

## Stonington Borough

### Proposed Zoning Amendments

11-10-15

Proposed *additions*

Proposed *deletions*

#### 1.3 Definitions

Open Space: When referring to a lot, a space not occupied by a building **or other structure** on the same lot with the principal building.

Renovation: Any combination of repairs, reconstruction, alteration or improvements to a building or structure for which a zoning permit is required, which take place over any consecutive three year period and for which the cumulative cost is less than fifty percent (50%) of the market value of the building or structure. The market value shall be the fair market value immediately prior to the start of the renovations. ~~as provided by the applicant in writing from a reputable source.~~ Absent other evidence, the Town of Stonington assessment of the structure or building will establish fair market value. **However, the landowner or any other person having a legal interest in the property may submit an appraisal or other information to the Commission if such person claims that the fair market value is different than the Town's assessment. If provided with such evidence, the Commission shall determine the fair market value based upon its evaluation of the evidence.**

Structure: Anything which is constructed or erected and the use of which requires more or less permanent location on the ground or water areas or attachment to something having permanent location on ground or water areas, not, however, including wheels; an edifice or a building of any kind; any production or piece of work, artificially built up or composed of parts and joined together in some definite manner, including fences or walls in excess of four feet in height; a **deck**, wharf or dock, an above ground tank, or a detached solar panel. For floodplain management purposes, a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Substantial Improvements: Any combination of repairs, reconstruction, alteration, or improvements to a building or structure for which a zoning permit is required, which take place over any consecutive three year period and for which the cumulative cost is equal to or exceeds fifty percent (50%) of the market value of the building or structure. The market value shall be the fair market value immediately prior to the start of the substantial improvements. ~~as provided by the applicant in writing, from a reputable source.~~ Absent other evidence, the Town of Stonington assessment of the structure or building will establish fair market value. **However, the landowner or any other person having a legal interest in the property may submit an appraisal or other information to the Commission if such person claims that the fair market value is different than the Town's assessment. If provided with such evidence, the Commission shall determine the fair market value based upon its evaluation of the evidence.** For the purposes of Section 3.3 only, substantial improvements shall mean the FEMA definition described in Section 3.3.2.2.

2.9.2.1. Any non-conforming structure lawfully existing at the time of the adoption of these Regulations may continue to be used, as long as such use is either permitted within the district in which it is located, or is a legal non-conforming use. Such structure may be renovated or **substantially improved** provided the following conditions are met;

a. No new non-conformity or increased encroachment results,

b. No non-conforming use is established or expanded.

~~c. The work meets the definition of a renovation in Section 1.3.~~

**d. c.** A Special Permit **is must be** obtained ~~which satisfies the conditions in accordance with the provisions~~ of Section 10, ~~however, no Special Permit is required if (a) unless the Commission finds that (i) the work consists solely of exterior renovations which only ( which may, however, require approval under Section 2.6); or (b) (ii) site plan requirements are waived approval is not required under per~~ Section 9.2.1, or ~~(c) (iii) the work consists solely of proposed renovations that are themselves conforming.~~

### 3.1.3. Setbacks from Mean High Tide

No building **or** structure ~~or use~~ shall extend closer than 40 feet from the mean high water line, except for direct water related structures ~~and uses~~ as defined by the Connecticut Coastal Management Act, such as, but not limited to docks, marine railways, marine cranes, launching ramps **and other** marine accessories, ~~and services, and boat docking and storage, open space and recreation~~ except that off street parking spaces shall be set back at least ten feet from the mean high water line.

### 3.3.1.2 Coastal Site Plan Exemptions

e. Construction of a **new or modifications of an existing** single family dwelling, except in or within one hundred feet of the following coastal resources, as defined by Section 22a-93(7) of the Connecticut General Statutes: tidal wetlands, coastal bluffs and escarpments, beaches and dunes.

### ~~9.2.1. Waiver of~~ **Exceptions to** Site Plan Requirements

~~In addition to~~ **Certain** uses and activities specifically **are** exempted elsewhere in these Regulations, ~~the Commission may, by resolution, waive the requirements for site plan review if it from the requirements of obtaining site plan approval under Article 9. In addition, site plan approval shall not be required if the Commission~~ determines that a proposed activity will not result in an increase in the need for parking, nor shall it entail any significant exterior change to the building or site, nor shall such new activity have any impact different from the existing use from which the change is requested. **This exception, however, shall not apply to coastal Coastal** site plans, where applicable. ~~shall not be waived.~~