

Connecticut General Statutes – Chapter 124 Zoning

Sec. 8-2. Regulations. (a) The zoning commission of each city, town or borough is authorized to regulate, within the limits of such municipality, the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water-dependent uses, as defined in section 22a-93, and the height, size, location, brightness and illumination of advertising signs and billboards. Such bulk regulations may allow for cluster development, as defined in section 8-18. Such zoning commission may divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of this chapter; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. All such regulations shall be uniform for each class or kind of buildings, structures or use of land throughout each district, but the regulations in one district may differ from those in another district, and may provide that certain classes or kinds of buildings, structures or uses of land are permitted only after obtaining a special permit or special exception from a zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals, whichever commission or board the regulations may, notwithstanding any special act to the contrary, designate, subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values. Such regulations shall be made in accordance with a comprehensive plan and in adopting such regulations the commission shall consider the plan of conservation and development prepared under section 8-23. Such regulations shall be designed to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality. Such regulations may, to the extent consistent with soil types, terrain, infrastructure capacity and the plan of conservation and development for the community, provide for cluster development, as defined in section 8-18, in residential zones. Such regulations shall also encourage the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located, as

designated by the Secretary of the Office of Policy and Management under section 16a-4a. Such regulations shall also promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and shall encourage the development of housing which will meet the housing needs identified in the state's consolidated plan for housing and community development prepared pursuant to section 8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to section 16a-26. Zoning regulations shall be made with reasonable consideration for their impact on agriculture, as defined in subsection (q) of section 1-1. Zoning regulations may be made with reasonable consideration for the protection of historic factors and shall be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies. On and after July 1, 1985, the regulations shall provide that proper provision be made for soil erosion and sediment control pursuant to section 22a-329. Such regulations may also encourage energy-efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation. The regulations may also provide for incentives for developers who use passive solar energy techniques, as defined in subsection (b) of section 8-25, in planning a residential subdivision development. The incentives may include, but not be limited to, cluster development, higher density development and performance standards for roads, sidewalks and underground facilities in the subdivision. Such regulations may provide for a municipal system for the creation of development rights and the permanent transfer of such development rights, which may include a system for the variance of density limits in connection with any such transfer. Such regulations may also provide for notice requirements in addition to those required by this chapter. Such regulations may provide for conditions on operations to collect spring water or well water, as defined in section 21a-150, including the time, place and manner of such operations. No such regulations shall prohibit the operation of any family child care home or group child care home in a residential zone. No such regulations shall prohibit the use of receptacles for the storage of items designated for recycling in accordance with section 22a-241b or require that such receptacles comply with provisions for bulk or lot area, or similar provisions, except provisions for side yards, rear yards and front yards. No such regulations shall unreasonably restrict access to or the size of such receptacles for businesses, given the nature of the business and the volume of items designated for recycling in accordance with section 22a-241b, that such business produces in its normal course of business, provided nothing in this section shall be construed to prohibit such regulations from requiring the screening or buffering of such receptacles for aesthetic reasons. Such regulations shall not impose conditions and requirements on manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards or on lots containing such manufactured homes which are substantially different from conditions and requirements imposed on single-family dwellings and lots containing

single-family dwellings. Such regulations shall not impose conditions and requirements on developments to be occupied by manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards which are substantially different from conditions and requirements imposed on multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments. Such regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations or require a special permit or special exception for any such continuance. Such regulations shall not provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use. Such regulations shall not terminate or deem abandoned a nonconforming use, building or structure unless the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner's intent to not reestablish such use, building or structure. Unless such town opts out, in accordance with the provisions of subsection (j) of section 8-1bb, such regulations shall not prohibit the installation of temporary health care structures for use by mentally or physically impaired persons in accordance with the provisions of section 8-1bb if such structures comply with the provisions of said section. Any city, town or borough which adopts the provisions of this chapter may, by vote of its legislative body, exempt municipal property from the regulations prescribed by the zoning commission of such city, town or borough; but unless it is so voted municipal property shall be subject to such regulations.

(b) In any municipality that is contiguous to Long Island Sound the regulations adopted under this section shall be made with reasonable consideration for restoration and protection of the ecosystem and habitat of Long Island Sound and shall be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris in Long Island Sound. Such regulations shall provide that the commission consider the environmental impact on Long Island Sound of any proposal for development.

(c) In any municipality where a traprock ridge, as defined in section 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the regulations may provide for development restrictions in ridgeline setback areas, as defined in said section. The regulations may restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right: (1) Emergency work necessary to protect life and property; (2) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted under this section; and (3) selective timbering, grazing of domesticated animals and passive recreation.

(d) Any advertising sign or billboard that is not equipped with the ability to calibrate brightness or illumination shall be exempt from any municipal ordinance or regulation regulating such brightness or illumination that is adopted by a city, town or borough after the date of installation of such advertising sign or billboard pursuant to subsection (a) of this section.

Section 7.12 Horses/Ponies and Home Animal Agriculture DRAFT 9-24-20

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.
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 as to not 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 and shall also determine whether such proposed activity shall conform to the following standards:

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 chickens/hens which may have 8 chickens/hens (25% of an animal unit) on ½ acre.**
 - 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	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	4 plus 1 litter	6 plus 1 litter
Rabbits	25	2	50	75
Chickens	32	3	64	96
Ducks	16	1	32	48
Geese, turkeys	8	8	16	24
Bee Hives		2	4	6

- d. No roosters are permitted in A-20, A-30, or AA-30 zones. **Roosters are only allowed in the RR zone, on lots 1 acre or larger.**
- e. Combinations of different animals and fowl are permitted provided the total 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. 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.**
- b. 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 size animals kept.
- c. Fences will be of sufficient height, strength, pole diameter, gage of wire, and density to assure that such animals shall not escape. Barbed wire fences will 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.
- d. **All structures housing animals must meet the established setbacks for the applicable zone.**
- 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 10 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.**

3. 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.
4. 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.

F. Advisory Opinions

1. The Zoning Enforcement Officer may refer the application to the University of Connecticut Cooperative 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.** Where the keeping of animals will exceed the 10% allowance in paragraph 1 above, **or to keep chickens 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.

2. Beekeepers must submit documentation of annual registration with the State of Connecticut Entomologist.

Section 7.15 Outdoor Dining Permits – DRAFT 9-24-20

A. Applicants may apply to the Commission for an outdoor dining permit for a restaurant as follows:

1. Permit for ~~6 tables/24 seats~~ **24 tables/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 Town Planner, and may be reviewed and approved by the Town Planner provided said application is consistent with the requirements of the criteria enumerated in Section 7.15.B.1. through 12. and is consistent with the intent of these regulations.
2. Permit for more than ~~6 tables/24 seats~~: **25 tables/100 seats** 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, 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.
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 Town Planner at least once every summer, or as the Town Planner otherwise directs. Volumes shall not exceed those allowed in the Town of South Windsor’s noise ordinance.

ARTICLE 7 –SPECIAL REGULATIONS

9. In addition to required parking for indoor seating, outdoor dining requires 1 parking space for every 4 seats.
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.