

# **TOWN OF SOUTH WINDSOR**

## **ZONING REGULATIONS**

**Originally Effective March 7, 1938**

**Revised Through May 9, 2021**

# **SOUTH WINDSOR ZONING REGULATIONS**

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# ARTICLE 1 INTRODUCTION/DISTRICTS

## Section 1.1 Districts

For the purpose of these regulations, the Town of South Windsor is divided into zoning districts regulating the use of the land and buildings, the height and bulk of buildings, and the areas of lots, yards, courts and open spaces as follows and as provided hereafter:

Zoning District Designation	Principal Use
<b>Residential Zones</b>	
RR	Rural Residential
AA-30	Limited Residential
A-40	Residential
A-30	Residential
A-20	Residential
DRZ	Designed Residence (Deleted; see Appendix F)
MF	Multifamily
DA-15	Designed Residence A-15 (Deleted; see Appendix C)
<b>Commercial and Industrial Zones</b>	
CD	I-291 Corridor Development
DC	Design Commercial
GC	General Commercial
GD	Gateway Development
I	Industrial
RC	Restricted Commercial
RO	Restricted Office
TS	Route 5 Travel Services
<b>Overlay Zones</b>	
CRC	Connecticut River Conservation
RROZ	RR I-291 Overlay Zone
FP	Flood Plain
OCO	Office Conversion Overlay
ACM	Access Management

## **ARTICLE 1 – INTRODUCTION/DISTRICTS**

### **Overlay Zones**

(continued)

CCOZ	South Windsor Center Core
CNOZ	South Windsor Center North
R5NOZ	Route 5 North Overlay Zone

### **Section 1.2        Maps**

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The boundaries of these districts are hereby established as shown on a map entitled “Zoning Map of the Town of South Windsor,” dated April 28, 1969 and any revisions thereof, on file in the Office of the Town Clerk, which map with all explanatory matter therein is hereby declared to be part of these regulations.

### **Section 1.3        Zoning District Boundaries**

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Unless otherwise indicated in figures on the zoning map, zoning district boundaries shall be construed as follows:

1. They shall follow property lines, center line of a street, highway, railroad, brook or stream.
2. The water surface and land there under in any lake, pond or stream shall be subject to the regulations of the applicable zone district in which they are located as far as the ownership thereof extends under other provisions of the law.
3. Where the boundary line cannot be determined as aforesaid, then the Planning and Zoning Commission shall decide where the boundary line shall be.
4. The limits of the Flood Plain District shall be conterminous with that of the 100-year base flood, as shown on the Flood Insurance Rate Map (Zones A, A1-A30), effective September 26, 2008,, as prepared and amended by the Federal Emergency Management Agency (FE- MA). Said rate map is a component of the Flood Insurance Study, dated September 26, 2008. Said Flood Plain District shall be superimposed over any other district shown on the zoning map and shall apply.

## ARTICLE 2 GENERAL REQUIREMENTS

### Section 2.1 Compliance with Provisions of the Regulations

---

No building, structure or premises shall be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the district as shown on the official map in which it is located.

No building, structure, or premises shall be erected, altered, or used so as to produce greater heights, smaller yards, or less unoccupied area, and no building shall be occupied by more families than prescribed for such building, structure or premises for the district in which it is located.

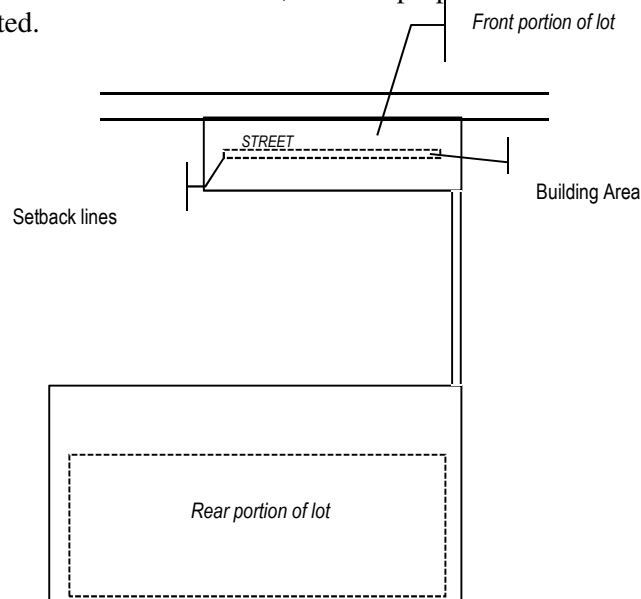
### Section 2.2 Lot Configuration

---

All new lots shall be designed with a simple, practical configuration. Awkward lot configurations designed for the purpose of creating additional lots shall be avoided. A rear portion of a lot connected to the frontage portion of the lot by a narrow, unusable strip of property (see illustration of example, below) is not allowed. In determining whether a lot meets the requirements of this section, the Planning and Zoning Commission shall consider the following:

1. Is the front portion of the lot useable for primary or accessory uses as permitted in the zone;
2. Are there distinguishable setbacks (i.e., do front, side and/or rear setbacks overlap);
3. Is there a useable building area in the front portion of the lot, or is the whole front portion occupied by setback areas;
4. At a minimum, does the interconnection between lot “areas” provide a bona fide access between the separate areas;
5. Could the lot boundaries be physically separated (e.g., with a fence) from abutting properties and still result in bona fide access between separate areas of the lot.

If the answer to three or more of these criteria is no, then the proposed lot shall either be reconfigured to meet the criteria or eliminated.



Example of a “lot” that does not meet the criteria in Section 2.2 Configuration

## **ARTICLE 2 – GENERAL REQUIREMENTS**

### **Section 2.3 Lots in More than One District**

---

In the case of a lot lying in more than one district, the provision of the less restrictive district may be applied for a distance of not over 25 feet into the more restrictive district, provided that such lot has frontage on a street in the less restrictive district.

### **Section 2.4 Use of Land for Access and Parking**

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The use of residentially zoned land for access to or for parking in connection with an adjacent commercial or industrial use is not permitted.

### **Section 2.5 Building on Existing Nonconforming Lots**

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Provided that safe and adequate disposal of sewage and a safe water supply can be provided without endangering the health and safety of adjoining residents, nothing in these regulations or in any pertinent amendments hereto, shall prevent the construction of a building or the establishment of a use permitted hereunder or under any pertinent amendment hereto on a lot containing less than the prescribed area, or less than the prescribed width or depth of front yard, if immediately prior to the adoption hereof or of any pertinent amendment hereto, such building or use was permitted on said lot and said lot was then and has continued to be owned separately from any adjoining lot. Side yards, rear yards, and all other requirements of Section 3.1.2 Residential Area, Density and Dimensional Requirements and 4.1.6 Commercial and Industrial Area, Density and Dimensional Requirements must be maintained.

### **Section 2.6 Projection into Yards**

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Nothing in these regulations shall prohibit the projection of 2 feet or less into a required yard of such building features as pilasters, columns, belt courses, sills, windows, cornices, roof overhangs, chimneys, or similar architectural features. Stoops (without a roof) may project no more than 6 feet into required yards. Handicap ramps may extend into yard setbacks as needed. The Commission may grant a waiver to yard setback requirements for art and decorative items such as fountains and statues.

### **Section 2.7 Lots on Narrow Streets**

---

In the case of lots fronting on streets with a right-of-way less than 50 feet wide, the front yard setback required by the applicable provisions of these regulations shall be increased by 1/2 the difference between 50 feet and the actual width of the existing street right-of-way.

### **Section 2.8 Corner Visibility**

---

On a corner lot in any district, no fence, wall, hedge or other structure or planting more than 3 feet in height shall be erected, placed, or maintained within the triangular area formed by the intersecting pavement lines and a straight line joining said pavement lines at points which are 50 feet distant from the point of intersection, measured along said pavement lines.

### **Section 2.9 Accessory Buildings**

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- A. Except as provided for buildings accessory to farming or agricultural use, detached accessory buildings no more than 12 feet high may not be nearer to a rear lot line than the applicable side yard distance in that zone.



## **ARTICLE 2 – GENERAL REQUIREMENTS**

- B.** Accessory buildings shall occupy 20% or less of the required rear yard.
- C.** No accessory building shall be erected prior to the erection of the main building on a lot, except that this shall not prohibit completion and occupancy of an accessory building before completion of the main building under construction on the same lot.
- D.** A building attached to a main building by any structural members, except a fence or wall 6 feet or less above the ground, shall be considered an integral part of the main building.

### **Section 2.10 Rear Dwellings Restricted**

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Any building, except for an accessory building, erected or altered or used for residential purposes, shall have the required lot area and the required lot frontage on a street for each building.

### **Section 2.11 Commercial and Industrial Storage and Display**

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- A.** No storage of any material outside a building is allowed if such storage is visible from a public way.
- B.** Outdoor storage is prohibited within required yards abutting a required buffer area.
- C.** Limited outdoor display of items for wholesale/retail sale may be permitted with Temporary and Conditional Permit (see Section 2.13) approval by the Commission, provided that such sales are in accordance with Section 4.5.3 Accessory Uses.
- D.** See Section 4.2 Buckland Road Gateway Development Zone for storage and display requirements for the Gateway Development Zone; see paragraph 4.4.5.F Site Appearance Requirements for storage and display requirements for the I-291 Corridor Zone. See Section 4.6.3 for storage and display requirements and prohibitions in the Route 5 Travel Services Zone.

### **Section 2.12 Temporary Parking of Construction Trailers**

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Trailers in use for field offices or for storage of materials or equipment during the construction, alteration or repair of a building may, during the actual progress of such work, be parked on or adjacent to the premises on which such work is being done. If, for any reason whatever, such work shall cease for more than 90 successive days, such parked trailers shall be removed and shall not be returned unless and until such work is again in actual progress.

### **Section 2.13 Temporary and Conditional Permits**

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- A.** Temporary and conditional permits may be granted by the Commission for a period not to exceed 2 years. Such approval may be given after a public hearing if, in the judgment of the Commission, the public convenience and welfare will be substantially served, and the appropriate use of neighboring property will not be substantially or permanently injured, and traffic and other hazards will not result from such use. Renewals may be granted by the Commission. At the time of renewal, a sign must be posted per Section 8.2.B and a public hearing may be required.
- B.** Special events or uses for a period of 72 hours or less, not specifically permitted in these regulations, operated by the Town of South Windsor or its representatives, religious, charitable, or educational or non-profit organizations, may be permitted without a public hearing, provided there is compliance with all local, police, fire and other municipal regulations. Politically affiliated organizations are excluded from these provisions.

## **ARTICLE 2 – GENERAL REQUIREMENTS**

- C.** No temporary and conditional permits shall be necessary for events of less than 24 hours duration, including consumption of alcoholic beverages, provided there is compliance with all local police, fire and other municipal regulations.

### **Section 2.14 Non-Conforming Buildings and Uses**

---

- A.** Subject to the standards of this section, any non-conforming use or building lawfully existing at the time of the adoption of these regulations, or at the time of the adoption of any amendments thereto, may be continued; and any building so existing that was designed, arranged, intended for, or devoted to, a non-conforming use may be reconstructed and structurally altered, and the non-conforming use therein changed subject to the following regulations.
- B.** Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by proper authority.
- C.** Non-conforming buildings or structures may be:
  - 1. Altered or improved, but not enlarged or extended except in conformance with paragraph H below;
  - 2. Reconstructed, repaired, or rebuilt only to its previous floor area and cubicle content when damaged by fire, collapse, explosion or Act of God, subsequent to the date of these regulations;
  - 3. Repaired or reconstructed as made necessary by wear and tear, deterioration or depreciation.
- D.** If changed to conformance with these regulations subsequent to adoption, no part of a non-conforming use or building shall be changed back to non-conformance.
- E.** No non-conforming use shall be extended. However, the extension of a lawful use to any portion of a non-conforming building or structure that existed prior to the enactment of these regulations shall not be deemed the extension of such non-conforming use.
- F.** No non-conforming use may be changed except:
  - 1. To a conforming use; or
  - 2. With the approval of the Zoning Board of Appeals, to another non-conforming use less objectionable in character, provided that the area of such use shall not be extended or enlarged.
- G.** No non-conforming use that has been discontinued for a period of 6 months with the intent of abandonment shall be thereafter resumed.
- H.** A building containing a permitted use, but that does not conform to the requirements of these regulations regarding building height limit, floor area, width of lot, percentage of lot coverage and required yards and parking facilities, may not be enlarged or altered or rebuilt unless:
  - 1. Such enlargement provides for a permitted use; and
  - 2. Any additions are constructed within the applicable yard requirements.
- I.** Nothing in these regulations shall be interpreted as authorization for, or approval of, the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of these regulations.

## **ARTICLE 2 – GENERAL REQUIREMENTS**

- J.** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming use existing therein.

### **Section 2.15 Alcoholic Liquors**

---

- A.** No premises shall be used, and no building shall be designed, erected or altered to be used for the storage and/or for the sale or exchange of spirituous and alcoholic liquors, either at retail or wholesale, whether for consumption on the premises or otherwise, if any part of such building or premises is located within 500 feet of any part of a lot used, or reserved to be used, for a school.

Stores chiefly engaged in the sale of groceries which sell beer only under a grocery store permit shall not be regarded as package stores or selling alcoholic liquors for the purpose of these regulations.

### **Section 2.16 Location and Screening of Ancillary Structures**

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Trash storage units, dumpsters, air-conditioning units, and similar devices shall observe required yard setbacks. Rooftop units shall be screened from the public way.

### **Section 2.17 Driveway Locations**

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In all zones, driveways shall be located no closer than 3 feet to a property line.

### **Section 2.18 Performance Standards – All Zones**

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All discharges of wastes, chemicals, or other substances shall be in compliance with Federal, State, and local laws and regulations.

### **Section 2.19 Temporary Buildings**

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Temporary buildings, typically constructed of metal hoops, generally with heavy plastic film or canvas covering and not permanently affixed to the ground, are permitted in residential zones providing they observe all yard requirements and are located to the rear of the principal structure.

### **Section 2.20 Outdoor Wood-Burning Furnaces**

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Outdoor wood-burning furnaces as defined in Public Act 05-227 are prohibited in all zones.

### **Section 2.21 Waiver Criteria**

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Whenever in these regulations there is a provision for the granting of a waiver, the following conditions shall be satisfied as applicable, in addition to any other required conditions contained in these regulations:

1. The gravity of the waiver will be consistent with the purpose of these regulations.
2. The waiver has been specifically requested by the applicant.
3. Conditions exist which adversely affect the subject property and are not generally applicable to other property in the area.

## **ARTICLE 2 – GENERAL REQUIREMENTS**

4. In the absence of a waiver, no reasonable alternative access is available, will be available, or can be constructed.
5. The requested waiver is the minimum deviation necessary from this section to permit reasonable development of the subject property.

### **Section 2.22 Fencing on Commercial/Industrial Sites**

---

Fencing will be in accordance with requirements for materials, height, setbacks and screen requirements. With the exception of special treatments that may be architecturally related to the individual structure, fencing should be consistent throughout the site. Barbed wire fencing is prohibited. An applicant can request the installation of barbed wire by special exception in accordance with Section 8.7 and subject to the following criteria:

1. Installation of barbed wire fencing cannot be adjacent to or visible from the public way;
2. Demonstration and/or justification of installation based on security needs;
3. No barbed wire fencing can be installed within 100 feet of a residential zone boundary;
4. Any barbed wire fencing installed must be a minimum of 8 feet high; and
5. Cross razor wire (also called concertina razor wire) is prohibited.

### **Section 2.23 Electric Vehicle Charging Stations**

---

Electric Vehicle Charging Stations are permitted as an accessory use in all zones. See Appendix H - Electric Vehicle Supply Equipment.

# ARTICLE 3 RESIDENTIAL ZONES

## Section 3.1 Residential Zone Requirements

### 3.1.1 Permitted Uses, Impervious Coverage and Other Provisions

Uses within residential zones shall be governed by Table 3.1.1A. For uses requiring a Special Exception, see Section 8.4 Special Exception Standards and Procedures.

Table 3.1.1A - Permitted Uses, Impervious Coverage and Other Provisions						
P = Permitted SE = Special Exception Blank = Not Permitted	Zones RR = Rural Residential AA-30 = Limited Residential A = A-40, A-30, & A-20 Residential MF = Multifamily				Impervious Coverage	Additional Provisions
Use	RR	AA-30	A	MF		
Residential						
Accessory Apartments	SE	SE	SE			See Article 7 Special Regulations.
Agri-Tourism	SE		SE*			*Limited to A-40 zones. See Section 5.9
Assisted Living Facilities	SE	SE	SE	SE		See Article 7 Special Regulations.
Bed and Breakfast (for not more than 6 guests)	SE		SE		10%	Provided that such use is served by public sewer and water facilities. Meals served shall be limited to breakfast.
Elderly Housing	SE	SE	SE		40%	See Article 7 Special Regulations.
Household Pets	P	P	P	P		Excludes kennels
Horses and ponies for personal use, to include large domestic animal pets (3 or fewer)	P	P	P			See Article 7 Special Regulations.
Horses and ponies for personal use, to include large domestic animal pets (more than 3)	SE	SE	SE			See Article 7 Special Regulations.
In-Law Apartment	P	P	P			See Article 7 Special Regulations. A Special Exception is required in the event that any waiver is requested relative to the criteria of 7.1.3.A.
Multifamily Dwelling				SE		Accessory uses to dwellings as determined and approved by the Commission and which are intended and designed for the maintenance or operation of the property and/or the use of its residents are permitted.

## ARTICLE 3 – RESIDENTIAL ZONES

Table 3.1.1A - Permitted Uses, Impervious Coverage and Other Provisions						
Use	Zones				Impervious Coverage	Additional Provisions
	RR	AA-30	A	MF		
Multifamily Assisted Housing		SE				See Article 7 Special Regulations
Single-family Dwelling	P	P	P			Accessory uses to dwellings as determined and approved by the Commission and which are intended and designed for the maintenance and/or operation of the common interest community-owned land and/or the use of its residents are permitted.
Two Family Dwelling converted from single-family	SE		SE			<p>Provided that:</p> <p>The building shall have been constructed prior to 1940.</p> <p>The lot has an area of not less than 30,000 sq. ft., and sufficient area to provide for sub-surface disposal of additional sewage.</p> <p>The external appearance and general character of the building as a single-family dwelling shall be preserved.</p> <p>Family dwelling units shall conform to the minimum requirements listed in Table 3.1.2A Residential Area, Density and Dimensional Requirements.</p>

### Public and Semipublic

Cemeteries	SE				50%	Provided that no activity shall be conducted which is hazardous or dangerous to persons or property outside of the lot on which the activity is conducted
Day Care Centers	SE					See Article 7 Special Regulations.
Educational Institution: For Profit	SE	SE	SE		35%	<p>Provided that:</p> <p>No activity shall be conducted that is hazardous or dangerous to persons or property outside of the lot on which the activity is conducted.</p> <p>No activity is carried on that results in objectionable noise audible off the premises.</p> <p>The external appearance and general character of the building as a single-family dwelling shall be preserved.</p>

<b>Table 3.1.1A - Permitted Uses, Impervious Coverage and Other Provisions</b>						
<b>P = Permitted SE = Special Exception Blank = Not Permitted</b>	<b>Zones</b> <b>RR = Rural Residential</b> <b>AA-30 = Limited Residential</b> <b>A = A-40, A-30, &amp; A-20 Residential</b> <b>MF = Multifamily</b>				<b>Impervious Coverage</b>	<b>Additional Provisions</b>
<b>Use</b>	<b>RR</b>	<b>AA-30</b>	<b>A</b>	<b>MF</b>		
Educational Institution: Non-Profit or Government	SE	SE	SE		RR-50% AA, A-35%	Operated by a duly incorporated non-profit body or government unit
Essential Community Services	SE	SE	SE	SE	50%	
Golf Courses	SE				10%	See Article 7 Special Regulations.
Hospitals, Sanitariums, Convalescent Homes	SE				50%	Except for contagious, mental, alcoholic, and drug cases Provided that: The lot area is not less than 1/10 acre for each person accommodated, including patients and employees. Such uses are served by the public sewer and water facilities.
Municipal Facilities and Uses	SE	SE	SE	SE	50%	
Public Utility Buildings and Structures, e.g., substations, transformers, water supply reservoirs, wells, water towers and water treatment facilities	SE	SE	SE		50%	Provided that: There is no service yard or outside storage of supplies. Buildings and/or grounds conform to the general character of the neighborhood.
Recreational Areas, Parks, Playgrounds operated by the Town of South Windsor	SE	SE	SE		50%	
Recreational Facilities, forest or wildlife reservation, park or playground not operated for profit	SE	SE	SE		50%	Operated by a duly incorporated non-profit body or government unit
Religious Institutions - churches, temples and other recognized places of worship	SE	SE	SE		RR-50% AA, A-35%	Operated by a duly incorporated non-profit body or government unit
Solar Energy, Roof Mounted	P	P	P	P		See Article 7, Special Regulations

## ARTICLE 3 – RESIDENTIAL ZONES

**Table 3.1.1A - Permitted Uses, Impervious Coverage and Other Provisions**

Use	Zones				Impervious Coverage	Additional Provisions
	RR = Rural Residential	AA-30 = Limited Residential	A = A-40, A-30, & A-20 Residential	MF = Multifamily		

### Commercial Uses

Agriculture, forestry, truck or nursery gardening, including green- houses incidental thereto	P					Not including veterinary hospitals, veterinary kennels, commercial kennels, animal boarding homes, livery or boarding stable. Excludes swine and animals raised for pelts except for domestic use. See Section 7.12 Horses/Ponies and Home Animal Agriculture for Home Animal Agriculture and Commercial Animal Agriculture regulations.
Farms	P		P			
Farm Stands	SE		SE			See Article 7 Special Regulations.
Home Occupations, Home Office, Professional Office (Major)	SE		SE			See Article 7 Special Regulations.
Home Occupations, Home Office, Professional Office (Minor)	P	P	P	P		See Article 7 Special Regulations.
Offices - professional, commercial and business	SE		SE		50%	See Article 5.3 Special Regulations.
Solar Energy System, Large	SE					See Article 7, Special Regulations
Solar Energy System, Small	SE		SE**		20%	See Article 7, Special Regulations
Stables, Barns, Riding Academies	SE		SE**		20%	See Article 7 Special Regulations.



### 3.1.2 Residential Area, Density and Dimensional Requirements

- A. Except as provided for existing lots in Section 2.5 Building on Existing Nonconforming Lots, no building shall hereafter be erected, enlarged, altered or rebuilt, or premises used except in conformity with these regulations, and as prescribed in the schedule which is part of this section and is labeled Table 3.1.2A Residential Area, Density and Dimensional Requirements.

**Table 3.1.2A Residential Area, Density and Dimensional Requirements**

Minimum Lot and Area Requirements							Maximum			
District	Lot Area (sq. ft.)	Frontage (feet) <sup>(1)</sup>	Lot Depth	Front Yard <sup>(2)</sup> (feet)	Rear Yard <sup>(3)</sup> (feet)	Side Yard <sup>(3)</sup> (feet)	Stories	Height (feet)	Lot Coverage	Impervious Coverage <sup>(6)</sup>
RR	40,000	175	200	50	50	20	2½	30	15%	
A-40	40,000	150	200	50	50	20	2½	30	15%	
AA-30	30,000	150	150	50	50	20	2½	30	15%	
A-30	30,000	120	150	50	50	15	2½	30	15%	
A-20	20,000	100	150	40	40	10	2½	30	20%	
MFA/AA	15 acres <sup>(4)</sup>	200	200	75	35 <sup>(5)</sup>	25 <sup>(5)</sup>	2 ½	35		60%

<sup>(1)</sup> Lots with frontage on Buckland Road or Sullivan Avenue have a minimum lot width of 150 feet. Where the requirements of Table 3.1.2A are greater, the Table 3.1.2A requirements apply.

<sup>(2)</sup> Lots with frontage on Buckland Road or Sullivan Avenue have a minimum front yard setback of 50 feet. Where the requirements of Table 3.1.2A are greater, the Table 3.1.2A requirements apply.

<sup>(3)</sup> Buffers are in addition to required side/rear yards.

<sup>(4)</sup> Lot area must be contiguous acres not divided by a public street. The entire site shall be located in the MF district. Land contained within the Flood Plain District may not apply toward the minimum site size, however, may be dedicated for open space uses subject to the requirements of the Flood Plain District.

<sup>(5)</sup> Where a buffer is required, the rear and side yards shall be a minimum of 25 feet.

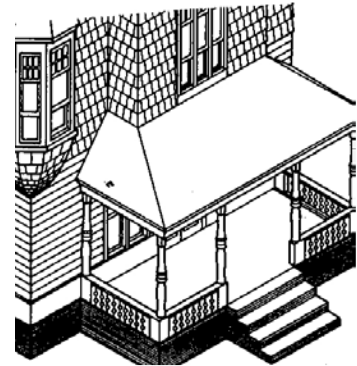
<sup>(6)</sup> Pervious surface may be used to increase the coverage of the lot a maximum of 5% when a minimum of the pervious coverage total is a minimum of 10%. See definitions.

- B. Each approved residential lot shall contain a contiguous buildable area (“buildable” defined as exclusive of regulated wetlands and watercourses, waterbodies, detention areas, utility easements, rights-of-way, or areas with slopes at or in excess of 15%) of at least 10,000 square feet, into which a square of 90’ x 90’ can be located, and on which the dwelling must be located. This restriction as to building location applies only to those lots that contain wetlands and watercourses, waterbodies, detention areas, utility easements, rights-of-way, or areas with slopes at or in excess of 15%.
- C. Minimum yards shall be in addition to buffer widths, where such buffers are required by the Commission.
- D. The building height limit shall be applied separately for each wing or any other distinct portion of the building and may be increased for any building or distinct portion thereof by 1 foot for every 2 feet by which such building or such portion thereof lies inside the nearest limiting line of any required front, side or rear yard. Spires, cupolas, towers, chimneys, flagpoles, penthouses, ventilators,

### ARTICLE 3 – RESIDENTIAL ZONES

tanks, and similar features which are an integral part of the main structure occupying in the aggregate not more than 10% of the building area and not used for human occupancy, may be erected to a reasonable and necessary height.

- E. For municipal facilities and uses, height restrictions of Table 3.1.2A may be waived by the Commission when appropriate so that public utility buildings/structures may be erected to a reasonable and necessary height.
- F. Each lot in future subdivisions of land shall have the frontage required in the applicable zone upon a public street, or upon a proposed public street, shown on a map that has been approved by the South Windsor Planning and Zoning Commission in accordance with the Subdivision Regulations of the Town.
- G. In the case of inground swimming pools and above ground swimming pools, the minimum rear yard requirement shall be 25 feet and shall apply to any decking or equipment associated with the pool.
- H. The front yard setback may be reduced by not more than ten (10) feet strictly for the purpose of constructing a covered, unenclosed front porch as defined in these regulations. The intention of the un- enclosed front porch setback reduction is to allow the construction of a “typical” unenclosed front porch (see illustration). In order to be eligible for any portion of the 10-foot reduced setback, an un- enclosed front porch must meet the following requirements:
  - 1. The porch design and materials must be architecturally compatible with the house.
  - 2. Maximum porch width (perpendicular to house): 10 feet.
  - 3. Minimum porch length (parallel to house): 50% of the length of the house.
  - 4. Maximum porch height: 15 feet or 1 story, whichever is smaller
  - 5. Maximum height of railings or other enclosures: 36 inches, measured from the finished elevation of porch floor.
  - 6. Maximum enclosure: 30% (above finished elevation of porch floor). Plastic sheeting; window screening; curtains and window shades of any type; or any other type of covering, whether permanent or temporary, fixed or loose, is considered an enclosure.
  - 7. This section is applicable to all zones except MF-AA and MF-A.



Example of a “typical” unenclosed front porch

### 3.1.3 Floor Area Requirements

**Table 3.1.3A - Minimum Floor Area - Multifamily Dwellings**  
**MF-A and MF-AA**

Unit Type	Maximum Room Count <sup>(1)</sup>	Exterior Storage (square feet)		Living Area (square feet) <sup>(4)</sup>	
		MF-AA <sup>(2)</sup>	MF-A <sup>(3)</sup>	MF-AA	MF-A
Efficiency	2 ½	Private Garage	48	800	700
1 Bedroom	3 ½	Private Garage	48	850	750
2 Bedroom	4 ½	Private Garage	60	1000	900
3 Bedroom	5 ½	Private Garage	60	1150	1050
<p><sup>(1)</sup>Living, dining and kitchen counts as 2½. Each bedroom counts as 1. The maximum room count shall be increased to allow 1 additional room for each unit type when the multifamily housing is deed restricted to require that at least 1 resident of each unit must be 55 years or older, and no resident of any unit may be less than 21 years of age.</p> <p><sup>(2)</sup>Within the MF-AA zone, each dwelling unit shall have a garage for the storage of 1 or more automobiles. In lieu of said garage, a carport or other roofed structure providing covered storage for 1 or more automobiles may be allowed if the location and design is specifically approved by the Commission. Such garage (or other approved structure) may be attached or semi-attached to the dwelling unit (or to the building containing the dwelling unit), or may be detached from the dwelling unit (or from the building containing the dwelling unit). However, each garage (or other approved structure), shall be located in close proximity to the dwelling unit being served by that garage (or other approved structure).</p> <p>If the garage (or other approved structure) is unenclosed or unlockable, then in addition to the garage (or other approved structure), each dwelling unit shall be provided with a storage space accessible as described in note <sup>(3)</sup> below.</p> <p><sup>(3)</sup>In addition to the storage areas within each dwelling unit, each dwelling unit shall have exterior storage space, accessible either at grade or via gently sloping ramps. All such exterior storage shall:</p> <ul style="list-style-type: none"> <li>Be lockable;</li> <li>Have a minimum inside height of 6'8" and a minimum width of 4'; and</li> <li>Be dry, free of water infiltration, and constructed to prevent such infiltration.</li> </ul> <p>Such storage may be attached or semi-attached to the dwelling unit, located in a basement, or located in a detached building or storage shed. However, the storage shall be located in close proximity to the dwelling unit being served by that storage space. Said exterior storage may be in the form of a garage for the storage of 1 or more automobiles.</p>					

## **ARTICLE 3 – RESIDENTIAL ZONES**

- I.** Living areas may include customary rooms, halls, and closets, but shall not include stairways and public halls, rooms for heating equipment, garages, open or closed outside vestibules or porches or verandas or breezeways. Basement space will not qualify for required living quarters. Floor areas for living quarters shall be computed by using the interior dimensions of the interior walls. These areas do not include circulation and public facilities outside the unit, spaces for heating equipment, or areas within a basement, cellar, or habitable attic.
- J.** Habitable attics are permitted. However, no floor area of such habitable attic shall apply toward the minimum living area requirement of these regulations. No improved basement floor area shall apply toward the minimum living area requirement of these regulations.

### **Section 3.2 Residential Zones (RR, AA and A)**

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#### **3.2.1 Accessory Buildings and Uses**

Accessory buildings and uses customarily used with and incidental to a permitted use, including buildings used for permitted home occupations, are permitted.

##### **A. Private Garages**

- 1. Accessory buildings may include private garages with space for:
  - a. Not more than 2 non-commercial motor vehicles and 1 commercial motor vehicle (in conformance with paragraph 3.2.1.B) on 1 lot. and
  - b. One additional non-commercial vehicle for each 10,000 square feet by which the area of the lot exceeds 1 acre.

##### **B. Commercial Vehicles**

Not more than 1 commercial vehicle, other than passenger vehicles, may be parked on a residential lot, provided such vehicle is a van type vehicle or a pick-up truck type vehicle.

##### **C. Agricultural Product Manufacture**

Buildings used for the storing, processing and manufacture of agricultural products are permitted as an accessory use on a farm.

##### **D. Temporary Roadside Stands**

- 1. Roadside stands of a temporary and removable nature on a farm for the sale and display of crops grown on the premises shall be allowed, provided that such stand is removed after no more than 120 days of use in each calendar year.
- 2. Roadside stands of a temporary and removable nature other than on a farm, for the display and sale of farm produce grown in South Windsor shall be allowed provided the following conditions are met:
  - a. These roadside stands shall be allowed only during the growing season, and for not more than 120 days of use in each calendar year.
  - b. They shall be located not less than 20 feet from a street line and not less than 50 feet from any street intersection.

3. An applicant shall apply to the Zoning Enforcement Officer for a Zoning Permit for uses permissible under this section.

**E. Slaughtering of Livestock**

The slaughtering of livestock and poultry raised on a farm, and as an accessory use to such farm, is permitted, but the slaughtering of other livestock and poultry is prohibited.

**F. Farm Equipment Storage**

Buildings used for the storage on a farm of any number of motor vehicles and equipment, when such vehicles and equipment are used in connection with the operation of such farm, are permitted as an accessory use. The repair of such vehicles only is permitted within a building on the farm upon which such vehicles are so used.

**G. Animal Housing**

Accessory buildings on a farm housing animals and poultry, other than horses and ponies, or buildings used in conjunction with paragraphs D and E above are permitted not less than 100 feet from a street or lot line, and not less than 150 feet from the nearest existing residential building on land under separate ownership.

**3.2.2 Interior Lots**

**A. Purpose**

It is the purpose of this section to recognize that there are land configurations in which it is impractical to construct a new residential street. This section allows the approval, as Special Exception after a public hearing, of the development of an interior lot that does not meet lot frontage requirements of the zoning district in which it is located. This section is not intended to encourage the development of land characterized by severe physical limitations

**B. Applicability**

1. This section does not apply to development of new subdivision lots on new streets. Such lots must meet the required width upon the street as defined in Article 10: Definitions (Lot Frontage). This section is intended to allow for the division of existing properties into not more than 2 new lots, 1 or both of which cannot meet lot frontage requirements for the zone.
2. Properties upon which interior lots are proposed must have been in existence as recorded by deed in the South Windsor land records, prior to adoption of this regulation on June 11, 1990. This regulation is not intended to allow for the creation of remainder “parcels” of land (upon which interior lots are subsequently requested) without adequate frontage when new subdivisions are approved.
3. Not more than 2 interior lots shall be approved on an existing parcel regardless of the number of frontage access areas. An existing parcel that has been divided into 2 interior lots under this regulation shall not be re-divided into further interior lots under this regulation at any time.
4. Interior lot development shall be limited to single-family dwellings and permitted accessory structures.
5. Interior lots will be allowed only in the following zones: RR, A-20, A-30, A-40, and AA-30. Any existing conforming frontage lot must continue to meet the current zoning requirements.

## ARTICLE 3 – RESIDENTIAL ZONES

### C. Approval Criteria

In reviewing and acting upon any proposal for an interior lot, the Commission shall determine that the following criteria are met.

1. The proposed interior lot(s) shall be deemed to accomplish the best use of the subject land and shall be justified by the subject area's boundary configurations, topography, soils or other natural resource characteristics. In reviewing a proposed interior lot, the Commission shall carefully evaluate aesthetics; proximity to neighboring properties and dwelling units; restriction of existing views; proposed buffering/screening; potential drainage, traffic and environmental impacts; driveway locations, slopes and sight lines; utility service capabilities; property value impacts; and future land use alternatives. The applicant must demonstrate to the Commission that there are minimal impacts for all of the above-listed criteria.
2. Except for requirements modified by this interior lot section, all new interior lot development shall conform to all requirements prescribed for the zone in which the interior lot is located.
3. All interior lots shall have a minimum area which is double the required area for the zoning district in which the interior lot is established with the exception of A-20 zones, which shall have a minimum lot area that is triple the minimum required lot area. Minimum lot area shall be calculated exclusive of access area. Where lot approval is requested in an open-space subdivision, minimum area is still twice the standard lot size for the district.
4. The access area is defined as the area in front of the minimum lot width line. The minimum lot width line is defined as the line perpendicular to the mean direction of the lot side lines, at which the required minimum width is obtained. The minimum lot width shall generally be parallel to the town street from which access is obtained. All interior lots must have a width at the minimum lot width line equal to 1.5 times the required lot width for the zoning district in which it is located.
5. All proposed interior lots shall include an access way meeting the following standards:
  - a. The access way portion of the interior lot shall directly front on a public street and be owned in fee by the interior lot. Alternatively, an access easement can be granted for the interior lot over the existing frontage provided that frontage is in excess of the minimum frontage requirements of the underlying zone by a minimum of 25 feet;
  - b. The access way shall have suitable sight lines along the street it fronts upon;
  - c. No access way shall be located adjacent to another access way to an interior lot. There must be a separating distance between access ways equal to the minimum lot width in the zone in which the interior lots are located.
6. Driveways to interior lots shall be designed and constructed to accommodate fire apparatus and other emergency equipment. All application for interior lots shall detail the nature of proposed driveway construction including proposed location, width and building materials, and provision for vehicles to turn around. Driveway plans must be reviewed and approved by the Town Engineer and the Fire Marshal.
7. Not more than 2 interior lots may be accessed by a single access way. Access rights must be documented for both lots.
8. There are no established front yard setbacks. An application will be evaluated for its aesthetic impact on neighboring properties, especially front/existing lots. Suggested guideline for house placement is that the proposed front yard setback be equivalent to neighboring properties'

interior yards. Setback lines shall be proposed by the applicant with the application and approved or modified by the Commission.

9. The side and rear yard setbacks required for the zoning district in which the lot is located must be observed.
10. The Commission can require greater setbacks from any property line where land configuration, topography, other physical limitations or existing development on adjacent land dictate that increased setbacks are desirable.
11. Unless the interior lots front on different streets, no interior lot shall be permitted to the rear of any other interior lot. (Stacking is not permitted.)

**D. Application for Approval**

1. Application for Special Exception approval shall include all items required for a standard subdivision of land per Town of South Windsor Subdivision Regulations if the creation of an interior lot requires a subdivision of land. In addition, location of the proposed house and driveway access, with proposed grading, must be shown.
2. If the creation of the interior lot does not require a subdivision of land, the application shall include a plot plan/topographic map of the existing and proposed lot(s) at a scale of 1" = 20' or 1" = 40' on 18" x 24" or 24" x 36" sheets containing the following information:
  - a. Distance and bearings of all boundary lines;
  - b. Lot layout numbers, square footage of all lots, and all lot dimensions;
  - c. Building lines, in accordance with zoning regulations and the provisions of this regulation;
  - d. Easements, noting grantors, grantees, and purpose;
  - e. Names of abutting property owners;
  - f. All existing buildings;
  - g. Existing and proposed sanitary and storm sewers, if any;
  - h. Present wooded areas indicated by a "foliage line";
  - i. Existing and proposed contours shown at not less than 2 foot intervals; but in cases of relatively level land, the contours shall be 1 foot intervals;
  - j. Boundaries of regulated wetlands; and
  - k. Proposed house(s) and driveway access with proposed grading.
3. The plans/maps shall conform to Class A-2 and T-2 requirements.

**Section 3.3    Eliminated - Designed Residence Zone (DRZ) See Appendix F**

## **ARTICLE 3 – RESIDENTIAL ZONES**

### **Section 3.4 Multifamily Residential Zone (MF-A or MF-AA)**

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#### **3.4.1 Establishment of Zone**

The Multifamily Residential (MF) Zone shall be established by the Commission only after taking into account the various factors favorable and unfavorable to such a change, including but not limited to those criteria listed in Section 8 Zone Change, Special Exception, and Site Plan Standards and Procedures and whether said site either is or will be within reasonable pedestrian proximity to shopping, services, and institutions, as are routinely required by the future residents of said development, or is or will be located along a route providing regular public transportation services.

#### **3.4.2 Permitted Uses**

- A.** Within MF zone the following uses of buildings and land shall be permitted only by special exception, subject to the requirements of these regulations:
  - 1. Single-family, duplex and multifamily dwelling units, regardless of the form of ownership of the land and buildings. The number of single-family dwellings shall not exceed ten (10%) of the total number of dwelling units.

#### **3.4.3 Density Requirements**

- A.** The overall density of the development shall not exceed 4 ½ dwelling units per net buildable acre. Computations for allowable density shall appear on the General Plan of Development and the Site Development Plan.
- B.** No more than 12 dwelling units shall be housed within a single building.

#### **3.4.4 Setback Requirements**

- A.** Minimum setbacks between residential buildings shall be as follows:
  - 1. 15 feet for buildings up to 1½ stories in height providing that facing walls have no windows;
  - 2. 30 feet for buildings up to 2 stories in height providing that not more than 1 facing wall has 1 or more windows;
  - 3. 50 feet between opposite faces of a building where both facing walls contain 1 or more windows.
- B.** Other Setbacks:
  - 1. 40 feet between any building (except bus shelters) and the centerlines of the site's principal streets;
  - 2. 65 feet between any building (except bus shelters) and the center point of a cul-de-sac for the site's principal streets;
  - 3. Minimum setback between accessory buildings, or between accessory buildings such as storage sheds or garages and buildings containing dwelling units, shall be consistent with good design



relative to fire safety, emergency access, function, and aesthetics, as approved by the Commission.

- C. Courts shall be completely open on one side. Such opening shall be in accord with the setback requirements of this Section.

### **3.4.5 Form of Ownership/Occupancy**

Prior to the approval of any Special Exception application for a multifamily residential development, including condominium, cooperative, and other multiple-owner developments, but excluding rental apartment developments, the attorney for the applicant shall submit to the Commission a written certification of the following:

1. The applicant, or his assigns, shall comply with Chapter 825 of the Connecticut General Statutes, i.e., Connecticut Condominium Act, where such development is a condominium. For other multiple-owner developments, the applicant shall provide to prospective purchasers a public offering statement substantially conforming to Sections 4-103 and 4-104 of the Uniform Planned Community Act, as adopted August 1980 by the National Conference of Commissioners on Uniform State Laws, and as approved by the American Bar Association.
2. The applicant, or his assigns, shall establish the multifamily residential development's community association with documents in which the covenants, conditions, and restrictions will contain language that provides the same rights to dwelling unit owners within any multiple-owner development as are provided to cooperative and condominium unit owners under the Condominium and Cooperative Abuse Relief Act of 1980 (15 USC 3601-3616).

### **3.4.6 Unit Mix**

- A. Applicants shall provide a variety of dwelling unit types.

**Table 3.4.5A Unit Mix**

Unit Type	% of Units
Efficiency and 1 bedroom units	Less than 40%
4 bedroom units	10% or less*
3 bedroom units	30% or less
2 bedroom units	Remainder

\* Four bedroom units are only allowed in single family dwellings.

The applicant's site development plan shall show the mix of unit types.

### **3.4.7 Parking and Access Ways**

- A. Dwelling units shall be located at a distance from off-street parking as determined by the Commission. However, no dwelling unit shall be located more than 200 feet from the parking spaces serving said unit.
- B. Parking shall be restricted to designated areas, which are removed from the development's principal streets or driveways serving garages.

## ARTICLE 3 – RESIDENTIAL ZONES

- C. Except for parking areas expressly designated for the physically handicapped, minimum setback shall be as in Table 3.4.6A.

**Table 3.4.6A Minimum Parking Setbacks**

Between unenclosed parking space and:	Setback
Property line	50 feet
Centerline of the site's principal street	25 feet
Center point of a cul-de-sac for the site's principal street	50 feet
Building with dwelling units	15 feet

- D. Association rules shall limit the number of trucks and other commercial vehicles that can be parked onsite.
- E. Streets and Access Ways shall comply with the following standards:

**Table 3.4.6 B Street and Access Way Standards**

Type of Street	Inside Turning Radius	Width	Additional Requirements
Principal streets		26 feet	
Streets and access ways other than principal streets	24 feet		
Access ways and one-way streets		16 feet	Greater widths may be required if parking is contiguous to access way

1. All streets and access ways shall be installed by the applicant in accordance with Town procedures and design standards. The principal street may become a Town-owned and maintained public street if designed in strict accordance with the Town's specifications for public streets. All other streets and access ways shall be owned and maintained by the development.
2. Street and access way pavement shall be installed no closer than 10 feet from a buffer line of the parcel and no closer than 10 feet from a property line.
3. Standards may be reduced or waived in order to reduce development costs, provided there is no objection of the Town Engineer.

### **F. Ingress and Egress**

1. Points of vehicular ingress and egress shall be consistent with public safety and welfare, and shall provide no undue hindrance to the safety conditions of existing or proposed streets.
2. The Commission may require a second point of egress.

### **G. Electric Vehicle Supply Equipment (EVSE) Ready Spaces and Electric Vehicle (EV) Installed Spaces**

EVSE Ready Spaces and EV Installed Spaces shall be provided as described in 6.4.10. Minimum Number of EVSE Parking Spaces and Appendix H Electric Vehicle Supply Equipment. All garages and assigned covered spaces shall be wired as EV Ready Spaces.

### **3.4.8 Bus Shelters**

- A. In the event regular public passenger transportation will be available to residents of the development, a shelter shall be provided by the developer at a location convenient to the residents and readily serviceable by the passenger transportation operator. The design and material composition of a shelter shall be approved by the Commission. A shelter area contained within a building accessible and convenient to all residents of the development and readily serviceable by the passenger transportation operator, such as a community building, may be substituted for a free-standing structure if approved by the Commission.
- B. The Commission shall require an adequate bus shelter for children if the development may house school-aged children.

### **3.4.9 Recreation/Open Space**

#### **A. Purpose**

In order to conserve sensitive or exceptional features of the site and to afford adequate recreational facilities for the development's residents, the site development plan shall portray open space and recreational areas and facilities that provide conservation and sufficient passive and active recreational opportunities. These common areas shall be designed to meet the special requirements of the development's residents.

#### **B. General Requirements**

1. The amount and location of conservation and open space land, as well as the constitution of recreation facilities, shall be determined by the Commission. Such development may contain such facilities as: pedestrian paths; garden plots; child playgrounds or tot lots; gently sloping sports fields of sufficient size to accommodate active sports such as softball; courts for tennis, platform tennis, or basketball; and swimming pools.
2. The designated land shall be conducive to development and safe operation of the proposed recreational facilities.

#### **C. Provision for Setting Aside Land**

At least 600 square feet of developed recreation land shall be provided for each dwelling unit. This requirement shall be exclusive of the front, rear, and side yard requirements of these regulations.

#### **D. Phasing**

Any phasing of the installation of recreational facilities shall be indicated by the applicant and approved by the Commission.

#### **E. Ownership**

At the discretion of the Commission, all open space shall be either dedicated to the Town or an approved nonprofit land conservation organization as an acceptable condition of application approval, or established legally as part of a community association, such to be owned and satisfactorily maintained by the association.

#### **F. Conservation Areas**

Conservation areas may include stream belts, waterbodies and watercourses, wetlands, steep slopes, woodlands, flood plains, and other sensitive or exceptional natural features of the site.

## **ARTICLE 3 – RESIDENTIAL ZONES**

### **3.4.10 Pedestrian/Bicyclist Circulation**

Safe pedestrian and bicyclist circulation shall be provided, to safely interlink the development with its own facilities and with nearby shopping, service, institutional and governmental facilities. The Commission shall determine the composition and location of sidewalks.

### **3.4.11 Use Conversions**

No multifamily residential development shall be converted to another multifamily residential use or other use except in conformity with and as permitted by these regulations. No such conversion shall be allowed until a special exception for such conversion, complete with a site development plan prepared in accordance with Section 8 Zone Change, Special Exception, and Site Plan Standards and Procedures, has been approved by the Commission. Said special exception application shall clearly show the modifications planned to improve the site for the intended purposes.

# ARTICLE 4 COMMERCIAL AND INDUSTRIAL ZONES

## Section 4.1 Commercial and Industrial Use Regulations

### 4.1.1 Permitted Uses

Uses within Commercial and Industrial Zones shall be governed by Table 4.1.1A. See Section 4.2 for use provisions relating to the Buckland Road Gateway Development Zone (GD); Section 4.3 for the De- signed Commercial Zone (DC); and Section 4.4 for the I-291 Corridor Development Zone (CD).

**Table 4.1.1A Permitted Commercial and Industrial Uses**

Use	Zones						Additional Provisions
	DC	GC	I	RC	RO	TS	
<b>Residential</b>		SP/SE*	SP/SE*	SP/SE*			A single residential dwelling by the owner of the facility is allowed in conjunction with a permitted commercial use. The residence may be either a dwelling unit contained within the commercial facility itself, or may be a separate free-standing single-family dwelling that otherwise meets all of the requirements of the underlying zone. * An owner can request either the business/residential use be a rental property for properties developed prior to 2019 provided the owner lives on site or operates the business. No more than 10% of properties within 1,000 feet can contain such rentals.
Assisted Living	SE	SE		SE	SE		See Article 7 Special Regulations.
Duplex		SE					See Article 7 Special Regulations.
Horses and ponies for personal use		SP		SP	SP		See Article 7 Special Regulations.
Multi-family residential		SE					See Section 5.10 – Specific Requirements for a Sullivan Avenue Mixed-Use Development in the GC
<b>Public and Semipublic</b>							
Hospitals, Sanitariums, Convalescent Homes		SE					Except for contagious, mental, alcoholic, and drug cases provided that: The lot area is not less than 1/10 acre for each person accommodated, including patients and employees; Such uses are served by the public sewer and water facilities; and 50% impervious coverage
Fraternal organizations and membership clubs operated as a nonprofit activity			SE				
Municipal Facilities and Uses	SE	SE	SE	SE	SE		

## ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

**Table 4.1.1A Permitted Commercial and Industrial Uses**

SE = Special Exception SP = Site Plan ZP = Zoning Permit Blank = Not Permitted	Zones						Additional Provisions
	DC = Design Commercial GC = General Commercial I = Industrial RC = Restricted Commercial RO = Restricted Office TS = Route 5 Travel Services						
Use	DC	GC	I	RC	RO	TS	
Commercial Uses							
Agriculture (e.g. forestry operation, cultivated lands, animals)	P	P	P	P	P	P	Clearing of ½ acre of land requires PZC approval.
Adult-Oriented Businesses		SE					See Article 7 Special Regulations.
Alcoholic Liquor Stores	SP	SP		SP			
Alcoholic beverage sales for consumption on the premises of hotels, restaurants, taverns, grills and cafes	SP	SP	SE*	SP			*Industrial zone – accessory to a permitted recreational use or manufacturing use
Alcoholic liquor sales as part of a drug store or grocery store	SP	SP		SP			
Amusement - theaters, moving picture houses, assembly halls, billiard and pool rooms, bowling alleys, and similar amusement enterprises		SP	SE*				Excluding shooting galleries, freak shows, mechanical rides and similar enterprises * Industrial zone in conjunction with permitted indoor recreational use. See Article 7 Special Regulations
Automobile retail sales, new and used		SE	SE*				* Maximum cars offered for sale is four (4)
Automobile service and repair			SP				
Automobile wholesale		SE					
Automobile service stations, fuel and repair		SE					See Article 7 Special Regulations.
Automotive fuel	SP						Only when accessory to a retail sales and inventory directly related thereto facility that has a minimum gross floor area of 50,000 sq ft  Commission may determine hours of operation.
Brewery / Distillery			SP				Accessory uses and incidental sales (e.g. tasting rooms) subject to criteria in Section 4.5.3 Accessory Uses. Parking is subject to PZC approval.
Beverage Stores, quick service; e.g. coffee shop						SP	
Building and landscape materials sales and storage including lumber yards and construction equipment			SE				Excluding the storage or fabricating of structural steel and heavy concrete products. Primary building shall be minimum 2,000 sq ft (excluding greenhouses). Except plant materials, outdoor storage/sales area shall not be visible from a public street.
Convenience Stores						SP	

## ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

**Table 4.1.1A Permitted Commercial and Industrial Uses**

Use	Zones						Additional Provisions
	DC	GC	I	RC	RO	TS	
Convention Facilities	SE						
Day Care Facilities	SE	SE	SE	SE	SE		See Article 7 Special Regulations.
Dog Grooming Facilities		SE	SE	SE			See Article 7 Special Regulations for Dog Grooming Facilities in the Industrial Zone
Dry cleaning, laundry, and dyeing establishments		SP					
Entertainment (live) at hotels and restaurants, taverns, grills and cafes	SP	SP	SE*				*Industrial zone in conjunction with permitted indoor recreational use. See Article 7 Special Regulations
Equipment sales, service and rentals, including farm equipment		SP	SE				
(EVSE) AC Level 1, AC Level 2, and DC Fast Charging Electric Vehicle Charging Equipment	SE	SE	SE	SE			As a primary use (destination charging) for sale of EV Charging services to the public, similar in intent to internal combustion engine fueling (e.g. gasoline or diesel) See Appendix H – Electric Vehicle Supply Equipment
Financial Services, institutions and agencies	SP	SP	SP	SP		SP	
Fitness Facilities		SP	SE	SP		SP	See Article 7 Special Regulations for indoor recreational facilities
Freezer lockers and incidental processing of food for human consumption		SP					
Garages - public		SP		SE			
Hotels (and motels)	SP	SP		SP		SP	
Hotels, exclusive of entertainment		SP		SP			
Manufacture of bricks, cement products, tile and terra cotta			SE				
Manufacture, processing, packaging and assembly of components or goods			SP				
Microbrewery, Brewpub		SP		SE			No more than 15,000 barrels manufactured per year; wholesale and retail sales allowed; tasting rooms allowed; outside tasting allowed in conformance with Section 7.15 Outdoor Dining. Hours of operation may be determined by the PZC

## ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

**Table 4.1.1A Permitted Commercial and Industrial Uses**

Use	Zones						Additional Provisions
	DC	GC	I	RC	RO	TS	
Mobile Food Vendor	ZP	ZP	ZP	ZP	ZP		<p>Mobile food vendors are permitted in these zones without a permit provided that all of the following criteria are met:</p> <ol style="list-style-type: none"> <li>1. Written permission from the property owner;</li> <li>2. Adequate room for vehicles to pull off safely;</li> <li>3. A maximum of 12 sq. ft. of free-standing signage;</li> </ol> <p>Vendors shall not be located within public rights of way;</p> <ol style="list-style-type: none"> <li>5. All facilities and equipment used by vendor must be portable and must be removed from the site by 9:00 p.m.</li> <li>6. Connections to external utilities are not permitted.</li> <li>7. Vendors must comply with health and safety regulations of the Town of South Windsor and the State of Connecticut.</li> <li>8. Vendors shall keep the area of operation free of debris and shall clean the area thoroughly upon ceasing operations each day. At least 1 trash container must be provided for use by patrons in conjunction with mobile food vendor.</li> </ol>
Mortuaries, funeral and internment services		SP		SP			May have living quarters containing a dwelling unit of at least 700 square feet of living space and at least 2 rooms, exclusive of the bathroom, to be occupied by a person, together with his family, who is the owner, manager, caretaker, or janitor, residing in the same building.
Multi-family residential		SE					See Section 5.10 – Specific Requirements for a Sullivan Avenue Mixed-Use Development in the GC zone
Motor vehicle refueling / re-energizing stations						SP	
Offices - professional, commercial, corporate and business	SP	SP	SP	SP	SP	SP	
Personal Services Shops	SP	SP		SP			Limited to barber shops, beauty shops, shoe repair shops, tailoring and dressmaking shops, tanning salons, clothes rental stores, and similar establishments. Tattoo parlors are not considered a personal service shop.
Pharmacy	SP	SP		SP		SP	Including pharmacy with drive thru.



## ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

**Table 4.1.1A Permitted Commercial and Industrial Uses**

Use	Zones						Additional Provisions
	DC	GC	I	RC	RO	TS	
Petroleum Product Bulk Storage			SE				
Plumbing, heating, electrical, mechanical industrial and general contracting establishments			SP				May include showrooms, storage and maintenance of heavy construction equipment
Printing and publishing, graphic arts processes, sign shop painting		SP	SP				
Radio and television studios and transmitters, communication towers, multi media stations		SP					
Recreational Activities - indoor	SP	SP	SE*				*See Article 7 Special Regulations.
Recreational Facilities – outdoor		SE	SE*				*See Article 7 Special Regulations
Research Laboratories			SP				
Restaurants, including fast food	SP	SP		SP		SP	
Restaurants, exclusive of entertainment		SP		SP			
Retail Establishments with high turnover (frequent customer arrivals / departures)						SP	
Retail sales and inventory directly related thereto	SP	SP		SP			<p>Retail sales and high-turnover uses with frequent customer arrivals and departures are prohibited.</p> <p>Retail sales associated with a club membership format are permitted and shall not be considered a wholesale sales use.</p> <p>Repairing and fabricating incidental to a retail store are permitted as an accessory use.</p> <p>Tire and battery repair and replacement as an accessory use to retail sales is permitted in the DC zone only.</p>
Riding Academies, Barns and Stables		SP					
Solar Energy, Roof Mounted	P	P	P	P	P	P	See Article 7, Special Regulations
Solar Energy System, Large		SE	SE				See Article 7, Special Regulations
Solar Energy System, Small		SP	SP				See Article 7, Special Regulations
Solid waste, recycling, transfer station facilities			SE				Including storage and maintenance of vehicles and refuse containers, but excluding dumping and/or disposal on-site of waste originating off-site

## ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

**Table 4.1.1A Permitted Commercial and Industrial Uses**

Use	Zones						Additional Provisions
	DC	GC	I	RC	RO	TS	
Training Facilities		SE	SE	SE			
Truck and Freight Terminals			SE				With the right to service, maintain and repair motor vehicles incidental to the afore- said use
Veterinary Hospitals and Boarding Kennels			SE				For the treatment and boarding of small animals, primarily cats and dogs, with all facilities housed inside a building with a limited outside fenced area for exercising and training with necessary office and service space
Warehouses and Distribution Centers			SP				
Wholesale sales and inventory directly related thereto			SE				
Wholesale sales and inventory directly related thereto for the public		SP					
Note that in the GC Zone, buildings in excess of 40,000 square feet, parking areas in excess of 50 cars, and non-bank drive-in facilities require a special exception approval.							

### **4.1.2 Other Permitted Uses**

Other uses or services may be approved by the Commission when the Commission determines such use or service to be substantially similar to the uses permitted above as to the type of business or as to the services offered; or as determined by the Commission to meet the purpose and general concepts of this regulation, including compatibility with the character of the neighborhood. Uses similar to those permitted by Site Plan approval may be allowed by Site Plan approval. Those uses similar to Special Exception uses may be permitted by Special Exception approval.

### **4.1.3 Accessory Uses**

Parking and accessory uses serving the uses above are permitted. Such accessory uses of land or structures shall be intended and designed only for the use, maintenance or operation of the property.

### **4.1.4 Accessory Structures**

Accessory structures of 500 square feet or less may be permitted through issuance of a Zoning Permit. Larger accessory structures require site plan approval. Storage of hazardous materials in an accessory structure requires site plan approval regardless of structure size. Accessory structures such as air conditioning units and trash containers must observe required yard setbacks.

**4.1.5 Traffic Requirements**

To provide for the orderly flow of inbound and outbound site generated traffic, and to minimize the inherent conflicts between outbound left and inbound left maneuvers, applicants must demonstrate to the Commission's satisfaction that the site generated traffic is able to enter and exit the site safely without disruption to the external traffic flow. On-site queuing provisions must be adequate to prevent site generated traffic from queuing on public streets. Sight lines for the existing traffic from the site drive must be satisfactory for the prevailing speed of approaching traffic. The applicant must demonstrate that the design provides for safe and orderly vehicular and pedestrian flow and movement of traffic and minimizes vehicular and pedestrian conflicts. Delivery areas must be located so that normal operations are not impeded or compromised. An engineered traffic report must be provided with the application to demonstrate the adequacy of traffic flow and design.

## ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

### 4.1.6 Commercial and Industrial Area, Density and Dimensional Requirements

- A. Except as provided for existing lots in Section 2.5 Building on Existing Nonconforming Lots, no building shall hereafter be erected, enlarged, altered or rebuilt, or premises used except in conformity with these regulations, and as prescribed in the schedule which is part of this section and is labeled Table 4.1.6A Commercial and Industrial Area, Density and Dimensional Requirements.

**Table 4.1.6A Commercial and Industrial Area, Density and Dimensional Requirements**

Minimum Lot and Area Requirements							Maximum			
District	Area	Frontage <sup>(1)</sup> (feet)	Depth (feet)	Front Yard <sup>(2) (8)</sup> (feet)	Rear Yard (feet)	Side Yard (feet)	Storie s	Impervious Coverage <sup>(3) (11)</sup>	Lot Coverage	Height (feet)
RC	30,000 sq. ft.	150	150	65	25	10	3	60%	25%	45
GC	30,000 sq. ft.	100	150	50	15	10	2	65%	30%	40
TS	2 acres <sup>(9)</sup>	150 on Route 5	150	50	25	10	3	65%	30%	45
GD <sup>(4)</sup>	3 acres	200	N/A		25		2	60%	N/A	30
CD <sup>(5)</sup>	5 acres		N/A		35		5	65%	N/A	60
DC <sup>(6)</sup>	30 acres	150	150	40	10	25	4	75%	30%	50
I	30,000 sq. ft.	100	150	35	25	10	2	65%	50%	40 <sup>(7)</sup>
RO	2 acres	200	200	50	50	25	2	50%	30%	30
FP										
R5NOZ <sup>(10)</sup>	30,000 sq. ft.	150	150	50	25	10	2 ½	50%	30%	40
SAMUD -OZ <sup>(12)</sup>	15 acres	500	150	50	15	10	3	65% Commercial 60% Residential	40%	45

<sup>(1)</sup> Lots with frontage on Buckland Road or Sullivan Avenue have a minimum lot width of 150 feet. Where the requirements of Table 4.1.6A are greater, the Table 4.1.6A requirements apply.

<sup>(2)</sup> Lots with frontage on Buckland Road or Sullivan Avenue shall have a minimum front yard setback of 50 feet. Where the requirements of Table 4.1.6A are greater, the Table 4.1.6A requirements apply.

<sup>(3)</sup> Except where noted elsewhere in these regulations.

<sup>(4)</sup> Requirements vary. See Section 4.2 for specific requirements.

<sup>(5)</sup> Requirements vary. See Section 4.4 for specific requirements.

<sup>(6)</sup> See Section 4.3 for additional specific requirements.

<sup>(7)</sup> See Section 4.5.6 for increased height provisions.

<sup>(8)</sup> See Section 4.6.3 for canopy setback requirements.

<sup>(9)</sup> Consolidated parcels totaling a minimum of 2 acres allowed.

<sup>(10)</sup> Requirement for new commercial lots.

<sup>(11)</sup> Pervious surface may be used to increase the coverage of the lot a maximum of 5% when a minimum of the pervious coverage total is a minimum of 10%. See definitions.

<sup>(12)</sup> See Section 5.10 for specific requirements of a Sullivan Avenue Mixed-Use Development (SAMUD-OZ)

## ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

- B.** The building height limit shall be applied separately for each wing or any other distinct portion of the building and may be increased for any building or distinct portion thereof by 1 foot for every 2 feet by which such building or such portion thereof lies inside the nearest limiting line of any required front, side or rear yard. Spires, cupolas, towers, chimneys, flagpoles, penthouses, ventilators, HVAC equipment, rooftop units, tanks, and similar features which are an integral part of the main structure occupying in the aggregate not more than 10% of the building area and not used for human occupancy, may be erected to a reasonable and necessary height.

### **4.1.7 Design Requirements - RC Zone**

#### **A. Design Requirements**

1. Sites and landscaping shall be designed in accordance with the criteria and standards contained in Section 8.7 Architectural and Design Review. Existing trees and hedgerows shall be incorporated into site design and preserved to the maximum extent possible. All building elevations that are visible from a public street must be attractively designed, with windows and/or other architectural elements and features such that no visible elevation looks like the back of a building.
2. All buildings must conform to the provisions of Section 8.7 Architectural and Design Review. Applicants must avoid submitting stereotypical franchise type buildings unless the building truly demonstrates architectural excellence.

#### **B. Access**

The Commission may require or limit the number of access/egress drives and/or direct the placement of same within a Consolidated Parcel such that only 1 or more of several individually or commonly owned "sub-parcels" within the Consolidated Parcel would have a point of access/egress. Such restriction would be in accordance with current access management policies and plans.

#### **C. Yards**

Side or rear yards may be ignored along common boundaries of consolidated lots.

#### **D. Impervious Coverage Bonus**

A 5% impervious coverage bonus may be granted for the consolidation of 2 or more lots that are nonconforming to the minimum lot size requirement into 1 larger lot. When a non-conforming lot is combined with a conforming lot, an additional 5% of the area of the non-conforming lot can be added to the total impervious surface allowed.

### **4.1.8 Mixed Uses in Commercial/Office Zones**

#### **A. Purpose**

The purpose of this regulation is to increase the supply of affordable rental dwelling units in South Windsor by allowing construction of dwelling units in commercial buildings in certain commercial/office zones as a Special Exception use.

#### **B. Applicable Zones**

Mixed uses are permitted by Special Exception in Restricted Commercial, General Commercial, Restricted Office, and Office Conversion Overlay zones only.

## **ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES**

### **C. Design Criteria**

1. Dwelling units must be located above commercial use; first floor commercial uses may not be converted to residential use.
2. Only one level of dwelling units is allowed. Units may be townhouse-style with more than one floor where height restrictions allow, but no unit may be located above another dwelling unit.
3. A separate entrance is required for dwelling units; main entrance(s) for residents cannot be located in close proximity to commercial loading/service areas.
4. Two parking spaces per unit are required. Applicant may request a waiver, which may be granted by the Commission after applicant has demonstrated that shared parking with commercial uses will be adequate.
5. Storage space of 60 square feet per dwelling unit must be provided in addition to normal living quarters' storage space. Storage space may be outside of dwelling unit but must be indoors, readily accessible to residents, and each unit's storage space must be separately lockable.
6. Pedestrian circulation must be attractively designed to encourage use by residents. Appropriate street furniture, e.g., benches, planters, should be provided. The pedestrian areas may include gardens/plantings, brick or other attractive paving materials, etc.
7. Adequate lighting of both pedestrian and parking areas must be provided.
8. Sound insulation must be provided between commercial and residential levels.
9. Maximum number of units allowed per site is 25; there is no minimum.
10. A mix of unit sizes must be provided. No 3-bedroom units are allowed.
11. Where dumpsters are proposed, dumpster locations shall be shown on the site plan. All dumpsters shall be placed on a concrete pad and suitably screened with trees, shrubs, fencing, or by other appropriate means (e.g., the building itself). Solid waste removal services shall be provided by the owners of the development.
12. All building code and fire safety requirements must be met.
13. Domestic hot water, heating, and cooling systems shall be separate for each dwelling unit.

### **D. Special Exception Criteria**

The Commission shall approve a Special Exception for mixed residential/commercial use only if it finds that, in addition to the Design Criteria (paragraph 4.1.8.C above) and the review criteria of Section 8.4 Special Exception Standards and Procedures, the following criteria are satisfactorily met:

1. There is a balance between neighborhood acceptance and community needs.
2. The existing/proposed commercial/office uses are compatible with residential uses.
3. The internal traffic circulation pattern is designed to minimize safety hazards for residents, particularly with respect to access into and out of the building.
4. Site design adequately reflects that residents' needs are accommodated as an integral part of the site design (e.g., recreation, parking, storage, access) such that the site functions as an integrated site.

## ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

5. The proposed mixed use furthers the purpose stated in paragraph 4.1.8.A.
6. There is no undue concentration of high-density residential development in any area/neighborhood.

The Commission shall grant all approvals subject to such conditions and safeguards as will carry out the expressed purpose of these regulations.

All requirements of the underlying zone that are not expressly altered by the above requirements must be met.

### **Section 4.2 Buckland Road Gateway Development Zone (GD)**

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#### **4.2.1 Purpose**

The purpose of the Buckland Road Gateway Development Zone is to create an attractive entrance to South Windsor. This zone should foster high-quality development of businesses and sites, with careful attention to the appearance of buildings and surrounding site, integration of historic structures where possible, and professional landscaping. Within the Zone, it is beneficial to the economic viability of the Zone and the overall high-quality of the area to introduce a multifamily residential component at certain, but not all, locations to create a fully-integrated mixed-use land use pattern to accomplish the purpose of the Zone. Access management will be an integral part of site planning, with interior service drives and limited curb cuts to facilitate traffic flow and safety. In recognition of the fact that it is generally site appearance and performance that determine whether a use is desirable or undesirable, and that there will be desirable uses that have not been developed yet, permitted uses will be those that are able to meet all of the standards enumerated below and in other applicable sections of these regulations.

#### **4.2.2 Definitions**

**Development Area Plan:** Is defined as the site area within boundaries shown on the submitted General Plan of Development or Final Plan that illustrates the proposed development and its physical impacts on surrounding area, facilities and systems in accordance with the regulations. The intent of this is to illustrate the contiguous area for the purposes of creating a new mixed use development.

**Drive-Through Facility:** An establishment that by design encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

**Human Scaled:** Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, shorter light poles (usually 10-14'), weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

**Pedestrian Amenities:** Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of a particular area and contribute to a walk-able center. Typical amenities include extra wide sidewalks, street trees, sitting spaces, weather protection (awnings or canopies), pedestrian scale lighting, bus stop seating, sidewalk dining, etc.

**Pedestrian-Friendly/Pedestrian-Oriented:** Development which is designed with an emphasis primarily on the sidewalk and pedestrian access to and within the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the

## ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

street sidewalk. There are generally windows or display cases along building façades which face the street.

**Strip Commercial Center:** Strip commercial centers are typically developed, owned and maintained as a unit and have large parking lots in front, with many/most of the stores arranged in a straight row and an automobile-centric design. Proliferation results in a pattern of development wherein commercial development is strung along an arterial thoroughfare.

### **4.2.3 General Concepts**

- A. Site planning is an essential criterion of the Buckland Road Gateway Development Zone. Sites developed under this zone are intended to be carefully planned, both within the site's own boundaries and in relation to surrounding properties and the entire Buckland Road Gateway Development zone. It is the express intention of these Buckland Road Gateway Development zone regulations to result in developments that do not resemble typical 'strip commercial centers'. All developments shall be human scaled, pedestrian friendly/pedestrian oriented developments with pedestrian amenities.
- B. Retail developments depend on high visibility from major public streets. In turn, their design determines much of the character and attractiveness of major streetscapes. The marketing interests of many corporations, even with strong image-making design by professional designers, can be potentially detrimental to community aspirations and sense of place when they result in developments that do not contribute to or integrate with the Town in a positive way. In recognition of this, the Gateway zone includes special standards and guidelines for retail developments. These standards and objectives require a basic level of architectural variety, compatible scale, and mitigation of negative impacts. The standards are by no means intended to limit creativity; it is the Town's hope that they will serve as a useful tool for design professionals engaged in site-specific design. The purpose of these standards and guidelines is to augment existing criteria with more specific interpretations that apply to the design of retail store developments.
- C. All buildings must be individually designed by registered architects for compatibility with South Windsor and must conform to the provisions of Section 8.7, Architectural and Design Review. The type of design excellence described in Section 8.7 is usually not obtained with stereotypical franchise-type building designs. Applicants must avoid submitting stereotypical franchise-type buildings unless the building truly demonstrates architectural excellence.
- D. This zone is intended to encourage smaller sites to combine with other sites in order to provide larger-scale sites and developments. As an incentive to promote combining of properties, a 5% impervious coverage bonus will be granted for nonconforming lot consolidation per paragraph 4.1.7.D.
- E. Access management will be required on all sites in order to reduce the number of driveway cuts onto Buckland Road and mitigate the deterioration of traffic flow generally caused by driveways on arterial streets. Access management techniques will include shared driveways (or provisions for future shared driveways for the first site in an area), interior service drives, and other techniques included in South Windsor's access management program.
- F. On sites where stormwater detention/retention will be accomplished via surface detention/retention basins, provisions shall be made for shared detention/retention basins to the maximum extent feasible.





## **ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES**

### **4.2.4 Pre-Application Discussion**

Applicants are encouraged to initiate a pre-application conference with the Commission to discuss the conceptual aspects of the proposed development and to prepare and present a conceptual plan for informal consideration by the Commission. Neither the pre-application conference, the informal review of the concept plan, nor the Commission's suggestions shall be deemed to constitute approval or denial of any portion of the application.

### **4.2.5 Permitted Uses**

- A.** Permitted uses are those commercial, institutional, cultural and municipal uses that reflect the purposes of these regulations by careful attention to the appearance and siting of their buildings and/or site amenities, and that meet all of the performance standards enumerated within this section and all other applicable sections of the these regulations, with the exception of the following specifically prohibited uses in Section 4.2.6
- B.** Grocery stores shall be permitted so long as any grocery store proposed is at least 975 feet corner to corner from any other existing grocery store. 'Specialty' food stores (including, but not limited to, health foods, cheese shops, etc.) of less than 10,000 square feet in size are not considered to be grocery stores and are permitted regardless of their distance from any permitted grocery store or other 'specialty' food store.
- C.** Multifamily Residential Use, subject to the requirements of this Section and the specific requirements of Section 4.2.15.
- D.** Automotive fuel stations are permitted only when accessory to a retail sales and inventory use, where the automotive fuel station use is directly related to such retail sales and inventory use which has a minimum gross floor area of 100,000 square feet. Such facility must be a minimum of 500 feet from Buckland Road and within 1,500 feet of the primary building. In addition to motor vehicle refueling, such automotive fuel stations may also provide: (i) re-energizing services such as propane, electricity or similar service, which may be dispensed directly to the vehicle from pumps, plugs, couplings or some other approved means. The Commission may determine hours of operation. The automotive fuel station shall be designed with the same criteria applicable to permitted uses as provided by Section 4.2.5 (A).
- E.** Drive-through facilities are a permitted use provided they comply with the design standards as set forth in Section 4.2.16 and only when the use to which the drive-through facility is a part of meets the following criteria:
  - a. Hot meals must be made to order.
  - b. Use must be part of a multi-tenant building.
  - c. Restaurant must offer table delivery of food.
  - d. Metal silverware, ceramic plates, and other dishwasher safe materials are required for patron's use on premises. Food cannot be served on premises in/on Styrofoam or plastic.
  - e. The facility must be part of a planned unit development of at least two-hundred thousand (200,000) square feet of gross building area.
- F.** Electric Vehicle Supply Equipment (EVSE) is permitted as a primary use by Special Exception.

**4.2.6 Prohibited Uses**

- A. Gasoline service stations, except an automotive fuel station which is permitted as provided by Section 4.2.5.D; automotive, boat, recreational vehicle, truck, and similar sales, service and repair garages. Public display of any vehicle for sale is strictly prohibited. ‘Boat’ shall not include non-motorized boats up to 16 feet in length (e.g. canoes, kayaks).
- B. Establishments where the principal use is a ‘drive-in’ offering goods/services directly to customers waiting in motor vehicles;
- C. Casinos, arcades (amusement centers with coin-operated or token-operated games or any type of electronic payment for operation of games, or similar) as a principal use;
- D. Adult-oriented businesses (including but not limited to adult bookstores, adult theaters, massage parlors, and the like);
- E. Mini-warehouses/self-storage facilities;
- F. Nightclubs, taverns, social clubs, and similar uses where the primary purpose of the business is the serving of alcoholic beverages;
- G. Stand-alone ‘fast food’ restaurants, more specifically, restaurants that do not meet the criteria as set forth in Section 4.2.5.E. Fast food restaurants are allowed only as part of a larger complex such as a food court in a shopping center.
- H. Stand-alone ‘convenience’ stores, i.e., quick-stop, high-turnover mini-markets;
- I. 24-hour retail sales except those located internally in another facility such as a hotel or assisted living facility;
- J. Tattoo establishments;
- K. Firearms sales, except as a minor accessory use (not to exceed 5% of the gross floor area);
- L. Any use similar in purpose, use, or service to the above prohibited uses, regardless of its name or title; and
- M. On-site dry cleaning.

**4.2.7 Consolidated Parcels**

**A. Purpose**

In the interest of promoting development continuity, the consolidation of contiguous parcels is encouraged. ‘Consolidation’ is defined here as the integration of 2 or more individually owned parcels into a single Consolidated Parcel for the purposes of creating a shared-use arrangement of selected site components, e.g. common points of access/egress, drive passage, parking, loading/unloading, building coverage and yards.

**B. Procedure**

1. A consolidated parcel shall be developed with an integrated plan of buildings, parking, loading and unloading, and open space.

## **ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES**

2. The owner of each lot shall give to the owner of each lot in the consolidated parcel by deed, easement, or agreement filed in the Office of the Town Clerk, the right of entrance, exit, passage, parking, and loading.

### **C. Access**

The Commission may require or limit the number of access/egress drives and/or direct the placement of same within a Consolidated Parcel such that only 1 or more of several individually or commonly owned "sub-parcels" within the Consolidated Parcel would have a point of access/egress. Such restriction would be in accordance with current access management policies and plans.

### **D. Yards**

Side or rear yards may be ignored along common boundaries of consolidated lots.

### **E. Impervious Coverage Bonus**

A 5% impervious coverage bonus may be granted for the consolidation of 2 or more lots that are non-conforming to the minimum lot size requirement into 1 larger lot. When a non-conforming lot is combined with a conforming lot, an additional 5% of the area of the non-conforming lot can be added to the total impervious surface allowed.

## **4.2.8 Yard and Bulk Requirements**

- A. Minimum lot size is 3 acres. Pre-existing legally created lots that do not meet the minimum 3 acre requirement shall be considered legally nonconforming lots in accordance with Section 2.5 Building on Existing Nonconforming Lots.
- B. In order to ensure that there will be large open spaces between the front of buildings and public roads, with minimal yard spaces at the rear of properties, the following setbacks shall apply:
  1. Minimum lot frontage is 200 feet;
  2. Minimum lot depth is 200 feet;
  3. Minimum front yard setback is 65 feet;
  4. Minimum side yard setback is 25 feet; and
  5. Minimum rear yard setback is 10 feet.
- C. Where the Gateway Development Zone abuts a residential zone, the minimum setback from the property boundary shall be 65 feet. Front and side yard setbacks are exclusive of all structures (except permitted signs).
- D. The Commission may grant a waiver to the yard setback requirements for art/sculpture or other decorative items such as fountains.
- E. Maximum impervious coverage is 60%. The Commission may grant a 5% bonus for consolidated parcels (in accordance with the provisions of paragraph 4.1.8.D).
- F. The maximum building height is 60 feet/4 stories for any building that is at least 125 feet from a public street right-of-way, provided, however, that any portion of such building located within 125 feet of the public street right-of-way or any building located in its entirety within 125 feet of the public street right-of-way shall have a maximum height of 30 feet/2 stories.

## ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

- G.** The applicant may request and the Commission may grant a height waiver to increase the building height to 90 feet/6 stories for a building or portion thereof located at least 200 feet from any public street and from any residential zone boundary, if the Commission determines that the site is suitable for a taller building and that the character of the Gateway Development Zone is enhanced rather than diminished by a taller building. In order to qualify for a height waiver, the applicant must demonstrate that the taller building conforms with the following criteria:
1. Site location and topography are such that the taller building blends in with its surroundings rather than standing out from the surroundings. These criteria will generally be met when the site elevation is substantially lower than the adjacent public street(s), and the surrounding commercial development is at a higher elevation than the adjacent public street(s).
  2. The taller building does not unduly disrupt the character of a residentially-zoned neighborhood.
- H.** A 5% reduction in maximum impervious coverage is required for each additional floor above 4 stories. The resulting green areas are to be distributed around the taller building, not isolated in a portion of the site with low visibility in relation to the subject building. This 5% reduction is applicable to the impervious coverage assigned to the tall building based on the applicable formulas for the minimum required lot size.

### **4.2.9 Site Appearance Requirements**

- A.** Sites, buildings, signs, and landscaping shall be designed in accordance with the criteria and standards contained in Section 8.7 Architectural and Design Review. Existing trees and hedgerows shall be incorporated into site design and preserved to the maximum extent possible. Street trees/landscaping shall be incorporated into landscaping plans. Buildings constructed with a visible metal exterior are not permitted. All building elevations that are visible from a public street must be attractively designed, with windows and/or other architectural elements and features such that no visible elevation looks like the back of a building.
- B.** Historic structures shall be preserved and incorporated into site design to the maximum extent possible.
- C.** Existing healthy trees of 6 inch caliper and greater (to be survey-located either singly or as groups) shall be incorporated into the site plan to the maximum extent possible. Similarly, significant stands (10 or more trees) of related species, or consistent scrub-shrub groupings occurring in front, side or rear yards shall be preserved whenever feasible. Welling or mounding are recommended techniques when grade changes are required.
- D.** Driveway lighting in close proximity to Buckland Road shall incorporate standard fixtures and poles in order to obtain a uniform lighting appearance along Buckland Road. The remainder of the driveway/parking lot lighting shall incorporate standard fixtures (or equivalent) from the Gateway Lighting Plan.
- E.** All business, servicing, or processing, shall be conducted within completely enclosed buildings, with the following exceptions:
1. Off-street parking/loading;
  2. Seasonal outdoor dining (in accordance with the provisions of Section 7.15);
  3. Outdoor amenities normally conducted as accessory uses to a hotel, such as swimming pool and patio;

## **ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES**

4. Outside display of merchandise for sale on the interior part of a pedestrian environment such as in a village-style shopping center, or a courtyard area with kiosks or market carts, where outside merchandise display is an integral part of the theme and thus enhances the appearance of the site. This section is not intended to allow outside display of merchandise typically sold inside retail stores in conventional shopping areas; rather, it is intended to encourage true pedestrian-oriented areas in a village atmosphere.
- F. Outside dining and display areas shall not occupy sidewalks intended for pedestrian passage and access. Outside dining and display areas must be shown on the site plan and approved by the Commission.
- G. For the purpose of this Section, garden shops that are contained within walls shall be permitted even though the enclosure does not have a partial or complete roof. The applicant may propose, and the Commission may accept, a ventilated wall similar in appearance to the rest of the building. A fence is not a wall.
- H. Areas reserved for open space and set aside to meet impervious coverage requirements shall be distributed throughout the site in such a manner that the land is visible (from public streets) and/or use-able (e.g., for pedestrian circulation, outdoor entertainment and cultural events, band shell, or arts/crafts shows).
- I. Outdoor storage is prohibited except as expressly permitted in paragraph 4.2.9.E.4 above.
- J. Loading docks/receiving areas shall not be visible from public streets or from residential zones. All loading docks shall be designed as an integral part of the building, shall be suitably screened, and shall not detract from the appearance of the building and site.
- K. Satellite dishes shall be screened so they are not visible from public streets.

### **4.2.10 Specific Site Appearance Requirements for Retail Establishments**

The following additional objectives and standards apply to all retail establishments. Items designated as ‘objectives’ are not mandatory, but are stated in order to provide insight regarding the Town’s design objectives. Items designated as “standards” are mandatory. All design details are subject to Commission approval.

#### **A. Facades and Exterior Walls**

Objective: Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of retail buildings and provide visual interest. The intent is to encourage a more human scale that South Windsor residents will be able to identify with their community.

Standards:

1. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.
2. Ground-floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other architectural features along no less than 60% of their horizontal length. Alternatively, other pedestrian-attractive features such as benches, niches, plantings, and pavers, may be used to create pedestrian interest, subject to Commission approval.

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### **B. Detail Features**

Objective: Buildings should have architectural features and patterns that provide visual interest at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.

Standards: Building facades must include a repeating pattern of at least two of the elements listed below or of other architectural features. At least 1 of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet.

1. Color change;
2. Texture change;
3. Material module change; or
4. Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset or reveal.

### **C. Roofs**

Objective: Variations in rooflines should be used to add interest to, and reduce the massive scale of, large buildings. Roof features should complement the character of adjoining neighborhoods.

Standards: Roofs shall have no less than two of the following features:

1. Overhanging eaves, extending no less than 3 feet past the supporting walls;
2. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 3 feet of horizontal run and less than or equal to 1 foot of vertical rise for every 1 foot of horizontal run;
3. Three or more roof slope planes; or
4. Other roof features.
5. In addition, rooftop mechanical equipment must be set back from building edges, appropriately screened and/or located so the equipment is not visible from public streets.

### **D. Materials and Colors**

Objective: Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and, where appropriate, compatible with materials and colors used in adjoining neighborhoods.

Standards: Predominant exterior building materials shall be high quality materials. These include, without limitation:

1. Brick;
2. Wood;
3. Sandstone;
4. Other native stone;
5. Textured concrete masonry units; and
6. Glass.

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Predominant exterior building materials shall not include the following:

1. Smooth-faced concrete block;
2. Tilt-up concrete panels;
3. Pre-fabricated steel panels; or,
4. Fiberglass or metal (excluding metal roofs).

Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors or fluorescent colors is prohibited.

Neon tubing or similar lighting is an unacceptable feature for building trim or accent areas, unless a waiver is granted by the commission.

### **E. Back and Side Facades**

Objective: All facades of a building should contribute to the pleasing scale features of the building and encourage community integration by featuring characteristics similar to the front facade.

Standard: All building facades shall comply with the requirements of Section 4.2.9.A Facades and Exterior Walls.

### **F. Shopping Cart Management**

Objective: Shopping carts can become an unattractive facet of a retail operation when not actively managed. Outside storage of carts and parking lots with shopping carts strewn around can detract from even the most attractive building design.

Standard: Any retail business that uses shopping carts outside of the building shall have a Commission-approved cart management plan. The management plan must specify the retail operation's cart management program to prevent accumulation of carts in the parking lot. Shopping carts shall be stored in a location and design approved by the Commission. For grocery stores as defined in paragraph 4.2.5.B of these regulations, the management plan must require that the carts be returned to the approved cart storage area immediately after use by the customer. The approved management plan must be implemented. Failure to maintain the standards of the management plan will be subject to enforcement as a zoning violation.

## **4.2.11 Access and Parking**

### **A. Access Management**

Regulation of vehicular access is necessary to maintain the efficient and smooth flow of traffic, to protect the functional level and maximize the traffic capacity of Buckland Road. An access management plan and program has been developed to address:

1. Limiting the number of driveways;
2. Choosing driveway locations to reduce conflicts;
3. Designing driveways to reduce conflicts and the severity of conflicts; and
4. Requiring roadway improvements that reduce or control conflicts.

All sites within the Buckland Road Gateway Development Zone must be designed to incorporate all applicable access management practices and techniques to accomplish the above objectives. Access management practices may include such considerations as:



## ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

1. Shared access between 2 adjacent lots;
2. Consolidated access for contiguous lots;
3. Alternative access via side streets; and
4. Frontage roads.

### **B. Streets**

All streets to be dedicated to the Town shall conform to all applicable Town ordinances and regulations, including the Public Improvement Specifications and the Subdivision Regulations.

### **C. Off-Street Parking**

It is the intent of this Regulation to create off-street parking that is creative and to achieve attractive, innovative parking layouts that will accent and highlight buildings and features of the Buckland Road Gateway Development Zone.

1. The view of parking areas from public streets shall be minimized through the use of perimeter landscaping and berms in addition to any other requirements for parking area landscaping contained in this regulation. Other landscaping elements such as decorative fencing, sculptures, fountains, stone walls, or attractive walkways and pedestrian spaces are highly encouraged.
2. Off-street parking shall generally be distributed around buildings in order to ensure pedestrian oriented/pedestrian friendly sites where pedestrians and the building architecture, rather than the automobile and the parking lot, are the primary focus. Not more than one-third (33%) of the parking shall be located between the principal building and the public street. Corner lots shall have not more than one-third (33%) of the parking located between the principal building and Buckland or Oakland Road. The second frontage street shall have not more than 25% of the parking located between the buildings and the secondary street. The following parking lot arrangements are considered to meet these parking requirements and are encouraged:
  - a. Parking primarily or entirely surrounded by the buildings (courtyard effect);
  - b. Parking areas that are screened from Buckland/ Oakland roads by the principal building(s).
  - c. Parking distributed around three sides of the principal building(s), provided that not more than 33% of the parking is located between the building(s) and Buckland/Oakland roads.
  - d. The Commission may, in its sole discretion, grant a waiver to the provisions of this section for creative, innovative and outstanding parking lot design with features that cause the parking lot to become an integral design feature of the site. Such features could include (but are not limited to) curvilinear designs; architectural pavement including pavers, stamped concrete; exceptional landscaping.
  - e. EVSE Ready Spaces and EV Installed Spaces shall be provided as described in 6.4.10. Minimum Number of EVSE Parking Spaces and Appendix H Electric Vehicle Supply Equipment.
3. No required front yard setbacks shall be used for parking or circulation (except for entrance drives to the site).

### **D. Landscaping Amount**

1. Parking lots located between a building and Buckland Road or Oakland Road (without any other intervening building) shall provide at least 12% landscaped area. This landscaped area may include islands between bays of parking, planted peninsula islands including peninsulas along the perimeter of the parking area, other free-standing landscaped areas (with a minimum dimension of at least 8 feet in its narrowest dimension), and any other area approved by the Commission.

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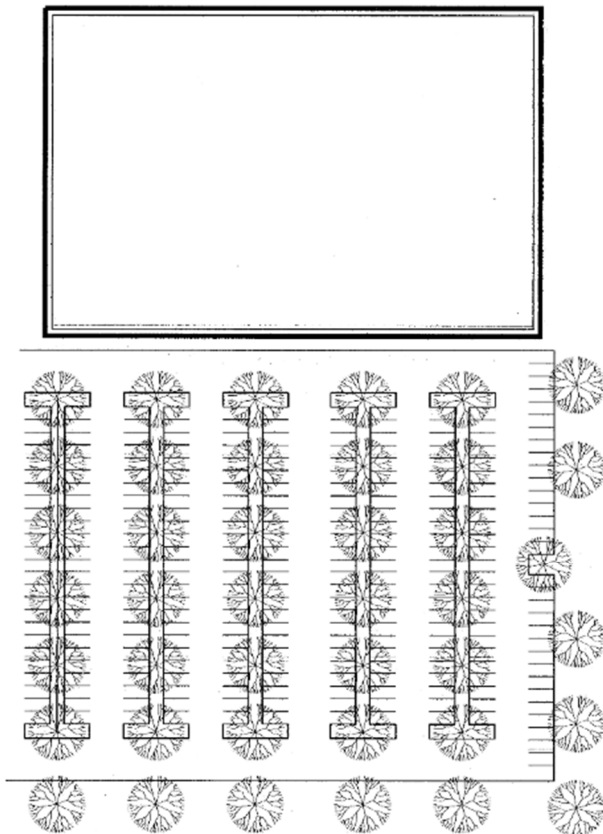
(Not more than 2 peninsulas may be located back-to-back. The purpose of the peninsulas is to break up the parking lot.) In addition, all front parking areas shall also be landscaped around the perimeter utilizing berming to minimize the view of the parked cars from Buckland Road and to highlight the buildings.

2. All other parking areas shall meet the landscaping requirements of Section 6.4.6 Parking Lot Landscaping.

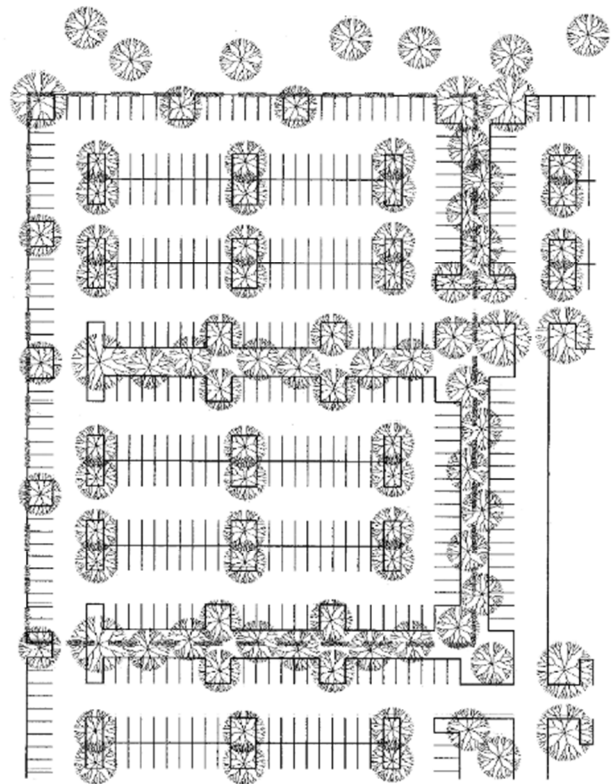
### E. Landscaping Design

1. It is the intent of these regulations to allow the applicant to have flexibility in the design of parking areas. Parking area design is to take into account natural features whenever possible, grading of the site, visibility of the site from adjacent public streets, and the even distribution of landscaping throughout the parking area. The following are examples of possible layouts of parking area landscaping:

**Parking Area Sample Layout - Diagram 1**



**Parking Area Sample Layout - Diagram 2**



2. Parking areas may be divided into individual bays (a bay is an aisle with a row of parking spaces on each side of the aisle). Each bay must be separated from other bays by a landscaped island of at least 8 feet in width the entire length of the bay. Terminal islands shall separate the bay from any driveways or access ways. See Diagram 1. Note: the sole purpose of the parking diagrams is to illustrate parking lot landscaping and possible arrangement of bay, not to illustrate possible layout of parking in relation to building.

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3. Parking areas may be divided into individual areas connecting across bays. Such areas are to be divided by landscaped islands at least 16 feet wide at every row of parking spaces. Such landscaped islands shall occur at least every 10 parking spaces. It is not necessary that such islands align with each other from bay to bay. See Diagram 2.
4. Other alternative parking designs, including covered parking or multi-level parking, may be approved by the Commission in lieu of, or in addition to, the above designs when such alternative design is creative and uses unusual layouts or landscaping design to achieve attractive, unconventional parking areas.

### **F. Loading Docks/Receiving Areas**

1. Loading docks/receiving areas shall not be visible from Buckland Road or residential zones. Sufficient on-site vehicular maneuvering area must be provided; trucks destined to, or coming from, loading docks shall not require maneuvering movements within the public highway. The number of loading spaces shall be sufficient to accommodate the anticipated loading requirements of building users, which requirements shall be in accordance with industry practice, but not to exceed said requirement.
2. No loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 db, as measured at the lot line of any adjoining property. No truck deliveries or pickups are allowed between the hours of 10:00 p.m. and 7:00 a.m. Hours of truck deliveries or pickups for times between 10:00 p.m. and 7:00 a.m. may be allowed only as a Special Exception use if the Commission determines that the criteria in Section 8.4, Special Standards and Procedures, as well as the following criteria, are satisfied.
  - a. There shall be no truck delivery or pickups between the hours of 10:00 p.m. and 5 a.m.
  - b. A truck routing plan shall be submitted showing truck movements for the site that access the site only from Buckland Road and Deming Street without passing by any residential buildings within Evergreen Walk in the Buckland Road Gateway Development Zone or residentially zoned properties. If primary and alternate truck routes are designated, an alternate route may pass by residential buildings within the Buckland Road Gateway Development Zone, provided provisions are included in the site plan to limit use of the alternate route to emergencies and temporary situations where the primary route is blocked.
  - c. The loading dock shall be located at least 1,320 feet from the nearest residentially zoned dwelling unit and at least 500 feet from any residential building within the Buckland Road Gateway Development Zone.
  - d. The modified hours of operation are permitted only with regard to retail sales and inventory use that has a minimum gross floor area of 150,000 square feet.
  - e. The loading area shall be appropriately screened to reduce sound by recessing the loading area or orientation of the building and location of the loading area, etc. unless the Commission determines that the screening is not necessary because there are no residentially zoned properties or residential buildings that would be affected.

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### **4.2.12 Pedestrian/Bicyclist Circulation**

Sidewalks are required along site frontage. All Buckland Road sidewalks shall be constructed to Town specifications. Alternative sidewalks or pedestrian access ways located within a site are encouraged, provided that such alternative sidewalks interconnect to existing or future walkways on abutting properties. The applicant is encouraged to provide site interior walkways that link street/drive walks with existing or future multimodal trail systems.

### **4.2.13 Buffers**

Buffers shall conform to Section 6.2.4 Buffers with the following exception:

1. Buffers are not required along Buckland Road or Oakland Road frontage.

### **4.2.14 Outdoor Storage, Trash Collection, and Loading Areas**

- A. Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances. For a site designed with a ‘cluster’ or ‘village’ concept, trash storage areas should be common areas not visible to the public, separated from the rest of the complex by appropriate screening.
- B. Areas for truck parking, trash collection or compaction, loading docks/doors, or other such uses shall not be visible from abutting streets or adjacent residential zones.
- C. No part of a loading dock shall be located within 100 feet of a residential zone boundary.
- D. Loading docks, truck parking, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties, public streets, pedestrian ways and public sidewalks; and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.

### **4.2.15 Specific Requirements for Multifamily Residential Uses**

#### **A. Site Design Requirements**

1. Objective: The site shall be designed to integrate the multifamily residential use with other approved commercial uses (including, but not limited to, retail, office, and recreation uses) to achieve a village-styled mixed use environment with the residential use fully integrated into the development area plan including buildings that contain commercial uses. Such integration within the development area shall also include shared roadways/parking, utilities, appropriate open space area, landscaping/buffers, strong pedestrian interconnections within the commercial/residential development and to other adjacent non-residential uses, and related improvements.

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### 2. General Standards:

- a. Multifamily residential uses shall be permitted. Buildings containing multifamily residential uses may include, but do not require, commercial uses located on the ground floor and/or other floors above the ground floor.
- b. Multifamily residential units shall be either studio/efficiency units, 1-bedroom units, or 2-bedroom units. Not more than 50% of the total number of residential units shown on a Final Plan or a General Plan of Development or within a first phase of those plans shall be 2-bedroom units.
- c. The floor area of the aggregate of all residential units in the proposed development area shall be limited to a maximum ratio of 2:1 to the commercial floor area shown on the submitted Development Area Plan. Facilities for the sole purpose of support of a multifamily residential use, such as club house, meeting rooms, offices, garage space, etc., shall not be counted as either residential or non-residential floor area in determining compliance with the ratio.
- d. The construction of a development plan may be approved by the Commission to be done in phases. Projects shown in an approved Development Area Plan which are to be constructed in phases shall generally require development of both residential and commercial buildings which maintain the minimum floor area ratio between both.

The applicant shall submit a plan for ensuring conformity with Section 4.2.15.A.2.c (residential / commercial ratio) including the phasing and timing of the construction elements. Said plan and schedule must be approved by the PZC. The PZC shall require surety to establish regulatory compliance. The PZC may require in its approval measures to be taken, including but not limited to, the withholding of building permits and/or certificate of occupancies to enforce approved timelines, percentages, and other conditions of approval.

- e. The size of a multifamily residential use which is under construction at any one time may be limited by the Commission during the approval process by requiring phasing of construction and/or a reduction in the number of residential units to be built in any phase to an amount not to exceed 110 residential units per phase or development area as showing in the General Plan of Development. The total number of residential units in the Buckland Road Gateway Development Zone shall not exceed 200 units.
- f. Each residential unit shall require a minimum of 750 square feet of open space within the site. Such open space may be for recreation purposes (active or passive) or for preservation of natural features (wetlands, wooded areas, open lawns, etc.) or both. Regulated wetlands can not exceed 20% of the required open space.
- g. Pedestrian and bicycle accommodations are required to interconnect to existing or future walkways on abutting properties or development areas and to link to the street/drives walks with existing or future multimodal trail system.
- h. Parking shall be provided at a minimum rate of 1.75 spaces per multifamily residential unit and may be designated in open lot parking, carports, or garages. Parking spaces shall be a minimum of 9 feet wide by 18 feet deep. Parking spaces in multi-story parking garages may be smaller subject to approval by the Planning and Zoning Commission. A reduction in the number of parking spaces will be allowed when the Planning and Zoning Commission deems the reduction to be in the best interests of the Town according to the requirements in Section 6.4.9. Unenclosed parking of recreational vehicles is prohibited. EVSE Ready Spaces and EV Installed Spaces shall be provided as described in 6.4.10. Minimum Number of EVSE Parking

## **ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES**

Spaces and EV Installed Spaces shall be provided as described in 6.4.10. Minimum Number of EVSE Parking Spaces and Appendix H Electric Vehicle Supply Equipment. All garages shall be wired as EV Ready Spaces.

- i. Infrastructure improvements such as utilities, roadways, and related improvements shall conform to Town design standards. Twenty-four (24) foot pavement width for driveways is acceptable. Standards may be reduced or waived as deemed appropriate and approved by the Planning and Zoning Commission. All utilities shall be underground. Sidewalks shall be required to appropriately interconnect the proposed development with other uses on the site or adjacent sites and also wherever deemed necessary by the Commission within the Development Area Plan limits.
- j. Roadways and utilities: Unless specifically noted by the applicant at the time of site plan application and specifically approved by the Commission, all roads and utilities within the Development Area Plan shall be owned and maintained by the owner (or owners) of development area, an association or other entity formed to carry out maintenance utility company, and/or a combination of same but not the Town of South Windsor
- k. Solid Waste Disposal: Any solid waste stations (dumpsters) shall be placed on a concrete pad, appropriately screened, and maintained. The location and design of the screening/enclosure shall be shown on the plans submitted with the Final Plan.
- l. Buffers: Required buffers, in accordance with Section 6.2, shall be provided between the overall site on which the multifamily residential component is proposed and any adjacent residentially zoned property which is not in common ownership with such site. Where land on this site or the adjacent lot is restricted by a conservation easement, that land, at the discretion of the Commission, may be considered to be a portion of or all of the required buffer provided that the conservation easement area meets all of the buffer standards and requirements as outlined in Section 6.2.4 of these Regulations.

### **B. Building Design Requirements**

1. Objective: Buildings shall have architectural features and patterns that provide visual interest, are at human scale, reduce building massing to residential scale, and recognize both local and New England character. The elements in the following standards shall be integral parts of the building design.
2. Standards:
  - a. Roofs: Roofs shall be identifiable with roof patterns normally seen in residential structures in the local and New England area and considered to be part of an architectural period design.
  - b. Roof-top mounted and at-grade installed mechanical equipment must be installed, screened, and/or located so the equipment is not visible from streets as defined in these Regulations.
  - c. Housing unit types: The Development Area Plan shall include buildings which contain a mixture of housing unit types. Housing types may include units that allow the occupant to also conduct a small business within the unit (live/work units).

### **C. Materials and Colors**

1. Objective: Exterior building materials and colors are a significant part of the visual impact of a building. They must be aesthetically pleasing; use materials normally found in residential construction in the local area and New England, and, where appropriate, be compatible with other residential construction in the local area.

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### 2. Standards:

- a. Predominant exterior building materials shall be high quality materials and may include, without limitation the following: (The purpose is to develop an exterior façade that will require low maintenance.)
  - i. Brick
  - ii. Native Stone
  - iii. Shingles or shakes
  - iv. Wood
  - v. Cultured stone
- b. Further, exterior building materials shall not include the following:
  - i. Smooth-faced concrete block
  - ii. Prefabricated steel panels
  - iii. Fiberglass or metal (excluding trim and roofs)
  - iv. Vinyl clapboard siding
- c. Basic finishes shall be presented by an applicant at the time of an application for a Special Exception/General Plan of Development. Changes to these finishes shall be made only with approval of the Commission or its designee.
- d. Back and side facades of a building shall contribute to the pleasing scale features of the building and shall be integrated with the front façade by featuring materials and characteristics similar to the front façade.
- e. At least twenty-five percent (25%) of the total building elevation surfaces shall be finished with brick, natural stone, cultured stone, other approved masonry material, or shakes or shingles.
- f. Interior finishes shall be of essentially high or superior characteristics that are normally evidenced in high-quality residential construction. Finishes may include, but are not limited to, carpeting, ceramic/stone tile, natural/cultured stone or acrylic polymer solid surface counter- tops, solid core or solid wood doors, paneled doors, hardwood flooring, hardwood trim, specialty trims (such as crown molding, chair rail, and base molding), wall tile and wall covering in appropriate rooms (kitchen and baths), fireplaces (but not in every unit), bookcases, window seats, etc.
- g. Residential unit layouts shall evidence creativity and uniqueness with special consideration being given for higher ceiling heights, openness of plans, unique rooms and spaces, etc.

### D. Application Procedure

1. Within the Buckland Road Gateway Development Zone, development involving multifamily residential use shall require submission by an applicant and approval by the Commission of a Special Exception in accordance with the requirements of Section 8.4 and Section 4.2.15 as follows.
2. A General Plan of Development application shall be submitted with any special exception application and such plan shall conform to the requirements of Section 8.6.3 of these Regulations.
3. Upon application of the owner of the land or the owner's duly authorized agent, the Commission may, in appropriate cases and subject to appropriate modifications and safeguards prescribed by

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it, grant a Special Exception approval for multifamily residential development, subject to the requirements of these Regulations.

4. Special Exception Review Criteria. Applications for multifamily residential use may be approved by the Commission if it determines that the application meets the appropriate standards of Section 8.4.B and the following:
  - a. The location of the multifamily residential use is fully integrated with other commercial, retail, office and/or recreational uses;
  - b. The proposed multifamily residential use shall be appropriately buffered from adjacent residential uses
  - c. The multifamily residential use has been designed to meet the legal requirements for the disabled; and
  - d. Whether the site either is, or will be, within reasonable pedestrian proximity to shopping, services, and institutions, as are routinely required by the future residents of the site.
5. Upon approval of a Special Exception/General Plan of Development, an applicant shall submit an application for Final Plan approval of the area included in the General Plan of Development or an approved phase of that approved General Plan of Development. A Final Plan shall conform to the requirements of Section 8.6 of these Regulations and with the requirements of this Section.
  - a. The Commission may require a public hearing on any Final Plan application.
  - b. Basic finishes shall be presented by an applicant at the time of an application for a Final Plan. The approved finishes will be deemed integral to the approval of the Final Plan.
6. A modification to an approved Special Exception/General Plan of Development may be proposed to expand the area on which multifamily residential uses are allowed or, if required hereunder, to add an additional phase, provided:
  - a. All of the criteria of this section are met; and
  - b. Upon the granting of the modification to a Special Exception/General Plan of Development, the site included in the modification and the previously approved site shall be considered one site for the purpose of all of the criteria defined in this section.
7. It is recommended that the applicant prepare a set of Preliminary Plans showing the Development Area Plan for an initial meeting with the Commission. The purpose of the meeting is to provide an informal opportunity for the applicant to obtain the advice and assistance of the appropriate Town Officials before preparation of the General Plan of Development or a Final Plan. The Preliminary Plan shall be in conformance with Section 8.6.4 of these Regulations.

### **4.2.16 Design Standards for Drive-Through Facilities**

- A. There shall only be one drive-through per building.
- B. The applicant must demonstrate that the design provides for safe and orderly vehicular and pedestrian flow and circulation of traffic and minimizes vehicular and pedestrian conflicts.
- C. Drive-through elements of a building are to be incorporated into the building's architectural style to achieve an integrated design, and the service window(s) shall be located to the rear or the side of the building. Drive-through lanes shall have adequate motor vehicle queuing based on the proposed uses and shall include a bypass lane.



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- D. Limit one menu board per drive-through lane, not to exceed seven feet (7') in height as measured from top of finished grade at base of menu board.
- E. Limit one preview board per drive-through lane, not to exceed seven feet (7') in height as measured from top of finished grade at base of preview board.
- F. Limit one clearance bar per drive-through lane.
- G. Canopies covering a drive-through shall use a similar roof form, pitch, and materials consistent with the principal structure. Architectural features of such, shall be similar in nature to those of the main building. Canvas awnings are also an approved covering over the pick-up window(s).
- H. Canopy supports for canopies covering a drive-through shall be designed to complement the building in form and materials.
- I. Internal illumination of the canopy covering a drive-through is not permitted.
- J. For canopies covering a drive-through, lighting must be fully recessed to the ceiling of the canopy providing full cut-off of lamps/bulbs.
- K. Applicant will screen from public right-of-way view(s) of all cars within the drive-through queue and drive-through components, including but not limited to menu board, preview board, and clearance bar. Screening solutions include landscaping, berms, decorative fencing or any combination of those. Any proposed screening solution will complement the surrounding environment and architecture of the building in which the drive-through facility is located. A sight line study is required to illustrate proper screening.
- L. No more than two queue lanes are permitted with the exception of financial uses where three queue lanes are permitted and shall include a bypass lane.
- M. The drive-through facility shall be designed to reduce pedestrian and vehicular conflicts. A minimum of seventy-five percent (75%) of the parking spaces shall be designed so there are no conflicts between the stacking lanes and the pedestrian access into the facility. The applicant may seek relief from Zoning Ordinance 4.2.11 Parking and Access, Item C.2 due to physical restraints of the site provided the drive-through meets the other criteria listed in this section.
- N. Queue lanes shall be designed to achieve maximum efficiency of the functioning of the stacking lanes as well as the overall site. The queue lane(s) shall be effectively separated from the parking field through the use of curbing, raised islands, and/or landscaping improvements. The Commission may permit the use of hardscape improvements such as decorative pavers, bollards, and raised crosswalks to meet the design objective. For restaurants, a minimum total of 10 (ten) vehicle spaces shall be provided in the drive-through aisle. Unless specific operations mandate otherwise, a minimum length to accommodate 7 (seven) vehicles is available between the entrance to the stacking lane and order station, and that the aisle is contained within the site and located a good distance from any vehicular entrance. This requirement can be modified when documented through a queuing study to confirm appropriate length.
- O. The service area and queue lanes(s) shall be located fifteen feet (15') from the property line of adjacent commercial uses and fifty feet (50') from the property lines of adjacent residential uses to prevent noise or lighting impacts. Headlights from the queuing vehicles shall be screened as to not create glare or bright lights issue with pedestrians or adjacent traffic (or traffic patterns) or adjacent businesses.
- P. The drive-through pick-up window shall not face the public right-of-way.
- Q. The drive-through pick-up window shall be set back a minimum of one hundred fifty feet (150') from the right-of-way.

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- R. Each drive-through lane shall be properly striped, marked, or otherwise distinctly delineated.
- S. The minimum width of a drive-through lane shall be nine feet (9’).
- T. The access points to the drive-through facility from the public right-of-way shall be constructed a sufficient distance from roadway intersections to prevent traffic conflicts, overflow, and congestion. When possible, the drive-through facility shall exit onto a secondary street. Primary access drives to the drive-through facility are not permitted along Buckland Road.

### **Section 4.3    Designed Commercial Zone (DC)**

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#### **A. Purpose**

The purpose of the Designed Commercial Zone is to provide for and encourage the commercial development of larger parcels of land. The development of a qualifying parcel may be accomplished in phases. Except as otherwise provided by Section 4.1 and Table 4.1.1A, and in an effort to encourage such development, permitted uses shall be subject to site plan review and approval as provided by Section 8.6, herein. The development shall meet special design standards and requirements as provided in these Regulations.

#### **B. General Requirements**

1. Minimum area: The initial tract of land for the overall development plan shall consist of a single lot, or a number of contiguous lots, under one ownership or control having a total area of not less than thirty (30) acres. The land associated with an individual phase, unit or lot development within the initial tract shall not be subject to this minimum of thirty (30) acres requirement, so long as the initial tract for the development plan comprised a minimum of thirty (30) acres.
2. Minimum Landscaping and Open Spaces Uses:
  - a. Parking
    - i. Not less than ten (10%) percent of the interior of a parking lot containing fifty (50) or more parking spaces shall be landscaped with trees and continuously maintained. The Commission may reduce to up to one-half (1/2) of this ten (10%) percent requirement when the development plan is consistent with the intent of this section to promote landscaping enhancements and open space uses.
    - ii. Planting along the perimeter of a parking area, whether for screening, landscaping or buffering, will not be considered as part of the ten (10%) percent interior landscaping requirement.
    - iii. Where a parking area abuts the buildings on the subject property, the adjacent border plantings are not considered as part of the interior landscaping.
    - iv. Planting beds shall have an area of not less than twenty-five (25) square feet, excluding curbing.
    - v. Planting beds must be distributed as evenly as possible throughout the parking area.
    - vi. The parking and landscaping plan shall show a satisfactory method of storm drainage and snow storage, and planting beds shall be protected by curbing.

## ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

- vii. The parking lot landscape plan shall be drawn to scale and show the plant list giving common name, height, caliper, eventual spread, the quantity of each, and when appropriate, the spacing.
- viii. Ground cover along is not acceptable. Trees selected will be checked for suitability with regard to eventual spread and adaptability to existing soil and climatic conditions.
- ix. Preparation of beds for trees shall be described. Mulched planting beds shall be provided around all trees and shrubs.
- x. Gravel or stone shall not be used for ground cover unless suitably contained within the intended area.
- xi. Trees and bushes planted within five (5) feet of any parking area shall be of a variety capable of withstanding salt damage.
- xii. When possible, existing trees shall be saved by appropriate welling and mounding.
- xiii. In order not to alter excessively the groundwater table, the applicant is encouraged to integrate water detention areas within the overall design of the parking lot.

### 3. Open Space Requirement

- a. At least ten percent (10%) of the gross area of the initial (in addition to parking area landscaping) shall be devoted to open space, and such areas shall be suitably landscaped and maintained. Such open space may include buffers and planting beds adjacent to buildings.

### 4. Setback Area and Similar Requirements; Inapplicability of Certain Provisions

- a. The overall development plan for the initial tract shall meet all bulk/area requirements, and all other applicable standards, as provided by the DC Zone Regulations. Individual phases, units or lots within the overall development plan shall not be subject to the bulk/area requirements, and other applicable standards such as open space, of the DC Zone as such requirements only apply to the overall development plan for the initial tract. However, the overall development plan for the initial tract is subject to such requirements.
- b. As may be applicable and where such provisions are not inconsistent with any other applicable provision of the DC Zone, the site appearance requirements of Section 4.2.9 of these Regulations shall apply to the DC Zone.
- c. Every structure shall have legal access to an arterial street, and no structure and no group of structures shall be erected in such proximity to any other structure as to constitute a fire hazard, or to prevent adequate light and air from reaching such structure.

### 5. Building Height

- a. The building height of any structure within a DC Zone shall not exceed four (4) stories, or fifty (50) feet, whichever is lower, except that a greater building height for any structure may be permitted where, in the judgment of the Commission, such greater building height is in keeping with the purpose and intent of these Regulations and is approved by an affirmative vote of two-thirds of the Commission members.

### 6. Roads, Parking Areas, Sidewalks and Curbing

- a. All roads within a DC Zone to be dedicated to the Town shall conform to all applicable Town ordinances and regulations. The design of all other access ways shall be subject to approval by the Commission consistent with these Regulations.

## **ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES**

### **7. Off-Street Parking Requirements/Loading Spaces**

- a. Minimum parking for retail uses within the DC Zone shall be 4 spaces per 1,000 square feet of gross floor area. The applicable parking requirements as provided in these Regulations for all other permitted uses shall apply to such uses to the DC Zone.
- b. The provision of Section 6.4 shall apply to the DC Zone, provided, however, that the Commission may require an additional number of parking spaces within a DC Zone or any phase, unit or lot thereof, as the public interest may require, or may reduce such requirements for appropriate reasons consistent with the requirement of these Regulations, provided that such reasons are made part of the record.

### **8. Utilities, Sewers, Water Supply, Fire Protection, Storm Drainage**

- a. No development plan in a DC Zone shall be approved unless adequate public utilities, public sanitary sewers, and storm drainage are to be provided by the developer or developers, and clear evidence has been furnished of safe and satisfactory means of supplying potable water and fire protection, and unless the proposed utilities, sewers, drainage, potable water supply and fire protection have been shown to be adequate to accommodate reasonably anticipated future development with the DC Zone that the development proposal is located within. The developer or developers shall also provide fire hydrants at appropriate locations. All Town specifications for the furnishing and installation of water systems and hydrants must be met.
- b. Utilities
  1. All utilities in the Designed Commercial development shall be placed underground including electric power transmission lines and telephone lines, unless a sufficient reason, consistent with these Regulations, not to do so is demonstrated to, and approved by the Commission.
- c. Buffer Areas
  1. Buffers shall conform to Section 6.2.4
- d. Trash Removal
  1. No trash removal or compaction shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

### **C. Off-Site Improvements**

1. The Commission shall require improvements in the utility, transportation, or public service systems of the Town of South Windsor where in the judgment of the Commission the impact of the proposed development will create a direct adverse condition requiring improvements for safe and proper operation, whether such improvements are on or off the site area.

### **D. Development of Zone District Over Period of Years**

1. Approval of the zone change application shall establish a DC Zone for the property described in the application, and the Zoning Map shall be amended accordingly. All documents for such zone change shall be filed with the Town Clerk, as required by the General Statutes.
2. The development of a parcel within a DC Zone may be completed in phases, units, or on lots within the overall parcel. A detailed site development plan limited to one or more phases, units, or lots within the overall parcel, may be approved by the Commission as provided herein.
3. The development for each phase, unit, or lot shall comply with the requirements of these Regulations, and shall be capable of independent existence without the completion of succeeding phases within the overall development.

**E. Procedure**

1. If an applicant is seeking approval to change a parcel to the DC Zone, in addition to submitting a request for zone change in accordance with these Regulations, an applicant shall also file a General Plan of Development which will be advisory only, but will establish the applicable bulk/area and open space requirements for the parcel. The General Plan of Development shall be submitted in accordance with the requirements of Section 8.6.3. If the zone change is approved, the establishment of the DC Zone shall permit the applicant and/or his assigns and/or successors, to proceed with seeking approval of permitted uses subject to the provisions of these Regulations. Such development shall comply with all requirements as provided by Section 4.3(B), and shall also be subject to all other applicable requirements as provided by these Regulations including the requirements provided by Section 4.3(E)(2), herein.
2. Once a parcel is approved for the DC Zone, except as otherwise provided by Section 4.1 or Table 4.1.6A, all permitted uses shall be subject to site plan review and approval as provided by Section 8.6, and any proposed use shall be subject to all other applicable standards as provided herein including such standards that relate to the overall parcel as provided by Section 4.3(B).
3. An applicant may process a request for zone change and General Plan of Development as provided by 4.3(E)(1), simultaneously with a required use application as provided by 4.3(E)(2).

**F. Detailed Site Plan of Development for Issuance of Building Permits**

1. No building permit shall be issued with respect to property in a DC Zone, or any phase, unit or lot development thereof, except in accordance with approval from the Planning and Zoning Commission obtained pursuant to the provisions of these Regulations.

**Section 4.4 I-291 Corridor Development Zone (CD)**

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**4.4.1 Purpose**

The purpose of the I-291 Corridor Development Zone is to:

1. Establish a legal framework for land use alternatives that will provide the applicant with a wide variety of development opportunities.
2. Encourage creative design proposals seeking the ‘highest and best’ use of the land.
3. Empower the Town with a measure of control over the type and quality of development.
4. Provide development flexibility allowing the zone to be responsive to market trends, and help the Town to realize optimum economic returns.
5. Promote high-quality development of the I-291 Corridor Zone with respect to building and site design, environmental sensitivity and fulfillment of the community health, safety and welfare interests.

**4.4.2 General Concepts**

The I-291 Corridor Development Zone has been created and is meant to be administered on the basis of the following concepts:

## **ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES**

- A.** That the potential exists for the zone to accommodate a wide variety of land uses including commercial, office/business, hotel/motel, conference center, service and light industry. That there are minimal restrictions on the location of these uses within the zone provided that compatibility with an adjacent development (within the zone) or existing land use in an abutting zone can be satisfactorily demonstrated.
- B.** That all development exhibits a high standard of quality in construction detail, materials, and appearance. That development reflects accepted professional standards of design and is consistent with the applicable State and local standards, codes and regulations.
- C.** That site planning is an essential criterion of the I-291 Corridor Development zone. Sites developed under this zone are intended to be carefully planned, both within the site's own boundaries and in relation to surrounding properties and the entire I-291 Corridor Development Zone.
- D.** That this zone is intended to encourage smaller sites to combine with other sites in order to provide larger-scale sites and developments. As an incentive to promote combining of properties, a 5% impervious coverage bonus will be granted for property consolidation per paragraph 4.1.7.D.
- E.** That access management is required on all sites, in order to reduce the number of driveway cuts onto Route 30 and/or other arterial streets to mitigate the deterioration of traffic flow generally caused by driveways on arterial streets. Access management techniques include shared driveways (or provisions for future shared driveways for the first site in an area), interior service drives, and other techniques included in South Windsor's Access Management Program.
- F.** That all development be sensitive to environmentally regulated areas within the zone. That maximum effort is made to retain and integrate significant natural features into the development proposal wherever possible.

### **4.4.3 Permitted and Prohibited Uses**

Permitted uses are those commercial, office, hotel/motel and industrial uses that reflect the purposes of these regulations by careful attention to the appearance and siting of their buildings and/or site amenities, and that meet all of the performance standards enumerated within this section and all other applicable sections of the these regulations, with the exception of the following specifically prohibited uses:

1. Gasoline service stations/automotive sales, service and repair garages;
2. Casinos, arcades (amusement centers with coin-operated games);
3. Adult-oriented businesses (including but not limited to adult bookstores, adult theaters, massage parlors, etc.);
4. Nightclubs, taverns, social clubs, and similar uses where the primary purpose of the business is the serving of alcoholic beverages;
5. Any use similar in purpose, use, or service to the above-prohibited uses, regardless of its' name or title; and
6. Residences/residential uses.

### **4.4.4 Consolidated Parcels**

#### **A. Purpose**

In the interest of promoting development continuity, the consolidation of contiguous parcels is encouraged.

## ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

‘Consolidation’ is defined here as the integration of 2 or more individually-owned parcels into a single Consolidated Parcel for the purposes of creating a shared-use arrangement of selected site components, e.g. common points of access/egress, drive passage, parking, loading/unloading, building coverage and yards. Side or rear yards may be ignored along common boundaries of consolidated lots.

### B. Procedure

1. A consolidated parcel shall be developed with an integrated plan of buildings, parking, loading and unloading, and open space.
2. The owner of each lot shall give to the owner of each lot in the consolidated parcel by deed, easement, or agreement filed in the Office of the Town Clerk, the right of entrance, exit, passage, parking, and loading.

### C. Access

The Commission may require or limit the number of access/egress drives and/or direct the placement of same within a Consolidated Parcel such that only 1 or more of several individually or commonly owned "sub-parcels" within the Consolidated Parcel would have a point of access/egress. Such restriction would be in accordance with current access management policies and plans.

### D. Bulk Requirements

<b>Minimum lot frontage</b>	<b>300 feet if located on Route 30 or Route 5; 150 feet if located on an interior public street; no frontage requirement if located on a private street</b>
<b>Minimum lot size</b>	<b>5 acres**</b>
<b>Minimum yard setbacks:</b>	
<b>Front</b>	<b>50 feet</b>
<b>Side</b>	<b>20 feet</b>
<b>Rear</b>	<b>20 feet</b>
<b>Maximum impervious coverage</b>	<b>65%*</b>
<b>Maximum building height</b>	<b>See Section 4.4.5.C</b>
<b>Required off-street parking</b>	<b>See Section 4.4.6</b>

\*An additional 5% impervious coverage bonus will be granted for: (1) any single site in excess of 25 acres that is planned and developed as an integral site; or (2) any Consolidated Parcel (see Section 4.4.4).

\*\* The minimum lot size requirement can be reduced to 3 acres if included in a Consolidated Parcel (see Section 4.4.4).

### E. Impervious Coverage Bonus

A 5% impervious coverage bonus may be granted for the consolidation of 2 or more lots that are non-conforming to the minimum lot size requirement into 1 larger lot. When a non-conforming lot is combined with a conforming lot, an additional 5% of the area of the non-conforming lot can be added to the total impervious surface allowed.

## ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

### **4.4.5 Site Appearance Requirements**

Development proposals for the I-291 Corridor Development zone will be reviewed for appearance and compatibility. While creative design approaches are encouraged, quality in levels of detail, material selections, and functional adequacy will be expected. Following are general guidelines:

- A. Architectural and site design criteria and guidelines will be as described in Section 8.7 Architectural and Design Review.
- B. Relationships to land uses in abutting zones and adjacent developments within the zone (compatibility) are important considerations that will be critically reviewed by the Commission. Concerns in this regard will include view sheds; buffers (vegetative and architectural); building scale, massing, configuration and height; light spill; emissions (noise); use intensity/frequency; light/air obstruction; and signage.
- C. Building height shall be compatible with highway elevation unless applicant demonstrates to the Commission that building height is irrelevant in a specific area. Taller buildings are recommended where I-291 is above grade, so that the traveling public is not looking down upon a building's roof. When this is unavoidable, the roof must be designed to be attractive from the highway; flat roofs are not acceptable when below the I-291 grade and visible from the highway at any time of year. Taller buildings are also expected to provide increased building setback from the street upon which they front. In no instance shall a building exceed 5 stories or 60 feet, whichever is less.
- D. The Corridor Development zone includes extensive areas of regulated wetlands and utility easements/rights-of-way. These areas will be incorporated into site planning to provide (as appropriate) multi-use trails that traverse the corridor.
- E. All business, servicing, processing (except for off-street parking/loading) shall be conducted within completely enclosed buildings. Outdoor storage and/or activities may be allowed only as a Special Exception use if the Commission determines that the criteria in Section 8.4, Special Standards and Procedures, as well as the following criteria, are satisfied.
  - 1. Outdoor storage is NOT allowed for products and/or materials used in manufacturing, processing, packaging and/or assembly of components or goods for sale or distribution; construction businesses; or wholesale or retail sales (except garden/nursery centers accessory to a permitted use). Outdoor storage, however, IS allowed as an accessory use to a product distribution center, provided:
    - a. The maximum allowable area of outdoor storage is no greater than 10% of the total site area; and
    - b. Such outdoor storage area is appropriately screened from public streets by effective architectural and/or landscape architectural elements, which may include, for example, extensions of building walls, plant materials, berms, fences, or a combination of one or more of these elements.
  - 2. Outdoor storage must be screened from public streets. The Commission may require that outdoor storage also be screened from abutting properties.
  - 3. Outdoor activities must be screened from public streets and abutting properties unless the Commission determines that screening is not necessary because the outdoor activities do not detract from the character of the development and the neighborhood.
- F. Loading docks shall generally not be visible from Route 30 or I-291. All loading docks shall be designed as an integral part of the building and must not detract from the appearance of the building and site.



### **4.4.6 Parking and Circulation Requirements**

Off-street parking shall conform to the requirements of Section 6.4 Parking and Access – Off-Street Parking and Loading, as well as to the following.

#### **A. General Circulation Requirements**

Site plans shall conform to the guidelines and recommendations of the Town's access management program. Circulation and access layouts will be evaluated for functional efficiency and safety. Considerations will include limited driveway cuts along Route 30 (Ellington Road) and the incorporation of shared access between adjacent lots and consolidated access for contiguous lots.

#### **B. Pavement Size**

Contiguous pavement areas for parking (exclusive of islands) shall not exceed 1 acre, at which point a major island division will be required. "Major island division" is a planted median extending the longest dimension of the one-acre paved area and a minimum of 20 feet in width. Mounding is encouraged, provided it does not interfere with sight lines.

#### **C. Parking in Yards**

1. There will be no parking permitted in required yards abutting Route 30 or I-291.
2. Side and rear yard parking are encouraged for all business and industrial uses.
3. Front yard parking, as the dominant parking area, will be considered for commercial and service-oriented developments only.

### **4.4.7 Pedestrian/Bicyclist Circulation**

Sidewalks are encouraged between site buildings and parking areas. Sidewalks may be provided along at least 1 side of private drives and linked with sidewalks on Route 30 where appropriate. Alternative sidewalks or pedestrian access ways located within a site are encouraged, provided that such alternative sidewalks interconnect to existing or future walkways on abutting properties. The applicant is encouraged to provide site interior walkways that link street/drive walks with existing or future multimodal trail systems, such as that connecting Manchester Trail with Bissell Bridge.

### **4.4.8 Fencing**

Fencing presents a barrier to wildlife and tends to visually partition the environment, and, as such, is discouraged except where required for security purposes. Fencing will be in accordance with requirements for materials, height, setbacks and screen requirements. With the exception of special treatments that may be architecturally related to the individual structure, fencing should be consistent throughout the site. Barbed wire fencing is prohibited. An applicant can request the installation of barbed wire by special exception in accordance with Section 8.7 and subject to the following criteria:

- Installation of barbed wire fencing cannot be adjacent to or visible from the public way;
- Demonstration and/or justification of installation based on security needs;
- No barbed wire fencing can be installed within 100 feet of a residential zone boundary;
- Any barbed wire fencing installed must be a minimum of 8 feet high; and
- Cross razor wire (also called concertina razor wire) is prohibited.

## **ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES**

### **4.4.9 Conservation Easements**

The I-291 Corridor Development zone includes extensive areas of regulated wetlands which, when combined with other easements including wetland buffer areas, constitute a significant portion of the total acreage. In accordance with the overall development concept, the Town is seeking to acquire a conservation easement that will encompass the several discrete wetlands groups including various areas of non-wetland lands. These non-wetlands that are associated by vegetation with the regulated wetlands are essentially undevelopable because of their close proximity to the regulated wetlands and anomalous configuration. It is the intent of this zone to establish conservation easements on a parcel by parcel basis.

## **Section 4.5 Industrial Zone (I)**

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### **4.5.1 Purpose**

The purpose of the Industrial Zone is to afford South Windsor areas reserved for industrial uses, which constitute well-planned, functional, and aesthetically pleasing environments for a prosperous industrial community; and which, by design, are compatible with abutting zones and uses.

### **4.5.2 Establishment of Zone**

The Industrial Zone shall be established by the Commission only after taking into account the various factors favorable and unfavorable to such a change, including but not limited to those criteria listed in Section 8.3 Zone Change Standards and Procedures.

### **4.5.3 Accessory Uses**

Accessory uses normally incidental to the principal use, including garages, storage buildings, and power plants, as well as employee recreational, commissary and clinical facilities are permitted uses. Incidental sales shall be permitted as an accessory use provided that: (a) no more than 20% of the gross building floor area is devoted to such sales, or (b) in a landscape materials sales and storage use, not more than 20% of the gross exterior display/storage yard is devoted to such sales, or (c) not more than 6 sales events are held per year.

### **4.5.4 Storage of Material**

See Section 2.11 Commercial and Industrial Storage and Display for outdoor storage requirements.

### **4.5.5 Rail**

Rail spurs and sidings shall be located no closer than 150 feet from a residential zone, and are prohibited within buffer areas. The above may be waived by the Commission in cases where the proposed rail spur or siding will not, in the opinion of the Commission, cause undue noise or visual disruption, or safety hazard, to abutting residential zones or uses. The Commission may require special screening and/or noise abatement measures for rail sidings.

### **4.5.6 Building Height**

The maximum building height is 50 feet/4 stories for any building that is at least 350 feet from a

## ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

public street right-of-way and from any residential zone boundary (excluding dedicated public open space), provided, however, that any portion of such building located within 350 feet of the public street right-of-way or any building located in its entirety within 350 feet of the public street right-of-way shall have a maximum height of 40 feet/2 stories.

The applicant may request and the Commission may grant a height waiver to increase the building height to 75 feet/5 stories for a building or portion thereof located at least 350 feet from any public street and from any residential zone boundary, if the Commission determines that the site is suitable for a taller building and that the character of the Industrial Zone is enhanced rather than diminished by a taller building. In order to qualify for a height waiver, the applicant must demonstrate that the taller building conforms with the following criteria:

1. The taller building does not unduly disrupt the character of a residentially zoned neighborhood.
2. Relationships to land uses in abutting zones and adjacent developments within the zone (compatibility) are important considerations that will be critically reviewed by the Commission. Concerns in this regard will include view sheds, buffers (vegetative and architectural), building scale / massing / configuration / height, light spill, emissions (noise), use intensity/frequency, light/air obstruction, and signage.
3. A 5% reduction in maximum impervious coverage is required for each additional floor above 50 feet/4 stories. The additional green areas are to be distributed around the taller building, not isolated in a portion of the site with low visibility in relation to the subject building. This 5% reduction is applicable to the impervious coverage assigned to the tall building based on the applicable formulas for the minimum required lot size.
4. Service areas and loading docks must be screened from public streets and residential areas.
5. All membrane structures are prohibited.

### **Section 4.6     Route 5 Travel Service Zone (TS)**

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#### **4.6.1 Purpose**

The purpose of the Route 5 Travel Services Zone is to create high quality commercial development areas oriented toward conveniently serving the motoring public, the surrounding neighborhood, and the workforce in enterprises along and intersecting with Route 5 (John Fitch Boulevard). In order to add to the community's tax base and to serve as a catalyst for further economic development in the corridor, each TS area shall incorporate multiple land uses in a coordinated design, with an emphasis on exemplary building and site aesthetics, convenience, traffic flow, safety and function. TS developments may only be established at signalized intersections of US Route 5 and a public street and shall require site plan approval.

#### **4.6.2 Prohibited Uses**

The following uses are expressly prohibited in the Travel Services Zone:

- Vehicular repair or other automotive/truck services or uses;
- Automobile/truck/motorcycle/trailer or related sales, rentals, or leases; and
- Overnight storage of vehicles.

## **ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES**

### **4.6.3 Specific Design Standards & Use Restrictions/Guidelines**

In addition to applicable design standards and requirements contained in this and other sections of these regulations, the following design and regulatory requirements shall apply to developments within the Route 5 Travel Services Zone:

1. Each TS development shall have more than one permitted land use, e.g., a motor vehicle refueling/re-energizing station shall also have a convenience store, or another permitted use or uses, such as a quick service beverage store;
2. Buildings/uses may incorporate drive-thru windows/service areas;
3. Architectural design shall be exemplary and exceptional for the building or buildings and canopies within the TS development;
4. Particular attention shall be paid to excellent site design and function, including traffic flow, land- scape architecture, site lighting, pedestrian and motorist safety, and convenience;
5. Outdoor display of merchandise or products – The Commission may expressly approve small accessory outdoor display area(s) for designated TS locations as shown on a site plan, if such areas:  
a) are in appropriate and safe locations; b) do not detract from the aesthetics and functionality of the premises; c) do not contain display merchandise or products typically displayed inside a building; and d) such outdoor display areas are well integrated into the overall site design. Outdoor display of any merchandise or products for sale, lease or rental is otherwise prohibited.
6. Multiple-use buildings are encouraged;
7. Shared parking facilities are encouraged;
8. Drive-thru elements of a building are to be incorporated into the building’s architectural style to achieve an integrated design and the service windows should be located to the rear of the side of the building, i.e. away from Route 5. Drive-thru lanes shall have adequate motor vehicle queuing based on the proposed uses;
9. The Commission may approve canopies for motor vehicle refueling/re-energizing (e.g. Electric Vehicle Supply Equipment) stations that observe less than the required front yard setback for such a structure, provided such setback is no less than 35 feet from the property line, and such reduced setback affords a better site functionality and design;
10. Dumpsters shall be substantially screened from the adjoining street or streets;
11. Access management shall be required in accordance with Section 5.5 Access Management;
12. A cohesive and attractive signage program for the overall development shall be presented on the site plan;
13. The entire site shall be properly maintained, e.g., parking space striping and directional arrows, and the timely replacement of dead, dying or degraded plant materials is required;
14. Mechanical elements and outdoor storage shall be screened from public view. Any outdoor storage areas shall be expressly depicted on the site plan;

## **ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES**

15. Shared access drives are required and are governed by provision of Access Management regulations;
16. Consolidated parcels shall be governed by the provisions Article 4, Section 4.2.7 A-D. The Commission may waive or reduce dimensional requirements for an integrated Route 5 Travel Services development, provided: a) the front yard setback is observed from all street lines; b) the TS development establishes a common interest ownership entity which allows for exclusive use areas or fee simple parcels internal to the development; c) the site plan depicts such proposed interior properties / property lines; and d) the overall TS development meets all dimensional requirements of the zone;

## ARTICLE 5 OVERLAY ZONES

### **Section 5.1**

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This section has been removed effective 6-25-17.

### **Section 5.2 Flood Plain Zone (FP)**

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#### **5.2.1 Purpose**

The Legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7-148(c)(7)(A) and in Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. For the purpose of securing safety from flood, prevention of damage and loss and all other related dangers, and of promoting health and general welfare by regulation and restriction of areas in the flood plain of rivers, streams and water bodies that have or tend to have overflowed their banks, the following regulations shall apply to the use of land, buildings and other structures in any Flood Plain zone.

#### **5.2.2 Basis for Establishing Special Flood Hazard Areas (SFHA)**

The following regulations in this section shall apply to all lands designated as special flood hazard areas (SFHA) by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for the Town of South Windsor, dated September 26, 2008 and accompanying Flood Insurance Rate Maps (FIRM) dated September 26, 2008, and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.

The SFHA includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. SFHA's are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study for a community. BFE's provided on Flood Insurance Rate Map are only approximate (rounded up or down) and should be verified with the BFE's published in the FIS for a specified location. Also included are areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the SFHA identified by FEMA, and where the land surface elevation is lower than the base flood elevation (BFE) as shown in the FIS, and the area is not protected from flooding by a natural or man-made feature.

#### **5.2.3 General Requirements**

- A. Structures already in compliance: A structure or development already in compliance with this regulation shall not be made non-compliant by any alteration, modification, repair, reconstruction or improvement and must also comply with other applicable local, state, and federal regulations. No structure or land shall hereafter be located, extended, converted, modified or structurally altered without full compliance with the terms of this regulation and other applicable regulations.
- B. Abrogation and greater restrictions: This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.

- C. Interpretation:** In the interpretation and application of this regulation, all provisions shall be:
1. considered as minimum requirements;
  2. liberally constructed in favor of the governing body; and
  3. deemed neither to limit nor repeal any other powers granted under States statutes.
- D. Warning and Disclaimer of Liability:** The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of South Windsor or by any administrative decision lawfully made thereunder. The Town of South Windsor, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of South Windsor.

#### **5.2.4 Permitted Uses**

- A.** Farming and agricultural uses;
- B.** Public or non-profit parks and recreation areas;
- C.** Wildlife sanctuaries or preserves when owned by non-profit entities;
- D.** The keeping of horses or ponies for personal use, subject to the requirements of Section 7.12.1 Home Animal Agriculture;
- E.** The keeping of horses, subject to the requirements of Sec. 7.12.2 Commercial Animal Agriculture;
- F.** Rifle ranges constructed and operated to meet all applicable local and national standards;
- G.** Buildings and parking areas accessory to the above uses but limited to daytime occupancy;
- H.** Special Exceptions for the following uses may be granted subject to a public hearing and the following conditions:
1. Uses
    - a. Bathing places
    - b. Picnic areas
    - c. Golf, tennis, country clubs, and hunting and fishing clubs
    - d. Boat landing areas
    - e. Horse stables and trails for recreational use
  2. A petition for a special exception for uses listed above shall be submitted to the Commission by the owner of the land involved or an authorized agent of the owner. All elevations contained in said petition shall be referenced to Metropolitan District Commission datum. This petition shall be accompanied by 4 copies of a site development plan in accordance with Article 8, which shall also show:





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- a. The elevation(s) of the base flood;
  - b. The lowest floor elevation of all substantial improvements of residential structures, and whether or not said lowest floor is a basement;
  - c. The lowest floor elevation of all new construction and substantial improvements of nonresidential structures, and whether or not said lowest floor is a basement;
  - d. The level to which all new construction and substantial improvements of nonresidential structures have been flood-proofed;
  - e. All public utilities and facilities, including sewerage disposal, gas, electrical, water supply and stormwater drainage systems;
  - f. Topography of the land;
  - g. Proposed filling, cutting and grading;
  - h. The extent, location, and type of proposed structures; and
  - i. Streets and access ways, passable at all times for emergency vehicles.
3. After a public hearing, the Commission shall act on the application with particular consideration to the following:
  - a. No development plan or exception shall be approved which is inconsistent with the public welfare or safety or which does not fully safeguard occupants against the dangers of flooding.
  - b. Such plan shall not encroach upon the river bed so as to endanger other areas upstream, downstream, or across the river or stream by reason of flood or pollution.
  - c. Within the floodway, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures, or other development shall result in any (0.00) increase in flood levels within the Town during the occurrence of the base (100 year) flood discharge, as certified, with supporting technical data, by a Connecticut licensed professional engineer. Fences in the floodway must be aligned with the flow and be of an open design.
  - d. All necessary permits have been received where required, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972.
  - e. In the absence of base flood elevation data, the Commission shall obtain, review and reasonably utilize any base flood elevation (BFE) and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in any area of potential, demonstrable or historical flooding within the community are either elevated or flood-proofed to or above the BFE.
  - f. The Commission may request floodway data of an applicant for watercourses without FEMA published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community.

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- g. When base flood elevations have been determined within the SFHA on a community's Flood Insurance Rate Map, but a regulatory floodway has not been designated, the Commission must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.
  - h. All new development must be designed so that the flood carrying capacity is not diminished. Adjacent communities and the Department of Environmental Protection (DEP), Inland Water Resources Division, must be notified prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
4. Within the limits of the Flood Plain district:
- a. All substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the base flood level, and the elevation of said structure's lowest floor shall be certified by a registered professional engineer or architect.
  - b. All new construction and substantial improvements of non-residential structures shall:
    - i. Have the lowest floor (including basement) elevated to or above the base flood level; or
    - ii. Together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. The adequacy of such floodproofing methods shall be certified by a registered professional engineer or architect, and all such floodproofing measures shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. Said architect or engineer shall also certify the level to which said structure shall be floodproofed.
  - c. Above-ground storage tanks: Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
  - d. Portion of structure in flood zone: If any portion of a structure lies within the Special Flood Hazard Area, the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
  - e. Structures in two flood zones: If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., a zone is more restrictive than X zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)

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- f. No structures entirely or partially over water: New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.
  - g. Compensatory storage: The water holding capacity of the floodplain shall not be reduced. Any reduction caused by filling, new construction, or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been obtained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.
  - h. Equal conveyance: Within the floodplain, encroachments resulting from filling, new construction or substantial improvements involving an increase in the footprint of the structure are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage, shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.
- 5. All new construction and substantial improvements shall be:
    - a. Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure;
    - b. Constructed with materials and utility equipment resistant to flood damage; and
    - c. Constructed by methods and practices that minimize flood damage.
  - 6. Development shall be consistent with the need to minimize flood damage; shall have all public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage; and shall provide adequate drainage to reduce exposure to flood hazards.
  - 7. All new and replacement water supply systems shall be designed to minimize or eliminate the infiltration of flood waters into the systems.
  - 8. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  - 9. The applicant shall provide the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction, substantial improvements or repair to a structure that has sustained substantial damage, and also provide the elevation (in relation to mean sea level) to which the new construction, substantial improvement or repair to a structure that has sustained substantial damage has been flood-proofed. When flood-proofing is utilized for a particular

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structure, the applicant shall provide certification from a registered professional engineer or architect. The certification shall be filed on the land records in the Town Clerk's office.

10. If a proposed subdivision, including the placement of a manufactured home subdivision, is located in a Special Flood Hazard Area (SFHA) the following requirements shall apply:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- d. In all special flood hazard areas where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a Connecticut licensed professional engineer that generates BFEs for all subdivision proposals and other development, including manufactured home subdivisions. The Commission shall require the applicant to provide BFE data for all subdivision proposals, including manufactured home subdivisions.

### **5.2.5 Variances**

- A. Variances to the provisions of this District shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. No variance shall be issued unless said variance is consistent with the criteria set forth in Section 60.6, Title 44, Chapter I, Subchapter B of the Code of Federal Regulations, June 15, 1979, as amended, and the criteria of Section 9.4 Zoning Board of Appeals.
- B. Use variances are prohibited in the flood plain district.

### **5.2.6 Definitions Related to Flood Plain Zone**

The following definitions apply to the terms used in Section 5.2, Flood Plain Zone, particularly where such definitions differ from definitions included in the Connecticut General Statutes.

**Base Flood:** The flood having a 1% chance of being equaled or exceeded in any given year; the '100-year flood', as portrayed on the South Windsor Flood Insurance Rate Map, effective May 1, 1980, as amended.

**Base Flood Elevation (BFE):** The elevation of the crest of the base flood or 100-year flood; the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

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

**Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Expansion to an Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

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

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

**Flood Insurance Rate Map (FIRM):** The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to a community.

**Floodproofing, Dry:** Any combination of structural and non-structural protection measures incorporated in a building that is not elevated above the base flood elevation that keeps water from entering the building to prevent or minimize flood damage. **NOTE:** A dry floodproofed, non-residential structure is rated based on the elevation of its lowest floor unless it is floodproofed to 1 foot above the BFE.

**Floodproofing, Wet:** Measures designed to minimize damage to a structure or its contents by water that is allowed into a building.

**Floodway:** The channel of a river or other watercourse and adjacent land areas reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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

**Highest Adjacent Grade (HAG):** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (Only for community with AO/AH zones.)

**Historic Structure:** Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for the individual listing on the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places in states

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with historic preservation programs which have been approved by the secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) directly by the Secretary of the Interior in states without approved programs.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement); an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Article 5 Flood Plain Zone of this regulation.

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

**Market Value:** The market value of the structure shall be determined by the property's tax assessment minus land value prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

**Mean Sea Level (MSL):** The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**New Construction:** Structures for which the "start of construction" commenced on or after August 2, 1982, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

**New Manufactured Home Subdivision:** A manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date August 2, 1982, of floodplain management regulations adopted by a community.

**Special Flood Hazard Area (SFHA):** The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. SFHA's are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFE's provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFE's published in the FIS for a specific location. SFHA's include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH, and the Coastal High Hazard Areas shown as Zones V, V1-30, and VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

**Start of Construction:** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any other work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not alteration affects the external dimensions of the building.

**Variance:** A grant of relief by the Zoning Board of Appeals from the terms of the floodplain management regulations that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

**Violation:** A failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

**Water surface elevation:** The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood-plains of riverine areas.

**Development:** Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, the construction of additions or substantial improvements to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment of materials; and public or private sewage disposal systems or water supply facilities.

### **Section 5.3 Office Conversion Overlay (OCO)**

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#### **5.3.1 Purpose**

The purpose of Office Conversion Overlay is to allow conversions of existing structures in the underlying residential zones to professional offices and to facilitate the preservation of historic structures, where deemed appropriate by the Commission, taking into consideration such factors as proximity to commercial uses or zones, traffic volumes, amount of commercial traffic, and the suitability of the land for office conversion.

#### **5.3.2 Permitted Uses**

- A. All uses permitted in the underlying zone.
- B. Mixed uses as described in Section 4.1.8 Mixed Uses in Commercial/Office Zones.

#### **5.3.3 Special Exception Uses**

- A. Special Exception for conversion of an existing structure(s) into a professional office may be granted subject to public hearing, submission of a general plan of development, and the following conditions:
  - 1. The building shall have been constructed at least 50 years prior to the date of application for approval.
  - 2. The lot has frontage of not less than 150 feet.
  - 3. An adequate line of sight entering and exiting the site is provided based on Connecticut Department of Transportation standards.
  - 4. Side and rear yards shall contain landscaped buffers of 10 feet in width. The provisions of Section 6.2.4 Buffers shall not apply.
  - 5. Any addition to the structure shall not be greater than 100% of the floor area of the existing first floor.
  - 6. Uses shall be restricted to professional offices, such as lawyers, architects, doctors/dentists, accountants, engineers, real estate agents and insurance agents, as well as personal services limited

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to beauty and nail salons. Beauty and nail salons can occupy no more than 25% of the building. All uses shall operate during typical office and personal service hours.

7. Maximum impervious coverage shall be 40%.
8. Wherever existing structures on the lot have historic or architecturally redeeming features, efforts shall be made to preserve and/or enhance those features.

### **5.3.4 Locations**

- A. Conversion to professional offices will be considered by the Commission only for premises with frontage in residential zones on the following streets:
  1. Buckland Road
  2. Oakland Road
  3. Ellington Road
  4. John Fitch Boulevard
  5. Sullivan Avenue
  6. Deming Street from Manchester town line to the intersection of Deming Street and the start of Oakland Road.

## **Section 5.4 RR/I-291 Overlay Zone (RROZ)**

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### **5.4.1 Purpose**

- A. The area bounded by Chapel Road, Burnham Street and Long Hill Road is generally characterized by existing single-family residences, including historic structures, and vacant interior property, with many constraints to development, such as wetlands, electric transmission easements, and I-291 itself. These constraints generally limit the vacant land's suitability for residential development, yet the existing character of that area generally precludes large-scale industrial and commercial development. In recognition of these contrasting development characteristics, and in order to preserve the residential and historic character of the existing neighborhoods, the purpose of the RR/I-291 Overlay Zone is to allow the development of small-scale commercial and institutional uses that are compatible with the residential character of the area in such characteristics as:
  1. Architectural character;
  2. General aesthetics of the site;
  3. Operational restrictions such as daytime operating hours; and
  4. Site and building scale and massing.
- B. The overlay zone is not intended to in any way limit or negate the uses permitted in the underlying zone.



### **5.4.2 General Concepts**

- A. Permitted uses in this zone will be limited to those low-intensity, low-customer/client turnover uses that can clearly demonstrate compatibility with residential uses without relying heavily on buffering and screening to achieve that compatibility (although buffering/screening will be required as appropriate). Uses with high-client turnover are not allowed because the higher trip generation is not compatible with residential neighborhoods.
- B. Architectural scale must be similar to the scale of the surrounding existing development, including building height. Architectural design, including roof design, must be compatible with surrounding architectural design.
- C. All development must exhibit a high standard of quality in construction detail, materials, and appearance.
- D. Site planning is an essential criterion. Sites developed under this zone are intended to be carefully planned, both within the site's own boundaries and in relation to surrounding properties.
- E. All development will be sensitive to environmentally-regulated areas within the zone. Maximum effort will be made to retain and integrate significant natural features into the development proposal.
- F. In recognition that the RR/I-291 Overlay Zone permits commercial uses in a residential-character neighborhood, parking lot arrangement and landscaping must differ from traditional parking lots that have large expanses of wide open pavement. Site driveways and parking areas will not be intrusive to the existing residential neighborhoods. The location of the site driveway must be particularly sensitive to the surrounding land uses and must be chosen with care.
- G. Access management regulations shall be incorporated into the site plan where required.

### **5.4.3 Permitted Uses**

All uses shall require Special Exception approval.

### **5.4.4 Prohibited Uses**

Prohibited uses are all uses that do not meet the purpose and general concepts of this regulation. Retail sales and high-turnover uses with frequent customer arrivals and departures are prohibited.

### **5.4.5 Site Appearance Requirements**

- A. Sites, buildings and landscaping shall be designed in accordance with the criteria and standards contained in Section 8.7 Architectural and Design Review. Scale and massing of site buildings and structures shall be compatible with the surrounding neighborhood.
- B. Architectural design shall be compatible with the surrounding neighborhood. Flat roofs are not permitted. Buildings visible from a public street must have the appearance of traditional wood or brick construction or facade. Buildings with metal facades are not permitted.
- C. Historic structures shall be preserved and incorporated into site design to the maximum extent possible.
- D. All business, servicing, or processing (except for off-street parking/loading) shall be conducted within completely enclosed buildings.

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- E.** Overnight outdoor vehicle parking shall be limited to 2 commercial passenger vehicles and/or vans. Overnight outdoor truck parking (except for pickup trucks) is prohibited.
- F.** Business-related outdoor storage is prohibited.
- G.** Delivery receiving areas shall not be visible from the street. All delivery receiving areas shall be designed as an integral part of the building and not detract from the appearance of the building and site.
- H.** Interior trash storage is encouraged. Where this is not feasible, all business-related trash and recycling containers shall be placed on a concrete pad and suitably screened with trees, shrubs, fencing, or by other appropriate means (e.g., the building itself).
- I.** Existing trees and hedgerows shall be incorporated into site design and preserved to the maximum extent possible.
- J.** Site lighting shall be designed on a residential scale.

### **5.4.6 Parking**

- A.** Parking areas must meet 1 of the following 2 design criteria:
  - 1. Parking lots must be located out of view of the public street, either by location behind the principal building or by retaining an existing wooded area that completely screens the parking lot from the street.
  - 2. If located in view of the street, parking areas shall be divided into “islands” of parking spaces, with an “island” not to exceed 10 parking stalls. An island must be surrounded visually with separating landscape elements including trees and bushes. Other landscaping elements such as decorative fencing, sculpture/fountains, stone walls, or walkways/pedestrian spaces (consistent with the character of the surrounding neighborhood) are highly encouraged.
- B.** Maximum efforts shall be made to create an unusual parking lot design that is aesthetically pleasing and contains significant landscaping elements. Alternative parking designs may be approved by the Commission in lieu of the island design when such alternative design is creative and uses unusual layouts or landscaping design to achieve attractive, unconventional parking areas.
- C.** Required front yards shall not be used for parking or circulation.

### **5.4.7 Performance Standards**

#### **A. Hours of operation**

- 1. Hours of operation shall be compatible with the residential neighborhood, and shall generally be limited to weekdays during regular business hours. ‘Regular business hours’ are defined, for purposes of this regulation, to consist of Monday through Friday, 7:00 a.m. - 6:00 p.m. Any business hours outside of regular weekday hours require advance approval from the Commission.
- 2. External vehicle operations such as truck deliveries and refuse removal must not cause disruption to the residential character of the area. Deliveries, trash removal and other external business operations (such as sweeping of parking lots) are prohibited outside of the normal hours that such operations occur for the residential neighborhoods.

**B. Site Lighting**

Site lighting shall be hooded to control objectionable and/or hazardous glare off the premises. No site lighting shall project a beam of light other than at a sign.

**Section 5.5 Access Management**

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**5.5.1 Purpose**

Traffic flow and safety can be seriously reduced by the proliferation of driveways along major roads. The function of access management is to preserve the capacity and safety of the existing roadways. The regulations shall govern access provisions along Sullivan Avenue and Buckland Road between Route 5 and the South Windsor-Manchester Town Line, along Route 30 between the East Hartford Town Line and the Manchester Town Line, and along Route 5 between the East Hartford Town Line and the East Windsor Town Line. Developments along these roadways shall be governed by the specific provisions that follow. The intent is to provide and manage access to adjacent development while simultaneously pre- serving traffic flow in terms of safety, capacity, and speed.

**5.5.2 Establishment of Zone**

A Sullivan Avenue/Buckland Road Route 5/Route 30 Corridor shall be established. The Corridor encompasses the entire street right-of-way of Buckland Road and the entire street right-of-way of Sullivan Avenue between U.S. Route 5 and the Manchester Town Line; the entire street right of way of Route 5 between the East Hartford and East Windsor Town Lines; and the entire street right of way of Route 30 between the East Hartford and Manchester Town Lines. All properties that abut the street right-of-way of Sullivan Avenue, Buckland Road, Route 5, and Route 30 are subject to and must conform to the requirements of this regulation.

**5.5.3 Applicability**

- A.** The provisions shall apply to new developments or to substantial changes in existing developments. A 'substantial change' shall involve:
1. A change in use from residential to commercial;
  2. A 25% or greater increase in gross floor area, required or provided parking spaces, employment, or traffic generation;
  3. A 10,000 square foot or greater increase in gross floor area;
  4. A 50 parking space or greater increase in the required or provided parking spaces; or
  5. A proposed subdivision of the property.
- B.** The provisions do not apply to access drives existing on August 5, 2000, where no application for new development or substantial change in existing development has been submitted.

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### **5.5.4 Access Provisions**

#### **A. Number of Driveways**

1. The number of access drives and intersections permitted shall be the minimum necessary to provide reasonable access to abutting properties, not the maximum available to each parcel. Access drives shall also conform to specified access spacing requirements. When necessary to provide 'reasonable access', the following guidelines may be used:
  - a. There shall be no more than one driveway per residential property.
  - b. The maximum number of commercial or industrial driveways shall be 1 where the frontage of a lot is 450 feet or less; where the frontage of a lot exceeds 450 feet, there may be a maximum of 2 driveways.

#### **B. Access Spacing**

1. Access spacing for the specific corridor shall conform with (or be at least as great as shown on) the schedule below:
  - a. Traffic Signal Spacing: 40% through band based upon 85 to 90 second cycle and 35 to 40 mph speeds.
  - b. Unsignalized Intersection Spacing/Corner Clearances: 150 feet
2. Unsignalized intersection spacing and corner clearance distances shall be measured between the closest edges of the 2 pavements.
3. If the spacing requirements cannot be achieved, left turn restriction, joint-use driveways and cross-access easements may be required.
4. Variations may be permitted where they would enhance roadway operations or safety, for example, 2 one-way driveways in lieu of a two-way drive.
5. Lesser corner clearances may be permitted on a temporary or permanent basis only when:
  - a. No reasonable alternative access is available.
  - b. The proposed location does not create a safety or operating problem.
  - c. The access is located as far from the intersection as possible.
6. Safe stopping distances shall be provided for all driveways entering the highway.
7. The centerline of driveways on opposite sides of the roadway shall line up with each other or be separated by at least 150 feet.

#### **C. Corner Clearances**

1. Corner clearances shall meet or exceed the minimum unsignalized access spacing requirements.
2. New connections shall be permitted within shorter distances only where: (a) no reasonable access to the property is available, and (b) the proposed connection does not create a safety or operating problem.
3. Where no other alternatives exist, an access connection may be allowed along the property line farthest from the intersection. However, this access may be limited to right turns.

**D. Property and Subdivision Access**

1. New residential and commercial subdivisions with frontage along each corridor shall be designed to provide shared access wherever possible. The following additional property requirements shall also apply:
  - a. Direct access from each corridor to new individual dwelling units shall be prohibited.
  - b. The minimum lot frontage for all parcels along Sullivan Avenue/Buckland Road shall not be less than the minimum acceptable spacing of 150 feet.
  - c. When existing parcels are further subdivided, they shall provide access to Sullivan Avenue / Buckland Road via permitted access connections.
  - d. Existing parcels with frontage less than the minimum driveway spacing may not be permitted a direct connection where reasonable alternative access is available.

**E. Shared Access (Joint or Cross-Access)**

1. Adjacent commercial properties (e.g., retail or office) will provide an on-site cross-access drive and a pedestrian connection between the sites.
2. Joint-use and cross-access driveways shall incorporate:
  - a. A continuous service drive or cross-access corridor that extends the entire length required for driveway separation;
  - b. A design speed of 10 mph, and sufficient width to accommodate automobiles, service vehicles and loading vehicles;
  - c. Design features to make it clear that the abutting properties may be tied into the service drive; and
  - d. A unified access and circulation system that includes coordinated or shared parking areas where feasible.
3. Shared parking areas shall permit a reduction in the number of parking spaces if the peak demands for proposed land uses do not occur at the same time.
4. Property owners entering into joint access agreements shall:
  - a. Record an easement with the deed allowing cross access to and from other properties served by the cross-access drives.
  - b. Record an agreement with the deed that remaining access rights along Sullivan Avenue/Buckland Road will be dedicated to the Town and that preexisting driveways will be closed after the joint-use driveway is constructed.
  - c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of individual property owners.
5. The Commission may reduce the required separation of access points where they prove impractical if all of the following requirements are met:
  - a. Joint-access driveways and cross-access agreements are provided wherever feasible.
  - b. The site plan incorporates a unified access and circulation system.

## **ARTICLE 5 – OVERLAY ZONES**

- c. The property owner enters into a written agreement with the town. The deed shall state that the pre-existing connections will be closed after the joint use driveway is provided.
6. The Commission may modify or waive the requirements of this section, where the characteristics or arrangement of abutting properties make a unified or shared access and circulation system impractical.

### **F. Outparcels, Phased Development and Multiple Parcels**

1. Development sites under multiple ownership, the same ownership or consolidated for the purposes of development, shall not be considered as separate properties for purposes of access spacing standards.
2. The number of driveways permitted shall be the minimum necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations required under previous sections shall be met. These requirements shall also apply to phased development plans.
3. Where, by reason of property ownership or phased construction, it is not practical to construct an entire internal circulation system, then temporary driveway access may be allowed provided that the temporary access meets all spacing, location, and related requirements and that the temporary access will be removed once the internal circulation system is complete.
4. All access to the outparcel must be internalized by using the shared internal circulation system of the main development. Access shall be designed to avoid excessive movement across parking aisles and queuing across surrounding parking and driveway aisles.

### **G. Alternative Frontage**

1. Access to lots that front on either Sullivan Avenue or Buckland Road and another roadway shall be provided from the other roadway.
2. When a proposed residential subdivision would abut the corridor, lots shall have access from an interior local road.
3. Access rights of these lots shall be dedicated to the Town, and recorded with the deed.

### **H. Roadway Requirements**

1. Any parcel or use that will generate more than 100 trips in a peak hour shall submit a study of traffic impacts to the Commission as part of any application so that the Commission may evaluate and mitigate roadway impacts from the proposed development.
2. An applicant may be required by the Commission to complete improvements to roadways in order to accommodate the proposed development. Any improvements proposed or required shall be constructed in accordance with the Town of South Windsor Public Improvement Specifications (Buckland Road) or State of Connecticut design standards (Sullivan Avenue).
3. If the existing road right-of-way width is less than the recommended right-of-way width based upon relevant regulations (including the Subdivision and Public Improvement Specifications) and/or plans (including any adopted Access Management Plan), the Commission may require that additional right-of-way be deeded to the Town or the State in order to accommodate potential future roadway needs.

### **I. Modification to Requirements**

1. An applicant may request modification of these requirements through submission of an access management plan that:

## ARTICLE 5 – OVERLAY ZONES

- a. Encompasses a study area defined by the distance between intersecting streets or the length of the sites frontage plus the distance of the applicable spacing standard measured from the property lines;
  - b. Reviews existing and future access for all properties with the study area;
  - c. Evaluates the operational and safety impacts of any proposed modifications;
  - d. Includes a list of improvements and recommendations for implementation;
  - e. Demonstrates the need for modification; and
  - f. Maintains the functional integrity of the roadway.
2. The Commission may waive any requirement of this section when it finds that all of the following conditions have been satisfied:
  - a. The gravity of the waiver will be consistent with the purpose of these regulations.
  - b. The waiver has been specifically requested by the applicant.
  - c. Conditions exist which adversely affect the subject property and are not generally applicable to other property in the area.
  - d. In the absence of a waiver, no reasonable alternative access is available, will be available, or can be constructed.
  - e. The requested waiver is the minimum deviation necessary from this section to permit reasonable development of the subject property.
  - f. The granting of the waiver will not have a significant adverse impact on existing or future traffic operations, adjacent property, or on public safety or welfare.
3. An applicant shall not apply for a variance to any of the requirements of this section without first making an application for modification of the requirements of this section as allowed for under paragraph 5.5.4.I.1 above.

## **Section 5.6 Center Core Overlay Zone (CCOZ)**

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### **5.6.1 Purpose**

The purpose of the Center Core Overlay Zone (CCOZ) is to promote the creation of a cohesive, mixed-use, pedestrian-friendly area with a ‘sense of place’ in the area around the intersection of Buckland Road, Sullivan Avenue, Ellington Road, and Oakland Road. This zone is intended to foster high-quality development of businesses and sites, with careful attention to the appearance of buildings and surrounding sites and professional landscaping. It is also the purpose of this district to allow for residential use of upper floors so that such buildings can contribute to providing for diversity in housing choices and opportunity.

### **5.6.2 Definitions**

The definitions from Section 4.2.2 of these Regulations are incorporated herein.

### **5.6.3 General Concepts**

- A. While the Commission would like to encourage property owners to develop in accordance with the provisions of this section, the CCOZ is an overlay zone where the property owner may choose whether to develop in strict accordance with all of the provisions of the underlying zoning district or in strict accordance with all of the provisions of this section.
- B. The CCOZ is intended to result in a mixed-use, pedestrian-friendly area with a ‘sense of place’. Since the creation of a ‘village-type’ setting requires careful attention to design and compatibility among a variety of property owners and situations, excellence in site planning and architectural design is an essential criterion of the CCOZ. All developments shall be human scaled, pedestrian/friendly/pedestrian oriented developments with pedestrian amenities. All developments shall be designed to be bicycle-friendly.
- C. As authorized by CGS Section 8-2j and as recommended in the Plan of Conservation and Development, the CCOZ is hereby designated as a ‘village district’ where the Commission may regulate new construction, substantial reconstruction and rehabilitation of properties in view from public road- ways, including, but not limited to, (1) the design and placement of buildings, (2) the maintenance of views, (3) the design, paving materials and placement of roadways, and (4) other elements that the Commission deems appropriate to maintain and enhance the character of South Windsor Center.
- D. Unless an alternative overall plan is found acceptable by the Commission, all development shall be substantially in accordance with the development concepts expressed for South Windsor Center in the Plan of Conservation and Development, including those for capacity corridors, character corridors, street sections, pedestrian and bicycle connections, development opportunities and open space/conservation areas.

### **5.6.4 Pre-Application Discussion**

Applicants are encouraged to initiate a pre-application conference with the Commission to discuss the conceptual aspects of the proposed development and to prepare and present a conceptual plan for informal consideration by the Commission. Neither the pre-application conference, the informal review of the concept plan, nor the Commission’s suggestions shall be deemed to constitute approval or denial of any portion of the application.



### **5.6.5 Permitted Uses**

- A. Uses or activities requiring a special exception in accordance with the special permit considerations in Section 8.4.B and Section 5.6.12 of these regulations:
1. Construction of any new building or substantial reconstruction of any existing building in the Center Core Overlay District;
  2. Construction of any new parking area or driveway or substantial reconfiguration of any existing parking area or driveway;
  3. Any use in the underlying district involving a drive-up facility of any type;
  4. Offices when located on the street level of a building;
  5. Other uses not listed as permitted uses which the Commission finds will contribute to the overall Town Center ambience may be permitted by the Commission by Special Exception.
- B. Uses permitted by site plan approval – the following uses are permitted within an existing building or any new building approved by the Commission:
1. Retail businesses;
  2. Restaurants, excluding any designed or intended in whole or in part for food service to, or consumption by, patrons in motor vehicles on the premises;
  3. Outside dining as an accessory use to a restaurant;
  4. Personal service establishments;
  5. Banks, excluding drive-up facilities;
  6. Offices when located on the upper floors of a building;
  7. Theater;
  8. Hotel;
  9. Municipal facilities; public facilities; quasi-public charitable institutions; cultural facilities such as art galleries and museums; and public utilities;
  10. Multifamily residential use except that such uses shall only be permitted in a mixed-use building, when located above the street level of the building, and provided that such uses shall be subject to the specific requirements of Section 5.6.11;
  11. Parking structures.

### **5.6.6 Consolidated Parcels**

#### **A. Purpose**

In the interest of promoting development continuity within the CCOZ, the consolidation of contiguous parcels is strongly encouraged and may be required by the Commission. ‘Consolidation’ is defined here as the integration of two or more individually owned parcels into a single Consolidated Parcel for the purposes of creating a shared-use arrangement of selected site components, e.g. common points of access / egress, drive passage, parking, loading/unloading, building coverage and yards, and implementing recommendations of the Plan of Conservation and Development for capacity corridors, character corridors,

## **ARTICLE 5 – OVERLAY ZONES**

street sections, pedestrian and bicycle connections, development opportunities and open space/conservation areas.

### **B. Procedure**

1. A consolidated parcel shall be developed with an integrated plan of pedestrian circulation, bicycle circulation, vehicular circulation, buildings, parking, loading and unloading, and landscaping. The overall plan of the consolidated parcel showing how they will be integrated in conformance with the recommendations of the Plan of Conservation and Development shall be submitted to the Commission and shall be considered an integral part of the application.
2. The owner of each lot shall give to the owner of each lot in the consolidated parcel by deed, easement, or agreement filed in the Office of the Town Clerk, the right of entrance, exit, passage, parking, and loading for pedestrians, bicycles, and vehicles.
3. As part of any new development in the CCOZ, the Commission may require the owner of a lot to execute an agreement to be filed in the Office of the Town Clerk, granting the right of entrance, exit, passage, parking, and loading for pedestrians, bicycles, and vehicles to the Town and any successors or assigns.

### **5.6.7 Yard and Bulk Requirements**

- A. To promote creation of a cohesive, mixed-use, pedestrian-friendly area with a ‘sense of place’ and to encourage or require coordinated development and management among different properties within the CCOZ, the Commission may permit development utilizing the following yard and bulk requirements:
  1. Front yard setback –
    - a. From an arterial street – The Commission may permit a front yard setback of 25 feet from an arterial street if the Commission finds that the arrangement of the proposed development will contribute to the establishment of the vision for South Windsor Center as expressed in the Plan of Conservation and Development. Otherwise, the minimum front yard setback from an arterial street shall be 65 feet.
    - b. From an internal street – A building shall generally be placed at the edge of the sidewalk as approved by the Commission except that the Commission may allow a building to be located in an alternative configuration where the pedestrian-friendly nature of the streetscape will be maintained or a public amenity (such as a ‘pocket park’ or outside dining area) will be created.
  2. Side yard setback – The Commission may allow development with no side yard setback if the Commission finds that the arrangement of the proposed development will contribute to the establishment of the vision for South Windsor Center as expressed in the Plan of Conservation and Development. Otherwise the minimum side yard setback shall be 10 feet.
  3. Rear yard setback – The Commission may allow development with no rear yard setback if the Commission finds that the arrangement of the proposed development will contribute to the establishment of the vision for South Windsor Center as expressed in the Plan of Conservation and Development. Otherwise, the minimum rear yard setback shall be 25 feet.

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4. Building placement – The long dimension of a building shall generally be placed parallel to the public or internal street which it faces in order to establish a consistent street wall and a pedestrian-friendly environment.
5. Maximum impervious coverage – The Commission may permit impervious coverage up to 80% of the area of the consolidated parcel provided that appropriate best management practices as recommended in the Connecticut State Water Quality Manual are utilized to manage the quality and quantity of runoff and if the Commission finds that the arrangement of the proposed development will contribute to the establishment of the vision for South Windsor Center as expressed in the Plan of Conservation and Development. Otherwise, the maximum impervious coverage shall be 60 percent.
6. Maximum building coverage – The Commission may permit building coverage up to 50% of the area of the consolidated parcel if the Commission finds that the arrangement of the proposed development will contribute to the establishment of the vision for South Windsor Center as expressed in the Plan of Conservation and Development. Otherwise, the maximum building coverage shall be 25 percent.
7. Building height –
  - a. Minimum building height – 2 stories unless the Commission approves a one-story building by Special Exception.
  - b. Maximum building height – 45 feet / 3 ½ stories except that no façade wall along an internal street shall exceed 30 feet in height without being stepped back a distance of at least ten feet.

### **5.6.8 Site Appearance Requirements**

- A. Sites, buildings, signs, and landscaping shall be designed in accordance with the criteria and standards contained in Section 8.7 Architectural and Design Review.
- B. The Commission may also consider the site appearance requirements in Section 4.2.10 of these Regulations in reviewing and approving applications within the CCOZ.
- C. All building elevations shall be attractively designed, with windows and/or other architectural elements and features such that no visible elevation looks like the back of a building.
- D. Street trees and street landscaping shall be incorporated into landscaping plans and large trees shall be provided along public streets and private streets to enhance the pedestrian-friendly environment.
- E. All business, servicing, or processing shall be conducted within completely enclosed buildings, with the following exceptions:
  1. Parking / loading;
  2. Outdoor dining where approved by the Commission;
  3. Outdoor amenities normally conducted as accessory uses to a hotel, such as swimming pool and patio;
  4. Outside display of merchandise for sale on the interior part of a pedestrian environment such as in a village-style shopping center, or a courtyard area with kiosks or market carts, where outside merchandise display is an integral part of the theme and thus enhances the appearance of the site. This section is not intended to allow outside display of merchandise typically sold inside retail

## ARTICLE 5 – OVERLAY ZONES

stores in conventional shopping areas; rather, it is intended to encourage true pedestrian-oriented areas in a village atmosphere.

- F. Outside dining and display areas shall not occupy sidewalks intended for pedestrian passage and access. Outside dining and display areas must be shown on the site plan and approved by the Commission.
- G. Outdoor storage is prohibited except as expressly permitted by the Commission.
- H. Satellite dishes shall be screened so they are not visible from public or private streets.

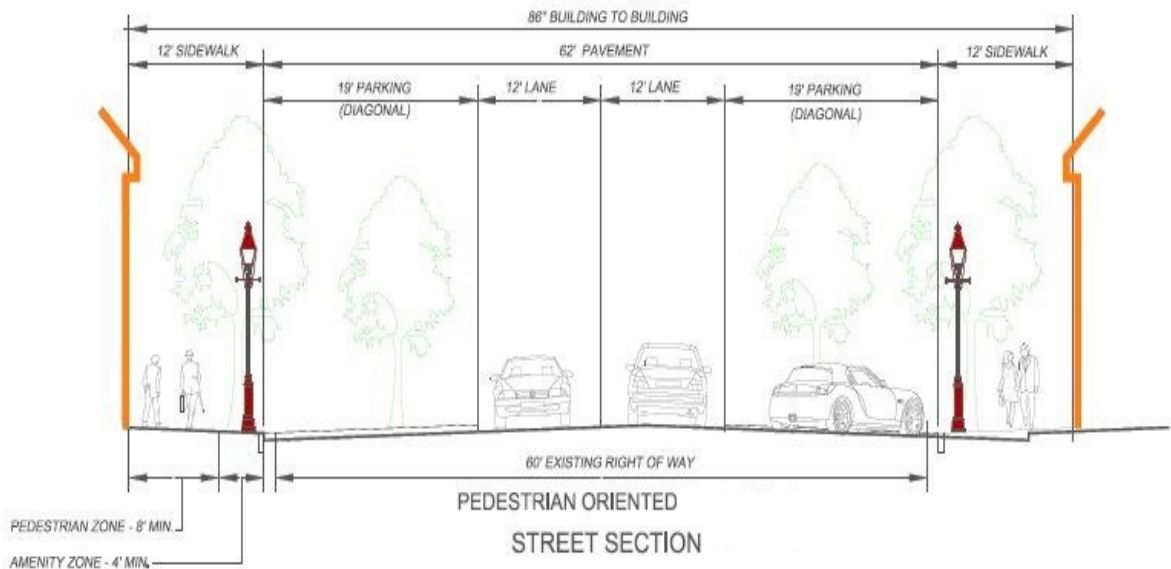
### **5.6.9 Access and Parking**

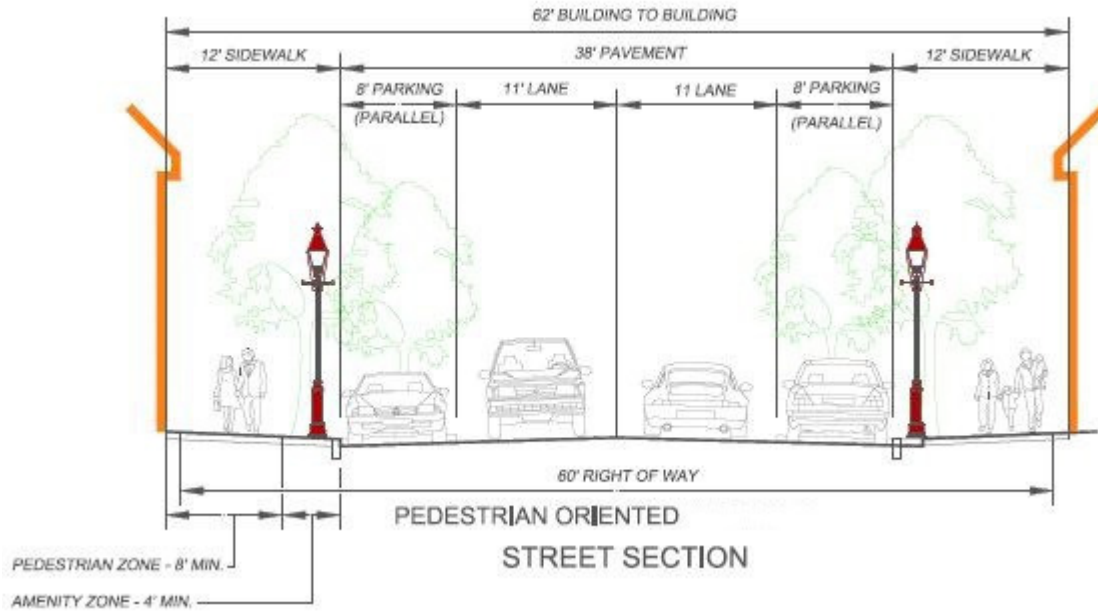
#### **A. Access Management**

All sites within the CCOZ shall be designed to limit the number of driveways onto arterial roadways and capacity corridors (through sharing of access and use of internal streets and character corridors), locate and design driveways to minimize the number and severity of conflicts, and incorporate other applicable access management practices and techniques.

#### **B. Streets**

1. It is envisioned that vehicular circulation will occur primarily on internal ‘streets’ which will be privately owned and maintained and constructed in accordance with the following diagrams unless an alternate arrangement is found acceptable by the Commission.





2. Any street to be dedicated to the Town shall conform to all applicable Town ordinances and regulations, including the Public Improvement Specifications and the Subdivision Regulations.

### C. Parking

1. Provided that two or more parcels enter into a consolidated parcel agreement and provided the configuration of the circulation pattern within the consolidated parcel is acceptable to the Commission and further provided the floor area of existing and proposed buildings within the consolidated parcel exceeds 30,000 square feet and encompasses a variety of uses, parking within the CCOZ may be provided at the ratio of 3.0 spaces per 1,000 square feet of gross floor area. This blended rate is intended to allow for the adaption of buildings to different uses over time. An applicant may choose to provide additional parking. The Commission may allow this parking ratio to be used for lesser floor area when they find the mixed use arrangement of the uses within the consolidated parcel will provide for adequate parking for the various users and the overall design concepts expressed in the Plan of Conservation and Development will be achieved. Alternatively, an applicant may request permission from the Commission to provide parking at 80 percent of the rate required by Section 6.4 of these Regulations provided the Commission shall be satisfied that the parking will be adequate to meet the needs of the development and further provided that a consolidated parcel agreement will be entered into.
2. It is intended that required parking will be provided by spaces to be provided along internal 'streets' (the primary goal). Additional parking can be located in parking 'lots' located to the 'rear' of buildings.
3. It is the intent of this approach to provide for adequate, convenient parking and to achieve attractive parking layouts that will accent and highlight buildings and features of the CCOZ.
4. The view of parking 'lots' from public streets and internal streets shall be minimized through building placement and the use of landscaping, fences, walls and berms.
5. Parking 'lots' shall meet the landscaping requirements of Section 6.4.6 Parking Lot Landscaping.

## **ARTICLE 5 – OVERLAY ZONES**

6. Other alternative parking designs, including covered parking or multi-level parking, may be approved by the Commission in lieu of, or in addition to, the above designs when such alternative design is creative and uses unusual layouts or landscaping design to achieve attractive, unconventional parking areas.
7. EVSE Ready Spaces and EV Installed Spaces shall be provided as described in 6.4.10. Minimum Number of EVSE Parking Spaces and Appendix H Electric Vehicle Supply Equipment.

### **D. Pedestrian/Bicycle Circulation**

1. Unless otherwise approved by the Commission, sidewalks shall be provided along both sides of internal streets and along one side of capacity roadways as identified in the Plan of Conservation and Development.
2. Sidewalks along internal streets may be required to be up to 12 feet wide. Sidewalks along adjacent arterial streets shall be constructed to Town specifications. All sidewalks shall be designed and constructed to interconnect to existing or future walkways on abutting properties.
3. Extensive provision shall be made for pedestrian circulation such as crosswalks, benches and other pedestrian amenities.
4. Extensive provision shall be made for bicycle circulation including bicycle racks and other amenities.
5. Benches, trash receptacles, bicycle racks, and other amenities shall comply with standards established by the Commission.

### **E. Loading Docks/Receiving Areas**

1. Loading docks/receiving areas shall only be located where approved by the Commission and shall generally not be visible from public streets.
2. All loading docks shall be designed as an integral part of the building, shall be suitably screened, and shall not detract from the appearance of the building and site.
3. No truck deliveries or pickups are allowed between the hours of 10:00 p.m. and 7:00 a.m.
4. No loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

### **F. Lighting**

1. Lighting of internal streets and parking areas shall incorporate standard fixtures and poles selected by the Commission.

### **5.6.10 Outdoor Storage, Trash Collection, and Loading Areas**

- A. Loading areas, outdoor storage areas, utility meters, HVAC equipment, condensers, and other service functions shall only be located where approved by the Commission in order to be visually screened from and audibly buffered to adjacent properties, public streets, pedestrian ways, bicycle ways and public sidewalks.
- B. Any such areas shall be screened, recessed or enclosed as approved by the Commission, especially when such area is located adjacent to or near a residential use or zone.

### **5.6.11 Specific Requirements for Multi-family Residential Uses**

#### **A. Site Design Requirements**

1. Multi-family development within the CCOZ shall be designed to allow the integration of multi-family residential use with other approved commercial uses (including, but not limited to retail, office and recreation uses) to achieve a village-styled mixed use environment.
2. General Standards:
  - a. Multi-family residential uses shall be permitted except that such residential uses (including accessory club house, meeting rooms, fitness rooms, etc.) shall not be located on the street level of a building unless specifically approved by the Commission.
  - b. Multi-family residential units shall be either studio/efficiency units, 1-bedroom units, or 2-bedroom units. Not more than 50% of the total number of residential units shown on a Final Plan or a General Plan of Development or within a first phase of those plans shall be 2- bedroom units.

#### **B. Design Requirements**

1. Objective: Buildings shall have architectural features, patterns, materials and colors that provide visual interest, are aesthetically pleasing, are at human scale, reduce building massing to residential scale, and recognize both local and New England character.
2. Standards:
  - a. Roofs shall be identifiable with roof patterns normally seen in residential structures in the local and New England area and considered to be part of an architectural period design.
  - b. Mechanical equipment, whether roof-top or building mounted or on-grade, must be installed, screened and/or located so it is not visible or is screened from public or internal streets.
  - c. A separate entrance is required for that portion of the building containing dwelling units; main entrances(s) for residents cannot be located in close proximity to commercial loading/service areas.
  - d. Domestic hot water, heating and cooling systems shall be separate for each dwelling unit.

#### **C. Affordability Requirements**

1. At least ten percent (10%) of the housing units to be provided within the CCOZ shall be deed-restricted to rent or sell at prices that would make them affordable to persons or families earning eighty percent (80%) or less of the area median income as defined by the United States Department of Housing and Urban Development for a period of not less than forty (40) years.

#### **D. Multi-family Limitation**

1. Unless modified by the Commission due to excellence in village design or the provision of a significant public amenity, no more than sixty-seven percent (67%) of the total floor area on an individual parcel or within a consolidated parcel shall be used for multifamily residential development.

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### **5.6.12 Special Permit Considerations in the CCOZ**

In addition to the criteria and considerations contained in Section 8.4.B of these Regulations, the Commission may, in appropriate cases and subject to appropriate modifications and safeguards prescribed by it, grant a Special Exception approval in the CCOZ if the Commission determines that the proposed development:

- A.** Will help result in a variety of uses and functional attributes that will contribute to the creation of a Town Center and provide for the needs of day-to-day living (i.e. residential, commercial, or mixed-uses);
- B.** Accommodates multi-modal transportation (i.e. pedestrians, bicyclists, vehicles);
- C.** Has design and architectural features that are visually interesting;
- D.** Creates a pedestrian-friendly streetscape and environment;
- E.** Creates a bicycle-friendly environment;
- F.** Encourages human contact and social activities;
- G.** Promotes community involvement and maintains a secure environment;
- H.** Promotes sustainability and responds to climatic demands;
- I.** Has a memorable character;
- J.** Provides for consistency of scale and architectural design between buildings;
- K.** Creates or enhances a cohesive, mixed-use, pedestrian-friendly area with a ‘sense of place’;
- L.** Fosters high-quality development of businesses and sites, with careful attention to the appearance of buildings and surrounding sites and professional landscaping;
- M.** Contributes to providing for diversity in housing choices and opportunity.

## **Section 5.7 Center North Overlay Zone (CNOZ)**

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### **5.7.1 Purpose**

The purpose of the Center North Overlay Zone (CNOZ) is to support the long-term development of the Center Core area into a cohesive, mixed-use, pedestrian-friendly area with a ‘sense of place’ and to foster high-quality development of businesses and sites, with careful attention to the appearance of buildings and surrounding sites and professional landscaping. It is also the purpose of this district to allow for residential use to contribute to providing for diversity in housing choices and opportunity.

### **5.7.2 Definitions**

The definitions from Section 4.2.2 of these Regulations are incorporated herein.



### **5.7.3 General Concepts**

- A. While the Commission would like to encourage property owners to develop in accordance with the provisions of this section, the CNOZ is an overlay zone where the property owner may choose whether to develop in strict accordance with all of the provisions of the underlying zoning district or in strict accordance with all of the provision of this section.
- B. The CNOZ is intended to result in a mixed-use, pedestrian-friendly area with a ‘sense of place’. Since the creation of a ‘village-type’ setting requires careful attention to design and compatibility among a variety of property owners and situations, excellence in site planning and architectural design is an essential criterion of the CNOZ. All developments shall be human scaled, pedestrian friendly / pedestrian oriented developments with pedestrian amenities. All developments shall be designed to be bicycle-friendly.
- C. As authorized by CGS Section 8-2j and as recommended in the plan of Conservation and Development, the CNOZ is hereby designated as a ‘village district’ where the Commission may regulate new construction, substantial reconstruction, and rehabilitation of properties in view from public road- ways, including, but not limited to, (1) the design and placement of buildings, (2) the maintenance of views, (3) the design, paving materials and placement of roadways, and (4) other elements that the Commission deems appropriate to maintain and enhance the character of South Windsor Center.
- D. Unless an alternative overall plan is found acceptable by the Commission, all development shall be substantially in accordance with the development concepts expressed for South Windsor Center in the Plan of Conservation and Development, including those for capacity corridors, character corridors, street sections, pedestrian and bicycle connections, development opportunities and open space/conservation areas.

### **5.7.4 Pre-Application Discussion**

Applicants are encouraged to initiate a pre-application conference with the Commission to discuss the conceptual aspects of the proposed development and to prepare and present a conceptual plan for informal consideration by the Commission. Neither the pre-application conference, the informal review of the concept plan, nor the Commission’s suggestions shall be deemed to constitute approval or denial of any portion of the application.

### **5.7.5 Permitted Uses**

- A. Uses or Activities permitted by Special Exception: In addition to the uses allowed in the underlying zoning districts, the Commission may approve the following uses within the CNOZ by granting of a Special Exception in accordance with the Special Exception Considerations in Section 8.4.B and Section 5.7.12 of these Regulations:
  - 1. Construction of a mixed use building with retail or office use on the first floor and residential use on the upper floor(s);
  - 2. Multi-family Residential Use except that such uses shall be subject to the specific requirements of Section 5.7.11;
  - 3. Municipal facilities; public facilities; quasi-public charitable institutions; cultural facilities such as art galleries and museums; and public utilities;

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4. Other uses which the Commission finds will contribute to the overall Town Center ambience may be permitted by the Commission by Special Exception.

### **5.7.6 Consolidated Parcels**

#### **A. Purpose**

In the interest of promoting development continuity within the CNOZ, the consolidation of contiguous parcels is strongly encouraged and may be required by the Commission. ‘Consolidation’ is defined here as the integration of two or more individually owned parcels into a single Consolidated Parcel for the purposes of creating a shared-use arrangement of selected site components, e.g. common points of access/egress, drive passage, parking, loading/unloading, building coverage and yards, and implementing recommendations of the Plan of Conservation and Development for capacity corridors, character corridors, street sections, pedestrian and bicycle connections, development opportunities, and open space/conservation areas.

#### **B. Procedure**

1. A consolidated parcel shall be developed with an integrated plan of pedestrian circulation, bicycle circulation, vehicular circulation, buildings, parking, loading and unloading, and landscaping. The overall plan of the consolidated parcel showing how they will be integrated in conformance with the recommendations of the Plan of Conservation and Development shall be submitted to the Commission and shall be considered an integral part of the application.
2. The owner of each lot shall give to the owner of each lot in the consolidated parcel by deed, easement, or agreement filed in the Office of the Town Clerk, the right of entrance, exit, passage, parking, and loading for pedestrians, bicycles, and vehicles.
3. As part of any new development in the CNOZ, the Commission may require the owner of a lot to execute an agreement to be filed in the Office of the Town Clerk, granting the right of entrance, exit, passage, parking, and loading for pedestrians, bicycles, and vehicles to the Town and any successors or assigns.

### **5.7.7 Yard and Bulk Requirements**

- A. To promote creation of a cohesive, mixed-use, pedestrian-friendly area with a ‘sense of place’ and to encourage or require coordinated development and management among different properties within the CNOZ, the Commission may permit development utilizing the following yard and bulk requirements:

1. Front yard setback –

- a. From an arterial street – The Commission may permit a front yard setback of 25 feet from an arterial street if the Commission finds that the arrangement of the proposed development will contribute to the establishment of the vision for South Windsor Center as expressed in the Plan of Conservation and Development. Otherwise, the minimum front yard setback from an arterial street shall be the same as the underlying zone(s).
- b. From an internal street – A building shall generally be placed at the edge of the sidewalk as approved by the Commission except that the Commission may allow a building to be located in an alternative configuration where the pedestrian-friendly nature of the streetscape will be maintained or a public amenity (such as a ‘pocket park’ or outside dining area) will be created.

## ARTICLE 5 – OVERLAY ZONES

2. Side yard setback – The Commission may allow development with no side yard setback if the Commission finds that the arrangement of the proposed development will contribute to the establishment of the vision for South Windsor Center as expressed in the Plan of Conservation and Development. Otherwise the minimum side yard setback shall be the same as the underlying zone(s).
3. Rear yard setback – The Commission may allow development with no rear yard setback if the Commission finds that the arrangement of the proposed development will contribute to the establishment of the vision for South Windsor Center as expressed in the Plan of Conservation and Development. Otherwise, the minimum rear yard setback shall be the same as the underlying zone(s).
4. Building placement – The long dimension of a building shall generally be placed parallel to the public or internal street which it faces in order to establish a consistent street wall and a pedestrian-friendly environment.
5. Maximum impervious coverage – The Commission may permit impervious coverage up to 65% of the area of the consolidated parcel provided that appropriate best management practices as recommended in the Connecticut State Water Quality Manual are utilized to manage the quality and quantity of runoff and if the Commission finds that the arrangement of the proposed development will contribute to the establishment of the vision for South Windsor Center as expressed in the Plan of Conservation and Development. Otherwise, the maximum impervious coverage shall be the same as the underlying zone(s).
6. Maximum building coverage – The Commission may permit building coverage up to 35% of the area of the consolidated parcel if the Commission finds that the arrangement of the proposed development will contribute to the establishment of the vision for South Windsor Center as expressed in the Plan of Conservation and Development. Otherwise, the maximum building coverage shall be the same as the underlying zone(s).
7. Building height –
  - a. Minimum building height – 2 stories and 24 feet unless the Commission approves a one-story building by Special Exception.
  - b. Maximum building height – 35 feet / 2 ½ stories except that no façade wall along an internal street shall exceed 30 feet in height without being stepped back a distance of at least ten feet.

### **5.7.8 Site Appearance Requirements**

- A. Sites, buildings, signs, and landscaping shall be designed in accordance with the criteria and standards contained in Section 8.7 Architectural and Design Review.
- B. The Commission may also consider the site appearance requirements in Section 4.2.10 of these Regulations in reviewing and approving applications within the CNOZ.
- C. All building elevations shall be attractively designed, with windows and/or other architectural elements and features such that no visible elevation looks like the back of a building.
- D. Street trees and street landscaping shall be incorporated into landscaping plans and large trees shall be provided along public streets and private streets to enhance the pedestrian-friendly environment.
- E. Except for parking/loading, all business, servicing, or processing shall be conducted within completely enclosed buildings.

## **ARTICLE 5 – OVERLAY ZONES**

- F.** Outdoor storage is prohibited except as expressly permitted by the Commission.
- G.** Satellite dishes shall be screened so they are not visible from public or private streets.

### **5.7.9 Access and Parking**

#### **A. Access Management**

All sites within the CNOZ shall be designed to limit the number of driveways onto arterial roadways and capacity corridors as identified in the Plan of Conservation and Development (including sharing of access and use of internal streets and character corridors), locate and design driveways to minimize the number and severity of conflicts, and incorporate other applicable access management practices and techniques.

#### **B. Streets**

1. It is envisioned that vehicular circulation will occur primarily on internal ‘streets’ which will be privately owned and maintained and constructed in accordance with the following diagrams unless an alternate arrangement is found acceptable by the Commission. (See Section 5.6.9B of these Regulations for desirable ‘street’ sections.)
2. Any street to be dedicated to the Town shall conform to all applicable Town ordinances and regulations, including the Public Improvement Specifications and the Subdivision Regulations.

#### **C. Parking**

1. Parking shall be provided in accordance with the requirements of Section 6.4 of these Regulations.
2. To the extent possible, such parking should be provided by spaces to be provided along internal ‘streets’ and secondarily by parking ‘lots’ located to the ‘rear’ of buildings.
3. The view of parking ‘lots’ from public streets and internal streets should be minimized through building placement and the use of landscaping, fences, walls and berms.
4. Parking ‘lots’ shall meet the landscaping requirements of Section 6.4.6 Parking Lot Landscaping.
5. EVSE Ready Spaces and EV Installed Spaces shall be provided as described in 6.4.10. Minimum Number of EVSE Parking Spaces and Appendix H Electric Vehicle Supply Equipment.

#### **D. Pedestrian/Bicycle Circulation**

1. Unless otherwise approved by the Commission, sidewalks shall be provided along both sides of internal streets and along one side of capacity roadways as identified in the Plan of Conservation and Development.
2. Sidewalks along internal streets may be required to be up to 8 feet wide. Sidewalks along adjacent arterial streets shall be constructed to Town specifications. All sidewalks shall be designed and constructed to interconnect to existing or future walkways on abutting properties.
3. Extensive provision shall be made for pedestrian circulation such as crosswalks, benches and other pedestrian amenities.
4. Extensive provision shall be made for bicycle circulation including bicycle racks and other amenities.
5. Benches, trash receptacles, bicycle racks and other amenities shall comply with standards established by the Commission.

**E. Loading Docks/Receiving Areas**

1. Loading docks/receiving areas shall only be located where approved by the Commission and shall generally not be visible from public streets.
2. All loading docks shall be designed as an integral part of the building, shall be suitably screened and shall not detract from the appearance of the building and site.
3. No truck deliveries or pickups are allowed between the hours of 10:00 p.m. and 7:00 a.m.
4. No loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

**F. Lighting**

1. Lighting of internal streets and parking areas shall incorporate standard fixtures and poles selected by the Commission.

**G. Screening**

1. Screening shall be provided to establish a visual buffer between different uses where the Commission deems such screening to be except that screening is not required along the frontage of Buckland Road, Ellington Road, Sullivan Avenue, or Oakland Road.

**5.7.10 Outdoor Storage, Trash Collection, and Loading Areas**

- A. Loading areas, outdoor storage areas, utility meters, HVAC equipment, condensers, and other service functions shall only be located where approved by the Commission in order to be visually screened from and audibly buffered to adjacent properties, public streets, pedestrian ways, bicycle ways and public sidewalks.
- B. Any such areas shall be screened, recessed or enclosed as approved by the Commission.
- C. No part of a loading dock shall be located within 100 feet of a residential zone boundary.

**5.7.11 Specific Requirements for Multi-family Residential Uses**

**A. Site Design Requirements:**

1. Multi-family development may be permitted within the CNOZ and shall be designed to achieve or complement a village-styled environment.
2. For a multi-family development with no mixed-use component, the maximum density shall be 4.5 units per net buildable acre.
3. In reviewing such a development, the Commission may refer to the standards and guidelines contained in Section 3.4 of these Regulations.
4. Multi-family residential units shall be either studio/efficiency units, 1-bedroom units, or 2-bedroom units. Not more than 50% of the total number of residential units shown on a Final Plan or a General Plan of Development or within a first phase of those plans shall be 2-bedroom units.

**B. Design Requirements**

1. Objective: Buildings shall have architectural features, patterns, materials and colors that provide visual interest, are aesthetically pleasing, are at human scale, reduce building massing to residential scale, and recognize both local and New England character.

## **ARTICLE 5 – OVERLAY ZONES**

### **2. Standards:**

- a. Roofs shall be identifiable with roof patterns normally seen in residential structures in the local and New England area and considered to be part of an architectural period design.
- b. Mechanical equipment, whether roof-top or building mounted or on-grade, must be installed, screened and/or located so it is not visible or is screened from public or internal streets.
- c. A separate entrance is required for that portion of the building containing dwelling units; main entrances(s) for residents cannot be located in close proximity to commercial loading/service areas.
- d. Domestic hot water, heating, and cooling systems shall be separate for each dwelling unit.

### **C. Affordability Requirements**

1. At least ten percent (10%) of the housing units to be provided within the CNOZ shall be deed-restricted to rent or sell at prices that would make them affordable to persons or families earning eighty percent (80%) or less of the area median income as defined by the United States Department of Housing and Urban Development for a period of not less than forty (40) years.

### **D. Multi-family Limitation**

1. Unless modified by the Commission due to excellence in village design or the provision of a significant public amenity, no more than sixty-seven percent (67%) of the total floor area on an individual parcel or within a consolidated parcel shall be used for multi-family residential development.

## **5.7.12 Special Exception Considerations in the CNOZ**

In addition to the criteria and considerations contained in Section 8.4.B of these Regulations, the Commission may, in appropriate cases and subject to appropriate modifications and safeguards prescribed by it, grant a Special Exception approval in the CNOZ if the Commission determines that the proposed development:

- A.** Will help result in a variety of uses and functional attributes that will contribute to the creation of a Town Center and provide for the needs of day-to-day living (i.e. residential, commercial, or mixed-uses);
- B.** Accommodates multi-modal transportation (i.e. pedestrians, bicyclists, vehicles);
- C.** Has design and architectural features that are visually interesting;
- D.** Creates a pedestrian-friendly streetscape and environment;
- E.** Creates a bicycle-friendly environment;
- F.** Encourages human contact and social activities;
- G.** Promotes community involvement and maintains a secure environment;
- H.** Promotes sustainability and responds to climatic demands;
- I.** Has a memorable character;
- J.** Provides for consistency of scale and architectural design between buildings;



## **ARTICLE 5 – OVERLAY ZONES**

- K.** Creates or enhances a cohesive, mixed-use, pedestrian-friendly area with a ‘sense of place’;
- L.** Fosters high-quality development of businesses and sites, with careful attention to the appearance of buildings and surrounding sites and professional landscaping;
- M.** Contributes to providing for diversity in housing choices and opportunity.

### **Section 5.8      Route 5 North Overlay Zone (R5NOZ)**

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#### **5.8.1 Purpose**

The purpose of the Route 5 North Overlay Zone (R5NOZ) is to create a transitional overlay zone which would afford property owners northerly of the Scantic River the opportunity to establish certain commercial uses compatible with the remaining residential uses, while carefully managing building design, placement, and landscape treatments in this high volume traffic corridor along U.S. Route 5. The goal is to compliment the rural flavor here, while recognizing land owners’ potential need for commercial opportunities. The area will serve to transition from the more rural surroundings to the built-up sections of Route 5 in East Windsor and in South Windsor southerly of the Scantic River.

#### **5.8.2 General Concepts**

- A.** While the Commission would like to encourage property owners to develop in accordance with the provisions of this section, the R5NOZ is an overlay zone where the property owner may choose whether to develop in strict accordance with all of the provisions of the underlying zoning district, or in strict accordance with all of the provisions of this section.
- B.** Given that this area serves as an entrance to South Windsor from the north, excellence in site planning, landscape architecture, and building architecture is an essential element of the R5NOZ. All such developments shall take into consideration travel speeds on the abutting highway and compatibility with adjoining residential uses. Landscape architectural elements (e.g., berms and plantings) are thus critical between proposed buildings, parking areas, and Route 5, and between buildings/parking lots and residences. Low Impact Development (LID) measures shall be incorporated into the site design.
- C.** Locating of site driveways and parking areas must be sensitive and not intrusive to the existing residences in the area.
- D.** Access management regulations shall be incorporated into the site design where required.

#### **5.8.3 Pre-Application Discussion**

Applicants are encouraged to initiate a pre-application conference with the Commission to discuss the conceptual aspects of the proposed development and to prepare and present a conceptual plan for informal consideration by the Commission. Neither the pre-application conference, the informal review of the concept plan, nor the Commission’s suggestions shall be deemed to constitute approval or denial of any portion of the plan.

#### **5.8.4 Permitted Uses**

- A.** All uses in the underlying zone;



**B.** The following uses shall be allowed by Special Exception:

1. Municipal facilities and uses;
2. Day care facilities;
3. Offices – professional, commercial, corporate and business;
4. Personal service shops;
5. Recreational facilities (shall not include adult-oriented entertainment establishments as defined by Section 7.2.3). Permitted accessory uses for indoor recreation may include:
  - a. Entertainment including music, sporting events and dancing;
  - b. Areas primarily dedicated to serving, preparation, sales and consumption of food and beverages, including alcoholic beverages for special events; and
  - c. Auctions;
6. Riding academies, barns and stables;
7. Home occupations, home office, professional office (major), including landscape contractor businesses and similar uses (see Table 3.1.1A and Article 7 Special Regulations).

**5.8.5 Site Appearance and Performance Standards**

1. Existing trees and hedgerows shall be incorporated into site design and preserved to the maximum extent possible.
2. All parking areas shall be a minimum of 25 feet from the front property line.
3. Side and rear yards shall contain landscaped buffers of 10 feet in width. The provision of Section 6.2.4 Buffers shall not apply.
4. All outdoor storage must conform to Section 2.11 Commercial and Industrial Storage and Display.
5. Loading areas, truck parking, HVAC equipment, outdoor storage areas, trash collection areas and other such service functions shall be incorporated into the overall design of the site and landscaping so that the visual impacts and noise on surrounding residential properties are minimized.

**5.8.6 Electric Vehicle Supply Equipment (EVSE) Ready Spaces and Electric Vehicle (EV) Installed Spaces**

EVSE Ready Spaces and EV Installed Spaces shall be provided as described in 6.4.10. Minimum Number of EVSE Parking Spaces and Appendix H Electric Vehicle Supply Equipment.

## **Section 5.9     Agri-Tourism Overlay Zone**

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### **5.9.1 Purpose**

The purpose of the Agri-Tourism Overlay Zone is to allow by special exception additional agricultural related activities to facilitate the preservation of farms by allowing them to diversify the use of structures and conduct on-site activities (e.g. corn maze, sales of farm produce, weddings, educational events, special events, wineries with wine tastings) where deemed appropriate by the Commission, taking into

consideration such factors as proximity to existing uses in the area, traffic volumes, amount of commercial traffic anticipated, and the suitability of the land for proposed business, hours of operation, and impact on future farming use of the property.

### **5.9.2 Permitted Uses**

- A. All uses permitted in the underlying zone
- B. Agri-tourism uses shall be permitted by Special Exception

### **5.9.3 Special Exception Criteria**

Special Exception for Agri-tourism may be granted subject to public hearing and the review of criteria of Section 8, submission of a site plan of development, and the following conditions:

1. The farm is a minimum of 5 acres.
2. The lot has to have frontage for access from a public road. Adequate line of sight entering and exiting the site shall be demonstrated based on Connecticut Department of Transportation standards and able to accommodate anticipated traffic volumes.
3. Adequate internal access thereto and be provided with sufficient parking to accommodate projected visitors. Pervious parking areas are encouraged.
4. Any building proposed for commercial use shall be located not less than 100 feet from any street or property line.
5. Maximum impervious coverage shall be 25%.
6. Side and rear yards shall contain landscaped buffers of 10 feet in width. The provisions of Section 6.2.4 Buffers shall apply.
7. All local, state, and federal applicable regulations must be complied with prior to the issuance of a zoning permit.
8. Activities are generally conducted during day time hours. The Commission may set restrictions on entertainment to mitigate the potential noise to surrounding properties. Limitations may include, but are not limited to, time of day, limitation on outdoor entertainment, and use of amplified equipment.

## **Section 5.10 Sullivan Avenue Mixed-Use Development Overlay Zone (SAMUD-OZ)**

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### **5.10.1 Purpose**

The purpose of this section is to allow, by Zone Change/General Plan of Development and then by Special Exception/Site Plan of Development approvals, mixed-use developments containing compatible and complimentary commercial and multi-family residential uses in the General Commercial Zoning District fronting on Sullivan Avenue (Route 194). Such SAMUD developments are intended to revitalize substandard and/or blighted areas, to provide high quality development, to increase housing options for town residents (including affordable housing), and to substantially add to the community's economic base and employment opportunities.

### **5.10.2 Site Design Requirements**

#### **A. Objectives**

To allow sites designed to integrate the multi-family residential use with other approved General Commercial uses (including, but not limited to, retail, restaurant, office, service, recreation, and other uses); and to achieve a village-styled mixed-use environment with the residential use fully integrated into the site plan including buildings that contain commercial uses; and to provide integration within the development area to include shared roadways and motor vehicle and bicycle parking, utilities, appropriate open space area, landscaping and buffers, strong pedestrian and bicycle interconnections within the commercial and residential development and to other adjacent non-residential uses, and related improvements. SAMUDs are encouraged to employ low impact development measures, solar or other green energy systems, and electric vehicle charging stations.

#### **B. General Standards**

1. The Sullivan Avenue Mixed-Use Development Overlay Zone (SAMUD-OZ) shall be implemented through zone change/general plan of development and special exception / site plan processes in accordance with Section 8.3 (Zone Change Standards and Procedures) of these regulations. For the initial application, the zone change application / map shall be accompanied by a general plan of development (see Section 8.6.3). The second application will be for a special exception/site plan (see Section 8.6.2).
2. The SAMUD-OZ is not intended, in any way, to limit or negate the uses permitted in the underlying General Commercial Zoning District.
3. The SAMUD-OZ is an overlay zone with its own set of requirements and restrictions. The intent of the SAMUD-OZ is that the requirements of the General Commercial underlying zone (including but not limited to dimensional requirements and design criteria), apply to any proposed mix-use development unless those requirements specifically conflict with a requirement in the SAMUD-OZ, in which case the SAMUD-OZ requirement shall control.
4. All SAMUD developments shall exhibit a high standard of quality in construction detail, materials, site design, and appearance.
5. Site planning is an essential criterion. Sites developed under the SAMUD-OZ are intended to be carefully planned, both within the site's own boundaries and in relation to surrounding properties.

6. Multi-family residential uses shall be permitted. Buildings containing multi-family residential uses may include, but do not require, commercial uses located on the ground floor and/or other floors above the ground floor.
7. Multi-family residential dwelling units shall be either studio/efficiency, one-bedroom or two-bedroom units. The maximum number of two-bedroom units shall not exceed 35% of all dwelling units. The minimum number of studio/efficiency shall be 10% on a final site plan or within a first phase of those plans. No dwelling unit shall contain more than two bedrooms.
8. The floor area of the aggregate of all residential dwelling units in the proposed SAMUD development area shall be limited to a maximum ratio of 2:1 to the commercial floor area shown on the submitted site plan. Facilities for the sole purpose of support for a multi-family residential use, such as clubhouse, meeting rooms, offices, garage space, carports, storage bins, etc., and habitable attics, shall not be counted as either residential or non-residential floor area in determining compliance with the ratio. Commercial uses may exceed this ratio. Residential uses may not exceed this ratio. This is to ensure that there is a balance between commercial and residential uses on the site. Commercial uses shall be in new buildings or buildings undergoing substantial renovation.
9. The construction of a development may be approved by the Commission to be undertaken in phases. Projects shown on an approved SAMUD site plan of development which are to be constructed in phases shall generally require development of both residential and commercial buildings which maintain the minimum floor area ratio between both. The applicant shall submit a plan for ensuring conformity with Section 4.1.9.B.2.c. (residential to commercial ratio) including the phasing and timelines of the construction elements. Said plan and sequencing must be approved by the Commission. The Commission may require surety to establish regulatory compliance. In its approval, the Commission may require measures to be taken, including but not limited to, the withholding of building permits and/or certificates of occupancy to enforce approved timelines, percentages, and other conditions of approval.
10. The size of a multi-family residential use which is under construction at any one time may be limited by the Commission during the approval process by requiring phasing of construction and/or a reduction in the number of residential units to be built in any phase to an amount not exceed 70 residential units per phase as shown on the site plan.
11. Said development shall contain no more than 125 residential dwelling units. Developments shall have at least 10% of the dwelling units deed restricted to rent or sell at prices that would make them affordable to persons or families earning eighty percent (80%) or less of the area median income as defined by the United States Department of Housing and Urban Development for a period of not less than forty (40) years. Maximum units for the entire zone is 125 units.
12. Each residential unit shall require a minimum of 200 square feet of open space within the site. Such open space may be for recreation purposes (active or passive, including recreational amenities, e.g., clubhouse or pool), or for preservation of natural features (wetlands, wooded areas, open lawns, etc.), or both. Regulated wetlands cannot exceed 20% of the credited open space.
13. All multi-family residential communities within the SAMUD and containing over fifty (50) dwelling units within the SAMUD, in aggregate, shall provide amenities such as, but not limited to a clubhouse, pool, or exercise/workout area. Said amenities may be provided within an adjoining commercial development within the SAMUD, however, those amenities within an adjoining commercial development shall be available for use by right of the residents; and shall not apply toward the minimum required area of open space within the site.

## ARTICLE 5 – OVERLAY ZONES

14. All parking lots must be designed to provide safe and convenient pedestrian and bicycle access as part of any parking lot and site design, including safe and convenient pedestrian and bicycle movement to and from public walkways, bikeways or streets, and between developed lots, consistent with Section 6.7 of these regulations. Bicycle parking shall be in accordance with guidelines of the Association of Pedestrian and Bicycle Professionals (APBP) for short-term parking. Bus shelters shall be required in appropriate locations.
15. Parking shall be provided at a minimum overall rate of 1.7 spaces per dwelling unit. However, if commercial parking areas adjacent to the residential buildings are available for shared parking, than parking shall be provided at a minimum rate of 1.75 spaces per two-bedroom dwelling unit, 1.25 spaces per one-bedroom unit, and 1.0 space per studio /efficiency unit. Parking may be designated in attached or detached garages, in carports, or in surface parking lots. Parking for all commercial uses shall be as required by the zoning regulations. (see Table 6.4.3B). Unenclosed parking of recreational vehicles, boats, or trailers shall be prohibited within a proposed residential community, but may be provided within a well screened area adjacent to the SAMUD's commercial uses, e.g. to the rear of a principal commercial building. EVSE Ready Spaces and EV Installed Spaces shall be provided as described in 6.4.10. Minimum Number of EVSE Parking Spaces and Appendix H Electric Vehicle Supply Equipment. All garages and assigned covered spaces shall be wired as EV Ready Spaces.
16. Infrastructure improvements such as utilities, roadways, and related improvements shall conform to Town standards. Twenty-four foot pavement width for private streets and driveways is acceptable. Parking spaces, landscaped islands, dumpsters, lighting, and common drives may be place in locations which straddle or are in close proximity to internal SAMUD property lines. In limited areas, residential and commercial parking may be allowed contiguous to a perimeter circulation road. Standards may be reduced or waived as deemed appropriate and approved by the Commission. All utilities shall be underground. Any solid waste stations (dumpsters) shall be placed on a concrete pad, appropriately screened, and maintained. The location and design of the screening or enclosure shall be shown on the site plan.
17. Maximum property size is twenty (20) acres. Minimum property size is fifteen (15) acres, however, SAMUD's may be subdivided into no more than two contiguous parcels independently meeting the minimum lot and are requirements of the General Commercial Zoning District (see Table 4.1.6A), provided all necessary easements for cross travel (motor vehicle, bicycle, and pedestrian), drainage, grading, and utility services are established, and the overall SAMUD, including all parcels, is developed in a coordinated fashion.
18. Roadways and utilities: All roads and utilities within the site development shall be owned and maintained by the owner(s) of the SAMUD, an association or other entity formed to carry out maintenance, a utility company, or a combination of same, but not the Town of South Windsor.
19. Except along public streets, required buffers, in accordance with Section 6.2, shall be provided between the overall SAMUD site and any adjacent residentially zoned or commercially zoned property which is not in common ownership with the SAMUD, or any lot therein. Buffers are not required between residential and commercial uses within the SAMUD. Buffers are not required between parcels within the SAMUD development. Minimum buffer width is fifty (50) feet. Yards are in addition to buffers.
20. Maximum stories in a building shall be three (3), maximum commercial or commercial / residential (buildings containing both uses) impervious coverage shall be 65%, maximum residential impervious coverage shall be 60%, maximum lot coverage shall be 40%, and maximum building height shall be 45 feet. Residential buildings adjacent to a single-family zone or development shall not exceed 2 ½ stories.

21. Maintenance and operation agreements addressing the long term maintenance shall be provided.



## ARTICLE 6 SITE DEVELOPMENT REGULATIONS

### Section 6.1 General Provisions

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#### **6.1.1 Applicability**

These regulations generally apply to all sites located within industrial and commercial zones - specifically General Commercial (GC), Restricted Commercial (RC), Restricted Office (RO), Industrial (I), I-291 Corridor Development (CD), Route 5 Travel Services (TS), and Buckland Gateway Development (GD); and to certain uses in residential zones - specifically Multifamily (MF-A, MF-AA); and to non-residential uses permitted in residential zones, i.e., all uses requiring site plan approval. (See Tables 3.1.1A Residential Permitted Uses, Impervious Coverage and Other Provisions, and 4.1.1A Permitted Commercial and Industrial Uses, as well as Sections 4.2 Buckland Road Gateway Zone, 4.4 I-291 Corridor Development Zone.)

These regulations apply to new construction as well as to site changes.

#### **6.1.2 Applicable Regulations**

##### **A. Residential Development**

All streets, parking lots, access ways, sidewalks, landscaping, utilities, storm drainage facilities and other improvements shall be installed in accordance with the procedures and design standards of these regulations, the South Windsor Subdivision Regulations, the Town of South Windsor Roadway and Storm Drainage Standards dated January 1979, as amended and all other applicable Town of South Windsor design and construction standards. Where conflicts between these regulations and standards arise, resolution shall be as determined by the Commission.

##### **B. Commercial and Industrial Development**

On-site improvements shall meet acceptable engineering standards. Drainage facilities shall be designed in accordance with the Town of South Windsor public improvement specifications.

#### **6.1.3 Off-Site Improvements**

The Commission may require an applicant to provide reasonable and necessary traffic and pedestrian circulation improvements, and sewerage, drainage facilities and other improvements including land and easements, located off-site of the property limits but necessitated or required by the development. “Necessary” improvements are those clearly and substantially related to the subject development. The Commission shall indicate in its approval the basis of the required improvements.

#### **6.1.4 Natural Landscape Features**

Due regard shall be given to the preservation and potential enhancement of natural features, trees, scenic points, rock formations, and other assets of a community nature. All watercourses should remain in as natural a state as possible, and all land filling shall be subject to the landfill regulations of the Town. The developer shall preserve, insofar as possible, hardwood and evergreen trees that are not required to be removed by the building construction or public improvements.

## **ARTICLE 6 – SITE DEVELOPMENT REGULATIONS**

### **6.1.5 Traffic and Circulation Considerations**

To assure the smooth flow of traffic to and from sites and to minimize conflicts between pedestrians and motor vehicles, Site Plan design should incorporate the following:

1. On-site queuing provisions must be adequate to prevent site-generated traffic from queuing onto public streets.
2. Sight lines for exiting traffic from the site drive must be satisfactory for the prevailing speed of approaching traffic.
3. The applicant must demonstrate that the design provides for safe and orderly vehicular and pedestrian flow and movement of traffic and minimizes vehicular and pedestrian conflicts.
4. Delivery areas must be located so that normal business operations are not impeded or compromised.

A traffic report prepared by a professional engineer shall be provided with the application to demonstrate the adequacy of traffic flow and design. This report may be waived where the site-generated traffic is minimal and the Town Engineer concurs that the traffic layout is acceptable.

## **Section 6.2 Landscaping and Buffers**

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### **6.2.1 General Landscape Standards**

- A. Suitable landscaping, including lawns and nursery-grown trees and shrubs, designed to be low-maintenance wherever possible, is required in all areas not covered by impervious surfaces. The Commission may allow existing natural vegetation to be retained as part of the approved landscaped plan.
- B. A list of trees suitable for buffering, and as approved by the Town Tree Warden, is maintained in the Planning Department. Invasive plants, as identified by the Connecticut Department of Environmental Protection, are unacceptable.
- C. Site landscaping shall be designed in accordance with the guidelines in Section 8.7 Architectural and Design Review, and shall be designed to maximize site compatibility with the surrounding neighborhood.
- D. Stormwater detention basins that are visible from a street (including private streets serving the public) must be attractively designed and landscaped, with side slopes no greater than 4:1 for maintenance purposes.
- E. Large trees and stands of mature trees and shrubs are to remain undisturbed where practical and desirable. Existing healthy trees of 18 inch caliper and greater (to be survey-located either singly or as groups) shall be incorporated into the site plan to the maximum extent possible. Similarly, significant stands (10 or more trees) of related species, or consistent scrub-shrub groupings occurring in front, side or rear yards shall be preserved whenever feasible. When possible, existing trees shall be saved by appropriate welling and mounding.
- F. All trees and shrubs to remain undisturbed shall be tagged, or otherwise identified, in the field prior to commencement of site work, and shall be shown on the landscaping plan.



### **6.2.2 Maintenance of Landscaping**

All landscaping elements portrayed on the approved landscaping plan, including buffer treatments, shall be maintained in a manner sufficient to ensure its continuing performance and the survival of plantings. Where a maintenance problem arises, upon order of the Zoning Enforcement Officer, said landscaping shall be restored to a satisfactory condition consistent with the approved landscaping plan.

### **6.2.3 Obstruction by Landscaping**

Landscaping shall not obstruct line-of-sight for vehicles entering and exiting the premises, nor shall it unduly obstruct line-of-sight for vehicles traveling on abutting Town or State highways. Corner visibility shall be maintained consistent with Section 2.8 Corner Visibility. Landscaping shall not obstruct line-of-sight for vehicles entering and leaving either common driveways or other access ways.

### **6.2.4 Buffers**

#### **A. Purpose**

The purpose of buffers is to mitigate visual, noise, and other impacts between residential and non-residential uses, and between low-density and high-density residential uses.

#### **B. Standards and Design**

1. For the purposes of this section, a site may mean an entire lot; or, when a parcel is to be developed in phases, a portion of the lot that bears a reasonable relation to the building(s) for which a site plan has been approved.
2. Wherever any non-residential use/zone abuts any residential zone, a buffer shall be required. The buffer shall meet the following criteria:
  - a. The field of view between abutting residential and non-residential uses/zones shall be obscured visually within 5 years time to such an extent that activity on the abutting lot is not immediately apparent.
  - b. The field of view between abutting residential and non-residential uses/zones shall be substantially obscured visually by the maturity of the planting.
3. Wherever any non-residential zone abuts any residential zone, a buffer is required on both sides of the shared zone boundary line. Applicants are responsible for providing the required buffer on their side of the zone boundary. Buffers are not required along street frontages; however, the Commission may require screening. Buffers are not required between 2 abutting non-residential uses in residential zones.
4. The following special exception residential uses require a buffer along all property boundaries except street frontage:
  - a. Multifamily (MF-A, MF-AA)
  - b. Elderly Housing (Section 7.7)

When two of these special exception uses abut, the field of view between the two uses shall be substantially reduced but not necessarily obscured, both within 5 years time and at maturity.

5. All buffers are in addition to required yards (building setback lines).

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6. All buffer areas shall be designed by a licensed landscape architect.
7. Clear cutting/harvesting of trees within a buffer area is expressly prohibited at any time without prior Commission approval.
8. The Commission may modify proposed landscaping plans to require more mature plantings, different species, or alternative design, in order to afford a functional and aesthetically pleasing buffer area.

### C. Buffer Widths

**Table 6.2.4A Buffer Widths**

Zone/Use	Buffer Width
GC, RC, I, TS	50 feet
GD, CD	75 feet
DC	100 feet
RO	25 feet
MF; Elderly Housing (Section 7.7)	25 feet
RR, AA, A	50 feet
RROZ	25 feet
Non-Residential Uses in Residential Zones	50 feet
Assisted Living	50 feet
Independent Living	50 feet

1. The length of the buffer to be planted prior to issuance of the first Certificate of Occupancy (CO) will be so indicated on the site plan of development for industrial/commercial and high-density residential developments and on the individual plot plan for single-family residential development.
2. The Commission strongly recommends that developers begin installing the entire buffer on a parcel well in advance of planned building activities for the balance of the parcel, as smaller plantings can be utilized. The buffer may then exceed the required specifications at the time a CO is requested.

### D. Interplanted Buffer

Areas to remain undisturbed during construction activities (i.e., non-encroachment areas) shall be indicated on the landscaping plan. If filling, cutting, grading, or other disruptive activities occur near non-encroachment areas, trees and shrubs to be preserved shall be protected in accordance with accepted landscaping practices. The methods proposed to afford such protection shall be identified on the landscaping plan or in a corresponding document. The interplanted buffer shall be designed to meet or exceed the performance level described herein. In addition, the following guidelines shall be followed:

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1. Evergreen trees and large deciduous trees should be spaced using accepted landscaping practices, usually 20 feet or more on center.
2. Flowering trees should be spaced using accepted landscaping practices, usually 10 or more feet on center.
3. Trees shall not be planted within 20 feet of a sewer line or area of heavy equipment use.
4. Plantings shall be staggered/clustered to achieve maximum screening after 5 years, and at maturity. Evergreen trees shall be a minimum of 5 feet in height at the time of plantings; deciduous shade trees shall be a minimum of 2" caliper and 10 feet in height at the time of planting; and flowering trees shall be a minimum of 6 feet in height at the time of planting and 1½" caliper.
5. Suggested varieties of trees and shrubs include, but are not limited to, Canada Hemlock, Scotch Pine, White Pine, Norway Spruce, Douglas Fir, Pyramidal Arborvitae, Juniper (including Red Cedar), Rhododendron, Azalea, Holly, Forsythia, Viburnum, Lilac, Yew, Flowering Crab, Dogwood, Magnolia, Hawthorn, Flowering Quince, Mountain Ash, Flowering Cherry, Sycamore (Plane Tree), Male Ginko. Undesirable trees include, but are not limited to, White Poplar, Box Elder, Cottonwood, Basswood (Linden), Catalpa, Tree of Heaven (Ailanthus), Silver Maple, Red Maple, Black Locust and Chinese Elm.
6. Invasive plant species identified by the State of CT Department of Environmental Protection (DEP) shall not be planted nor included on any landscaping plan.

### **E. Non-Interplanted Buffer**

When mature existing vegetation is not being incorporated into the buffer plantings, or when such vegetation comprises a relatively insignificant proportion of the buffer, the buffer area shall be composed of a suitable combination of evergreen, deciduous, and flowering trees and shrubs to meet the criteria listed in paragraph 6.2.4.D Interplanted Buffers.

### **F. Alternative Buffer**

In lieu of the interplanted or non-interplanted buffer, the Commission may allow an alternative landscaped buffer design that meets, or exceeds, the performance level of the interplanted buffer. Said alternative buffer shall include tree and shrub plantings, and may include hedges, earthen berms, fencing, or other treatments.

## **Section 6.3 Outdoor Lighting**

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### **6.3.1 Purpose**

These regulations are intended to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting to enhance public safety and welfare, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare.

### **6.3.2 Illumination Standards**

- A. All exterior lights and sign illumination shall be designed, located, installed, and directed in such a manner as to:
  1. Prevent direct or objectionable glare or light trespass;
  2. Be shielded to the extent possible; and
  3. Be contained to the target area.

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- B.** No direct light source shall be visible at the property line of an industrial or commercial use.
- C.** The “maintained horizontal illuminance recommendations” set by the Illumination Engineering Society of North America (IES) shall be observed (see Appendix B) in order to:
  - 1. Employ soft, transitional light levels that are consistent from area to area; and
  - 2. Minimize contrast between light sources, lit areas and dark surroundings.
- D.** For gasoline service stations, maintained illumination recommendations set by the Illuminating Engineering Society of North America (see Appendix C) shall not be exceeded.

### **6.3.3 Light Pole and Fixture Standards**

- A.** Light poles shall meet the following standards:
  - 1. Maximum height of luminaires shall not exceed 25 feet.
  - 2. Light poles must be located at least five feet from any property boundary.
  - 3. Lighting shall not shed more than .25 foot-candle over a property line.
- B.** To reduce off-site glare, lighting fixtures for all parking and pedestrian areas shall be:
  - 1. Full cutoff type fixtures; or
  - 2. Fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
- C.** Lighting fixtures for building security or aesthetics and any display purposes shall, except as may otherwise be approved, be:
  - 1. Top downward (not upward or sideways);
  - 2. Full cut off; or
  - 3. Fully shielded/recessed.
- D.** Floodlighting is prohibited.
- E.** An applicant can request a waiver to allow up to 35 foot poles after demonstrating that the height of the pole is necessary and can meet the performance requirements of these regulations with the higher poles. The following criteria will be considered when determining the appropriateness of higher poles:
  - 1. traffic or other hazards will not be created;
  - 2. general property values will be conserved;
  - 3. no adverse effects on existing uses in the area;
  - 4. general welfare of the community will be served;
  - 5. no adverse environmental impacts will be created;
  - 6. topography of the land makes the property suitable for higher poles.

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### **6.3.4 Recreational Facility Lighting**

- A. Any light source permitted by this regulation may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields soccer fields, baseball fields, soft-ball fields, tennis courts, show areas, pedestrian and walk areas, provided all of the following conditions are met:
1. All fixtures used for event lighting will be fully shielded, or be designed to minimize up light, spill-light, and glare. The maximum height is 35 feet. The applicant must meet the guidelines established by the current Electrical Institute of Engineers for recreational lighting, and all the requirements of these regulations.
  2. Poles are to be located a minimum of 100 feet from residential zones or property lines (where the residence is the primary use). A waiver may be granted if this Commission deems it justified due to adverse topographic or environmental conditions or difficult site configuration.
  3. Poles higher than 35 feet are permitted by Special Exception. An application for the special exception may be approved after the Commission considers the impact on the following:
    - a. Effects on the existing uses in the area;
    - b. Conservation of surrounding property values and the character of the neighborhood;
    - c. Impacts on the capacity of the present and proposed utilities, street, drainage systems, sidewalks, and other elements of the infrastructure;
    - d. Suitability of the land for the proposed use and any environmental impacts created by the proposal; and
    - e. Consistency with the goals and objectives of the Town Plan of Conservation and Development and/or Recreation Master Plan.

### **6.3.5 Prohibited Lighting**

- A. The use of laser-source light or any similar high-intensity light, when projected above the horizontal, is prohibited.
- B. The operation of search lights is prohibited.
- C. Flashing and blinking lights are prohibited. Traditional seasonal lighting, however, is exempt from this prohibition.

### **6.3.6 Hours of Operation**

Any unnecessary lighting should be reduced after the close of business. Applicant may be required to control the lighting through timing devices and/or motion detectors.

## ARTICLE 6 – SITE DEVELOPMENT REGULATIONS

### **6.3.7 Lighting-Related Definitions**

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

**Fixture:** The assembly that houses the lamp or lamps and can include some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

**Flood, Search, or Spot Light:** Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**Full Cutoff Light:** A luminaire or light fixture that, by design, of the housing, does not allow any light dispersing or direct glare to shine above a 75 degree horizontal plane from the base of the fixture. Full cutoff fixtures must be installed on a horizontal position as designed, or the purpose of the design is defeated, and disability glare will result.

**Fully Shielded Light:** Any light fixture that allows control of light beams in any direction.

**Glare:** Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, and in extreme cases cause momentary blindness.

**Grandfathered Luminaires:** Luminaires not conforming to this code, that were in place at the time this code was adopted. When a regulation "grandfathers" a luminaire, it means that such already existing outdoor lighting does not need to conform to the new regulations.

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

**Indirect Lighting:** Direct light that has been reflected or has scattered off of other surfaces.

**Isolux Diagram:** A graphical representation of points of equal luminance connected by a continuous line. Such diagrams are convenient for making point luminance determinations, and are provided by the manufacturer of the luminaire under consideration.

**Lamp:** The component of luminaires that produces the actual light.

**Light Pollution:** Stray or reflected light that is emitted into the atmosphere, beyond the 90-degree horizontal plane. Dust, water, vapor, and other pollutants reflect this light, causing unwanted sky-glow.

**Light Trespass:** The shining of light, produced by luminaires, beyond the boundaries of the property on which it is located.

**Luminaire:** A complete lighting system, including a lamp or lamps and a fixture.

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

**Partial Cutoff Luminaire:** A luminaire or light fixture that, by design of the housing, does not allow any light dispersing or direct glare to shine above a 90 degree horizontal plane from the base of the fixture. Full cutoff fixtures must be installed on a horizontal position as designed, or the purpose of the design is defeated, and disability glare will result.

**Temporary Outdoor Lighting:** The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.

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

## **Section 6.4    Parking and Access - Off-Street Parking and Loading**

### **6.4.1 Purpose**

It is the intent of this Regulation to create off-street parking that is creative and to achieve attractive, innovative parking layouts that will accent and highlight buildings and features of commercial development. For any proposed development, the Commission shall review overall site design, parking layout and configuration, traffic circulation within the site, the number and location of access points to and from the site, and the nature and type of traffic circulation on adjacent roadways to ensure that public safety and welfare is promoted. The location of any proposed access shall be clearly indicated on the plans for any proposed development.

### **6.4.2 Applicability**

The following schedule of parking and loading requirements shall apply to all zone districts in the Town of South Windsor.

### **6.4.3 Minimum Number of Parking Spaces**

In all districts, the minimum number of parking spaces shall be provided in accordance with the following schedules:

**Table 6.4.3A Minimum Required Parking Spaces – Residential Uses**

<b>Use - Residential</b>	<b>Minimum Required Parking Spaces</b>
One and Two-Family Dwellings including Accessory or In-Law Apartments	2 spaces per dwelling unit
Multi-family Dwellings <sup>(1)</sup>	2 spaces per dwelling unit
Multi-family Dwellings / SAMUD-OZ <sup>(3)</sup>	1.7 spaces per dwelling unit, however, if shared parking, 1.75 spaces per two-bedroom dwelling unit, 1.25 spaces per one-bedroom dwelling unit, and 1.0 space per studio / efficiency dwelling unit
Assisted Living <sup>(2)</sup>	1 space per 2 dwelling units
Bed and Breakfast	1 space per guest bedroom
Home Occupations, Home Offices	1 space per 160 square feet, or fraction thereof, of building floor area devoted to such use
Elderly Housing	1 space per living unit plus 1 per employee
Independent Living	1.25 spaces per dwelling unit
<sup>(1)</sup> The Commission reserves the right to require up to 2½ spaces per dwelling unit. In addition to the minimum number of parking spaces required for passenger vehicles, the Commission may require a special area containing at least 1 parking space for every 10 dwelling units for the storage of recreational vehicles, boat trailers, and the like. This area may also be used for the parking of visitors' vehicles.  <sup>(2)</sup> The site plan shall demonstrate reserve parking equal to the primary parking in the event that additional parking is needed. (Shared parking facilities may be used to satisfy this requirement.)  <sup>(3)</sup> See Section 5.10 Specific requirements for a Sullivan Avenue Mix-Use Development in the GC Zone	

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**Table 6.4.3B Minimum Required Parking Spaces – Commercial and Industrial Uses**

Use	Minimum Required Parking Spaces
Bar, Nightclub, Lounge	1 space per 50 sq. ft. of Gross Floor Area (GFA)
Bowling Alley	4 spaces per lane plus any restaurant requirements
Business Offices <50,000 sq. ft. of GFA	4 ½ per 1000 sq. ft. of GFA
Business Offices 50,000 - 100,000 sq. ft. GFA	4 per 1000 sq. ft. of GFA
Business Offices >100,000 sq. ft. of GFA	3 ½ per 1000 sq. ft. of GFA
Car Wash	10 spaces per stall including stacking
Church, Synagogue	1 space per 3 seats
Fast Food	1 space per 50 sq. ft. of GFA
Financial Institution	1 space per 250 sq. ft. of GFA plus 1 per employee
Hotel, Motel, Tourist Home	1 space per unit plus restaurant requirements
Hospital, Sanitarium, Convalescent or Nursing Home	1 space per 3 beds, plus 1 per 2 employees
Industrial and Manufacturing	1 space per 700 sq. ft. of GFA or 1 space per 2/3 employees for the largest shift, whichever is greater
Library	1 space per 400 sq. ft. of GFA
Medical and Dental Office	4 spaces per 1000 sq. ft. of GFA
Places of Assembly, Amusement, Recreation, and Education	1 space per 250 sq. ft. of GFA
Research	1 space per 700 sq. ft. GFA or 1 space per 2/3 employees, whichever is greater
Restaurants, Taverns, Cocktail Lounges	1 space per 50 sq. ft. of GFA
Retail Stores, Personal Service Shops	1 space per 200 sq. ft. of GFA
Roadside Stands	3 minimum, plus dwelling lot requirements
Self Storage	1 space per 25 units of storage
Shopping Center <200,000 sq. ft. of GFA	4 per 1000 sq. ft. GFA
Shopping Center 200,000 - 500,000 sq. ft. GFA	4 ½ per 1000 sq. ft. of GFA
Shopping Center >500,000 sq. ft. GFA	5 per 1000 sq. ft. of GFA
Theater	1 space per 3 seats
Undertaking Establishments	1 space per 50 sq. ft. of GFA
Warehouse	1 space per 1,250 sq. ft. plus 1 space per employee
Each use not listed above	The Commission shall determine the appropriate number of spaces based upon similarity to the above uses and/or standards available from recognized authorities.

### **6.4.4 Off-Street Parking – General Provisions**

#### **A. Shared Parking**

In the case of more than one use of a building or lot, required parking facilities shall be construed to be the sum of the requirements for all uses computed separately according to the above schedule.



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### **B. Evening Use**

Parking facilities for a predominantly evening use may be considered as part of the facilities for daytime use where:

1. Written agreement to such mutual use is recorded in the Office of the Town Clerk.
2. The Commission, after public hearing, approves such mutual use and establishes such safeguards as will carry out the purpose of this section.

### **C. Reserve Parking**

The Commission will consider "reserve parking" arrangements where the number of spaces proposed is less than that required by these regulations, provided that the applicant can demonstrate to the Commission that the required spaces are excessive and are unnecessary. Reserve spaces shall be shown on the site plan and such area shall count towards impervious coverage requirements.

### **D. Changes in Minimum Parking Requirements**

Whenever, after the date of these regulations, there is a change in the number of employees or business visitors, the lawful use of the premises, or any other unit of measurement specified in any of the foregoing paragraphs of this section, and whenever such change creates a need for an increase or decrease of more than 15% of the number of off-street parking spaces as determined by the requirements of this section, more or less off-street parking facilities shall be provided within a reasonable time on the basis of the adjusted needs, as determined by this section.

### **E. Building Expansions**

Parking facilities off the street or highway right-of-way shall be provided to serve all buildings erected, moved, altered, or enlarged in excess of 25% of the present floor area of dwelling units, and all premises otherwise developed after the adoption of these regulations. Such facilities shall be sufficient to accommodate the motor and other vehicles of all occupants, employees, customers, and other persons normally visiting any building or premises at any one time. The pavement, drainage, landscaping, and lighting of parking facilities shall be maintained in proper condition so that the facility may function as designed.

### **F. Shared Access**

Two or more parking facilities on adjoining lots, if designed for use as a single parking area, may use the same means of access.

### **G. Handicapped Parking**

Handicapped parking shall be provided in accordance with the requirements of the Connecticut General Statutes and shall be located in a convenient location relative to the entrance to a building.

### **H. Emergency Access Ways**

All buildings shall be provided with access ways suitable for emergency vehicles subject to review and approval from the Fire Marshal. Depending upon the use and location of a building, it may be required, subject to review and approval of the Fire Marshall, that such access ways completely surround a building.

### **I. Perimeter Circulation Road**

Any parking lot in excess of 200 spaces shall be designed with a perimeter access road. This road shall provide access around the entire parking lot and no parking shall be permitted on this road.

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### J. Construction of Parking

1. All parking spaces, parking lots, and driveways shall be paved with bituminous concrete, concrete, or other suitable surface material.
2. Final pavement for parking and drives that are to serve a particular building shall be in place prior to issuance of the Certificate of Occupancy for that building.
3. All crosswalks, sidewalk access, and parking accommodations shall be in conformance with State ADA requirements.

### **6.4.5 Design of Parking Areas**

- A. The width, location, and arrangement of driveways and other access ways and parking shall be consistent with public safety and welfare, and shall provide no undue hindrance to fire or other emergency apparatus, or to the safety of existing or proposed ways.
- B. Off-street passenger car parking and circulation is permitted within required yards. Circulation (except for emergency and public safety vehicle access) and parking of trucks, forklifts, and other commercial vehicles and equipment is prohibited within required yards abutting a required buffer area.

**Table 6.4.5A Parking Area Design**

Type of Aisle/Driveway	Minimum Width of Driveways
Two-way traffic streets or access ways, including those between parking spaces and in parking lots	24 ft
One-way traffic access ways (driveways), with parking on 1 or more sides, and contiguous to said access way, with:	
45-degree parking on 1 side	16 ft
60-degree parking on 1 side	18 ft
90-degree parking on 1 side	24 ft
Parking (at any angle) on both sides	24 ft

- C. Individual parking spaces that are accessed from the main driveway are not allowed.
- D. Any parking area designed or intended for use by 3 or more vehicles, which is located and adjacent to any public sidewalks or the planned location of a public sidewalk, shall be separated from such sidewalk by a suitable barrier so placed as to prevent the encroachment or parking of automobiles on such public sidewalk or planned location thereof.
- E. All off-street automobile parking facilities shall be designed with appropriate means of vehicular access to a street or alley as well as maneuvering areas. The Commission shall determine the appropriate curb cut during the site plan review process. The Commission shall consider the provisions of Section 5.5.4 Access Provisions, in determining the suitability of a proposed curb cut location.
- F. Parking spaces shall conform to the following:

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1. Dimensions shall be 9 feet by 18 feet, striped with double striping, with at least 18 inches between stripes. Single striping may be permitted for small, low-turnover parking areas.
  2. Each space shall be of useable shape and exclusive of driveways and access areas.
  3. No area shall be credited as a parking space that is in any part also credited or used as a loading space.
- G.** Handicapped parking spaces shall generally be associated with handicapped-accessible units or with building entrances designed for handicapped access.
- H.** In high-density residential development, driveways servicing individual garages shall be at least 20 feet in length and 11 feet in width. Where no sidewalks exist the 20-foot length shall be measured from the face of the garage door to the curb line. If there are sidewalks, the 20-foot length shall be measured from the face of the garage door to the nearest edge of the sidewalk.

### **6.4.6 Parking Lot Landscaping**

- A.** Parking lots shall be landscaped with shade trees which shall be continuously maintained. The parking lot requirements of this section apply to all developments and zones except where specific parking lot landscaping requirements are included elsewhere in these regulations.
- B.** Perimeter landscaping is required around all parking areas. Planting along the perimeter of a parking area (including screening, landscaping, or buffering) will not be considered as part of the interior landscaping requirement. Terminal peninsula planting areas at the ends of rows of parking within any perimeter access drive may be counted toward the interior landscaping requirement as long as each such peninsula has a minimum dimension of at least 8 feet in its narrowest dimension and contains at least 1 tree.
- C.** For landscaping purposes, ground cover alone is not acceptable. Trees should be selected for shade and adaptability to parking lot conditions.
- D.** Deciduous shade trees shall be a minimum of 2" caliper and 10 feet at planting; flowering trees shall be a minimum of 6 feet in height at the time of planting and 1½" caliper.

**Table 6.4.6A - Minimum Amount of Required Landscaping**

Parking Area Element	Amount of Landscaping	Additional Requirements
Islands (mid-bay and terminal bay locations)	None specified	Minimum dimension of 8 feet in any direction
Terminal peninsula planting areas	At least 1 tree	Minimum dimension of 8 feet in any direction
Street frontage and perimeter screening	1 tree or 2 shrubs or a 5' x 5' planting bed (or any equivalent combination) for every 3 perimeter parking spaces	Minimum width of 10 feet  The Commission may waive up to ½ of this requirement for excellence in the proposed planting plan in terms of the variety and size of the proposed plantings
Parking area with fewer than 30 parking spaces	5% of interior parking area	1 tree for each 10 spaces
Parking area with more than 30 parking spaces	10% of interior parking area	1 tree for each 10 spaces

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### **E. Location of Landscaping**

The landscaping should be located in protected areas, such as along walkways, in center islands, at the end of bays, or between parking stalls.

### **F. Other Provisions**

1. Planting beds must be distributed as evenly as possible throughout the parking area.
2. The parking and landscaping plan shall show a satisfactory method of storm drainage and snow storage, and planting beds shall generally be protected by curbing.
3. In order not to alter excessively the groundwater table, the applicant is encouraged to integrate water detention areas, and to include rain gardens, within the overall design of the parking lot.

### **G. Preferred Plantings**

1. Trees in parking areas shall be deciduous, large, shade variety, with small leaf characteristics. Suggested species include: Ash, Honey Locust, Zelkova, Callery Pear, Red Maple, Red Oak, and Littleleaf Linden.
4. For landscaping purposes, ground cover alone is not acceptable.
5. Shrubs and other plants shall be selected for seasonal interest and color, and tolerance to parking lot conditions. Trees should be selected for shade and adaptability to parking lot conditions. Trees and bushes planted within 5 feet of any parking area shall be of a variety capable of withstanding salt damage.
6. Preparation of beds for trees shall be described. Mulched planting beds shall be provided around all trees and shrubs.
7. Gravel or stone shall not be used for ground cover unless suitably contained within the intended area.
8. Parcels bordering conservation easements and/or regulated wetland areas are encouraged to include shrub and tree plantings that are wildlife attractive. Suggested plantings include the following species: Downy Shadblow, Witchhazel, Chokeberry, Viburnum (in variety), Barberry, Inkberry, Winterberry, and Honeysuckle.

### **6.4.7 Off-Site Parking Facilities**

- A. Required parking facilities may be provided on the same lot as the building they serve or on a lot within 600 feet from such building. All off-site parking facilities are subject to the approval of the Commission. A public hearing may be required if deemed necessary by the Commission.
- B. Expansion of any off-site parking facility serving a permitted, or otherwise lawful, non-residential use in a residential zone shall be approved only if the Commission determines that:
  1. Adequate vegetative or other screening will be achieved.
  2. Available sight line meets Connecticut Department of Transportation minimum standards.
  3. Such additional off-site parking is needed to meet the parking requirements of the existing non-residential use and will be used exclusively for this use.

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4. No area is presently available on the site of the non-residential building to provide additional on-site parking.
  5. The residential character of the neighborhood will not be unduly disrupted.
- C. The primary site should be able to be accessed without pedestrian crossing of any public street. This provision may be waived only if the applicant demonstrates to the Commission that there is no other practical and feasible solution, and that the proposed roadway crossing does not create an unsafe condition. The waiver provision shall not be available to sites located on Sullivan Avenue (Route 194), or Buckland Road, nor to any other four-lane roadway.

### **6.4.8 Off-Street Loading**

- A. The number of loading spaces shall be sufficient to accommodate the anticipated loading requirements of building users, which requirements shall be in accordance with industry practice, but not to exceed said requirement.

#### **B. Loading Docks/Receiving Areas**

1. Loading docks and receiving areas shall be designed as an integral part of the building and/or adequately screened such that these areas do not adversely impact the site and building aesthetics.
2. Loading docks shall not face a public highway. The above may be waived by the Commission in cases where the proposed loading docks will not, in the opinion of the Commission, cause undue noise or visual disruption.
3. Sufficient on-site vehicular maneuvering area must be provided; trucks destined to, or coming from, loading docks shall not require maneuvering movements within the public highway. Access/egress for loading areas shall be designed to provide adequate, safe maneuvers in a manner that does not compromise the efficiency and safety of parking areas. Truck maneuvers on streets/drives, other than entering and exiting, are not permitted.
4. Where lots abut a residential or rural zone or use, loading docks shall not face said zone or use. The above may be waived by the Commission in cases where the proposed loading docks are a minimum of 100 feet from a rural or residential zone and/or will not, in the opinion of the Commission, cause undue noise or visual disruption to abutting residential or rural zones or uses.

### **6.4.9 Modification of Minimum Required Parking Spaces**

A reduction in parking spaces may be allowed when the Planning and Zoning Commission deems the reduction to be in the best interest of the Town, according to the following:

1. The increase in stormwater run-off rate shall be held to a minimum by reducing the parking spaces, and/or
2. The applicant demonstrates through actual experience that a lesser number of parking spaces will suffice, and further that due to the nature of the building or business, future owners/occupants of the building are also unlikely to need to number of parking spaces required by the zoning regulations.

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### **6.4.10 Minimum Number of EVSE Parking Spaces**

- A. In all districts, the minimum number of parking spaces shall be provided in accordance with the following tables and apply to new construction, expansion of parking spaces or significant change in use resulting rehabilitation of existing property with 50 or more parking spaces.

The applicant may request to modify and/or defer the number of EV Charging spaces required based on site conditions at the time of the application.

- B. EV Capable Spaces may be installed in addition to the required EV Ready and EV Installed spaces.
- C. Table 6.4.10A defines the generally required EV Ready Spaces in each site. Tables 6.4.10C and D establish the applicability of Table 6.4.10A to specific uses.
- D. Of these EV Ready Spaces, Table 6.4.10A determines the minimum number which shall be EV Installed Spaces.
- E. Handicapped Accessible vehicle charging stations shall be provided based on Table 6.4.10B. See Appendix H for information regarding Accessible EV Charging Station design.
- F. For each five (5) or more EV Ready Spaces at a site, the Commission may reduce total required parking by one (1) space.

**Table 6.4.10A – Level 2 EV Ready Parking Space Wiring Requirements**

Total Number of Parking Spaces*	Number of Required Level 2 EV Ready or Charging Stations*	EV Ready Spaces installed with EVSE* as a percent of required parking, based on calendar year of site plan application		
		2012 to 2023	2024 to 2027	2028 and later
1 - 15	None required			
16 or more	10 percent of total rounded up to the nearest whole number	3 percent	7 percent	10 percent
*Truck and equipment parking spaces are not included in the above calculation.				

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**Table 6.4.10B – ADA requirements for EV Charging**

Total Number of EVSE Spaces at Site	Number of EV Spaces required to comply with ADA requirements	
	Van Accessible Restricted to EV Charging (Note 1)	Van Accessible Restricted to EV Charging and Handicap Parking
1 to 4	1	0
5 to 25	1	1
26 to 50	0	2
51 to 75	0	3
76 to 100	0	4
101 or more		4 plus 1 for each 60 or fraction thereof over 100
<p>Note 1: In order to ensure that all EV users have access to charging equipment if only 1 to 4 EVSE Stations are installed, the van accessible space shall meet the van accessible design requirements, including wheelchair aisle and ramp providing access to EVSE, but not be restricted to handicapped parking, provided sufficient handicapped restricted spaces are provided in accordance with Paragraph 6.4.4.G.</p>		

**Table 6.4.10C – Minimum Required EVSE Parking Spaces – Residential Uses**

Use - RESIDENTIAL	Minimum Required EV Charging Facilities
Multi-family Dwellings and Multi-family Dwellings / SAMUD-OZ	<p>See Tables 6.4.10A and 6.4.10B</p> <p>All assigned covered or garage parking spaces shall be provided Level 2 EV Ready circuits and outlets. Remaining parking spaces are used in Tables 6.4.10A and 6.4.10B to determine the shared EV Ready and EV Installed Spaces.</p> <p>MUD management shall contract with an EVSE supplier to provide chargers and means for billing usage to residents.</p> <p>If garages are adjacent to the associated dwelling, connection may be through the dwelling panel and meter. MUD management may require the occupant to purchase or lease approved EVSE.</p>
Assisted Living	
Elderly Housing	
Independent Living	

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**Table 6.4.10D – Minimum Required Parking Spaces – Commercial and Industrial Uses**

Use – COMMERCIAL INDUSTRIAL	Minimum Required Parking Spaces
Bar, Nightclub, Lounge	See Tables 6.4.10A and 6.4.10B
Bowling Alley	
Business Offices	
Hotel, Motel, Tourist Home	
Hospital, Sanitarium, Convalescent or Nursing Home	
Industrial and Manufacturing	
Library	
Places of Assembly, Amusement, Recreation, and Education	
Research	
Restaurants, Taverns, Cocktail Lounges	
Theater	
Park and Ride Lots	See Tables 6.4.10A and 6.4.10B. In addition, all light poles may have EV Level 1 outlets
Charging Lots	
Municipal Parks and Recreation Areas	None required. Allowed as an accessory use.
Retail Stores	Calculation based on employee parking estimated at the time of site plan application. See Tables 6.4.10A and 6.4.10B. Plus one.
Car Wash	
Fast Food	
Financial Institution	
Library	
Schools	
Medical and Dental Offices	
Personal Service Shops	
Day Care and Pre-Schools	
Warehouse	
Shopping Center	Calculation based on sum of requirements for various uses therein (e.g. retail stores, restaurants, etc.) with rounding applied to sum. See Tables 6.4.10A and 6.4.10B.
Church, Synagogue	Recommended. Calculations should consider anticipated parking lot occupancy when religious services are not taking place. See Tables 6.4.10A and 6.4.10B.



## Section 6.5 Signs

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### **6.5.1 Purpose**

The purpose of this regulation is to permit such signs that will not, by their reason, size, location, construction, or manner of display: endanger the public safety of individuals; confuse, mislead or obstruct the vision necessary for traffic safety; or otherwise endanger public health, aesthetics, property values, and safety; and to permit and regulate signs in such a way as to support free speech and complement land-use objectives set forth in these regulations and Plan of Conservation and Development for the Town of South Windsor, Connecticut.

### **6.5.2 Sign-Related Definitions**

**Sign:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, logo, or writing to advertise, announce the purpose of, or identify the purpose of, a person or entity, or to communicate information of any kind to the public. Flags, banners, streamers or any material, rigid or flexible, displayed to convey a message, meaning or attraction to the public, are considered signs in the meaning above. Federal, State and local municipal flags are exempt.

**Blade Sign:** A pedestrian-oriented sign that projects perpendicular from a structure.

**Directional Sign:** An off-site sign directing traffic to a major destination utilizing such generic terms as ‘Mall’ or ‘Industrial Park’.

**Directory Sign:** A sign which indicates names and/or location of the occupants of the premises on which the sign is located, contains no advertising material of any kind, and is not legible from the street.

**Free-Standing Sign:** A sign permanently affixed to the ground.

**Identification Sign -** A sign used to identify a site containing a group of structures, such as a residential subdivision, apartment complex, industrial park, or shopping center, located at the entrance or entrances of the area.

**Municipal Sign:** A sign that conveys public information regarding the activities of the Town of South Windsor including but not limited to upcoming events, meetings of governmental groups, civic activities, and similar information of interest to the public.

**Nonconforming Sign:** Any sign that does not conform to the requirements of this regulation.

**Pennant:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**Portable Sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

**Sponsorship Sign:** An advertising sign for a sponsorship entity for, at, or inside a public event or venue that is open to the public. Examples include but are not limited to: a public event sponsored by a business; a park named after a sponsoring entity.

**Street Banner:** Any display, other than Christmas decorations, attached to utility or light poles on 1 or both sides of a street and extending over a street or sidewalk, or any portion thereof, containing writing and/or graphics thereon, providing not than 10% of the area of such banner shall pertain to an individual retail business.

## ARTICLE 6 – SITE DEVELOPMENT REGULATIONS

**Temporary Sign:** Any sign that is used only temporarily and is not permanently mounted.

**Wall Sign:** Any sign attached to a wall, painted on the wall surface of, or erected and confined within the perimeter limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only 1 sign surface. A three-dimensional sign is defined as one sign surface for purpose of this definition.

**Window Sign:** Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

### **6.5.3 Applicability**

- A. A sign may be erected, placed, established, painted, created, or maintained in the Town of South Windsor only in conformance with standards, procedures, exemptions, and other requirements of this regulation under the zoning authority of the Town of South Windsor in furtherance of the more general purpose set forth in these regulations and Plan of Conservation and Development.
- B. The effect of this regulation is to:
  - 1. Permit signs in all residential, commercial, and industrial zones subject to the standards and permit procedures set forth in this regulation;
  - 2. Allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the requirements of this regulation, but without a requirement for permits;
  - 3. Provide for temporary signs without commercial messages in limited circumstances in the public right of way;
  - 4. Prohibit all signs not expressly permitted by this regulation; and
  - 5. Provide for the enforcement of the provisions of this regulation.
- C. Signs shall be located on the site development plan, and shall be described as to area, dimensions, height, shape, materials, lighting, location, and purpose. Signs must be in conformance with the signage regulations for the underlying zone and are subject to the approval of the Commission.
- D. Signs shall be designed in accordance with the criteria and standards contained in Section 8.7, Architectural and Design Review.

### **6.5.4 Signs - General Provisions**

- A. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or those used by police, fire, ambulance, or other emergency vehicles, nor shall any sign use the word ‘stop’, ‘danger’, or any other word, phrase, symbol, or character that might be misconstrued to be a public safety warning or official traffic control sign, nor shall any beam or beacon of light resembling any emergency vehicle or facility be permitted to be erected as part of any sign or sign display.
- B. No building signs can project above the eaves (pitched roof) or roof line (flat roof).
- C. No banners, advertising flags, or other such sign devices shall be permitted except as otherwise noted in this regulation.

## ARTICLE 6 – SITE DEVELOPMENT REGULATIONS

- D.** Excluding public safety signs and other municipal informational signs, no sign shall be erected within, or overhang, public rights-of-way. The Zoning Enforcement Officer may permit exceptions if the sign is installed behind the sidewalk or area where sidewalks would normally be built, and the sign does not overhang the traveled portion of the right-of-way.
- E.** No sign shall be installed at an intersection so as to interfere with safe sight lines, generally a distance of 50 feet from the intersection. No sign shall be installed in the public right of way so as to interfere with safe sight lines.
- F.** No sign shall project an objectionable or hazardous glare off the premises. No sign shall be installed if it possesses a potential hazard or danger to pedestrians or bicyclists, nor shall any sign obstruct the line of sight for motorists or pedestrians
- G.** Signs painted on a building shall be repainted when required to be kept in good condition and shall be removed or painted out by order of the Zoning Enforcement Officer if not so maintained.
- H.** Multi-signed commercial and industrial sites shall be subject to a sign concept approval at the time of site plan application. The sign concept shall include information on the size, shape, materials, lighting, and location of signs. No permits shall be issued for signs that conflict with the approved sign concept.
- I.** No signs shall be permitted to obstruct any door, fire exit, stairway, or opening intended to provide ingress or egress for any building or structure.
- J.** Signs that may become unsafe or no longer functional shall, upon notice from the Zoning Enforcement Officer, be repaired or removed by the owner or lessee of the property on which such signs stand.
- K.** In cases where a use spans more than one zone, signs shall conform to the regulations for the zone in which it is located. The majority portion of the use to which the sign relates shall be located in that zone.
- L.** The changing of a sign message, copy, or the repainting or reconditioning of an approved sign shall not require a permit.
- M.** Off-premises signs are allowed for civic and non-profit agencies only. Sponsorship signs are exempt from this provision.
- N.** Excepting “For Sale” signs, there must be a building on a lot to have a sign. No building - no sign.
- O.** In Business, Office, and Industrial Zones, signs are permitted on the rear of buildings. When the rear of the building faces a public road, the size standards for such signs shall be identical to signs allowed on the front of the building. When the rear of the building does not face a public road, size standards shall be 50% of that permitted on the front of the building.
- P.** Municipal signs are permitted in all zones through issuance of a Zoning Permit when located on property owned by the Town of South Windsor or the State of Connecticut. Municipal signs on private property are allowed only as permitted in the underlying zone.
- Q.** Directional signs may be allowed on Town and State rights-of-way through issuance of a Zoning Permit, providing they meet the design requirements of the Connecticut Department of Transportation.
- R.** Political signs pertaining to an upcoming governmental election/referendum are exempt from these regulations.

## **ARTICLE 6 – SITE DEVELOPMENT REGULATIONS**

- S.** Where noted in this Section that a Permit is required, approval by Staff shall mean issuance of a Zoning Permit, and approval by the Commission shall mean Site Plan approval.
- T.** Any sign installed or placed on public property, except in conformance with the requirements of this Section, shall be forfeited to the public and subject to removal.
- U.** Advertisement signs on bus shelters in the Town/State ROW shall be limited to two (2) 4'X 6' signs at each location, and will be maintained by the CT Transit Company. A sign permit is required.
- V.** Companies must be doing business in the Town of South Windsor in order to erect signs in the town.

### **6.5.5 Illuminated Signs**

- A.** Illuminated signs shall be hooded so as not to cast direct light into or onto any property or building in any zone, or into or onto any public right-of-way.
- B.** No lighting or sign shall oscillate, flash, pulsate nor project a beam of light other than at a sign. Exception is the traditional, rotating, lit “barbershop pole” used only by an establishment licensed by the State of Connecticut to cut hair.
- C.** A time and temperature sign may be lighted or contain alternating light, but only that portion of the sign that contains the time and temperature; otherwise all other regulations apply.

#### **D. Lighted Outdoor Advertising Signs**

1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted either on the top of the sign structure, or if directed from the ground, shielded and targeted so that the lit sign and the spill from that light will not extend beyond 10% of the perimeter of the sign. All such fixtures shall comply with the shielding requirements of Section 6.3.3 Fixture Standards.
2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds are required and only the lettering or symbols may be lighted.
3. Flag poles, sculptures, and ornamental lighting designed to highlight architectural or landscape features (trees, sculptures, etc.), must be shown with lighting proposed. The light should be targeted directly at the object and should not extend more than 10% beyond the perimeter of the object.

### **6.5.6 Sign Measurement**

#### **A. Area of Individual Signs**

The area of a sign face shall be computed by means of the smallest square, rectangle, circle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, logo, or other display, together with any material or color forming an integral part to the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall, when such wall or fence otherwise meets zoning regulations and is clearly incidental to the display itself. The area of a sign within a wall or fence as described shall be an envelope from left to right and top to bottom of all copy including logos, on the fence or wall. Two-sided, one-unit signs shall be considered 1 sign as a definition in this regulation.

## ARTICLE 6 – SITE DEVELOPMENT REGULATIONS

### B. Computation of Height

The height of a sign shall be computed at the distance from the base of the sign at normal grade to the top of the highest attached component of the sign or support structure.

### 6.5.7 Residential Sign Requirements

- A. The following table describes all signs permitted in Single-family Residence Districts. All other signs are expressly prohibited.

**Table 6.5.7A Signs Permitted in Single-Family Residential Districts**

Type of Sign	Maximum Number	Maximum Area	Permit Required	Additional Requirements
Occupant or Property Name and Address	1 per lot/ residence	1 sq. ft.	None	Residents are required to have address #'s visible from street.
Sale, Lease, Rental of Property	1 per lot	4 sq. ft.	None	
Subdivision Marketing	1 per street entrance, not to exceed 2	32 sq. ft.	Staff	Shall not be displayed for more than 12 consecutive months and shall be removed when the final CO is issued.
Construction, Renovation or Repair	1 per construction	4 sq. ft.	None	Sign displayed while work is being conducted on property
Elderly Housing, Day Care Centers	1 for major entrance; 1 per residential dwelling	12 sq. ft. for major entrance; 1 sq. ft. for each residential dwelling	Staff	Illumination is only permitted for the major entrance sign of Elderly Housing, Day Care Centers, and all other permitted non-residential uses.
Home Occupation, Professional Office, Bed and Breakfast	1 per use	2 sq. ft.	Staff	Minor home occupation signs shall not be illuminated.
Roadside Produce/ Vegetable Stands	2	12 sq. ft.	None	
Agri-Tourism Use	1 per street entrance, not to exceed 2	24 sq. ft.; 12 sq. ft. for secondary entrance	Staff	Illumination is only permitted for the major entrance sign
Sponsorship Sign			Staff	
All other permitted non-residential uses	1 per entrance	32 sq. ft. for major entrance; 16 sq. ft. for secondary entrance; wall sign	Staff	If secondary entrance is more than 200 feet distant from the major entrance.  Wall sign area: ½ sq. ft. allowed for each linear foot of building frontage.
<b>Additional Requirements:</b>  Maximum height of any free-standing sign is 6 feet.  Minimum setback is behind the property line or 10 feet from a road, whichever is farther.				

## ARTICLE 6 – SITE DEVELOPMENT REGULATIONS

- B.** The following Table describes all signs permitted in Special Residential Districts. All other signs are expressly prohibited.

**Table 6.5.7B Signs Permitted in Special Residential Districts (MF)**

Type of Sign	Maximum Number	Maximum Area	Permit Required	Additional Requirements
Occupant Name and Address	1 per occupant family	1 sq. ft.	None	Residents are required to have address numbers visible from the street.
Sale, Lease, Rental of Property	As per regulations of the condominium association	4 sq. ft.	None	
Development Name and Address	1 per street entrance	24 sq. ft.	Staff	May be illuminated.
Construction, Renovation or Repair	1 per construction site	4 sq. ft.	None	Sign displayed while work is being conducted on property
Business Office or Property	1 Free-standing 1 Wall Sign	24 sq. ft.	Staff	Free-standing sign may be illuminated.
<u>Home Occupation and Professional Office</u>	1 per use	2 sq. ft.	Staff	Minor home occupation signs shall not be illuminated.
<b>Additional Requirements:</b> Maximum height of any free-standing sign is 6 feet. Minimum setback is behind the property line or 10 feet from a public road, whichever is farther. Permits are not required with the exception of Development Name and Address, Business Office or Property and Home Occupation and Professional Office.				

### **C. Signs within a Historic District**

All signs within a Historic District of South Windsor, Connecticut, must meet with the rules of, and exist only with the written permission (permit) of the Historic District Commission, and must otherwise meet all requirements of the Historic District Commission.

### **6.5.8 Signs in Commercial/Office/Industrial Zones**

- A.** The following regulations shall apply to and include the following zones:

1. Restricted Commercial Zone
2. General Commercial Zone
3. Restricted Office Zone
4. Designed Commercial Zone
5. Office Conversion Overlay Zone
6. Industrial Zone
7. Route 5 Travel Services Zone
8. Route 5 North Overlay Zone



## ARTICLE 6 – SITE DEVELOPMENT REGULATIONS

- B.** All free-standing business identification signs shall include the street number on the sign. The street number is exempt from the sign area calculation.
- C.** The following signs shall be allowed and all other signs are expressly prohibited.

**Table 6.5.8A Signs Allowed in Commercial/Office/Industrial Zones**

Type of Sign	Maximum Number	Maximum Area and Height	Permit Required	Additional Requirements/Notes
Development Identification Signs	1 per intersection	12 sq. ft. area 10 feet height	PZC	Permitted at driveways provided the driveways are a minimum of 200 feet apart  May contain only 1 name, which is the development identification name.  Background for single-sided to be decorative, such as a stone wall.
Building Signs	1 main sign per tenant	2 sq. ft. per linear foot of building frontage  25% increase in size if the building is over 300 ft from roadway	Staff	1. Maximum area is the total cumulative area of all building signs.  2. On lots with more than 1 frontage, all building frontages may be counted for sign area, and an establishment may have signs on all frontages, with sign size governed by the respective frontages.  3. Total sign area for each tenant shall not exceed that tenant's linear building frontage (except as noted in 4 below).  4. Each tenant is allowed a minimum of 24 sf of building signage regardless of tenant linear frontage.  5. Building signage is permitted on a maximum of three sides of a building with one tenant/user.
Secondary Tenant Signs, including wall signs, blade signs, and awning signs.	No maximum (limited by total permitted sq. ft.)		Staff	1. Blade signs limited to 6 square feet.  2. Square footage of all signs (including main sign) not to exceed 1 square foot of sign area for each linear foot of occupied building frontage.
Directory Sign	1 per entrance	18 sq. ft. 7 ft. Height	Staff	1. Setback of 70 ft. from front property line;  2. To be used in conjunction with identification sign.
Identification, Detached Free-Standing, 5 or less ft. in height	1 per lot	24 sq. ft. 5 ft. Height	Staff	1. The maximum of 24 square feet is permitted only if the sign is ground-mounted and not higher than 5 feet.



## ARTICLE 6 – SITE DEVELOPMENT REGULATIONS

**Table 6.5.8A Signs Allowed in Commercial/Office/Industrial Zones**

Type of Sign	Maximum Number	Maximum Area and Height	Permit Required	Additional Requirements/Notes
Identification, Detached Free-Standing, more than 5 ft. in height		12 sq. ft. 10 ft. Height		2. Additional signage will be allowed for sign embellishments – See section I below.  3. On properties that slopes away from the roadway the sign height may be increased to a height that is five feet above the projected roadway grade
Window Signs		20% of window area		
Sponsorship Sign			Staff	
Temporary Sign advertising the sale, rental, construction, or repair of the premises on which it is located	1 per lot	32 sq. ft.	Staff	Signs for sale of property shall be displayed for no more than 12 consecutive months.  May not be illuminated.
Temporary Flags, Banners, or any material rigid or flexible displayed to convey a message, meaning or attraction to the public	1 temporary sign per business or a total of 36 sq. ft.	total 36 sq. ft.	Staff	May be displayed:  For 30 days from the opening date of a new business or new business location;  For 15 days, six (6) times a calendar year for special promotions or events. (Permit required)

- D.** Sign location shall be behind the property line or a minimum of 10 feet from a road, whichever is farther. Location of sign must be approved on the site plan.
- E.** Multiple-tenant buildings will be allowed building signage for each tenant that has distinct, exclusive building frontage with individual entrances (e.g., a retail plaza).
- F.** Other signs for traffic control, directions, and building/facility identification may be installed as appropriate.
- G.** Signs may be illuminated per the lighting regulations.
- H.** The following temporary and portable signs, except for flags, banners and as permitted above, are expressly prohibited: any sign not permanently attached to the ground or other permanent structure; any sign designated to be transported by means of wheels; signs converted to “A” or “T” frames; mower, lawn and sandwich board signs; tethered balloons, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business; beacons or inflatable signs; temporary signs, the material of which is marked by neglect or disrepair, or is rundown, shabby and lacks style or good taste.

No permit is required for temporary signage for merchandise for sale on the interior part of a pedestrian environment such as in a shopping center, or a courtyard area with kiosks or market carts, and thus enhances the appearance of the site is allowed at the discretion of the property owner. Such signage or display must not create a sight line problem within the development and must not be visible from the public way.

## ARTICLE 6 – SITE DEVELOPMENT REGULATIONS

- I.** Additional signage for freestanding sign embellishments. Additional signage area will be allowed for freestanding sign embellishments as follows. Staff approval is required.
1. Opaque background. Plastic cabinet signs are NOT eligible for the following sign area increases. Sign area increases will only be allowed for signs with 100 % opaque background material, with either exterior lighting, or interior lighting that shines only through the sign letters (including halo lighting), logo and/or limited design elements.
  2. Enclosure of free-standing sign pole. Sign area may be increased by a factor of 2.5 if the sign pole is enclosed/converted to an architectural feature. The width of the pole enclosure must be equal to at least 40% of the average width of the sign. Applicants are encouraged to be creative with pole enclosures. The pole enclosure will NOT be included in the sign measurement area.
  3. Free-standing sign embellishment. Sign height may be increased to 12 feet if the sign itself is embellished with decorative trim. “Trim” is any decorative sign feature that is not integral to the sign message, logo, or company color scheme but is solely for aesthetic purposes. The embellishment will NOT be counted toward the maximum height or area.
  4. Monument sign embellishment. Monument sign area may be increased by a factor of 1.75 and the height may be increased to 8 feet if the sign is embellished with decorative trim as defined in 6.5.8.I.3 AND the monument base is made of natural, regional material such as fieldstone, brownstone or brick.
  5. Embellished signs may be required to be reviewed and approved by the Architecture and Design Review Committee.

### **6.5.9 Signs in Buckland Gateway Zone**

- A.** The following signs shall be allowed and all other signs are expressly prohibited.

**Table 6.5.9A Signs Allowed in Buckland Gateway Zone**

Type of Sign	Maximum Number	Maximum Area and Height	Permit Required	Additional Requirements
Development Identification Signs	1 per intersection, if 2-sided; 2, if single-sided with 1 on each corner facing opposite directions.	50 sq. ft. area 12 feet height	PZC	Permitted at driveways connecting to Buckland Road, Deming Street or Oakland Road.  May contain only 1 name, which is the development identification name.  Base for 2-sided to be constructed with fieldstone facade.  Background for single-sided to be decorative, such as a stone wall.
Building Identification Signs	1 detached free-standing sign for each building	36 sq. ft. area 10 feet height	Staff	Shall contain no more than 1 square feet of sign area for each 1,000 sq. ft. of building area, but may be at least 6 sq. ft. regardless of the size of the building.  Properties that contain only one building on the site are allowed a minimum of 24 sf.

## ARTICLE 6 – SITE DEVELOPMENT REGULATIONS

**Table 6.5.9A Signs Allowed in Buckland Gateway Zone**

Type of Sign	Maximum Number	Maximum Area and Height	Permit Required	Additional Requirements
	1 main sign per tenant	1 sq. ft. per linear foot of building frontage	Staff	Maximum area is the total cumulative area of all building signs.  On lots with more than 1 frontage, all building frontages may be counted for sign area, and an establishment may have signs on all frontages, with sign size governed by the respective frontages.
Directory Sign	1 per entrance	18 sq. ft. 7 ft. Height	PZC/Staff	1. Setback in accordance with approved signage plan; 2. To be used in conjunction with building identification sign
Secondary Tenant Identification Signs, including wall signs, blade signs, and awning signs	No maximum (limited by total permitted sq. ft.)		Staff	Content of sign limited to logo and/or name of business.  Blade signs limited to 6 square feet.  Square footage of all signs (including main sign) not to exceed 1 square foot of sign area for each linear foot of occupied building frontage.
Street Banner		30 x 48 inches	Staff	Permits for banners may be obtained only by fraternal, charitable, civic, veterans, or merchant's organizations.
Window Signs		20% of the window space	Staff	
Sponsorship Sign			Staff	
Temporary Sign advertising the sale, rental, construction or repair of the premises on which it is located		32 sq. ft.	Staff	Signs for sale of property shall not be displayed for more than 6 consecutive months in a calendar year unless an extension is approved by the Commission.
Temporary flag, banners, or any material rigid or flexible displayed to convey a message, meaning or attraction to the public			Staff	May be displayed for 30 days from the opening date of a new business or new business location;

**B.** Sign location shall be at the back of the property line or a minimum of 10 feet from a road, whichever is farther. Location of sign must be approved on the site plan.

**C.** Signs may be illuminated per the lighting regulations.

**D.** Plastic cabinet-type signs are not permitted.

## ARTICLE 6 – SITE DEVELOPMENT REGULATIONS

### **6.5.10 Signs in the I-291 Corridor Zone and I-291 RR Overlay Zone**

**A.** In recognition of the special nature of an interstate corridor, additional signage will be allowed for sites that abut and/or are highly visible from I-291.

#### **B. General Criteria**

1. All signage is subject to approval from the Commission and must be designed as an integral part of the site plan. All sign locations shall be shown on the site development plan, and shall be described as to area, dimensions, height, materials, and purpose.
2. Single-pole-mounted signs are not allowed. All other pole-mounted signs are limited to maximum 12 foot height.
3. Multiple-tenant buildings will be allowed building signage for each tenant that has distinct, exclusive building frontage with individual entrances (e.g., a retail plaza). Separate building signage for tenants will not be allowed where tenants are sharing buildings that do not have distinct tenant space characteristics on the outside of the building.
4. Free-standing sign lighting must be turned off within 1 hour of the close of business.

#### **C. Signage Requirements**

**Table 6.5.10A Signs Allowed in I-291 Corridor/Overlay Zones**

Type of Sign	Number	Maximum Area	Height	Additional Requirements
Primary Site Signage Free-Standing Signs	1 per front-age street	3% of the area of the building wall facing the street	10 Feet	Area of sign may be increased to 5% of building wall if a low-profile (not to exceed 6 feet in height) ground-mounted sign is used.
Building Sign	1 flat wall sign for each principal building	10% of the area of the building wall on which it is placed		A building that houses multiple tenants may allocate the building signage among the tenant building frontages, provided that the total building signage does not exceed the maximum square footage allowed for the building.
Additional I-291-Facing Signage	1 building sign	10% of the area of the building wall facing I-291		Permitted on sites with at least 1 wall facing I-291.  If the primary site signage is located facing I-291 the additional signage is not applicable.
	<b>OR</b> 1 free-standing sign	5% of the area of the building wall facing I-291	8 ft above the elevation of I-291 in the vicinity of the sign*	
Sponsorship				
Window Signs		20% of the window space		
* or if a building is not visible from I-291 then bottom edge of sign to be no more than 8 feet and the top edge to be no more than 12 feet from the existing grade of the subject property at the location of the sign.				

## ARTICLE 6 – SITE DEVELOPMENT REGULATIONS

- D. All signs require Commission approval with the exception of window signs.
- E. Sign lighting is limited to direct, external lighting such as flood or spotlights; or lighting that is contained within the sign message itself, such as individually lit letters. Internal lighting that shines through a plastic or other translucent covering is prohibited, except where the internal lighting shines only through the sign message itself (i.e., the sign background is dark and opaque; the sign letters/elements are translucent).
- F. The following signs are prohibited:
  - 1. Signs that move by either mechanical or natural means;
  - 2. Portable signs; and
  - 3. Beacons.
- G. No sign shall project an objectionable or hazardous glare off the premises. No sign shall be installed if it poses a potential hazard or danger to pedestrians or bicyclists, nor shall any sign obstruct the line-of-sight for motorists or pedestrians.

### **6.5.11 Signs in RROZ**

- A. Each site shall be allowed 1 detached sign (regardless of the number of buildings occupying the site), not to exceed 12 square feet in area nor 7 feet in height.
- B. In order to maximize residential compatibility, signs must be one of the following types:
  - 1. Carved wood or wood with raised letters;
  - 2. “Silhouette” sign, with backlighting of unlit raised letters/design;
  - 3. If internally lighted sign with light letters against a dark, earth-toned background; or
  - 4. If internally lighted individually lighted letters on non-lighted background.
- C. All other plastic signs, whether internally or externally lighted, and neon signs are prohibited.
- D. External sign lighting shall be mounted at the top of the sign and directed downward onto the sign, and shall be hooded to control objectionable and hazardous glare off the premises.
- E. Sign lights must be turned off at 11:00 PM or within an hour after the close of business, whichever is sooner.
- F. Signs require staff approval.

### **6.5.12 Off-Premise Temporary Signs**

- A. Temporary signs, limited to signs of civic and non-profit organizations announcing special events, shall be permitted only for a period of 60 days prior to, and including the duration of, the activities which such sign describes, and such sign shall be removed within 1 week (7 days) after completion of such activity which said sign describes.
- B. Sponsorship signs require staff approval.

## **ARTICLE 6 – SITE DEVELOPMENT REGULATIONS**

- C.** Temporary signs require staff approval.
- D.** Political signs are exempt from the requirements of this section.

### **6.5.13 Amendment Procedure**

By passage of this sign regulation, the Commission resolves to hold a public hearing every 4 years to:

1. Review this entire regulation.
2. Determine if segments of this regulation have been proven to be too restrictive or too lenient by experience.
3. Give the public a regular opportunity to speak to any aspects of this regulation they may feel is too restrictive, or too lenient, unfair, or objectionable.
4. Allow administrative recourse made available by this automatic amendment procedure.
5. Provide a regular, consistent forum for all to be heard.

## **Section 6.6 Utilities**

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### **6.6.1 General Provisions**

- A.** No development plan shall be approved unless:
  1. Adequate public utilities, public sanitary sewers or Health Department approved on-site septic systems, and storm drainage are to be provided by the developer or developers.
  2. Clear evidence has been furnished of safe and satisfactory means of supplying potable water, on-site septic and fire protection.
  3. The proposed utilities, sewers, drainage, potable water supply and fire protection have been shown to be adequate to accommodate reasonably anticipated future development.
- B.** The developer or developers shall also provide fire hydrants at appropriate locations when public water is available. All Town specifications for furnishing and installation of water systems and hydrants must be met.
- C.** Where public sewers are available, all sites shall be properly connected to an approved and functioning sanitary sewer system prior to issuance of a Certificate of Occupancy. All sanitary sewerage extensions and connections shall be done in accordance with the specifications in the Public Improvements Specifications manual, the Connecticut Public Health Code regulations, and rules and regulations of the Water Pollution Control Authority.

### **6.6.2 Individual Services**

Electric power, telephone, and other cable systems shall be placed underground; except that the existing electric power and telephone/cable system facilities may be used where appropriate for industrial and commercial uses. This provision may be waived by the Commission only where the utility company has

## ARTICLE 6 – SITE DEVELOPMENT REGULATIONS

determined that safe underground installation is not feasible because of soil or water conditions, or other natural or man-made conditions. Where overhead wires currently exist on residential streets, they can remain but any extensions must be underground.

### **6.6.3 Solid Waste Disposal**

All dumpsters/trash compactors shall be appropriately screened and maintained and placed on concrete pads. Dumpsters shall not be located within yard setbacks.

### **6.6.4 Spare Conduits**

The Commission may require the installation of spare conduits and/or pipe sections to accommodate future underground improvements where those improvements are anticipated to cross pre-existing paved areas (drives/streets).

### **6.6.5 Storm Drainage**

A. Design of the storm water management system shall be:

1. Consistent with the standards of the Public Improvement Specifications manual;
2. In accordance with the 2004 Connecticut Stormwater Quality Manual;
3. Consistent with good engineering practices (sealed by a licensed professional engineer); and
4. Based on environmentally sound site planning and engineering techniques.

B. Zero net increase of stormwater discharge to the Town's storm drainage system is to be maintained for 2, 10, 25 and 100-year storms, unless it can be demonstrated that there will be no deleterious downstream effects from an increase in stormwater discharge flow. The impacts of increase in post-development stormwater runoff volume must also be determined and mitigated. Potential impacts to receiving water bodies must be assessed and mitigated.

C. The best available technology shall be used to treat stormwater quality prior to off-site discharge. Stormwater flows will pass through a treatment train consisting of primary and/or secondary water quality structures in accordance with the 2004 Connecticut Stormwater Quality Manual (or later version). This includes oil and sediment separation devices, maximizing on-site filtration and engineered discharge techniques. The Town encourages the use of on-site natural filtration functions as a part of currently accepted Best Management Practices in the reduction of sediment and pollutants and to minimize discharge of pollutants to ground and surface water. Where feasible, roof runoff shall be collected and reintroduced to the groundwater table via infiltration devices where soils and water table depths may permit. Energy dissipaters and flow spreading devices shall be used to discharge sheet flows over lawns. Storm runoff generated from parking and road pavements that carry sands, road salts, oils, etc. are initially treated at catch basins where some heavy particulates are trapped in basin sumps, and then further treated in extended detention basins or engineered structures to remove more sediment, oil, grease, and other pollutants.

D. The applicant shall employ, as appropriate, the extended wet-bottom detention basin technique for metering site-generated storm runoff prior to discharge to off-site drainage systems. Such basins should be ultimately sized to accommodate more than 1 user. The applicant is encouraged to enter into an easement agreement with adjacent lots to create a shared-use detention facility. Consolidated parcels shall share a detention facility.

## **ARTICLE 6 – SITE DEVELOPMENT REGULATIONS**

- E.** Rights to drain onto adjoining property may be required.
- F.** Stormwater detention basins that are visible from a street (including private streets serving the public) must be attractively designed and landscaped, with side slopes no greater than 4:1 for maintenance purposes.

### **6.6.6 Water Supply**

- A.** Sites with a property boundary within 200 feet of an existing public water supply must connect to public water in accordance with the State Public Health Code, Sec. 19-13-B51m, unless an exception is granted by the Commissioner of Health Services.
- B.** All proposals for installation of private wells shall be submitted to the Town's Environmental Health Officer for a determination of the feasibility of such proposed water supply.

## **Section 6.7 Pedestrian and Bicycle Accommodations**

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### **6.7.1 Purpose**

The purpose of these regulations is to promote and support access by bicycle and walking throughout the town of South Windsor. All parking lots must be designed to provide safe and convenient pedestrian and bicycle access as part of any parking lot and site design, including safe and convenient pedestrian and bicycle movement to and from public walkways and/or bikeways or streets, and between developed lots.

### **6.7.2 Pedestrian Design Standards**

- A.** Access to individual buildings within the site shall be from a system of convenient and safe pedestrian ways and shall be incorporated into the plans for any site development plan or parking area in accordance with the following standards:
  - 1. Pedestrian ways and sidewalks shall provide safe separation or delineation from motor vehicle traffic through the use of raised sidewalks and/or landscaping between sidewalks and parking spaces and /or driving aisles.
  - 2. Pedestrian crossings shall be demarcated through the use of raised pavers, textured concrete, pavement markings, pedestrian warning signs, and/or lighting as appropriate.
  - 3. Pedestrian ways and sidewalks may be constructed of concrete or other decorative-type paving material and shall include pedestrian warning signs and lighting, and shall not be less than four (4) feet in width.
  - 4. If concrete wheel stops are not provided at parking spaces perpendicular to adjacent pedestrian ways, pedestrian ways and/or sidewalks shall be increased by two (2) feet on each side where parking spaces are located.
  - 5. Pedestrian ways and sidewalks may be flush with adjacent pavement where necessary to facilitate wheelchair and shopping car access if concrete wheel stops or traffic control devices including line striping and signage are provided.
  - 6. Plantings, benches, and lighting may be provided along walkways and at pedestrian crossings.



## ARTICLE 6 – SITE DEVELOPMENT REGULATIONS

7. Pedestrian ways and sidewalks may be provided wherever possible for connections to adjacent lots (developed or undevelopable) or neighborhoods. Maintenance of public sidewalks, including the clearing of snow, shall be the responsibility of the property owner. Pedestrian ways internal to the site should connect to the public sidewalk at the street.

### **6.7.3 Bicycle Parking Design Standards**

**A.** Bicycle parking facilities shall be provided as part of any new:

1. Multi-dwelling unit developments of twelve (12) dwelling units or more;
2. Restaurant, retail, office, and institutional developments greater than 15,000 square feet of gross floor area;
3. Any multi-modal, transit orientated development, or park-and-ride lots; and
4. Parking lots at Park and Recreation facilities.

The Commission can waive this requirement when it is determined that such facilities are not deemed appropriate based on the development pattern of the surrounding area.

**B.** When provided, bicycle parking spaces shall:

1. Provide a convenient place to lock a bicycle, and shall be at least six (6) feet long, two (2) feet wide, and shall provide at least seven (7) feet of vertical clearance, unless a bicycle locker is provided;
2. Be capable of locking the bicycle and supporting the bicycle in an upright position and be securely anchored to a supporting surface;
3. Not interfere with pedestrian circulation and shall be separated from automobile parking; and
4. Be illuminated for safety.

**C.** For any use where bicycle parking is required, if the vehicular parking is covered or partly covered the bicycle parking will be covered at the same ratio.

**D.** Bicycle racks shall be located near each main building entrance, and placed in an area that is highly visible.



## ARTICLE 7 SPECIAL REGULATIONS

All Special Regulation uses requiring the granting of a Special Exception by the Planning and Zoning Commission must conform to the Special Exception procedures and criteria in Section 8.4 as well as any Special Exception criteria enumerated within the following regulations. Where there may be conflicting requirements, provisions contained within Article 7 supersede the requirements of Section 8.4 Special Exception Standards and Procedures.

### **Section 7.1 Accessory and In-Law Apartments**

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#### **7.1.1 Purpose**

The purposes of this section are to:

1. Encourage the provision of moderately priced housing by allowing accessory apartments by Special Exception in all single-family residential zones.
2. Allow temporary apartments (in-law apartments) for family members.

#### **7.1.2 Accessory Apartments**

##### **A. Criteria for Approval**

Accessory apartments must meet the following criteria for Special Exception approval by the Commission prior to issuance of a building permit:

1. The accessory apartment cannot exceed 700 square feet or 40% of the combined gross floor area of both units, whichever is smaller.
2. The main dwelling unit was constructed prior to September 1, 1990.
3. The entire structure must maintain the appearance of a single-family dwelling.
4. Off-street parking for at least 3 vehicles must be provided.
5. Not more than 10% of the existing single-family units within 1000 feet of the proposed accessory apartment contain existing accessory apartments or in-law apartments, as documented on the Assessor's records.
6. The owner of the dwelling units must occupy either the accessory apartment or the main dwelling unit.
7. Adequate water and sewage disposal must be provided.

**B.** An accessory apartment approval under the auspices of this regulation runs with the property and is not invalidated by conveyance of the subject property.

**C.** Application for Special Exception approval shall include a Class D (or better) survey of the property at a scale sufficient to enable the Commission to determine that the Special Exception criteria are met; plus a floor plan and elevation drawings of the structure which will house the dwelling units. The submitted map need contain only those elements of a site plan necessary to determine compliance with the regulations.

## **ARTICLE 7 –SPECIAL REGULATIONS**

### **7.1.3 In-Law Apartments**

#### **A. Criteria for Approval**

In-law apartments may be granted a Zoning Permit for a period not to exceed 5 years when the following criteria and standards are met for approval by the Zoning Enforcement Officer prior to issuance of a building permit:

1. The in-law apartment cannot exceed 900 square feet or 40% of the combined gross floor area of both units, whichever is smaller.
2. The entire structure must maintain the appearance of a single-family dwelling.
3. Off-street parking for at least 3 vehicles must be provided.
4. Adequate water and sewage disposal must be provided.
5. The owner of the dwelling units must occupy either the in-law apartment or the main dwelling unit.

#### **B. Application**

1. Application for a permit shall include a Class D (or better) survey of the property at a scale sufficient to enable the Zoning Enforcement Officer to determine that the above criteria are met; plus a floor plan and elevation drawings of the structure that will house the dwelling units. The application must contain an additional floor plan of the single-family residence that demonstrates how the in-law apartment area will be converted to living space for the single-family dwelling when the in-law apartment is no longer needed.
2. Prior to the expiration of the permit, the applicant must either reapply to the Zoning Enforcement Officer for a renewal of the In-Law Apartment Permit, or inform the Zoning Enforcement Officer that said apartment is no longer needed and has been converted into living space for the primary dwelling. The Commission may delegate to the Director of Planning the authority to approve permit renewals when there have been no changes in the status of the previously granted approval.

### **7.1.4 Detached In-Law and Accessory Apartments**

#### **A. Criteria for Approval**

Existing accessory structures may be converted to accessory or in-law apartments provided that all criteria in Section 7.1.2 and 7.1.3 are complied with, as well as the following:

1. The conversion of the accessory building shall not include any expansion of the footprint of the accessory building.
2. The detached accessory building will observe all setbacks required of a principal structure.
3. The accessory apartment shall have a minimum living space of 500 square feet, and a maximum living space of 800 square feet.

### **7.1.5 Reaffirmation of Occupancy by Owner**

All owners of dwelling units with approved accessory apartments shall reaffirm every 4 years to the Planning Department that 1 of the dwelling units is occupied by an owner of the property. This shall be done via a form letter that will be mailed by the Planning Department to the principal dwelling unit address. The Planning Department will generally provide such forms in summer of even-numbered years to all accessory and in-law apartment principal units.

### **7.1.6 Conversion to Condominium Prohibited**

Neither accessory apartments nor in-law apartments shall be sold separately from the principal dwelling unit. These units shall remain in perpetuity under common ownership with the principal dwelling.

### **7.1.7 Waiver of Provisions**

The Commission may waive one or more of the provisions of Section 7.1.2.A or 7.1.3.A, after determination of the following:

1. There will be minimal adverse impacts on existing uses in the area.
2. Surrounding property values will be conserved and the character of the neighborhood will not be unduly disrupted.
3. Due consideration to preservation of historic factors has been demonstrated.

Waiver of these Sections shall require a Special Exception application.

## **Section 7.2 Adult-Oriented Establishments**

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### **7.2.1 Intent**

The Town Council of the Town of South Windsor has determined that adult-oriented establishments require special supervision and regulation in order to protect the health, safety, and welfare of the citizens of South Windsor, as well as the patrons of adult-oriented establishments; and has enacted Town Ordinance Number 135 to address those findings. The Planning and Zoning Commission finds that regulating the location of adult-oriented establishments furthers the purpose set forth by the South Windsor Town Council. The Special Exception criteria are necessary to protect and promote the health, safety, general welfare, convenience, and property values of the citizens of South Windsor.

It is not the intent of the Commission, in enacting this zoning regulation, to deny to any person rights to speech protected by the United States and/or State Constitutions.

### **7.2.2 Adult-Oriented Establishment Requirements**

Adult-Oriented Establishments must meet the general criteria for Special Exception uses contained in Article 8 and the specific requirements enumerated below as determined by the Commission:

- A. Minimum lot size is 80,000 square feet; minimum lot width is 400 feet; maximum impervious coverage is 25%.
- B. No adult-oriented establishment shall be permitted within a 500 foot radius of any lot or parcel located in any residential zone. Measurement of the 500 foot radius shall be made from the outermost boundaries of the lot upon which the existing or proposed adult-oriented establishment will be situated.
- C. No adult-oriented establishment shall be permitted within a 1,000 foot radius of the property line of a public school, duly authorized school other than a public school, church, charitable institution whether supported by public or private funds, hospital, library, public playground, municipal fire or police station or municipal building. Measurement of the 1,000 foot radius shall be made from the outermost boundaries of the lot upon which the existing or proposed adult-oriented establishment will be situated.

## ARTICLE 7 –SPECIAL REGULATIONS

- D. No adult-oriented establishment shall be permitted within a 500 foot radius of an existing business or commercial establishment. Measurement of the 500 foot radius shall be made from the outermost boundaries of the lot upon which the existing or proposed adult-oriented establishment will be situated.
- E. No adult-oriented establishment shall be permitted within a 1,000 foot radius of an existing adult-oriented establishment property line. Measurement of the 1,000 foot radius shall be made from the outermost boundaries of the lot upon which the existing or proposed adult-oriented establishment will be situated.
- F. No building may contain more than 1 adult-oriented establishment.
- G. No adult-oriented establishment shall be conducted in any manner that permits the observation from any public way of any material depicting or describing specified sexual activities or specified anatomical areas. This provision shall apply to any building exterior display, decoration, sign, show window, or other exterior opening.
- H. Pursuant to CGS Section 8-6, use variances shall not be granted to allow an adult-oriented establishment in any zone other than General Commercial (GC).

### **7.2.2 Adult-Oriented Establishment Definitions**

**Adult Bookstore:** An establishment having a substantial or significant portion (more than 25%) of its stock and trade in books, films, video cassettes, or magazines and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein, and in conjunction therewith has facilities for presentation of adult material, as defined herein, and including adult-oriented films, movies, or live entertainment for observation by patrons therein.

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

**Adult Entertainment:** Any exhibition or any adult-oriented motion picture, live performance, display or dance of any type, which has as a significant or substantial portion of such performance depicting, describing or relating to any actual or simulated performance of specified sexual activities; exhibition and viewing of specified anatomical areas; removal of articles of clothing; or appearing unclothed; pantomime, modeling or any other personal services offered to customers.

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

**Adult Motion Picture Theater:** an enclosed building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons therein.

**Adult-Oriented Establishment:** Shall include, without limitation, adult bookstores and adult motion picture theaters, and further means any premises to which the public, patrons, or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments, or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures; adult cabaret, or wherein an entertainer provides adult entertainment to a member

of the public, a patron, or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An adult-oriented establishment further includes, without limitation, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

**Anatomical Areas, Specified:** (1) Less than completely and opaquely covered: (i) human genitals, pubic region, (ii) buttocks; (iii) female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernible turgid state, even completely opaquely covered.

**Sexual Activities, Exclusions:** As used in these regulations, this term is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications that devote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical that reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films that describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

**Sexual Activities, Specified:** (1) Human genitals in a state of sexual arousal; (2) Acts of human masturbation, sexual intercourse, or sodomy; and (3) fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

## **Section 7.3     Assisted Living Facilities / Independent Living Facilities**

### **7.3.1 Purpose**

The purpose of these regulations is to permit the development of a managed residential community having support services that encourages residents primarily 55 years or older to maintain a maximum level of independence.

### **7.3.2 Permitted Uses**

- A. Permitted uses shall be assisted living / independent living, as well as accessory uses that are intended and designed for the maintenance and/or operation of the Assisted Living Facility / Independent Living Facility and/or the use of its residents.
- B. Incidental retail use within the facility is allowed, provided the retail uses are solely to serve the needs of the residents of the facility, as determined and approved by the Commission. There shall be no external advertising or signs related to any internal retail use.
- C. When the Assisted Living Facility / Independent Living Facility is located in a commercial zone, medical services located within the Facility may also be offered to the general public, provided that the medical services are an integral part of the Assisted Living / Independent Living community and serve the residents thereof.
- D. Pursuant to CGS Section 8-6, use variances shall not be granted for any use in or on an Assisted Living Facility / Independent Living Facility building or site.

## **ARTICLE 7 –SPECIAL REGULATIONS**

### **7.3.3 Application Consideration**

Upon application of the owner of the land or the owner's duly authorized agent, the Commission may, in appropriate cases and subject to appropriate modifications and safeguards prescribed by it, grant a Special Exception/Site Plan of Development approval for an Assisted Living Facility (ALF) / Independent Living Facility (ILF), subject to the requirements of these regulations.

### **7.3.4 Review Criteria**

In addition to the Special Exception criteria of Article 8, the Commission shall also consider the following in acting upon an application for approval of an Assisted Living Facility/Independent Living Facility:

1. The Assisted Living Facility / Independent Living Facility proposal will help meet senior housing needs of South Windsor.
2. The Assisted Living Facility / Independent Living Facility has been designed to meet the needs of handicapped residents or visitors.
3. The architectural design is aesthetically pleasing and blends well into the surrounding area.

### **7.3.5 Bulk Requirements**

#### **A. Lot Size/Frontage/Yards/Setbacks**

Requirements are as established in the underlying zone.

#### **B. Building Size/Height/Maximum Number of Units**

Maximum size of an Assisted Living Facility shall be 70,000 square feet gross floor area (180,000 square feet gross floor area in GD zone). Building height is limited to the height limitations in the underlying zone. However, in any commercial zone with a maximum building height of 2 stories (30 feet) an Assisted Living Facility / Independent Living Facility may be increased in height to three stories (45 feet) if the front yard setback is increased to at least 125 feet. Maximum number of units within a facility is 100 (140 in the GD zone).

#### **C. Maximum Impervious Coverage**

Maximum impervious coverage in commercial zones is 50%. Maximum impervious coverage in residential zones is 25%. Green space in residential zones is intended to be located between the Assisted Living Facility / Independent Living Facility and abutting residences.

### **7.3.6 Conformance with State of Connecticut Codes**

The building shall be constructed in accordance with the State of Connecticut Basic Building Code and shall, as applicable, comply with the State of Connecticut, Department of Public Health and Addiction Services requirements for an assisted living facility.

2. Fire Sprinkler Requirement - All buildings shall have an approved NFPA 13 fire sprinkler system installed
3. Fire Alarm Requirement - All buildings shall have an approved NFPA 72 monitored fire alarm system with smoke detection



### **7.3.7 Handicapped Access**

Provisions for the physically handicapped, including wheelchair access; curb cuts and curb inclines for sidewalks; dwelling units expressly designed for the handicapped; building access; and parking space location and other architectural treatment shall be in accordance with the State of Connecticut Basic Building Code, and other applicable rules and laws. The Commission may modify the application and increase the requirement to ensure that special needs of handicapped residents are met.

### **7.3.8 Outdoor Recreation**

Each Assisted Living Facility / Independent Living Facility must provide at least one acre total of outdoor recreation area(s), creatively designed to provide stimulation (e.g., bird feeders, benches, gardens). The Commission may require suitable fencing. All projects with more than 100 units must provide 1.5 acres of outdoor recreation.

### **7.3.9 Buffers/Screening**

- A. Assisted Living Facilities in any residential zone require a buffer area around all sides of the development except the street frontage.
- B. Buffer width shall in accordance with Section 6.2.4.C Buffer Widths, and shall be designed to conform to the requirements of Section 6.2.4.
- C. Assisted Living Facilities / Independent Living Facilities in any commercial zone may be required to provide screening around all sides of the development.

## **Section 7.4 Day Care Centers**

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### **7.4.1 Provisions**

In addition to the requirements of Section 8.4 Special Exception Standards and Procedures, Day Care Centers for children, duly licensed by the State of Connecticut and any other applicable agencies, must satisfy the following conditions for special exception use:

1. No safety hazards are created, particularly with respect to access into and out of the site and building.
2. Any outdoor play area must be substantially level and suited to playground use.
3. Any outdoor play area must be located on the site in an area that is removed from any possibility of encroachment by vehicular accidents on adjoining streets.
4. There must be adequate parking to accommodate any anticipated heavy patronage functions, such as open houses, recitals, or plays.
5. A school bus turnaround must be provided if any children will be brought to the Center by school bus.
6. The surrounding environment must be reasonably free of industrial/commercial pollutants and excessive noise at the time of application; and there must be a reasonable expectation that the surrounding area will remain free of pollutants in the future.

## **ARTICLE 7 –SPECIAL REGULATIONS**

7. The surrounding environment must be reasonably physically and verbally non-threatening to children and staff at the time of application; and there must be a reasonable expectation that the surrounding area will remain non-threatening in the future.
8. If the Day Care Center is to be a separate building, the site must be screened from adjoining sites to the standards established in paragraph 6.2.4.B.2 Buffer Standards and Design. Screening may be located within the required yards. If the Day Care Center is located within a multiple tenant facility, any outdoor play area must be screened from adjoining uses to the standards established in Sections 6.2.4.B.2.

### **Section 7.5 Duplex Dwelling Units**

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#### **7.5.1 Provisions**

- A.** Duplex dwelling units may be permitted as a Special Exception use after public hearing, provided the following conditions are satisfied:
1. No more than 1 duplex dwelling is allowed per lot.
  2. The subject lot is either:
    - a. Contiguous to or across the street from a commercial or industrial zone, i.e., it serves as a transitional parcel between single-family residential and commercial (or industrial) zones; and/or
    - b. Located in a commercial zone when a residential zone is contiguous to or across the street. Limited to secondary roads only. Not allowed on major roads like Sullivan Avenue and John Fitch Boulevard. Lot coverage is limited to 15%.
    - c. Contiguous to another lot containing a multifamily dwelling.
  3. The lot must meet or exceed the minimum lot size requirements of the zone.
  4. The duplex dwelling must have the exterior appearance (from the street) of a single-family home.

### **Section 7.6 Earth Filling**

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#### **7.6.1 Purpose**

The purpose of this Section is to control any fill operations that may create a safety or health hazard to the public or to adjacent property-owners.

#### **7.6.2 Approval**

- A.** Special Exception/Site Plan approval shall be required by the Commission for any fill operation of more than 250 cubic yards not related to an approved site development or subdivision.
- B.** The following activities are exempt from Commission approval:
1. Filling of up to 250 cubic yards on any 1 parcel during any 1 12-month period, subject to the review and approval of the Town Engineer;
  2. A sanitary landfill operation carried on by the Town of South Windsor;

## ARTICLE 7 –SPECIAL REGULATIONS

3. Construction of a building for which a Building Permit has been duly issued;
  4. Agricultural or landscaping operations, including farm pond operations, subject to the review and approval of the Town Engineer;
  5. Where such filling or grading operations have been approved by the Commission as a part of a subdivision or a site plan; or
  6. Within the rights-of-way of the State of Connecticut and of the Town of South Windsor.
- C. The filling of more than 250 cubic yards of material may be permitted by the Commission as a Special Exception after public hearing under the following conditions:
1. The applicant shall submit a site plan as required by Section 8.5 Site Plan Standards and Procedures. In addition to the requirements of Section 8.5, the site plan shall show the areas to be filled/re-graded and the existing and proposed grades at 2 foot contours.
  2. The plan shall provide for proper drainage of the area of the operation after completion; and no bank shall exceed a slope of 1 foot of vertical rise in 2 foot of horizontal distance.
  3. At the conclusion of the operation, or of any substantial portion thereof, the whole area where removal takes place shall be covered with not less than 4 inches of topsoil, and seeded with suitable cover crop.
  4. Safety measures necessary to protect vehicular and pedestrian traffic may be required including, but not limited to, pavement of access roads to reduce dust and relieve traffic problems, and paths to insure pedestrian safety.
  5. In passing on such applications, the Commission shall consider the effect of such fill/re-grading on surrounding property and the future usefulness of the premises when the operation is completed.
  6. A permit shall be issued for a period not to exceed 1 year from the effective date of approval.

### **Section 7.7 Elderly Housing**

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#### **7.7.1 Purpose**

The purpose of this special use is to provide housing particularly suited to the needs of the elderly citizens; such use to be located in reasonable proximity to such shopping and services as are required by elderly persons; such use to be designed to provide a pleasant environment for habitation; and such use shall be in conformity with the general framework and intent of the Town Plan of Conservation and Development for South Windsor.

#### **7.7.2 Procedure**

- A. Application for this use may be filed only by the Public Housing Authority of South Windsor individually or in conjunction with a proprietary entity.
- B. The Commission shall be guided by the requirements of this section when reporting on the mandatory referral for acquisition of the housing sites under the General Statutes of Connecticut.
- C. The Public Housing Authority individually, or in conjunction with such proprietary entity, shall submit to the Commission a site development plan in accordance with Article 8 Zone Change, Special Exception, and Site Plan Standards and Procedures, and such plan must be approved prior to the issuance of a building permit.

## ARTICLE 7 –SPECIAL REGULATIONS

### **7.7.3 Improvements**

- A. Utilities, streets, and related improvements shall generally conform to Town procedures and design standards; however, 24-foot pavement width is acceptable, and other standards may be reduced or waived in order to reduce development costs, provided there is no objection of the Town Engineer. All utilities shall be underground. Sidewalks shall only be required where deemed necessary by the Commission. Public sewer and water services shall be required.
- B. Where, in the judgment of the Commission, off-street improvements to the municipality's infrastructure (including, but not limited to, streets, sidewalks, storm drainage facilities, illumination, or other systems) are required in order to minimize the adverse impacts of the development on the infrastructure, or to ensure the development will function adequately, such improvements shall be installed at the expense of the applicant.

### **7.7.4 Location**

The site shall be on Town-owned property or on premises approved by the Public Housing Authority with restrictive covenants guaranteeing appearance and property maintenance approved by the Public Housing Authority and the Commission. The covenant must be filed on the land records and must be in effect as long as the property is zoned for elderly housing.

### **7.7.5 Area and Dimensional Requirements**

**Table 7.7.5A Area and Dimensional Requirements**

Minimum Lot and Area Requirements						Maximum
Use	Lot Area (sq. ft.)	Frontage <sup>(1)</sup> (feet)	Front Yard <sup>(2)</sup> (feet)	Rear Yard <sup>(3)</sup> (feet)	Side Yard <sup>(3)</sup> (feet)	Impervious Coverage
Elderly Housing	2 acres	200	50	10	10	40%
<p><sup>(1)</sup>Lots with frontage on Buckland Road or Sullivan Avenue have a minimum lot width of 150 feet. Where the requirements of Table 7.7.5A are greater, the Table 7.7.5A requirements apply.</p> <p><sup>(2)</sup>Lots with frontage on Buckland Road or Sullivan Avenue have a minimum front yard setback of 50 feet. Where the requirements of Table 7.7.5A are greater, the Table 7.7.5A requirements apply.</p> <p><sup>(3)</sup>Buffers are in addition to required side/rear yards.</p>						

### **7.7.6 Project/Units Cap**

- A. The maximum number of units in any development shall be 102 units. The Commission may grant a waiver to increase the number of units in a development to 200 units after finding:
1. Traffic impact will not be detrimental to the surrounding neighborhood.
  2. The site is appropriate for a larger development.
  3. The increase will not create adverse impacts on surrounding property values.
- B. The cumulative total of units in all developments cannot exceed 500 units.

### **7.7.7 Living Area**

In calculating space requirements for elderly occupancy, the following areas shall be considered minimum:

**Table 7.7.7A Space Requirements for Elderly Housing**

Occupancy (persons)	1	2	2 or more <sup>(2)</sup>
Description	Efficiency	1 BR	2 BR
Room Count <sup>(1)</sup>	3	3 ½	4 ½
<sup>(1)</sup> Room count for living, dining and kitchen is 2 ½. <sup>(2)</sup> Special occupancy, covering situations such as 2 single related persons, two-person families whose physical condition requires separate sleeping accommodations, and single persons requiring sleep-in companions or care assistants.			

### **7.7.8 Recreation**

Recreation area(s) shall be provided for the use of the residents. The recreation area(s) shall be designed for the special needs of elderly persons. Such uses as walking trails, sitting areas and a community room are examples of recreation areas.

### **7.7.9 Pedestrian/Bicyclist Circulation**

Sidewalks shall be provided for internal circulation within the project and connection to the street frontage. Sidewalks shall be constructed to the specifications of the Town of South Windsor.

## **Section 7.8 Farm Stands**

### **7.8.1 Standards and Procedures**

Permanent farm stands are permitted on a farm subject to the following regulations. (Note that regulations for temporary roadside stands are contained in Section 3.2.1.E Temporary Roadside Stands.)

- A. Sales of seasonal products normally associated with a farm store are allowed (90% of which shall be fresh farm produce or garden-related products, such as fresh fruits or vegetables, Christmas trees, wreaths, shrubs, pumpkins, potted flowers, and the like). Landscaping material, such as lawn ornaments, bricks, stone, etc., shall not be stored or sold on-site.
- B. A farm stand shall have permanent retail farm buildings with an attractive, rural, barn-like appearance. Sites, buildings, and landscaping shall be designed in accordance with the criteria and standards contained in Section 8.7 Architectural and Design Review.
- C. Special Exception and site plan of development applications are required in the RR, A-20, or other single-family residential zones. A site plan of development application is required in the GD, RC, GC, I or other industrial or commercial zones.
- D. Special exceptions in residential zones will be granted subject to the Special Exception criteria in Article 8 and the following criteria being met:
  - 1. Minimum site size is 5 acres; minimum site frontage is 1.5 times the underlying zone requirement.

## **ARTICLE 7 –SPECIAL REGULATIONS**

2. Farm stand, all selling areas and parking must be located at least 50 feet from existing adjacent residences.
  3. Site screening must be installed and meet the criteria contained in Section 6.2 Landscaping and Buffers (however, there is no minimum required buffer width).
  4. Commission approval is required for outdoor storage of items offered for sale that are grown or acquired off-site (such as fertilizer, peat moss, etc.).
  5. No activity is conducted that is hazardous or dangerous to persons or property outside of the lot on which the activity is conducted.
- E.** Outdoor storage and display of seasonal agricultural and garden products is permitted in areas designated on the site plan of development.
- F.** No more than 1 vehicular access point (i.e., curb cut) shall be allowed along the street frontage. The site plan must conform to the applicable access regulations for the underlying zone.
- G.** On farms exceeding 5 acres, the A-2 boundary survey may contain a closure line, such that the portion of the tract not proposed for the farm stand use need not be surveyed to A-2 boundary survey standards, subject to the approval of the licensed land surveyor, and further subject to the approval of the Commission upon advice and recommendation of the Planning Director and/or Town Engineer.
- H.** Vehicular parking and circulation shall be provided with gravel, bituminous concrete, or other all-weather surface. The entrance drive shall contain a bituminous concrete apron. Parking is allowed within yards, provided such location does not pose a safety hazard or obscure sight lines. (except in residential zones)
- I.** Landscaped screening shall only be required where a farm stand is in close proximity to a residence or residences not on the farm, and the Commission concludes that screening is required to screen the farm stand from adjacent residences.

### **Section 7.9 Display of New and Used Vehicles for Sale**

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#### **7.9.1 Provisions**

- A.** Display, storage, or parking of motor vehicles at State-licensed new and used car dealerships shall meet the minimum criteria below and be approved by the Commission.
- B.** The site shall have a minimum of 150 feet of frontage on a public road.
- C.** The site plan shall show all designated parking spaces and landscaped areas. The parking spaces shall be:
1. A minimum of 10 feet from the side and rear lot lines and fifty feet from the front property line;
  2. Not obstruct line of sight for vehicles entering and exiting premises; and
  3. Be landscaped and screened or buffered to preserve and enhance the appearance of the neighborhood.
- D.** No motor vehicle unregistered or unregistered to the dealer may be stored or parked nearer to the street than the building line.
- E.** All mechanical and repair operations shall be carried on within a building.

- F. No more than 2 motor vehicles registered to the same owner may be offered for sale in a residential zone within a 12 month period.
- G. No motor vehicle may be offered for sale in a non-residential zone without a dealer's license.

## **Section 7.10 Golf Courses**

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### **7.10.1 Provisions**

- A. Golf courses of 9 or more holes, and uses generally associated therewith whether owned and/or operated by a public or private entity, must meet the Special Exception review criteria of Section 8.5 Special Exception Standards and Procedures and the following specific criteria:
  - 1. All non-recreational uses shall clearly be secondary to the principal golf course use of the property.
  - 2. The tract shall consist of a single lot or a number of contiguous lots, under one ownership or control, containing no less than 30 acres.
  - 3. An Erosion and Sedimentation Control Plan has been submitted to and approved by the South Windsor Inland Wetlands and Watercourses Agency.
- B. Given the large open space nature of a golf course use, the Commission may waive some requirements of Article 8, including but not limited to: map scale, which may be reduced to 1" = 100' or 1" = 200' for those areas remaining in a natural state, or dedicated to the golf course itself, such as tees, greens and fairways. This reduced scale shall not apply to areas proposed for vertical grade change in excess of 3 feet.
- C. Prior to submission of the application, the applicant and/or his agent(s) shall have reviewed the golf course proposal and a draft site development plan with staff of the Planning Department and Engineering Department.
- D. When and if use as a golf course ceases for a continuous 12 month period, all ancillary uses on the subject property shall cease operation immediately, and said site development plan/special exception approval shall become null and void until full resumption of said golf course use. Any use otherwise conforming to the requirements of the underlying zone, however, may be continued, subject to approval of this Commission.

## **Section 7.11 Home Occupations**

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### **7.11.1 Purpose**

The conduct of business in residential units may be beneficial under certain conditions. It is the intent of this section to:

- 1. Ensure the home occupation is clearly secondary to the use of the building for dwelling purposes.
- 2. Ensure the compatibility of home occupations with other permitted uses in the residential districts.
- 3. Maintain and preserve the residential character of the dwelling and the residential character of the neighborhood.

## **ARTICLE 7 –SPECIAL REGULATIONS**

4. Guarantee to all residents freedom from excessive noise, excessive traffic, nuisances, fire hazards, offensive odors and pollutants, and other possible effects of commercial uses being conducted in residential areas.

### **7.11.2 Zones Permitted**

- A. Minor home occupations are permitted in all single-family residential zones by right; and in the Multifamily Zone at the discretion of their respective Homeowners' Association. A letter from the association will be required at the time of application.
- B. Major home occupations are allowed in single-family zones upon approval by the Commission. Upon approval, permits will be issued for up to a 5-year period and must be renewed at the expiration of the allowed period. Major home occupations are not permitted in multifamily zones or developments.

### **7.11.3 Performance Criteria**

- A. Performance criteria for minor home occupations:
  1. No more than 25% of the dwelling unit floor area shall be used in connection with the home occupation. Floor area of a dwelling unit, in this case, shall include the floor of all heated and ventilated and thereby habitable rooms and areas within the dwelling unit including basements and habitable space.
  2. The home occupation shall be carried on wholly within the principal building. The activity inside cannot be visible from the outside (e.g., big windows, glass doors, etc.).
  3. No retail sales are allowed. No wholesale/mail-order sales are allowed that generate additional truck deliveries except for parcel services such as UPS or FedEx.
  4. Only 1 business-associated van/pick-up truck is allowed; outdoor storage/parking of the business vehicle is prohibited.
  5. All appropriate State and Federal licenses and permits shall be obtained by the owner/operator.
  6. Dwelling must retain the character of a single-family dwelling.
  7. No storage of hazardous materials, other than normal household materials, allowed.
  8. No entrance or exit in the dwelling or on the premises shall be added solely for the conduct of the home occupation.
  9. The home occupation cannot cause interference with radio or television reception in the vicinity.
  10. Articles not made on the premises shall not be sold on the premises.
- B. Performance criteria for major home occupations include all criteria for minor home occupations enumerated above as well as:
  1. No more than 1 major home occupation shall be permitted within any single dwelling unit.
  2. Major home occupations can request use of accessory buildings, provided that there is no appearance of commercial activity, and is subject to Commission approval.
  3. No more than 1 employee not residing in the dwelling shall be employed in the performance of the occupation.



## ARTICLE 7 –SPECIAL REGULATIONS

4. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed in garages, attached or detached unless there is still adequate space for the storage of one vehicle. Also, there shall be no outdoor storage of material.
5. The home occupation cannot create a volume of passenger or commercial traffic that is inconsistent with the normal level of traffic on the street on which the dwelling is located. No truck deliveries are allowed in connection with the home occupation except for parcel services such as UPS and FedEx.
6. All parking needs must be met on-site. Any parking in excess of customary residential parking may be required to be screened from the street and from adjacent residential property by either:
  - a. Fencing of a type typically used in residential areas such as stockade fencing, not slatted chain-link fencing; or
  - b. Evergreen plantings of sufficient height and spacing to establish an adequate screen.
7. No external effects that are incompatible with the character of residential zones are allowed (for example, increased noise, excessive lighting, and offensive odors).
8. Provision shall be made for separate collection of business generated refuse and recyclables.
9. When connected to a public sewer, approval of the WPCA shall be obtained prior to initiating the home occupation.
10. Businesses that are prohibited include on-premises serving of food and/or beverages; overnight treatment of patients; overnight boarding of animals; landscaping contractor businesses; and similar uses.
11. Where the criteria in the above list are less restrictive than the criteria enumerated for minor home occupations, the less restrictive criteria shall apply to major home occupations.
12. Home Occupations offering articles made on the premises for sale are permitted to enhance their offering with product made off-site, provided a minimum of 50% of the product offered is made on-site. Maximum retail area allowed for this type of home occupation is 1,000 sf (regardless of the size of existing house/accessory building).
13. Incidental sales of product associated with a major home occupation is permitted.

### **7.11.4 Procedure**

#### **A. Minor Home Occupation**

The following shall be submitted to the Zoning Enforcement Officer for a Zoning Permit:

1. A detailed statement describing all pertinent aspects of the proposed activity and acknowledging the requirements of this Section; (It should be noted that additional information is required by the Town's Tax Assessor's Office and may be required by the Town Clerk's Office.)
2. An accurately drawn plot plan depicting property lines, structure locations, access drive(s), existing and proposed parking spaces with screening, and any other pertinent features;
3. An accurately drawn floor plan depicting the area to be utilized by the home occupation;
4. Architectural elevations for any additions being proposed; and
5. Sign design, if any. See Section 6.5.7 Residential Sign Requirements.

## **ARTICLE 7 –SPECIAL REGULATIONS**

### **B. Major Home Occupation**

Application for 5-year permit shall be made to the Commission and notification of abutters in accordance with Section 8.2.C. A narrative of the proposed occupation and proposed hours of operation shall be submitted. Hours of operation are subject to Commission approval. A public hearing may be required by the Planning and Zoning Commission. Renewals may be granted by the Commission and hours of operation reviewed. At time of renewal, a sign must be posted per Section 8.2.B and a public hearing may be required. The application for home occupation approval shall contain the same items and information required for a minor home occupation.

### **C. Permit Duration**

1. Each Certificate of Zoning Compliance for a minor home occupation shall be valid for the duration of the applicant's residence and shall automatically terminate when the applicant no longer resides in the dwelling unit. Commission approval for major home occupations shall be valid for up to 5 years as specified by the Commission, except that approval shall automatically terminate when the applicant no longer resides in the dwelling unit.
2. The Commission may revoke any minor or major home occupation permit for noncompliance with permit requirements and conditions.

## **Section 7.12 Horses/Ponies and Home Animal Agriculture**

### **7.12.1 Home Animal Agriculture**

**A.** Home animal agriculture includes animals bred, raised or kept for non-commercial purposes including but not limited to horses and ponies, cattle, swine, sheep, goats, rabbits, poultry and fowl, and bees, but excluding common household pets such as (but not limited to) cats and dogs.

**B.** Home animal agriculture may be conducted in all A, AA and RR residential districts.

**C.** A zoning compliance permit must be obtained from the Zoning Enforcement Officer.

#### **D. Criteria for Evaluating Home Animal Agriculture Applications**

1. The number of animals shall not exceed those established in Table 7.12.1A. or 7.12.2A
2. The land on which the animals are to be kept is capable of safely supporting the number and type of animals proposed.
3. The animals will be kept in a manner so as not to create a hazard to themselves or the environmental quality of the neighborhood.
4. The animals are to be kept for non-commercial purposes.
5. The animals are kept in a manner that conforms to all applicable regulations of the Public Health Code, the Department of Environmental Protection, the Connecticut Department of Agriculture, and the General Statutes of Connecticut.

#### **E. Required Standards for Home Animal Agriculture**

Prior to approving any application for a zoning permit for Home Animal Agriculture, the Zoning Enforcement Officer shall consider each application with regard to the criteria set forth in Table 7.12.1A or Table 7.12.2A and shall also determine whether such proposed activity shall conform to the following standards:

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### 1. Number of Animals Per Acre

- a. The minimum lot size on which animals may be kept shall be 1 acre which may include a dwelling; with the exception of chicken/hens and bees. Property owners may have 16 chickens/hens on properties with less than an acre in the A-20 and A-30 zones. Bees may be kept on lots of all sizes.
- b. No more than 1 animal unit shall be kept on each acre owned up to a total of 3 animal units on 3 acres. More than 3 animal units shall be considered Commercial Animal Agriculture and subject to the regulations governing such use.
- c. The number and type of animal constituting an animal unit as well as the number of animals permitted by lot size is as follows:

**Table 7.12.1A – Animal Units**

Type of Animal	Number of Animals Per Animal Unit	No. of Animals Permitted on		
		1 acre	2 acres	3 acres
Horse, pony, mule, donkey, dairy or beef cow, alpaca, llama	1	1	2	3
Sheep or goats	5	5	10	15
Pigs (excluding 1 litter under 3 months)	2 mature pigs plus 1 litter (3 months or less)	2 plus 1 litter	4 plus 1 litter	6 plus 1 litter
Rabbits	25	25	50	75
Chickens	32	32	64	96
Ducks	16	16	32	48
Geese, turkeys	8	8	16	24
Bee Hives	See Table 7.12.2A			

- d. No roosters are permitted in A-20, A-30, or AA-30 zones. Roosters are only allowed in the A-40 and Rural Residential zones, on lots 1 acre or larger.
- e. Combinations of different animals and fowl are permitted provided the total number of permitted animal units are not exceeded for the available acreage. For example, 2 sheep and 16 chickens would be permitted on 1 acre; however, 1 cow and 16 chickens would not be allowed.
- f. All animals must be contained on the owner's property.

### 2. Bee Hive Density

**Table 7.12.2A – Hive Units**

Acreage	Number of Hives Permitted	Number of Nucs Permitted
<1/4 - 1/4	2	2
1/4 - 1	6	4
➤ 1	No limit. Follow placement guidelines.	No limit. Follow placement guidelines.

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Limitations will not be imposed under the following two conditions:

- a. If hives are situated more than 200 feet from a property line; or
- b. If the adjoining property is permanently protected as undeveloped land.

### 3. Space Standards

- a. Each animal will have free access to shelter in a building, which will provide shade and protection from wind, rain and snow. A minimum of 100 square feet of interior floor space shall be provided for each animal unit or part thereof. All such buildings shall be constructed and all food products kept as to prevent offensive odors and the presence of pest and predators.
- b. Fences must be of sufficient height, strength, pole diameter, gauge of wire, and density to assure that such animals shall not escape. Barbed wire fences shall not be used. Electric fencing is permitted provided it is installed and maintained in accordance with manufacturer and/or industry standards. Signs and/or other markers identifying the electric fence must be installed.
- c. Large and medium-sized animals including horses, cattle, sheep, goats, and swine shall have access to exercise and living space compatible with their age and size. A minimum of 1,000 square feet of fenced exterior exercise area shall be provided for each animal unit of large and medium sized animals kept.
- d. All structures housing animals must meet the established setback for the applicable zone or be a minimum of 15 feet from the property line, whichever is greater.
- e. Bee hives should be placed in a quiet part of the yard. The hive entrance should be placed facing the hive owner's property. The hive must be at least 15 feet from a property line, and there should be either a fixed wall or a dense vegetative barrier of at least six (6) feet in height between the hives and the property line (unless placed greater than 25 feet from the property line). A water source shall be made available.

### 4. Site Suitability

Ideal sites for animal shelters and animal keeping areas are those reasonably high and well- drained yet level enough to accommodate barn and fence construction and level paddocks or exercise areas.

- a. Slope: Sites with slopes greater than 15% should be avoided or improved to avoid heavy surface water runoff, soil erosion, sedimentation or hazardous conditions for keeping animals.
- b. Drainage: Proper drainage shall be provided to avoid the collection of water. Water shall be diverted from animal keeping areas; however, such water shall not pollute surface or sub-surface water supplies.
- c. Wetlands: Wetlands may be used for pasture during the grazing season but shall be avoided when constructing shelters and exercise areas.
- d. Septic System: Animal keeping areas shall not be permitted directly over land containing an on-site sewage disposal system.
- e. Natural or Man-Made Hazards: Sites containing excessive bedrock outcroppings, large boulders or numerous stones or other natural or man-made obstructions that might be hazardous to the animals shall be avoided.

5. Environmental Impact

- a. Animals shall be kept in a manner as to minimize noise, odor and dust generation and to avoid air and water pollution.
- b. Shelters and keeping areas shall not be a breeding place for rodents or flies.
- c. Manure storage shall be a minimum of 20 feet from the property line.

**F. Advisory Opinions**

1. The Zoning Enforcement Officer may refer the application to the University of Connecticut Co-operative Extension Service or any other applicable organization for review and advisory opinion.

**G. Application for Home Animal Agriculture Permit**

1. Where 1 animal unit consists of multiple animals, the keeping of animals comprising 10% or less of the total animals in an animal unit is permitted as of right, except for chickens/hens which require a permit regardless of number.
2. Where the keeping of animals will exceed the 10% allowance in paragraph 1 above, or to keep chickens/hens (and/or hens) on your property, the owner of the land on which the animals are to be kept shall submit to the Zoning Enforcement Officer the following:
  - a. A sketch map (using the best available boundary/site data) showing:
    - i. The boundaries of the property on which the animals are to be kept and the names of the abutting owners;
    - ii. Location of existing structures including dwellings on abutting properties, on-site wells and sewage disposal systems;
    - iii. Location of proposed animal shelter and keeping areas, including fences;
    - iv. Number and type of animals to be kept;
    - v. Location of watercourses, waterbodies and wetlands; and
    - vi. Areas of slope in excess of 15%; Town of South Windsor topography maps may be used to determine slope.
  - b. A narrative describing:
    - i. The total acreage of the site on which animals are to be kept;
    - ii. The general nature and scope of the proposed use; and
    - iii. The provisions for storage of feed, grain, hay and animal excrements.
3. Beekeepers must submit documentation of annual registration to the State of Connecticut Entomologist in accordance with CGS 22-89.

**7.12.2 Commercial Animal Agriculture or Home Agriculture in Excess of 3 Acres/Animal Units**

Land, buildings, and other structures may be permitted as a Special Exception by the Commission for commercial use involving the following animal agriculture activities:

1. Boarding and training stables for horses;
2. Private club riding stables;

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3. Breeding stock farms; and
4. Animal agriculture involving more than 3 animal units;
5. Animal sanctuaries (both commercial or non-profit); and
6. Animal rehabilitation facilities.

In addition to the standards of Section 7.12.1, the following conditions must be met;

1. The land shall be zoned RR or A-40.
2. This acreage shall be fenced, in whole or in part. Such fence shall contain the animals within the property; except any land to be used exclusively for riding trails, which shall be owned by the applicant, shall not ordinarily be required to be fenced.
3. There shall be sufficient off-street parking facilities provided to accommodate all users and visitors to the property, including spectators. The roads for entering and leaving the property shall be located in such a manner as to not create a pedestrian or vehicular traffic hazard on any public street. A minimum of 1 parking space per each 5 users or visitors to the property shall be required.
4. The keeping of animals for other than personal use shall be restricted to the rear yard of the premises, as defined in Section 3.1.2. The accessory buildings that are used to shelter or feed the horse shall be located at a minimum distance of 125 feet from any street line, 40 feet from any side or rear property line and, in addition, 100 feet from any dwelling located on an adjacent property. Outside feed troughs shall be located at the same minimum distance from all property lines as are accessory buildings.
5. The number of animals to be kept on-site in a sanctuary or rehabilitation facility shall be limited to Best Management protocols to ensure adequate shelter and exercise space.
6. Any portion of the land which is used as a riding ring or corral shall be placed within the front, rear and side yard lines of Section 3.1.2 Residential Area, Density, and Dimensional Requirements.
7. Manure shall not accumulate to cause any health hazard and shall be subject to inspection by the Environmental Health Officer. Any manure storage area shall be screened. Particular attention shall be paid to the location of any manure storage. Adequate fly control measures shall be required.
8. Fire control facilities for the barns and other accessory buildings shall be required where the public is allowed admission. Such control facilities shall be subject to review of the Fire Marshal.
9. The use of public address systems, the conduct of the instruction of riders, training of horses, and the spectator participation in any type of competition shall be modulated and continuously controlled in order to avoid becoming a nuisance to the surrounding neighbors. All public activity shall cease at 8:00 p.m. and shall not begin prior to 7:00 a.m., unless permission for such activity is specifically granted by the Commission.
10. The use of temporary buildings or trailers for the stabling of animals in excess of 7 days is prohibited. Trailers must be placed in accordance with Section 7.19 Trailers and Camping Vehicles.
11. The area shall be landscaped to harmonize with the character of the neighborhood. The land shall be so maintained that it will not create a nuisance as determined by the Commission. All lighting must meet the requirements of Section 6.3 Outdoor Lighting.

## **Section 7.13 Indoor Recreation - Industrial Zone**

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### **7.13.1 Provisions**

- A. Indoor recreational activities shall occur inside buildings that may be readily converted to permitted industrial uses (e.g., manufacturing, office or warehousing).
- B. All such indoor recreational activities shall be appropriately supervised.
- C. Indoor recreational activities shall not include adult-oriented entertainment establishments as defined by Section 7.2.3.
- D. The following uses may be permitted as accessory uses only:
  - 1. Entertainment, including music and dancing;
  - 2. Areas primarily dedicated to serving, preparation, sales, and consumption of food and beverages, including alcoholic beverages;
  - 3. Game rooms/areas and arcade-type games; and
  - 4. Auctions; and
  - 5. Upon approval of a special exception and site plan modification application, the following outdoor uses during the warmer months (i.e., April thru October) may be permitted as an accessory use to an existing indoor recreation use for which a special exception has previously been granted by the Commission:
    - a. Entertainment, including music and dancing (maximum 350 persons);
    - b. Events (maximum 350 persons), e.g., weddings, retirement parties, anniversary celebration, bat- & bar-mitzvahs, award ceremonies, corporate outings, auctions, team building;
    - c. Areas primarily dedicated to serving, preparation, sales and consumption of food and beverages, including alcoholic beverages (maximum seating capacity of 150); and
    - d. Areas primarily dedicated to outdoor recreational activities, e.g., sports fields, zip lines, outdoor games, climbing walls, court sports. All such outdoor recreational activities shall be appropriately supervised.

All such outdoor activities shall not exceed the maximum noise volumes allowed in Town of South Windsor's noise ordinance. The Commission, the Town Planner, or the Zoning Enforcement Officer may require periodic noise measurements to document and ensure compliance with said ordinance, particularly in areas near residential zones or uses. Outdoor recreational activities shall not include adult-oriented entertainment establishments as defined by Section 7.2.3.

### **7.13.2 Additional Application Information**

The following additional information shall be provided at the time of application:

- 1. A general floor plan which illustrates the layout of the proposed uses;
- 2. A narrative detailing such items as: the hours of operation, the proposed uses, the frequency of the accessory uses, e.g. auctions; and
- 3. Any other information relevant to the operations of the facility.

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### **Section 7.14 Open Space Subdivisions**

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#### **7.14.1 Purpose**

The purpose of an open space subdivision is to ensure that residential development in South Windsor, to the extent reasonably possible, preserves open space and the natural features of the land including agricultural soils, wetlands, watercourses, and the rural character of the community, without increasing over- all density. In the interest of promoting these objectives, development may be permitted on lots of lesser dimension than would otherwise be required by Article 3, if the conditions set forth in this section are met.

**Previously Approved Subdivisions** – All open space subdivisions approved prior to 8/1/99 shall meet the Open Space Subdivision Standards in effect on 7/31/99. (See Appendix A)

#### **7.14.2 Establishment of Open Space**

All land within the RR, A-40, A-30, and AA-30 zones is eligible for a Special Exception for an open space subdivision.

##### **A. General Eligibility Requirements for a Special Exception**

1. An open space subdivision shall only be permitted in the RR, A-40, A-30 and AA-30 zones. (Where the Commission approves a Special Exception for an open space subdivision, the dimensional requirements (lot area, width/frontage, and required yards) of the underlying zones, outlined in Section 3.1.2 Residential Area, Density, and Dimensional Requirements, are hereby superseded in their entirety.)
2. An open space subdivision shall consist of parcels of land containing no less than 6 contiguous acres.
3. An open space subdivision must provide for the preservation of open space in accordance with the requirements of these regulations and the requirements of Section 4 of the Subdivision Regulations

#### **7.14.3 Pre-Application Conference**

- A. Prior to the submission of an application for an open space subdivision, the applicant must initiate a pre-application conference with the Commission and its staff to discuss the conceptual aspects of the proposed development, and to prepare and present a preliminary plan for informal consideration by the Commission. The preliminary plan shall be designed to allow the Commission to make a general comparison between the open space subdivision and a conventional development plan, and should contain all necessary information to facilitate the comparison such as potential lot layout for both conventional and open space subdivision; regulated wetlands; topography and areas of steep slopes; wooded areas; other permanently-preserved open space within the vicinity of the proposed subdivision; existing rights-of-way, road stubs, and potential roadway interconnections to existing streets; and any other relevant information. The plan must incorporate the design guidelines contained within these regulations and must reflect the preservation guidelines from the Town Plan of Conservation and Development, the Open Space Master Plan, the Recreation Master Plan, and/or the Agricultural Preservation Master Plan, as applicable.
- B. Neither the pre-application conference, the informal review of the preliminary plan, nor the Commission's suggestions shall be deemed to constitute approval or denial of any portion of the application.



#### **7.14.4 Open Space and Development Densities**

- A. In all open space subdivisions, a minimum of 50% of the site shall be preserved as open space. At least 20% of this open space must be free of wetlands, watercourses, water bodies, flood plain zones, and slopes in excess of 20% that extend 100 linear feet or more. The Commission, in its sole discretion, may permit non-commercial recreational uses within the open space, provided that such uses are consistent with the preservation of the restricted area and the character of the neighborhood. The Commission may also permit activities and accessory structures necessary to support open space and agricultural uses.
- B. The Commission may modify any application so as to designate open space in locations other than those proposed if such modification will further the conditions and requirements set forth in Section 7.14.7.
- C. To determine the maximum number of lots permitted in an open space subdivision, the total area to be developed shall be reduced by subtracting:
  - 1. 50% of the wetlands, watercourses, water bodies, flood plain zones;
  - 2. 100% of slopes in excess of 20% that extend 100 linear feet or more;
  - 3. 10% of the total area for roadways; and
  - 4. 100% of all designated use areas other than single-family lots and open space.

The remaining area shall be divided by the minimum conventional lot size permitted in the zone in which the subdivision is proposed.

#### **Example**

Zone:	RR - 40,000 sq. ft. lots required
Property Size:	100 acres
Less wetlands, slopes, etc:	-22 acres
Less 10% for roads:	-10 acres
Net acreage:	68 acres
Number of lots allowed:	68 acres ÷ 40,000 sq. ft. = 74 lots or the maximum that a conventional layout plan shows, whichever is less

- D. Notwithstanding the number of lots produced by this formula, an open space subdivision cannot result in the creation of more lots than would occur in a standard subdivision as demonstrated with a conventional subdivision layout concept map prepared by the applicant.

#### **7.14.5 Bulk Requirements**

- A. All parcels created by an open space subdivision plan shall be counted as buildable lots unless specifically restricted from residential use.
- B. Lot arrangement and dwelling unit design shall avoid juxtaposition of lots such that dwelling units are “stacked” behind other dwelling units. The applicant may propose, and the Commission may approve, lots behind other lots only with substantial vegetative screening between such lots. “Stacked” dwelling units shall not be readily apparent from a public street.

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**Table 7.14.5A**  
**Lot Area, Frontage and Yard Requirements**

Minimum Lot Area	
RR, A-40	20,000 square feet
A-30, AA-30	15,000 square feet
Minimum Lot Frontage	75 feet
Minimum Front Yard	40 feet
Minimum Side Yard	10 feet
Minimum Rear Yard	20 feet
Maximum Lot Coverage	
RR, A-40, AA-30, A-30	20%

### **7.14.6 Design Guidelines**

The development shall be laid out to protect and preserve the open space and to protect adjoining property owners. The development shall also be laid out to achieve any one, or a reasonable mix of, the following objectives:

- A.** To promote the preservation guidelines outlined within the Open Space Master Plan, the Town Plan of Conservation and Development, the Recreation Master Plan, and/or the Agricultural Land Preservation Master Plan;
- B.** To preserve and maintain all or part of any existing forests, fields, pastures and other land in agricultural use, especially land mapped as Class I or II farmland soils, together with sufficient buffer areas of not less than 50 feet, to minimize conflict between residential and agricultural use. The Commission may waive the minimum buffer requirement where existing features exist which provide an acceptable buffer at less than the required minimum;
- C.** That consideration is given to the preservation, creation, and connection of areas used for wildlife habitat, recreational corridors and trails within subdivision open space;
- D.** That a provision be provided for pedestrian access between properties and for a perimeter design concept intended to facilitate the networking of trails for pedestrian and/or equine use to ensure recreational access to resource lands as provided for in the Subdivision Regulations;
- E.** That the location of the open space areas be primarily in areas which are contiguous to existing open space areas or in areas of the site with the highest probability of connecting with future open space areas;
- F.** That the scenic views and vistas, particularly as seen from public or scenic roads, be preserved;
- G.** That historic and prehistoric sites and their environs, as needed to protect the character of the site, are preserved; and
- H.** That the visual integrity of hilltops be maintained by siting development so that building silhouettes will be below the hilltop or, if the area is heavily wooded, the building silhouettes will be at least 10 feet lower than the average canopy height of trees on the hilltop.

### **7.14.7 Open Space Requirements**

- A.** All developments under the terms, conditions and requirements of these regulations shall preserve open space land to serve one or more of the following purposes:
  - 1. The preservation of land areas outlined within the Master Plans;

## **ARTICLE 7 –SPECIAL REGULATIONS**

2. The creation of public parks, playgrounds or other outdoor non-commercial recreation areas, athletic fields and related facilities;
  3. The protection of natural streams, ponds, or water supply;
  4. The conservation of agricultural soils, wetlands, or marshes;
  5. The protection of natural drainage systems or assurance of safety from flooding;
  6. The preservation of existing natural buffers;
  7. The conservation of forests, wildlife, agricultural and other natural resources; and
  8. The networking of trails and corridors.
- B.** A minimum of 10 acres of open space shall be provided unless the open space as offered meets the requirements of the Open Space Master Plan or the open space requirements of the Subdivision Regulations.
- C.** The permanent preservation of open space shall be accomplished by deeding the property, granting preservation easements or any other method that accomplishes irrevocable preservation in accordance with the requirements set forth in this Section to one of the following entities:
1. The Town of South Windsor;
  2. The State of Connecticut;
  3. The South Windsor Land Conservation Trust;
  4. An approved home owners association; or
  5. Other approved nonprofit organization.
- D.** The property deeded to the Town under the provisions of this section must be retained as open space for a period of at least 99 years. If any land is disposed of by the Town after that period of time, the Town shall provide an equivalent amount of open space elsewhere in South Windsor.
- E.** The preservation as outlined in paragraphs C and D above, regardless of the method used, shall be completed within 1 year of the date of approval.
- F.** In determining which of the entities should own or control the proposed open space, or whether to require open space in locations different from those proposed, the Commission shall consider the following factors:
1. The ownership of any existing open space on adjacent properties or the proximity to non- adjacent
  2. open space that might reasonably interconnect with the proposed open space in the future;
  3. The proposed use of open space for active or passive uses and the extent of maintenance, supervision, or management required;
  4. The potential benefits that the open space might provide to residents of the Town or the State, if it were accessible to them;
  5. The size, shape, topography and character of the open space;
  6. The recommendations of the South Windsor Plan of Conservation and Development; the open space Master Plan; the Agricultural Land Preservation Master Plan; and the Park and Recreation Commission Master Plan.; and
  7. The reports or recommendations of other State or Town agencies, including, but not limited to, the Capitol Regional Council of Governments and the Connecticut Department of Environmental Protection.

## **ARTICLE 7 –SPECIAL REGULATIONS**

- G.** Regardless of the manner of ownership of the open space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to ensure:
1. The continued use of such land for the intended purposes;
  2. The continuity of proper maintenance for those portions of the open space requiring maintenance; and
  3. When appropriate, the availability of funds required for such maintenance.

### **7.14.8 Commonly-Owned Land and Facilities**

- A.** If dedicated open land or community recreation facilities are to be owned jointly or in common by the owners of lots or dwelling units, maintenance of the common land or facilities shall be permanently guaranteed through the establishment of an incorporated homeowners association.
- B.** When an association is established to own open space, the association must be legally established to fulfill the following requirements prior to the endorsement of the final plans:
1. The homeowners association must be established as a legally recognized entity.
  2. The association must be responsible for liability insurance, local taxes, and the maintenance of any recreational and other facilities.
  3. There shall be mandatory membership in the association or corporation by all the original lot owners and any subsequent owners.
  4. Each lot owner shall have an equal vote in determining the affairs of the organization, costs shall be assessed equally to each lot; and the organization shall remain under the control of the developer until a majority of the lots are conveyed to permanent owners.
  5. The association or corporation must have the power to assess and collect from each lot owner a specified share of the costs associated with maintenance, repair, upkeep and insurance of the open space.
  6. The association must have the authority to adjust the assessment to meet changed needs.
  7. The method or organization, by-laws and rules of procedure of the homeowners' association shall be in a form acceptable to the Commission and are subject to a review by the Town Attorney. The Commission may require that the developer of an open space subdivision establish a sinking fund to be used to maintain common areas. The sinking fund shall be transferred to the homeowners' association when the assets are transferred to the association upon completion of a requisite portion of the development.

### **7.14.9 Boundary Lines**

To prevent trespassing on adjacent lands, the boundary lines of all open space shall be identified and marked in such reasonable manner as may be required by the Commission to insure the identification of the open space.

### **7.14.10 Approval Process**

- A.** In reviewing the open space subdivision application, the Commission, in addition to the factors set forth in the preceding sections, shall consider the following:

## ARTICLE 7 –SPECIAL REGULATIONS

1. The degree of the development's impact on immediate abutters and the surrounding neighborhood in comparison to the impacts of a conventional development;
  2. Maintenance of agricultural activity on the site;
  3. Future management of special habitat (flora and fauna) areas;
  4. The impact on ground and surface water quality;
  5. Protection of historic sites or sites of prehistoric or archaeological significance; and
  6. The degree to which recreational corridors are employed to facilitate the creation of a town-wide network.
- B.** The Commission shall approve the Special Exception for Open Space subdivision, or approve it with conditions necessary to protect the public health, safety, convenience, and property values, if it finds that the development plan on balance will better serve the Town of South Windsor and the neighborhood surrounding the development than a Standard Subdivision development.
- C.** The Commission may establish conditions to ensure that the purposes of these regulations are carried out, including but not limited to the following:
1. Granting of a covenant or easement to ensure that existing fields or pastures will be plowed or mowed periodically with attention given to the requirements of existing animal and plant species;
  2. Granting of an easement providing and defining rights of public access;
  3. Designation of no-cut or limited-clearing areas on lots;
  4. Measures to ensure the maintenance of scenic views and vistas; and
  5. Requiring evidence that at least 2 organizations are willing to accept the responsibility for the preservation and maintenance of the open space.
- D.** The applicant shall record on the South Windsor Land Records all legal documents required to ensure the permanent preservation of the open space prior to the Commission's execution of the final mylars, unless otherwise noted within the Commission's approval.

### **7.14.11 Use and Maintenance of Subdivision Open Space**

- A.** Subdivision open space land shall be preserved in a natural state and the use of such land shall be limited to appropriate conservation and passive recreational purposes, except where otherwise approved by the Commission during the subdivision approval process.
- B.** The following uses are prohibited on subdivision open space land that is town-owned:
1. Storage of equipment;
  2. Placement of structures, signs or sports/play equipment;
  3. Deposition of debris (including grass, leaves, brush, construction debris, refuse, etc.);
  4. Excavation, filling or regrading;
  5. Planting of vegetation (for example, gardens, landscaping);
  6. Grazing of livestock; and
  7. Any other uses similar to uses enumerated in this paragraph.

## **ARTICLE 7 –SPECIAL REGULATIONS**

- C.** The following uses of town-owned open space are also prohibited; however, enforcement of violations will be via Town Council ordinance:
1. Any action that creates a nuisance, poses a real or immediate threat, results in damage to or destruction of open space resources or public property;
  2. Removal or intentional destruction of existing vegetation (including mowing) or the illegal harvesting or collection of native plant materials for personal use or sale;
  3. All forms of hunting, trapping or use of poisonous baits;
  4. Motorized vehicle use beyond the limits of established public access roads and designated parking areas;
  5. Unrestricted activities of pets such as dogs or cats, and/or exotic animals;
  6. Horseback riding;
  7. Possession/consumption of alcoholic beverages;
  8. Any other uses prohibited by municipal, State, or Federal rule, regulation, law, ordinance, or statute; and
  9. Any other uses similar to uses enumerated in this paragraph.

### **Section 7.15 Outdoor Dining Permits**

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- A.** Applicants may apply to the Commission for an outdoor dining permit for a restaurant as follows:
1. Permit for 24 tables/maximum 96 seats or less: The applicant shall provide an adequate plan indicating locations of tables, chairs, etc., associated with the outdoor dining in relation to the location of buildings, sidewalks, parking spaces, and driveways. Said permit application shall be submitted to the Director of Planning, and may be reviewed and approved by the Director of Planning provided said application is consistent with the requirements of the criteria enumerated in Section 7.15.B.1. through 7.15.B.12., and is consistent with the intent of these regulations.
  2. Permit for more than 24 tables/maximum 96 seats or less: The applicant must provide the following information on a site plan of development prepared in accordance with Article 8 of the zoning regulations:
    - a. Location of building(s);
    - b. Number of parking spaces required for entire restaurant, plus location of required parking;
    - c. Location of proposed outdoor dining, including surface upon which tables will be placed (for example, existing sidewalk, new flagstone patio, heaters, etc.);
    - d. Number of tables/seats identified; and
    - e. Written description of outdoor dining area amenities; for example, “15 wrought iron tables, 30 wrought iron chairs, an umbrella over each table, new awnings”, etc.
- B.** The Commission may grant an approval for seasonal outdoor dining areas for restaurants, subject to the following conditions:
1. Outdoor dining area cannot be located on public property (Town sidewalk, right-of-way, etc.). Outdoor dining may be allowed on porches or decks, provided all of the other conditions are met.

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2. Outdoor dining does not result in interference with, or hazards to, or visibility problems for, pedestrians on sidewalks or vehicular traffic.
3. Any non-vegetative shading devices shall be of a non-permanent type (umbrellas, retractable awnings, etc.) and shall be safely anchored.
4. Areas on which required parking exists cannot be used for outdoor dining.
5. If required, additional parking must be provided to accommodate additional patrons.
6. Adequate trash receptacles must be provided, and the restaurant is responsible for cleanup of all trash generated from the outdoor dining (including the restaurant site and surrounding areas).
7. Tables must be located in such a manner as to maintain access to the building for emergency services.
8. Low level exterior audio systems for mood music are permitted in outdoor dining areas only if volumes are kept low and are not offensive to persons on abutting properties. In areas with abutting residential uses, the applicant shall periodically monitor noise volumes along all common property lines with said residential uses, and report said volumes to the Director of Planning at least once every summer, or as the Director of Planning otherwise directs. Volumes shall not exceed those allowed in the Town of South Windsor's noise ordinance.
9. In addition to required parking for indoor seating, outdoor dining requires one parking space for each 250 sf of additional outdoor seating area. If the applicant can demonstrate there is adequate shared parking and/or existing parking available onsite, the applicant can request to defer any additional parking until such time as it may be needed. Reserve parking area should be shown.
10. All tables, chairs, trash receptacles, etc., shall be removed at the end of each outdoor dining season.
11. Outdoor dining area cannot exceed 16 tables/48 seats unless there are waitpersons to serve patrons. Where all food service is conducted by waitpersons, outdoor dining area cannot exceed 50% of the floor area of the indoor dining area; and cannot exceed 50% of the number of tables/seats within the indoor dining area.
12. Any signage placed on outdoor umbrellas, awnings or chairs shall be limited to the name of the establishment.

### **Section 7.16 Excavation of Earth Products**

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#### **7.16.1 Purpose**

The purpose of this section is to preserve a cover-crop on the land to prevent erosion, and to control any excavation operations that may create a safety or health hazard to the public or the adjacent property owners, or be detrimental to the immediate neighborhood or the Town of South Windsor.

#### **7.16.2 General Provisions**

Unless otherwise approved by the Commission, the sale and storage of earth products are limited to those products originating on-site.

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### **7.16.3 Excavation/Removal Permitted by Right**

- A.** Unless otherwise provided in this section, there shall be no removal from the premises in any district of earth, sand, gravel, clay, or quarry stone except surplus material resulting from a bona fide construction, landscape or agricultural operation being executed on the premises, and provided that a permit for such work is obtained from the Zoning Enforcement Officer.
- B.** Removal permitted by right under this section shall be limited to 1,000 cubic yards of excavated material.

### **7.16.4 Excavation/Removal Permitted by Special Exception**

The removal of more than 1,000 cubic yards of sand, gravel, clay or quarry stone, and ore may be permitted by the Commission as a Special Exception after public hearing under the following conditions:

1. The applicant shall submit a site plan as required by Section 8.5 Site Plan Standards and Procedures. In addition to the requirements of Section 8.5, the site plan shall show the areas to be excavated and the existing and proposed grades at 2-foot contours.
2. The plan shall provide for proper drainage of the area of the operation after completion; and no bank shall exceed a slope of 1 foot of vertical rise in 2 feet of horizontal distance.
3. At the conclusion of the operation, or of any substantial portion thereof, the whole area where removal takes place shall be covered with not less than 4 inches of topsoil, and seeded with suitable cover crop.
4. Except in an industrial district, no stone crusher or other machinery not required for actual removal of the material shall be used.
5. Before a permit is granted under this section, the applicant shall post a bond with the Town Treasurer in an amount approved by the Commission after consultation with the Town Engineer as sufficient to guarantee conformity with the provisions of the permit issued hereunder.
6. In passing on such applications, the Commission shall consider the effect of such removal on surrounding property and the future usefulness of the premises when the operation is completed. In the case of removal of quarry stone, and mining operations, the Commission may modify the foregoing requirements where such operations will not endanger public health and safety or be detrimental to the neighboring properties.
7. Such permits shall be issued for a period not exceeding 5 years beyond the date of Commission approval, except as permitted in paragraph 8 below.
8. Extension of time or modification of the scope of work originally approved may be granted by the Commission with or without a public hearing, as determined by the Commission. Bond requirements under paragraph 5 above may be altered as required under this Section.

## **Section 7.17 Eliminated - Senior Residence Development (SRD)**

**See Appendix G**



**Section 7.18 Telecommunications Facilities**

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**7.18.1 Purpose**

- A. The purpose of this regulation is to provide for the establishment and/or expansion of cellular telephone or mobile radio communication systems within the Town of South Windsor while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. This regulation has been designed to be in compliance with the Telecommunications Act of 1996.
- B. More specifically this regulation has been developed in order to:
1. Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community.
  2. Encourage providers to co-locate their facilities on a single site.
  3. Site facilities below visually prominent ridge lines.
  4. Minimize the location of facilities in visually sensitive areas.
  5. Encourage creative design measures to camouflage facilities.
  6. Protect historic and residential areas from potential adverse impacts of communication towers.
  7. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
  8. Minimize interference with existing natural scenic vistas.
- C. A facility may be approved after special exception application, following a public hearing, pursuant to consideration of criteria enumerated in these regulations. Such uses will be allowed when the Commission has determined that the appropriate criteria in Article 8 have been met as well as compliance with the following, and that the land is physically suited for such use. Furthermore, the Commission shall find that minimal adverse environmental and aesthetic impacts are created, including but not limited to:
1. Whether alternate sites are exhausted;
  2. What lies within the fall zone of a tower;
  3. Existence of endangered species;
  4. Whether other development is being proposed or considered at or near the site;
  5. Historical, architectural, and archaeological sites listed on the National Register or the State Register of Historic Places, or eligible for listing on them;
  6. Effect on bird habitats and migration;
  7. Length of access road—the longer it is, the more destructive of bird and animal sanctuaries, and the more stormwater runoff is generated;
  8. Psychological injury that could result if a major natural area were intruded upon; and
  9. Public health and safety.

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### **7.18.2 Location Preferences**

The locations for sitting the equipment involved in receiving or transmitting electromagnetic waves associated with commercial wireless telecommunication services are listed below in order of preference:

1. On existing structures such as buildings, water towers and utility poles, existing or previously-approved towers;
2. On new towers with visual mitigation in commercial and industrial districts;
3. On new towers located in commercial or industrial zones;
4. In locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening;
5. On new towers less than 60 feet in height located in residential zones;
6. On new towers 60 feet or greater in height located in residential districts.

### **7.18.3 Telecomm-Related Definitions**

**Antenna:** A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip antennas, panel antennas and dish antennas.

**Co-location:** Locating wireless communication facilities from more than 1 provider on a single site.

**Commercial Wireless Telecommunication Services:** Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

**Commercial Wireless Telecommunication Site:** A facility operated by a licensed commercial wireless telecommunication service provider that consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

**Fall Zone:** The distance equaling the height of tower from adjacent property lines.

**Licensed Carrier (or Provider):** A company authorized by the Federal Communications Commission (FCC) to build and operate a commercial mobile radio service in South Windsor.

**Tower:** A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.

**Tower Height:** A distance from the ground elevation of such tower to the topmost point of the tower including any antenna or other appurtenances.

### **7.18.4 General Requirements**

- A. Application shall be made only by a licensed carrier or by the Town of South Windsor.
- B. Antennas and towers may be considered either a principle or accessory use. An existing telecommunications facility or other use on the site shall not necessarily preclude the location of a new facility on the site, if the new facility meets the intent, standards and the requirements of these regulations.
- C. The height of the tower to be constructed shall not exceed 175 feet.
- D. No commercial wireless telecommunication site shall be located within 1,000 feet of a playground or school primarily attended by persons less than 18 years of age.

## ARTICLE 7 –SPECIAL REGULATIONS

- E. No commercial wireless telecommunication site shall be located within 500 feet of a residence.
- F. No tower shall be located within 1,000 feet of the boundary of an approved historic district.
- G. No lights shall be mounted on proposed towers unless otherwise required by the FAA. No strobe lighting is permitted.
- H. Towers not requiring special FAA painting or markings shall be painted a non-contrasting blue, gray or black.
- I. No tower shall be located on municipally-owned land designated as open space except by the Town as the applicant.
- J. All towers shall be a monopole design and shall be designed to collapse upon themselves.
- K. The Commission may require that monopoles be of such design and treated with an architectural material so that it is camouflaged. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall, to the greatest degree possible, blend with the color and design of such building. Roof mounted antenna shall not exceed 10 feet above the height of the building and should be set back on the building so that it is visually less noticeable.
- L. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least 2 additional users if the tower is over 150 feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
- M. Each tower site must be served by a driveway with parking for at least 1 vehicle.
- N. All dish antennas shall be of mesh construction in conjunction with an application for a permitted use and the Commission in conjunction with an application for a Special Exception.
- O. Dish antennas shall not exceed 3 feet in diameter. Panel antennas shall not exceed 2' x 6'.
- P. No proposed commercial wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.
- Q. The design of all commercial wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions. In the absence of such standards, sites shall comply with standards set by the Institute of Electrical and Electronics Engineers for safe human exposure to radio frequency electromagnetic fields.
- R. All utilities proposed to serve a commercial wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
- S. All generators installed in conjunction with any commercial wireless telecommunication site shall comply with all State and local noise regulations.

### **7.18.5 Bulk Requirements**

#### **A. Lot Size**

Wireless telecommunication sites containing a free-standing tower shall not be located on any lot less than 20,000 square feet in area. Where it is proposed that such a wireless telecommunication site occupy a lot as a principle use, the minimum lot size shall be equal to that required for the underlying zone or 20,000 square feet, whichever is greater.

## **ARTICLE 7 –SPECIAL REGULATIONS**

### **B. Setbacks**

All free-standing monopole towers shall comply with the following minimum property line setbacks:

1. Front Yard or Side Yard along a Street: A distance equal to  $\frac{3}{4}$  the height of the tower, or the setback required for the underlying zone, whichever is greater.
2. Side or Rear Yards in residential zones: 50 feet for towers less than 60 feet in height and 100 feet for towers equal to or greater than 60 feet.
3. Side or Rear Yards in nonresidential zones: 25 feet for towers less than 60 feet in height and 50 feet for towers equal to or greater than 60 feet. However where a side or rear lot line is contiguous to a residential zone the setback for that particular yard shall be as required for such a tower in a residential zone.
4. All other free-standing towers shall be located a minimum distance from any property line, at least 100 feet or a distance equal to the height of the tower, whichever is greater.
5. Any and all equipment buildings/boxes or equipment areas, each 50 square feet or greater in area, shall comply with the minimum property line setbacks for a principal building in the underlying zone.

#### **7.18.6 Site Plan Requirements**

- A. All proposals to develop a commercial wireless telecommunication site as a special exception use shall be subject to the site plan requirements listed in Article 8. In addition, the following information shall be submitted in accordance with each particular application where applicable:
  1. Plan showing where and how the proposed antenna will be affixed to a particular building or structure;
  2. Details of all proposed antenna and mounting equipment including size and color;
  3. Elevations of all proposed shielding, and details of materials including color;
  4. An elevation of all proposed equipment buildings or boxes;
  5. Details of all proposed fencing including color;
  6. A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. The monopole design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property line;
  7. A report from a licensed engineer that the installation of such site will not interfere with public safety communications;
  8. A map depicting the extent of the provider's planned coverage within the Town of South Windsor and the service area of the proposed wireless telecommunication site; and
  9. A map indicating the search radius for the proposed wireless telecommunication site.
- B. Upon request of the Commission the applicant shall provide a simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal.

- C. In order to facilitate the evaluation of the site in relation to the proposed use, the Commission may require on sections of the site and environs, balloon tests, photographic superimpositions and other studies in connection with any application.

#### **7.18.7 Abandonment**

- A. At such time that a licensed carrier plans to abandon or discontinue operation of a wireless facility, such carrier will notify the Commission by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.
- B. In the event that a licensed carrier fails to give such notice, the personal wireless facility shall be considered abandoned upon such discontinuation of operations.
- C. Upon abandonment or discontinuance of use, the carrier shall physically remove the personal wireless facility within 90 days from the date of abandonment. A commercial wireless telecommunication site not in use for 12 consecutive months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such 12-month period. Upon removal the site shall be restored to its previous appearance and, where appropriate, re-vegetated to blend with the surrounding area.

#### **7.18.8 Expiration of Permit**

The approval of an application for Special Exception shall be void and of no effect unless construction of the project commences within 1 year from the date of Commission approval. As used here, the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to 2 ninety-day extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations that have been amended subsequent to the original approval or if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special exception, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal. The Commission may, as a condition of approval of a special exception, establish a time period during which such special permit shall remain in effect.

### **Section 7.19 Trailers and Camping Vehicles**

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The parking or storing for more than 24 hours in any 1 week of any boat trailer, camping trailer, utility trailer, camping bus, pick-up coach or pick-up camper, or similar recreational vehicle, except when parked or stored in a garage or otherwise completely enclosed structure, shall not be permitted in any residence zone except under the following conditions:

- A. The parking or storage of such vehicles is permitted only on that part of the lot that is to the rear of the principal structure and circumscribed by the side building lines and by a line across the rear of the lot not closer than 25 feet back from the rear property line.
- B. They shall be screened from street view by structures, fences, walls or plantings.
- C. Such parking and storage is permitted only to a person residing on the premises and is limited to vehicles owned or leased by the person and used solely by members of his household and not for business purposes.
- D. Not more than 1 of each type of vehicle is permitted.

## **ARTICLE 7 –SPECIAL REGULATIONS**

- E.** No such vehicle shall be occupied or used, and no utilities shall be connected to, such vehicle while it is on the premises.
- F.** Expressly prohibited are mobile homes.
- G.** Any trailers or recreational vehicles parked or stored in a 100-year floodplain must be fully licensed and ready for highway use so that it can be easily moved in the event of flooding.

### **Section 7.20 Solar Energy Systems**

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#### **7.20.1 Purpose**

The purpose of this subsection is to promote the use of solar collectors and provide for the regulation of the construction and operation of Solar Energy Systems, subject to reasonable conditions that will protect the environment, public health, safety, and welfare.

#### **7.20.2 Provisions**

- A.** Small solar energy systems shall be permitted as an accessory use by right in all zoning districts subject to the requirements set forth in this section. Solar energy systems include ground, pole, and roof mounted systems.
- B.** The energy generated by the small solar energy system shall be used for direct consumption on the subject property and/or to be interconnected to the electrical utility power grid to off-set energy use on the subject property, in accordance with current state net-metering laws and regulations.
- C.** The construction of the small solar energy system shall be in accordance with an approved building permit application.

#### **7.20.3 Setbacks and Height**

- A.** In residential districts ground mounted small-scale solar energy systems are limited to 12 feet in height and shall conform to setbacks for accessory structures in accordance with Table 3.2.1.A. Ground or pole-mounted solar energy systems shall only be allowed in the rear or the side yard behind the front building line. Systems taller than 12 feet in height, shall be allowed by Special Exception for: accessory structures associated with agricultural use, non-residential parking lots subject to the following review criteria:
  - 1. Impact on surrounding residential properties;
  - 2. Aesthetic of proposed solar layout;
  - 3. Solar orientation and setbacks from property lines; and
  - 4. Placement related to vegetation on abutting properties.
- B.** In Commercial and Industrial zones, ground mounted small-scale solar energy systems shall be placed so that no individual component of the solar system may extend into the front, side, or rear setback in accordance with Table 4.2.1.A for the district. Systems taller than 12 feet in height shall be allowed by Special Exception subject to the following review criteria:
  - 1. Impact on surrounding industrial properties;
  - 2. Aesthetic of proposed solar layout;

3. Solar orientation and setbacks from property lines; and
4. Placement related to vegetation on abutting properties.

#### **7.20.4 Ground-Mounted Small Solar Energy Systems**

- A. If the solar energy system is intended to provide power for outdoor lighting or part of a parking lot solar canopy, the system shall not extend higher than the permitted height of the structure to which it is attached and/or inter-connected.
- B. Panels shall be mounted onto a pole, rack, or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components and withstand adverse weather conditions.
- C. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.
- D. Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and/or the local utility power grid.
- E. No ground-mounted small solar energy systems shall be affixed to a fence.
- F. Ground mounted small-scale solar systems shall be screened from adjoining residential districts by arborvitae or similar evergreen hedge planted six feet on center located on the outside of the perimeter fence. The Planning and Zoning Commission may allow additional or alternative screening methods such as berms and opaque fencing when it is determined that such alternatives are more appropriate for the particular site and will not impact sun exposure.
- G. Ground-mounted small-scale solar energy systems in all Residential A and RR zones are subject to Special Exception/Site Plan approval. Small scale solar energy systems in Commercial and Industrial zones shall be subject to Site Plan review pursuant to the provisions of Section 8.5 of these Regulations.

#### **7.20.5 Roof-Mounted Small Solar Energy Systems**

- A. Roof-mounted small solar energy systems shall include integrated solar shingles, tiles, or panels as the surface layer of the roof structure with no additional apparent change in relief or projection, or separate flush or rack-mounted solar panels mechanically fastened to and/or secured with ballast on the roof surface.
  1. Separate flush or rack-mounted small solar energy systems installed on the roof of a building or structure shall not:
    - a. Project vertically more than 4 inches above the peak of the sloped roof to which it is attached; or
    - b. Project vertically more than five (5) feet above a flat roof installation.
  2. It shall be demonstrated that the placement of the system shall not adversely affect safe access to the roof, pathways to specific areas of the roof, and safe egress from the roof.
  3. Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard.

## **ARTICLE 7 –SPECIAL REGULATIONS**

### **B. Appearance**

1. Appearance, color, and finish: The small solar energy system shall remain painted or finished in the color or finish that was originally applied by the manufacturer.
2. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a small solar energy system shall be prohibited.

### **C. Code Compliance**

A small solar energy system shall comply with all applicable construction and electrical codes.

### **D. Removal**

All obsolete or unused systems shall be removed within twelve (12) months of cessation of operations without cost to the Town or may be subject to Zoning Enforcement.

### **E. Violations**

Subsequent to the effective date of this ordinance, it is unlawful for any person to construct, install, or operate a small solar energy system that is not in compliance with this chapter or with any condition contained in a building permit issued pursuant to this chapter.

## **Section 7.21 LARGE SCALE SOLAR ENERGY SYSTEM**

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### **7.21.1 Purpose**

The purpose of this subsection is to promote the use of large scale solar collectors and provide for the regulation of the construction and operation of Large Scale Solar Energy Systems, subject to reasonable conditions that will protect the environment, public health, safety, and welfare.

### **7.21.2 Compliance with Laws, Ordinances and Regulations**

The construction and operation of all large scale Solar Energy Systems shall be consistent with all applicable local, state, and federal requirements, including but not limited to, all applicable safety, construction, electrical, and communications requirements.

### **7.21.3 Zoning, Building Permit, and Building Inspection**

No large scale Solar Energy System shall be constructed, installed, or modified as provided in this section without first obtaining a zoning and building permit.

### **7.21.4 Special Exception/Site Plan Review**

Ground-mounted large scale Solar Energy Systems are allowed by Special Exception in Industrial Districts and Residential Districts subject to site plan review prior to construction, installation or modification as provided in this section.

### **A. Required Documents**

Pursuant to the Special Exception/Site Plan review process, the project proponent shall provide the following documents in addition to the Site Plan submission requirements of Section 8.5 and Special



Exception requirements of Section 8.7.

1. Blueprints or drawings of the Solar Energy system signed by a Professional Engineer licensed to practice in Connecticut showing the proposed layout of the system and any potential shading from nearby structures;
2. Manufacturer's data sheets or similar documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
3. An operation and maintenance plan;
4. Proof of liability insurance.

The Commission may waive documentary requirements that it finds are unnecessary to determine compliance with these regulations, as it deems appropriate.

#### **7.21.5 Site Control**

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed Solar Energy System.

#### **7.21.6 Operation and Maintenance Plan**

The project proponent shall submit a plan for the operation and maintenance of the large scale ground-mounted Solar Energy System, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

#### **7.21.7 Utility Notification**

No large scale ground-mounted Solar Energy System shall be constructed until evidence has been given to the Planning and Zoning Commission that the utility company that operates the electrical grid where the installation is to be located has been informed of the Solar Energy System owner or operator's intent to install an interconnected customer-owned solar energy system. Off-grid systems shall be exempt from this requirement.

#### **7.21.8 Dimension and Density Requirements**

##### **A. Setbacks**

For large scale ground-mounted Solar Energy Systems, front, side, and rear setbacks shall be as follows:

1. Front yard: The front yard depth shall be at least 10 feet; provided however, where the lot is across from a residential district, the front yard shall not be less than 50 feet.
2. Side yard: Each side yard shall have a depth at least 25 feet; provided however, where the lot abuts a Residential district, the side yard shall not be less than 100 feet.
3. Rear yard: The rear yard depth shall be at least 20 feet; provided however, where the lot abuts a Residential district, the rear yard shall not be less than 100 feet.

##### **B. Minimum Lot Size**

The minimum lot size for any large scale Solar Energy System shall be seven (7) acres.

## **ARTICLE 7 –SPECIAL REGULATIONS**

### **C. Height**

The total height of any large scale Solar Energy System, including any mounts, shall not exceed twelve (12) feet above the ground.

### **7.21.9 Accessory Structures**

All accessory structures to large scale ground-mounted Solar Energy Systems shall be subject to the underlying zoning requirements concerning the bulk and height of structures, lot area, setbacks, open space, parking, and building coverage requirements. All such accessory structures, including but not limited to, equipment shelters, storage facilities, transformers, inverters, and substations shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

### **7.21.10 Design Standards**

#### **A. Lighting**

Lighting of large-scale Solar Energy Systems shall be consistent with local, state, and federal law. Lighting of other parts of the installation, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the Solar Energy System shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

#### **B. Signage**

Signs on large-scale ground-mounted Solar Energy Systems shall comply with the Sign Regulations. A sign consistent with the regulations shall be required to identify the owner and provide a 24-hour emergency contact telephone number. All appropriate warning signs shall be posted.

#### **C. Utility Connections**

Reasonable efforts, as determined by the Planning and Zoning Commission, shall be made to place all wiring from the Solar Energy System underground, depending on appropriate soil conditions, shape, and topography of the site, and any requirements of the utility provider. Electrical transformers, inverters, and switchgears from utility interconnections may be above ground.

#### **D. Screening**

A ground mounted large solar energy system shall be screened from adjoining residential districts by arborvitae or similar evergreen hedge planted six feet on center located on the outside of perimeter fence. The Commission may allow additional or alternative screening methods when it is determined that such alternatives are more appropriate for the particular site. The Commission may also allow fencing up to eight (8) feet in height where deemed appropriate.

#### **E. Site Drainage**

Stormwater runoff and erosion must be addressed, including the potential for soil loss and impacts to offsite properties.

### **7.21.11 Safety and Environmental Standards**

#### **A. Emergency Services**

The large scale Solar Energy System owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire marshal. Upon request, the owner or operator shall

cooperate with local emergency services in developing an emergency response plan. All means of shutting down the Solar Energy System shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

**B. Land Clearing and Soil Erosion Impacts**

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the large scale ground-mounted Solar Energy System or otherwise prescribed by applicable laws, regulations, and bylaws.

**7.21.12 Monitoring and Maintenance**

**A. Solar Energy System Conditions**

The large scale ground-mounted Solar Energy System owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to: painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Marshal and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar Energy System and any access roads(s), unless accepted as a public way.

**B. Modifications**

All material modifications to a solar Energy System made after issuance of the required building permit shall require approval by the Planning and Zoning Commission.

**7.21.13 Abandonment or Decommissioning**

**A. Removal Requirements**

Any large scale ground-mounted Solar Energy System which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning and Zoning Commission by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

1. Physical removal of all large scale ground-mounted Solar Energy Systems, structures, equipment, security barriers, and transmission lines from the site;
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
3. Stabilization or re-vegetation of the site as necessary to minimize erosion; The Planning and Zoning Commission may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.; and
4. A stabilization/re-vegetation plan shall be submitted along with the Site Plan application.

**B. Abandonment**

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Solar Energy System shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning and Zoning Commission. If the owner or operator of the large scale ground-mounted Solar Energy System fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

## **ARTICLE 7 –SPECIAL REGULATIONS**

### **Section 7.22 Multifamily Assisted Housing in AA-30 Residential Zone MAHZ**

#### **7.22.1 Purpose**

The purpose of this Special Regulation is to provide multifamily housing that will constitute governmentally-sponsored and publicly-financed ‘assisted housing’ as defined in Connecticut under General Statutes 8-30g, on land presently zoned AA-30 Residential and as an alternative to multifamily housing provided under South Windsor’s existing multifamily residential zones and uses.

#### **7.22.2 Procedure**

**A.** An application for the use as Multifamily Assisted Housing in the AA-30 Residential Zone shall require a special exception and site plan approval in accordance with these Zoning Regulations.

#### **B. Uses Permitted**

In an MAHZ, no land, building, or structure shall be used, and no building shall be hereafter erected, altered or added to, except as provided in these Zoning Regulations, and may be used only for one or more of the following uses:

##### **1. Principal Uses**

A maximum of eighty (80) one (1) bedroom and two (2) bedroom multifamily dwelling units, eighty percent (80%) of which will be available at market-rate rents and twenty percent (20%) of which will constitute ‘assisted housing’ in compliance with General Statutes 8-30g.

Overall density of the development shall not exceed fifteen (15) units per net buildable acre.

##### **2. Accessory Structures and Uses**

- a. Decks and patios
- b. Pergolas
- c. Bus Shelter
- d. Other structures and uses not listed above, customarily accessory to a multifamily residential use

#### **7.22.3 Improvements**

**A.** Streets and related improvements shall generally conform to Town procedures and standards. However, 24-foot pavement width is acceptable for streets and 18-foot pavement width is acceptable for one-way streets at the entrances to and exists from the development.

**B.** Public water and sewer must be available for the property either directly or by extension and connection to an existing sewer line, and all units must be connected to the sewer and water lines. Utilities shall conform to the requirements of Sections 6.6.1, 6.6.2 and 6.6.6 of the Zoning Regulations.

**C.** No Zoning Certificate of Compliance shall be issued for any dwelling unit unless and until such unit has been connected to a public water supply, suitable power supply, and a public sanitary sewer line.

**D.** Storm drainage shall conform to the requirements of Section 6.6.5 of the Zoning Regulations.

#### **7.22.4 Location, Land Area, and Frontage**

##### **A. Location**

Only a parcel of land zoned AA-30 Residential and abutting real property on which there is an existing multifamily development shall be proposed for inclusion in a MAHZ.

**B. Land Area**

The total area of a parcel to be rezoned MAHZ shall be a minimum of nine (9) acres of land, and a maximum of fifteen (15) acres.

**C. Frontage**

A parcel proposed for inclusion in a MAHZ shall have a minimum of 500 feet of frontage on a state highway.

**7.22.5 Building Height**

The maximum building height of a principal building in a MAHZ shall be thirty-five feet (35). Such building shall not exceed two (2) stories.

**7.22.6 Coverage**

**A. Maximum Impervious Coverage**

Impervious coverage for any parcel comprising a MAHZ development shall not exceed fifty percent (50%) of the total land area.

**B. Maximum Lot Coverage**

Building coverage for any parcel comprising a MAHZ development shall not exceed fifteen percent (15%) of the total land area.

**7.22.7 Consolidated Parcels**

**A. Purpose**

In the interest of promoting development continuity, the consolidation of contiguous parcels is encouraged. ‘Consolidation’ is defined here as the integration of two (2) or more individually owned parcels into a single Consolidated Parcel for the purposes of creating a shared-use arrangement of selected site components, e.g. common points of access/egress, pedestrian sidewalks and pathways, drive passage, parking, loading/unloading, building coverage, and yards.

**B. Integrated Plan**

1.
  1. A Consolidated Parcel shall be developed with an integrated plan of buildings, parking, loading and unloading, and open space.
  2. The owner of each lot shall give to the owner of each lot in the consolidated parcel by deed, easement, or agreement filed in the Office of the Town Clerk, the right of entrance, exit, passage, parking, and loading.

**C. Yards**

Notwithstanding the provision of Section 7.22.8.C, side or rear yard requirements may be ignored along common boundaries of Consolidated Parcel.

## **ARTICLE 7 –SPECIAL REGULATIONS**

### **7.22.8 Building Setbacks**

- A.** No principal building, structure, or use shall extend closer than fifty (50) feet from any street line.
- B.** The front yard setback may be reduced by not more than ten (10) feet for building features such as entrances, architectural features, cornices, roof overhangs, chimneys, or for decks/patios.
- C.** With regard to side or rear yards that are not located along a common boundary of a Consolidated Parcel, no principal building, accessory building, structure, or use shall extend closer than ten (10) feet from any side or rear lot line.

### **7.22.9 Open Space**

Each MAHZ development shall preserve, by conservation easement or dedication to a nonprofit land conservation organization, a minimum of 30 percent of the parcel zoned or to be zoned MAHZ. Emphasis shall be on the preservation of sensitive environmental areas, such as wildlife habitat, flood plain, woodlands, or stream belts, including areas near or adjacent to other conservation land, and land visible, in whole or in part, from a public street. Such development on the subject property or in conjunction with abutting properties shall provide pedestrian pathways across open space and to amenities such as retail stores, restaurants, medical offices, personal service establishments, financial institutions, libraries, grocery stores, or a post office.

### **7.22.10 Parking and Circulation**

- A.** Parking in a MAHZ shall be provided at no less than 1.70 spaces per dwelling unit.
- B.** The width, location, and arrangement of driveways and other access ways and parking shall be consistent with public safety and welfare, and shall provide suitable access to fire apparatus or other emergency vehicles.
- C.** Handicapped parking shall be provided in accordance with the requirements of the Connecticut General Statutes. Handicapped parking spaces shall generally be associated with handicapped-accessible units or with building entrances designed for handicapped access.

### **7.22.11 Signage**

- A.** An MAHZ development may have one (1) two-sided sign architecturally compatible with the development, with an area up to 32 square feet on each side.
- B.** All other signage regulation outside of the monument sign shall apply.

### **7.22.12 Outdoor Lighting**

Outdoor lighting in a MAHZ development shall comply with the requirements of Section 6.3 of the Zoning Regulations.

### **7.22.13 Landscaping, Buffering, and Sidewalks**

#### **A. Landscaping, Buffering, and Screening**

Landscaping shall conform to the requirements of Sections 6.2.1, 6.2.2 and 6.2.3 of the Zoning Regulations. Buffering and screening shall be designed to reasonably mitigate visual, noise and other impacts, but there shall be no minimum buffer width, and Section 6.2.4 shall not apply.

**B. Sidewalks**

Sidewalks shall be provided within a MAHZ development. All sidewalks within a MAHZ development shall have a minimum width of four (4) feet, and a minimum width of five (5) feet adjacent to parking spaces.

**7.22.14 Earth Filling and Excavation**

Earth filling and excavation shall comply with Sections 7.6 and 7.16 of the Zoning Regulations, provided that a separate permit shall not be required, and site plan approval under this subsection will constitute approval to carry out filling or excavation necessary to construct the site plan.

**7.22.15 Required Amenities**

**A. Refuse Area**

Refuse collection areas shall be provided and conveniently located for all units. The collection areas shall be properly screened and supplied with covered receptacles.

**B. Mail Boxes**

Mail boxes shall be provided and conveniently located for all units, as determined by the U.S. Postal Service.

**C. Bus Shelter**

1. In the event regular public passenger transportation will be available to residents of the development, a shelter shall be provided by the developer at a location convenient to the residents and readily serviceable by the passenger transportation operator. The design and material composition of a shelter shall be approved by the Commission. This bus shelter may be the same shelter as the school bus shelter described below.
2. An adequate bus shelter for school children shall be provided.

**7.22.16 Architectural Design**

The architectural design, scale, and mass of buildings and other structures, including, among other elements, the exterior building material, color, roof-line and building elevations, shall be residential in character so as to harmonize and be compatible with the neighborhood, to protect property values in the neighborhood, and to preserve and improve the appearance and beauty of the community. Pitched roofed buildings shall be encouraged. Roof-top mechanical equipment, other than solar energy panels, shall be screened from all sides.

**7.22.17 Affordability Plan Compliance with General Statutes 8-30g**

The purpose of the MAHZ is to facilitate a residential community comprised of rental units with household income and monthly rent limits. It is intended that the restricted units will qualify as 'assisted housing' in compliance General Statutes 8-30g and will be administered, as stated in an Affordability Plan, in compliance with both General Statutes 8-30g and the rules and regulations of any governmental program that provides development financing. The following requirements shall apply to MAHZ household income / rent-restricted dwelling units, to be known a 'MAHZ Units' in a MAHZ

7.22.1.1 In conjunction with an application for approval of a site plan for a MAHZ development, the applicant shall submit an 'Affordability Plan', in accordance with General Statutes 8-30g, which shall describe how the regulations regarding affordability will be administered as assisted housing. The Plan shall include provisions for administration of and compliance with the provisions of this section, notice procedures to the general public of the availability of affordable units, identification of those units that are to be designated affordable, procedures for verification and yearly confirmation of unit occupancy income, and demonstration of compliance with affordability requirements to the Commission. Such Plan shall also include drafts of documents, such as deeds, that will be used in the administration of the affordability restrictions.

7.22.1.2 Calculation of the maximum monthly rental payment for assisted housing units within a MAHZ, so as to satisfy General Statutes 8-30g, shall utilize the area median income data as published by the U.S. Department of Housing and Urban Development in effect of the day of lease.

7.22.1.3 All dwelling units in the MAHZ shall be occupied only as a lessee's principal residence. Sub- leasing of dwelling units shall be prohibited.

7.22.1.4 Notice of availability of the MAHZ units shall be provided through the procedures outlined in an affirmative fair housing marketing plan. The South Windsor Housing Authority shall be notified of any MAHZ unit availability.

7.22.1.5 The forty (40) year affordability period shall be calculated separately for each MAHZ unit in a MAHZ development, and the period shall begin on the date of occupancy of the MAHZ unit.

7.22.1.6 A violation of the Regulations contained in this Section shall not result in a forfeiture or reversion of title, but the Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under General Statutes 8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

### **7.22.18 Conflict of Provisions**

If any provision of these MAHZ regulations conflicts with a generally applicable provision of the South Windsor Zoning Regulations, the provisions of this Section 7.22 will control.

## **Section 7.23 Dog Grooming Facilities**

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### **7.23.1 Provisions**

A. Dog Grooming Facilities may be permitted as a Special Exception use after public hearing, provided the following conditions are satisfied:

1. Existing building must be free-standing;
2. Current building not suited for manufacturing;
3. Site location should not be disruptive to surrounding areas;
4. Outdoor activities with animals must be within enclosed fenced areas.



## ARTICLE 8 ZONE CHANGE, SPECIAL EXCEPTION, AND SITE PLAN STANDARDS AND PROCEDURES

### Section 8.1 Purpose

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This article provides general criteria for judging the appropriateness of Zone Changes and Special Exception uses, as well as specific standards for the form and content of Site Plans, General Plans, and Preliminary Plans.

### Section 8.2 General Application Standards and Procedures

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- A. Applications must be made by the property owner of record, or an individual having substantial interest in the property or a duly authorized agent or attorney. Proof of ownership, or valid option to buy the property, shall be submitted by the applicants, including parcel number and map numbers as recorded in the Town Assessor's Office.
- B. The applicant shall be responsible for displaying a sign on the property that states that an application is pending before the Commission. The sign shall be visible from a town street and shall be displayed for at least 10 days before the scheduled meeting.
- C. For any application for a zone change, special exception use, major home occupation, accessory apartment or detached in-law apartment, the applicant shall also notify abutting property owners in writing by mail within 7 calendar days of the time an application is submitted that an application is pending in front of the Commission. The applicant shall provide written proof of mailing. Additionally, the applicant is required to provide a copy of the letter and a list of the persons to whom the letter was sent prior to the application being received by the Commission. The applicant may also be requested by the Commission to notify other property owners at the direction of the Commission.
- D. All applications shall include the following:
  - 1. Three copies of the completed application form signed by the applicant and the owner of the property; and
  - 2. A fee in the amount prescribed by the Commission or by ordinance.

### Section 8.3 Zone Change Standards and Procedures

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#### A. Application Submission Requirements

Applications for a Zone Change shall include the following:

- 1. A Class D survey for the property to be re-zoned;
- 2. A Key Map complying with Section 8.6.1 Standards for Key Maps;
- 3. Acreage of all parcels (or part thereof) contained within the proposed zone change area, and acreage of all parcels (or part thereof) located within 500 feet (in all directions) of the proposed zone change; and
- 4. The General Plan of Development map complying with Section 8.6.3 Standards for General Plans when required by the proposed zone.

## **ARTICLE 8 –ZONE CHANGE, SPECIAL EXCEPTION, & SITE PLAN STANDARDS & PROCEDURES**

### **B. Advisory Reports**

The Commission may request advisory reports and/or reviews from governmental agencies, commissions, officials, or others. The applicant shall furnish to said parties copies of application documents and maps and other information as directed by the Commission. Copies of any such reports shall be provided to the applicant.

### **C. Public Hearing**

Applications shall be considered at a public hearing. Notice of public hearings and procedures shall be as prescribed by statute. The applicant, or his representative, will be required to appear at the public hearing for the zone change application.

### **D. Review Criteria**

In acting upon the zone change, the Commission shall take into account the various factors favorable and unfavorable to such a change, including but not limited to:

1. The goals, objectives, and recommendations of the Plan of Conservation and Development;
2. The purposes of zoning and of these regulations;
3. Changes that have taken place in the rate and pattern of development and land use within the Town and adjoining communities;
4. The supply of land available in the present and proposed zone;
5. The physical suitability of the land for the proposed zone;
6. The impact on the capacity of the present and proposed utilities, streets, drainage systems, and other improvements;
7. The general character and zoning of the neighborhood;
8. Impacts on the surrounding area;
9. Traffic congestion impacts;
10. The impact on surrounding property values;
11. The environmental impacts;
12. The health and general welfare of the community;
13. Neighborhood acceptance weighed against community needs; and
14. The protection of historic factors.

### **E. Filing of Maps**

Upon approval, maps shall be prepared, submitted, and filed as follows:

1. The applicant shall submit an A-2 Survey of the approved zone change on transparent polyester film. This map shall be stamped and signed by the Commission and filed in the Office of the Town Clerk in accordance with state statutes. The effective date of the approved zone change shall be the date of filing of the map.
2. When required as part of the zone change, a General Plan of Development map, stamped and signed by the Commission, shall be filed by the applicant in the office of the Town Clerk.

## **Section 8.4 Special Exception Standards and Procedures**

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### **A. Application Submission Requirements**

Applications for a Special Exception shall include the following:

1. Site Development Plan application as required in Section 8.6 Standards for Maps and Plans; and
2. A narrative statement describing the proposed use.

### **B. Review Criteria**

The Commission may, in appropriate cases and subject to appropriate modifications and safeguards prescribed by it, grant a Special Exception/Site Development Plan approval subject to the requirements of these regulations. Applications for a Special Exception may be approved if the Commission determines that:

1. The proposal is consistent with the goals and objectives of the Plan of Conservation and Development.
2. The application has met the requirements of the zoning regulations.
3. The land is physically suited to the proposed use.
4. Minimal, if any, adverse environmental impacts are created.
5. No traffic or other hazards will be created.
6. The impacts on the capacity of the present and proposed utilities, street, drainage systems, sidewalks, and other elements of the infrastructure will be minimal.
7. There will be minimal or no adverse effects on existing uses in the area.
8. Surrounding property values will be conserved.
9. The character of the neighborhood will be maintained or minimally disrupted.
10. The general welfare of the community will be served.
11. There is a balance between neighborhood acceptance and community needs.
12. Historic factors are adequately protected; or due consideration to preservation of historic factors has been demonstrated.
13. The overall physical appearance of the proposed development is compatible with surrounding development and the Commission's goals for the neighborhood/corridor.
14. The architectural design is aesthetically pleasing and blends well into the surrounding area.

The Commission may impose additional conditions in accordance with these regulations in order to ensure that all applicable criteria enumerated above and/or within a particular use category are satisfied.

### **C. Changes**

Any substantial changes in facilities or uses to that approved in the Special Exception application shall require additional approval of the Commission, and, at the discretion of the Commission, may require a new application. The exception is when a Common Interest Community allows minor construction such as a deck within the previously approved envelope only.

## **Section 8.5 Site Plan Standards and Procedures**

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### **A. Applicability**

Site Plan approval shall be required for the following:

1. All special exception uses (excluding Accessory Apartments);
2. All uses in non-residential zones;
3. Other uses as specified in these regulations.

### **B. Application Submission Requirements**

1. Applications for Site Plan approval shall include the following:
  - a. A Key Map complying with Section 8.6.1 Standards for Key Maps;
  - b. A Site Development Plan complying with Section 8.6.2 Standards for Site Plans; and
  - c. Plan and Profile Drawings (when streets are proposed) complying with the requirements of the Town of South Windsor Public Improvement Specifications Manual.
2. Individual sanitary sewage disposal systems shall be subject to the review and approval of the town's Environmental Health Officer.
3. Phasing: Insofar as the development of some sites may be best undertaken in phases, applications may be submitted for each individual phase or for the development in its entirety. Every phase shall be capable of independent existence without the completion of additional phases.

### **C. Public Hearing**

The Commission may hold a public hearing regarding any site proposal if, in its judgment, the specific circumstances require such action. Notice of public hearings and procedures shall be as prescribed by statute.

### **D. Approval of Site Plans**

The Commission may approve, approve with modifications, or deny a site plan. Upon approval, the following procedures shall be followed:

1. The applicant shall file, at his expense, in the Office of the Town Clerk, one set of the plot plans which have been approved by the Commission. No plan may be recorded or filed by the Town Clerk until approval has been endorsed thereon by the Commission; and the filing or recording of a plan without such approval shall be void.
2. Any substantial changes in facilities or uses to that approved in the Site Development Plan application shall require additional approval of the Commission.

### **E. Minor Modifications to Site Plans**

Technical and minor revisions to an approved site plan, which do not substantially alter the approved plan, at the direction of the PZC Chair, may be approved by the Director of Planning, with consultation of other relevant Town staff, when proposed changes are limited to landscaping; parking; drainage; grading; erosion and sedimentation controls; signage; or building additions or additional structures that are less than 25 percent of the floor area of the principal building not to exceed 5,000 square feet.

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The Planner shall report all such approvals to the Commission at its next meeting. If there is disagreement on any issue between the staff and the applicant, the applicant will be referred to the Commission for site plan approval.

### **8.5.1 Security for Completion of Improvements**

#### **A. Purpose**

It is the purpose of this section to assure, in conjunction with site plan approval, the completion of landscaping, public improvements, and conditions of approval of Inland Wetlands Agency/Conservation Commission permits.

#### **B. Method for Securing Completion**

As a condition of site development plan approval, a method for securing completion of items listed above is required.

1. The Town Engineer shall review the cost estimates and advise the Commission the amount of security recommended.
2. Acceptable surety in the amount approved by the Commission must be posted at any time before all modifications of the site plan are complete, except that the Commission may require a bond for erosion control prior to the commencement of any site work. No certificate of occupancy shall be issued before any additional required bonds are posted. Improvement guarantees shall comply in form and type with the policies adopted by the Commission.

#### **C. Release or Reduction of Security**

1. Request for a release or reduction of any security shall be made in writing to the Commission. The Director of Planning or the Town Engineer will provide a recommendation regarding the request for security release within 65 days of such request.
2. The application for reduction of security will be made on a quantity estimates form prepared by the Town Engineering Department that shall indicate the value of the items remaining to be completed after the date of such application. The quantity estimates shall be prepared by the developer's engineer and reviewed by the Town Engineer. The Town will deliver to the applicant a written explanation of remaining items to be completed before the bond, or portion thereof, may be released.
3. A reduction of any security for completion will be allowed only if the remaining security is adequate to cover the estimated cost of completion. A release of any security for completion shall not be made until the Town Engineer certifies completion in accordance with the requirements of the site development plans that were approved by the Commission.

#### **D. Landscaping/Buffer Security**

Where seasonal conditions make it impractical to install required buffers or landscaping, surety for same shall be posted prior to the issuance of a Certificate of Zoning Compliance. Such required landscaping shall be installed by May 31 of the following year.

#### **E. Maintenance Security**

The developer shall present maintenance security equal to 10% of the original value for security for one year from the date of final completion of all public improvements.

## **Section 8.6 Standards for Maps and Plans**

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### **8.6.1 Standards for Key Maps**

Form and Content of Key Map:

1. An overall map drawn to a scale of 1 inch equals either 100 or 200 feet. This map will show the overall location of the property and surrounding property within 500 feet.
2. Data block that lists zone, size of property, address;
3. Outline of existing and proposed buildings;
4. Layout of existing and proposed streets;
5. Surrounding property boundaries within 500 feet;
6. Names of abutting property owners; and
7. Driveway cuts on abutting properties and any properties across from the proposed site.

### **8.6.2 Standards for Site Plans**

#### **A. General**

Site Plans shall be prepared by appropriate design professionals (surveyor, engineer, architect, and landscape architect) licensed to practice in the State and shall bear appropriate registration stamps. All drawings shall be at a scale of not less than 1" equals 40'. All Site Plan drawings shall be in sufficient detail and accuracy, (generally A-2), to enable the construction of all site improvements shown and approved on the drawings. All site improvements shall be constructed to the standards of the Town's Public Improvement Specifications as appropriate.

#### **B. Site Plan Contents**

Site Plans shall include the following:

1. Title Block with name of developer, property owner, north arrow, scale of not more than 1":40', seals and signatures of all appropriate design professionals;
2. A location map at the scale of 1" to 1000' showing the proposed project and the nearest street intersection;
3. Boundary survey of site including distances with angles or bearings;
4. Zoning classification of property;
5. Area of lot;
6. Name of adjacent owners and zoning classification of their property;
7. Existing and proposed contours or spot grades at no more than 2-foot intervals;
8. Locations of existing and proposed buildings with dimensions, area, elevations, and number of stories and distances between all buildings and property lines;
9. Existing and proposed sanitary and storm water drainage facilities with elevations;

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10. Existing and proposed sidewalks, curbs and curb cuts, and adjacent streets;
11. Soil erosion and sedimentation control measures;
12. Drainage design for roof area, parking lot and driveways;
13. Locations and descriptions of all existing and proposed easements and rights-of-way;
14. Location of existing trees; trees larger than 18" in diameter shall be shown. All trees larger than 6 inches in diameter within the public right-of-way shall be identified on the plan. Groups of trees shall be identified by a "tree line" that shows the extent of the stem line as well as the extent of the drip line; drip lines may be approximated through the use of existing aerial photographs;
15. Proposed landscaping including a listing and count of all trees and shrubs to be planted, by common and botanical names, size (caliper, height, time until maturity) at planting, and height and spread at maturity;
16. When buffers are required, the buffer design as proposed after 5 year's time and at maturity shall be portrayed and shall conform to paragraph 6.2.4.C Buffer Widths, as appropriate. In addition, a profile of a typical section of the buffer as projected at five years' time and at maturity shall be shown;
17. Layout of all off-street parking areas showing details of aisles, driveways, each parking space, all loading and unloading areas, pavement markings, location of directional signs;
18. Existing and proposed locations, height and size of all outdoor lighting and sign locations.
  - a. Lighting plan shall include the following:
    - i. Location and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices; any decorative lighting should be indicated;
    - ii. Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cut sheets by manufactures and drawings (including sections where required);
    - iii. Photometric data, such as that furnished by manufacturers or similar, showing the angle of cut off or light emissions;
    - iv. Isolux plan showing the average lighting on the site, maximum and minimum lighting levels on the site;
  - b. The above required plans, descriptions and data shall be sufficiently complete to determine whether compliance with the requirements of these regulations will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance, to enable such determination, such certified reports of tests that will do so, provided that these tests shall have been performed and certified by a recognized testing laboratory;
  - c. Should any outdoor light fixture or the type of light source therein, be changed after the permit has been issued, a change request must be submitted, together with adequate information to assure compliance with this regulation, which must be received prior to substitution;

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- d. If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plan shall contain a statement certifying that the applicable provisions of the Town of South Windsor Lighting Regulation will be adhered to; and
  - e. At the time that a Certificate of Occupancy is requested, a letter stating compliance with the lighting plan will be required from the developer of the plans. Any changes proposed should be approved through the change order process.
- 19. Fire lanes and traffic control signs as required by Police and Fire authorities;
  - 20. Outside storage areas with proposed screening;
  - 21. Location of outside recycling and refuse storage area and proposed screening;
  - 22. Provisions for water supply;
  - 23. Proposed open space areas and any proposed site improvements to such areas;
  - 24. Where development is proposed to be in phases, phase lines shall be shown and each phase shall be capable of independent functioning in terms of utilities, access, parking, and landscaping;
  - 25. In tabular form, show in 1 column the required standards contained in Area, Density and Dimensional Requirements Tables or elsewhere in these regulations, and in a second column, in line with the standards in the first column, the standards proposed for a specific facility;
  - 26. Preliminary architectural plans that shall describe the appearance, size, use and occupancy of all proposed structures; said plans shall be at a scale not less than 1" = 16', and shall include the following:
    - a. Floor plans for each floor or level of each proposed structure, which plans shall indicate spatial arrangement, use, occupancy, seating arrangement, ingress and egress;
    - b. Exterior elevations (side views) of each side or elevation of each proposed structure; such elevations shall indicate proposed materials, roofscape, if any, and building height; and
    - c. Where alterations and/or additions to existing buildings are proposed, description in both plan and elevation adequate to explain the proposal shall be provided.
  - 27. Copy of preliminary application for access to State highways and to State-owned storm drainage facilities where such state permit is necessary.

### **8.6.3 Standards for General Plans of Development**

#### **A. Purpose**

A General Plan of Development may be submitted for the purpose of having the Commission approve of the proposed conceptual development of a site. The purpose of a General Plan of Development is to show:

- 1. Proposed land use;
- 2. Building layout;
- 3. Proposed intensity of development (including coverage ratio, setbacks, parking count, building height);
- 4. General layout of utility systems and location;
- 5. Circulation and street/road networks;



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6. Drainage systems and location;
7. Open space;
8. Impervious areas; and
9. Recreation areas.

The intention of this General Plan of Development is to show details visible to any viewer. The Commission may decide to hold a public hearing on the General Plan of Development. The Commission may require submission of the General Plan of Development to the Architectural and Design Review Committee.

### **B. Form and Content of General Plan of Development**

The General Plan of Development shall consist of 1 or more maps prepared by an engineer, architect, landscape architect or planner and accompanying documents:

1. Drawings at a scale of not less than 1" = 100' drawn on South Windsor Topographical Survey maps showing existing topography with property boundaries, contours, existing structures, existing roads and rights-of-way, and major topographical features (including wooded and open areas, inland wetlands, watercourses and flood plains);
2. A layout plan showing type of development and uses; the proposed general system of utilities (including sewer, domestic water, fire protection and storm water drainage) and their connection points to existing systems; building layout; road and parking layout including access locations from connecting roads and driveways; proposed open space areas; buffers; and proposed recreation areas;
3. A plan showing land uses and building locations within 500 feet of the site;
4. A plan showing abutting property owners;
5. A report regarding existing traffic conditions and information on traffic generated by development of the proposed site, and traffic impact of the traffic generated, prepared by a registered professional engineer;
6. A statement of the projected impact on the water supply and distribution system, drainage, and sanitary sewer system;
7. Limits of phases where development of portions of the site and/or public improvements within the site are proposed to occur in phases;
8. Location map drawn on the Town Zoning Map and a data sheet which indicates the total site acreage and the zoning district of the proposed development;
9. Preliminary architectural elevations and a rendering of the proposed building(s); and
10. A plan showing the proposed general landscaping scheme for the site.

#### **8.6.4 Standards for Preliminary Plans**

Preliminary plans are used as the basis for informal discussions with the Commission or staff. In general, such plans should include data and information contained in a General Plan of Development, but such information may be shown in a schematic fashion.

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### **8.6.5 Standards for Conservation Plans**

- A.** Conservation plans are required whenever the total area of disturbance will exceed ½ acre.
- B.** The conservation plan shall set forth the proposals for soil erosion prevention, sediment control and other soil conservation treatments to be taken.
- C.** A conservation plan shall be submitted by the applicant for all proposals and/or activities disturbing an area larger than one-half acre, except conservation plans shall not be required for the construction of a single family home on a lot that is not part of a subdivision or resubdivision. Conservation plans shall be submitted where required by Public Act 83-388, as amended. Conservation plans may be required under the provisions of said Public Act, where not otherwise required by these regulations, or by other regulations of the Town of South Windsor.
- D.** The Site Plan of Section 8.6.1 shall be used to detail and outline the proposed conservation plan. The conservation plan shall function as, and conform to, the requirements of an “Erosion and Sediment Control Plan”, as set forth in Public Act 83-388, as amended. The guide for preparation of the conservation plan shall be the “Connecticut Guidelines for Soil Erosion and Sediment Control” of the Connecticut Council on Soil and Water Conservation, May 2002, as amended.
- E.** In a proposed subdivision or resubdivision, the conservation plan shall portray and outline typical erosion and sediment control treatments for representative lots within the subdivision or resubdivision. Each plot plan accompanying a building permit application shall be consistent with the typical erosion and sediment control treatments portrayed and outlined in the conservation plan for said sub- division or resubdivision.
- F.** The Planning and Zoning Commission hereby delegates its authority for certification of conservation plans to the Inland Wetlands Agency/Conservation Commission. South Windsor Inland Wetlands Agency/Conservation Commission shall not certify the conservation plan, until said plan complies with Public Act 83-388, as amended, and these regulations. The Inland Wetlands Agency/Conservation Commission may refer said conservation plan to the North Central Conservation District for a report and/or certification. Any and all costs incurred for said report and/or certification from the North Central Conservation District shall be borne by the applicant. Planning & Zoning Commission approval of any application requiring a conservation plan shall not take effect until the application’s conservation plan has been certified in compliance with Public Act 83-388, as amended, by the Inland Wetlands Agency/Conservation Commission.
- G.** The Planning & Zoning Commission, or its designated agent, may require the applicant’s engineer to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained. In the event of failure to submit such verification, where required, the Planning & Zoning Commission may revoke approval of the application.
- H.** The Planning & Zoning Commission shall require a bond to ensure implementation of all erosion and sediment control measures outlined in the conservation plan, and to ensure the above- referenced inspection/verification by the applicant’s/developer’s engineer. Said bond shall be in place prior to commencement of site work. The amount of said bond shall be established by the Inland Wetlands Agency/Conservation Commission, based upon a recommendation of the Town Engineer, and shall be released by the Planning & Zoning Commission upon written recommendation of the Inland Wet- lands Agency/Conservation Commission.

## **Section 8.7 Architectural and Design Review**

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### **8.7.1 Purpose**

The Commission, in accordance with CGS 8-2, shall require architectural and design review for all new construction of multifamily dwellings, DRZ developments, and non-residential structures. Design review shall also be required for all substantial structural alterations made to existing multifamily dwellings and non-residential structures (substantial is defined as any construction which requires site plan approval).

It is the policy of the Architectural and Design Review Committee to encourage the highest-quality design of buildings and a more creative use/design of site plans, rather than practice censorship of creativity.

The Planning and Zoning Commission recognizes that the public is a “captive audience” to its man-made environment. The purpose of architectural and design review is to:

1. Mitigate negative effects from exterior appearances of buildings erected in any neighborhood, and thus to promote and protect the health, safety, and welfare and comfort of the community;
2. Promote and protect the public convenience and prosperity;
3. Conserve and protect the value of property;
4. Protect residents from visual assault;
5. Preserve the special character of existing neighborhoods;
6. Promote the development of a harmonious character in newly-developing areas; and
7. Encourage the retention and adaptive use of historic buildings.

### **8.7.2 Procedure**

- A. All applicants shall submit 3 copies of all items required under Section 8.6.2.B Site Plan Contents, no later than the date of submission of a formal application to the Commission. Where possible, applicants are encouraged to submit applications for design review in advance of submittal to the Commission. Applicants are advised to make submittals as complete as possible to ensure minimal delays in the design review process.
- B. The Architectural and Design Review Committee will make recommendations to the applicant regarding plan modifications that the Committee finds desirable, based on the standards and criteria outlined in sections 8.7.3 and 8.7.4 as follows. The recommendations of the Committee will be forwarded to the Commission, either at the scheduled public hearing or, if no public hearing is held, at the workshop session at which the application is presented. Recommendations of the Committee are advisory to the Commission, which has final approval authority for all applications.
- C. Findings as to the adequacy of design, architectural treatment and aesthetic character, and landscape design shall be made in view of the fact that excessive uniformity, inappropriateness, or poor quality of design in the exterior appearance of buildings erected in any neighborhood may adversely affect the desirability of the immediate area and the neighboring areas for residential, business, or other purposes.

### **8.7.3 Criteria for Plan Evaluation**

#### **A. General Criteria for Plan Evaluation**

The Committee will consider the specific criteria outlined below to review the following:

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1. The basic design for the proposed uses, buildings, or development;
2. The relationship between the buildings and the land;
3. The relationship between uses and buildings/structures; and
4. The overall physical appearance of the proposed use/building/development and its compatibility with surrounding development and the neighborhood.

### **B. Specific Criteria for Plan Evaluation**

The purpose of these criteria is to establish a checklist of those items that affect the physical aspect of South Windsor's environment. Pertinent to appearance is the design of the site, building and structures, plantings, signs, street hardware, and other objects that are observed by the public.

These criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles, which can result in creative solutions that will develop a satisfactory visual appearance within the Town:

1. Impact on the market value of existing structures in the adjoining area;
2. Effect on the health, safety and general welfare of the community;
3. Impact on the historic significance of the site and the affected area;
4. Compatibility with the Town Plan of Conservation and Development;
5. Location and dimensions of public and private streets and common drives;
6. Location and dimensions of public and private pedestrian walkways, sidewalk malls and paths;
7. Types, styles and colors of building materials, exterior facades and facing, fenestration, and fire retardant characteristics;
8. Special architectural features;
9. Conformity with the South Windsor Building/Zoning Regulations, Subdivision Regulations, and other appropriate laws, codes, or ordinances;
10. Relationship of width to height of new structures;
11. Colors, materials, location of lighting;
12. Design of signs; and
13. Blending of street and mechanical hardware and miscellaneous appurtenances into the overall design.

### **8.7.4 Design Standards**

#### **A. Relationship of Buildings to Site**

1. The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, safe pedestrian movement, and parking areas.
2. Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged to provide an interesting relationship between buildings.

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3. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means to partially screen parking areas from view from public ways. Such decorative elements should also be designed with public safety in mind, such that the public feels safe during night parking.
4. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
5. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

### **B. Relationship of Buildings and Site to Adjoining Area**

1. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
2. Attractive landscape transition to adjoining properties shall be provided.
3. Harmony in texture, lines, and masses is required. Monotony shall be avoided.

### **C. Landscape and Site Treatment**

1. Landscape elements included in these standards consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.
2. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance.
3. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes, and provide shade.
4. Unity of design shall be achieved by repetition of certain plant varieties and other materials, and by correlation with adjacent developments.
5. Plant material shall be selected for interest in its structure, texture, and color, and for its ultimate growth. Plants that are indigenous to the area, and others that will be hardy, harmonious to the design, and of good appearance shall be used.
6. In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
7. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
8. Where building sites limit planting, the placement of trees in parkways or paved areas is encouraged.
9. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of these. Screening shall be equally effective in winter and summer.
10. In areas where general planting will not prosper, other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.

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11. Exterior lighting, where used, shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.
12. Existing trees at 4" or greater caliper shall be incorporated into the site plan.
13. For every 10 parking spaces, a minimum of 1 tree of at least 3" caliper must be planted. Tree species to be used include Crimson Maple; Pin Oak; Sycamore; and Black Locust.

### **D. Building Design**

1. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings, as well as to its appropriateness for surrounding zones.
2. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
3. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
4. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
5. Materials shall be of durable quality.
6. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
7. Building components such as windows, doors, eaves, and parapets shall have good proportions and relationships to one another.
8. Colors shall be harmonious and shall use only compatible accents.
9. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
10. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
11. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways.
12. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
13. Prototype structures (the first new structure in an area that has been designated for a particular character) shall reflect the desired character of the entire neighborhood.
14. Stereotypical building designs that reflect a standard architectural theme or that are intended to identify, or are typical of particular business enterprises are to be avoided.

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### **E. Maintenance - Planning and Design Factors**

1. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
2. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.
3. Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

### **F. Miscellaneous Structures and Street Hardware**

1. Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
2. Lighting in connection with miscellaneous structures and street hardware shall meet the standards applicable to site, landscape, buildings, and signs.

### **G. Signs**

1. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
2. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
3. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
4. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message, and shall be composed in proportion to the area of the sign face.
5. Each sign shall be compatible with signs on adjoining premises, and shall not compete for attention.
6. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

### **8.7.5 Architectural and Design Review Requirements**

The following items are required in addition to the Site Plan prepared in accordance with the Town's Zoning Regulations:

1. The overall architectural design of the proposed structure, including elevations at a scale of 4 feet per inch, of the facade and all exterior elevations, showing all fenestrations, signs and other architectural features, including the color and style of the building materials (and samples, if necessary) and any architectural peculiarities;
2. Color renderings, if necessary;
3. An elevation drawing showing the height and architectural style of the proposed structure with adjacent buildings; composite elevations from all streets abutting the site if multiple buildings are proposed;

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4. The height, locations, fixture design, and intensity of all exterior lighting; expected illumination off the site;
5. The height, location and design of all signs;
6. Perspective drawings to show relationship after development of the site to off-site features, if necessary;
7. Elevation drawings from all streets abutting the site with all proposed plantings superimposed; (Plantings shall be shown at the height at which they are proposed to be installed. Applicant is also encouraged to provide elevations showing expected height of plantings in 10 years.)
8. All artwork sculpture, fountains and other ornamental or decorative features visible from surrounding properties;
9. All provisions for, and design of, the following appurtenances if visible from the exterior:
  - a. Utility lines, meters, boxes
  - b. Refuse storage and pickup areas;
  - c. Stairs, ramps;
  - d. Flues, chimneys, exhaust fans;
  - e. Sunshades, awnings, louvers;
  - f. Balconies;
  - g. Mechanical equipment visible from exterior;
  - h. Loading docks, loading spaces;
  - i. Roof leaders, downspouts; and
  - j. Antennae

### **Section 8.8 Village District**

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#### **8.8.1 Considerations in a Village District**

- A. Within any area designated within these Regulations as a village district in accordance with CGS Section 8-2J:
  1. Special consideration shall be given to protecting the distinctive character, landscape and historic structures.
  2. The removal or disruption of historic, traditional, or significant structures or architectural elements shall be avoided or minimized.
  3. The conversion, conservation and preservation of existing buildings and sites in a manner that maintains the historic or distinctive character of the village district shall be encouraged.
  4. In reviewing the exterior of structures or sites, the Commission may consider:
    - a. the Connecticut Historical Commission - The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as amended; or



## **ARTICLE 8—ZONE CHANGE, SPECIAL EXCEPTION, & SITE PLAN STANDARDS & PROCEDURES**

- b. the distinctive characteristics of the district, including those specifically identified in the Plan of Conservation and Development.
  - 5. Proposed buildings or modifications to existing buildings shall be harmoniously related to their surrounding, the terrain in the district, and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification.
  - 6. All spaces, structures, and related site improvements visible from public roadways shall be designed to be compatible with the elements of the area of the village district in and around the proposed building or modification.
  - 7. The color, size, height, location, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property, and any proposed signs and lighting shall be evaluated for compatibility with the local architectural motif.
  - 8. Maintenance of views, historic buildings, monuments and landscaping shall be encouraged.
- B.** The Commission shall also consider the relationship of buildings within the village district to the site and adjoining areas:
- 1. Buildings shall be organized in a coordinated and functional manner that is compatible with site features and the desirable characteristics of adjoining areas.
  - 2. A unified design theme for building massing, exterior treatments and signage shall be established where harmony in textures, lines and masses is provided and monotony is avoided.
  - 3. Parking areas shall be treated appropriately in relation to the building, the neighborhood and the community.
  - 4. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
  - 5. Newly installed utility services and service revisions necessitated by exterior alterations shall be underground.
  - 6. A desirable streetscape and attractive landscape transition to adjoining properties shall be provided.
- C.** The Commission shall also consider the landscape and site treatment within the village district:
- 1. Landscape treatment shall be provided to enhance architectural features, shield unsightly areas, provide shade and relate to the natural environment and topography.
  - 2. Plant material that is indigenous to the area shall be selected for its ultimate growth and for interest in its shape, texture and color.
  - 3. Pedestrian walkways shall provide safe and convenient connections within the site and between adjacent sites and shall be constructed of all-weather materials appropriate for the location (such as brick, concrete or paving blocks, but not earth, gravel or loose stone).
  - 4. Existing trees at four (4) inches or greater caliper shall be incorporated into the plan.
- D.** The Commission shall also consider the building design within the village district:
- 1. Architectural features shall be evaluated based on the scale of the building(s), the quality of the design and the relationship to surroundings.

## **ARTICLE 8 –ZONE CHANGE, SPECIAL EXCEPTION, & SITE PLAN STANDARDS & PROCEDURES**

2. Facades and rooflines shall be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.
  3. Building materials shall have good architectural character and durable quality and shall be selected for harmony of the building with adjoining buildings.
  4. Building textures, colors and components shall be selected for harmony of the building with adjoining buildings.
  5. Utility and service equipment shall be screened from public view with materials harmonious with the building.
- E.** The Commission shall also consider the signs and lighting within the village district:
1. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates and shall be coordinated with the building architecture.
  2. Exterior lighting, where used, shall enhance the building design and the adjoining landscape.
  3. Lighting shall be restrained in design and excessive brightness avoided.

### **8.8.2 Procedures within a Village District**

In reviewing an application within a designated village district, the commission shall utilize one or more village district consultants.

- A.** In accordance with CGS Section 8-2j, such village district consultant shall be:
1. a registered architect or an architectural firm,
  2. a licensed landscape architect, or
  3. a planner who is a member of the American Institute of Certified Planners.
- B.** Alternatively, an architectural design review board may be designated as the village district consultant, provided the members shall include at least one (1) architect, one (1) landscape architect, or one (1) planner who is a member of the American Institute of Certified Planners.
- C.** All applications shall be subject to review and recommendation by the village district consultant designated by the Commission as the village district consultant for such application.
- D.** The village district consultant shall review an application and report to the Commission within thirty-five (35) days of receipt of the application.
- E.** Such report and recommendation shall be entered into the public hearing record and considered by the Commission in making its decision.
- F.** Failure of the village district consultant to report within the specified time shall not alter or delay any other time limit imposed by these Regulations.
- G.** The Commission may seek the recommendations of any Town or regional agency or outside specialist including, but not limited to, the regional planning agency, the Historical Society, the Historic District Commission, the Connecticut Trust for Historic Preservation and The University of Connecticut College of Agriculture and Natural Resources.
- H.** Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.

**ARTICLE 8—ZONE CHANGE, SPECIAL EXCEPTION, & SITE PLAN STANDARDS & PROCEDURES**

## ARTICLE 9 ADMINISTRATION AND ENFORCEMENT

### Section 9.1 Administrative Permits

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#### **9.1.1 Zoning Permit**

- A. An application for a Zoning Permit shall be submitted to the Zoning Enforcement Officer prior to:
  - 1. The construction, reconstruction, change of use, enlargement, extension, moving or structural alteration of any building, commercial sign, or other structure (other than a permitted fence);
  - 2. Any occupancy, use, or change in commercial occupancy, or any change in use of any land, building or other structure or part thereof.
- B. A Zoning Permit is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the floor area or height of any building or structure, does not change the façade of a commercial, industrial, office, or similar building, and does not change the use thereof.
- C. An application for a Zoning Permit shall be accompanied by a plot plan, certified by a land surveyor, showing such information as necessary to enable the Zoning Enforcement Officer to decide whether the proposed building, alteration, or use complies with all the provisions of these regulations. A certified plot plan is required for all new residential construction and for any structure granted site plan approval. The Zoning Enforcement Officer may waive the requirement for a certified plot plan in cases where it is not needed to determine conformity with these regulations.
- D. If the Zoning Enforcement Officer finds the proposed use, building, or other structure in compliance with these regulations, he shall issue a Zoning Permit.
- E. A Zoning Permit shall be issued prior to the issuance of a Building Permit.

#### **9.1.2 Certificate of Zoning Compliance**

- A. No land shall be occupied or used, and no building hereafter erected or altered shall be occupied or used, in whole or in part for any purpose, until a Certificate of Zoning Compliance shall have been issued by the Zoning Enforcement Officer stating that the premises or building complies with all the provisions of these regulations. Such a certificate is also required for any change, extension, or alteration in a use.
- B. Applications for Certificate of Zoning Compliance shall be accompanied by a certified plot plan of the lot and buildings thereon, showing the exact placement of the as-built structures on the lot. A certified plot plan is required for all new residential construction and for any structure granted site plan approval. The as-built plot plan may be the same document as is submitted for a Certificate of Occupancy if all zoning data (i.e. setbacks, etc.) are included. The Zoning Enforcement Officer may waive the requirement for a certified plot plan in cases where it is not needed to determine conformity with these regulations.
- C. A Certificate of Zoning Compliance shall be issued prior to the issuance of a Certificate of Occupancy in accordance with State Statutes.

**9.1.3 Issuance of Zoning Permits and Zoning Certificates of Compliance**

The following procedures are to be followed relative to the issuance of Zoning Permits and Certificates of Zoning Compliance for applications which have been granted site/subdivision plan approval:

- A. Prior to the building of any structure on an approved site or lot, the developer shall provide a topographic map, drawn to a scale of 1" = 40', showing proposed contours and either basement floor or slab floor elevation, as well as demonstrate compliance with these regulations. No Zoning Permit shall be issued until the proposed contours and floor elevations have been approved by the Town Engineer.
- B. No Certificates of Zoning Compliance shall be issued until grading plans have been complied with and accepted by the Town Engineer. If, for any reason, finished grading and other site work is not completed, the Town Engineer shall determine the amount of a cash bond to ensure final grading and site work. This cash bond shall be submitted prior to issuance of a Certificate of Zoning Compliance.
- C. Upon completion of construction, the developer shall submit as-built drawings. Certificates of Zoning Compliance will not be issued until such as-built drawings have been submitted. These plans shall contain all of the information required for site plan approval, as well as the following information:
  1. Utility Locations: The location of all sanitary sewer lines and manholes, water gates, gas gates, hydrants, utility poles, underground utilities, sidewalks, storm sewers, signs, etc., shall be given. The size of water mains, gas mains, sanitary sewers and storm sewers shall be indicated.
  2. Agreement with Approved Plans: All of the information shown on the final plans shall be reconfirmed as to location and elevation. This information shall be re-plotted on the as-built drawings.
  3. Certification by Professional Engineer and Land Surveyor: These plans shall carry the following statement, signed by a registered Professional Engineer, and a registered Land Surveyor when appropriate:

“The information shown on this plan has been verified in the field as to location, elevation, and completeness. The following listed items are the only deviations from the original plans approved by the Planning and Zoning Commission:

    - (List)
    - (Signed & Stamped)”
- D. The as-built plans shall be submitted as 2 sets of blueprints. Plans are to be submitted to the Town Engineer.

**Section 9.2 Recording of Variances and Special Exceptions**

No variance or special exception granted according to these regulations shall be effective until a copy of the variance, special permit, or special exception, certified by the Planning and Zoning Commission, or Zoning Board of Appeals, whichever is applicable, is filed in the Town Clerk's Office in accordance with State Statutes.

## **ARTICLE 9 – ADMINISTRATION AND ENFORCEMENT**

### **Section 9.3 Enforcement and Penalties**

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- A.** It shall be the duty of the Planning Director or designee to enforce the provisions of these regulations and to make such orders and decisions as may be necessary to carry out the intent thereof.
- B.** The Zoning Enforcement Officer shall institute any appropriate action or proceeding to prevent the unlawful erection, construction, alteration, repair, or conversion of any building or structure, or the unlawful use of land; to restrain, correct or abate such violations; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business, or use in or about the premises. Whenever such acts shall be in contradiction to the provisions of these regulations, penalties shall be as provided by the General Statutes.
- C.** Any violation or attempted violation of this regulation, or of any condition or requirement adopted pursuant hereto, may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to the laws of the State of Connecticut. A violation of this regulation shall be considered a violation of the zoning regulations of the Town of South Windsor.

### **Section 9.4 Zoning Board of Appeals**

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#### **9.4.1 Powers and Duties**

- A.** The Zoning Board of Appeals shall have the following powers and duties:
  - 1. To hear and decide appeals where it is alleged that there is an error in any order, requirements, or decision made by the Zoning Enforcement Officer;
  - 2. To hear and decide all matters upon which it is required to pass by the specific terms of the provisions hereunder and the amendments thereto; and
  - 3. To determine and vary the application of the zoning laws and regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare, and property value—solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such zoning laws and regulations would result in exceptional difficulty or unusual hardship.

#### **B. Use Variances**

Pursuant to Connecticut General Statutes Section 8-6, use variances shall not be granted within the Rural Residential Zone, the DRZ Zone, or any Residence A or AA Zone (including Designed Residence A-15 and Multifamily A or AA) for any use not otherwise permitted within those zones if such use is otherwise permitted either by right or by special exception in the following zones:

- 1. Industrial
- 2. General Commercial
- 3. Restricted Commercial
- 4. Designed Commercial
- 5. Restricted Office

## ARTICLE 9 – ADMINISTRATION AND ENFORCEMENT

### **9.4.2 Procedure**

- A. The Board of Appeals shall hold a public hearing on all applications and appeals, and shall publish a notice of said hearing as required by State Statute.
- B. Whenever the Board grants any variance to these regulations, or reverses wholly or partly an order or decision appealed from, it shall state on its records the reason why such variance or exception was granted or such reversal made.
- C. Any variance or reversal shall become effective at such time as is fixed by the Board, provided a copy thereof shall be filed in the Office of the Town Clerk; and notice of such filing shall have been published in a newspaper having a substantial circulation in the Town of South Windsor before such effective date.

### **Section 9.5 Amendments**

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These regulations may from time to time be amended, changed, or repealed, in accordance with the provisions of Chapter 124, Revision of 1958, of the General Statutes of the State of Connecticut.

#### **9.5.1 Validity**

The invalidity of any section or provision of these regulations shall not invalidate any other section or provision thereof.

#### **9.5.2 Repeal**

All ordinances or regulations hereto passed, inconsistent herewith, are hereby repealed.

#### **9.5.3 Effective Date: March 7, 1938 revised to May 9, 2021**





## ARTICLE 10 DEFINITIONS

### Section 10.1 General Interpretation

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For the purpose of these regulations, the following terms, phrases, words, and their derivations shall have the meaning given therein. When not inconsistent with the content, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

### Section 10.2 Interpretation of Other Terms

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Doubt as to the precise meaning of other words and terms shall be determined by the Commission after reference to the following as they may be amended from time to time:

- A. The Connecticut General Statutes
- B. New Illustrated Book of Development Definitions (Center for Urban Policy Research)
- C. Webster's Third New International Dictionary
- D. Black's Law Dictionary

### Section 10.3 Definitions

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For the purpose of these regulations, certain words and terms are defined and explained as follows:

**A-2 Survey:** A survey (or map) prepared pursuant to the Regulations of Connecticut State Agencies Section 20-30b-1 through 20-33b-20 and the “Standards for Surveys and Maps in the State of Connecticut” as prepared and adopted by the Connecticut Association of Land Surveyors, Inc., September 26, 1996, as may be amended from time to time.

**Accessory Apartment:** A second dwelling unit within a single-family detached dwelling, subordinate to the primary dwelling (excluding multifamily units, group homes), equipped with its own kitchen, bath and bedroom(s).

**Accessory Use:** A subordinate use that is incidental to, and customary in connection with, the main building or use and that is located on the same lot with such main building or use.

**Acreage, Developed:** Any man-made change or improvements to real estate, including, but not limited to, buildings or other structures, filling, excavating, grading, paving, landscaping, and any buffers or natural areas related thereto, which are an integral part of the site’s development, but excluding any natural and/or undisturbed areas which are not considered as part of the site development.

**Acreage, Net Buildable:** That area of a lot that is used for calculation of allowable maximum density or coverage by structures and other impervious surfaces. Such area shall not include wetlands and regulated watercourses, slopes over 15%, utility easements, detention areas, rights of way, and flood plain zones. Net buildable acreage shall not include areas that would otherwise qualify when such areas are inaccessible due to the existence of natural resource constraints and are shown on the proposed site plan as not being developed.

**Affordable Housing:** Dwelling units, either new or previously occupied, that are offered for sale at a price that meets the guidelines established by the South Windsor Housing Authority and Section 2 of Public Act 88-13.

## ARTICLE 10 – DEFINITIONS

**Agriculture, Commercial:** Any place at which trees, plants, shrubs, vines, or flowers are propagated, grown, harvested, stored or prepared for commercial purposes.

**Agri-tourism:** As it is defined most broadly, involves any agriculturally based operation or activity that brings visitors to a farm.

**Animal Agriculture, Commercial:** Animals including but not limited to horses, cattle, swine, sheep, goats, rabbits, poultry, fowl, dogs, cats, bees, fish and furbearing animals that are bred, raised or kept for commercial purposes, or kept in a sanctuary or rehabilitation facility.

**Apiary:** A place where bee hives are kept.

**Assisted Living Facility:** A managed residential community having support services that encourage residents primarily 55 years or older to maintain a maximum level of independence. It includes on-site 24-hour nursing services, recreational services, and food services, and provides necessary assistance with activities of daily living. The included services shall provide an alternative for elderly and/or handi-capped persons who require some help or aid with activities of daily living in order to remain in their independent, private residential units within the managed community.

**Attic, Habitable:** An attic that has a stairway as a means of access, and in which the ceiling area measured horizontally at a height of 7-1/3 feet above the attic floor is not more than 1/3 the area of the floor next below.

**Automobile Service Station:** A building and required accessories needed to provide fuel, lubrication, and minor repair for motor vehicles; may include activities requiring Limited but not General Repairer's License.

**Basement:** That portion of a building that is partly or completely below grade.

**Beekeeping:** The management and stewardship of honey bees.

**Boarding House, Farm:** A dormitory building used as an accessory to farming for the seasonal use of farm labor.

**Brewery:** An establishment that manufactures beer.

**Brewpub:** A restaurant that operates in conjunction with a microbrewery which sells 25% or more of their beer on site.

**Buffer:** An area of land that is provided at the boundary between residential and non-residential zones, and between low-density and high-density residential zones, for the purpose of mitigating visual, noise, and other impacts between residential and non-residential zones, and between low-density and high-density residential zones.

**Building:** Any structure having a roof and intended for shelter, housing, or enclosure of persons, animals, or materials. Any other structures more than 8 feet high, excluding a public utility pole or flagpole.

**Building Area:** The aggregate or the maximum horizontal cross section area of the main building (and its roofed portions) on the lot and its accessory buildings.

**Building Height:** The vertical distance from the average finished grade within 10 feet of the walls of the building to the highest point of flat or mansard roofs, including the top of a parapet, or to the mean level between the eaves and ridge for gable, hip or gambrel roofs.

**Building Line:** A line parallel to a street at a distance equal to the required front yard, or at a greater distance when otherwise established by the Town of South Windsor.

**Bulk Requirements:** Requirements relative to lot size, height, density, and yards.

**Caliper:** The diameter of a tree, In nursery-landscape practice, caliper is measured 6 inches above the ground level up to and including 4-inch diameter size and 12 inches above the ground level for larger sizes.

## ARTICLE 10 - DEFINITIONS

**Camping Bus:** A self-propelled recreational vehicle; a motorized camper.

**Camping Trailer:** A vehicle other than a Camping Bus not more than 8 feet wide or 27 feet in overall length, designed to be used only as a temporary dwelling for travel, camping, recreational, and vacation use.

**Cellar:** The portion of the building partially underground, having half or more than half, of its height below the grade plane.

**Certificate of Zoning Compliance:** Certification in writing from the Zoning Enforcement Officer that a building, structure, or use of land is in conformity with the zoning regulations. Such certification shall be issued prior to the issuance of a Certificate of Occupancy.

**Class D Survey:** A map compiled from existing data and not a field survey.

**Club:** An organization of persons incorporated pursuant to law, which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, patriotic, benevolent, or athletic purpose, but not for pecuniary gain, and includes the establishment so operated. A club shall cater only to its members or guests accompanying them. A "Member of a Club" is a person who, whether as a charter member or admitted in agreement with the bylaws of the club, has become a bona-fide member thereof, who maintains his membership by the payment of his annual dues in a bona-fide manner in accordance with such bylaws, and whose name and address are entered on the list of membership.

**Commercial Vehicle:** Vehicles that have commercial, livery, or wrecker license plates, or any vehicle that has signage thereon, or has mechanical equipment affixed or stored.

**Commission:** The South Windsor Planning and Zoning Commission.

**Convalescent Nursing Home:** A facility providing skilled nursing for people who need intensive care but do not require hospitalization.

**Court:** An unoccupied open space, other than a yard, on the same lot with a building that is bounded on three or more sides by the walls of such building or wall erected in extension with building walls. An outer court extends to a street line or opens upon a front, side or rear yard. An inner court is enclosed on all sides by the walls of a building or by lot lines.

**Day Care Home, Group:** Day care provided in a private family home for more than 6 but not more than 12 people on a part-time, but regularly recurring, basis and where the principal provider of the services resides on the premises.

**Development:** Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

**Development Area Plan:** Is defined as the site area within boundaries shown on the submitted General Plan of Development or Final Plan that illustrates the proposed development and its physical impacts on surrounding area, facilities and systems in accordance with the regulations. The intent of this is to illustrate the contiguous area for the purposes of creating a new mixed use development.

**Drive-Through Facility:** An establishment that by design encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

**Dwelling:** A building designed or used as the living quarters for 1 or more families.

**Dwelling Unit:** One or more rooms providing complete living facilities for 1 family, including equipment for cooking or provisions for the same; and including room or rooms for living, sleeping, eating, bathing, and sanitary facilities.

## ARTICLE 10 – DEFINITIONS

**Dwelling, Duplex:** A building containing dwelling units for 2 families.

**Educational Institution:** A day-care center or school properly licensed by the State of Connecticut.

**Electric Vehicle Definitions:** See Section 11.8 APPENDIX H Electric Vehicle Supply Equipment (EVSE)

**Entertainer:** Any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor. Employee means any and all persons, including independent contractors, who work in or at, or render any services directly to, the operation of adult-oriented establishments.

**Envelope:** Where there are no lot lines, the envelope designates that land under ownership of the owner of the dwelling unit, and excludes any land under common ownership, as of a common interest community.

**Essential Community Services:** Services and accompanying facilities typically provided by a municipality to include, but not limited to, fire and police services, public works services, schools, parks, recreational facilities, sewer and water facilities, and solid waste transfer facilities.

**Exterior Storage:** Storage areas of residential units that are located either in a basement with exterior entrance or in a garage.

**Family:** Any number of persons related by blood or marriage living in the same dwelling, or not more than 6 persons unrelated by blood or marriage living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, club, fraternity, or hotel.

**Family Unit:** A dwelling or part of a dwelling occupied or intended to be occupied by 1 family.

**Farm:** A tract of land containing 2 acres or more, used in part or wholly for agricultural purposes, which may include the raising and keeping of domestic or other animals.

**Farm Stand:** A permanent retail outlet on a farm, including greenhouses incidental thereto, for the sale of seasonal products normally associated with a farm store (90% of which shall be fresh farm produce or garden-related products, such as fresh fruits or vegetables, Christmas Trees, wreaths, shrubs, pumpkins, potted flowers, and the like).

**Fraternal Organization:** A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements.

**Garage, Private:** A building or part thereof, accessory to a main building, and providing for the storage of automobiles, in which no occupation or business for profit is carried on.

**Garage, Public or Storage:** A building or part thereof, other than a private garage for the storage of motor vehicles, in which major motor vehicle repair activities may be carried on.

**Golf Course:** A par 3, or regulation golf course, containing 9 or more holes, designed by a professional golf course architect, and expressly excluding miniature golf courses.

**Gross Floor Area:** The total of all floor area measured from the outside surface of the exterior walls of all stories of a building.

**Habitable space:** A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces

**Hive:** One colony of bees, with one queen. It can range in size from one box to many boxes in height.

**Home Agriculture:** The cultivation of the soil for the production of crops for non-commercial home consumption.

## ARTICLE 10 - DEFINITIONS

**Home Animal Agriculture:** Animals bred, raised or kept for non-commercial purposes including horses, cattle, swine, sheep, goats, rabbits, poultry and fowl, bees and fish but excluding common household pets such as, but not limited to, cats and dogs

**Home Occupation:** An occupation or business activity which results in a product or service for financial gain, is conducted in whole or in part in the dwelling unit, and is clearly subordinate to the residential use of the dwelling unit.

**Home Occupation, Major:** A home occupation in which not more than 1 person other than residents residing on the premises is employed on the premises; has not more than 1 non-illuminated sign not exceeding 2 square feet in area as visible exterior evidence of conduct of the occupation; may have more customer activity than a minor home occupation; and that accommodates both dwelling and home occupation parking needs. Major home occupations are subject to approval by the Commission.

**Home Occupation, Minor:** A home occupation in which no persons other than residents residing on the premises are engaged in the occupation; has no visible exterior evidence of the conduct of the occupation, has not more than 1 non-illuminated sign not exceeding 2 square feet in area as visible exterior evidence of conduct of the occupation; does not create need for off-street parking beyond normal dwelling needs; does not generate additional traffic from non-residents; and for which no equipment is stored or used on-site other than that normally used in household, domestic, or general office work.

**Homemaking:** Any service use intended and designed only for the use, maintenance, or operation of the property and residents.

**Hotel, Inn:** A building designed and used primarily for occupancy of transients, which provides or offers accommodations for a consideration, for 7 or more persons, exclusive of employees living on the premises, and which provide rooms for public assembly, and may include serving of food.

**Household Pet:** Small animals that are customarily kept for personal use within the home and that are not raised for retail sale.

**Impervious Surface Coverage:** Any material which reduces surface storage and infiltration of water, and increases the volume of stormwater runoff, including but not limited to: buildings; parking areas and driveways; walkways; all equipment pads and platforms, etc. All-weather surfaces designed specifically to reduce stormwater runoff (e.g., grass pavers) shall not be considered to be impervious surfaces.

**Independent Living Facility:** A managed residential community for adults at least 55 years of age or older within a multi-family rental property with central dining facilities that provides residents access to meals and other services such as housekeeping, linen service, transportation, and social and recreational activities. Independent Living Facilities do not provide, in a majority of the units, assistance with activities of daily living such as supervision of medication, bathing, dressing, and toileting. There are no licensed skilled nursing beds in an Independent Living Facility. Independent Living Facilities are also available to persons with disabilities without regard to age. An Independent Living Facility commonly provides apartments. Independent Living Facility properties may offer emergency alert systems, live-in managers, and amenities (such as pools, spas, clubhouses, on-site beauty and barber salons).

**In-Law Apartment:** A temporary second dwelling unit within a single-family detached dwelling, subordinate to the primary dwelling, equipped with its own kitchen, bath and bedroom(s), and intended to be used solely by related family members. At such time as an in-law apartment is no longer needed for use by family members, it is converted into living space for the main dwelling.

**Junk Yard:** Any place in or on which old metal, glass, paper, cordage, or other waste or discarded or second-hand material, which has not been a part of, or is not intended to be a part of, any motor vehicle, is stored or deposited.

## ARTICLE 10 – DEFINITIONS

**Junk Yard, Motor - Motor Vehicle Junk Business:** A place of storage and any business, whether in connection with another business or not, which has stored or deposited 2 or more unregistered motor vehicles which are no longer intended, or in a condition for, legal use on the public highways; or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or second-hand material which has been a part, or intended to be a part of, any motor vehicles, the sum of which parts or material shall be equal in bulk to 2 or more motor vehicles.

**Kennel, Commercial:** A kennel maintained for boarding or grooming dogs or cats, and includes, but is not limited to, any veterinary hospital which boards or grooms dogs or cats for non-medical purposes.

**Landscape Materials:** Items used for exterior landscaping, e.g., decorative surface materials, earth materials, masonry pavers/blocks, landscape aggregate, stone dust, topsoil, mulch, brick chips, sand, process, trap rock, and plant materials.

**Landscape Professional, Qualified:** A landscape architect, landscape designer, planner, engineer, plant scientist, nurseryman, forester, or other professional who possesses a knowledge of plant species and environmental factors affecting the performance of landscaping; and who is qualified to design a landscaping plan and supervise the installation of all plants and landscaping treatments.

**Living Area, Minimum:** The minimum required habitable area of a residential unit as required by these regulations. Living areas shall be computed from the interior of the perimeter walls of the structure. Living areas do not include circulation and public facilities outside the unit, spaces for heating equipment, or areas within a basement, cellar, or habitable attic.

**Lot:** A plot or parcel of land, all parts of which are in the same ownership, occupied or capable of being occupied by 1 principal building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by these regulations. In the case of multiple dwellings, row houses, public, institutional or commercial buildings, a group of buildings under the same ownership may be considered as occupying the same lot.

**Lot Area:** The actual area in square feet enclosed by boundaries of the lot.

**Lot Corner:** A lot having 2 adjacent sides facing a street or streets, so that the interior angle of the intersection is not more than 120 degrees.

**Lot Coverage (Building):** Lot coverage is the maximum 'building area', expressed as a percentage of the lot.

**Lot Frontage:** The length measured along that side of a lot abutting on a public street at the required front yard setback.

**Lot, Interior:** A lot that is narrower at the front than at the back, and does not have the required frontage but does meet all other dimensional requirements of these regulations.

**Lot Lines, Front:** All lines dividing the lot from the street or streets.

**Lot Lines, Side:** All lines extended from a street which divide separate lots abutting the street.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement).

**Manufactured Home:** A structure, transportable in 1 or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities.

**Microbrewery:** An establishment that is primarily used for producing beer and may include retail and food service as an accessory use. The brewing operation does not include the production of any other alcoholic beverage. The brewery shall not produce more than 15,000 barrels of beer or ale per year.

## ARTICLE 10 - DEFINITIONS

**Mobile Food Vendor:** A temporary food service stand that is portable or mobile, not attached to external utilities, and does not exceed 20 feet in length.

**Mobile Home:** A moveable dwelling built on a chassis designed without a permanent foundation, connected to utilities, meant for year-round living and exceeding twenty (20) feet in length.

**Motel, Motor Court, Tourist Court:** A building or group of buildings that provide accommodations, but do not permit cooking, primarily for transient motorists.

**Motor Vehicle Refueling/Re-energizing Station:** A facility for the retail sale of motor vehicle fuel, gas or energy, e.g., gasoline, propane or electricity, dispensed directly to the vehicle from pumps, plugs, couplings or some other approved means. Said stations do not provide for the repair or servicing of motor vehicles.

**Multifamily Dwelling:** A dwelling containing 3 or more dwelling units.

**Multiple-Owner Development:** Real estate with respect to which any person, by virtue of his ownership of a unit described in either a declaration or other covenants, conditions and restrictions applicable to the development, is obligated to pay for real property taxes, insurance premiums, maintenance or improvement of other real estate described in that declaration, or in those other covenants, conditions and restrictions. For purposes of these regulations, a multiple-owner development includes a cooperative, condominium, planned unit development, and any other form of real estate meeting the terms of this definition. "Ownership of a unit" does not include holding a leasehold interest of less than 20 years in a unit, including renewal options.

**Natural State:** Land that is undisturbed by human intrusions, including but not limited to: construction; filling or excavation; removal or destruction of trees, shrubs or vegetation (live or dead); and activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or the preservation of wildlife.

**New Construction:** Structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes subsequent improvements to such structures.

**Non-Conforming Structure:** A structure or building, of which the size, dimensions or location was lawful at the time of adoption or amendment of these regulations, but which by reason of such adoption or amendment fails to conform to the present location, bulk or dimensional requirements of the zoning district in which it is located.

**Non-Conforming Use:** A use of land, building or premises which is not a use permitted by the provisions of these regulations for the district in which such land, building, or premises is situated.

**Non-Profit Organization:** An organization exempt from Federal Income Tax under Section 501(c) of the Internal Revenue Code.

**Nuc:** A 4-5 starter colony of bees that is used to establish new colonies or replace colonies that have died over the winter.

**Open Space Land:** Any lands used for agriculture, parks, natural areas, forests, camping, fishing, wetland preservation, wildlife habitat, reservoirs, hunting, golfing, boating, historic and scenic preservation, and other purposes as set forth in State and Federal laws and regulations.

**Open Space Land, Developed:** Any portion of a lot or parcel accepted by the Commission in the fulfillment of Open Space requirements of these regulations.

**Open Space Land, Subdivision:** Any parcel or area of land or water essentially unimproved, except under circumstances noted within this regulation, and set aside, dedicated, designated or reserved for public use or enjoyment, acquired through the Planning and Zoning subdivision process.

## ARTICLE 10 – DEFINITIONS

**Outdoor Display:** Display of items offered for sale outside of a building and visible to the public, by a commercial enterprise that occupies the site. Outdoor display is typically only 1 or 2 of the same (or similar) object and is NOT outdoor storage of multiple units of the same item. Any items that are brought inside the building at night are automatically considered outdoor display.

**Outdoor Storage:** Storage of any material outside of the building. (This does not include off-street parking of street-ready commercial vehicles used in the operation of the business.)

**Parcel, Corner:** A parcel having 2 adjacent sides facing a street or streets, so that the interior angle of the intersection is not more than 120 degrees.

**Parcel Line, Front:** All lines dividing the parcel from the street line.

**Parcel Line, Side:** All lines extended from a street which separate the parcel from other lots, parcels, or acreage.

**Parcel, Improved:** A piece of land, usually several acres, occupied or capable of being occupied by a group of buildings under the same or multiple ownership, as in the case of multifamily dwellings, or public, institutional, or commercial buildings, and the accessory buildings or uses customarily incidental to them, including such yards, buffers and open spaces as are required by these regulations.

**Personal Services Shops:** Establishments primarily engaged in the provision of services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, shoe repair shops, and tailor shops. Tattoo Parlors are not considered a personal services shop, nor are massage services, other than those provided by a massage therapist licensed by the State of Connecticut.

**Pervious Surface Coverage:** Surfaces consisting of a variety of types of pavement, pavers, concrete and other devices that provide storm infiltration while serving as a structural surface. Pervious surface can be used to add an additional 5% of coverage on the lot when a minimum of 10% of the surfaces are pervious surfaces.

**Pet, Large Domestic Animal:** Includes, but is not limited to, horses, cows, goats, sheep, and llamas kept for personal use.

**Pickup Coach or Pickup Camper:** A structure that mounts on a pickup or truck chassis and is equipped for use as a temporary dwelling while traveling.

**Premises:** That portion of a lot or structure or building actually in use for the specific purpose or use under consideration.

**Recreation, Active:** Activities that require physical exertion by people and/or physical alterations to the land, such as (but not limited to): exercise walking, sledding, skiing, camping, running, and organized group play.

**Recreation, Passive:** Minimally intrusive activities that allow the land to remain essentially in its natural state, such as (but not limited to): nature walks, bird watching.

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

**Restaurant:** An eating place where food is prepared, customers are served by waitpersons, meals are served in non-disposable containers and consumed at tables, within a building or outside courtyard area.



## ARTICLE 10 - DEFINITIONS

**Restaurant, Fast Food:** An eating establishment where most customers order and are served their food at a counter or in a motor vehicle, in disposable packages prepared to leave the premises, or to be taken to a counter or a table to be consumed.

**Road:** A strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, terraces, trails, streets, or other thoroughfares.

**Rooming House:** A residence in which the resident owner, or tenant, rents rooms for compensation to 1 or more persons, but not in excess of 6 persons.

**School:** A facility with classrooms for education, kindergarten through grade 12, in any combination.

**Screening:** The physical obscuring or blocking of a view into a site or portion thereof (e.g., dumpster screening obscures the view into a dumpster; site screening obscures the view into a site). Screening must be accomplished through landscaping, fencing or combination thereof. The field of view must be obscured visually, within 5 years, to such an extent that activity on the lot is not immediately apparent from an abutting lot or from the road.

**Setback:** The distance between 2 structures, or a structure and the street line or other clearly denoted reference point; e.g., street center line, center point of a cul-de-sac.

**Solar Energy System:** Solar energy systems include ground, pole, and roof mounted systems.

**Solar Energy System, Ground-Mounted:** A free-standing solar collection system that is installed as either a principal structure or an accessory structure on a recorded lot.

**Solar Energy System, Large:** A solar energy collection system, which is interconnected to the local utility electrical grid and generates electricity that can be sold directly into the wholesale electricity market through a regional transmission organization, and/or be used to serve all or part of the electric load at one or more properties and consumers.

**Solar Energy System, Roof-Mounted:** A solar collection system that is installed upon or is part of the roof of a building or structure located on the subject property. Systems integrated as awnings or attached to the roofs of porches, sheds, carports, and covered parking structures also fall under this distinction.

**Solar Energy System, Small:** An accessory solar energy collection system that includes either a solar photovoltaic system and/or a solar thermal system.

**Solar Parking Lot Canopy:** A solar energy system with a supporting framework that is placed on, anchored in the ground, and that is independent of any building or other structure which is used in a parking lot or the top story of a parking structure to shade vehicles in such lot or structure.

**Solar Photovoltaic (PV) System:** A solar collection system consisting of one or more building systems, solar photovoltaic cells, panels or arrays, and solar related equipment that rely upon solar radiation as an energy source for collection, inversion storage, and distribution of solar energy for electric distribution.

**Story:** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. Stories that do not contain habitable space shall not constitute a story with respect to allowed stories in a dwelling.

**Street Line:** The line separating a street right-of-way from adjoining property, not the paved or traveled roadway.

**Street:** Streets, avenues, boulevards, roads, lanes, highways, places, and any other thoroughfares which afford a principal means of access to abutting property, which are accepted by the Town or the State, and which are improved to a degree of traffic safety, and which will handle stormwater adequately.

## ARTICLE 10 – DEFINITIONS

**Structure:** A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

**Substantial Damage:** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any combination of repairs, re-construction, alteration, or improvements to a structure, taking place over a 10-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure “using the cost approach to value” prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, “Substantial Improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however include any improvement project required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

**Tourist Home:** A residence in which the resident owner, or tenant, rents rooms for compensation, primarily to 1 or more transients but not in excess of 6 persons.

**Unenclosed front porch:** A covered platform with a separate roof, at the front entrance to a house that is at least 70% open on three sides; the only enclosed side is the front wall of the house.

**Winery:** A facility where wine is manufactured, stored, bottled, and sold in sealed containers at wholesale. A winery may include on-site retail sales for some consumption off premises or offered on the premise consumption. Farm wineries and the offering, tasting, sampling, and selling of wine.

**Yard:** A space not occupied by a building, open to the sky, on the same lot as the principal building.

**Zoning Permit:** Certification in writing from the Zoning Enforcement Officer that a proposed building, structure, or use of land is in conformity with the zoning regulations. Such certification shall be issued prior to the issuance of a building permit.

## **ARTICLE 11 APPENDICES**

**APPENDIX A: Open Space Requirements for Pre-1999 Open Space  
Subdivisions**

**APPENDIX B: DA-15 Requirements**

**APPENDIX C: Illuminating Engineers Society Lighting Requirements**

**APPENDIX D: Revisions April 1980-Present**

**APPENDIX E: Land Use Application Fees**

**APPENDIX F: Designed Residence Zone (DRZ)**

**APPENDIX G: Senior Residence Development (SRD)**

**APPENDIX H: Electric Vehicle Supply Equipment (EVSE)**

**Section 11.1 APPENDIX A**

**OPEN SPACE REQUIREMENTS FOR PRE - 1999 OPEN SPACE  
SUBDIVISIONS**

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- 11.1 For the purpose of providing site flexibility for building arrangement, conservation of land resources and greater efficiency of utility systems, a subdivider may be allowed to reduce the lot requirement in RR, A-40, AA-30, A-30, and A-20 zones, provided the following requirements are met.
- a. The maximum number of lots to be permitted on a given piece of land is determined by reducing the total acreage by 10 percent for street right-of-way, and by dividing the remaining area by the minimum lot requirement of Section 10.2 for the zoning district in which the subdivision is to be located. For the purposes of determining the maximum number of lots to be permitted, the combined areas of regulated inland wetlands and watercourses, waterbodies, detention areas, utility easements, rights-of-way, or areas with slopes at or in excess of fifteen percent (15%) shall not be considered as part of the gross acreage.
  - b. Open space lots approved prior to 8/1/99 shall conform to the following schedule, rather than the schedule in Section 3.1.

APPENDIX A

ZONE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH
RR	20,000 sq ft	100 ft.	150 ft.
A-40	30,000 sq ft	120 ft.	150 ft.
AA-30	25,000 sq ft	120 ft.	125 ft.
A-30	20,000 sq ft	100 ft.	125 ft.
A-20	15,000 sq ft	90 ft.	110 ft.
ZONE	MINIMUM FRONT YARD	MINIMUM REAR YARD	MINIMUM SIDE YARD
RR	50 ft.	50 ft.	10 ft.
A-40	50 ft.	50 ft.	15 ft.
AA-30	50 ft.	40 ft.	15 ft.
A-30	50 ft.	40 ft.	10 ft.
A-20	40 ft.	30 ft.	10.ft
ZONE	MAXIMUM STORIES	MAXIMUM HEIGHT	MAXIMUM % LOT COVERAGE
RR, A-40, AA-30, A-30, A-20	2 ½	30 ft	15%

11.1.A All other requirements of Section 10 and 11 shall be complied with.

Each approved residential lot shall contain a contiguous buildable area (“buildable”) defined as exclusive of regulated wetlands and watercourses, waterbodies, detention areas, utility easements, rights-of-way, or areas with slopes at or in excess of 15%) of at least 10,000 square feet, into which a square of ninety feet by ninety feet (90’ x 90’) can be located, and on which the dwelling must be located.

## Section 11.2 APPENDIX B

### DESIGNED RESIDENCE A-15 ZONE (DA-15) REQUIREMENTS

#### 4.3.30 Designed Residence A-15 Zone (DA-15) General

##### 4.3.30.1 A. Purpose

The purpose of the Designed Residence A-15 zone is to afford South Windsor innovative developments reserved for one and two family homes, which constitute well-planned, functional, and aesthetically pleasing residential environments, and which, by design, are compatible with abutting zones and uses.

##### B. Establishment of Zone

No land shall be changed to the Designed Residence A-15 (DA-15) zone unless it comprises a minimum of fifteen (15) acres; or unless it directly abuts a DA-15 zone. Public sewer and water service shall be available to the site.

The DA-15 zone shall be established by the Commission only after taking into account various factors favorable and unfavorable to such a change, including, but not limited to:

- a. the purposes of zoning;
- b. the goals and objectives of the Plan of Development;
- c. the supply of land available in the present and proposed zone;
- d. traffic impacts;
- e. impact on property values;
- f. the physical suitability of the land for the proposed zone;
- g. environmental impacts;
- h. neighborhood acceptance weighed against community needs;
- i. impacts on the surrounding area;
- j. changes that have taken place in the rate and pattern of development and land use within the Town and the adjoining communities;
- k. the health and general welfare of the community;
- l. impacts on the capacity of the present and proposed utilities, streets, drainage systems, and other improvements; and
- m. the protection of historic factors.

### 4.3.30.2 **Permitted Uses**

- A.** Permitted uses: Within the DA-15 zone, the following uses of buildings and land shall be permitted only by Special Exception, subject to the requirements of these regulations:
1. One family and two family dwellings, regardless of the form of ownership of the land buildings.
    - a. Two family dwellings will be limited to no more than forty percent (40%) of the total number of dwelling units.
  2. As determined and approved by the Commission, uses which are expressly accessory to No. 1 above, intended and designed for the maintenance or operation of the property and/or the use of its residents.
  3. Municipal uses: General Plan of Development and special Exception requirements may be waived by the Commission for municipal uses.
  4. Farms (nursery, tree crop, orchard) except as prohibited below. General Plan of Development and Special Exception requirements may be waived by the Commission for farm uses.
- B.** Use Identified: All Special Exception applications for Designed Residence A-15 (DA-15) developments shall clearly identify, in writing, the proposed form of ownership of the real estate, for which Commission approval is requested.
- C.** Use Conversions: No Designed Residence A-15 (DA-15) development (except where prohibited by action of the General Assembly) shall be converted to another Designed Residence A-15 use, or other use, nor to another form of ownership of the land and buildings, except in conformity with and as permitted by these regulations. No such conversion shall be allowed until a Special Exception for such conversion, complete with a Site Development Plan prepared in accordance with Section 4.13, has been approved by the Commission. Said Special Exception application shall clearly show the modifications planned to improve the site for the intended purposes.
- D.** Prohibit Uses: Within the DA-15 zone, the following uses are prohibited:
1. All uses not expressly permitted in Section 4.3.30.2.A above, except where otherwise allowed in these regulations.
  2. Domestic poultry, fur breeding, or domestic animal operation, including farms for the production of same.
  3. Home occupations, except where approved by the Zoning Board of Appeals under Section 11.4.1.d.
  4. Kennels, including commercial kennels.
  5. The keeping of swine, animals raised for pelts, horses or ponies or other equines.
  6. The keeping of livestock animals.
  7. Commercial or industrial uses.

4.3.30.2

### 4.3.30.3 **Procedure**

**4.3.30.3.1 Zone Change/General Plan of Development Approval**

The DA-15 zone shall not be established until a Zone Change and a General Plan of Development (hereafter referred to as “General Plan”) for the site in question has been approved by the Commission and taken effect.

Applications for a Zone Change/General Plan approval shall be submitted with required fees on the Commission’s form (in triplicate), a minimum of two weeks prior to the Commission’s regular monthly meeting. Complete applications shall include seven (7) blue or black line copies each of the General Plan map prepared in accordance with Section 11.2.3. b-d, of these regulations and all other required documentation and submissions. The Commission shall determine whether or not an application is complete. Where the subject application requires action by another local Agency, the Commission may accept an application for a zone change which is in substantial compliance with Section 4.6.4.9, subject to complete compliance no less than fifteen (15) days prior to the public hearing. Incomplete applications may be removed from the agenda and returned to the applicant without further action. Applicants shall review their proposal with Town Staff in advance of application submission.

The Commission may request reports and/or reviews from governmental Agencies, Commissions, Officials or others. The applicant shall furnish to said parties copies of application documents and maps and other information as direct by the Commission. Copies of such reports shall be provided to the applicant.

Said applications shall be considered at a public hearing and acted upon within the time limits set forth under Section 8-7d of the Connecticut General Statutes, as amended. Beyond the requirements of Section 4.3.30, at the public hearing the applicant or his agent shall present information required in Section 11.2.3e.

At least ten (10) days prior to such hearing the applicant shall be responsible for displaying one or more signs advertising the Zone Change/General Plan application, and public hearing for same, on the site and in a location or locations clearly visible from all town or state highways abutting the subject property.

If the application is approved, the Commission shall assign the parcel a DA-15 Zone classification. The effective date of said Zone Change shall be as is fixed by the Commission in accordance with Section 8-3(d) of the Connecticut General Statutes, as amended, provided a final zone change map prepared in accordance with Section 11.2.3.g and h of these regulations, and conforming to the A-2 requirements of the “Code of Recommended Practice for Standards of Accuracy of Surveys and Maps” of the Connecticut Association of Land Surveyors, Inc., and a General Plan may have been stamped and signed by the Commission and filed by the applicant in the office of the Town Clerk. The official zoning map shall be amended accordingly following the effective date of any such zone change.

### **4.3.30.3.2 Special Exception and Site Development Plan Approvals**

Within a DA-15 Zone, no building permit shall be issued, no building or structure shall be erected, and no land use or land development activity shall be undertaken until a Special Exception and Site Development Plan Map(s) have been approved by the Commission and taken effect for said building or structure, land uses, or land development activity. Any changes in facilities or uses to that approved in the Special Exception/Site Development Plan application shall require additional approval of the Commission; and, at the discretion of the Commission, may require a new application.

Applications for Special Exception/Site Development Plan approval shall be submitted with the required fees on the Commission's form (in triplicate), a minimum of two weeks prior to the Commission's regular monthly meeting. Complete applications shall include seven (7) blue or black line copies each of the Site Development Plan map(s) prepared in accordance with Section 4.3.30 and 4.13 of these regulations, and all other required documentation and submissions. The Commission shall determine whether or not an application is complete. Where the subject application requires action by another local Agency, the Commission may accept an application for a Special Exception/Site Development Plan which is in substantial compliance with Sections 4.3.30 and 4.13 subject to compliance no less than fifteen (15) days prior to the public hearing. Incomplete applications may be removed from the agenda and returned to the applicant without further action.

All Special Exception applications shall include typical floor plans for dwelling units and recreational buildings, architectural elevations, outdoor lighting plans and samples or specifications of exterior building materials to be used.

The Commission may request advisory reports and/or reviews from governmental Agencies, Commissions, official or others. The applicant shall furnish to said parties copies of application documents and maps and other information as directed by the Commission. Copies of any such reports shall be provided to the applicant.

Said applications shall be considered at a public hearing and acted upon within the time limits of Section 8-7d of the Connecticut General Statutes, as amended.

At least ten (10) days prior to such hearing, the applicant shall be responsible for displaying one or more signs advertising the Special Exception/Site Development Plan application, and public hearing for same, on the site and in a location or locations clearly visible from all town or state highways abutting the subject property. Insofar as the development of the DA-15 site may be best undertaken in phases, applications may be submitted for each individual phase or for the development in its entirety. Each such application and map shall conform to and include the information required in the approved General Plan. Every phase shall be capable of independent existence without the completion of additional phases.



4.3.30.3.2 The site development plan shall include the following: The percentage of impervious lot coverage; all yards; all bus shelters; the location and dimensions of all fire lanes; location of all fire hydrants (on the topographic plan); the size and location of storage areas and the identifications of the dwelling units being assigned said storage area shall be shown on the floor plans; off street parking elements as indicated in Section 4.3.30.4.5.f; and landscaping elements as indicated in Section 4.3.30.4.6.

No approved Special Exception, whether for an individual phase or the development in its entirety, shall take effect until the requirements of Sections 8-3c and 8-3d of the Connecticut General Statutes have been met, and the approved Site Development Plan map has been stamped and signed by the Commission and filed by the applicant in the office of the Town Clerk.

4.3.30.4 **General Requirements**

4.3.30.4.1 **Area and Density Requirements**

- A. Site Size: Minimum site size shall be fifteen (15) contiguous acres not divided by a public street. The entire site shall be located in the DA-15 Zone.
- B. Ownership: The applicant shall present evidence that all land within the proposed Designed Residence A-15 development or phase is controlled or owned by the applicant.
- C. Flood Plain Land: Land contained within the Flood Plain District may not apply toward the minimum site size, however, may be dedicated for open space uses subject to the requirements of the Flood Plain District.
- D. Density: The overall density of the development shall not exceed three and one-half (3 ½) dwelling units per acre of “gross acreage”. Gross acreage shall exclude the Flood Plain District or any 100 year flood plain area. For the purpose of determining allowable density, the combined areas of regulated inland wetlands and watercourses, waterbodies, detention (existing and proposed) areas, utility easements, rights-of-way, or areas with slopes at or in excess of fifteen percent (15%) shall not be included in calculations of the gross acreage. Computations for allowable density and gross acreage shall appear on the General Plan of Development and the Site Development Plan.

4.3.30.4.2 **Dimensional Requirements**

- A. Building Height: No structure in a DA-15 residential development shall exceed thirty (30) feet in height. Buildings shall not exceed two and one-half (2 ½) stories in height. Habitable attics are permitted; however, such habitable attic shall not count as an additional story nor shall any floor area of each habitable attic apply toward the minimum living area requirement of these regulations. A basement shall not count as an additional story. No improved basement floor area shall apply toward the minimum living area requirement of these regulations.

## Article 11- Appendices

### South Windsor Zoning Regulations

### DA-15 REQUIREMENTS

- 4.3.30.4.2 **B.** Lot Coverage: Maximum lot coverage with buildings, parking lots, and other impervious surfaces shall not exceed fifty (50) percent over the entire development.
- C.** Lot Width: Minimum lot width shall be fifty (50) contiguous feet (measured at the front building line and street line). This is applicable to the entire parcel, not to individual lots within a planned unit development. Lot widths for individual lots within a planned unit development shall be as determined by the Commission.
- D.** Minimum Yards: Minimum yards shall be as follows:
- Front Yard: Forty (40) feet
- Side and Rear Yards: Twenty-Five (25) feet
- The above yards apply to the site's perimeter. Yards for individual lots within a planned unit development shall be as determined by the Commission.
- E.** Courts: Courts shall be completely open on one side. Such opening shall be in accord with the setback requirements of this Section.
- F.** Minimum Setbacks: Minimum setback between accessory buildings, or between accessory buildings such as storage sheds or garages and buildings containing dwelling units, shall be consistent with good design relative to fire safety, emergency access, function, and aesthetics, as approved by the Commission.
1. Minimum distance between buildings shall be twenty (20) feet.
  2. a. Minimum setback shall be forty (40) feet between any building (except bus shelters) and the centerlines of the site's principal streets. Minimum setback shall be sixty-five (65) feet between any building (except bus shelters) and the centerpoint of a cul-de-sac for the site's principal streets.
  - b. A garage or carport may be up to fifteen (15) feet nearer to the centerline or centerpoint in each instance.

#### 4.3.30.4.3 **Design Standards**

- A.** Each Designed Residence A-15 development shall incorporate good design, balancing aesthetics and function, and avoid monotonous patterns through such features as staggered building setbacks and careful juxtaposition of buildings.
- B.** Applicants shall demonstrate to the Commission that they have considered, in developing the plan, using passive solar energy techniques which would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions. Passive solar energy techniques mean site design 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 be limited to:

4.3.30.4.3

- a. House orientation;
- b. Street and lot layout;
- c. Vegetation;
- d. Natural and man-made topographical features;
- e. Protection of solar access within the development.

C. The roof of each building shall have adequate pitch and none shall have a flat roof.

D. Noise Control: Each common wall, floor and ceiling between dwelling units and corridors, lobbies and other public areas, and an exterior wall of a dwelling unit, shall be designed and constructed to minimize the transmission of noise.

E. Shock Mounting: When installed in a two-family dwelling, any permanent mechanical equipment such as a motor, compressor, pump or compactor, which may be a potential source of structural vibration or structure borne noise, shall be shock-mounted in a manner approved by the Building Official.

F. Outdoor Clotheslines: An outdoor clothesline shall not be installed unless located in an inconspicuous area and properly screened.

G. Bus Shelters: In the event regular public passenger transportation will be available to residents of the development, a shelter shall be provided by the developer at a location convenient to the residents and readily serviceable by the passenger transportation operator. The design and material composition of a shelter shall be approved by the Commission.

A shelter area contained within a building accessible and convenient to all residents of the development and readily serviceable by the passenger transportation operator, such as a community building, may be substituted for a free standing structure if approved by the commission.

The Commission shall require an adequate bus shelter for children if the development may house school aged children.

H. Handicapped Access: Provisions for the physically handicapped, including wheel-chair access, curb cuts and curb inclines for sidewalks, dwelling units expressly designed for the handicapped, building access, parking space location and other architectural treatments, shall be in accordance with the State of Connecticut Basic Building Code, and other applicable rules and laws. The Commission may modify the application and plans to ensure that special needs of handicapped residents are met.

I. Fire Safety: The development shall be designed to meet minimum standards for fire safety. Each dwelling unit shall contain a smoke alarm. Fire hydrants and the water system shall be installed in accordance with the requirements of the Commission and Fire Marshal. Unobstructed emergency vehicle access shall comply with all applicable codes and the requirements of the Chief of Police and Fire Marshal, and be approved by the Commission.

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4.3.30.4.3 **J. Building Insulation:** Each building containing dwelling units shall be insulated in the uppermost roof/ceiling with a minimum of nine (9) inches of fiberglass batt insulation or insulation of equivalent “R” value, and shall be insulated in the exterior walls to the full framing thickness. Insulation shall also be provided in common walls and floors/ceiling between dwelling units and between dwelling units and common or public areas.

**K.** All other requirements of these regulations, including but not limited to Sections 3, 4.13, 5, 7, and 8, shall apply, except as noted in this Section.

### 4.3.30.4.4 **Dwelling Size and Type, Storage**

**A.** One family dwelling. See requirements of Section 6.2.

**B.** Two family dwelling. See requirements of Section 6.3.

### 4.3.30.4.5 **Improvements**

**A.** All streets, parking lots, accessways, sidewalks, landscaping, utilities, storm drainage facilities and other improvements shall be installed in accordance with the procedures and design standards of these regulations, the South Windsor Subdivision Regulations, and the Town of South Windsor Roadway and Storm Drainage Standards dated January, 1979, as amended. Where conflicts between these regulations and standards arise, resolution shall be as determined by the Commission.

Where, in the judgment of the Commission, off-site improvements to the municipality’s infrastructure (including, but not limited to, streets, sidewalks, storm drainage, facilities, illumination, or other systems) are required in order to minimize the adverse impacts of the development on the infrastructure, or to ensure the development will function adequately, such improvements shall be installed at the expense of the applicant.

**B.** Solid Waste Disposal: Solid waste removal services shall be provided by the owners of the development, with all costs thereof incurred by same. All solid waste stations (dumpsters) shall be placed on a concrete pad, appropriately screened, maintained, and shown on the site development plan.

**C.** Utilities: All such developments shall be serviced by operating public sewer and public water systems. All utilities shall be placed underground, unless under-ground installation is waived by the Commission due to extenuating circumstances, such as severe soil limitations.

All necessary utilities, including electrical, gas, and telephone, shall be a separate service to each dwelling unit, and shall be individually metered. Each dwelling unit shall have a separate water shut-off valve.

Domestic hot water, space-heating, and cooling systems shall be separate for each dwelling unit.

- 4.3.30.4.5 **D. Streets:** All streets and accessways, within the development, shall be installed by the applicant in accordance with Town procedures and design standards; and shall be owned, and maintained, by the owners of the development.

Street or accessway pavement shall be installed no closer than ten (10) feet from a property line.

Centerlines for all principal access streets shall be shown on the site development plan.

The Commission may require a second point of egress.

Points of vehicular ingress and egress shall be consistent with public safety and welfare, and shall provide no undue hindrance to the safety conditions of existing or proposed streets.

All streets, and accessways, other than the development's principal streets, shall have a minimum inside turning radius of twenty-four (24) feet. The principal streets shall have a minimum width of twenty-six (26) feet. One-way streets, and accessways, shall have a minimum width of sixteen (16) feet, except greater widths may be required to accommodate vehicular movements where parking is provided contiguous to accessways. Where deemed desirable by the Commission for the reasons of improved circulation and/or improved site design, the minimum street width standards described above may be reduced by the Commission.

- E. Outdoor Illumination:** Outdoor lighting shall be provided, to ensure proper illumination of streets, parking areas, certain recreational facilities, and walkways, in locations and type as approved by the Commission. Such lighting shall be shielded and directed so that indirect light, falling outside the development, shall be of a low intensity, shall not cause a nuisance from excessive glare, nor shine into the eyes of anyone external to the site.

- F. Off-Street Parking:** At least two (2) off-street parking spaces shall be provided for each dwelling unit in a two family dwelling, and two and one-half (2 ½) off-street parking spaces shall be provided for each dwelling unit in a one family dwelling. In addition to the minimum number of parking spaces required for passenger vehicles, the Commission may require a special area containing at least one (1) parking space for every ten (10) dwelling units for the storage of recreational vehicles, boat trailers, and the like. This area may also be used for the parking of visitors' vehicles.

No credit for parking shall be allowed on traffic accessways or on the principal street. Parking shall be restricted to designated areas and driveway servicing individual dwelling units and in front of garages. Driveways servicing individual garages shall be at least twenty (20) feet in length and eleven (11) feet in width.

Dwelling units shall be located at a distance from such off-street parking as determined by the Commission; however, no dwelling unit shall be located more than two hundred (200) feet from the parking spaces serving said unit.

Excepting parking areas expressly designated for the physically handicapped, minimum setback shall be twenty-five (25) feet between any unenclosed parking space and the centerline of the site's principal streets; and minimum setback shall

- 4.3.30.4.5 be fifty (50) feet between any unenclosed parking space and the centerpoint of a cul-de-sac for the site's principal streets.

Excepting parking areas expressly designated for the physically handicapped, minimum setback shall be fifty (50) feet between any unenclosed parking space and any property line, and minimum setback shall be fifteen (15) feet between any unenclosed parking space and any building containing dwelling units.

Parking areas shall be divided into sections containing not more than twenty-five (25) parking spaces, by means of landscaped strips/areas planted with nursery grown trees and shrubs. Such landscaped areas shall be designed to preclude vehicles from damaging said trees and shrubs.

Elevations at all corners and control points of all parking shall be consistent with public safety and welfare and shall provide no undue hindrance to fire or other emergency apparatus, or to the safety of existing or proposed ways.

Minimum width of one-way traffic accessways, i.e., driveways, with parking on one or more sides of and contiguous to said accessways, shall be sixteen (16) feet with 45° parking on one side, eighteen (18) feet with 60° parking on one side, and twenty-six (26) feet with 90° parking on one side, or with parking (at any angle) on both sides. All two-way traffic streets or accessways, including those between parking spaces and in parking lots, shall be twenty-six (26) feet in width. All required widths of accessways, streets, and driveways set forth above, are in addition to required parking spaces. Parking shall be prohibited within the minimum required widths of streets, accessways or driveways.

Required parking spaces shall be not less than nine feet by eighteen feet (9 x 18) where such parking is outdoors and no less than one hundred eighty (180) square feet where in a garage. All parking spaces shall be paved with bituminous concrete, concrete, or other suitable surface material as approved by the Commission. Except where otherwise noted in this Section, the requirements of Section 8 of these regulations shall be complied with in full.

Where deemed desirable by the Commission for the reasons of improved circulation and/or improved site design, the minimum street width standards described above may be reduced by the Commission.

- G. Prohibited Parking:** Association rules shall limit the number of trucks and other commercial vehicles that can be parked on the site.
- H. Pedestrian/Bicyclists Circulation:** Safe pedestrian and bicyclists circulation shall be provided, to safely interlink the development with its own facilities and with nearby shopping, service, institutional and governmental facilities. The Commission shall determine the composition and location of sidewalks.

**4.3.30.4.6 Open Space/Recreation: Landscaping Plan**

- A.** Open Space/Recreation: In order to conserve sensitive or exceptional features of the site and to afford adequate recreational facilities for the development's residents, the site development plan shall portray open space, and recreational areas and facilities, which provide conservation and sufficient passive and active recreational opportunities.

These common areas shall be designed to meet the special requirements of the development's residents.

Accordingly, such development may contain such facilities as: pedestrian paths; garden plots; child playgrounds or tot lots; gently sloping sports fields of sufficient size to accommodate active sports such as softball; courts for tennis, platform tennis, or basketball; and swimming pools.

Conservation areas may include streambelts, waterbodies and watercourses, wetlands, steep slopes, woodlands, flood plains, and other sensitive or exceptional natural features of the site.

The developer shall provide either:

At least seven hundred fifty (750) square feet of developed recreation land per dwelling unit; or

Three thousand six hundred (3600) square feet of undeveloped open space land collectively located and suitable for recreation, per dwelling unit.

The amount and location of conservation and open space land, as well as the constitution of the recreation facilities, shall be determined by the Commission.

The designated land shall be conducive to development and safe operation of the proposed recreational facilities.

The phasing of the installation of recreational facilities shall be indicated by the applicant and approved by the Commission.

At the discretion of the Commission, all open space shall be either dedicated to the Town as an acceptable condition of application approval, or established legally as part of a community association, such to be owned and satisfactorily maintained by the association.

- B.** Landscaping Plan: A landscaping plan, portraying all landscaping elements, shall be submitted with each site development plan application. This plan shall be incorporated into the maps comprising the site development plan, and shall be prepared by the qualified landscape professional. Suitable landscaping, including lawns and nursery-grown trees and shrubs, is required in all areas not covered by impervious surfaces, except where waived by the Commission, such as in areas with established natural vegetation.

The landscaping plan shall include a listing and count of all trees and shrubs to be installed by common and botanical name, size (caliper, height, maturity) at installation, and height and spread at maturity. Large trees and stands of mature trees

4.3.30.4.6 and shrubs) are to remain undisturbed where practical and desirable. All trees (and shrubs) to remain undisturbed shall be tagged (or otherwise identified) in the field prior to commencement of site work, and shall be shown on the landscaping plan. No Certificate of Occupancy shall be issued until all landscaping elements have been completed; or in lieu of completion, surety has been posted in an amount sufficient to insure said completion (amount determined by Town Engineer).

All landscaping elements portrayed on the approved landscaping plan shall be maintained in a manner sufficient to ensure its continuing performance and the survival of all plantings. Where a maintenance problem arises, upon order of the Zoning Enforcement Officer, said landscaping shall be restored to a satisfactory condition consistent with the approved landscaping plan.

Front yard landscaping shall not obstruct line-of-sight for vehicles entering and exiting the premises, nor shall it unduly obstruct line-of-sight for vehicles traveling on abutting Town or State highways. Corner visibility shall be maintained consistent with Section 3.9 of these regulations.

The Commission may modify proposed landscaping plans to require additional buffer width, more mature plantings, different species, or alternative design, in order to afford a functional and aesthetically pleasing buffer area.

- C. Buffer Areas: When required by the Commission, landscaped buffer areas shall be established to mitigate visual, noise and other impacts where the site abuts an industrial, commercial, or institutional zone or use, including zones or uses across any street or railroad right-of-way.

All buffer areas shall be designed by a qualified landscape professional. The buffer design shall be portrayed on the landscaping plan. Such buffer area shall be no less than twenty-five (25) feet in width.

All buffer areas are in addition to the required yards.

Buffer designs shall conform to the requirements of an interplanted, standard or alternative buffer as described in Section 4.8.4.4 below.

#### 4.3.30.4.8 **Signs**

All signs are subject to the approval of the Commission. One detached free-standing sign indicating the name of the development may be permitted at up to two street entrances of the development, or at alternative locations as approved by the Commission. Each sign shall not exceed twenty (20) square feet in area, nor exceed seven (7) feet in height. Additional signs for the identification of individual buildings/facilities and warning and traffic control may be required or allowed.

All signs shall be located on the site development plan, and shall be described as to area, dimensions, height, materials and purpose. No such sign shall be installed if it poses a potential hazard or danger to pedestrians or bicyclists, nor shall any sign obstruct the line-of-sight for motorists or pedestrians.



**4.3.30.4.9 General Plan of Development**

A General Plan shall be prepared and submitted pursuant to the requirements enumerated in Section 4.6.4.9 below.

**4.3.30.4.10 Community Association**

Prior to the approval of any Special Exception application for a designed residential development, including condominium, cooperative, and other multiple-owner developments, but excluding rental apartment/home developments, the applicant shall submit to the commission a written certification of the following:

The applicant, or his assigns, shall comply with any relevant or any applicable Connecticut Statutes with respect to public offering statements for common interest communities, as defined by State law, as may hereafter be amended, as well as any other applicable State and municipal laws.

## Article 11- Appendices

### Section 11.3 APPENDIX C

#### ILLUMINATING ENGINEERS SOCIETY LIGHTING REQUIREMENTS

##### ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IESNA) MAINTAINED HORIZONTAL ILLUMINANCE RECOMMENDATIONS

LEVEL OF ACTIVITY	GENERAL PARKING AND PEDESTRIAN USE			VEHICLE USE ONLY		
	AVERAGE	MINIMUM	UNIFORMITY RATIO	AVERAGE	MINIMUM	UNIFORMITY RATIO
<b>HIGH</b> Major League Athletic Events Major Cultural or Civic Centers Regional Shopping Centers Fast Food Facilities	3.6	0.9	4:1	2.0	0.67	3:1
<b>MEDIUM</b> Community Shopping Centers Cultural, Civic, or Recreational Events Office Parks Hospital Parking Transportation Parking (airports, etc.) Residential Complex Parking	2.4	0.6	4:1	1.0	0.33	3:1
<b>LOW</b> Neighborhood Shopping Industrial Employee Parking Education Facility Parking Church Parking	0.8	0.2	4:1	0.5	0.13	4:1

## Article 11- Appendices

### Section 11.4 APPENDIX D

#### REVISIONS : APRIL 1980 -PRESENT

<i>Title</i>	<i>Old Section</i>	<i>Date</i>	<i>New Section After Renumbering in 1991</i>
Veterinary Hospital Kennel	Add 4.7.8j	4/26/80	Add 6.1.3.6
Flood Plain District	Add 4.10.2.4b; 4.10.4	4/26/80	Add 7.1.2.4b; 7.10.4; 1; 2.2.1
Housing for Elderly	Add 4.1.11; 1.5b	5/24/80	Same
Designed Commercial Zone	Add 4.12 to 4.12.7; 4.13.to 4.13.9; 4.22 to 4.11.9	10/20/80	Add 5.4 to 5.4.7; 8.1 to 8.11.10
Multifamily Residential	Add 4.6 to 4.6.4.10; 1; 2.1; 5.2; 6.3b; 8.3	3/21/81	Add 4.4 to 4.4.4.10; 1; 2.1; 10.2; 11.3.b 13.3
Vehicle Storage	Add 4.7.2.8k	7/11/81	eliminated 7/15/91
Vehicular Parking at Automobile Dealerships	Add 3.13.1; 8.7.4	3/27/82	Add 3.13.1; 13.7.4
Industrial Park Regulations	Add 5.2; 8.3; 1.11a; 4.8 to 4.8.9	9/29/82	eliminated 7/15/91
Golf Courses	Add 1.7c; 4.1.8.i	2/18/84	Same
Adult Housing	Add 1.1.c; 4.1.114/9/84		Same
Industrial Park	Add 4.8.4.9; 5.2 Footnote 2	8/1/84	eliminated 7/15/91
Designed Residence (DA-15)	Add 4.3.30; 2.1; 5.2; 6; 6.2; 6.3; 8.3; 8.4	10/25/84	eliminated 7/31/90
Designed Residence	Add 4.3.30.4.1.D; 4.3.30.4.5.D and F	1/28/85	eliminated 7/31/90
Multifamily Residential	Add 4.6.4.3.C	2/4/85	Add 4.4.4.3.C
Industrial	Add 4.7.2.8.1	2/4/85	Add 6.1.3
Adult Housing	Delete 1.1.c; 4.1.11	2/20/85	Same
CT River Conservation Zone	Add 3.19	4/22/85	Same
Open Space Lot Sizes	Add 5.3.b	9/20/85	Add 10.3.b
A-30 Zone Lot Sizes	Add 5.2	9/20/85	Add 10.2
Conservation Plan	Add 4.13.6; 4.13.7.1; 1.3d	9/30/85	Add 8.1.6; 8.1.7.1; 1.3d
Developed Acreage	Add to Definitions	5/5/86	Same
Compartmentalized Warehousing in GC Zone	Add 4.5.2.4; 4.5.2.16.1	6/2/86	Deleted 3/9/87
I and GC Zones Maximum % Coverage	Add 5.2 Footnote 4	6/2/86	Add 10.2 Footnote 4
As-Built Drawings	Add 4.13.10	12/1/86	Add 8.1.10
Building Line	Add 1.2f	12/1/86	Same
Lot Minimum Width	Modify 1.12f	12/1/86	Same
Open Space (length of time)	Add 5.3.f	12/15/86	Add 10.3.f
Density			

## Article 11- Appendices

<i>Title</i>	<i>Old Section</i>	<i>Date</i>	<i>New Section After Renumbering in 1991</i>
Open Space Subd.	Add 5.3.a	12/15/86	Add 10.3.a
DA-15	Add 4.3.30.4.1.D	12/15/86	Deleted 7/31/90
Multifamily	Add 4.6.4.1.D	12/15/86	Add 4.4.4.1.D
Compartmental Warehouse Facilities	Delete 4.5.2.16, 4.5.2.16.1	3/9/87	Deleted 3/9/87
Site Plan	Modify 4.13.2.1.f	3/9/87	Modify 8.1.2.1.f
Residential Building Lots	Add 5.1.a	3/9/87	Add 10.1.a
Temporary and Conditional Permits	Modify 3.17.1	10/12/87	Same
Lot Frontage	Modify 1.12.f	10/12/87	Same
Densities	Add 4.6.4.1.d	10/12/87	Add 4.4.4.1.d
Alcoholic Liquors	Modify 3.12.1	1/23/88	Same
Architectural Review Board	Add 4.20	2/2/88	Add 9.1.1
Buffers	Modify 4.3.30.4.6.c; 4.4.5; 4.5.4.1; 4.6.4.7; 4.7.4.2; 4.8.4.4; 4.9.4.5; 4.12.4.i; Add Definition; 2.8; 5.4; 5.4.1; 5.4.2; 5.4.3; 5.4.4; 5.4.5; 5.4.6; 5.4.7; 5.4.8	2/2/88	Modify 4.4.4.7; 5.1.5; 5.2.4.1; 5.3.4.5; 5.4.4.1; 6.1.5.4; Add Definition; 2.8; 10.4; 10.4.1; 10.4.2; 10.4.3; 10.4.4; 10.4.5; 10.4.6, 10.4.7; 10.4.8
Day Care Centers	Add 4.9.2.3; 4.9.2.3.2; 4.5.2.16; 4.5.2.16.2; 4.4.2.9; 4.4.2.9.a; 4.8.2.8; 4.8.2.8.a; 4.7.2.8; 4.7.2.8.m; 4.12.2.1; 4.12.2.1.a	10/15/88	Add 5.3.2.3; 5.3.2.3.25.2.2.16; 5.2.2.16.25.1.2.9.1; 5.1.2.9.a; 5.4.2.2; 5.4.2.2.a; 6.1.3.8; 6.1.3.8.m
Administration & Enforcement	Add 11.1; 11.1.2; 11.1.3	10/15/88	Add 16.1; 16.1.2; 16.1.3
Impervious Coverage	Modify 5.2; Add 1.9.a Delete 5.2.1; 5.2.3; 5.2.4	10/15/88	Modify 10.2; Add 1.9a
Designed Residence (DA-15)	Modify 4.3.30	5/16/89	eliminated 7/31/90
Special Exception Clarification	Modify 11.4.1.b	6/7/89	Modify 16.4.1.b
Use Variances Prohibited	Add 11.4.1.c	6/7/89	Modify 16.4.1.c
Office Park Zone	Add 4.12.8; add to 4.12.8, 5.2, 5.4, 8.3, 8.8	10/14/89	Modify 5.5.8.1; add to 10.2; 10.4; 13.3; 13.8
Impervious Coverages	Add 4.1.8.b, 4.1.8.c.3 4.1.8.d.3, 4.1.8.e.6, 4.1.8.f, 4.1.8.g, 4.1.8.h.4, 4.1.8.i.7, 4.1.10.n, 4.1.11.k, 4.2.2, 4.2.3.d, 4.2.7, 4.3.1, 4.3.3, 4.3.9	11/21/89	Same
Buffers in Non-Residential Zones	Add 4.1.20, 4.2.9, 4.3.10 ,Modify 5.4.2	2/20/90	Add 4.1.20; 4.2.9; 4.3.10; Modify 10.4.2

## Article 11- Appendices

<i>Title</i>	<i>Old Section</i>	<i>Date</i>	<i>New Section After Renumbering in 1991</i>
Special Exception RR Zones	Modify 4.1.8	2/20/90	Same
Special Exception AA Zones	Delete 4.2.2; Modify 4.2.8	2/20/90	Same
Special Exception A Zones	Modify 4.3.1	2/20/90	Same
Parking Regulations	Modify 8.4	4/28/90	Modify 13.4
Designed Residence Zone (DRZ)	Add 4.11	5/19/90	Add 5.4
Office Conversion Overlay Zone (OCO)	Add 4.14	5/19/90	Add 5.6
Interior Lots	Add 5.5	6/11/90	Add 4.6.1
Designed Residence (DA-15)	Delete 4.11	7/31/90	Same
Designed Residence (DRZ)	Modify 4.11	12/21/90	Modify 4.5
Mixed Uses in Commercial / Office	Add 4.14	03/23/91	Add 5.7
Designed Residence	Modify 4.11.2.a	6/15/91	Modify 4.5.2.a
Accessory Apartments	Add 4.14	6/15/91	Add 4.7
Industrial/Industrial Park	Modify 4.7, Delete 4.8	7/15/91	Modify 6.1

## Article 11- Appendices

<i>Title</i>	<i>Section(s)</i>	<i>Date Approved / Effective Date</i>
Renumbering of Zoning Regulations	All Sections	9/1/91
Accessory Apartments	Add Section 4.7.4 and 4.7.5	8/3/92
Restricted Commercial	Modify Section 5.1.2.6	10/13/92
Senior Residence Development	Add Section 4.1.12, 4.2.8.e, 4.3.11, 5.1.2.9.2, 5.3.2.3.b	11/06/92
Designed Residence	Modify Section 4.11	01/26/93
Senior Residence Development	Modify Section 4.1.12	01/26/93
Day Care - RR zone	Add Section 4.1.13	05/18/93
Day Care - RC Zone	Add Section 5.2.2.9.3	05/18/93
Day Care - GC Zone	Add Section 5.1.2.16.2	05/18/93
Zone Change Applications	Modify Section 16.2.3	10/05/93
Home Occupations	Add Section 4.8	11/09/93
Buckland Road Gateway Development Zone	Add Section 5.8	04/15/95
Temporary & Conditional Permits	Modify Section 16.4.1.d, 3.17	11/19/95
Senior Residence Development	Modify Section 4.1.12.c	11/28/95
I-291 Corridor Development Zone	Add Section 5.9	12/31/95
Senior Residence Development	Modify Section 4.1.12	
Subdivision Open Space Use and Maintenance	Add Section 10.3.g	6/11/96
Seasonal Outdoor Dining/Restaurants	Add Section 5.10	6/11/96
Essential Community Services, RR zone	Modify Section 4.1.8.h	7/30/96
Rural Residential Overlay Zone (RROZ)	Add Section 5.11	4/22/97
Farm Stands	Add Section 4.1.8.1	5/26/97
Wireless Telecommunications Facilities	Re-number Section 16 Administration & Enforcement to Section 17; Add Section 16, Wireless Telecommunication Facilities, add definitions	7/15/97
SRD, Increase in number of units	Modify Sections 4.1.12.c, 4.1.12.f	7/15/97
Off-Site Parking for Non-Residential Uses in Residential Zones	Modify Section 13.2	9/30/97
Sign Regulations	Add New Section 17; change Administration & Enforcement to Section 18. Modify various sections to refer to new Signs section 17	1/1/98
Outdoor Storage	Add definition	1/10/98
Screening	Add definition	1/10/98
Application Notification Procedure	Add Section 3.20	1/10/98
Outdoor storage in I-291 Corridor Zone (not allowed)	Modify Section 5.9.5.c.5	1/10/98
Impervious coverage in single-family residential zones	Section 10.2-eliminate impervious coverage in RR, A-40, AA- 30, A-20 zones	1/10/98
Rear yard setback for above-ground pools	Modify section 10.2.4	1/10/98
References to obsolete MDC maps	Modify sections 4.4.4.9.A.7,	1/10/98

## Article 11- Appendices

<i>Title</i>	<i>Section(s)</i>	<i>Date Approved / Effective Date</i>
	4.5.5.c, 5.4.5 to delete references to MDC maps	
Acreage requirement for properties within 500' on zone change applications	Modify section 17.2.3.c to clarify that acreage is required	1/10/98
Site Plan of Development	Modify sections 8.1.1.1, 8.1.2.5, 8.1.5	1/10/98
Assisted Living Facilities	Add Section 4.20	1/27/98
In-Law Apartments	Modify Section 4.7 to include in-law apartments	1/27/98
Assisted Living Facilities	Modify Section 4.20.7	7/28/98
Adult Oriented Establishments	Add Section 5.2.2.16.2	10/23/98
Buckland Gateway Zone Revisions	Modify sections 5.8.5.a, 5.8.5.c.3, 5.8.5.d.1(e)	10/31/98
General Plan of Development	Add Section 8.1.2	10/31/98
Indoor Recreational Activities in Industrial Zone	Add Section 6.1.3.9	1/23/99
Open Space Subdivisions	Replace Section 10.3	8/1/99
Outdoor Lighting	Add Section 17.20, definitions	8/1/99
Municipal Recreation Facilities in I zones	Modify Section 6.1.3.1	10/15/99
Sullivan Avenue/Buckland Road Corridor	Add Section 3A; Modify Section 8, Site Development Plan; modify Section 10, Area, Yard & Height Requirements	8/5/2000
Buckland Road Gateway Development Zone	Delete Section 5.8 and replace with substantial modifications	10/1/2000
Housing for the Elderly	Modify Section 4.1.11	11/28/2000
Floodplain Definitions	Add definitions to Section II	2/13/2001
Multifamily Housing Room Count	Modify Section 4.4.4.4	3/17/2001
Indoor Recreational Activities in Industrial zone	Amend Section 6.1.3.9 to eliminate the words "for adults"	3/27/2001
Outdoor Lighting	Modify Section 17, many sections	2/15/2002
Housing for the Elderly	Modify Section 4.1.11.2c	4/30/2002
Senior Residence Development (SRD)	Modify sections 4.1.12c, f, h	7/23/2002
Assisted Living Facilities	Modify Section 4.20.2, Permitted Uses, to allow medical services to the general public	7/30/2002
Buckland Gateway Zone revisions	Modify Sections 5.8.6.a, 5.8.6.c, 5.8.6.c.6, 5.8.6.d to add standards for properties with a Gateway Zone designation but no frontage directly on Buckland Rd	11/29/2003
Elderly Housing	4.1.11.2c to modify cap and add waiver provision for number of units in one development	11/1/2003
Senior Residence Development	4.1.12.b to allow duplexes; 4.1.12.f density calculation with duplex	2/24/2004
Interior Lot Regulations	4.6.2.c to modify to allow lots to be proposed in A-20 zones	4/13/2004

## Article 11- Appendices

<i>Title</i>	<i>Section(s)</i>	<i>Date Approved / Effective Date</i>
RC Zones; Definitions	Add sections 5.1.3, 5.1.4 to add design and traffic flow standards. Modify definition of restaurant, add definition of fast-food restaurant	9/28/2004
Signs in Buckland Gateway Zone	Modify Section 17.8.5	10/12/2004
Grocery Stores in Buckland Gateway Zone	Modify Section 5.8.4, 2.8.5, 5.8.6.c.2	2/12/2005
Indoor recreational uses in I zone	Replace Section 6.1.3.9	10/29/2005
New Floodplain definitions	Add definitions to Section VII	12/17/2005
Duplex Dwellings	4.1.14 as a special use requiring a Special Exception	1/27/2007
Strip Commercial Prohibition in Gateway Zone	Modify Section 5.8.1	5/8/2007
Single family units in Multifamily zone	Modify Section 5.8.1	5/8/2007
COMPREHENSIVE REWRITE OF ZONING REGULATIONS AFFECTING ALL SECTIONS	ALL SECTIONS	6/30/2007
Reduce front yard setback for unenclosed front porches	Add Section 3.1.2.H; add def. of unenclosed front porch	Approved: 8/19/2008 Effective: 8/23/2008
Floodplain maps	1.3.4 Revise date of floodplain maps	9/27/2008
Lot configuration	2.2 Prohibit complex lot configurations that result in unusable areas	9/27/2008
Projection into yards	2.6 Correct typographic error	9/27/08
Private garages	3.2.1.A.1.a Correct typographic error	9/27/2008
Interior lots	3.2.2.C.3 Restore unintentional deletion	9/27/2008
MF zone, permitted uses	3.4.2.A.1 Insert previously adopted amendment	9/27/2008
Alcoholic beverages in DC, RC zones; retail sales	4.1.1.A Restore unintentional deletion, delete unintentional addition	9/27/2008
RO & DC zones, lot & area requirements	4.1.6.A Correct typographic errors	9/27/2008
I-291 zone, lot & area requirements	4.4.4.A, D Restore unintentional deletions	9/27/2008
Floodplain Zone	5.2 FEMA – required amendmts to maintain National Flood Insurance Program eligibility	9/27/2008
Interplanted buffer	6.2.4 Delete 6.2.4.D.4	9/27/2008
Light poles	6.3 Restore unintentional deletions	9/27/2008
Parking lot landscaping	6.4.6.B Resolve conflict for parking lot street frontage screening (10 ft with waiver in Table 6.4.6.A, vs 5 feet in sect. 6.4.6B)	9/27/2008
Signs	6.5 restore 6.5.2.F; restore	9/27/2008



## Article 11- Appendices

<i>Title</i>	<i>Section(s)</i>	<i>Date Approved / Effective Date</i>
	illumination prohibition for minor home occupation signs; restore minimum location requirement; add incentives for free-standing sign embellishments; Add	
Minor home occupation	7.11.3.A.11 Remove unintentional addition of non-resident employee	9/27/2008
Major home occupation permit length, revocation for noncompliance	7.11.4.C Allow Commission to approve major home occupation for a period of less than 5 years	9/27/2008
RVs in floodplain zone	7.19.G FEMA-required amendment re RV storage in floodplain zone	9/27/2008
Definition of A-2 Survey	10.3 Revise to reflect current standards	9/27/2008
Revisions matrix	N/A Restore revisions matrix	9/27/2008
Building Materials Sales and Storage Use	Modify Table 4.1.1A Permitted Commercial and Industrial Uses to read 'Building and landscape materials...' Add I Zone 'SE'. Under 'Additional Provisions' add 'Primary building shall be minimum 2,000 sq ft (excluding greenhouses). Except plant materials, outdoor storage/sales area shall not be visible from a public street.' Modify Section 4.5.3, 2 <sup>nd</sup> sentence '...gross building floor area is devoted to such sales, or (b) in a landscape materials sales and storage use..., or (c) not more than 6...' Add 'Landscape Materials' to Section 10.3 Definitions.	Approved: 1/13/09 Effective: 1/17/09
Design Commercial zone	All sections	3/28/2009
DC Zone	4.1.1A Permitted Commercial & Industrial uses	3/28/2009
DC Zones	4.1.6A Commercial & Industrial area, Density & Dimensional Requirements	3/28/2009
I-291 Corridor	4.4.5E to allow certain types of outdoor storage and activities to Special Exception approval	6/13/2009
RC Zone	4.1.1A restore fast food restaurants with SP approval, remove freezer lockers & incidental processing of food, public garages, riding academies, barns, stables	9/12/2009

## Article 11- Appendices

<i>Title</i>	<i>Section(s)</i>	<i>Date Approved / Effective Date</i>
I-291/Overlay Zone	6.5.10A modify language for free standing signage to increase height of signs under certain conditions.	9/12/2009
GC Zones	4.1.1A ,restore Financial Services, institutions and agencies with site plan approval	1/29/2011
I-291 Corridor Development Zone	4.4, restore the frontage requirements	1/29/2011
MF Zone	4.2.15, restore Solid Waste Disposal criteria	1/29/2011
DRZ Zone	3.3.3F eliminate the reference to defunct Town-administered Moderate Price Housing Program	1/29/2011
In law apartments	7.1.5.J eliminate the requirement for owners to reaffirm ownership with the Planning Department every four years	1/29/2011
Definitions	Modify basement, add story & habitable space	2/12/2011
Multifamily in Buckland Road Gateway Development Zone	4.2.15 modify language of Multifamily Criteria	8/6/2011
Definitions	Add definition of Development Area Plan	8/6/2011
Office Conversion Overlay Zone	5.3.3.9 Delete	Approved: 4/24/12 Effective: 5/4/12
Signs	6.5 Modify criteria to 6.5.3 and minor changes to temporary and permanent signage	Approved: 4/24/12 Effective: 5/4/12
Route 5 Travel Service Zone (TS)	Add New Section 4.6 to Table of Contents; Modify Article 1 Introduction/Districts; Section 1.1 Districts, under Commercial and Industrial Zones and Article 2 General Requirements; Section 2.11 D and Article 4 Commercial and Industrial Zones; Table 4.1.1.A Permitted Commercial and Industrial Uses; Commercial Uses and Table 4.1.6A Commercial and Industrial Area, Density and Dimensional Requirements. Add: 'Section 4.6 Route 5 Travel Services Zone (TS) Section 4.6.1 Purpose and add Section 4.6.2 Prohibited Uses and Section 4.6.3 Specific Design Standards & Use Restrictions/ Guidelines and add: 'Route 5 Travel	Approved: 7/10/12 Effective: 7/21/12

## Article 11- Appendices

<i>Title</i>	<i>Section(s)</i>	<i>Date Approved / Effective Date</i>
	Services (TS)' to Section 6.1.1A. Add 'TS' to Table 6.2.4A. Add to Section 6.5.8 Signs in Commercial / Office / Industrial Zones A. Add Article 10 Definitions.	
Site Plan Standards and Procedures	Modify Section 8.5.1 B.2 and Section 8.5.1 C.1 and 8.5.1 C.2	Approved: 7/24/12 Effective: 8/3/12
Standards for Conservation Plans	Restore/Add Section 8.6.5	Approved: 7/24/12 Effective: 8/3/12
I-291 Corridor Development Zone	Modify Section 4.4.4.D to allow reduction of lot size under certain conditions	Approved: 9/11/12 Effective: 9/17/12
Buckland Road Gateway Development Zone (GD)	Modify Section 4.2.5 B and eliminate Section 4.2.6.M to eliminate the prohibition of grocery stores larger than 22,000 square feet	Approved: 12/11/12 Effective: 12/17/12
Outdoor Dining Permits	Amend Section 7.15A.1 & 7.15A.2 to make minor changes to the approval process of small scale proposals; amend Section 7.15B.8 to allow for outside audio systems under certain conditions; and to amend Section 7.15B.11 to increase the number of tables that can be proposed without waitpersons	Approved: 12/11/12 Effective: 12/17/12
Signs	Amend Table 6.5.9A under 'Building Identification Signs', 'Additional Requirements' to add sentence "Properties that contain only one building on the site are allowed a minimum of 24 sf."	Approved: 5/14/13 Effective: 5/20/13
Temporary and Conditional Permits	Amend Section 2.13A to add 'Renewals may be granted by the Commission. At the time of renewal, a sign must be posted per Section 8.2.B and a public hearing may be required.'	Approved: 5/28/13 Effective: 6/3/13
Home Occupations	Amend Section 7.11.3B to add 'and notification of abutters in accordance with Section 8.2C. A public hearing may be required by the Planning and Zoning Commission. Renewals may be granted by the Commission. At the time of renewal, a sign must be posted per Section 8.2B and a public hearing may be required.' Remove next sentence 'The	Approved: 5/28/13 Effective: 6/3/13

## Article 11- Appendices

<i>Title</i>	<i>Section(s)</i>	<i>Date Approved / Effective Date</i>
	Commission may grant permit renewals upon application, with public hearing ....renewal.'	
Zone Change, Special Exception, and Site Plan Standards and Procedures	Amend Section 8.2B to remove 'When a public hearing is to be held,'. Amend Section 8.2C to read 'For any application for a zone change, special exception use, major home occupation, accessory apartment or detached in-law apartment, the applicant...'	Approved: 5/28/13 Effective: 6/3/13
Indoor Recreation – Industrial Use	Amend Section 7.13.1D to add "5. Upon approval of a special exception and site plan modification application, the following outdoor uses during the warmer months (i.e., April thru October) may be permitted as an accessory use to an existing indoor recreation use for which a special exception has previously been granted by the Commission: a) Entertainment, including music and dancing (max 350 persons); b) Events (max 350 persons), e.g., weddings, retirement parties, anniversary celebrations, bat- & bar-mitzvahs, award ceremonies, corporate outings, auctions, team building; c) Areas primarily dedicated to serving, preparation, sales and consumption of food and beverages, including alcoholic beverages (max seating capacity of 150); and d) Areas primarily dedicated to outdoor recreational activities, e.g., sports fields, zip lines, outdoor games, climbing walls, court sports. All such outdoor recreational activities shall be appropriately supervised. All such outdoor activities shall not exceed the maximum noise volumes allowed in the Town of South Windsor's noise ordinance. The Commission, the Town Planner, or the Zoning Enforcement Officer may require periodic noise measurements to document and ensure compliance with said ordinance, particularly	Approved: 5/14/13 Effective: 5/20/13

## Article 11- Appendices

<i>Title</i>	<i>Section(s)</i>	<i>Date Approved / Effective Date</i>
	in area near residential zones or uses. Outdoor recreational activities shall not include adult-oriented entertainment establishments as defined by Section 7.2.3.	
Land Use Application Fees	Add Article 11, Section 11.5, Appendix E	Approved: 7/1/13 Effective: 7/1/13
Impervious / Lot Coverage / Definitions	Amend Article 3, Residential Zones, Table 3.1.2A, Residential Area, Density and Dimensional Requirements: Add MFA/AA, Impervious Coverage, 60%. Delete MFA/AA Lot Coverage, 60%. Change A-20, Lot Coverage to 20%. Amend Article 7, Special Regulations, Open Space Subdivisions, Table 7.14.5A: Add Maximum Lot Coverage, RR, A-40, AA-30, A-30, 20%. Amend Article 10, Definitions, Section 10.3, Definitions: Add Lot Coverage (Building): Change 'Building Area'	Approved: 1/7/14 Effective: 1/12/14
Office Conversion Overlay Zone	Revise Bulk Table 3.1.1A - Permitted uses to correct omitted references under 'Additional provision' for offices; revise Section 5.3.3. Special Exceptions Uses (A.) 6 to include real estate, insurance agents, and personal services (limited to 25% of area); and amend Section 5.3.4 Location (A.) to add 6. Deming Street from Manchester town line to intersection of Deming Street and start of Buckland Road	Approved: 5/27/14 Effective: 6/8/14
Permitted Uses in Buckland Gateway Development Zone	Modify Section 4.25 permitted uses in the Buckland Gateway Development zone to add Section D Automotive fuel stations as an accessory use related to a permitted retail sales and inventory use with a minimum gross floor area of 100,000 sq ft, including sales of other energizing services such as propane provided such facility must be a minimum of 500 feet from Buckland Road and within 1,500 feet of the primary building; 2) modify Section 4.2.6	Approved: 6/10/14 Effective: 6/22/14

## Article 11- Appendices

<i>Title</i>	<i>Section(s)</i>	<i>Date Approved / Effective Date</i>
	Prohibited Uses in the Buckland Gateway Development zone to add the following to Section A. Gasoline service stations, except an automotive fuel station which is permitted as provided by Section 4.2.5.D	
Brewery, Microbrewery, Brewpub	Revise Bulk Table 4.1.1A Permitted Uses in the Commercial and Industrial Zones to add Breweries as a permitted use and add to Section 10 Definitions for: Brewery, Microbrewery, and Brewpub	Approved: 7/8/14 Effective: 7/20/14
Village District Overlay Zones: South Windsor Center Core (CCOZ) and South Windsor Center North (CNOZ)	Add Section 5.6 Center Core Overlay Zone regulations and Section 5.7 Center North Overlay, and add Section 8.8 Village Districts	Approved: 10/14/14 Effective: 10/26/14
Route 5 North Overlay Zone (R5NOZ)	Add Section 5.8 Route 5 North Overlay Zone regulations	Approved: 10/28/14 Effective: 11/9/14
Multi-Family MFA/AA Zone Requirements	Amend Table 3.1.2.A to modify maximum stories allowed in MFA/AA zone	Approved: 1/13/15 Effective: 1/25/15
Solar Energy Systems	Add Section 7.20 Solar Energy Systems to establish bulk regulations for both ground mounted and roof mounted systems, and add to Definitions	Approved: 6/23/15 Effective: 7/5/15
Signs Allowed in Commercial / Office / Industrial Zones	Amend Table 6.5.8A, Building Signs, Additional Requirements / Notes, #4 to change 'building frontage' to 'building signage' and Add #5	Approved: 9/8/15 Effective: 9/20/15
Buckland Road Gateway Zone Drive Through Facilities	Add Section 4.2.5.E under Permitted Uses, modify Section 4.2.6.G Prohibited Uses to delete prohibition of Drive-through windows, and add Section 10 Definitions for Drive-through	Approved: 11/10/15 Effective: 11/30/15
Housing for the Elderly	Modify Section 7.7.6.B Housing for the Elderly	Approved: 4/12/16 Effective: 4/17/16
Assisted Living Facilities	Modify Section 7.3.5B Building Size/Height/Maximum Number of Units and 7.3.8 Outdoor Recreation	Approved: 6/14/16 Effective: 6/19/16
Design Residence Zone (DRZ)	Delete Section 3.3 and Add to Appendix F; Delete DRZ references from: Section 1.1; Table 3.1.1A; Table 3.1.2A; Section	Approved: 12/13/16 Effective 12/24/16

## Article 11- Appendices

<i>Title</i>	<i>Section(s)</i>	<i>Date Approved / Effective Date</i>
	3.1.2H.7; Section 6.1.1; Table 6.2.4A; Table 6.4.3A; Table 6.5.7B; Section 7.11.2	
Senior Residence Development (SRD)	Delete Section 7.17 and Add to Appendix G; Delete SRD references from: Section 1.1; Table 3.1.1A; Table 4.1.1A; Section 6.1.1; Table 6.4.3A; Table 6.5.7A	Approved: 12/13/16 Effective 12/24/16
Multifamily Assisted Housing in AA-30 Residential Zone (MAHZ)	Add Section 7.22 and Amend Table 3.1.1A	Approved: 12/13/16 Effective 12/24/16
Building Height Industrial Zone	Modify Section 4.5.6	Approved: 4/25/17 Effective: 5/7/17
Independent Living Facilities	Modify Section 7.3 to add Independent Living Facilities as a permitted use; Modify Article 6 Site Development Regulations, Table 6.2.4A Buffers; Table 6.5.3A Minimum Parking Spaces, to include Independent Living Facilities requirements; and Add to Article 10 definition for 'Independent Living'	Approved: 5/23/17 Effective: 6/11/17
New and Used Car Sales; Casinos; Impervious and Pervious Coverage; Ancillary Structure Screening of Roof Top Units; Site Plan Minor Revision Approvals; Land Use Application Fees	(1) Article 4 Commercial and Industrial Zones proposed amendments to Table 4.1.1A Permitted Commercial and Industrial Uses; Section 4.2.6C Buckland Road Gateway Development Zone Prohibited Uses; Section 4.4.3.2 I-291 Corridor Development Zone Permitted and Prohibited Uses; (2) Article 7 Special Regulations proposed amendment to Section 7.9.1 Display of New and Used Vehicles for Sale; (3) Article 11 Appendices proposed amendment to Section 11.5 Appendix E Land Use Application Fees; (4) Article 5 Overlay Zones - Elimination of Section 5.1 Connecticut River Conservation Zone; (5) Article 10 Definitions modify Impervious coverage and Pervious Surface Coverage Definition; (6) Table 3.1.2A and Table 5.1.6.A – Add pervious surface note to Impervious Coverage requirement; (7) Section 2.16 Location of Ancillary Structure – modify language	Approved: 6/13/17 Effective: 6/25/17

## Article 11- Appendices

<i>Title</i>	<i>Section(s)</i>	<i>Date Approved / Effective Date</i>
	to rooftop screening provision; (8) Section 8.5 Site Plan Standards and Procedures – add subsection E Minor Modifications to Site Plans	
Multifamily Residential (MF-A or MF-AA) to allow four bedroom units	Modify Section 3.4.6 Unit Mix to allow four bedroom units in single family dwellings (max. 10% of units); Modify Table 3.4.5A	Approved: 7/11/17 Effective: 7/23/17
Solar Energy Systems	Modify Section 7.20.3 Setbacks and Height; Modify Section 7.20.4 Ground Mounted Small Solar Energy Systems to add Parking Lot Solar Canopy and Add to Section 10 Definitions	Approved: 11/28/17 Effective: 12/17/17
Pedestrian and Bicycle Accommodations	Add Section 6.7	Approved: 11/28/17 Effective: 12/17/17
Agri-Tourism	Add Section 5.9; Modify Section 3.1.1 to allow in RR and A-40 zones by special exception; Modify Section 10 Definitions to add Agri-tourism and Winery; Modify Section 6.5.7 Residential Sign Requirements	Approved: 11/ 28/17 Effective: 12/17/17
Duplex Dwelling Units	Add Section 7.5.1.A.2.b to allow duplexes in commercial zones; Add Duplex to Table 4.1.1 by special exception	Approved: 1/9/18 Effective: 1/28/18
Dog Grooming Facilities	Add Section 7.23 Dog Grooming Facilities and 7.23.1 Provisions; Modify Table 4.1.1A to allow Dog Grooming Facilities by Special Exception in the Industrial Zone	Approved: 10/23/18 Effective: 11/4/18
Barbed Wire Fencing	Add Section 2.22 Fencing on Commercial/Industrial Sites; Modify Section 4.4.8 to prohibit barbed wire fencing within CD zone except by Special Exception	Approved: 2/26/19 Effective: 3/17/19
Interior Lot Approval Criteria	Modify Section 3.2.2.C.5.a.	Approved: 2/26/19 Effective: 3/17/19
Residential Provision in Commercial / Industrial Zones	Modify Table 4.1.1A	Approved: 2/26/19 Effective: 3/17/19
Outdoor Storage as an accessory use to a product distribution center in the I-291 Corridor Development zone	Modify Section 4.4.5E.1	Approved: 5/14/19 Effective: 5/19/19
Shopping Cart Management in the Buckland Gateway Development zone	Modify Section 4.2.10.F	Approved: 7/23/19 Effective: 8/11/19



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<i>Title</i>	<i>Section(s)</i>	<i>Date Approved / Effective Date</i>
Sullivan Avenue Mixed-Use Development Overlay Zone (SAMUD-OZ) in the General Commercial Zone	Add new Section 5.10 Purpose and Site Design Requirements; Modify Table 4.1.1A, Table 4.1.6 and Table 6.4.3A	Approved: 1/28/20 Effective: 2/16/20
Buckland Road Gateway Development Zone Truck Delivery Amendment	Modify Section 4.2.11.F (2) Loading Docks/Receiving Areas	Approved: 7/14/20 Revised: 7/28/20 Effective: 8/2/20
Home Occupations	Modify Section 7.11.3B (12) and Add Section 7.11.3B (13)	Approved: 1/12/21 Effective: 1/31/21
Outdoor Dining Permits	Modify Section 7.15.	Approved: 2/9/21 Effective: 2/28/21
Home Animal Agriculture regarding keeping of chickens and bees, and animal sanctuaries	Modify Section 7.12.1; Add Section 7.12.1E.2 Beehive Density and Table 7.12.2A. Hive Units; Modify Section 7.12.2; and Modify Section 10 Definitions	Approved: 2/9/21 Effective: 2/28/21
Buckland Road Gateway Development Zone Grocery Store Requirement	Modify Section 4.2.5 B to change 1,500 to 975 feet corner to corner	Approved: 3/23/21 Effective: 4/10/21
Electric Vehicle Charging Stations	Add Section 2.23 Electric Vehicle Charging Stations; Add to Multifamily Residential zone Section 3.4.7.G, Buckland Road Gateway Development zone Sections 4.2.5.F and 4.2.11.C.2a, and Modify 4.2.15.A.2.h. Modify Route 5 Travel zone Section 4.6.3. Add to Center Core Overlay zone Section 5.6.9.C.7, Center North Overlay zone Section 5.7.9.C.5, Route 5 North Overlay zone Section 5.8.6, and Modify Sullivan Avenue Mixed Use Development Overlay zone Section 5.10.2.B.15. Modify Table 4.1.1A to add EVSE. Add Section 6.4.10 Minimum Number of EVSE Parking Spaces, Tables 6.4.10A – 6.4.10D. Add Section 11.8 Appendix H Electric Vehicle Supply Equipment	Approved: 4/20/21 Effective: 5/9/21

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## Article 11- Appendices

### Section 11.5 APPENDIX E

#### LAND USE APPLICATION FEES

<i><b>Application Type</b></i>	<i><b>Fee**</b></i>
Site Plan: New Construction	< 10,000 sq ft \$250; Equal to or > 10,000 sq ft \$350 + \$20/1000 sq ft (or part thereof)
Site Plan: Modification	< 10,000 sq ft \$100; Equal to or > 10,000 sq ft \$200 + \$20/1000 sq ft (or part thereof)
Special Exception	\$300
Zone Change (except DC or MF)	\$300
Zoning Amendment or Subdivision Amendment	\$300
Major Home Occupation	New \$300; Renewal \$100
Temporary & Conditional Permit	New \$150; Renewal \$100
Detached In Law / Accessory Apartment	New \$300; Renewal \$100
Earth Removal / Land Filling	< 10,000 cu yards \$500; >10,000 cubic yards \$750
Subdivision greater than 4 Lots, and all Subdivision with New Public Property such as roads, open space, and/or detention regardless of the number of lots	\$100 per lot (minimum \$300)
Subdivision of 4 or fewer Lots with No New Public Property	\$75 per lot (minimum \$150)
Subdivision Final Approval (Conditional approval previously granted)	\$50 per lot
DC Site Plans (minimum of 30 acres)	\$750
DC Zone Change/General Plan of Development	\$650 or \$10/acre or part thereof whichever is greater
Buckland Gateway General Plan of Development	\$325 or \$10/acre or part thereof whichever is greater
MF Zone Change	\$310
General Plan of Development	\$325 or \$10/acre or part thereof whichever is greater
MF Special Exception/Site Plan	\$525 or \$50 basic plus \$5 per dwelling unit whichever is greater
<p><b>* Does NOT include State Mandated Application Fee Surcharge; currently it is \$60 per application.</b>            State Mandated Application Fee Surcharge – As required by CGS 22a-27j as amended in 2009 the Town shall collect a \$60 fee from any person, firm or corporation, other than a municipality, for any approval required by Chapter 124 (Municipal Planning Commission) or 440 (Wetlands and Watercourses) of the Connecticut General Statutes.</p>	



## **Article 11- Appendices**

### **Section 11.6 APPENDIX F**

#### **Designed Residence Zone (DRZ)**

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##### **3.3.1 Purpose**

The purposes of the Designed Residence Zone are:

1. To afford South Windsor innovative owner-occupied one-family dwellings that constitute well-planned, functional, and aesthetically pleasing residential environments, and which by design are compatible with abutting zones and uses;
2. To increase the supply of affordable housing within the town; and
3. To protect environmentally sensitive areas of town that are unprotected through other means.

The Commission encourages the use of open space as a buffer between the public and the developed areas, with the developed areas clustered into the interior and the open space becoming a visual open space shared by the public (particularly when there is a natural feature that would enhance the buffer). The development should consist of clusters of buildings to give the appearance of small neighborhoods with open space between the clusters.

##### **3.3.2 Establishment of Zone**

The DRZ zone may be established after consideration of various factors, including, but not limited to the supply of affordable housing in the town and those criteria outlined in Article 8 Zone Change, Special Exception and Site Plan Standards and Procedures.

##### **3.3.3 Form of Ownership/Occupancy**

- A. Ownership in a DRZ development is limited to common interest community form of ownership. All land except that in the approved exclusive use area(s) shall be owned by the common interest community, or, at the discretion of the commission, environmentally sensitive land may be deeded to the Town of South Windsor or to a non-profit organization that will protect it in perpetuity.
- B. The development shall comply with Chapter 828 of the Connecticut General Statutes, i.e., Common Interest Ownership Act, and all other state and local common interest community regulations.

##### **3.3.4 Dwelling Size and Type**

- A. The size of dwelling units shall not exceed 1400 square feet. An applicant may request a waiver of this provision from the Commission for specific dwelling units after demonstrating good cause for such waiver. Where a waiver is granted, the Commission may condition such waiver to ensure that the intent of these regulations is not compromised. A variety of sizes is desirable.
- B. Applicants may provide a variety of unit types. Affordable units shall be equally dispersed throughout the development. Affordable units must have a mix of number of bedrooms, including three-bedroom units. The applicant's site development plan shall show the mix of unit types.
- C. In addition to interior storage areas, each dwelling unit in a DRZ zone shall have 60 square feet exterior storage.

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### **3.3.5 Area and Density Requirements**

- A. There is no minimum parcel size. The suitability of the proposed parcel for the Designed Residence Zone will be determined based upon the criteria enumerated previously. The parcel must consist of contiguous acreage not divided by a public street. The parcel shall have at least 200 contiguous feet on a town-owned street, and the primary entrance must be located within the 200 feet of frontage. Where the proposed number of units exceeds 65 feet, a secondary entrance may be required by the Commission. The entire parcel must be located in the proposed DRZ zone area.
- B. The minimum frontage requirement may be reduced by 1 foot for every 2 feet by which the development's front yard setback is increased; provided, however, that the frontage is not reduced to less than 100 feet. Where the increased setback/reduced frontage provision is used, no pavement/parking areas/impervious areas shall be allowed within additional setback.
- C. The maximum number of units allowed is 80 units.

### **3.3.6 Density Bonus**

- A. The overall density of the development shall be 3 dwelling units multiplied by the net buildable acreage of the parcel. Density bonuses as outlined below may be granted by the Commission upon satisfaction of the appropriate requirements. All calculations of proposed density must appear on the General Plan of Development, and are arrived at by multiplying the requested density by the net buildable acreage (see Article 10 Definitions). In no case shall the allowable density exceed 4 units per acre of net buildable acreage.
- B. In order to meet the purposes of these regulations and to increase the supply of affordable housing in the Town of South Windsor the following modifications in density shall be allowed providing that all other requirements of these regulations are met. In all cases the developer must show the Commission the means by which these dwelling units shall remain affordable on resale as well as assure the Commission that the units will remain owner-occupied. Furthermore, when the density is increased, at least half the required affordable units must be made affordable by decreasing the square footage of the unit, rather than leaving unfinished interiors.
- C. Density bonuses may be allowed in accordance with the following:

**Table 3.3.6A Density Bonuses**

<b>Percentage of Affordable Units</b>	<b>Allowable Density (units per acre of buildable land)</b>
15%	2.5
20%	3.0
25%	3.5
30%	4.0

- D. In order to meet the purpose of these regulations and to protect environmentally sensitive land that may not be protected under the authority of the Inland Wetlands Agency/Conservation Commission or other regulatory body of the Town, State, or Federal Government, the Commission may at its discretion increase the allowable density to not more than 4 units per acre of net buildable acreage and/or reduce the required percentage of affordable units, providing that the developer furnishes the Commission an acceptable method by which such land shall remain undisturbed over time.

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### **3.3.7 Minimum Setbacks**

A. Minimum setbacks shall be as shown in Table 3.3.7A

**Table 3.3.7A Minimum Setbacks**

20 feet	Between buildings containing dwelling units. (Setback shall be as determined by the Commission but in no case shall be less than 20 feet.)
35 feet	Between any building (except bus shelters) and the street line of the principal private streets.
23 feet	Between any building (except bus shelters) and the street (right-of-way) line of principal streets that will be town-owned.

B. Minimum setbacks between accessory buildings (such as storage sheds or garages) and buildings containing dwelling units shall be consistent with good design relative to fire safety, emergency access, function, and aesthetics, as approved by the Commission. The setbacks shall vary depending upon the height of the building and the placement of windows on the side of the buildings in question.

### **3.3.8 Storage**

In addition to closets and similar inside storage, each dwelling unit shall have storage area of a minimum of 60 square feet. All such storage areas shall be located either in a basement with exterior entrance or in a garage.

### **3.3.9 Parking and Access Ways**

- A. Dwelling units shall be located at a distance from off-street parking as determined by the Commission; however, no dwelling unit shall be located more than 100 feet from the parking spaces serving said unit.
- B. Except for parking areas expressly designated for the physically handicapped, minimum setback shall be:

**Table 3.3.9A Setback of Parking**

<b>Between unenclosed parking space and:</b>	<b>Setback</b>
Property line	60 feet
Centerline of the site's principal street	25 feet
Center point of a cul-de-sac for the site's principal street	50 feet

#### **C. Prohibited Parking**

1. No parking shall be permitted directly adjacent to the principal street. No parking shall be permitted off the common driveways. Parking shall be restricted to designated areas and driveways serving individual garages.

## Article 11- Appendices

2. Common interest community rules shall limit the number of trucks, trailers, camping vehicles, and other commercial vehicles that can be parked on the parcel. No trailers or camping vehicles may be parked or stored within the rear setback of the envelope.
- D.** To the maximum extent possible, common driveways to serve individual units shall be provided to reduce the amount of impervious surface.
- E.** All streets and access ways shall be installed by the applicant in accordance with Town procedures and design standards. The principal street may become a Town-owned and maintained public street if designed in strict accordance with the Town's specifications for public streets. All other streets and access ways shall be owned and maintained by the development.
- F. Streets and Access Ways**

**Table 3.3.9B Standards for Streets and Access Ways**

Type of Street	Inside Turning Radius	Width	Comments
Principal Streets		26 feet	
Streets and access ways other than principal streets	26 feet		
Access ways and one-way streets		16 feet	Greater widths shall be required to accommodate vehicular movements where parking is provided contiguous to access ways or when the access way services more than 5 dwelling units.

1. Streets that will become Town-owned streets must have a right-of-way width of 50 feet.
2. Cul-de-sac streets shall not exceed 600 feet in length.
3. Street and access way pavement shall be installed no closer than 10 feet from a buffer line of the parcel, and no closer than 10 feet from a property line.

### **G. Ingress and Egress**

Points of vehicular ingress and egress shall be consistent with public safety and welfare, and shall provide no undue hindrance to the safety conditions of existing or proposed streets.

### **3.3.10 Bus Shelters**

- A.** In the event regular public passenger transportation will be available to residents of the development, a shelter shall be provided by the developer at a location convenient to the residents and readily serviceable by the passenger transportation operator. The design and material composition of a shelter shall be approved by the Commission. This bus shelter may be the same shelter as the School Bus Shelter described below.
- B.** A shelter area contained within a building accessible and convenient to all residents of the development and readily serviceable by the passenger transportation operator, such as a community building, may be substituted for a free-standing structure if approved by the Commission.
- C.** An adequate bus shelter for school children shall be provided.

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### **3.3.11 Recreation/Open Space**

#### **A. Purpose**

In order to conserve sensitive or exceptional features of the site and to afford adequate recreational facilities for the development's residents, there shall be provided common areas designed to meet the special requirements of the development's residents.

#### **B. General Requirements**

1. The amount, location and constitution of the recreation facilities and/or undeveloped recreation land shall be proposed by the applicant and approved by the Commission.
2. These areas shall include recreation areas such as pedestrian paths, garden plots, child play- grounds or tot lots, gently sloping fields of sufficient size to accommodate active sports and courts for tennis, platform tennis, and basketball.
3. Recreation land, developed or undeveloped, shall be collectively located and shall be exclusive of required buffers.
4. Open space, whether developed or undeveloped, must be suited to the proposed use. (For example, above-ground drainage facilities such as swales and detention basins, or land that is primarily wetlands, will generally not meet this criterion.)
5. Access to the open space must be provided to all residents of the development and/or public where appropriate.

#### **C. Provision for Setting Aside Land**

The developer shall provide at least 600 square feet of developed recreation land per dwelling unit, or 3500 square feet of undeveloped recreation land per dwelling unit where the Commission deems the proposed undeveloped recreation land will better suit the needs of both the development and the Town of South Windsor.

#### **D. Phasing**

The phasing of the installation of developed recreational land shall be indicated by the applicant and approved by the Commission.

#### **E. Ownership**

1. The developed recreation land shall be legally established as part of a common interest community and satisfactorily maintained by the common interest community.
2. Undeveloped recreation land shall be either dedicated to the Town as an acceptable condition of application approval, or established legally as part of a community association, to be owned and satisfactorily maintained by the association.

#### **F. Conservation Areas**

1. Conservation areas such as stream belts, waterbodies and watercourses, wetlands, steep slopes, woodlands, flood plains, and other sensitive or exceptional natural features of the site shall be preserved wherever possible.

At the discretion of the Commission, all conservation land shall be either dedicated to the Town as an acceptable condition of application approval, dedicated to another organized non-profit group (such as a land trust, nature conservancy, etc.) in perpetuity, or established legally as part of a common interest community, such to be owned and satisfactorily maintained by the common interest community.



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**ADDITIONAL Designed Residence Zone Developments REFERENCES DELETED FROM THE FOLLOWING SECTIONS:** Section 1.1; Table 3.1.1A; Table 3.1.2A; Section 3.1.2H.7; Section 6.1.1; Table 6.2.4A; Table 6.4.3A; Table 6.5.7B; Section 7.11.2

### **Section 11.7 APPENDIX G**

#### **Senior Residence Development (SRD)**

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##### **7.17.1 Purpose**

**A.** The purpose of this section is to:

1. Ensure an adequate supply of senior housing in South Windsor.
2. Promote well-planned, innovative developments that become aesthetically pleasing senior residential environments.
3. Recognize that not all of the housing needs of our community's elderly population can be met through public elderly housing.
4. Provide for a greater variety of housing for South Windsor's senior residents.
5. Foster small senior developments that can be nestled into neighborhoods with minimal impact on surrounding properties. It is intended that these developments be distributed throughout the town.

**B.** Upon application of the owner of the land or the owner's duly authorized agent, the Commission may, in appropriate cases and subject to appropriate modifications and safeguards prescribed by it, grant a Special Exception/Site Development Plan approval subject to the requirements of these regulations. Applications for an SRD Special Exception may be approved if the Commission determines that the criteria listed in Article 8 are met as well as the following criteria:

1. The SRD proposal will help meet senior housing needs of South Windsor.
2. The location of the SRD facility is within reasonable proximity to community facilities or amenities that serve the needs of elderly residents, or is within reasonable proximity to indoor/outdoor activity centers, or is within close proximity to or contains permanent open space land.
3. The SRD facility has been designed to meet the needs of handicapped residents or visitors.

##### **7.17.2 Improvements**

- A.** Utilities, streets, and related improvements shall generally conform to Town procedures and design standards; however, 24-foot pavement width is acceptable, and other standards may be reduced or waived in order to reduce development costs, provided there is no objection of the Town Engineer. All utilities shall be underground. Sidewalks shall only be required where deemed necessary by the Commission. Public sewer and water services shall be required.
- B.** Where, in the judgment of the Commission, off-street improvements to the municipality's infrastructure (including, but not limited to, streets, sidewalks, storm drainage facilities, illumination, or other systems) are required in order to minimize the adverse impacts of the development on the infrastructure, or to ensure the development will function adequately, such improvements shall be installed at the expense of the applicant.

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### **7.17.3 Form of Ownership/Occupancy**

Ownership of an SRD development is limited to common interest community form of ownership, or all dwelling units shall be owned by one entity for the purpose of rental apartments. (If a common interest community, the development shall comply with Chapter 828 of the Connecticut General Statutes, i.e., Common Interest Ownership Act, and all other state and local common interest community regulations, as may be appropriate.) All land except that in the approved exclusive use areas shall be owned by the common interest community or owned by one entity if a rental apartment complex. At the discretion of the Commission, environmentally sensitive or open space land may be deeded to the Town of South Windsor or to a non-profit organization that will protect it in perpetuity.

### **7.17.4 Bulk Requirements**

**Table 7.17.4A Minimum and Maximum Lots and Yards**

Minimum Lot and Area Requirements						Maximum
Use	Lot Area (sq. ft.)	Frontage <sup>(1)</sup> (feet)	Front Yard <sup>(2)</sup> (feet)	Rear Yard <sup>(3)</sup> (feet)	Side Yard <sup>(3)</sup> (feet)	Impervious Coverage
Senior Residence District	none	200	50	40	40	60%
<p><sup>(1)</sup>Lots with frontage on Buckland Road or Sullivan Avenue have a minimum lot width of 150 feet. Where the requirements of Table 7.17.4A are greater, the Table 7.17.4A requirements apply.</p> <p><sup>(2)</sup>Lots with frontage on Buckland Road or Sullivan Avenue have a minimum front yard setback of 50 feet. Where the requirements of Table 7.17.4A are greater, the Table 7.17.4A requirements apply.</p> <p><sup>(3)</sup>Landscaping required in setback areas.</p>						

### **7.17.5 Project/Units Cap**

The maximum number of units in any development shall be 25 units. The cumulative total number of units in all developments cannot exceed 250 units.

### **7.17.6 Density**

- A. There is no minimum parcel size. The SRD shall not contain more than 20 residences (or 25 residences if an on-site community room with a minimum 1,000 square feet is provided with a bathroom and kitchenette), and shall not be contiguous to another SRD or similar senior development. (There must be either (1) minimum separation distance of 200 feet from property boundary to property boundary, or (2) separation by a public street).
- B. Maximum density for a development consisting solely of multifamily units shall be 5 units/acre multiplied by the net buildable acreage of the parcel. Maximum density for a development consisting solely of single-family units shall be 3 units/acre multiplied by the net buildable acreage. Maximum density for a development of mixed multifamily and single-family units shall be 4 units/acre multiplied by the net buildable acreage.
- C. All calculations of proposed density must appear on the Site Plan of Development, and are arrived at by multiplying the requested density by the net buildable acreage (see Article 10 Definitions).

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### **7.17.7 Architectural Considerations**

- A. All dwellings shall share a common exterior architectural theme and compatibility. Architecture shall also be compatible with architecture in the surrounding neighborhood.
- B. No building shall contain more than 6 dwelling units.
- C. Studio or efficiency units are prohibited. Each unit shall have 1 or 2 bedrooms with the following minimum floor area:

**Table 7.16.7A Minimum Living Area**

Unit Type	Minimum Living Area
Multifamily 1 Bedroom	650 sq. ft.
Multifamily 2 Bedroom	775 sq. ft.
Single-Family 1 Bedroom	1000 sq. ft.
Single-Family 2 Bedroom	1100 sq. ft.

- D. Maximum unit size for all units shall be 2,000 square feet. The number of units exceeding 1800 square feet shall not exceed 30%. The minimum number of units 1,400 square feet or less per development shall be 30%.
- E. Full basements are required for storage, except this requirement may be waived for a dwelling unit if a garage is provided for the dwelling unit containing at least 60 square feet of storage in addition to parking for 1 vehicle.

### **7.17.8 Bus Shelters**

- A. In the event regular public passenger transportation will be available to residents of the development, a shelter shall be provided by the developer at a location convenient to the residents and readily serviceable by the passenger transportation operator. The design and material composition of a shelter shall be approved by the Commission as part of the Site Plan application.
- B. A shelter area contained within a building, accessible and convenient to all residents of the development and readily serviceable by the passenger transportation operator, such as a community building, may be substituted for a free-standing structure if approved by the Commission.

**ADDITIONAL Senior Residence Development REFERENCES DELETED FROM THE FOLLOWING SECTIONS:** Section 1.1; Table 3.1.1A; Table 4.1.1A; Section 6.1.1; Table 6.4.3A; Table 6.5.7A

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### Section 11.8 APPENDIX H

#### Electric Vehicle Supply Equipment (EVSE)

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##### 11.8.1 Purpose

The purpose of this appendix is to provide for and promote the use of Electric Vehicles (EVs) subject to reasonable conditions that will protect the environment, public health, safety, and welfare. Because EV charging requires more time than internal combustion engine (ICE) refueling, charging facilities will be widely distributed to allow vehicle operators to engage in other nearby activities such as home life, shopping, dining or recreation while their EVs are being charged.

##### 11.8.2 Electric Vehicle Definitions

1. **ELECTRIC VEHICLE:** A motor vehicle capable of being driven by a battery powered electric motor.
2. **ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) OR EV CHARGING STATION:**  
The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the Electric Vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the Electric Vehicle.
  - a. **AC LEVEL 1 EVSE:** 110 to 120-Volt, alternating current (AC) EVSE connected to a 20 Ampere electrical outlet.
  - b. **AC LEVEL 2 EVSE:** 208 to 240 Volts AC EVSE connected to a 40 Ampere circuit.
  - c. **DC FAST CHARGING (DCFC) EVSE:** also known as **LEVEL 3 EVSE:** 208-480 Volt direct current (DC) chargers with 70 Ampere or higher capacity.
3. **ELECTRIC VEHICLE PARKING SPACES:**
  - a. **EV INSTALLED SPACE:** A designated parking space with Electric Vehicle Supply Equipment (EVSE) installed and operational.
  - b. **EV READY SPACE:** A designated parking space which is provided with a minimum AC Level 2 EVSE or higher capacity sufficient to serve DC Rapid Charge EVSE.
  - c. **EV CAPABLE SPACE:** Electrical panel capacity, breaker service, and raceways or conduits to support eventual installation of AC Level 2 EVSE.

##### 11.8.3 Provisions

1. AC Level 1 and AC Level 2 Electric Vehicle Supply Equipment (EVSE) shall be permitted as an accessory use by right in all zoning districts and by Special Exception as primary use. Direct Current Fast Charging (DCFC or Level 3) EVSE are permitted as an accessory use and by Special Exception as primary use in all Commercial and Industrial Zones as defined in Article 4 of these regulations. Site plan approval is required for all uses except single and two-family dwellings.
2. The sale of electric energy through EVSE to the public or to appropriately restricted occupants, guests, customers, members, etc. is permitted in all zones except at single and two-family dwellings. Any access restrictions shall be incorporated in the site plan and approved by the Commission.

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3. EVSE connections shall meet current standards designed to be capable of serving all brands of EVs. Proprietary EVSE systems capable of serving only specific vehicle brands are permitted where otherwise allowed but may not be used to meet the minimum EV parking space requirements of Section 6.4.10.
4. The main electrical switchgear shall be installed with sufficient space and capacity to support 10% of spaces whether EV Installed or EV Ready at 208/240V and 40A per space. In an EV Ready or EV Capable Space, the circuit shall terminate in a suitable termination point such as a receptacle, junction box, or an EVSE, and be located in close proximity to the proposed location of the EV parking spaces.
5. EV Load Management Systems are permitted with shared or publicly accessible Level 2 EVSE, provided a minimum of 20 Amperes are delivered to each connected vehicle.
6. EVSE may be wall or pole mounted. EVSE may be shared among two or more spaces.
7. Signage and parking space paint shall be consistent with applicable standards and shall clearly identify EV Installed Spaces as well as any restrictions regarding users and time limits. Where public or shared access is permitted, rates shall be posted with sufficient size and visibility to be read before entering the parking space. Directional signage leading to EV charging spaces is permitted in addition to any other directional signage.
8. EVSE may include electronic displays that provide advertising, entertainment and other programming provided such displays are not visible from public roadways, residential buildings or sites where residential buildings are permitted.
9. Location and safety considerations:
  - a. The EVSEs shall be located in desirable and convenient parking locations that will serve as an incentive for the use of electric vehicles. Placement may consider separate needs of customer and employee parking areas. Appropriate sharing of parking among EV users, ADA users and others should be considered in allocating spaces.
  - b. Electric vehicle charging stations are not permitted within the Town or State right-of-way except at municipal sites and adjacent to designated on-street parking.
  - c. The installation of EVSE shall not reduce the vehicle's parking area dimensions below the size and standards required for parking spaces under Section 6.4.5. This applies to EV Installed Parking Spaces as well as EV Ready Parking Spaces and EV Capable Parking Spaces.
  - d. Equipment shall be protected by wheel stops or concrete-filled bollards. Curbing may be used in lieu of bollards and wheel stops if the charging station is set back a minimum of 24 inches from the face of the curb.
  - e. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located so as not to impede pedestrian travel or create injury hazards for pedestrians.
  - f. Cords shall be retractable or have a place to hang the connector and cord sufficiently above the pedestrian surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
  - g. As established in Section 6.4, enough EV Charging Stations shall meet ADA Handicapped Accessible standards as defined in Paragraph 6.4.4G Handicapped Parking. In addition to the usual requirement for handicapped parking, Accessible EV Charging Stations shall ensure access to equipment and cords. This is illustrated in Figure 11.8A.
  - h. Electric outlets to support Level 1 charging is permitted on streetlight poles and does not require parking restrictions.

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**Figure 11.8A – EV Charging Station Design, including Accessible EV Charging Stations**

Note: Not to scale.

