

Section 7: Proposed Changes to Zoning Regulations

Zoning Regulations should be modified as needed to be consistent with the proposed supplement to the Town Plan of Conservation and Development and to address the coastal issues that were identified. The Zoning Regulations are already consistent with many of the goals and policies established in the proposed supplement to the Plan of Conservation and Development. Further, several of the issues that were raised – especially those dealing with encroachment into tidal wetlands and erosion and sedimentation – can be resolved, in large measure, through continued rigorous application of existing provisions of the Zoning Regulations and improved enforcement of permit conditions. Still, additional improvements can be made, and the following changes to the Zoning Regulations are suggested.

1. Establish provisions that permit flexibility in setback and area coverage requirements for all waterfront properties to allow the construction and reconstruction of permitted structures in such an orientation and position that they will have the least adverse impact on visual access to the waterfront while also not adversely impacting sensitive coastal resources.

Existing setback and area coverage requirements may result in a structure being located in a manner that reduces visual access to the waterfront more than necessary. By providing flexibility in the Regulations, the Commission can ensure that the greatest possible visual access is maintained.

2. Require that all slips and moorings for boats in Clinton Harbor must have adequate pump-out facilities available for waste discharge.

No expansion of slips/moorings should be permitted unless there is adequate means of properly servicing existing and additional boats and elimination of non-point sources of pollution with establishment of Best Management Practices (BMP's) for stormwater management that will significantly improve the water quality. Participation is strongly recommended for the marinas and Marine District uses to participate in various Department of Environmental Protection programs such as the "Clean Marina Program".

3. Revise the Flood Hazard Zone section of the Regulations to remove non-applicable portions and add new provisions reflecting current State and Federal requirements. Strengthen minimum requirements to reduce potential risks, promote the health and welfare of the Town's people and reduce losses to property.
4. Revise Regulations to discourage development within 100' of tidal wetlands.

While the Office of Long Island Sound Programs (OLISP) would prefer that the Regulations would provide for a 100-foot wide vegetative buffer, this is not feasible given the historic development patterns along our coast. Strictly enforcing the currently 50-foot buffer while requiring the applications to look for alternatives to any

Town of Clinton
Municipal Coastal Plan

development within 100 feet of the tidal wetlands will improve the health of the tidal wetlands. Review and revise the prohibited and permitted uses within the tidal wetlands buffer.

5. Revise zoning designations for any tracts of undeveloped land within the coastal boundary area greater than ten acres.

Lot standards in this area for new development should be consistent with the R-40 District. These changes would serve to both protect abutting tidal wetlands and to reduce the likelihood of sewage discharge into Long Island Sound.

6. Revise Regulations to discourage the construction of jetties/groins and fences that prevent pedestrian passage below the mean high tide line, and encourage the construction of stairs over existing jetties/groins.
7. Revise Regulations to discourage the construction of fences and/or walls that block the view from the public way of marshes and open water.
8. The Town should develop stricter regulations for construction standards in high hazard areas that enhance the current codes through the Zoning Regulations.

The requirements set by FEMA should be strictly enforced and in some instances, increased to provide for more protection from the loss of property. Such increases include:

- Establishing a minimum of one foot of freeboard above the established base flood elevations;
- Require all new or substantially improved structures be certified by a Professional Engineer; and
- Elevation Certificates be provided prior to the issuance of a Certificate of Occupancy.