable letter of credit from a bank, or an insurance company performance bond written by a company authorized to write bonds in the State of Connecticut. Said bond shall be posted with the City, in accordance with the approved Site Plan, for a period set by the Commission not to exceed two (2) years, unless an extension of time is applied for by the applicant and granted by the Commission.

B. Release of Bond

Upon written request of the applicant for the reduction or release of the bond, the site shall be inspected by the Zoning Officer, the City Engineer, and/or other appropriate City Officials to determine if all of the conditions of approval have been met and if all required site improvements have been satisfactorily completed in accordance with the approved plans. Before release of any bond, the Commission may require the applicant to submit an "As-Built" plan, certifying that all of the required site improvements have been installed in accordance with the approved plans. Based on the findings, the Commission may authorize the reduction or release of said bond and the subsequent issuance of a Zoning Certificate of Compliance.

Section 830 Flood Plain Management

A. Purpose

The purposes of this regulation is (i) to reduce the threat to public safety and the loss of property values resulting from periodic flooding within certain areas of the City of New London, and (ii) to ensure eligibility for continued participation by the City of New London in the National Flood Insurance Program by establishing policies and permit requirements related to land use and development in areas of special flood hazard within the City of New London, consistent with regulations of the National Flood Insurance Program, as published in the Federal Register, Volume 41, Number 207, October 26, 1976, as may be amended. *(Amended 06/10/11)*

B. Flood Hazard Areas

This regulation shall apply to all areas of special flood hazard within the City of New London. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated August 5, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated August 5, 2013 (Panels 09011C0363J, 09011C0364J, 09011C0501J, 09011C0502J, 09011C0503J, 09011C0504J, 09011C0511J) and July 18, 2011 (Panel 09011C0482G), and other supporting data applicable to the City of New London, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A, AE, and VE, including areas designated as a floodway on the FIRM. Zone VE is also identified as a Coastal High Hazard Area. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. *(Amended 07/24/13)*

The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the City of New London or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The City of New London, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the City of New London. *(Amended 06/10/11)*

C. Permits Required

Prior to issuing a Zoning Permit for any new development construction or substantial improvement within a special flood hazard area as shown on the FIRM, the Building Official shall determine that the provisions of this regulation have been satisfied, whether the proposed development and building sites will be reasonably safe from flooding, and that all necessary permits have been obtained from those federal, state or local agencies from which prior approval is required. The Building Official may require that the applicant provide such structure and water elevation data and construction plans as may be needed to determine proper conformance with this regulations. *(Amended 06/10/11)*

D. Requirements

In all special flood hazard areas as shown on the FIRM, the following provisions shall apply:

1) All new construction and substantial improvements (including the placement of prefabricated buildings and manufactured homes) shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damage, and (iv) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. *(Amended 11/28/92)*

2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems; and

3) (i) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters, (ii) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from then during flooding, and (iii) in any portion of a watercourse which is altered or relocated the flood carrying capacity shall be maintained. *(Amended 11/28/92)*

4) In Zones A and AE, new construction or substantial improvement of any residential use only structure shall have the lowest floor, including basement, elevated two-feet above base flood elevation. *(Amended 06/10/11)*

5) In Zones A and AE, new construction or substantial improvement of any commercial, industrial or other non-residential structure or structure or mixed use structure outside the R-1 and R-1A zoning districts shall either: *(Amended 06/10/11)*

   i) have the lowest floor, including basement, elevated two-feet above the base flood elevation**;** or *(Amended 06/10/11)*

   ii) together with attendant utility and sanitary facilities, be flood-proofed to one foot above base flood elevation so that below this level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Official prior to the issuance of a building permit for such structure; or *(Amended 06/10/11)*

iii) have fully enclosed areas formed by a foundation and other exterior walls below the base flood elevation (BFE) of an elevated building designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect, or meet the following minimum criteria listed in sections (a)-(g) below: *(Amended 06/10/11)*

(a) Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. These hydraulic openings must be located on at least two different walls. Only the area (square footage) that lies below the BFE can be used in the calculation of net area of vents required. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside; *(Amended 06/10/11)*

(b) The bottom of all openings shall be no higher than one (1) foot above the finished grade adjacent to the outside of the foundation wall. At least one entire side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab of a crawlspace, must be set equal to the outside finished grade on at least one side of the building; *(Amended 06/10/11)*

(c) The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by a registered professional engineer or approved by the Building Official; *(Amended 06/10/11)*

(d) The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be

used for human habitation or partitioned into separate rooms; *(Amended 06/10/11)*

(e) All interior walls, floor, and ceiling materials located below the BFE shall be unfinished and resistant to flood damage. *(Amended 06/10/11)*

(f) Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washer and dryer hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE. Utilities or service equipment located in this enclosed area, even if elevated above the BFE in the space, will subject the structure to increased flood insurance rates. *(Amended 06/10/11)*

(g) A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections (a)-(f) above. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened do not meet the flood vent opening requirements in Sections (a)-(c) above. In addition to the automatic entry of floodwaters, the areas of the garage below BFE must be constructed with flood resistant materials. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 830 D 5). *(Amended 06/10/11)*

6) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards the Building Official shall make the necessary interpretation.

7) Manufactured homes (mobile homes) shall not be permitted. Recreational vehicles shall either be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or meet all the standards of Section 830 D. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. *(Amended 06/10/11)*

8) When base flood elevation data or flood-way data have not been provided, the Building Official shall obtain, review and reasonably utilize any flood elevation and flood-way data available from a federal, state or other source in order to administer the provisions of this regulation. *(Amended 11/28/92)*

9) The Building Official shall notify adjacent communities and the Department of Environmental Protection, 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. The Building Official will assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. *(Amended 06/10/11)*

10) The Building Official shall obtain, record, and maintain the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction or substantially improved structures, and, the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed. In coastal high hazard areas (VE zones), the Building Official shall obtain, record and maintain the elevation of the bottom of the lowest horizontal structural member for all new construction or substantially improved structures. *(Amended 06/10/11)*

11) The Building Official shall maintain all records pertaining to the provisions of these regulations. *(Amended 11/28/92)*

12) Floodways. Located within Special Flood Hazard Areas (SFHA) are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a Connecticut registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge published by FEMA. Fences in the floodway must be aligned with the flow and be of an open design. *(Amended 06/10/11)*

When base flood elevations have been determined within Zone AE on the community's flood insurance rate map but a regulatory floodway has not been designated, the Building Official must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development. *(Amended 06/10/11)*

The Building Official may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant

or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community. *(Amended 06/10/11)*

13) Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity. *(Amended 06/10/11)*

14) Compensatory Storage. The water holding capacity of the floodplain, except those areas that are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality. *(Amended 06/10/11)*

E. Additional Requirements *(Amended 06/10/11)*

In all areas designated coastal high hazard zones VE zones on the FIRM the following provisions shall additionally apply: *(Amended 06/10/11)*

1) All new construction shall be located landward of the reach of the mean high tide.

2) All new construction or substantial improvements shall be elevated so that the lowest supporting member is located no lower than two-feet above the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in subsection 8, below. *(Amended 06/10/11)*

3) All new construction or substantial improvement shall be securely anchored on pilings or columns.

4) All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the 100 year median recurrence interval (one percent annual chance floods and winds). (*Amended 11/28/92)*

5) Compliance with provisions contained in subsections 2, 3 and 4, above, shall be certified to by a registered professional engineer or architect. *(Amended 11/28/92)*

6) There shall be no fill used as structural support.

7) There shall be no alteration of sand dunes which would increase potential flood damage.

8) Breakaway walls for new construction or substantial improvements shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used.

   a) Design safe loading resistance of each wall shall not be less than 10 nor more than 20 pounds per square foot; or *(Amended 11/28/92)*

   b) If more than 20 pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subjected to collapse, displacement, or other structural damage due to the effects of wind and water. *(Amended 11/28/92)*

9) If breakaway walls are utilized, such enclosed space shall not be used for human habitation.

10) Prior to construction, plans for any structure that will have breakaway walls must be submitted to the Building Official for approval.

11) Manufactured homes (mobile homes) shall not be permitted. Recreational vehicles shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet all the standards of Section 830 E and the standards of Section 830 D 1)-3). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by

quick disconnect type utilities and security devices, and has no permanently attached additions. *(Amended 06/10/11)*

F. Verification of Building Elevation

The Building Official shall verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and the actual elevation to which new or substantially improved structures have been flood-proofed.

G. Variances

Variances to the provisions of this regulation may be granted by the Zoning Board of Appeals for the City of New London, in accordance with the following: *(Amended 11/28/92)*

1) Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

2) Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3) The Board shall notify the applicant in writing over the signature of the Building Official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

4) The Board shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its biennial report submitted to the Federal Emergency Management Agency Federal Insurance Administrator. *(Amended 06/10/11)*

H. Definitions

Unless specifically defined below, words and phrases used in this section shall be interpreted so as to give them the meaning they have in common usage.

If there exists a conflict between the language contained in this Section (830) of the regulations and other language contained in other sections of these regulations the

provisions of this Section (830) shall control for the purposes of the enforcement of this section only. *(Amended 06/10/11)*

1) Base flood means the flood having a one percent chance of being equaled or exceeded in any given year. *(Amended 11/28/92)*

2) Base flood elevation (BFE) means the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. *(Amended 06/10/11)*

3) Basement (for the purposes of this Section 830 only) means any area of the building having its floor subgrade (below ground level) on all sides. *(Amended 06/10/11)*

4) Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system. *(Amended 06/10/11)*

5) Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. *(Amended 11/28/92)*

6) Cost means, as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos. *(Amended 06/10/11)*

7) Development means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or

removal of public or private sewage disposal systems or water supply facilities. *(Amended 06/10/11)*

8) Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before May 24, 1977, the effective date of the floodplain management regulations adopted by the community. *(Amended 06/10/11)*

9) Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). *(Amended 06/10/11)*

10) Finished living space means, as related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. *(Amended 06/10/11)*

11) Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from: *(Amended 06/10/11)*

    (a) The overflow of inland or tidal waters.

    (b) The unusual and rapid accumulation or runoff or surface waters from any source.

12) Federal Emergency Management Agency (FEMA) means the federal agency that administers the National Flood Insurance Program (NFIP). *(Amended 06/10/11)*

13) Flood Insurance Rate Map (FIRM) means the official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community. *(Amended 06/10/11)*

14) Flood Insurance Study (FIS) means the official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. *(Amended 06/10/11)*

15) Floodway means 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. For the purposes of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway." *(Amended 06/1011)*

16) Functionally dependent use or facility means a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes 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. *(Amended 06/10/11)*

17) Historic structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs. *(Amended 06/10/11)*

18) Lowest floor means the lowest floor of the lowest enclosed area (including basement). 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 fully meets the requirements of these regulations. *(Amended 11/28/92)*

19) Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailer, travel travelers, recreation vehicles and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. *(Amended 11/28/92)*

20) Manufactured Home Park or Subdivision means a parcel, or contiguous parcels, of land divided into two (2) or more manufactured home lots for rent or sale. *(Amended 06/10/11)*

21) Market value – means, as related to substantial improvement and substantial damage, the value of the structure as determined by the property's tax assessment, minus land value (or alternatively an independent appraisal by a professional appraiser selected by the City and paid for by the property owner); prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring. *(Amended 06/10/11)*

22) Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on New London's Flood Insurance Rate Map are referenced. *(Amended 06/10/11)*

23) New construction means structures for which the "start of construction" commenced on or after May 24, 1977, the effective date of this regulation and includes and includes any subsequent improvements to such structures. *(Amended 06/10/11)*

24) New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 24, 1977, the effective date of the floodplain management regulation adopted by the community. *(Amended 06/1011)*

25) Recreational vehicle means a vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. *(Amended 06/10/11)*

26) Sand dunes mean naturally occurring accumulations of sand in ridges or mounds landward of the beach. *(Amended 11/28/92)*

27) Special flood hazard area is the area within a community subject to one percent or greater chance of flooding in any given year, as identified on New London's FIRM. *(Amended 11/28/92)*

28) Start of construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the

stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers or foundations or the installation on the property of accessory building, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. *(Amended 06/10/11)*

29) Structure (for the purposes of this Section 830 only) means a walled and roofed building that is principally above ground**,** including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures. *(Amended 06/10/11)*

30) Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. *(Amended 11/28/92)*

31) Substantial improvement means any repair, reconstruction, or improvements of a structure, taking place over a ten year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the "start of construction" of the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. This term includes structures, which have incurred "substantial damage" regardless of the actual repair work performed. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) 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 (2) any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure."*(Amended 07/24/13)*

32) Variance means a grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship. *(Amended 06/10/11)*

33) Violation means a failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. A structure

or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided. *(Amended 06/10/11)*

34) Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. *(Amended 06/10/11)*

Section 840 Coastal Area Management

A. Coastal Site Plan Review Required

All buildings, uses and structures fully or partially within the coastal boundary as defined by section 22a-94 of the Connecticut General Statutes and as adopted and delineated on the Coastal Boundary Map for the City of New London shall be subject to the coastal site plan review requirements and procedures in sections 22a-105 through 22a-109 of the Connecticut General Statutes. The Coastal Boundary Map is on file in the offices of the City Clerk and Building Department.

B. Coastal Site Plan Review Exemptions

1) Pursuant to section 22a-109(b) of the Connecticut General Statutes, the following activities are exempt from coastal site plan review requirements:

(a) Gardening, grazing and the harvesting of crops;

(b) Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds;

(c) Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, docks and detached accessory buildings;

(d) Construction of the following new or modification of the following existing on-premise structures: fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs, and such other minor structures as will not substantially alter the natural character of coastal resources as defined by section 22a-93(7i) of the Connecticut General Statutes or restrict access along the public beach;

(e) Construction of an individual single family residential structure except when such structure is located on an island not connected to the mainland by an existing road, bridge, or causeway or except when such structure is in or within 100 feet of the following coastal resource areas as defined by section 22a-93(7) of the Connecticut General Statutes: tidal wetlands, coastal bluffs and escarpments, beaches and dunes;

(f) Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources;

(g) Interior modifications to buildings;

(h) Minor changes in use of a building, structure, or property except those changes occurring on property adjacent to or abutting coastal waters.

2) The foregoing exemptions from coastal site plan review requirements shall apply to the following site plans, plans and applications:

(a) Site plans submitted to the zoning commission in accordance with section 22a-109 of the Connecticut General Statutes;

(b) Applications for a special permit submitted to the Planning and Zoning Commission in accordance with section 8-2 of the Connecticut General Statutes and Article VIII, Section 2 of these regulations;

(c) Applications for a variance submitted to the Zoning Board of Appeals in accordance with subdivision (3) of section 8-6 of the Connecticut General Statutes and Article X of these regulations; except that a use variance shall not be exempt from coastal site plan review.

(d) A referral of a proposed municipal project to the Planning Commission in accordance with section 8-24 of the Connecticut General Statutes.

C. Coastal Site Plan Contents

A coastal site plan shall include a plan showing the location and spatial relationship of coastal resources on and contiguous to the site; a description of the entire project with appropriate plans, indicating project location, design, timing and methods of construction; an assessment of the capability of the resources to accommodate the proposed use; an assessment of the suitability of the project for the proposed site; an evaluation of the potential beneficial and adverse impacts of the project and a description of proposed methods to mitigate adverse effects on coastal resources.

Any persons submitting a coastal site plan as defined above shall demonstrate that the adverse impacts of the proposed activity are acceptable and shall demonstrate that such activity is consistent with the goals and policies of Section 22a-92 of the Connecticut General Statutes.

D. Environmental Assessment/Impact

The Commission or Board or its designated agent may require the applicant to provide additional environmental information for the purpose of compiling a complete environmental impact analysis.

Any required Environmental Assessment or Environmental Impact Statement shall consider:

1) The character of the site.

2) The potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water dependent development opportunities.

3) All applicable goals and policies of the CAM Act, and identify conflicts between the proposed activity and any goal or policy.

E. Public Hearings

In reviewing a Coastal Site Plan in accordance with the requirements of the CAM Act, the Commission may, at its discretion, hold a public hearing on a Coastal Site Plan and shall adhere to the time limits of Section 22a-95 subsection 8-7(b) of the Connecticut General Statutes in acting on such a Coastal Site Plan.

F. Coastal Site Plan Action

The Board or Commission reviewing the coastal site plan shall, in addition to the discretion granted in any other sections of the Connecticut General Statutes or in any special act, approve, modify, condition or deny the activity proposed in a coastal site plan on the basis of the criteria listed in Chapter 444 Section 22a-106 of the Connecticut General Statutes. Further, pursuant to Connecticut General Statutes section 22a-106(e) the reviewing Commission must find that the proposed activity is consistent with all applicable goals and policies of section 22a-92 and incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities.

The Board or Commission approving, modifying, conditioning or denying a coastal site plan on the basis of criteria listed above shall state in writing the findings and reasons for its actions.

G. Violations

In accordance with section 22a-108 of the Connecticut General Statutes, any activity undertaken within the coastal boundary without the required coastal site plan review and approval shall be considered a public nuisance and shall be subject to enforcement remedies authorized in that section of the Connecticut General Statutes.