

SUBDIVISIONS AND MASTER PLAN*

***Editor's note** – These regulations were originally adopted as an Appendix to the Town Code by the planning commission to be effective July 13, 1963 and set out as Part V of the 1968 compiled ordinances of the town. The regulations are set out herein as enacted. Absence of a parenthetical history note following a section indicates that section is as originally passed.

P. and Z. of June 7, 1983, effective June 17, 1983, revised many portions of App. A. See the Code Comparative Table for the complete disposition of this regulation.

Cross references – Administration, Ch. 2; buildings and construction, Ch. 3; conservation and open space, Ch. 4; garbage and refuse, Ch. 5; historic districts, Ch. 6; parks and recreation, Ch. 8; planning, Ch. 10; sewers and sewage disposal, Ch. 12; streets and sidewalks, Ch. 13; zoning, App. B.

State law reference – Zoning and planning, Conn. Gen. Stats., § 8-1 et seq.

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ARTICLE I. MISCELLANEOUS

Sec. 1-1. Purpose of these regulations.

The purpose of these regulations is to invoke and implement for the Town of Ridgefield the General Statutes of the State of Connecticut with respect to the subdivision of land including provisions for protective flood control, open spaces for parks and playground and conservation, the laying out and improvement of streets and public and private utilities services.

Sec. 1-2. Legal requirements for subdivision.

No subdivision of land shall be made until a plan for such subdivision has been approved by the Commission. Any person, firm or corporation making any subdivision of land without the approval of the Commission shall be fined not more than two hundred dollars (\$200.00) for each lot sold or offered for sale or so subdivided. All approved subdivision plans shall be delivered to the applicant for filing or recording promptly after the time for taking an appeal from the action of the Commission has elapsed, and in the event of an appeal, promptly upon the termination of such appeal by dismissal, withdrawal or judgement in favor of the applicant. Each approved subdivision plan shall, upon approval, or when taken as approved by reasons of the failure of the Commission to act, be filed or recorded by the applicant in the office of the town clerk within ninety (90) days of the date such plan is delivered to the applicant. Any plan not so filed or recorded

within the prescribed time shall become null and void except that the Commission may extend the time for two (2) additional periods of ninety (90) days and the plan shall remain valid until the expiration of such extended time. No such plan shall be recorded or filed by the town clerk or other officer authorized to record or file plans until the approval of the Commission has been endorsed thereon and the filing or recording of a subdivision plan without such approval shall be void. (P. and Z. Reg. of 11-18-75, effective 11-21-75)

Sec. 1-3. Basic requirements for Commission approval.

No plan for the subdivision of land will be approved unless:

- (a) The land to be subdivided is of such character that it can be used for building purposes without danger to health or the public safety;
- (b) Proper provision is made for water, drainage and sewerage and, in area contiguous to brooks, rivers or other bodies of water subject to flooding, for protective flood control measures.
- (c) The proposed streets are in harmony with existing or proposed principal thoroughfares shown in the development plan of the town as now or hereafter amended especially with regard to safe intersections with such thoroughfares, and so arranged as of such width as to provide an adequate and convenient system for present and prospective traffic needs; and
- (d) Open spaces as described in Article IV are provided where deemed proper by the Commission, which open spaces shall be shown on the subdivision plan.

Sec. 1-4. Short title.

These regulations shall be known as Subdivision Regulations.

Sec. 1-5. Effective date.

These regulations shall become effective on July 13, 1963.

ARTICLE II. DEFINITIONS

When used in these regulations, the following terms have the meanings indicated in the following definitions:

Sec. 2-1. Accessway.

Accessway means a private way for vehicular traffic providing access to a street for not more than three lots, the areas of which shall be computed exclusive of the area of such accessway.

Sec. 2-2. Application.

Application means an application for the approval of a proposed subdivision as provided in Article VI.

Sec. 2-3. Commission.

Commission, when spelled with a capital "C" means the Planning Commission of the Town of Ridgefield.

Sec. 2-4. Dead-end street.

Dead-end street means a street only one end of which connects with another street.

Sec. 2-5. Developer.

Developer means any person who shall lay out for the purpose of sale or building development any subdivision or part thereof, or any resubdivision, as herein defined.

Sec. 2-6. Comprehensive town plan.

The comprehensive town plan means the plan of development or master plan adopted by the commission, and includes all amendments and addenda thereto. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 2-7. Lot.

Lot means the smallest unit of land shown on an approved subdivision or resubdivision map. (P. and Z. Reg. 6-7-83, effective 6-17-83)

Sec. 2-8. Owner.

Owner means the person shown by the land records of the town to be the holder of the fee title.

Sec. 2-9. Reserved.

Editor's note – Section 2-9 defining preliminary layout was deleted by a planning and zoning commission regulation of Dec. 21, 1969.

Sec. 2-10. Resubdivision.

Resubdivision means a change in a map of an approved, or recorded subdivision or resubdivision if such change:

- (a) Affects any street layout shown on such map; or
- (b) Affects any area reserved thereon for public use; or
- (c) Diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map. (P. and Z. Reg. of 3-18-75. Effective 3-28-75)

Sec. 2-11. Sale.

Sale means a voluntary transfer of title, including gifts, devises and transfers for security purposes only.

Sec. 2-12. Standard details.

Standard details means the plans and profiles for street layout and construction, and the drawings of details for the construction of storm and sanitary sewers contained in these regulations and in the Ridgefield Code of Ordinances, Chapter 13, Article V, Division 2, entitled "Construction Standards." (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 2-13. Street.

Street means a way or right-of-way dedicated or intended to be dedicated to use by vehicles and pedestrians which is either shown on a subdivision plan approved by the Commission or on the comprehensive town plan or on a map filed in the office of the

town clerk, or is a state or town highway, and shall include highways, throughways, thoroughfares, parkways, avenues, roads, lanes, alleys, driftways or other arteries of vehicular traffic, but not private driveways or accessways.

- (a) *Arterials (majors)*. Generally carry traffic between communities or major activity centers.
- (b) *Collectors*. Provide intracommunity traffic service and neighborhood access to arterials.
- (c) *Local streets*. Link individual properties with collectors and arterials and include the following:
 - (1) *Local street*. Means a street linking properties with collectors and arterial and serving unlimited number of residential and nonresidential properties.
 - (2) *Tertiary street*. A tertiary street means a public or privately owned right-of-way dedicated as a means of vehicular, equestrian and pedestrian travel and access to an exit from not more than seven (7) abutting residential lots. Such streets shall be provided with a turnaround and shall meet applicable design standards contained in these regulations, and the Code of Ordinances, Town of Ridgefield, Chapter 13, Article V, Streets, Division 2, Construction Standards; shall not be intended for the use of through traffic; shall not be contiguous; and shall remain as a dead-end street in perpetuity. (P. and Z. Reg. of 9-23-75, effective 9-26-75; P. and Z. Reg. of 6-7-83, effective 6-17-83; P. and Z. Reg. of 12-1-87, effective 12-11-87)

Sec. 2-14. Street right-of-way.

Street right-of-way means the area between property lines reserved for use, present or future, as a street. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 2-15. Subdivision

Subdivision means the division of a tract or parcel of land into three (3) or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission (March 1, 1959), for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes, and include resubdivision. (P. and Z. Reg. of 3-18-75, effective 3-28-75; P. and Z. Reg. of 3-7-78, effective 3-10-78; P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 2-16. Traveled way.

Traveled way means that portion of the surface of the street intended to be used by vehicular traffic. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 2-17. Turnaround.

Turnaround means the area at the end of a dead-end street usually circular in shape, provided for the purpose of enabling vehicular traffic to reverse direction. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 2-18. Walkway.

Walkway means a paved or unpaved way dedicated to pedestrian traffic only. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 2-19. Zone.

Zone means one of the districts into which the land area of the town is divided by the zoning commission of the town pursuant to the zoning ordinance and regulations. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 2-20. Wetlands.

Wetlands means land, including submerged land, contained within or bordering upon the Town of Ridgefield, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture. Such lands are generally shown for informational purposes only on a map entitled "Designated Inland Wetlands and Water Courses of the town of Ridgefield"(Composite Soil Map) scale 1 inch equals 1000 feet, dated December, 1973, which map is on file in the office of the Town Clerk of the Town of Ridgefield. (P. and Z. Reg. of 11-12-74, effective 11-26-74; P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 2-21. Earth-disturbing activities.

Any use of the land that results in a change in the natural cover or topography and that may cause or contribute to erosion and sedimentation. (P. and Z. Reg. of 11-21-78, effective 12-1-78; P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 2-22. Accelerated erosion.

Any increase over the rate of natural erosion as a result of earth-disturbing activities. (P. and Z. Reg. of 11-21-78, effective 12-1-78; P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 2-23. Erosion.

The wearing away of land surface by the action of wind, water, ice, gravity, or any combination thereof. (P. and Z. Reg. of 11-21-78, effective 12-1-78; P. and Z. Reg. of 6-7-83, effective 6-17-83; P. and Z. Reg. of 7-23-85, effective 7-26-85)

Sec. 2-24. Sedimentation.

The process of transporting sediment from its site of origin and/or forming of silt due to earth-disturbing activities. (P. and Z. Reg. of 11-21-78, effective 12-1-78; P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 2-25. Erosion and Sedimentation Control Handbook.

This is a publication prepared by the Soil Conservation Services, Storrs, Connecticut, including any modification, supplement or revision thereof, which is on file in the commission's office. (P. and Z. Reg. of 11-21-78, effective 12-1-78; P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 2-26. Erosion and sediment control plan certification.

A signed written approval by the Commission or its designated agent that a soil erosion and sediment control plan complies with the applicable requirements of these

regulations and section 306.01 of the Zoning Regulations. (P. and Z. Reg. of 7-23-85, effective 7-26-85)

Sec. 2-27. Disturbed area.

An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion. (P. and Z. Reg. of 7-23-85, effective 7-26-85)

Sec. 2-28. E and S inspection.

The periodic review of sediment and erosion control measures shown on a certified erosion and sediment control plan. (P. and Z. Reg. of 7-23-85, effective 7-26-85)

Sec. 2-29. Soil.

Unconsolidated mineral or organic material of any origin. (P. and Z. Reg. of 7-23-85, effective 7-26-85)

Sec. 2-30. Soil erosion and sedimentation control plan.

A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative. (P. and Z. Reg. of 7-23-85, effective 7-26-85)

ARTICLE III. RESERVED*

***Editor's note** – Former Article III, §3-1 – §3-4, pertaining to the preliminary procedure prior to the submission of a subdivision regulation, was deleted by a planning and zoning commission regulation of Dec. 21, 1969.

ARTICLE IV. STANDARDS AND REQUIREMENTS FOR SUBDIVISION

Sec. 4-1. Character of land.

Land to be subdivided shall be of such a character that it can be used for building purposes without danger to health or to the public safety.

Sec. 4-2. Conformance to plan of development.

The subdivision plan shall include all streets shown on the plan of development that fall within the subdivision area, and any other streets that the Commission may require.

Sec. 4-3. Access to subdivision.

Land to be subdivided shall have access to a street which access is suitably improved or with respect to the construction of which there shall be a bond to the town covering the cost of such improvement.

Sec. 4-4. Subdivision straddling municipal boundaries.

Whenever access to a subdivision is to be provided only across land in another municipality, the applicant shall demonstrate to the satisfaction of the Commission that a road giving such access either has been legally established and is adequately improved or that a performance bond has been duly posted sufficient in amount to assure the adequate

construction of the road. Lot lines, wherever possible, shall be laid out so as not to cross town boundary lines.

Sec. 4-5. Relation to topography.

Streets shall be related appropriately to the topography, and all streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grade of streets shall conform as closely as practicable to the original topography. A combination of steep grades and curves shall be avoided.

Sec. 4-6. Block size.

Each block shall have a depth of not less than twice the minimum lot depth and generally not more than 12 times the minimum lot width required in the zone in which it is located.

Sec. 4-7. Intersections.

Intersections of streets shall be at angles as close to ninety degrees as feasible. Toward this end, an oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred feet therefrom. Where three or more streets intersect, a turning circle or other special treatment may be required by the Commission.

Intersections of major streets by other streets shall be at least eight hundred feet apart, if possible. Cross (four-cornered) street intersections should be avoided insofar as possible, except as shown on the plan of development or at other important traffic intersections. A distance of at least two hundred feet shall be maintained between centerlines of offset intersecting streets. The grades of any street shall not exceed four percent within one hundred feet of the point where it intersects another street.

Property lines at intersections shall have corner cutoffs with a minimum radius of twenty feet.

Sec. 4-8. Continuation of streets into adjacent property.

The arrangement of streets shall provide for the possible future continuation thereof into adjacent properties when such continuation shall be advisable for the convenient movement of traffic, effective fire protection, or efficient provision for public utilities, or where such continuation is in accordance with the plan of development. If the adjacent property is undeveloped and the street is a dead-end street, the right-of-way shall extend to the property line of the adjacent property. A temporary circular turnaround shall be provided on all temporary dead-end streets with a notation on the plan that land outside the normal street right-of-way shall revert to abutting owners whenever the street is extended into the adjacent property.

Sec. 4-9. Dead-end streets.

If a street does not extend to the property line of the adjacent property, and its continuation is not required by the Commission for access to adjacent property, its terminus shall not be nearer to such property line than one hundred feet. The Commission may require the reservation of twenty-foot wide to accommodate drainage facilities and utilities and a public way to accommodate pedestrian traffic. A circular turnaround shall be provided at the end of a dead-end street. Its length shall be limited as provided in section 4-14.

Sec. 4-10. Street names.

All streets shall be named, and such names shall be subject to approval by the Commission. Names shall be sufficiently different in sound and in spelling from other street names in the town or adjoining municipalities so as to cause confusion. A street which is a continuation of an existing street shall bear the same name.

The use of the following nomenclature is recommended:

Road or street: Major or collector street or a local street in a business zone.

Drive or lane: Local residential street except as follows:

Court or place: Permanent dead-end street.

Circle: Street that returns to its starting point of a street, both ends of which intersect the same street at different locations.

Sec. 4-11. Location, width and improvement of streets.

Streets shall be suitably located, of sufficient width and adequately improved to accommodate the reasonably foreseeable traffic and to afford satisfactory access to police, fire fighting, snow removal, and other road maintenance equipment, and shall be coordinated so as to compose a convenient system. The location, arrangement, or design of streets shall be such as to cause no undue hardship to adjoining properties.

Sec. 4-12. Accessways.

An accessway may be used by no more than three (3) lots and then only when specifically authorized by the Commission. The Commission may authorize their use to serve land that would otherwise be landlocked or to avoid undue hardship that cannot be alleviated by alternative street layout and provided that the aims and purpose of these regulations are furthered by their use. Where so authorized, accessways shall be twenty-five (25) feet wide and the traveled way shall be no less than sixteen (16) feet wide; except that accessways which serve only one lot shall have a traveled way no less than twelve (12) feet wide. Accessways shall be constructed with a graveled base twelve (12) inches thick or a traprock base eight (8) inches thick. The grade of accessway shall not exceed twelve (12) percent and shall have provisions for proper drainage as required by the Commission or its authorized agent. Accessways shall not be contiguous. Each lot owner depending upon an accessway for access to a highway must either own in fee simple a proportionate part of the accessway or a permanent easement over it. (P. and Z. Reg. of 6-23-81, effective 6-26-81; P. and Z. Reg. of 110-5-82, effective 10-8-82)

Sec. 4-13. Reserve strips.

The creation of reserve strips adjacent to a proposed street in such a manner as to deny access from adjacent property to such street shall not be permitted.

Sec. 4-14. Design standards for streets.

Streets shall meet the design standards set forth below. Street classification may be indicated on the town plan of development; otherwise, it shall be determined by the Commission. Standards are not shown for major streets which would be built by the state:

(a) *Classification:*

- (1) Arterial (major)
- (2) Collector
- (3) Local
 - (a) Local street

- (b) Tertiary street
- (b) *Right-of-way*: The minimum width of the right-of-way shall be as follows:
 - (1) Arterial (major) – 60 feet.
 - (2) Collector – 50 feet.
 - (3) Local:
 - (a) Local street – 50 feet.
 - (b) Tertiary street – 40 feet.
- (c) *Pavement width*: The minimum width of the paved surface as measured from edge of pavement to edge of pavement, or from face of curb to face of curb shall be as follows:
 - (1) Arterial (major) – 27 feet.
 - (2) Collector – 22 feet.
 - (3) Local:
 - (a) Local street – 22 feet.
 - (b) Tertiary street – 18 feet.
- (d) *Curve radius*: The minimum radius of all horizontal curves measured from the inside of the curve shall be as follows:
 - (1) Arterial (major) – 250 feet.
 - (2) Collector – 150 feet.
 - (3) Local:
 - (a) Local street – 150 feet.
 - (b) Tertiary street – 125 feet.
- (e) *Maximum and minimum gradient*: [The maximum gradient shall be:]
 - (1) Arterial (major) – 10 percent.
 - (2) Collector – 10 percent
 - (3) Local:
 - (a) Local street – 12 percent.
 - (b) Tertiary street – 12 percent.

The minimum gradient of all streets shall be one percent.

- (f) *Cul-de-sac standards*: The following minimum standards shall be met when dead-end roads are permitted:
 - (1) Width of right-of-way – 100 feet diameter.
 - (2) Paved area – 80 feet diameter.

Arterial (major) and collector streets shall not be dead-ended.

- (g) *Maximum length of dead-end streets*: Dead-end local and tertiary street – 1400 feet including turnabout.

- (h) *Minimum radius of traveled way at intersection:* All streets – 30 feet.
- (i) Sight distance:
 - (1) Arterial (major) – 150 feet.
 - (2) Collector – 150 feet.
 - (3) Local and tertiary streets – 125 feet.
- (j) *Sidewalk and walk path when required:* When required by the Planning and Zoning Commission, sidewalk and walk path shall be:
 - (1) Sidewalk – 5 feet wide.
 - (2) Walk path – 2 feet, 6 inches wide.
- (k) *Curbing:* Curb shall be required on all streets.
 - (1) Arterial (major) – granite or concrete.
 - (2) All others – bituminous concrete.
- (l) *Cross slope of pavement:* The transverse slope of all paved sections shall be at the rate of 3/8 inch per foot.
- (m) *Minimum length of vertical curve:* All streets – 100 feet but not less than 15 feet for each percent difference in gradient. The grades of any street shall not exceed however, 4 percent within 100 feet of the point where it intersects another street. (P. and Z. Reg. of 9-23-75, effective 9-26-75; P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 4-15. Trees.

The Commission shall require the planting of new trees in subdivisions which lack or are deficient in trees. Wherever feasible, large or significant trees shall be preserved as a community asset. Trees to be planted shall have a minimum diameter of 1 ½ inches one foot above finished grade and be spaced approximately 60 feet apart five feet from the street property line. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 4-16. Underground utilities.

All utility lines and equipment, including cable T.V. shall be placed underground, unless otherwise authorized by the Commission. Where overhead, rather than underground, electric or telephone lines are proposed, a detailed statement showing the reason for same shall be submitted. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 4-17. Private sewage disposal.

Unless otherwise determined by the Commission in accordance with the provisions of Section 11-1, where individual subsurface sewage disposal systems are to be used, an approval from the Director of Health or his agent, in accordance with procedures mandated by the State Health Department, shall be required.

As required by the Connecticut Public Health Code, septic systems shall be located within the proposed lot unless otherwise exempt by the Commissioner of Health Services of the State of Connecticut.

Each subsurface disposal system shall be located on the same lot as the building it serves.

Where upon a particular lot there is a ledge within seven (7) feet of the ground surface,, groundwater within five (5) feet of the surface, or ground slope greater than ten (10) percent, the Commission may require the size of the lot to be increased to provide sufficient unble land, free of these difficulties, for such sewage disposal systems.

The applicant shall furnish a report certified by the Director of Health, or his agent, that the proposed method of supplying water is in compliance with the regulations of the State Department of Health. (P. and Z. Reg. of 4-22-65; P. and Z. Reg. of 6-7-83, effective 6-17-83; P. and Z. Reg. of 10-30-90, effective 11-9-90; P. and Z. Reg. of 2-4-92, effective 2-14-92)

Sec. 4-18. Lot arrangement.

The lot arrangement shall be such as to minimize foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the applicable zoning regulations and sanitary regulations, and in providing safe driveway access to buildings on such lots. The applicant must demonstrate to the Commission that cuts, fills and grades necessary to utilize the lots will not result in unsafe driveways or adversely affect adjacent properties, and that graded areas shall have a slope not exceeding one foot vertical in 2 feet horizontal, unless ledge rock prevents. (P. and Z. Reg. of 4-18-78, effective 4-21-78; P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 4-19. Lot arrangement-involving wetland.

Where a watercourse separates the buildable area of a lot from the street to which it has access, an adequate culvert or other drainage facilities shall be installed.

Where a proposed subdivision plan includes wetlands within the boundaries of a lot or lots in RAAA, RAA, RA zones, at least one and eight-tenths (1.8) acre in an RAAA zone, one and fourteenths (1.4) acre in an RAA zone or eight-tenths (0.8) acre or the entire lot, whichever is smaller, in any lot in a planned residential development shall consist of contiguous land, not including wetlands, suitable for the location of the main structure, accessory buildings, sewage disposal systems and water supply. Accessways and driveways may cross wetlands, but only if no other feasible means of access is possible, and then only if no other feasible means of access is possible, and then only by permit granted under inland wetlands and watercourses regulations. (P. and Z. Reg. of 4-18-78, effective 4-21-78; P. and Z. Reg. of 12-7-82, effective 12-10-82; P. and Z. Reg. of 6-7-83, effective 6-17-83; P. and Z. Reg. of 12-2-86, effective 12-12-86)

Sec. 4-20. Lot dimensions.

Lot area and dimensions shall comply with the minimum standards of the zone in which such lot is located. Except for lots within PRD designated tracts, to be considered for subdivision or resubdivision, the area and dimensions of any proposed lot shall meet the following subdivision standards:

<i>Zone</i>	<i>Min. Lot Area</i>
RAAA	3 acres
RAA	2 acres
RA	1 acres
R20	20,000 sq. ft.
R10	10,000 sq. ft.
R7.5	7,500 sq. ft.

Where lots are more than double the minimum required area for the zone, the Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential additional lots, all in compliance with the zoning regulations and these regulations. The Commission may require lots in excess of the minimum size where such are required for proper drainage, water supply or waste disposal. (P. and Z. Reg. of 6-7-83, effective 6-17-83; P. and Z. Reg. of 12-2-86, effective 12-12-86)

Sec. 4-21. Lot sidelines.

Lot sidelines shall be approximately at right angles to straight street lines or radial to curving street ins. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 4-22. Access from major streets.

Access to a lot shall be provided from a local street rather than directly from a major street. Where this is not practicable the Commission may require that such lot be served by a combined access drive in order to limit possible traffic hazard on the major street. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 4-23. Corner lots.

Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both street. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 4-24. Open space standards.

In accordance with the provisions of Section 8-18 and 8-25 of the Connecticut General Statutes, the subdivision plan should show and the Commission may require that a portion thereof be reserved as open space for a park, playground or other conservation purposes. Each reservation shall be of suitable size, topography and general character for its purpose and shall have adequate road access. Such spaces shall not be required to exceed ten percent of the total area of the subdivision, except that, in the case of a planned residential development subdivision under Section 308.0 of the Zoning Regulations, the amount of open space shall not be less than one-third of the total area. The area shall be shown and marked on the plan with appropriate legend.

Land for open space shall be deeded as follows:

- 1) To the town (under the auspices of the appropriate agency) for active recreational purposed or for conservation purposes; or
- 2) To a private association (such as the nature conservancy or the Land Conservancy of Ridgefield, Inc.) legally constituted for conservation purposes; or
- 3) To a private association consisting of the owners of the lots within the subdivision or resubdivision for specified recreational or conservation purposes.

Open space deeded to the Town shall be deeded in perpetuity; open space deeded to a private association shall provide in such deed that ownership shall revert to the town for recreational or conservation purposes if such association or organization shall cease to exist or shall relinquish ownership. (P. and Z. Reg. of 10-5-82, effective 10-8-82; P. and Z. Reg. of 4-6-83, effective 4-15-83; P. and Z. Reg. of 6-7-83; P. and Z. Reg. of 5-3-94, effective 5-13-94)

Sec. 4-25. Minimum size of open space, parks and playgrounds, and payments in lieu of opens space.

- a) *Minimum size of open space, parks and playgrounds.* In general, the reservation for open space purposes shall have an area of ten percent of the total area of the subdivision. If the reserved area amounts to less than two acres, the Commission may require that the open space area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In accordance with the intent of the Commission to preserve existing features and irreplaceable natural assets, the Commission may establish a greenbelt or may accept gifts of land in smaller parcels where it deems such acceptance advisable. The area of the land falling into this category may be considered as part of the total contribution of the subdivider to the open space requirements. The Commission may require that such areas of natural beauty or of importance to flood control be specified in easements granted to the conservation commission on the advice of that commission. In such cases the Commission may reduce the amount of land area to be reserved for open space.
- b) *Payments in lieu of open space.* As provided under Section 8-25 of the Statutes, the Commission may, in any proposed subdivision plan contains three lots or less, authorize the applicant to pay a fee to the town, or pay a fee to the town and transfer land to the town in lie of any requirement to provide open spaces. Such payment or combination of payment and the fair market value of the land to be transferred shall be equal to ten percent of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant but the cost of such appraisal shall be paid by the applicant. A fraction of such payment, the numerator of which is one and the denominator of which is the number of approved lots in the subdivision, shall be paid to the Town of Ridgefield at the time of sale of each approved lot in the subdivision and any such payments shall be deposited in a fund which shall be used solely for the purpose of acquiring additional land for open space or for recreational or agricultural purposes. The provisions of this subsections shall not apply if the transfer of all land in a subdivision of less than five lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration, or if the subdivision is to contain affordable housing as defined in Section 8-39a of the Statutes, equal to twenty percent or more the total housing units to be constructed on lots within the subdivision. (P&Z Reg. of 9-5-68; P&Z Reg. of 1-21-69; P&Z Reg. of 2-6-79, effective 2-9-79; P&Z. Reg. of 6-7-83, effective 6-17-83; P&Z Reg. of 10-8-91, effective 10-18-91; P&Z Reg. of 12-2-08, effective 12-12-08)

Sec. 4-26. Maintenance and treatment of reserved open spaces.

Land reserved for open space shall be maintained in good condition by the developer during construction and until the release of any bond that may have been posted pursuant to these regulations and pursuant to the Code of Ordinances, Town of Ridgefield, Connecticut, Chapter 13, Article V, Streets, Division 2, Construction Standards. No topsoil shall be removed, no dumping or filling shall be permitted, and all debris shall be removed. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 4-27. Widening and realignment of existing streets.

Where a subdivision, in the opinion of the Commission, would require relatively large expenditures by the town to improve existing streets to serve the subdivision in a safe manner, the Commission shall withhold approval of the subdivision until the applicant has entered into an agreement with the town to bear the cost of such expenditures.

If any existing street (see definition of street) abutting the subdivision is narrower than shown on the plan of development, or has a dangerous curve, the subdivision plan shall provide not less than one-half of the land required to bring such street into conformity with the plan of development, and all the land on the subdivision side of the street required to eliminate the dangerous curve. The subdivision plan shall also show all slope easements required for these improvements. Such grants of land and easements shall be clearly described on the subdivision plan. Where an existing street lying within the subdivision is to be utilized as part of the subdivision street plan, and such street is, in the opinion of the Commission, so inferior to the standards set forth in Article IV and the Code or Ordinances, Town of Ridgefield, Connecticut, Chapter 13, Article V, Streets, Division 2, Construction Standards, as to jeopardize the public safety and welfare, the developer shall be required to rebuild such street in conformance with the aforesaid standards. (P. and Z. Reg. of 4-22-65; P. and Z. Reg. of 1-21-69; P. and z. Reg. of 6-7-83, effective 6-17-83; P. and Z. Reg. of 12-1-87, effective 12-11-87)

Sec. 4-28. Utility and drainage easements.

Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within a street right-of-way a perpetual unobstructed easement of at least twenty feet in width for such utilities or drainage facilities shall be provided across property outside the right-of-way and with satisfactory access to the street. Easements shall be indicated on the subdivision plan. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities. Appropriate drainage rights must be secured and indicated on the subdivision plan. (P. and Z. reg. of 6-7-83, effective 6-17-83)

Sec. 4-29. Easements for access.

The commission may require in order to facilitate access from streets to schools, open spaces, parks, playgrounds, or other nearby streets perpetual unobstructed easements or public ways not more than twenty feet in width. These shall be shown on the subdivision plan. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 4-30. Responsibility for ownership and maintenance of streets and facilities.

When neither the application nor any subsequently filed document obligates the applicant to convey to the town any street, open spaces, park or other facility intended for general use, the applicant shall make such reasonable provision for future ownership and maintenance thereof as the Commission may deem appropriate in view of all relevant circumstances. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 4-31. Preservation of existing features.

The commission may require that existing features which would add value to the development or to the town as a whole, including, but not limited to, trees, watercourses, ridge tops or ridge lines and similar irreplaceable assets, shall be preserved through harmonious design of the subdivision. The commission may make reasonable modifications in standards for layout of streets and lots to accomplish such purposes,

including protective screening. Four (4) inches of topsoil must be placed over all area disturbed during construction and seeded or planted with a suitable ground cover. Slopes and ledges not suitable for such treatment shall not be disturbed and shall remain in their natural state. (P. and Z. Reg. of 6-7-83, effective 6-17-83; P. and Z. Reg. of 5-6-97, effective 5-16-97)

Sec. 4-32. Subdivisions including land zoned for business or industry.

If a proposed subdivision includes land that is zone for business or industrial purposes, and if such land is not restricted to residential use by the imposition of deed restrictions by the owner, the layout of the subdivision with respect to such land shall make such provision as the Commission may require for safe and convenient access to such parking and loading and unloading spaces as may be required by the zoning regulations, or otherwise, for safe and convenient service access to such land. (P. and Z. Reg. of 3-18-75, effective 3-28-75; P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 4-33. Subdivision of land containing inland wetlands or watercourses.

If an application involves land regulated as an inland wetland or watercourse under the provisions of Chapter 40 of the Connecticut General Statutes, and the Ridgefield Inland Wetlands Board has not already reviewed the application, the applicant shall file a copy of the application with the Ridgefield Inland Wetlands Board prior to or simultaneously with filing such application with the Planning and Zoning Commission, and the Commission shall not render its decision on the subdivision application until the Inland Wetlands Board has submitted a report and final decision. The Commission shall give due consideration to the action of the Inland Wetlands Board. (P. and Z. Reg. of 3-7-78, effective 3-7-78; P. and Z. Reg. of 6-7-83, effective 6-17-83; P. and Z. Reg. of 7-5-89, effective 7-14-89)

Sec. 4-34. Erosion and sedimentation prevention.

Pursuant to Section 8-25 of the Connecticut General Statutes, all subdivision application shall consider the problems of accelerated erosion and sedimentation in accordance with publication entitled "Connecticut Guidelines for Soil Erosion and Sediment Control", available for inspection at the planning and zoning commission office. All subdivision and resubdivision applications shall include a soil erosion and sediment control plan concerned with all earth-disturbing activities. Said plan must meet the requirements specified elsewhere in the regulations and under section 306.01 of the Zoning Regulations. (P. and Z. Reg. of 11-21-78, effective 12-1-78; P. and Z. Reg. of 6-7-83, effective 6-17-83; P. and Z. Reg. of 7-23-85, effective 7-26-85)

Sec. 4-35. Provisions for flood hazard reduction.

Pursuant to the authority granted under Section 8-25 of the Connecticut General Statutes, all subdivision of land, including division of land under section 11-8 of these regulations containing land area of special flood hazard as defined under section 325.0 of the zoning regulations shall:

- (1) Be required to be consistent with the need to minimize flooding.
- (2) Have adequate drainage provided to reduce exposure to flood damage.
- (3) Have public or private utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (4) Show contour line(s) identifying and locating base flood elevation data as required by section 325.0 of the zoning regulations; and

- (5) Show and describe the extent to which any watercourse will be altered or relocated.

Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less. (P. and Z. Reg. of 6-22-82, effective 7-2-82; P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 4-36. Passive solar design for subdivisions.

Pursuant to Section 8-25(b) of the Connecticut General Statutes, all subdivision application shall demonstrate that in developing the plan, the applicant has considered the use of passive solar energy techniques which maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season. The site design techniques shall include, but not limited to:

- (1) House orientation;
- (2) Street and lot layout;
- (3) Vegetation;
- (4) Natural and man-made topographical features; and
- (5) Protection of solar access within the development. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 4-37. Provisions for control of surface run-off.

Subdivision applications consisting of five (5) lots or more shall be accompanied by engineering analysis and data determining surface run-off before and post-development. The commission or its authorized agent may require the submission of similar data and analysis for subdivisions consisting of four (4) lots or less. When warranted the submission shall include designs for the construction of measures and devises to mitigate the effect of added surface run-off that may have detrimental effects on downstream properties. The commission shall retain the right to require that such measures and devises be constructed and maintained in perpetuity thereafter by the developer, successor or assigns. (P. and Z. Reg. of 7-7-87, effective 7-17-87)

Sec. 4-38. P.R.D. Subdivision under Section 308.0G(2) of the Zoning Regulations:

Minimum requirements:

- (1) Municipal sewer and water.
- (2) Seventy-five (75) contiguous acres.
- (3) Sixty-five (65) percent of the total area of the parcel shall be open space to be preserved in its natural state in perpetuity.
- (4) In no case shall the number of dwellings exceed one (1) for each one and one-quarter (1.25) acre(s) of the total land area of the parcel in the RAA District and one (1) for each one and one-half (1.5) acre(s) of the total land area of the parcel in the RAAA District.
- (5) No more than ten (10) percent of the dwellings may be located in areas that exceed twenty (20) percent slopes. (P. and Z. Reg. of 4-4-89, effective 4-14-89; P. and Z. Reg. of 4-7-92, effective 4-17-92; P. and Z. Reg. of 7-12-94, effective 7-22-94)

Sec. 4-39. Permanent Boundary and Open Space Markers.

All land contained within the subdivision shall be physically identified with permanent monuments and markers by a land surveyor licensed in the State of Connecticut, at the expense of the applicant, developer, successor or assigns. Markers shall be installed in accordance with the requirements of this section and with the "Standards for Surveys and Maps in the State of Connecticut," found in Article III, Sec. 20-300b-12 to 20-300b-20 of the Connecticut Regulations of State Agencies, as may be amended.

- (1) Permanent reinforced concrete monuments shall be installed along street lines at all points of curvature, points of tangency, angle points and other intermediate points as may be required by the town engineer. The proposed location of said monuments shall be indicated on the final subdivision map.
- (2) Where not otherwise marked as set forth in paragraph (1) above, lot corners shall be marked with iron pins, iron pipes or 3/8 (three-eighths) inch drill holes. Iron pins or pipes shall be at least 1/2 (one-half) inch in diameter and set at least 24 (twenty-four) inches in the ground, with part of the pin or pipe left visible above finished grade. The proposed location of pins, pipes or drill holes shall be indicated on the final subdivision map.
- (3) Open space and conservation easement areas shall be marked at all points of curvature, points of tangency, angle points, corners and intersections with lot lines and other intermediate points as may be required by the Conservation Commission and approved by the Town Engineer and the Planning and Zoning Commission. Markers shall be permanent concrete monuments unless topography or other natural features prevent their installation. Alternate forms of permanent markers, including but not limited to iron pins or pipes 1/2 (one-half) inch in diameter and set at least 24 (twenty-four) inches in the ground (with part of said pin painted orange or marked with a disk or plug and left visible above finished grade) may be installed with agreement from the Conservation Commission. The proposed location of all said markers shall be shown on the subdivision map.
- (4) All permanent monuments and markers shall be set prior to the conveyance of any lot in the subdivision, unless a bond is posted to ensure the markers will be installed following completion of construction. A Connecticut licensed land surveyor shall certify in writing to the Planning and Zoning office that said markers as required by this section have been set as shown on the subdivision map. A bond based on an estimate provided by the Connecticut licensed surveyor shall be posted by the applicant, developer, successor or assigns to ensure the installation of any monuments or markers not permanently installed at the time of the filing of the subdivision map or conveyance of lots. Notwithstanding these requirements, permanent markers for open space and conservation area shall be installed prior to the issuance of any zoning permit for construction within the subdivision.
- (5) Prior to the town's acceptance of any road in a subdivision, the applicant, developer, successor or assigns shall submit an as-built survey prepared by a licensed surveyor, showing the placement of all monuments and markers required by this section. (P&Z Reg. of 2-17-04, effective 2-27-04)

ARTICLE V. CONSTRUCTION STANDARDS AND SPECIFICATIONS*

***Editor's note** – P. and Z. Reg. of June 7, 1983, deleted former § 5-1 – 5-10, which pertained to construction standards and specifications and was derived from regulations effective July 13, 1963, and P. and Z. Reg. of September 23, 1975, effective September 26, 1975.

Reference is made to the Code of Ordinances, Town of Ridgefield, Connecticut, Chapter 13, Article V, Streets, Division 2, Construction Standards.

Sec. 5-1 – 5-10. Reserved.

ARTICLE VI. PROCEDURE FOR SUBMISSION OF SUBDIVISION APPLICATIONS

Sec. 6-1. Application form and fees.

Every application for the approval of a subdivision shall be submitted to the Commission on a form approved by the Commission and available at the office of the Commission, together with application fees as follows:

- (1) Conventional subdivision: two hundred dollars (\$200.00)/lot, four hundred dollars (\$400.00) minimum.
- (2) Planned residential development: one thousand dollars (\$1,000.00) for up to ten (10) lots, two hundred dollars (\$200.00) for each additional lot.
- (3) Re-subdivision: four hundred dollars (\$400.00) for each new lot created.
- (4) The Commission may charge additional fees at any time during the review process to retain outside consultants to review applications for projects and their components. The additional fees shall pertain to projects whose size, complexity and/or potential impact require specialized assistance and expertise. Said fees shall be as determined by the Commission and/or the Director of Planning, based on the consultant fee schedule under section 312.02.A.(5) of the Zoning Regulations. The Commission may require that the applicant deposit an amount equal to one hundred fifty (150) percent of the estimated consultant fees. The applicant shall be reimbursed any unused funds.

Each application must be made in the name of the owner of record and must be signed by him or his agent authorized in writing; if signed by an agent an original or photo static copy of the instrument evidencing the agent's authority must accompany this application unless already on file with the Commission.

Where submission of a full erosion and sedimentation control plan is required in accordance with section 4-38, the applicant shall submit two (2) copies of the subdivision application to the Fairfield Country Soil and Water Conservation District for their review, comments and/or recommendations. (P. and Z. Reg. of 11-21-78, effective 12-1-78; P. and Z. Reg. of 6-6-00, effective 6-16-00, § B.)

Sec. 6-2. Submission of application.

Application shall be submitted at the Planning and Zoning office during normal working hours and shall be dated as of the actual date submitted. (P. and Z. Reg. of 1-21-69)

Sec. 6-3. No duplicate applications.

The Commission may, in its discretion, refuse to accept or consider an application for approval of a subdivision or street layout if a previous application covering the same land or street layout is before the Commission for consideration, or approval of such application having been granted, the approved map shall not have been filed in the office of the town clerk unless such previous application shall be withdrawn or is returned to the Commission for cancellation of its approval.

Sec. 6-4. Work before approval.

Prior to the submission of the application, the applicant shall stake all proposed streets at intervals of fifty feet along their center, showing the approximate height of proposed cut or fill at each point. Corners of lots fronting on streets shall also be marked by stakes at right-of-way lines. The Commission or its agents may schedule a field trip to the proposed subdivision.

Subsequent to the submission of an application and prior to the approval of such application by the Commission, no construction of any kind, including any building, street or any drainage facility or any clearing of trees or modification of the land involved in such application shall be commenced or performed without the special written permission of the Commission. (P. and Z. Reg. of 1-12-69)

Sec. 6-5. Withdrawal of application.

At any time prior to final action by the Commission on any application, the applicant or his successor in interest may withdraw an application by filing with the Commission a written notice to that effect. If approval of an application has been granted by the Commission the applicant or his successor in interest may at any time prior to filing return such approved map to the Commission with a written request for the cancellation of such approval, in which case the cancellation of the plan shall be noted thereon.

Sec. 6-6. Form and content of application.

The application shall consist of:

- a) The application form referred to above in section 6-1, fully and properly completed and executed;
- b) Fifteen (15) copies of a map of the proposed subdivision drawn with black waterproof ink on translucent cloth or polyester film suitable for filing in the office of the town clerk. Said map shall be no more than thirty-six inches (36') long and twenty-four inches (24') wide, or eighteen inches (18') long by twelve inches (12') wide, or eighteen inches (18') long by twenty-four inches (24') wide. In the event the entire subdivision cannot be shown on a scale of one hundred feet to the inch without exceeding said dimensions, two or more drawings with suitable match lines shall be submitted. Such maps shall include at least the following:
 1. Name of the proposed development.
 2. Name of the owner of record and of the developer.
 3. Date, scale, compass direction with north arrow indication, (North to be toward the upper or left-hand of the plan).
 4. Certification and seal by a licensed land surveyor.
 5. Location, dimensions, building setbacks, maximum lot coverage, maximum floor area ratio, wetland boundaries, regularity factor and area of all proposed lots;

- location, dimensions and area of open spaces, easements, and streets, with distances, bearings, angles, radii, etc.
6. Any existing structures, waterways, swamps, lakes, streets or easements of any nature.
 7. Location and description of any proposed activity in any wetland or watercourse, or within the surrounding upland review area.
 8. Names and location of existing and proposed streets.
 9. The zone or zones in which the proposed subdivision is located and any zone boundary line crossing or within one hundred feet of the property.
 10. Names of abutting property owners and locations of stone walls on boundary lines.
 11. Location of all markers. IN accordance with 20-300b-2(b)(1)(i) of the Regulations of State Agencies, "Standards for Surveys and Maps in the State of Connecticut," monumentation shall be set at the time of submission of the subdivision application, for all corners created by a deflection angle of not less than 70 (seventy) degrees between two consecutive courses and at intervals not to exceed 600 (six hundred) feet along the boundaries between said corners, except where natural or man-made monumentation defines or occupies the line.
 12. A vicinity map drawn to the scale of 1 inch = 1,000 feet showing the location of the tract in relation to streets and roads in adjacent area, the approximate distance to school and other community facilities.
 13. Any self-imposed restrictions, as required by section 11-3.
 14. Identification of any land areas of special flood hazard, as required by item 8, subsection (d) of section 6-6 of these regulations.
 15. Where applicable, the subdivision plan shall show boundaries of Aquifer Protection Districts.
- c) Fifteen (15) prints of a drawing showing the street layout and street profiles shall be submitted to the Planning and Zoning Commission in compliance with requirements of the Codes of Ordinances, Town of Ridgefield, Connecticut, Chapter 13, Article V, Streets, Division 2, Construction Standards.
- d) Fifteen (15) prints of a topographic map with contours at two foot intervals based on an on-site survey; such map shall show all the information required by section 6-6(b), and in addition, the following:
1. Certification and seal by a licensed land surveyor.
 2. Existing land conditions which affect the nature of the development, including but not limited to swamps, undrained low spots, vernal pools, wells, ponds, lakes, streams, drainage channels, rock ledges, streets and easements of any kind on or abutting the tract or within one hundred (100) feet of any boundary thereof; and soil types and designations as shown on a map entitled "Designated Inland Wetlands and Watercourses of the Town of Ridgefield (Composite Soil Map)" dated December 1973.
 3. All existing structures, including but not limited to drainage structures, on or within one hundred (100) feet of all boundaries of the tract and all eighteen (18) inch diameter trees or larger or significant trees located on the tract;
 4. Approximate dimensions and area of each proposed lot, and areas proposed for open space, see sections 4-20, 4-22, 4-23, 4-24, and 4-26;
 5. Approximate location, width and grade of all proposed, major and local streets and changes in existing streets, together with all strips being shown along the center line at the beginning and end thereof; at the intersection with other streets, public or private, and at all points where there are to be significant changes in the slope or direction of such street, see section 4-14, 4-15, and 4-31;

6. Engineering plans, drawn at acceptable scale, showing the degree of regrading necessary to accommodate subsurface sewage disposal systems. Said plans shall show existing and proposed finished contours at two-foot intervals.
 7. Proposed provision for water supply, storm water management, sewage disposal and fire protection, see section 4-16, 4-20, and 6-6(g);
 8. Names of abutting property owners, locations of all stonewalls, old dirt roadbeds and tree lines shall be delineated.
 9. A soil erosion and sedimentation control plan as defined under Sec. 2-30 of these regulations.
 10. Subdivision proposals which do not contain land areas of special flood hazard as defined under section 325.0 of the zoning regulations shall bear the following notation "THIS SUBDIVISION TRACT DOES NOT CONTAIN LAND AREAS OF SPECIAL FLOOD HAZARD AS DEFINED UNDER SECTIN 325.0 OF THE ZONING REGULATIONS." Subdivision proposals, which contain land areas of special flood hazard as defined under section 325.0 of the zoning regulations shall be designed to meet the requirements under section 4-39 of the subdivision regulations. Base flood elevation data shall be provided for subdivisions proposals and other proposed development, which contain at least five (5) acres. In addition the topographic map shall:
 - (1) Show contours lines identifying base flood elevation data as required by section 325.0 of the zoning regulations; and
 - (2) Show and describe the extent to which any watercourse will be altered or relocated.
- e) A letter to the Commission signed by the applicant authorizing the proper agents of the Commission and the town to enter upon the area included in the subdivision at the reasonable times during the application and development process for the purposes of assuring that such improvements are constructed in accordance with the specifications and other conditions prescribed by the Commission as provided for in the regulations, such letter shall also contain an intent to execute and deliver to the town, in the event of the acceptance by the town, deeds conveying title to streets, reserved areas or open spaces, satisfactory to the Commission counsel or town counsel in form and content together with all appurtenant easements.
 - f) A title certificate or policy showing that the title to the property referred to in (a) above is free of encumbrances which would render the title unmarketable or would prevent the use of the property for the purposes for which it is proposed to be granted to the town.
 - g) A written approval from the Director of Health, or his agent, certifying that the tests and methods of supplying water described in section 4-17 have been made in accordance with the procedures therein described, and a written report, if required by the Commission, from a qualified engineer covering improvements under section 4-16.
 - h) A detailed statement of the estimated cost of constructing the subdivision streets and other improvements.
 - i) The application shall be accompanied by a fee set by the Commission or established by ordinance by the Town of Ridgefield. The applicant shall also be required to pay the cost of publishing legal notice(s).
 - j) A detailed soil erosion and sediment control plan as defined elsewhere in these regulations and shall be concerned with all earth-disturbing activities. Said plan shall be certified by the Commission's agent who may request review and comment on the plan by the Fairfield Country Soil and Water Conservation District. (P. and Z. Reg. of

4-22-65; O. and Z. Reg. of 1021069; P. and Z. Reg. of 11012074, effective 11-26-74; P. and Z. Reg. of 11-18-75, effective 11-21-75; P. and Z. Reg. of 11-21-78, effective 12-1-78; P. and Z. Regs. (2) of 6-22-82, effective 7-2-82; P. and Z. Reg. of 12-7-82, effective 12-10-82; P. and Z. Reg. of 6-7-83, effective 6-17-83; P. and Z. Reg. of 7-23-85, effective 7-26-85; P. and Z. Reg. of 11-11-88, effective 11-11-88; P. and Z. Reg. of 10-30-90, effective 11-9-90)

ARTICLE VII. PROCEDURE BY THE COMMISSION

Sec. 7-1. Publication of notice.

Upon submission of an application, the Commission may at its discretion and at the expense of the applicant publish a notice of such submission in a newspaper having a general circulation in the town, as provided for by the Connecticut General Statutes, Section 8-26d. (P. and Z. Reg. of 1-21-69; P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 7-2. Posting of land.

The Commission may post a notice on the property, facing the principal street giving access thereto, stating that the Commission has received an application for subdivision of the property and that the application may be inspected in the office of the Commission.

Sec. 7-3. Public hearings.

Pursuant to Section 8-26, Chapter 126, of the Connecticut General Statutes, the Planning and Zoning Commission may hold a public hearing on any subdivision proposal if, in its judgment, the specific circumstance requires such an action. No plan of "resubdivision" shall be acted upon without holding a public hearing. When a hearing is required, the Commission shall cause a notice to be published at least twice, at intervals of no less than two (2) days in a newspaper having substantial circulation. The first notice shall be published not more than fifteen (15) days, nor less than ten (10) days before the hearing. The last notice shall be published not less than two (2) days prior to the date of the hearing. Notice shall be sent to the applicant by registered or certified mail and additional copy filed in the office of the Town Clerk. Unless otherwise consented to by the applicant, the hearing shall commence within sixty-five (65) days after acceptance of a subdivision or resubdivision application and shall be completed within thirty (30) days. (P. and Z. Reg. of 1-21-69; P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 7-4. Submission to Regional Planning Agency.

Pursuant to the Connecticut General Statutes, Section 8-26b, The Commission shall refer to its corresponding Regional Planning Agency and proposed subdivision or resubdivision of land the area of which will abut or include land in two (2) or more municipalities. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 7-5. Action on subdivision or resubdivision plans.

- (a) Action on subdivision plans for which no public hearing has been held shall be taken within sixty-five (65) days of acceptance of the application. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.

- (b) Action on a subdivision or resubdivision application for which a public hearing has been held shall be taken within sixty-five (65) days after completion of such hearing. The applicant may consent to one or more extensions providing that the total of said extension(s) does not exceed sixty-five (65) days, or may withdraw such application.
- (c) Notice of the action of the Commission shall be published once in a newspaper having substantial circulation in the Town of Ridgefield. Notice of such action shall be sent to the applicant by certified mail and be posted in the office of the Town Clerk within fifteen (15) days after such action has been taken.
- (d) Failure of the Commission to act on a subdivision or resubdivision application as prescribed and/or subsection (a) and (b) above shall be considered as an approval and a certificate to that effect shall be issued by the Commission on demand.
- (e) All approved subdivision and resubdivision plans shall be delivered to the applicant for filing or recording promptly after the time for taking an appeal from the action of the commission has elapsed, and in the event of any appeal, promptly upon the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

ARTICLE VIII. PROCEDURE BY THE APPLICANT AFTER THE APPROVAL OF A SUBDIVISION BY THE COMMISSION

Sec. 8-1. Filing approved plan.

- (a) Each approved subdivision plan shall, upon approval, or when taken as approved by reason of the failure of the Commission to act, be filed or recorded by the applicant in the office of the town clerk within ninety (90) days of the date such plan is delivered to the applicant. Any plan not so filed or recorded within the prescribed time shall become null and void except that the Commission may extend the time for two (2) additional periods of ninety (90) days and the plan shall remain valid until the expiration of such extended time.
- (b) Concurrently with the filing of the approved subdivision plan as prescribed elsewhere in this section, the applicant/developer shall resent to the Planning and Zoning department, three (3) copies of each, 100-scale and 500-scale, true-to-scale reduced version of the final subdivision plan. (P. and Z. Reg. of 11-18-75, effective 11-21-75; P. and Z. Reg. of 10-19-76, effective 10-22-76)

Sec. 8-2. No changes in plans.

No change, erasures, modifications or revisions shall be made in any subdivision plan after the Commission's approval has been indicated thereon, unless specifically approved by the Commission or by its authorized agent. (P. and Z. Reg. of 5-18-76, effective 5-21-76)

Sec. 8-3. Expenses of filing.

All expenses for the preparation of instruments, plans and profiles and for the recording and filing of the same and for the publication of notices shall be borne by the applicant.

Sec. 8-4. Obligation to complete improvements.

Following the Commission's approval of a subdivision plans and its filing in the office of the town clerk of the town, the applicant shall complete, at this own expense, in

accordance with the Commission's decision in accordance with the Code of Ordinances, Town of Ridgefield, Connecticut, Chapter 13, Article V, Streets, Division 2, Construction Standards, and to the satisfaction of the Commission all of the streets, street and area drainage, sanitary and other improvements specified in the Commission's action approving the subdivision plan. (P. and Z. reg. of 6-7-83, effective 6-17-83)

Sec. 8-5. Approval required before work commences.

No road construction shall be commenced until approval has been granted by the Director of Public Works pursuant to the Code of Ordinances, Town of Ridgefield, Connecticut, Chapter 13, Article V, Streets, Division 2, Construction Standards, section 13-143. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Sec. 8-6. Digital map subdivision.

If the subdivision or resubdivision plan has been prepared using computer-aided design (CAD) software, a disk with files used to create the plan shall be submitted to the Planning and Zoning office at the time that approved plans are filed in the Office of the Town Clerk. Digital submissions shall include metadata, be geo-referenced, or shall conform in file format to specifications as prescribed by the Director of Planning. (P. and Z. Reg. of 11-30-99, effective 12-10-99)

ARTICLE IX. BOND REQUIREMENTS*

***Editor's note** – P. and Z. of June 7, 1983, effective June 17, 1983, deleted former §9.1 – 9.6, which pertained to inspection of improvements and was derived from regulations effective July 13, 1963. P. and Z. reg. of June 7, 1983, enacted a new Art. IX to read as herein set out.

Sec. 9-1. Bonds for accessways and erosion and sediment control plans.

- (a) No construction of streets or accessways shall be commenced until a bond for erosion and sediment control has been posted with the Commission or authorized agent.
- (b) No accessway construction shall be commenced until a bond has been posted with the Commission or its authorized agent.
- (c) Bonds shall be posted with the Commission or its authorized agent for a period of two (2) years. Bonds may be claimed on default at the end of said period; may be released in part or in total; or bond period may be extended, upon written request by the applicant, providing the total period shall not exceed five (5) years.
- (d) No bond or bonds shall be released or reduced in amount until the work covered by the bond or that portion covered by the reduction has been inspected and certified to have been satisfactorily completed. Request for bond reduction shall be made in writing by the applicant to the Commission. (P. and Z. Reg. of 6-7-83, effective 6-17-83, P. and Z. Reg. of 4-24-90, effective 5-4-90)

Secs. 9-2 – 9-6. Reserved.

ARTICLE X. REQUIREMENTS AFTER COMPLETION OF CONSTRUCTION†

†**Editor's note** – P. and Z. Reg. of June 7, 1983, effective June 17, 1983, deleted former § 10.1 – 10.3, which pertained to requirements after completion of construction and were derived from regulations effective July 13, 1963, and P. and Z. Reg. of Nov. 12, 1974, effective Nov. 26, 1974. See the Code of Ordinances, Town of Ridgefield, Chapter 13, Article V, Streets, Division 2, Construction Standards.

Reference is made to the Code of Ordinances, Town of Ridgefield, Chapter 13, Article V, Streets, Division 2, Construction Standards.

Secs. 10-1 – 10.3. Reserved.

ARTICLE XI. GENERAL.

Sec. 11-1. Waiver of regulations and standards.

Pursuant to the intent and purpose of Section 8-26 of the Connecticut General Statutes, as amended, the Ridgefield Planning and Zoning Commission may waive any requirement under these regulations by a three-quarters ($\frac{3}{4}$) vote of all members of the Commission. In considering such waiver or waivers, the Commission shall take into account:

- (1) That such waiver or waivers are based on conditions which affect the subject land and are not generally applicable to other land in the area;
- (2) That such waiver or waivers will have no significant adverse effect on public health and safety;
- (3) That such waiver or waivers will be compatible with the objectives of any short-range or long range section or comprehensive plan for the area or the community;
- (4) That such waiver or waivers will not have a significant adverse effect on the appropriate and orderly development of the area or district;
- (5) That such waiver or waivers shall not hinder or discourage the appropriate development or use of land and buildings in adjacent properties, nor impair the value thereof;
- (6) That such waiver or waivers will permit the retention and protection of historic, aesthetic, and other natural or manmade features and assets which, in the commission's judgment, contribute significantly in determining and enhancing the character of the area, or particular subdivision or resubdivision tract;
- (7) That strict compliance with the specific standard or standards will render the land under consideration, or portions thereof, virtually undevelopable; and
- (8) That strict compliance with specific standard or standards will not do justice to the land's particular physiography (including but not limited to topography, subsurface conditions, wetlands and watercourses) and thus outweigh the benefits to be derived from such strict compliance. (P. and Z. Reg. of 5-2-778, effective 5-5-78)

Sec. 11-2. Posting of streets.

Any street (other than a street shown upon a map approved by the Commission or accompanying an application) which has not prior to July 13, 1963, been duly opened to the public shall be posted by the applicant or owner or owners of such street at a prominent location near the point or points where such street has access to a public highway or to a street which has been duly opened to the public with a sign 12 inches x 24 inches in size bearing the legend "Private Road – Not Open to Public." Such street shall not be opened to the public and such sign shall be maintained and may not be removed until the grade, layout, location width and improvements of such street shall have received the written approval of the Commission and such approval has been filed in the office of the town clerk.

Sec. 11-3. Self-imposed restrictions.

If the land contained in the subdivision has, or is to have, deed restrictions greater than those required by the zoning regulations, that fact shall be indicated in the application provided for in Article VI of these regulations.

Sec. 11-4. Unconstitutionality.

Should any provision of these regulations be declared unconstitutional or ultra vires, such action shall not affect the validity of any other provision or part thereof.

Editor's note – The planning and zoning regulation of March 7, 1978, effective March 10, 1978, specifically amended the subdivision regulations by repealing §11-4, which pertained to validation and renumbering former §11-5 – 11-9 as §11-4 – 11-8, respectively. Former §11-4 had derived unchanged from the original subdivision ordinances effective July 13, 1963.

Sec. 11-5. Penalties.

In the case of any violation or violations of these regulations, penalties will be enforced pursuant to the provisions of the General Statutes of Connecticut.

Note – See editor's not following §11-4.

Sec. 11-6. Appeals.

Any person aggrieved by an official action of the Commission may appeal there from within fifteen (15) days of such official action of the Superior Court. (P. and Z. Reg. of 6-7-83, effective 6-17-83)

Note – See editor's not following §11-4.

Sec. 11-7. Amendments.

These regulations may be amended from time to time by the Commission pending compliance with procedural requirements under Section 8-35 of the Connecticut General Statutes. (P. and Z. Reg. of 5-5-87, effective 5-8-87)

Note – See editor's not following §11-4.

Sec. 11-8. First divisions of property.

The Planning Director, unless otherwise directed by the Planning and Zoning Commission, is authorized to stamp "Approved For Filing" map(s) reflecting the first division of property meeting the corresponding zoning district requirements and the zoning permit application requirement Section 500.01, C; providing that said first division, or cut, is the only division made of premises since the enactment of subdivision regulations adopted, effective March 1, 1959, and providing that no accessway is involved, for only the Planning and Zoning Commission has authority to authorize such accessways under the provision of Section 4-12 of these subdivision regulations. (P. and Z. Reg. of 5-18-76, effective 5-21-76; P. and Z. Reg. of 4-18-78, effective 4-21-78)

Note – See editor's note following §11-4.

Sec. 11-9. Completion of subdivision.

Pursuant to Section 8-26c of the Connecticut General Statutes, any person, firm or corporation making any subdivision of land shall complete all work in connection with such subdivision within five (5) years after the approval of the plan for such subdivision. The Commission's endorsement of approval on the plan shall state the date on which such five-year period expires.

- (a) In the case of a subdivision plan approved on or after October 1, 1077, failure to complete all work within such five-year period shall result in automatic expiration

of the approval of such plan, provided the Commission shall file on the land records of the Town of Ridgefield notice of such expiration and shall state such expiration on the subdivision plan on file in the office of the town clerk, and no further lots shall be conveyed in the subdivision except with approval by the Commission of a new application for subdivision of the subject land. If lots have been conveyed during such five-year period, the Town of Ridgefield shall call the bond or other surety on said subdivision to the extent necessary to complete the work required to serve those lots. "Work," for purposes of this section, means all physical improvements required by the approval of the plan, other than the staking out of lots, and includes but is not limited to the construction of roads, storm drainage facilities and water and sewer lines, the settling aside of open space and recreation areas, installation of telephone and electric services, planting of trees or other landscaping, and installation of retaining walls or other structures. (P. and Z. Reg. of 3-7-78, effective 3-10-78)

ARTICLE XII. MASTER PLAN.

Sec. 12-1. Adoption.

The Ridgefield Planning Commission has adopted "The Plan of Development for Ridgefield, Connecticut," dated 1980, sometimes known as the "Master Plan," together with the "Addendum to The Plan of Development for Ridgefield, Connecticut," dated 1961, prepared for the Ridgefield Planning Commission by Frost and Ruderman, Planning Consultants of 121 Whitney Avenue, New Haven, Connecticut. A copy of said plan and addendum is on file in the office of the town clerk of Ridgefield for public inspection.

The adoption of said plan with the addendum shall become legally effective on December 1, 1961, all in accordance with Section 8-23 of the General Statutes of Connecticut.

Sec. 12-2. Addendum re open spaces.

The addendum to the plan of development in the form of A Plan For Open Space, proposed by the conservation commission, a copy of which with accompanying map filed in the office of the town clerk, and duly advertised on October 24, 1963, prior to the public hearing on said Plan for Open Space, on November 7, 1963, was adopted in full on June 30, 1964, except that the area known as Great Swamp was adopted after the public hearing and made effective December 13, 1963.

The Planning Commission at its meeting on June 30, 1964, adopted the Open Space Plan, dated October 14, 1963, with the following determinations:

- (1) That along and adjacent to brooks, rivers, streams, swamps and wetlands, the term Open Space shall be deemed to include not less than thirty-five (35) feet beyond the high water mark thereof, and that in particular cases the Planning Commission, after considering the particular characteristics of the land in question and consulting with the conservation commission, may establish the boundary of the open space area as extending more or less than said distance; and
- (2) That reference to the terms "ledges" and ridge tops" shall be deemed to include such adjacent areas as may be necessary to preserve the appearance of the natural and unbroken skyline of such ledge or ridge top.

The effective date is hereby set as the date of publication July 9, 1964.

Sec. 12-3. Open Space Plan of June 1967.

At a meeting of the Planning and Zoning Commission of the Town of Ridgefield held on June 16, 1967, the Open Space Plan of June 1967 was adopted to become effective June 23, 1967. A copy of the Open Space Plan has been filed in the office of the town clerk, Town Hall.

Sec. 12-4. Revised narratives to the Open Space Chapters of Plan of Development – March 8, 1968

At a meeting of the Planning and Zoning Commission of Ridgefield held on March 5, 1968, revised narrative to the Open Space Chapter of the Plan of Development were adopted to become effective March 8, 1968. Copies of the narrative have been filed in the office of the Town Clerk, Town Hall.

Sec. 12-5. Amended Plan of Development, Chapters I, II and III.

At a meeting of the Ridgefield Planning and Zoning Commission of Ridgefield held on July 2, 1968, the amended Plan of Development, Chapters I, II and III was adopted as an addendum to the existing 1960 Plan of Development. Chapter XI, General Summary, of the 1960 Plan of Development and the 1961 Addendum are hereby rescinded. In the event of any conflict between the new addendum and the remaining chapters of the 1960 Plan of Development, the new addendum shall prevail which shall become effective July 12, 1968.

Sec. 12-6. Amended Plan of Development, Chapters IV, V, VI, VII and VIII.

At a meeting of the Ridgefield Planning and Zoning Commission of Ridgefield held on March 4, 1969, the amended Plan of Development, Chapters IV, V, VI, VII and VIII were adopted as an addendum to the existing 1960 Plan of Development. In the event of any conflict between the new addendum and the remaining chapters of the 1960 Plan of Development, the new addendum shall prevail which shall become effective March 7, 1969. (P. and Z. Reg. of 3-4-69)

Sec. 12-6.1. Ridgefield Center Study adopted.

Notice is hereby given that the Planning and Zoning Commission of the Town of Ridgefield at its meeting held on July 1st, 1975, subsequent to the public hearing held in relation thereto, voted to adopt, as amended, the Ridgefield Center Study, as revision and addendum to the amended Plan of Development dated March 7, 1969. The effective date of the Ridgefield Center Study shall be July 11th, 1975. A copy of the Ridgefield Center Study, with amendments, has been filed in the office of the Town Clerk and the Planning and Zoning office. (P. and Z. Reg. of 7-1-75, effective 7-11-75)

Sec. 12-6.2. Incorporation of land into open space plan.

Notice is hereby given that the Planning and Zoning Commission at its meeting held on August 17, 1976, adopted an amendment to the amended Plan of Development dated March 7, 1969, to incorporate land (Reed property), recommended by the Conservation Commission, into the Open Space Plan of Ridgefield. The narrative and copy of the Open Space Plan (TC# 4783) incorporating the Reed property are on file in the office of the Town Clerk and the Planning and Zoning office. (P. and Z. Reg. of 8-17-76, effective 8-20-76)

Sec. 12-7. Revised narrative to Chapter V, Open Space and Recreation – October 1, 1976.

Notice is hereby given that the Planning and Zoning Commission of the Town of Ridgefield at its meeting held on September 21, 1976, adopted, with amendments, the narrative to Chapter V, Open Space and Recreation, as a revision and addendum to the amended Plan of Development dated March 7, 1969; and furthermore that the effective date shall be the first day of October, 1976. A copy of the text, adopted as amended, is on file in the office of the Town Clerk and the Planning and Zoning office. (P. and Z. Reg. of 9-21-76, effective 10-1-76)

Sec. 12-8. Addendum re eligibility of open space land for tax purposes.

The Planning Commission at its meeting on September 21, 1976, adopted the revised narrative to Chapter V, Open Space and Recreation, effective October 1, 1976, as an amendment to the Plan of Development, dated March 7, 1969, with the following determinations:

- (a) It is in the public interest to prevent the forced conversion of unimproved land to more intensive uses as the result of economic pressures caused by the assessment thereof. The preservation of land should be encouraged in those situations here the tax burden has become prohibitive in order to prevent sudden, runaway growth. Such preservation will not restrict development but will allow for orderly, planned growth over the years. Therefore, pursuant to the declaration of policy enunciated by the authority granted by Title 12, Section 107a and 107e and Section 504a through f of the Connecticut General Statutes, as amended, the following land is designated open space land for purposes of taxation under said statutes:
 - (1) All unimproved contiguous parcels of land, excluding house lots, held in single unit ownership which consist of at least the minimum lot size required for the zoning district within which the premises are located as designated on the latest official zoning map.
 - (2) All validated wetlands, excluding house lots, as shown on the latest amended map entitled “Designated Inland Wetlands and Watercourses of the Town of Ridgefield.”
- (b) The following are excluded from open space land classification:
 - (1) Any land containing improvements such as, but not limited to, swimming pools, tennis courts, building and septic systems;
 - (2) Any land legally subdivided into residential building lots; and
 - (3) Any land zoned for nonresidential uses with the exception of validated wetlands.
- (c) The designation as open space land does not imply approval for the purchase, condemnation or lease thereof by the town. (P. and Z. Reg. of 9-21-76, effective 10-1-76; P. and Z. Reg. of 4-7-87, effective 4-17-87; P. and Z. Reg. of 9-15-87, effective 10-9-87)

Sec. 12-9. Copps Hill Area Mini-Plan of Development.

Notice is hereby given that the Planning and Zoning Commission of the Town of Ridgefield at its meeting held on October 5, 1976, adopted the Copps Hill Area Mini-Plan of Development as amended, as a revision and addendum to the Amended Plan of Development dated March 7, 1969; and furthermore that the effective date shall be the fifteenth day of October, 1976. A copy of the Copps Hill Area Mini-Plan of

Development, adopted as amended, is on file in the office to the Town Clerk and the Planning and Zoning office. (P. and Z. Reg. of 10-5-76, effective 10-15-76)

ARTICLE XIII, ADOPTION AND AMENDMENTS TO THE PLAN OF DEVELOPMENT

Sec. 13-1. Adoption of Plan of Development.

Pursuant to Section 8-23, Chapter 126, of the Connecticut General Statutes, the Ridgefield Planning and Zoning Commission shall prepare, adopt, and amend a Plan of Development. For the purpose of this article, the “Master Plan” and “Plan of Development” shall mean the “Comprehensive Town Plan” and includes all amendments and addenda thereto. (P. and Z. Reg. of 4-6-83, effective 4-15-83)

Sec. 13-2. Amendments to the Comprehensive Town Plan.

Concurrent with a petition to amend a zone designation, district boundaries, or the text of the zoning regulations, the applicant/petitioner shall also petition for an amendment to the Comprehensive Town Plan. Such application shall include at least the following information:

- (1) A technical study evaluating the impact of the proposed amendment on the school plant, the transportation network, the adequacy of water supply and sewage disposal, and the availability of fire and police protection;
- (2) An assessment of the fiscal implication and effects on the community’s tax base;
- (3) An evaluation of the effects upon neighboring property values;
- (4) A statement identifying the extent to which the change would promote and/or enhance the community’s general health, safety and welfare. (P. and Z. Reg. of 4-6-83, effective 4-15-83)

Sec. 13-3. Independent consideration of petition to amend Comprehensive Plan.

The Commission may consider a petition to amend the Comprehensive Town Plan independently of a petition to amend the zoning district boundaries, or the text of the zoning regulations. (P. and Z. Reg. of 4-6-83, effective 4-15-83)

Sec. 13-4. Fees.

The Commission may charge fees to cover the costs of publishing legal notices. (P. and Z. Reg. of 4-6-83, effective 4-15-83)

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