Town of East Windsor

Zoning Regulations

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Sec. 302 Omitted
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CHAPTER I PURPOSE & AUTHORITY

100 AUTHORITY

These Regulations are adopted under the authority of Chapter 124 of the Connecticut General Statutes, as amended.

101 PURPOSE

These Regulations are adopted for the purposes of:

- Promoting public health, safety and general welfare;
- Providing adequate light, air, and privacy;
- Preventing the overcrowding of land and avoiding undue concentration of population;
- Lessening congestion in the streets;
- Facilitating adequate transportation, water, sewerage, schools, parks and other public requirements;
- Securing safety from fire, panic, flood and other dangers;
- Conserving the value of buildings and property;
- Encouraging the most appropriate use of land throughout the Town of East Windsor with reasonable consideration for the land's suitability for a particular use and for the existing or planned character of the area;
- Protecting agricultural uses within the Town of East Windsor;
- Protecting historic factors within the Town of East Windsor;
- Protecting existing and potential drinking water supplies;
- Controlling erosion by wind or water and providing for sedimentation control;
- Encouraging energy conservation, the use of solar and other renewable forms of energy; and energy efficient patterns of development; and
- Guiding the growth of the Town of East Windsor in accordance with the Plan of Conservation and Development.

102 ZONING REGULATIONS

The Planning & Zoning Commission of the Town of East Windsor, Connecticut has adopted these Regulations in order to achieve the purposes of Section 101 and to regulate the:

- use of land, buildings and structures for trade, industry, residence and other purposes;
- location, erection, construction, reconstruction, or alteration of buildings or structures;
- height, number of stories and size of buildings and other structures;
- percentage of the area of the lot that may be occupied;
- size of yards, courts and other open spaces;
- density of population; and
- height, size and location of advertising signs within the limits of the Town of East Windsor.

103 ESTABLISHMENT OF DISTRICTS

103.1 DIVISION INTO DISTRICTS

For the purposes of these Regulations, the Town of East Windsor is hereby divided into the following zoning districts:

List of Zoning Districts

Agricultural	
A-1	Agriculture/Residential
A-2	Agriculture/Residential (floodplain & steep slopes)
Residential	
R-1	Single - Multi-Family Residential
R-2	Single Family Residential
R-3	Single Family Residential
MFDD	Multi-Family Development District
ARHD	Age Restricted Housing District
Business-, Industrial, & Other	
B-1	Neighborhood Shopping District
B-2	Business District
B-3	Business 3 Zone – Route 140 Business Corridor
M-1	Manufacturing District
TZ5	Transitional Zone
HIFZ	HIGHWAY INTERCHANGE FLOATING ZONE

103.2 ZONING MAP

The boundaries of each zoning district are hereby established as shown on the official Zoning Map for the Town of East Windsor, Connecticut. The official Zoning Map shall be maintained as part of the Planning and Zoning Department's Geographic Information System (GIS), and the map shall be printed and filed in the office of the Town Clerk, as needed and amended. The printed Zoning Map shall be of a reasonable

scale to determine the location of properties and districts and shall have the date of the most recent revisions. The zoning map shall be adopted as part of these regulations.

103.3 ZONING DISTRICT BOUNDARIES

The location of zoning district boundaries upon the Zoning Map shall be determined as follows:

- Where the boundary lines are shown approximately on the location of property or lot lines, then the property or lot lines shall be the boundary lines.
- Boundary lines located along streets and street right-of-ways shall be interpreted as the centerline of the street.
- Boundary lines located along rivers and streams shall be interpreted as the centerline of the river or stream.
- Boundary lines that do not follow streets, rivers, streams, or property lines shall be scaled (in feet) on the official zoning map to determine location.
- The Planning and Zoning Commission shall have the final authority in the interpretation of any zoning boundary.

CHAPTER II INTERPRETATION

200 GENERAL INTERPRETATION

200.1 PROHIBITED IF NOT PERMITTED

Use of land, buildings or structures not clearly permitted in the various zoning districts is prohibited. Activities not clearly permitted in the Regulations are prohibited.

200.2 MINIMUM OR MAXIMUM STANDARDS

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements unless the context clearly indicates that such provision is intended to be a maximum limitation.

200.3 IN THE EVENT OF CONFLICT

Where these Regulations impose greater restrictions upon land, buildings or structures than is imposed or required by any existing provision of law, ordinance, covenant, rule, regulation, permit, contract, or deed, the provisions of these Regulations shall control.

201 INTERPRETATION OF TERMS

201.1 INTERPRETATION OF SPECIFIC TERMS

For the purpose of these Regulations, certain words and terms shall be interpreted as follows:

- As defined in Chapter II of the Regulations.
- When not inconsistent with the context:
    - words in the present tense include the future and vice-versa,
    - words in the singular include the plural and vice-versa, and
    - words used in the masculine include the feminine and neuter and vice-versa.
- The word **"shall"** is mandatory and not discretionary.
- The word **"may"** is permissive.
- The words **"zone"**, **"zoning district"**, and **"district"** have the same meaning.
- The phrase **"used for"** shall include the phrases "arranged for", "intended for", "maintained for", and "occupied for".
- The word **"person"** also includes a partnership, association, trust, corporation or other legal entity.
- The phrase **"these Regulations"** shall refer to the entire Zoning Regulations.

202 INTERPRETATION OF OTHER TERMS

202.1 TERMS AND WORDS DEFINED

1. The words and phrases set forth in these Regulations shall be construed as defined in this Section, unless otherwise clearly qualified by their context. Words not defined in this Section shall be interpreted by the Commission after consulting one or more of the following:

- The East Windsor Subdivision Regulations.
- The State Building Code, as amended.
- The Connecticut General Statutes, as amended.
- "A Planners Dictionary" (Planning Advisory Service, American Planning Association, Chicago, IL, 2004).
- A comprehensive general dictionary, i.e. Webster's Dictionary.

203 DEFINITIONS *(Amended August 1, 2011; July28,2014)*

ACRE: Forty-three thousand, five hundred sixty (43,560) square feet.

ACCESSORY: Customarily and actually incidental and subordinate to a principal use, building, or structure which is located on the same lot.

ACCESSORY APARTMENT: A separate living unit, containing both a bathroom with a sink, toilet and tub or shower and a kitchen with a stove, sink and refrigerator, accessory to a single family residential dwelling.

ACCESSORY USE OR BUILDING: A use or building customarily and actually incidental and subordinate to the principal use or building which is located on the same lot as such principal use or building.

ADULT ORIENTED ESTABLISHMENT: Shall include, without limitation, adult bookstores, adult motion picture theaters, adult mini-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, 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.

AGRICULTURE: The growing of crops; raising of livestock; and the storing, processing and sale of agricultural and horticultural products and commodities, including those defined in CGS 1-1q as may be amended, as incidental to agricultural operations. *(Added – Effective 8/1/2011)*

AGRICULTURAL BUILDINGS OR STRUCTURES: Buildings or structures, including greenhouses, barns, and animal shelters , used in connection with agriculture, not to be used for human habitation unless approved as a field hand quarters. *(Added - Effective 8/1/2011)*

APARTMENT: Is a one-family dwelling unit contained in a multi-family structure owned in fee simply by an owner, which is rented for the purpose of maintaining a household.

ANIMAL SHELTER: Any structure, roof, tarp, lean-to, or similar type of shelter utilized for the protection of animals from weather. *(Added – Effective 8/1/2011)*

ANTENNA: Any device used to collect or transmit telecommunications or radio signals. Examples include but are not limited to panel, whip and dish antennae.

AUTOMOTIVE DEALER: The sale of new and used motor vehicles and accessory repairs. Shall include New and Used Dealer Licenses issued by the State Department of Motor Vehicles and automotive action uses.

AUTOMOTIVE FILLING STATIONS: The retail sale and dispensing of gasoline and/or any other automotive fuels.

AUTOMOTIVE RENTAL: A building and site designed and used for the rental of automobiles. May include accessory facilities for washing, cleaning, and general maintenance of the rental vehicles.

AUTOMOTIVE REPAIR GARAGE: A suitable place of business and adequate equipment engaged in the business of repairs. Shall include Limited Repairers and Repairers Licenses issued by the State Department of Motor Vehicles.

AUTOMOTIVE SERVICE STATIONS: The combination of automotive filling station and repair garage.

AUTOMOTIVE USES, OTHER: Shall include, but not limited to, car stereo sales and installations, auto glass repair and tinting, auto detailing, auto upholstery.

AUTOMOTIVE WASH: A building containing the facilities for washing motor vehicles in either an automatic car wash bay and/or a self service bay where services are provided such as space, water, equipment or soap for the complete hand washing of motor vehicles by the customer.

BASEMENT: A story in a building located partly underground, but having less than 3/4 of its floor-to-ceiling height below the average level of finished grade within 10 feet of the exterior walls of the building; i.e. more than 1/4 of height is out of the ground.

BUFFER: A strip of land, unoccupied by buildings, structures or pavements or storage of any kind; and maintained as a landscaped area with grass and other plantings.*(amended/effective 7/28/14)*

BUILDING: Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, vehicles or materials.

BUILDABLE AREA (LOT): The contiguous area of a lot excluding any area classified as inland wetlands, watercourses, having slopes in excess of 20% percent over a distance of 100 feet, or which are in areas of Special Flood Hazard as defined in Chapter VIII of these Regulations. (amended/effective7/28/14)

BUILDING AREA: The area enclosed by the exterior dimensions of a building, together with the area of all covered porches and other roofed portions.

BUILDING HEIGHT: The vertical distance from the average ground level within 10 feet of the building walls to the midpoint height of a pitched roof or up to the surface of a flat roof.

BUILDING LINE: Same as front yard setback. A line parallel to the front property line (street line) at a distance equal to the required front yard as established by these Regulations or by a subdivision plan accepted by the Commission, or by previously recorded distances in the land records of the Town of East Windsor, Connecticut.

BULKY WASTE: Oversized non-putrescible items which require separate handling because of their bulk and weight and tendency to foul compacting and other processing equipment, including, but not limited to, tires, mattresses, bicycles, large kitchen and laundry appliances, and land clearing and demolition debris.

CHILD DAYCARE: A facility in a dwelling unit, licensed by the state, if applicable, providing care for six or fewer children or adults who (except for family members) do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight.

COMMERCIAL: Any use facilitating the barter, sale, or exchange of value, or sale of services or exchange of services, and includes the storage of goods.

COMMERCIAL FARM: A farm, with a minimum of three contiguous acres owned or leased, which may be operated as an income producing operation. *(Added – Effective 8/1/2011)*

COMMISSION: The Planning & Zoning Commission of the Town of East Windsor, Connecticut.

COMMENCEMENT: The issuance of a zoning permit and the initial disturbance of soils associated with clearing, grading or excavating activities *-(amended/effective 7/28/14)*

COMPOSTING, MULCHING AND WOOD CHIPPING FACILITY: A site at which materials are capable of being composted and/or chipped that are collected, separated, processed, recovered, or otherwise made capable of reuse or used in a different form. This definition is limited to the composting of organic materials. *(amended/effective 7/28/14)*

CONDOMINIUM: As defined by CGS Section 47-67, Condominium Ownership Act.

CONTRACTORS STORAGE YARD: An area used for the outdoor repair, maintenance, and storage of equipment and/or materials. *(Added 4/25/2012)*

COOPERATIVE: As defined by CGS Section 47-67, Condominium Ownership Act.

COMMUNITY ASSOCIATION: Is the legally constituted body of condominium or cooperative owners under CGS 47-67, Condominium Ownership Act which owns the portions of the property held in common and which is responsible for the governance of the development.

CONFORMING: Any use, building, structure, lot, or parcel that complies with these Regulations.

COVERAGE, BUILDING: The amount or percentage of a lot covered by buildings and roofed structures.

COVERAGE, IMPERVIOUS: The amount or percentage of a lot covered by buildings, roofed structure, and any impervious surface. Including, but not limited to, parking areas, driveways, walks and similar improvements.

DEVELOPABLE LAND: That portion of a parcel of land deemed to be appropriate for development after deducting those portions of the parcel that have slopes in excess of 15% or flood plain, or wetlands *(amended/effective 7/28/14).*

DEVELOPABLE AREA (PARCEL): The area of a parcel of land being developed excluding any area classified as inland wetlands, watercourses, having slopes in excess of 15 percent, or which are in areas of Special Flood Hazard as defined in Section 811 of these Regulations.

DISABLED PERSON-Age Restricted Housing: A person who is less than 55 years of age and is declared permanently and totally disabled by the Social Security Administration or by the State Department of Social Services or by signed statements from two medical doctors.

DWELLING OR RESIDENCE: A building or portion thereof, which is legally occupied or intended to be occupied for human habitation.

DWELLING, MULTI-FAMILY: A building designed or intended to be occupied as a residence for more than three families living independently of each other.

DWELLING, SINGLE-FAMILY: A building designed or intended to be occupied as a residence for one family.

DWELLING, TWO-FAMILY: A building designed or intended to be occupied as a residence for two families living independently of each other.

DWELLING, THREE-FAMILY: A building designed or intended to be occupied as a residence for three families living independently of each other.

DWELLING UNIT: One or more rooms providing complete living facilities for one family, including equipment for cooking or provision for the same, and including room or rooms for living, sleeping, eating, bathing, and sanitary facilities.

ELDERLY: Any person fifty five or older.

ELDERLY HOUSING: Is a dwelling unit contained in a multi-family development, which one member shall meet the above definition of elderly and no member shall be under the age of 18 years.

FAMILY: Any number of individuals related by blood, marriage, legal adoption, or legal guardianship and up to three additional unrelated persons, living and cooking together in the same dwelling unit as a single housekeeping unit.

FARM: A tract of land used principally for agricultural activities, forestry, nursery, or for raising, keeping or sale of livestock and fowl, or directly related to such activities, permitted in any zone (Amended 8/1/2011)

FARM STAND, SEASONAL: A structure used by a farm for the temporary, seasonal sale of agricultural goods and services. *(Added - Effective 8/1/2011)*

FARM STORE: A permanent structure used by a commercial farm for the year-round sale of raw and/or processed agricultural and horticultural products, services and activities (Added - Effective 8/1/2011)

FLOOD PLAIN: Areas of special flood hazard which include all land adjacent to watercourses which fall below the 100-year-flood-frequency profile as determined by the Federal Emergency Management Agency (FEMA) in their Flood Insurance Study, which establishes detailed flood profile and elevations, or as otherwise mapped on the most recent Floodway Flood Boundary and Floodway Map, prepared by FEMA.

FLOODWAY: The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as shown on the FEMA's Flood Insurance Rate Maps for the Town of East Windsor, CT.

FRONTAGE: The distance along the front lot line adjacent to a public street where access can be granted, not inclusive of Interstate 91 . For lots located on a public cul-de-sac turnaround or the outside curve of a public street, the lot frontage may be measured at the building line. *(amended/effective 7/28/14)*

GARAGE, PRIVATE: A detached accessory building or a portion of a main building for the parking of automobiles belonging to the occupants of the premises and in which no occupation or business for profit is carried on.

GARAGE, PUBLIC: A building or part thereof, other than a private garage, used for maintenance, repair and storage of motor vehicles.

GENERAL STATUTES: The General Statutes of Connecticut, as amended.

GRADE: The degree of rise or descent of a sloping surface.

GRADE, FINISHED: The final elevation of a particular point above or below a given reference datum.

GRAVEL PIT OR SAND BANK: An area of land now or formerly used for excavating and removing gravel or sand.

GREENHOUSE: A building used for the growing of plants, all or part of which are sold at retail or wholesale, or used on site. *(Added - Effective 8/1/2011)*

GROUND FLOOR AREA: The area occupied by the ground or first floor of a building or structure.

HAZARDOUS MATERIAL: Solid or liquid wastes in the following classifications: Explosives, Pathogenic Wastes, Radioactive Wastes, Hospital Operating Room Wastes, and Chemical Wastes which

either create an immediate safety hazard to persons disposing of the wastes or which, by virtue of their physical or chemical properties or the method of disposal, present a threat to the quality of ground or surface waters or any other natural resources.

HAZARDOUS WASTE: Any substance included in the U.S. Environmental Protection Agency list of priority pollutants, or in Section 3001 of the Resource Conservation and Recovery Act, or the Connecticut Department of Environmental Protection Hazardous Waste Regulations.

HOME OCCUPATION: Business carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the property or the neighborhood, and does not alter the exterior of the property . *(amended/effective 7/28/14)*

HOTEL: A building or buildings designed or used exclusively for temporary occupancy by transients, which may include the serving of food, alcoholic beverage, and rooms for public assembly. This includes all-suites extended stay hotels offering kitchen facilities, sitting rooms, and bedrooms. Extended stay hotels shall not be considered residential dwelling units or a residential use, and shall not be used as boarding or rooming houses.

IMPERVIOUS SURFACE: Any artificially covered surfaces that do not readily absorb or retain water, and that increases surface water drainage. Impervious surfaces include, but are not limited to roofed structures, driveways and drive aisles, sidewalks, loading areas, and dumpster pads. Impervious surface types include pavement, asphalt, gravel, millings, stone, concrete and other similar materials. *(Added 4/25/2012)*

IMPROVEMENTS, Associated: Shall mean those improvements, such as utilities, access drives, parking, paving, walkways, drainage systems, and other related site improvements that are necessary to service the development or phase.

INVENTORY HOLDING AREA: Areas designed for the storage and rotation of automobiles related to operation of an automotive use having Motor Vehicle Dealers or Repairers License, Used Car Dealer License. *(Amended – Effective 1/8/09)*

KENNEL: Any premises on which four or more dogs or cats six months old or older are kept.

LAND DEVELOPMENT: The subdivision or re-subdivision of a parcel or parcels of land; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or fill operation; and any change in the use of any building or other structure, or land, or extension or intensification of use of land.

LANDSCAPE AREA: An open area consisting of existing or proposed vegetation, lawn, natural ground cover, plantings, and trees, and may include walks and drives to and from the street,

LANDSCAPE BUFFER: An area consisting of walls, fencing, existing vegetation, or proposed vegetation to provide a visual or other barrier.

LAND SURVEYOR: A licensed land surveyor registered in the State of Connecticut.

LIVESTOCK: Grazing farm animals (including but not limited to cows, horses, goats, pigs llamas, poultry or fowl) kept in open fields and/or structures. (Does not include pets such as household dogs, cats, and pot bellied pigs). *(Added – Effective 8/1/2011)*

LIVING AREA: That portion of the Building Area actually utilized for living, sleeping, cooking or eating and excluding garages, basements, rooms used for heating equipment, open or closed outside vestibules, porches or verandahs, and those portions of rooms having less than 7'6" ceilings and further excluding common stairways, halls, and basements in multiple family dwellings.

LOT: A designated parcel, tract, or area of land established by a plat, subdivision, or otherwise permitted by law, to be separately owned, used, developed, or built upon.

LOT AREA: The total area within the lot lines of a lot, excluding any street right-of-ways.

LOT, CORNER: A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

LOT COVERAGE : The percentage of lot area covered by the sum of the Building Areas of all buildings on the lot.

LOT DEPTH: The minimum required distance from the midpoint of the front lot-line to the midpoint of the rear lot-line, or to the most distant point on any other lot line when there is no rear lot-line.

LOT, REAR: A lot not meeting minimum frontage requirements and/or where access to the public road is by a narrow, private right-of-way or driveway

LOT, IMPROVED: A lot with buildings or structures.

LOT, INTERIOR: A lot other than a corner, through, or rear lot.

LOT, THROUGH: A lot that fronts upon two public streets that do not intersect at the lot.

LOT LINE: A division line between adjoining properties or a public street.

LOT LINE, FRONT: The lot line separating a lot from a public street right-of-way.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE: A line other than a front or rear lot line.

LOT OF RECORD: A lot that exists as show or described on a plat or deed in the Office of the Town Clerk, prior to the adoption of zoning and/or subdivision regulations.

LOT WIDTH: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MERCHANDISE DISPLAY: The display of merchandise or other finished products for sale or rent.

MOBILE HOME: Any one portable unit or trailer coach, which is or can be used for sleeping, living or working quarters or any other human habitation, with or without its wheels, rollers, or skids in place.

MOTOR VEHICLE REPAIR AND SERVICES, GENERAL: The business of repairing, overhauling, removing, adjusting, or replacing parts of any motor vehicle and body, including the business of a "Repairer" as defined by Section 14-51 of the Connecticut General Statutes.

MOTOR VEHICLE REPAIR AND SERVICE, LIMITED: The business of minor repairs to any motor vehicle such as repairs and replacement of cooling, electrical, fuel exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing and repair and replacement of shock absorbers excluding anything covered in the business of a "Repairer" as defined by Section 14-51 of the Connecticut General Statutes.

NON-COMMERCIAL FARM: A farm, that is operated primarily for non-commercial purposes, such as for self-sustenance of a family, as a hobby, or for educational purposes. *(Added – Effective 8/1/2011)*

NON-CONFORMING BUILDING: A building which does not conform to all the applicable provisions of these Regulations, and which legally existed at the time of the adoption of these Regulations or of any amendments.

NON-CONFORMING USE: A use of land, including buildings or premises, which does not conform to all the applicable provisions of these Regulations and which legally existed at the time of the adoption of these Regulations or of any amendments.

OFFICE: A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communications equipment.

OFFICE BUILDING: A building used primarily for conducting the affairs of a business, profession, service, industry, or government or like activities and may include ancillary services for office workers.

OFFICE, HOME: A home occupation in which part of a dwelling unit is used as the resident's office.

OUTDOOR STORAGE: The storage or display of merchandise, finished products, raw materials, or other materials outside of a building or structure unless permitted as Merchandise Display under the provisions of these Regulations.

PARCEL: A contiguous tract of land owned and recorded as the property of the same person or persons or controlled by a single entity.

PLAN OF CONSERVATION AND DEVELOPMENT: The adopted Plan of Conservation and Development, as amended, and all the land use studies and fact sheets leading to it and all adopted detail portions of the Plan of Conservation and Development referred to in Section 8-23 of the Connecticut General Statutes.

PREMISES: A lot, including all land and improvements thereon, or other parcel of land.

PROFESSIONAL ENGINEER: A licensed professional engineer registered in the State of Connecticut.

PROFESSIONAL OFFICE: The office of recognized professions such as accountants, doctors, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers and others, who through training or experience are qualified to perform services of a professional, as distinguished from a business nature.

PHASE: A portion of a development, divided for construction purposes, into cohesive sections, such that all buildings, clusters of buildings, and their supporting improvements are capable of complete and self-sufficient existence under these regulations, without the completion of subsequent phases.

PRIVATE CLUB: A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.

PUBLIC PLACE of WORSHIP: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

RECREATIONAL USE: Active or passive recreation and/or facilities owned and/or operated by a commercial, non-profit, or government organization.

RESTAURANT: An establishment designed and primarily intended for the preparation, service, and consumption of food and drink. May or may not serve alcohol.

RESTAURANT, FULL SERVICE: A restaurant providing a full menu including appetizers, entrees, and deserts.

RESTRICTED LANDING AREA: Any area which is used or is made available for the landing and take-off of non-commercial aircraft the use of which shall, except in the case of an emergency, be only as provided from time to time by the State of Connecticut, Department of Transportation, Bureau of Aviation and Ports.

ROOF LINE: Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. For purposes of sign regulations, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

SIGN: Any natural or artificial structure, object, device, light, or display which is used to advertise, identify, or attract attention to any object, product, institution, organization, business, service, or location by any means, including but not limited to, letter, number, flag, banner, insignia, device, designs, symbols, fixtures, colors, illumination or logo, and which is situated so that it can be seen from a street or other public right-of-way.

SIGN, AREA, OR SURFACE AREA: That area enclosed by one rectangle, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display. The area of a sign composed of characters or words attached directly to a large uniform building wall surface shall be the smallest geometric shape, which encloses the whole group.

SIGN, ATTACHED: A sign which has its rear side mounted parallel and attached to any surface or plane of a building and which does not extend above the top of the wall surface or mansard roof of such structure.

SIGN, DETACHED: A sign supported by one or more permanent supports placed in or upon the ground.

SIGN, FREE-STANDING: A sign that is supported by a free-standing, self supporting structure that is erected on the ground and is not attached to a building.

SIGN, IDENTITY: Any sign which carries only the name of the firm, the major enterprise or the principal product offered for sale on the property, or a combination of these.

SIGN, LOCATION: A lot, building, wall or any place whatsoever upon which a sign is located.

SIGN, MARQUEE: A canopy or covering structure projecting from and attached to a building.

SIGN, PROJECTING: A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

SIGN, ROOF: A sign located on or above the roof of any building.

SIGN, WALL: One affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits of any building and which projects from that surface less than 12 inches at all points.

SIMILAR USE: A use which, in the judgment of the Commission, is similar to a permitted use as to the type of operation, employment, traffic generated, the effects of the use upon the district and the appropriateness of the use in accomplishing the stated objectives of the district in which it is to be located.

SOLID WASTE: Unwanted or discarded material including mixed municipal refuse and bulky wastes, but excluding septate and sludge, agricultural and mining wastes, industrial liquid wastes, hazardous wastes, and hazardous materials.

SOLID WASTE DISPOSAL AREA: Any location utilized for disposal of solid wastes.

SOLID WASTE FACILITY: Any solid waste disposal area, volume reduction facility, resource recovery facility, or transfer station of any capacity that handles waste generated off-site.

SPECIAL PERMIT: A Special Permit is a use so designated and permitted only in the zone(s) in which it is specifically set forth and is not to be incorporated by reference in any other zone as a permitted use. As defined by the Connecticut General Statutes.

STORY: That portion of a building above the basement between any floor and the ceiling or roof and above it, other than a half-story.

STORY, HALF: That portion of a building between a gable, hip or gambrel roof and the floor below which has a height of at least 7'6" for more than one-half of its area.

STREET: Any right-of-way used as a public thoroughfare, dedicated and accepted for public travel, and any right-of-way recorded in the office of the Town Clerk constructed and accepted before the passage of these Regulations.

STREET LINE: The dividing line between a street and a lot.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attachment to something having a location on the ground. Except as otherwise indicated, "Structures" as used in these regulations shall be deemed to include buildings, parapets, turrets, roof-top mechanical units, swimming pools, recreation (tennis) courts, towers, docks, balconies, open entries, porches, decks, handicapped ramps, signs, permanent awnings, ground mounted antennas, ground mounted solar panels and satellite dishes. Fences or walls more than eight feet in height, other than retaining walls, shall be deemed structures**.** Structures do not include pavement or concrete pads. *(amended/effective 7/28/14)*

TOWN: Town of East Windsor.

TRAILER: Mobile home, automobile trailer, trailer coach, including any portable structure, means of conveyance, or vehicle so designed, constructed or altered or converted in any manner so as to permit occupancy thereof for business, dwelling or sleeping purposes.

TRAILER CAMP OR PARK: Any lot, parcel or tract of land upon which two or more mobile homes or trailers, occupied for business, dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

USABLE PASTURE: A contiguous owned or leased area, used for keeping of livestock which excludes areas utilized for dwelling units, non-agricultural buildings, onsite sewage disposal systems, and meets general criteria as described in Section 305.3.c entitled Site Suitability and Impact. Animal shelters are permitted within the usable area. *(Added – Effective 8/1/2011)*

WETLANDS & WATERCOURSES: As defined by the Connecticut General Statutes.

YARD: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

YARD, FRONT: An open space extending across the full width of the lot between the street line and a parallel line set back a distance equal to the front yard requirement. A corner lot shall have two front yards

YARD, REAR: The space across the full width of a lot and extending from the rear foundation line of the building located on such lot to the rear line of such lot.

YARD, SIDE: The space extending from the front lot line to the rear lot line between a building and the adjacent side line of the lot on which said building is located.

UNIFIED COMMERCIAL CENTER: A commercial center which either contains four or more tenants in one or more buildings all situated on one lot, or contains buildings with a gross floor area of greater than 50,000 square feet.

VOLUME REDUCTION FACILITY: Any location or structure for the processing by volume reduction of no more than 500 tons per day of non-putrescible solid waste, either alone or in combination with municipal solid waste (MSW) processed separately in a specially designated transfer station area, generated elsewhere, the preponderant amount of non-putrescible solid waste which will be recycled, and the MSW reduced by way of compaction, but limited to recycling facilities, pulverizers, compactors, shredders, chippers and balers.

ZONE: Any portion set aside on the Zoning Map having separate requirements established by these Regulations

ZONING ENFORCEMENT OFFICIAL (ZEO): The official charged with the enforcement of the Zoning and Subdivision Regulations.

CHAPTER III GENERAL PROVISIONS

300 APPLICABILITY

This section shall apply to all properties in all zones. No building or structure shall be erected, reconstructed, structurally altered, or enlarged, nor shall any building, structure or land be used or be designed for any use other than is permitted in the zone in which such building, structure or land is located.

The subdivision of land shall be subject to the appropriate regulations herein contained for the zone shown on the zoning map.

301 GENERAL PROVISIONS

301.1 YARDS ON CORNER AND THROUGH LOTS

On corner lots and through lots, a front yard setback shall be maintained on each street line. Lot must have full frontage along at least one roadway.

301.2 CORNER VISIBILITY

On a corner lot, no obstruction to visibility shall be installed or maintained at a height of more than 2.5 feet from the average grade of the road surface in the required front yards within 25 feet of the lot line intersection.

301.3 HEIGHT EXCEPTONS

The provision of these Regulations limiting the maximum height of buildings shall not restrict the height of a spire, flagpole, chimney, water tank, elevator bulkhead, solar panel or similar uses provided such uses shall not interfere with an airport approach surface. In addition, these Regulations shall not prevent the erection of a school, public library or public museum to a height not exceeding 40-feet in a residence zone.

301.4 SOLAR ENERGY SYSTEMS

Solar energy systems may be located in a front yard or may project beyond a building when it can be demonstrated to the Zoning Enforcement Official that this is the only practical and feasible location for such systems and there is no detrimental effect on adjoining property.

301.5 ANTENNAS AND DISHES

The provisions of these Regulations limiting the maximum height of buildings shall not restrict the height of an antenna/dish that is erected solely for municipal purposes or that is clearly accessory to a permitted principal use in a residential zone, provided such antennae shall not interfere with an airport approach surface. The Commission may allow other proposed antennae in accordance with the requirements of Section 805 (Cell Towers) of these Regulations.

301.6 PRE-EXISTING LOTS

Where safe and adequate supply of water and disposal of sewage can be provided without endangering the health and safety of adjoining residents, a single-family dwelling may be constructed on a residentially zoned lot which is smaller or narrower than required provided:

a. it was a lot of record prior to the adoption of Zoning Regulations or applicable amendments hereto, and

b. the construction conforms with the other provisions of these Regulations or appropriate variances have been received from the Zoning Board of Appeals.

Where 2 or more such non-conforming lots are contiguous and are under the same ownership, such parcels shall be combined to provide conforming lots to the extent possible.

301.7 APPLICABLE RESIDENTIAL YARD REQUIREMENTS

For existing residential dwellings on a lot of record in any residential zone, except a Planned Residential Development, the front, side and rear yard requirements which shall apply with respect to additions to the dwelling or addition of a free-standing garage, shall be the less restrictive of either:

a. the requirements in existence when the dwelling was constructed, or

b. the effective zone requirements.

It shall be the responsibility of the applicant for a Building Permit to provide sufficient specific data to justify the application of this section.

301.8 PROJECTIONS INTO REQUIRED YARDS

A projection not to exceed 4-feet into a required yard is permitted. Projections may include: chimneys, windowsills, cornices, stairways, hatchways, and other architectural projections provided that the feature is not covered by a roof.

301.9 ACCESSORY BUILDINGS AND STRUCTURES

An accessory building attached to its principal building shall be considered an integral part of the principal building and as such, shall be subject to the yard requirements applicable to the zone.

a. All accessory buildings shall be located in the rear or side yard.

b. No accessory building may be used for dwelling purposes.

c. Fences 8 feet high or more shall be considered structures and shall comply with the yard requirements for the zone.

302 MODIFICATIONS TO REGULATIONS - DELETED (*Amended/ Effective 7/28/2014)*

303 NON-CONFORMING USES & STRUCTURES

303.1 NON-CONFORMING USES

a. Any non-conforming use of buildings or land lawfully existing at the time of adoption of these Regulations or any amendments hereto may be continued.

b. Nothing in these Regulations shall require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these Regulations.

c. A non-conforming use may be changed to a conforming use, or to a non-conforming use of a less objectionable character subject to appropriate conditions and approval of a Special Permit by the Commission in accordance with the provisions of these Regulations.

d. Non-conforming use shall not, if changed to a conforming use, be changed back to a non-conforming use. This provision shall not prevent the Commission from making changes to the zoning regulations and zoning districts.

e. Non-conforming use which has been discontinued for a period of one year shall not thereafter be resumed if the Commission determines that there was an intent to abandon the use.

f. Non-conforming use, no building containing a non-conforming use, and no additional signage for a non-conforming use shall be extended or expanded.

g. Any use for which a Special Permit is permitted, or which is part of an approved open-space subdivision, shall not be deemed a non-conforming use in such district.

303.2 NON-CONFORMING BUILDINGS OR STRUCTURES

a. Nothing in these Regulations shall require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these Regulations.

b. Non-conforming buildings shall not be altered or enlarged in a way that increases the non-conformity

c. Non-conforming buildings may be:

- Strengthened or restored to a safe condition upon being declared to be unsafe by any official charged with protecting the public safety,
- altered or enlarged provided that any additions or enlargements shall conform to the applicable provisions of the Regulations, or
- relocated provided that it shall conform to the applicable provisions of the Regulations.

d. A non-conforming building that has been damaged or destroyed may be repaired or replaced to an extent, which does not increase the previous non-conformity**.**

e. If such repair or replacement is not accomplished within 18 months, it shall not be reconstructed except in conformity with the provisions of these Regulations.

303.3 NON-CONFORMING BUILDINGS OR STRUCTURES IN FLOOD PLAIN

a. Within the flood plain, no non-conforming structure shall be substantially improved unless the entire structure is made to meet the standards of Section 811 of these Regulations.

b. Within the flood plain, no non-conforming structure, which is damaged and requires substantial improvement shall be repaired or rebuilt without the entire structure being made to conform to the standards of Section 811 of these Regulations.

304 USES PERMITTED IN ANY ZONE *(Amended August 1, 2011)*

The following uses shall be permitted provided the use meets the Special Permit provisions of Chapter VII and is approved by the Commission, unless otherwise noted.

a. Municipal Uses (including Board of Education, WPCA, and Fire Districts), Public Schools, Libraries, Museums, Parks, Playgrounds

b. Public Places of Worship

c. Federal and State Facilities

d. Public Utility Facilities (not to be interpreted as infrastructure)

e. Private Clubs, Membership clubs, Lodges, Social clubs

f. Recreational Uses

g. Farms - See Chapter 305 – FARM REGULATIONS – for requirements.

Special Permit uses permitted under this section in residential and agricultural zones shall comply with the bulk and area requirements for the B-2 Zoning District.

305 FARM REGULATIONS – *Adopted August 1, 2011*

305.1 PURPOSE: The purpose of this section is to promote the preservation of agricultural land, and support agriculture as an important and viable business, and lifestyle within the Town of East Windsor, while preserving the public health, safety and welfare. Also, these regulations are designed to require animal caretakers to follow generally accepted agricultural practices including proper housing, pasturing and waste management; and to require farmers to apply best management practices with crop production.

305.2 RAISING OF CROPS

The growing of crops, forestry, nursery, and other similar agricultural uses are permitted in any zone with any acreage provided best management practices are utilized.

305.3 KEEPING OF LIVESTOCK

a. **Commercial Farms:** Raising livestock for commercial purposes is allowed by right provided that the farm has at least 3 acres, and generally accepted agricultural practices are followed as defined under the following references:

- The CT Right To Farm Law - CGS Section 19a-341, as adopted by the Town of East Windsor as Ordinance # 11-03 on Nov. 11, 2011.
- The CT Public Health Code (North Central Health District- NCHD)
- Most recent techniques and guidance as provided by entities such as the CT. Department of Environmental Protection (DEEP); CT Horse Council; University of CT at Storrs (UCONN) – Department of Agriculture **(**DOA**)**; CT Farm Bureau (CFB); and Natural Resource Conservation Service (NRCS)

1. Commercial Farms are not subject to requirements for animals per acre as listed in 305.3.b below.
2. Commercial Farms are subject to General Livestock requirements per section 305.3.c and d.

b. **Non-Commercial Farms:** Raising of livestock for non commercial farms is subject to the following requirements of animals per acre and site suitability:

1. Minimum of 1 contiguous acre of usable pasture for one animal unit.
2. Animal Units per Acre of usable pasture: Livestock are allowed in accordance with the following density:
   a. Horses, Ponies, Burros, Donkeys, Pigs, Cows, Bulls, Steer: one head equals one animal unit
   b. Weaned Calves (up to 1 yr in age), Llamas: two head equals one animal unit

c. Sheep, Goats, Alpacas: five head equals one animal unit
d. Poultry, Rabbits, or similar small animals whose mature weight is less than 30 pounds: 10 head equals one animal unit.
e. An additional animal unit may be permitted with each additional acre of usable pasture, or appropriate percentage thereof

3. Roosters are only permitted on non-commercial farms greater in size than 3 acres.
4. Livestock not listed above shall have a livestock unit defined by corresponding the adult weight with that of the animals listed.

c. **Site Suitability and Impact:** In order to minimize potential adverse impacts, all farms shall use the following criteria for compliance:

1. Sites with slopes greater than 15% shall be avoided or improved to avoid heavy surface water runoff, soil erosion, sedimentation or hazardous conditions for keeping animals.
2. Animal keeping areas shall not be permitted directly over land containing an on-site sewage disposal system.
3. Proper drainage shall be provided to avoid collection of water. Water shall be diverted from animal keeping areas; however, such water shall not pollute surface or subsurface water supplies nor shall runoff be directed to neighboring properties.
4. All livestock shall be kept in such a manner that shall not cause unreasonable noise, odor, vermin and /or insects.
5. Livestock shall be suitably and adequately confined or controlled at all times.
6. Requirements of public health code shall be followed.
7. An owner or lessee may request the Zoning Enforcement Officer to review compliance with these requirements by providing:
    a. A sketch/diagram which can be created using the town GIS system, and best available boundary and site data;
    b. The boundaries of the property on which the animals are to be kept;
    c. Location of all existing structures including dwellings on abutting properties, on-site wells and sewage disposal systems (Refer to the Health Department);
    d. Location of proposed animal shelter and usable pasture, including fences;
    e. Number and type of animals to be kept;
    f. Location of watercourses, water bodies and wetlands;
    g. Areas of slope in excess of 15%; and
    h. A narrative describing the total acreage of site where animals are to be kept, the general nature and scope of the proposed use and the provisions for storage of feed, grain, hay and animal excrements.

d. General Livestock Requirements

1. Manure storage and animal shelters must be
   *150 feet minimum from any abutting dwelling unit, watercourse or wetland;
   *100 feet from any side or rear property line; and
   *60 feet from any front property line; and
   *75 feet from any well.
2. Pig styes must be 300 feet from any abutting dwelling unit per public health code.
3. Livestock offspring shall not apply to the calculation of livestock units until after weaning.

305.4 FARM STORES

Permitted by Special Use Permit on Commercial farms with the following provisions:

a. The footprint of the farm store and all retail areas shall be compatible in size and scale with the neighborhood.
b. At least 50% of gross sales shall be from agricultural goods produced on the owner's farm, or processed products made from raw materials that were produced on the owner's farm. Related products such as gardening tools, fertilizers, soil planting pots, hand made crafts, and holiday specialty items not derived from the farm may be included.
c. Off street parking with adequate ingress and egress must be provided. Parking shall be provided at a rate 5 spaces per 1,000 square feet of building footprint, with a 5 space minimum. Permeable parking surfaces are encouraged.
d. Appropriate Zoning and Building permits, and Wetlands Permit if warranted, must be obtained.

305.5 FARM STANDS

Temporary Farm stands are permitted by right on all farms with the following conditions:

a. Temporary seasonal structures and sales area shall be compatible in size and scale with neighboring uses.
b. The maximum size of the seasonal structure must not exceed 300 square feet. (per 404.i.2)
c. At least 70% of gross sales shall be from agricultural goods produced on the owner's or lessee's farm, or processed products made from raw materials that were produced on the owner's or lessee's farm.
d. The Seasonal farm stand must cease for at least six consecutive weeks in one year.
e. Parking must be provided off of the public right–of-way, with a safe ingress and egress.
f. The temporary structure must be 10 feet back from the front property line, must meet underlying zones side yard setbacks, and shall not cause a nuisance or unsafe conditions. Permanent structures not entirely mobile shall require a building permit.

305.6 SIGNAGE

a. Permanent Signs

One permanent free-standing or attached sign may be permitted for a farm, or farm stand with the following conditions:

1. Maximum size is 16 square feet for non commercial farms, and 32 square feet commercial farms.
2. Freestanding signs must be located 10 feet back from front property line, and meet the underlying zones side yard setbacks.
3. One sign per farm.
4. Signs may not be internally lit.
5. All other sign standards as set forth in Section 602 of these zoning regulations shall be followed.

b. Temporary/Seasonal Signs

Temporary free-standing or attached signs on a farm, associated with a farm stand, seasonal farm stand, or agriculturally related use, whose content may change per available goods, services or activities, may be permitted with the following conditions:

1. Maximum size is 32 square feet per side, with a maximum of two sides. Up to 100 square feet of signage advertising produce is permitted, with a maximum of six signs total.
2. Freestanding, or self standing a-frames or placard signs, shall be located a minimum of ten feet back from the front property line.
3. Signs may not be internally lit.

c. Off Site Directional Signage – Temporary

A farm may establish directional signs off the property where the farm is located. Such signs shall meet the following conditions:

1. Signs shall only be located at intersections i.e. where two roads meet.
2. Signs shall be legible and of weather resistant material.
3. Signs shall not exceed **4** square feet in area, and shall not exceed 3.5 feet in height.
4. Signs shall not be externally nor internally illuminated
5. Only one sign per farm per intersection.
6. Sign background may not be red or yellow.
7. Signs shall be seasonal, and removed when product is no longer available.
8. Signs shall not block sight line distance.
9. Signs may be double sided, which will be counted as one sign.

305.7 OTHER RELATED USES

a. Agriculturally Related Uses:

1. Temporary/Seasonal Events - Such uses include events such as corn mazes, farmers market *(added/effective 7/28/14)* harvest or Holiday festival, hay rides, petting zoos, or other uses, subject to adequate and safe onsite parking. A temporary permit for a seasonal event per Section 405 of the regulations is required.
2. Sawmills – may be established as an accessory use on any commercial farm, provided that:
    a. any such mill is operated only between the hours of 7:00 am and 5:00 pm.;
    b. and is located not less than 100 feet from any property line, and not less than 500 feet from any abutting dwelling;
    c. is used only to cut timber grown on such farm.
3. Outdoor Wood Burning Furnaces – may be permitted with a zoning and building permit, and must meet CT DEEP guidelines.
4. Greenhouses shall not cause light or noise pollution onto neighboring properties.
5. Where drive aisles and parking are required, permeable surfaces are encouraged provided the underlying surface is supportive. *(added/affective 7/28/14)*

b. Uses requiring a Special Use Permit:

1. Field Workers' Housing.
2. Commercial Horse Riding boarding or instruction facilities (greater than 10 horses).
3. Bed and Breakfast Facilities.
4. Farm Stores.

5. Event Hosting, such as banquet and rental facilities.
6. Commercial Recreation: fee based outdoor recreation such as cross country skiing, and camping.
7. Retail sales of Propane.
8. Kennels, Veterinary Clinics, Shelters, and
9. Fur Farms; Slaughterhouses.
10. Sawmills utilizing timber from offsite *(added/effective 7/28/14)*
11. Wineries and breweries (located in residential or agricultural zones) *(added/effective 7/28/14)*

305.8 LEGAL NON-CONFORMITIES:

a. Any existing non-conforming barn, originally constructed for livestock, may continue to be used for agricultural and boarding purposes

b. Any property which has held and continuously raised livestock which does not meet the minimum acreage may continue to be used for such purpose.

305.9 MISCELLANEOUS PROVISIONS:

a. No Fees (except state fees**) are required** for applications for Future Farmers of America (FFA) or 4H or other student vocational agricultural projects. *(amended/effective 7/28/14)*

CHAPTER IV RESIDENTIAL DISTRICTS

400 PURPOSE – RESIDENTIAL DISTRICTS

These residential zoning districts are established to provide for residential neighborhoods that are in harmony with the natural features of the land and the needs of East Windsor residents, both present and future. The agricultural zones are also considered residential zones. However, the agricultural zones are also intended to promote present and future agricultural uses.

Not more than one residence building shall be erected on or moved to any lot, except as hereinafter described.

Any lot containing more than one residence building at the time of adoption of these regulations may be divided and sold as separate lots provided such lot or lots conform to the bulk and area requirements of the district in which they are situated, as shown in Section 401.

401 BULK & AREA REQUIREMENTS – RESIDENTIAL DISTRICTS *(Amended 8/1/2011)*

In residential zones no building hereafter erected, reconstructed, remodeled or altered shall exceed the height, be located on a lot of less width and area, or have smaller yards or ground floor area than the minimum requirements listed below.

ZONE	R-1	R-2	R-3	A-1	A-2
Minimum Lot Requirements					
Frontage	125’	150’	150’	175’	200’
Width	100’	125’	125’	150’	175’
Depth	100’	100’	120’	150’	150’
Buildable Area – Sq. Ft. (3)	20,000	25,000	30,000	43,560	80,000
Minimum Yard Requirements					
Front Yard Setback	35'	40'	50'	50'	50'
Side Yard Setback (5)	12 1/2'	15'	15'	17 1/2'	20'
Rear Yard Setback	25'	30'	40'	30'	30'
Maximum Density Requirements (4)					
Density Factor non PRD	2.00	1.35	0.90	0.45	0.20
Density Factor for PRD	N/A	1.50	1.00	0.50	0.25
Maximum Lot Coverage (1)					
Building(s)	15%	15%	15%	15%	15%
Impervious Surfaces	25%	25%	25%	25%	25%
Maximum Height Requirements					
Stories	2.5	2	2	2.5	2.5
Feet	30'	30'	30'	30'	30'
Accessory Structure Requirements					
Maximum Height	15'	20'	20'	35'	35'
Side Yard Setback	10’	10'	10'	10'	10'
Rear Yard Setback	10'	10'	10'	10'	10'

Maximum Size (Sq. Ft.) (2)	800	1,000	1,200	2,000	2,500

Notes to Residential Bulk and Area Requirements

(1) Churches and other places of worship, parish houses, Sunday schools, public schools, public libraries, and museums may have a building coverage up to 20 percent and impervious coverage up to 65 percent.

(2) Structures that are accessory to a commercial farm use shall be exempt from the maximum size requirement for accessory structures. *(Amended – Effective 8/1/2011)*

(3) See Section 8-26a C.G.S. for lot size.

(4) **Density Factor -** The maximum number of building lots permitted in a subdivision is determined by multiplying the developable area of the parcel (in acres) by the density factor for that zone. The density factor shall apply to all parcels of land that can yield more than four lots for subdivision or resubdivision. No parcel of land or lot shall have the density factor reapplied once the maximum lot yield has been reached for the original parcel of land that existed as of June 17, 2006, the effective date of this regulation.

Example: A proposed PRD development in an A-1 Zone with 10 acres of developable land on a 12 acre parcel

10 acres of developable land x 0.50 density factor = 5 lots maximum.

(5) In residential and agricultural zones, the side-yard requirements for non-conforming lots with less than the required frontage shall be 10 percent of the lot frontage or 10 feet, whichever is greater. *(amended//effective 7/28/14)*

This table provides the general requirements for each zone; additional requirements may exist in other portions of the regulations.

402 PERMITTED USES IN RESIDENTIAL & AGRICULTURAL DISTRICTS

The following table identifies those uses that are permitted as of right and those permitted by special permit in agricultural and residential zoning districts: (see Section 304 for uses permitted in any zone)

(Amended – Effective 8/1/2011)

USE	R-1	R-2	R-3	A-1	A-2
Single family dwellings	P	P	P	P	SUP
Multi-family (2 & 3 family units)	SUP				
Multi-family (More than 3 units) (1)	SUP				
Active Adult Housing	SUP	SUP	SUP	SUP	
Nursing & Convalescent Homes	SUP	SUP	SUP		
Existing Cemeteries (2)	SUP	SUP	SUP	SUP	
Greenhouses or Farms (3)	P	P	P	P	
Keeping of Poultry & Livestock (4)	P	P	P	P	
Bed & Breakfast (for not more than 10 guests)				SUP	
Farms (5)	P	P	P	P	P
Kennels, Veterinary Hospitals				SUP	
Sale of Farm Products				P	
Inventory Holding Area (7) (Amended – effective 1/8/09)				SUP	

P = Permitted Use, SUP = Special Use Permit

Notes To Permitted Uses In Residential Districts

(1) In an R-1 district, multi-family housing in excess of 3 units may be permitted on parcels of not less than 4 acres in accordance with Section 803.

(2) Existing cemeteries in residential zones may be extended 300 feet on both sides and in the rear 500 feet.

(3) Farms are permitted in any zone. See Chapter 305.3 for livestock regulations. *(Amended – Effective 8/1/2011)*

(4) Commercial and Non-Commercial Farms are regulated through Chapter 305.3 for livestock regulations. *(Amended – Effective 8/1/2011)*

(5) Farms: See Chapter 305. *(Amended – Effective 8/1/2011)*

(6) Shall require a site plan showing the location of all buildings, parking areas, traffic accesses, storm drainage, open space, sanitary disposal facilities, landscaping, and other requirements deemed necessary by the Commission.

(7) Shall meet all the requirements of Section 815 Inventory Holding Areas. *(Amended – effective 1/8/09)*

403 PERMITTED ACCESSORY BUILDINGS & STRUCTURES

a. The following accessory buildings and structures are permitted in the rear and side yards provided accessory structure setbacks are met per Chapter 401: *(amended/effective 7/28/14)*

   1. Farm outbuildings, including barns, accessory to a farm**.** Housing for farmhands may be permitted by special use. Animal shelters must follow setbacks per Section 305.3.d. *(Amended – Effective 8/1/2011)*

   2. Storage sheds, detached garages and carports, farm stands, playhouses, swimming pools, bath houses, antenna, dishes, and other outbuildings or structures. *(Amended – Effective 8/1/2011)*

   3. Fences under 8 feet in height, stone walls, and retaining wall. (Shall not have to comply with setbacks.) *(amended/effective 7/28/14)*

   4. Dog houses, runs, kennels, and penned areas. (Less than 40 square feet shall not have to comply with setbacks.)

b. No accessory structure shall be constructed in such a manner that it could be used as a dwelling unit.

404 PERMITTED ACCESSORY USES

a. Those uses that are customary and incidental to a residential use or those permitted and special permitted uses.

b. The parking of vehicles is permitted provided they are licensed and registered to the resident/tenant of the property, or stored within an approved structure. *(amended/effective 7/28/14)*

c. The parking or storage of farm machinery shall be considered as an accessory use, and may be located only in the side or rear yard.

d. Farms: See Section 305. *(Amended – Effective 8/1/2011)*

e. Accessory uses may require a site plan showing the location of all buildings, parking areas, traffic accesses, storm drainage, open space, sanitary disposal facilities, landscaping, and other requirements deemed necessary by the Commission.

f. Home occupations of the resident or resident family member owner provided that:

1. no more than one non-resident is engaged in the activity at the site,
2. vehicle parking complies with the residential parking requirements.

g. Professional office of the resident owner or resident family member provided that no more than 1 non-resident is engaged in the activity at the site and the use does not change the exterior appearance of the property.

h. Family and group day care homes.

i. Tag, lawn, yard or similar sales, confined to the sale of items formerly used on the premises and not items made or purchased for the sale, are permitted uses no more than two times a year.

j. A Restricted Landing Area, as regulated by the State Department of Transportation, Bureau of Aviation and Ports shall be allowed in an A-2 zone, subject to the following requirements:

1. The direction of take-off/approach shall not encroach on public roads or residential areas;
2. No more than 6 aircraft, with a maximum wingspan of 49 feet, shall be based at any one time at such landing strip;
3. No building or aircraft parking shall be allowed within 125 feet from the center line of said landing strip;
4. It shall be the responsibility of the licensee of an airstrip to determine that all aircraft operating from an airstrip have adequate flight performance to insure that such operations will not constitute careless, negligent or reckless operations;
5. Proper compliance with all state and federal rules and regulations including, but not limited to, State Department of Transportation, Bureau of Aviation and Ports and the Federal Aviation Administration rules and regulations shall be mandatory;

i. Farm Stands: The ZEO shall issue a permit for a farm stand for the retail sale of farm produce, milk, honey, cider, or other foods, products, or non-alcoholic beverages See Section 305.5
(Amended Effective 8/1/2011)

j. Off-street parking or garaging of resident's vehicle(s) subject to the following restrictions:

1. Not more than one commercial vehicle with or without commercial markings;
2. In any case, no trucks, buses, trailers, construction equipment or any other vehicles exceeding one and a half ton capacity excluding recreational vehicles;
3. The sale of no more than 2 vehicles per year that were previously or currently registered at that property.

k. A private garage for not more than (4) four automobiles shall be considered an accessory use, and if detached, may be located only in the side or rear yard.

l. Recreational Vehicles and Boats may be stored or parked on any 1 to 4 family residential lot subject to the following:

1. Such equipment may not be more than 55 feet in length, and if stored outdoors (not in a garage or other completely enclosed structure).They shall :
    a. not be stored in the front or side yard
    b. not be within ten feet of the property line, if stored on any other portion of the lot, and
    c. be no more than one of either type of vehicle which can be stored.

2. Such equipment may be parked in a driveway of a residential premises for a period not exceeding 48 hours to allow for loading and unloading. Storage shall be considered parking beyond 48 hours.
3. Any recreational vehicle or boat parked or stored in any zoning district, whether it be residential or non-residential, shall not be used for living, sleeping or housekeeping purposes.

m. For any building or complex with more than 4 dwellings units, recreational vehicles and boat parking, separate and detached from the required parking area, shall be provided in the rear yard and may be approved by site plan.

405 TEMPORARY PERMITS/SEASONAL EVENTS

A. Auctions and Carnivals may be permitted in any zone up to two times per calendar year with a zoning permit provided adequate parking and pedestrian access is provided. Permit must be approved by Chief of Police, Building Official, and Fire Marshall, and North Central Health District if food is to be served. The Zoning Enforcement Officer has discretion to require Planning and Zoning Commission approval if intensity of event is warranted. *(Amended Effective 8/1/2011)*

B Temporary use of trailers: a single mobile home or trailer may be placed temporarily on a lot during the re-construction due to fire or other disaster of a permanent dwelling; or utilized as an on site office for any construction project with the following conditions:

1. A Zoning Permit is obtained
2. A Building Permit is obtained
3. A one-year time limit is observed. 90-day extensions may be issued by the ZEO.
4. Placement should follow underlying zoning setbacks if possible. However, in no case may the structure be located within 10' of the front property line. Final placement to be determined by ZEO.

(Amended Effective 4/25/2012)

406 LIVING AREA REQUIREMENTS

1. No single family dwelling shall be erected in any zoning district whose living area is less than 1,248 square feet.
2. The following minimum floor areas shall be provided for each multi-family dwelling unit that is not subject to the provisions of the Multi Family Development District (Section 803) or the Age – Restricted Development District (Section 801):

Bedrooms	Square Feet
1	950
2	1,100
3	1,250

407 ACCESSORY APARTMENTS

In any district where residential uses are permitted the Commission may, by Special Permit, allow for the construction and use of one accessory apartment associated with a single-family dwelling provided that the following requirements and conditions are met.

407.1 REQUIREMENTS AND CONDITIONS

The design and use of an accessory apartment shall meet the following requirements and conditions:

a. The applicant shall provide a site plan, floor plan, and building elevations in sufficient detail as required by the Commission to evaluate the request.

b. The design of the accessory apartment shall maintain the architectural character, style, size, and scale of a single family residential dwelling and be consistent with the character of the neighborhood.

c. The architectural features of the building (roof line, roof pitch, building materials, colors, window style and spacing, etc.) shall be the same as the principal residence.

d. The entrance to the accessory apartment shall not be located on any wall facing any street and shall be designed in such a way that does not draw attention to accessory apartment. Shared access between the primary and accessory dwelling units shall be maintained.

e. Only one accessory apartment with a maximum of one bedroom shall be allowed on the property. It shall be designed and constructed within the main structure.

f. Occupants shall be family or extended family members, related by blood, marriage or adoption with no more than 2 occupants. One employee of owner may be substituted for the above.

g. The accessory apartment should not exceed 35% of the total of the above ground floor area of the primary dwelling unit, and shall not exceed 900 sq. ft.

h. The property shall be and shall remain owner occupied. A notarized affidavit in a form acceptable to the PZC, signed by the owner of the one family dwelling affirming the intent that either the principal or accessory dwelling unit is to be occupied by the owner of the premises shall be required. Affidavit shall be filed on the land records. The ZEO may request renewed notarized affidavit at 1 year intervals.

i. A certificate of zoning compliance shall be filed on the land records and will automatically expire with change of ownership. New owners must apply for a new zoning permit, otherwise the use will be considered abandoned.

j. The design and use of accessory apartment shall clearly be secondary and subordinate to the primary dwelling. The entire structure shall continue to be metered by one common electrical service and one common heating service.

k. The accessory apartment shall have its own independent bathroom and kitchen facilities.

l. The water and sewer/septic system serving the residence and/or the accessory apartment are approved by the Health Department and WPCA.

m. Adequate off-street parking is provided for all dwelling units.

n. Parking location, design, and access from the public right-of-way serves both dwelling units and are not distinguishable as separate facilities.

408 REAR LOTS

408.1 PURPOSE

The purpose of this Section is to allow the development of a rear lot(s). It is intended that rear lots be designed to protect the privacy and values of neighboring properties, be designed in harmony with the site's natural features, provide the most appropriate development of such land, and not conflict with future roadway needs for the general neighborhood.

408.2 PROCEDURE

Rear Lots shall require the approval of a Special Permit in accordance with the provisions of this Section and the Special Permit requirements in Chapter VII of these Regulations.

408.3 MINIMUM STANDARDS

a. Rear lots shall require twice the minimum lot area for the zoning district, exclusive of the access strip.

b. Rear lots shall require a minimum of 30 feet of frontage on a public highway to provide access to the lot. The Commission may approve a rear lot with a legal right-of-access that is not part of the rear parcel provided that the property from which the right-of-access is obtained has at least 30 feet of frontage in excess of the minimum frontage requirement. The front yard setback shall be applied to the lot, not the access strip.

c. A maximum of one lot or 20 percent of the lots in a subdivision, whichever is greater, may be rear lots. This requirement shall be cumulative for re-subdivisions or subdivisions involving more than one section. Fractions of .5 or greater shall be rounded up.

d. No rear lots may be approved off cul-de-sacs which exceed 600 feet in length unless public water is available.

e. No more than two contiguous rear lots may be approved.

f. The Commission shall find that the proposed development of rear lots provides the most suitable use of the land based on drainage, shape, accessibility, topography, and public safety.

g. No driveway shall have a slope in excess of 10 percent over any run exceeding six feet. The entire driveway shall be paved if any six-foot or greater run exceeds a 7 percent slope.

h. The driveway shall be 12 feet wide and have a passable area of 3 feet on each side. The driveway shall consist of a crushed stone base of a depth and design capable of accommodating fire department equipment. The design and layout of the driveway shall be acceptable to the Commission based upon input provided by the Town Engineer. The Commission may require the driveway to be paved based upon its length, slope and design.

i. No parking shall be allowed within the required access drive and such restriction shall be placed as an encumbrance on the lot and recorded on the land records.

j. A car turnaround area shall be provided at the terminus of the driveway.

k. No shared driveways shall be allowed. Except the commission may permit shared driveways where improved sight-line would benefit public safety or where the inland wetlands agency recommends a shared driveway to reduce wetland impacts.

l. The street entrance to the rear lot shall be posted with a sign containing the house number and shall be visible from the road. Such a sign may not exceed two square feet per side.

m. The Commission shall require the planting of an evergreen screen along property line to ensure privacy of adjacent lots unless it is shown that existing vegetation and/or topography provide adequate screening. Plantings shall not interfere with sight lines from the driveway to the public highway.

n. Rear lots may be permitted in any zone *(amended/effective 7/28/14)*

CHAPTER V BUSINESS & INDUSTRIAL DISTRICTS

500 PURPOSE – BUSINESS & INDUSTRIAL DISTRICTS

500.1 BUSINESS 1 ZONE (B-1)

This zone is intended to establish areas of light commercial activities including neighborhood retail, services and professional offices. The character of the zone is intended to be small scale commercial activities that service the surrounding areas and integrate well with the neighboring residential development.

500.2 BUSINESS 2 ZONE (B-2)

This zone is intended to provide areas of commercial activity including community retail, business, service, professional offices, and other automotive dependent uses. The character of this zone is intended to be small to large scale commercial developments primarily serviced by automobiles.

500.3 TRANSITION ZONE 5 (TZ5)

The purpose of this zone is to allow existing residential areas to transition in an orderly means to a commercial area. The development of this zone should provide minimal impacts on existing residential development within the area.

500.4 MANUFACTURING ZONE 1 (M-1)

This zone is intended to provide areas for manufacturing, warehousing, wholesale, and other forms of commercial and industrial activities. The character of the zone is intended to be commercial in nature while still maintaining the small town community character.

500.5 HIGHWAY INTERCHANGE FLOATING ZONE (HIFZ)

The intent of the HIFZ is to establish a legal framework for land use alternatives that will provide the applicant with a wide variety of development opportunities; to encourage the economic development and fiscal improvement of the community by providing flexible development opportunities and responsiveness to market trends for land having high visibility and access to the major intersections of Route 5 with I-91at Exit 44, and with Route 140; to empower the Town with a measure of control over the type and quality of development while encouraging mixed Industrial, Commercial, and Business Uses; and to insure that such development is accomplished in an orderly manner with minimal negative impact to neighboring areas and critical natural resources. For parcels granted the HIFZ designation, the bulk & area requirements of the underlying zone shall not apply *(amended/effective 7/28/14)*. Applications for designation as an HIFZ will be accepted for that area abutting: (1) Route 5 (a.k.a. Prospect Hill Rd.) commencing 600 feet North of its intersection with Route 140 (a.k.a. Bridge St. or North Rd.) and terminating at the Exit 44 Interchange of I-91; (2) Route 140 commencing 600 feet east of its intersection with Route 5 and terminating 600 feet west of the Exit 45 interchange of I-91, specifically including all Business and/or Industrial Zoned property located therein.

500.6 BUSINESS 3 ZONE (B-3) – ROUTE 140 BUSINESS CORRIDOR

This zone is intended to provide for business development in order to increase the tax base, provide services and amenities to residents of the town and larger region, and provide jobs. The character of the zone is intended to provide a variety of uses and building types while managing environmental, traffic, and aesthetic/community character impacts. Planned developments with a village character and multiple uses on a parcel are desirable in this district.

501 BULK & AREA REQUIREMENTS – BUSINESS & INDUSTRIAL DISTRICTS

In business and industrial zones no building hereafter erected, reconstructed, remodeled or altered shall exceed the height, be located on a lot of less width and area, have smaller yards, or ground floor area than the minimum requirements listed below. (For uses permitted in any zone with a SUP see chapter 304)

ZONE	B-1	B-2	M-1	HIFZ	B-3	TZ5
Minimum Lot Requirements						
Frontage	100’	80’	200’	(2)	200’	100’
Width	100’	80’	200’	(2)	200’	100’
Depth	110’	110’	120’	(2)	110’	150’
Area - Sq. Ft.	15,000	12,000	60,000	(2)	40,000	20,000
Acreage	0.344	0.275	1.337	(2)	0.92	0.459
Minimum Yard Requirements						
Front Yard Setback (3)	50'	50'	60'	(2)	75’	50'
Side Yard Setback (5)	15'	15'	20’	(2)	15’	20'
Rear Yard Setback	30'	30'	30'	(2)	30’	20'
Maximum Lot Coverage						
Building(s)	20%	30%	35%	(2)	35%	25%
Impervious Surfaces	65%	65%	75%	(2)	65%	60%
Maximum Height Requirements						
Stories	4	2.5	4	(2)		2
Feet	50'(1)	30'	60'(1)	(2)		35'
Within 200’ from Rte. 140 (4)					2 stories/25’ ht.	
201 – 400’ from Rte. 140 (4)					3 stories/37.5 ht.	
>400’ from Rte. 140 (4)					4 stories/50’ ht.	

Notes to Business and Industrial Bulk and Area Requirements

This table provides the general requirements for each zone; additional requirements may exist in other portions of the regulations. Where residential properties exist in business and industrial zones, the bulk and area requirements for the R-2 Zone shall apply.

(1) In addition to the above requirements, where a building exceeds 35' in height, such building shall be set back from front, side and rear lot lines 2 additional feet for each additional foot of height.

(2) See HIFZ regulations, underlying zoning designation and site plan for existing sites.

(3) Canopies for automotive filling or re-energizing stations may be a minimum of 35 feet from the front property line. *(added/effective 7/28/14)*

(4) As measured from the Route 140 right of way line closest to the property in the B3 Zone.

(5) In business and industrial zones, the side yard requirements for non-conforming lots with less than the required frontage is 10 percent of the frontage or 10 feet, whichever is greater. *(amended/effective 7/28/14)*

(6) Changes of use in existing buildings requires a zoning permit. *(added/effective 7/28/14)*

502 PERMITTED USES IN BUSINESS & INDUSTRIAL DISTRICTS

The following table identifies those uses permitted by zoning district. All business and industrial uses, developments, and new construction, except for minor changes in use, require site plan approval by the Commission. Any use not expressly permitted by the Commission shall be prohibited unless the Commission determines that a use fits into the established use groups. In addition, the Commission has the right to determine if any use meets the intent of the regulations.

Retail & Service Uses	**B-1**	**B-2**	**M-1**	**HIFZ**	**TZ5**	**B3***
Retail Establishments (up to 30,000 square feet B3)	**P**	**P**		**P**	**SUP**	**SUP**
Service Establishments, Personal/Professional	**P**	**P**	**SUP**	**P**	**SUP**	**SUP**
Retail/Service Establishments – Over 30,000 square feet		**SUP**		**P**		
Day Care Centers; Nursery Schools	**SUP**	**SUP**	**SUP**		**SUP**	**SUP**
Dry Cleaning Establishments		**P**	**P**			**SUP**
Catering Establishments		**P**	**P**	**P**		**SUP**
Restaurants (4)	**P**	**P**		**P**	**SUP**	**SUP**(9)
Hotel	**SUP**	**SUP**	**SUP**	**P**	**SUP**	
Funeral Home, Mortuaries, Morgues	**P**	**P**			**SUP**	
Parking Lots		**P**				
Financial Institutions & Banks	**P**	**P**	**P**	**P**	**SUP**	**SUP**
Fitness Center, Max 10,000 sq. ft.						**SUP**

	B-1	**B-2**	**M-1**	**HIFZ**	**TZ5**	**B3***
Office – General & Professional	**P**	**P**	**P**	**P**	**SUP**	**SUP**
Business & Professional Office Buildings	**P**	**P**	**P**	**P**	**SUP**	**SUP**
Contractor's Office and Storage Yard (8)		**P/SUP**	**P/SUP**			
Medical & Dental Laboratories	**P**		**P**		**SUP**	**SUP**
Nursing/Elder Care/Convalescent Homes	**SUP**	**SUP**		**SUP**	**SUP**	**SUP**

General Industrial Uses	**B-1**	**B-2**	**M-1**	**HIFZ**	**TZ5**	**B3***
Wholesale Establishments			**P**			
Warehousing & Distribution – Non-hazardous materials			**P**	**P**		
Warehousing & Distribution – hazardous materials			**SUP**			
Research & Experimental Laboratories			**P**	**P**		**SUP**
Manufacturing – Light			**P**	**P**		**SUP**
Manufacturing – Heavy			**SUP**	**P**		
Volume Reduction Facility			**SUP**			
Composting, Mulching & Wood Chipping Facility (*added/effective 7/28/14)*			**SUP**			

Automotive Uses	**B-1**	**B-2**	**M-1**	**HIFZ**	**TZ5**	**B3***
Automotive - Auto Body Repair Shop		**SUP**	**SUP**			
Automotive – Repair Establishment		**P**	**P**		**SUP**	
Automotive – New & Used Car Dealer		**P**	**P**		**SUP**	
Inventory Holding Areas (7) (Amended – effective 1/8/09)		**P**	**P**		**SUP**	
Automotive - Car Wash		**P**	**P**			
Automotive – Filling or Re-Energizing Station		**SUP**				**SUP**(10)
Automotive – Retail		**P**			**SUP**	
Truck, Equipment, & Recreational Vehicle Sales		**P**	**P**			

Other Uses	**B-1**	**B-2**	**M-1**	**HIFZ**	**TZ5**	**B3***
Commercial Recreation	**SUP**	**SUP**	**SUP**	**SUP**	**SUP**	**SUP**(11)
*Commercial and Trade Schools, and classrooms	**P**	**P**	**P**(1)		**SUP**	**SUP**
Alcohol Sales (2)	**SUP**	**SUP**	**SUP**	**SUP**		**SUP**
Adult Oriented Establishments			**SUP**			
Other Uses (continued)	**B-1**	**B-2**	**M-1**	**HIFZ**	**TZ5**	**B3***
Drive Thru	**SUP**	**SUP**		**SUP**		**SUP**
Drive Thru for non-residential uses						**SUP**

Dog /Pet Daycare/Training//DOG Hotel/Kennel/Boarding	**SUP**	**SUP**	**SUP**	**SUP**	**SUP**	**SUP**
Dog/Pet Grooming/Pet shop/Retail, Veterinarian (3)	**P**	**P**	**P**(5)		**SUP**	**SUP**
Residential (6)	**SUP**	**SUP**				**SUP**
Farms (See Chapter 305) *(Amended Effective 8/1/2011)*	P	P	P	P	P	
Museum						**SUP**
Live Theater						**SUP**
Art Gallery or Artist Studio						**SUP**
Multiple principal uses on one parcel						**SUP**

P = Permitted Use and SUP = Special Use Permit*; B3* - Amended Effective 4/25/2012*

Notes to Permitted Uses in Business & Industrial Districts

(1) For Profit educational facilities permitted in M-1 zone

(2) Liquor as an associated use with hotel, recreational use and catering permitted with special use permit, and may be limited to beer & wine.

(3) Animal retail or service establishment tenant space must be separated by at least one other tenant space from any existing restaurant or food service establishment.

(4) Restaurant or food service establishment must be separated by at least one other tenant space from any existing animal retail or service establishment.

(5) Pet shop not permitted in M-1 zone

(6) Residential units may be permitted above the first story, and provided the units are not exposed as part of the main façade, below the first story in commercial buildings. Those units below the first story must be limited to studio apartments not to exceed 900 square feet in area. All residential units in commercial buildings require a Special Use Permit and must meet the following conditions at minimum:

a. Public sewers and water shall be provided

b. Minimum horizontal floor areas for each residential unit shall be:

1 Bedroom = 650 square feet
2 Bedroom = 800 square feet
3 bedroom = 1000 square feet
Efficiency/studio = 550 square feet

c. Buildings with residential units above the second floor shall be equipped with elevators of sufficient size to provide for emergency medical equipment serving residential areas only.

d. All requirements relative to fire safety boxes shall be met.

e. Parking shall be provided in accordance with section 601 of these regulations.

f. Landscaped areas with a ratio of 100 square feet per residential unit shall be provided. Landscaped areas required elsewhere in these regulations shall not be credited for this requirement.

The Commission may authorize by Special Use Permit the construction of residential units in structures separate from the commercial spaces provided that:

a. The total square footage of commercial space provided is equal to at least twenty five percent of the total square footage provided.

b. All of the requirements of Section 803 of these regulations regarding multi-family residential development are satisfied.

(7) When Inventory Holding areas are allowed as a permitted use, the bulk and area requirements of the existing zone apply. When Inventory Holding Areas require a special use permit, the bulk and area requirements of Section 815 apply. (Amended – effective 1/8/09)

(8) Contractors storage yard is permitted with up to 2000 sq. ft. of storage materials. Storage areas must be a minimum of 50 feet back from any property line. Storage of materials over 2000 sq. ft

will require a SUP. No processing of materials is permitted on site. *(Amended Effective 4/25/2012)*

(9) Sit down restaurants only *(Amended Effective 4/25/2012)*

(10) Automotive filling station, with no automobile sales, service, or carwash *(Amended Effective 4/25/2012)*

(11) Indoor recreation only *(Amended Effective 4/25/2012)*

503 PERMITTED ACCESSORY USES

The following specific uses:

ACCESSORY USES	B-1	B-2	M-1	HIFZ	TZ5	B3*
Signs	**P**	**P**	**P**	**P**	**P**	**P**
Parking	**P**	**P**	**P**	**P**	**P**	**P**
Outdoor Merchandise Display	**P**	**P**	**P**			
Outdoor Storage		**P**	**P**	**P**	**P**	
Retail Sales	**P**	**P**	**P**			
Heliport			**SUP**			
Food services intended primarily for employees of, or visitors to a principal use						**SUP**
Sale of gifts, crafts, and souvenirs, when accessory to a permitted principal use						**SUP**

B3 Amended Effective 4/25/2012*

503.1 OUTDOOR STORAGE

Except for the B-1 and B-3 Business zone, outdoor storage may be permitted in business and industrial zones under the following conditions*: (amended/effective 7/28/14)*

a. **Materials**

1. All outdoor bulk storage items, including recyclable materials, shall be in approved, enclosed containers.
2. No outside storage shall be placed outdoors that will attract animals or insects.
3. No perishable merchandise shall be stored outdoors.

b. **Location Requirements**

1. Any outdoor storage and all structures required for stored materials shall have been shown and designated on an approved Site Plan as outdoor storage.
2. No outdoor storage shall be allowed in the required front, side, or rear yards, or buffers.
3. No outdoor storage shall be allowed such as will reduce the amount of parking in parking areas below the minimum required for the site.
4. All outdoor storage shall be buffered from Residential Zones and Uses with a 20 foot wide landscaped buffer.
5. Outdoor storage shall be screened so as not to be visible from any street, residential, or municipal property.
6. Maximum height of stored material shall be 6 feet.

c. **Industrial Zone Requirements**

In the industrial zones, outside storage of materials shall be subject to the following additional provisions:

1. Outside storage shall be located to the rear of the principal building,
2. A landscape buffer shall be provided surrounding all storage areas,

3. Box trailers are permitted provided such storage is screened, and
4. Outside storage may include storage of vehicles and storage of materials. Vehicles shall not be stacked and storage of materials shall not exceed a maximum height of 25 feet.

503.2 OUTDOOR MERCHANDISE DISPLAY

a. **Merchandise**

1. No perishable items shall be displayed outside, except for farm stands. *(Amended Effective 8/1/2011)*
2. No merchandise shall be displayed outdoors that will attract animals or insects.
3. No leaching or goods with broken packaging shall be displayed.

b. **Location Requirements**

1. Any area used for outdoor merchandise display shall have been designated on an approved Site Plan.
2. No merchandise display shall be allowed if it will reduce the amount of parking in parking areas below the minimum required for the site.
3. Displayed merchandise shall not be stacked higher than 5 feet.
4. All lighting and signs shall meet regulations specified in Chapter VI.
5. No outdoor merchandise display shall be allowed within the front yard setback with the following exceptions:
   - as part of a permitted Roadside Stand, or *(Amended Effective 8/1/2011)*
   - at least 25 feet from the established street line providing the total area in square footage is no more than 3 times the lineal feet of principal road frontage.

c. **Christmas Tree Sales**

The sale of Christmas trees may be permitted, at the discretion of the Zoning Enforcement Official, as an exception to the above requirements provided that:

1. an application for a zoning permit is submitted,
2. adequate parking and traffic control is provided, and
3. all unsold trees shall be removed by December 31st of the year in which they were for sale.

d. **Temporary Out-door Sales (Fireworks, Novelty Items)**

Existing retail and service facilities may request a permit for temporary out-door sales, no more than two times per year. Said sales cannot exceed a total of 21 days in a 12-month period. The Zoning Enforcement Official may issue a permit for an application that meets the following requirements:

1. an application for a zoning permit is submitted,
2. adequate parking and traffic control is provided, and
3. the layout of the sale does not create any danger to the public health, safety and general welfare of the community.
4. Approval from Police, Fire and Building Official is obtained.

e. **Drive Thru**

Drive –up/through facilities may be permitted where authorized by Special Use Permit provided that the applicant can adequately demonstrate to the Commission's satisfaction that there will be no adverse effect on traffic conditions on any public street or neighboring property.

f. Farm uses are exempt from this section, provided use complies with Chapter 305. *(Amended Effective 8/1/2011)*

504 HIGHWAY INTERCHANGE FLOATING ZONE

504.1 GENERAL CONCEPTS

In considering the appropriateness of the HIFZ, the Commission shall consider the following:

a. That the potential exists for the zone to accommodate a wide variety of commercial land uses. That there be minimal restrictions on the location of these uses within the zone provided that compatibility with an adjacent development can be satisfactorily demonstrated.

b. That all development exhibit a high standard of quality in construction detail materials and appearance. That development reflects accepted professional standards of design.

c. That site planning is an essential criterion of the HIFZ. Sites' developed in the HIFZ are intended to be carefully planned, both within the sites own boundaries and in relation to surrounding properties.

d. That sites within the HIFZ be developed in a manner to encourage the reduction of the number of driveway cuts onto arterial streets in order to mitigate the deterioration of traffic flow generally caused by driveways on arterial streets. Shared driveways (or provisions for future shared driveways), interior service drives, and related techniques shall be encouraged.

e. That all development be sensitive to environmentally regulated areas within the HIFZ. That maximum effort be made to retain and integrate significant natural features into the development proposal wherever possible.

504.2 PERMITTED USES

Uses specified in Section 502 are deemed appropriate and permitted in the HIFZ but not at every or any location within the zone or without restrictions or conditions being imposed by reason of special problems of use, and the Commission shall have the discretion to decide whether the mixing of uses is appropriate and should be required or maintained.

504.3 SPECIAL PERMIT

All uses in this Zone shall be approved as part of the General Development Plan (GDP) special permit process and shall require a determination by the Commission that:

a. Traffic or other hazards will not be created;
b. General property values will be conserved;
c. There will be no adverse effects on existing uses in the area;
d. The general welfare of the community will be served;
e. There will be no adverse impacts on the capacity of present and proposed utilities, streets, drainage systems, sidewalks, and other infrastructure;
f. The Commission shall grant all approvals subject to such conditions and safeguards as will carry out the expressed purpose of this regulation.

504.4 CONSOLIDATED PARCELS

For purposes of integrated development, any number of contiguous parcels may be consolidated, and the consolidated parcel shall be construed to be one lot when computing building coverage and yard requirements, and permitted uses, provided:

a. 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.

b. The consolidated parcel is developed with an integrated plan of buildings, parking, loading and unloading.

504.5 SITE APPEARANCE REQUIREMENTS

Development proposals for the HIFZ will be reviewed for appearance and compatibility. The following are general guidelines:

a. 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 buffers (vegetative and architectural), building scale/massing/configuration/ height, light spill, emissions (noise), use intensity/frequency, and signage.

b. Building height shall be compatible with highway elevation and, for hotels that are proximate to Interstate 91, shall not exceed five stories or sixty-five feet. Office buildings shall be appropriately scaled and may exceed the height limitations set for other business zones, but in no instance shall exceed three stories or 45 feet.

c. All dumpsters shall be placed on a concrete pad and suitably screened with trees, shrubs, fencing or by other appropriate means.

d. Landscaping shall be well planned and intended to minimize the effect of commercial development and vast areas of pavement. When appropriate, landscaping shall blend with adjacent sites.

504.6 SIGNAGE REQUIREMENTS

a. 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 GDP and shall be described as to area dimensions, height, materials and purpose.

b. In recognition of the special nature of the HIFZ , additional signage may be permitted, especially for sites that are highly visible from Interstate 91.

c. Multiple tenant buildings will be allowed building signage for each tenant that has distinct, exclusive, building frontage with individual entrances. 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. No individual pole signs are permitted for multi-tenant buildings.

d. Hotels visible from Interstate 91 may have signs on the front and at each end of the building as necessary to identify the use from I-91.

e. Unless otherwise approved as part of the GDP, signs on the parcels approved for the HIFZ shall have the size, shape, location, and lighting as set forth in Section 602.

504.7 ALCOHOLIC BEVERAGES

Buildings and premises used for hotels, conference centers and restaurants may be used for the sale of alcoholic beverages for on premises consumption in accordance with Section 806 except that such proposed uses in the HIFZ shall be exempt from the dimensional requirements set forth therein.

504.8 APPLICATION PROCEDURES & REQUIREMENTS

a. **Pre-Application Conference:** 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.

b. **Application for HIFZ Designation:** Applicants with interests in property within the locations described in Section 504.1 above may apply for HIFZ designation in accordance with the provisions of Section 900.6 The Commission may also require applicants to provide further documentation as may be reasonably necessary to make an adequate determination of the appropriateness of the proposal to the site and its fulfillment of the content of these regulations.

c. **Application for GDP Special Permit:** Simultaneous with the application for HIFZ designation, or subsequent to the Commission's designation of an HIFZ, in accordance with the requirements set forth in this district and in Section 900.5 of these regulations, the applicant shall file an application for a **GDP** Special Permit for all of the property located within the proposed HIFZ**.** The bulk & area requirements for the subject parcel shall be as described on the approved GDP *(amended/effective 7/28/14)*. If the application is approved, the establishment of the HIFZ shall permit the applicant to proceed with completion of the development as set forth in the GDP, subject to obtaining site plan approval in accordance with Section 900.2 for the specific uses approved in the GDP.

d. **Site Plan Approval:** After the approval of the GDP special permit, no permits shall be issued for uses permitted therein until the Commission has reviewed and approved site plans for the uses approved in the GDP.

e. **Subdivision Application:** If the GDP depicts the division of the subject property so as to create a subdivision or re-subdivision, an application shall be required prior to any conveyance of land requiring approval pursuant to such regulations.

504.9 GENERAL DEVELOPMENT PLAN (GDP)

The GDP shall consist of one or more maps at a scale of not less than 1" = 100', prepared by a certified design professional and accompanying documents, and shall show or indicate:

a. Existing structures, existing topography at five- foot contours, existing roads and paths, major topographic features, slopes of greater than ten percent grade and the location points of scenic interest, and wooded and open areas.

b. The location of adjoining properties, the names of the owners of such properties as these appear on the latest records in the office of the Assessor; and the existing structures and land uses within 500 feet of the boundaries of the proposed development.

c. Present and proposed land uses within the boundaries of the entire proposed development, whether commercial, service, open space, or other, and the acreage assigned to each. Proposed square footage of building or floor area for all proposed uses shall be shown and described in sufficient detail to clearly indicate the nature and scale of the proposed uses. The proposed footage as shown shall establish the maximum building sizes and the areas within which it will be permissible to construct such buildings.

d. The location of proposed major thoroughfares, and proposed vehicular and pedestrian circulation patterns, including location and dimension of private and public streets, and including proposals for linkage of roads within the zone to the Town and State Highway system, accompanied by a traffic impact and access analysis study.

e. Bulk and area requirements shall be shown on the GDP and a zoning table including existing and proposed bulk and area requirements shall be provided. This shall include all parking, loading and signage requirements.

f. Whether property within the entire zone is to be developed in phases or units, and if it is to be so developed the anticipated location and acreage of such phases or units; and a proposed timetable for development.

g. The intended means of providing utility services to the development, including: domestic water supply and fire protection, storm drainage management (including area for detention, if applicable), sanitary sewage disposal (the applicant shall submit an estimated average daily flow rate for the proposed development to the WPCA), and solid waste disposal.

h. The location of any "inland wetland" or "water courses" and "upland review areas" as defined in Section 22a-36 et seq of the Connecticut General Statutes.

i. A map or statement indicating the projected amount and locations of open space within the entire zone, and the proposals for maintenance of buffers and open space.

j. A statement regarding anticipated costs and revenues to the Town as a result of the anticipated land uses.

k. Such other relevant information as the applicant may wish to submit.

504.10 ACTION ON GDP

The Commission shall approve, modify and approve, or disapprove the GDP. Any Special Permit for any use within the approved HIFZ shall conform to the approved GDP Use, except to the extent that the Commission approves or requires a departure there from. No permits shall be issued, nor shall any construction activity of any kind commence, for any work depicted on an approved GDP until such time as a Site Plan has been approved.

504.11 RECORDING

The applicant shall, within ninety days of approval of any HIFZ, record notice thereof in the East Windsor Land Records under the name of the record owner of land affected thereby, giving a legal description of the land, and giving specific reference to the approved plan(s) and map(s); and, further, the applicant shall comply with all other applicable requirements of the East Windsor Zoning Regulations regarding the filing of approved Special Permits.

504.12 CHANGES TO GDP

An approved GDP may be changed or a special permit may be approved with changes from an approved GDP, subject to the approval of the Commission. Material changes to any plan shall require a public hearing. A material change shall be (a) any change in land use types or (b) any increase in floor area ratio, or (c) increase in traffic generated by the site uses which add more than 100 trips at a single point during peak hour. Non-material changes shall include changes in the location of buildings, parking areas, landscaped areas or open space areas provided the area, height and bulk criteria of the regulations and the approved plan are not exceeded. Non-material changes may be permitted by the Commission or staff as an administrative matter provided the general intent and scope of the GDP has not been changed.

504.13 PROHIBITION OF APPROVAL OR MODIFICATION BY VARIANCE

As a unique zone that holds great implications for a well- planned highway corridor, no use in this zone shall be permitted by a use variance granted by the Zoning Board of Appeals.

505 CONSOLIDATED PARCELS

In order to promote integrated development in non-residential zones, minimal road cuts and campus development, any number of separate contiguous parcels may be consolidated for the purpose of development, and the consolidated parcels shall be deemed to be one lot when computing building coverage and yard requirements, provided:

505.1 REQUIREMENTS

a. The consolidated parcel shall be developed with an integrated plan of buildings, utilities, storm drainage, open spaces and planting, lighting, parking and unloading and signs as provided in Chapter VI.
b. 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 ingress, egress, passage, parking and loading in the consolidated parcel.

505.2 COMMON ACCESS

The Commission may require use of common access driveways to one or more parcels, whether or not under separate ownership, in order to assure safe traffic movement onto the street and to avoid traffic congestion.

506 BUSINESS 3 ZONE: ADDITIONAL ZONE SPECIFIC STANDARDS *(Amended Effective 4/25/2012)*

506.1 PERMITTED USES

Uses specified in Section 502 are deemed appropriate and permitted in the B-3 Zone, but not at every location within the zone or without restrictions or conditions being imposed by reason of special problems of use, and the Commission shall have the discretion to decide whether the mixing of uses is appropriate and should be required or maintained.

506.2 SITE DEVELOPMENT STANDARDS

In addition to the Site Development Standards contained in Chapter VI, the following standards shall apply in the B-3 Zone. In cases of conflicting standards, the standards in this section shall supersede.

a. Parking areas shall not be located between the front of the building and the front lot line unless the Commission determines that due to topographic or other site conditions, that it is not feasible, and alternative plans may be considered.

b. No drainage from the site shall cause flooding, erosion or other damage to adjacent properties, roadways, and/or storm drainage systems. The Commission may require the applicant to obtain a drainage easement prior to discharge of water to any adjacent property.

506.3 PARKING REQUIREMENTS

The following parking requirements replace those specified in Section 601.2 in the B-3 zone. Other provisions of that section apply, including reduction of parking facilities.

Bank	3 spaces per 1,000 square feet of gross floor area, or 4 spaces, whichever is greater
Retail stores	3 spaces per 1,000 square feet of gross floor area, with a minimum of 8 spaces
Office (non-medical)	3 spaces per 1,000 square feet of gross floor area, or 4 spaces, whichever is greater
Medical Office building	5 spaces per 1,000 square feet of gross floor area, or 4 spaces, whichever is greater
Personal services	3 spaces per 1,000 square feet of gross floor area, or 4 spaces, whichever is greater
Other uses	As determined by the Commission

506.4 ACCESS MANAGEMENT

a. No parcel or use shall have more than one curb cut onto Route 140 / North Road, unless required by the Commission for emergency access or other safety purpose.

b. As part of application approval, the Commission may require an applicant or owner to:
   i. establish a mutual driveway, service road or other easements to provide for shared access (whether existing or future) for two or more abutting properties in a location acceptable to the Commission;
   ii. close an existing, or eliminate a proposed curb cut and utilize a mutual driveway or other easement that exists on abutting property in lieu of having a separate curb cut onto a road;
   iii. construct all or a portion of such mutual driveway or service road in order to provide for shared access (whether existing or future);
   iv. file such easements on the land records in favor of abutting property owners and/or the Town of East Windsor as shall be acceptable to the Commission and Commission's Attorney; and / or
   v. take other such actions reasonably required to accomplish access management.

c. Site driveways onto Route 140 / North Road shall be located in accordance with the following hierarchy:

i. Aligned with a road or driveway across the street
ii. Where alignment is not possible:
    - at least 200 feet from an existing intersection or driveway on either side of the street, or
    - where designated by the Commission.

506.5 SPECIAL PERMIT

In addition to the Special Permit findings in Section 701, the Commission shall determine that:

a. The use and site layout is consistent with the "Principles and Standards for Business Development in the Route 140 Corridor" outlined in the East Windsor Plan of Conservation and Development "Visual Preference Survey"**.**

506.6 NON-CONFORMING USES, STRUCTURES, AND LOTS IN THE B-3 ZONE

a. Non-Conforming Uses:
    i. No non-conforming use may be changed except to a conforming use or, with the approval of a Special Use Permit by the Commission, to another non-conforming use of a less objectionable character.
    ii. No non-conforming use, once changed to a more conforming use, may be changed to a less conforming use.
    iii. No nonconforming use, and no portion of a building containing a non-conforming use, shall be extended or expanded unless such extension or expansion receives approval of a Special Use Permit by the Commission.
b. Non-Conforming Structures:
    i. A non-conforming structure may only be enlarged horizontally, vertically or both provided such enlargement:
        – occurs within the conforming area and complies with applicable parts of these Regulations for the specific use and zone , or
        – receives approval of a Special Use Permit by the Commission.
c. Non-Conforming Parcels:
    i. For parcels created prior to 4-25-2012 that do not comply with one or more of the minimum lot requirements, minimum yard and maximum lot coverage requirements shall not apply. In no case shall the nonconformity be increased from existing conditions. *(amended/effective 7/28/14)*

506.7 PRE-APPLICATIONS MEETING

Per Section 900.5 of these regulations, applicants are encouraged, but not required, to meet informally with the Commission to discuss a proposed application.*(Amended Effective 4/25/2012)*

CHAPTER VI - SITE DEVELOPMENT STANDARDS

600 LANDSCAPE REGULATIONS *(Amended 7/26/2016; Effective 8/30/2016)*

This section is intended to protect property values by preserving existing vegetation and planting new materials, providing privacy from view, light, dirt, and noise, preventing the erosion of soil, providing water recharge areas, and improving the environment and attractiveness of the Town.

600.1 OVERALL LANDSCAPE AREA REQUIREMENT

a. Any lot developed in a Business, Industrial, ARHD, or MFDD zones shall provide landscaped areas on the portions of the site that are not covered by an impervious surface.

b. Perimeter landscaped areas shall contain at least one shade tree at least 3 inches in caliper for each 50 feet or part thereof of perimeter.

600.2 LANDSCAPED BUFFER REQUIREMENT

Unless specified elsewhere in the regulations associated with a Special Use Permit (Chapter 6), landscape buffers of 100 feet between commercial/industrial uses and residential uses and 50 feet between multi-family and single family residential uses shall be required. Except, when the buffer includes a visual screen of dense plantings and/or solid fencing, At the discretion of the commission, the buffer requirement shall be reduced by 50%. The dense plantings shall consist of evergreen trees no less than six feet in height planted 20 feet center to center in two staggered rows. Solid fencing shall be at least six feet in height and constructed of low maintenance materials such as vinyl, cedar or vinyl coated chain link with privacy slats.

600.3 OTHER REQUIREMENTS

a. Landscape plans shall show existing vegetation to remain, proposed new planting, and shall include a plant list with plant names, quantities, size at planting, and size when mature.

b. Existing vegetation and plant materials may be used to meet all or part of the landscape regulations. Existing mature trees shall be shown on development plans and the applicant and developer shall attempt to design around and save as many as possible.

c. All landscaping shown on the approved plan shall:

- be completed before issuance of a Certificate of Occupancy, or
- be guaranteed of completion by filing of a bond with the Commission, in an amount and form satisfactory to the Commission, assuring completion within a specified time (not to exceed one year); which bond shall be forfeited if the required work is not completed.
- All landscaping approved as part of a site plan shall be maintained for the life of the use.

601 OFF-STREET PARKING REGULATIONS

601.1 PURPOSE

This section is intended to provide sufficient off-street parking spaces to serve all existing and proposed uses.

601.2 NUMBER OF PARKING SPACES

In all zones, permanently maintained off-street parking spaces shall be provided for all floors of all buildings and for all uses in accordance with the following parking space ratios. The Commission shall determine the parking requirements for a use not listed by determining a similar listed use and/or referring to available parking requirement information from other sources. The Commission may reduce parking requirements in accordance with section 601.4 *(amended/effective 7/28/14).* ADA parking requirements shall be met as required by law.

Type of Use	Minimum Number of Parking Spaces
Residential Uses	
Single-family dwelling	2.0 per dwelling unit
Multiple-family dwelling	2.0 per dwelling unit
Elderly dwelling	1.5 per dwelling unit
Boarding house or dormitory	1.0 per guest room
Nursing home or convalescent home	1.0 per three beds plus & 1.0 per employee/shift
Business & Industrial Uses	
Retail stores, personal service shops, shopping centers and other similar uses	6.0 per 1,000 square feet for 1 to 10,000 square feet with a minimum of 8 spaces. 5.0 per 1,000 square feet above 10,000 square feet
Banks, professional or business office	5.0 per 1,000 square feet
Manufacturing	2.0 per 1,000 square feet
Warehouse and storage	0.5 per 1,000 square feet
Contractors workshops or vehicle storage facilities	As determined by the Commission
Hotel or Motel	1.0 per guest room plus & 1.0 per employee/shift
Restaurants, clubs, grilles (detached)	10.0 per 1,000 square feet
Places of public assembly and conference space	1.0 per 3 seats
Churches	1.0 per 5 seats
Automotive repair facilities	6 spaces plus one space per service bay
Automotive dealerships	1.0 per 300 square feet of gross floor area.

Sites with multiple uses shall provide parking for each use in accordance with the above requirements.

Required parking spaces, in sufficient number to accommodate the motor vehicles of all occupants, employees, customers, guests, and any others normally visiting the premises at any one time, shall be located either:

- on the same lot with the principal use to which it is accessory, or
- within a radius of 500 feet of any part of the building which it is intended to serve.

601.3 PARKING LOT DESIGN

For other than single-family residential uses, the following standards shall apply:

a. All parking spaces, loading facilities, and access roadways shall be paved with an adequate all-weather surface. Gravel surfaces may be permitted for seasonal or overflow parking *(amended/effective 7/28/14).*

b. Each required parking space shall be 9 feet by 18 feet exclusive of driveways and traffic aisles except that handicapped parking spaces shall be provided with dimensions and quantity as required by statute.

c. Landscaped islands shall be provided at the end of each parking aisle. In large parking lots, a landscaped island shall be provided between every third row of parking spaces. Landscaped islands shall be a minimum of six feet wide. The commission may allow merging of landscaped islands to provide larger landscaped areas within and around the parking lot, provided the total minimum landscape area is not reduced *(amended/effective 7/28/14).*

d. Driveways and traffic aisles shall be at least 24 feet wide**.** When parking spaces are oblique to the aisle or an aisle has parking on only one side, the Commission may approve reduced isle widths provided the fire marshal is satisfied that adequate emergency access is provided. (amended/effective 7/28/14)

e. All parking spaces shall be marked with clearly visible striping at least 4 inches wide.

f. No required parking space shall also be used as a loading space.

g. All parking spaces, loading facilities, and access roadways shall be suitably lighted.

h. All non-residential parking spaces, loading spaces, driveways, access roadways, and traffic aisles shall be located at least:

   1. 25 feet from a front property line, except that pavement associated with an automotive filling or re-energizing station canopy may be 10 feet from a front property line (*added/effective 7/28/14*),
   2. 10 feet from any side or rear property line, and
   3. 10 feet from the front, rear or sides of any business structure.

i. Safe and adequate vehicular traffic flow shall:

   1. be provided to, from, and within all sites,
   2. be integrated with the parking arrangement, and
   3. have sufficient traffic aisles and lanes for circulation.

j. Safe and adequate pedestrian traffic flow shall be:

   1. provided in all parking areas, and
   2. integrated with the parking arrangement.

k. Access drives may cross required yards where, in the Commission's judgment, such drives are necessary for circulation.

601.4 REDUCTION OF PARKING FACILITIES

a. Permanent Shared Use Reduction - The Commission may permit a reduction of up to 25 percent of the required parking spaces due to shared use of the parking facilities when the parking needs of the joint users occur at different hours of the day.

b. Temporary Installation Reduction - The Commission may waive the immediate installation of up to 35 percent of the required parking spaces when:

   1. sufficient evidence has been presented, in the Commission's opinion, to
   2. show that the reduced parking facilities will adequately serve the proposed use;
   3. the applicant has shown the location of all required parking spaces on the site plan; and

4. the applicant has filed the site plan with the Town Planner stipulating that the owner, or the successor and assigns of the owner, will install as many of the waived parking spaces as the Commission deems necessary within 6 months of the Commission's request.
5. The Commission may require bonding for the temporary reduction.

601.5 AUTOMOTIVE USES – PARKING REQUIREMENTS

a. All parking spaces for vehicles being parked, displayed, or stored shall be shown on the site plan.

b. All spaces shall be striped. Display/storage spaces shall be a minimum of 8 x 16 feet.

c. The number of vehicles shown on an approved site plan shall be maximum number of vehicles allowed to be parked, displayed, or stored on the site.

d. No vehicles shall be parked, displayed, or stored in any areas of the site not designated as a parking facility.

e. No parking, display, or storage of vehicles shall be allowed on landscaped areas, grass, or the public right-of-way.

601.6 OFF-STREET LOADING REQUIREMENTS

a. Any non-residential building or use shall provide and maintain adequate off-street loading spaces on the same lot with such building.

b. No commercial loading space shall be less than 12 feet wide, 25 feet long, or 14 feet high.

c. Where trailer truck delivery can be expected, space shall be 12' x 60' x 14' in height.

d. No required loading space shall also be used as a parking space.

e. Loading areas that provide for the parking or storage of trailers shall provide 8-inch thick reinforced concrete pad for the trailer supports.

f. Loading spaces shall be located behind buildings and/or screened from streets and adjacent property.

g. Loading spaces shall be located to serve all tenants in multi-tenant buildings.

h. No loading facility shall interfere with other required park facilities, on-site traffic circulation, and off-site traffic.

601.7 RESIDENTIAL DRIVEWAY REQUIREMENTS

a. All driveways require a paved apron extending from the street pavement to the front property line. The driveway apron shall have a minimum of 1” asphalt concrete surface course, a 2” asphalt base course and 4” sub-grade. Driveway grade within the right-of-way should not exceed 7 percent.

b. Residential driveways that exceed 500 feet in length or have a slope in excess of 10 percent over any run exceeding six feet shall be designed to the rear lot driveway standard and the entire driveway shall be paved if any six-foot or greater run exceeds a 7 percent slope.

c. On a rear lot, the driveway shall be 12 feet wide and have a passable area of 3 feet on each side. The driveway shall consist of a crushed stone base of a depth and design capable of accommodating fire department equipment. The design and layout of the driveway shall be acceptable to the Town Engineer and Commission. The Commission may require the driveway to be paved based upon its length, slope and design. No parking shall be allowed within the required access drive and such

restriction shall be placed as an encumbrance on the lot and recorded on the land records. A car turnaround area shall be provided at the terminus of the driveway. Each rear lot shall have its own driveway. Except, the Commission may permit shared driveways where improved sight-line would benefit public safety or where the inland wetlands agency recommends a shared driveway to reduce wetland impacts. *(amended/effective 7/28/14)*

d. All curb cuts must be approved by Town Engineer for sight line safety.

602 SIGN REGULATIONS

602.1 PURPOSE

This section is intended to regulate the number, height, size, and location of outdoor advertising signs in order to protect the public health, safety and general welfare.

602.2 APPLICABILITY

A sign may be erected, placed, established, painted, created, or maintained only in conformance with the standards, procedures, exemptions, and other requirements of these regulations. One flag or any one insignia of any governmental agency shall not be considered a sign within the purpose of this regulation.

602.3 RESIDENTIAL DISTRICTS

This section shall apply to all zoning districts.

Type of Use	Maximum Number and Size of Signs
Residential Uses	
Single, two, and three-family dwelling	1 Sign, 2 square feet
Multiple-family dwelling (4 to 20 units)	1 Sign, 12 square feet – per street frontage
Multiple-family dwelling (More than 20 units)	1 Sign, 32 square feet – per street frontage
Mobile home parks *(added/effective 7/28/14)*	1 Sign, 20 sq. ft. – per street frontage

a. For multi-family developments no more than 1 sign shall be permitted per entrance. Additional wall signs identifying the name or address of individual buildings not exceeding 6 square feet each may be permitted by Special Permit for multi-family developments.

b. A 10-foot setback is required from any property line. Freestanding signs shall not exceed 5 feet of height. Wall signs shall be flush mounted and shall not be mounted on or project above any roof -line.

c. Residential signs shall not contain any commercial advertising other than that of a permitted home occupation located on the premises and shall include the address.

d. Signs may be externally illuminated provided that the source of light is shielded from the road, sky, and adjacent properties. Internally illuminated signs shall consist of a dark background with light lettering.

602.4 BUSINESS AND INDUSTRIAL DISTRICTS

This section shall apply to all business and industrial zoning districts.

a. Each business is permitted a total of 1.5 square feet of sign area for each lineal foot of front building facade.

b. Each business is permitted a total of 3 signs, not to exceed the 1.5 square feet ratio.

c. Unified retail/service centers and office/industrial parks, with five or more tenants shall be permitted to have a single identity sign, not exceeding 60 square feet in area. Unified retail/service centers and office/industrial parks may also erect a directory sign to display the names of tenants in the building at a sign ratio of 3 square feet for each tenant. The directory sign shall be located below the primary identification sign. Tenants in a unified retail/service center shall not be allowed freestanding signs.

d. Businesses or unified centers located on a corner lot are permitted one additional sign, 32 square feet.

602.5 FREESTANDING SIGNS

Freestanding signs shall meet the following requirements:

a. Except as provided for elsewhere in this Section, only 1 freestanding sign shall be permitted per lot.

b. No freestanding sign shall exceed 32 square feet in area and 15 feet in height.

c. No part of any freestanding sign shall be located within 50 feet a Residential District.

d. No part of a freestanding sign shall be located closer than 10 feet from any property line.

e. The freestanding sign shall be limited to identification of the business occupying the lot and shall include the street address number at least 4 inches in size.

f. Freestanding signs shall be designed so that only one side is visible from any viewing point.

g. One Low-Profile freestanding sign not exceeding 45 square feet in area may be erected on a lot in-lieu of any other freestanding sign provided its top does not exceed a height of 5 feet.

h. Maximum height of a freestanding sign shall not exceed 10’ from average finished grade in the Industrial Zone, or 15 feet in business zone

i. For businesses without a building , a 20 sq. Ft. Sign may be permitted. *(added/effective 7/28/14)*

602.6 WALL SIGNS

Wall signs shall comply with the following requirements:

a. Wall signs for each occupant in a building are allowed only on that portion of the front wall associated with that unit of occupancy and shall be attached to a wall or facade.

b. No wall sign shall extend above the exterior wall of the building that it is attached to.

c. A wall sign may extend forward as much as 18 inches from the wall to which it is attached. No part of such sign shall project beyond any property line.

d. Wall signs for individual tenants or occupants of a unified center or industrial/office park shall be designed to reflect a coordinated aesthetic scheme for the entire Center.

e. No wall sign may be painted onto the façade of a building.

602.7 WINDOW SIGNS

Signs affixed to the interior of a window(s) (or glass surface) announcing sales or special features are permitted, provided they do not exceed 25 percent of the total area of said window(s). Window signs shall not require a permit or be included in sign area calculations.

602.8 TEMPORARY SIGNS AND DISPLAYS

Special advertising devices for new businesses and special events, limited to signs, plaques, banners, pennants and streamers, are permitted provided a zoning registration is first obtained and that such devices are not in place for more than 30 days. The 30 days shall run continuously from the date of granting the permit.

The following temporary signs shall be permitted and shall not require a registration:

a. For construction projects or developments a total of 1 sign (24 square feet) per street frontage is permitted. For residential projects and renovations 1 sign (9 square feet) is permitted during any project. One sign (24 square feet in area) is permitted during the construction an approved subdivision. The sign shall be removed prior to the issuance of the final certificate of occupancy.

b. One real estate sign per street frontage (4 square feet in residential zones 24 square feet in commercial zones) advertising a real estate transaction upon the lot on which the signs are displayed. Such signs shall be removed within 14 days of the closing.

c. Street Banners and/or other signs advertising public and non-profit events, if specifically approved by the Board of Selectmen, shall be allowed for no more than 14 days before and 7 days after the event.

d. One Help Wanted sign per street frontage where help is sought (Maximum size 6 sq. ft.)

Temporary Business Signs will be permitted in Zones: B-1, B-2, B-3, M-1, HIFZ and TZ5 Zones for the purpose of advertising a special sale, promotion, or other important business event and will be subject to the following conditions.

1. A temporary sign registration with the Planning and Development Department is required and may be issued by the Zoning Enforcement Official. All applicants will be required to fill out the sign registration listing timing and location of proposed signs, property owner's signature, provide a sketch of the sign, site plan**,** and pay the registration fee.
2. All temporary signs must be constructed of weather resistant materials, have clear legible lettering, and may be double sided.
3. Temporary signs may be either an A-frame sign*, self-standing* or a banner sign, not both.
4. Temporary banner signs shall be no larger than 2 feet by 10 feet in size and must be located on the building wall located on the tenant space.
5. A-frame/self-standing signs shall be no larger than 2 feet by 3 feet and may not contain materials such as papers, balloons, winds socks, streamers, pennant flags, lights, etc. The height of the sign shall not exceed 3.5 feet from the existing ground, nor be artificially increased above the allowed maximum height by placement of additional materials under the base of the sign.
6. Temporary signs will be permitted up to 4 times a year for intervals not to exceed 14 days with a minimum time of 30 days between the expiration and start of new registration. *(amended/effective 7/28/14)* The timeframes may, at the discretion of the ZEO, be modified to allow the use of longer intervals at a time to accommodate advertising needs of businesses. A maximum of 8 weeks total is permitted for the year. *(amended/effective 7/28/14)*
7. All A-frame signs must be located:

- On private property, a minimum of 20 feet from the paved roadway
- 100 feet from another temporary sign along the road frontage
- Outside of any site line from an ingress/egress
- Not in a parking stall, drive lane, or right of way
- Placed with pedestrian and traffic safety in mind

8. All temporary signs must be secured to withstand strong winds as to not cause a roadway hazard.
9. Any temporary sign placed in violation of this regulation will result in a violation notice and the business's temporary sign registration privileges will be denied for the remainder of the calendar year.
10. Help Wanted signs are exempt from this regulation (See Ch. 602.2d)
11. This regulation will automatically be repealed on December 31, 2014 unless the Commission agrees to extend this Section of the Regulations.

*A-Frame Sign is defined as any upright, rigid supporting frame in the form of a triangle or an inverted V.
*Self-standing sign is defined as any sign that is self-supported structure that is erected on the ground and is independent from any other building or structure.
(Approved: 11/12/13)

602.9 ILLUMINATION

a. No flashing, intermittent, or intensity variations of light are permitted. Signs may be externally illuminated provided that the source of light is shielded from the road and adjacent properties.
b. No lights shall be used in any manner so as to be confused with traffic control devices.
c. Neither the direct nor reflected light from primary light sources shall create a traffic hazard.

602.10 NON-CONFORMING SIGNS

Existing signs for which permits have been issued and do not conform to this regulation shall be considered non-conforming structures. No nonconforming sign shall be altered or changed unless such sign is made to conform with these regulations. A change shall include activity that requires a zoning (sign) permit. Any signs described above shall not be relocated to any other location unless such relocation results in reducing or eliminating the degree of non-conformity.

602.11 EXEMPTIONS

The following types of signs are exempted from the provisions of this regulation, except for construction and safety regulations and the following requirements:

a. **Public Signs**. Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public official in the performance of his public duty.
b. **Institutional**. Signs setting forth the name or any simple announcement for any public, charitable, educational or religious institution, located entirely within the property lines of that institution, up to an area of 20 square feet. If ground mounted, the top shall be of no more than 10 feet above ground level.*(amended/effective 7/28/14)*

c. **Integral**. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like or other permanent type construction and made an integral part of the structure.

d. **Private Traffic Direction**. Signs directing traffic movement onto a property or within a property, not exceeding 4 square feet in area for each sign. Horizontal directional signs on and flush with paved areas are exempt from these standards.

e. **Small Signs**. Signs not exceeding 2 square feet in area, attached flat against the building, stationary and not illuminated, announcing only the name and occupation of the building tenant.

f. **Rental**. Signs on the property announcing rooms for rent or table board, not exceeding 2 square feet.

g. **Vehicles**. Signs on registered motor vehicles, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body proper of the vehicles. Such vehicles must be stored in an approved parking space on the business premises, and shall not be used or parked so as to circumvent this Section.

h. **Political Campaign Signs**. Political campaign signs of a temporary nature may be placed on private property. Said signs are not to exceed 16 square feet in area and 8 feet in height and such signs shall have a minimum street setback of 10 feet from the traveled portion of the road. The use of these signs is limited to a 30-day period prior to election day (or primary) and shall be removed within 7 days following the election. The use of utility poles or trees to support the signs is prohibited.

i. **Grand Opening** – a business may for a 30 day period have a grand opening event inclusive of banners, flags and pennants, and up to 30 square feet of temporary signage. Such event must be registered with the Zoning Enforcement Officer.

j. **Farm Signs –** signs associated with any farm use must follow regulations per Section 305.6 *(Amended Effective 8/1/2011).*

602.12 PROHIBITED SIGNS

Prohibited are signs which:

a. Contain or are an imitation of an official traffic sign or signal, or which hide from view any traffic or street sign or signal.

b. Advertise an activity, business, product, or service not currently conducted on the lot upon which the sign is located.

c. Except for flags, no sign shall be permitted which is in motion by any means. This includes signs which contain or consist of, posters, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices or which may swing or otherwise noticeably move as a result of wind pressure. These devices when not part of any sign are similarly prohibited, except as where specifically provided by these regulations. The area of any corporate flag shall be computed as signage and shall otherwise conform to the regulations for freestanding signs. Corporate flags shall be permitted only in conjunction with national and state flags.

d. No sign shall be animated or flashing, except for a time-temperature device.

e. No signs shall be mounted or posted on any tree or utility pole.

f. No sign structure shall conflict with any visibility requirements.

602.13 SIGN PERMITS

a. No sign shall be erected, altered, or relocated without a zoning permit.

b. The permit application shall include a plot plan showing the location of the sign and drawings/design of the sign, including colors and materials. Additional information that may be required.

c. Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of 12 months after the date of the permit.

d. Permit Exceptions. The following operations shall not be considered as creating a sign and, therefore, shall not require a sign permit:

- The changing of the advertising copy or message on a sign that is specifically approved for the use of replaceable copy.
- Painting, repainting, cleaning and other normal maintenance and repair of an existing sign or a sign structure unless a structural change is made.

e. No zoning permit shall be issued for any signage within a property where there are any existing violations of this Section provided notice has been previously sent to the violator and/or the property owner.

f. A fee pursuant to an adopted fee schedule for sign permits shall be submitted with each application.

602.14 ENFORCEMENT

a. **Affixing Notice:** The ZEO may affix Notices of Violation on the surface of any sign that is erected or maintained in violation of these regulations.

b. **Removal of Signs:** The ZEO may order the removal of any sign erected or maintained in violation of these Regulations. The Officer shall give ten (10) days notice in writing to the owner of such sign, or of the building, structure or property on which the sign is located, to remove the sign or to bring it into compliance. The ZEO may remove, at owner's expense, a sign immediately and without notice if, in the Officer's opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. Any subsequent notice for substantially the same violation shall be complied with immediately upon receipt.

c. **Additional Powers:** Nothing herein shall prevent the ZEO from taking whatever enforcement measures are duly authorized under Section 8-12 of the Connecticut General Statutes, as may be amended from time to time, or any enforcement measures duly authorized under state statutes or local ordinances.

d. **Abandoned Signs:** A sign shall be removed by the owner or lessee of the property upon which the sign is located when the business which it advertises is no longer conducted on such property. If the owner or lessee fails to remove it, the ZEO Officer shall give the owner ten days' written notice to remove it. Upon failure to comply with this notice, the ZEO or his duly authorized representative may remove the sign at cost to the owner.

603 OUTDOOR ILLUMINATION

603.1 PURPOSE

This section is intended to control the number, size, location, and intensity of outdoor illumination in order to protect the public health, safety and general welfare.

603.2 REQUIREMENTS

a. All outdoor lighting shall be directed to avoid glare outside the property line or boundary, or into the sky.

b. All outdoor lighting which is designed and intended to illuminate buildings or yards shall be arranged so that the lights will not shine into the eyes of any person external to the premises, or cause a nuisance or hazard from glare, and must be generated and located from subject property *(amended/effective 7/28/14).*

c. Light standards shall be located so as not to interfere or conflict with traffic movement or parking and shall be shown on the Site Plan and must be located on subject property *(amended/eff. 7/28/14)*

d. Light fixtures used for outdoor lighting shall not exceed 25' feet in height above ground level.*(amended/effective 7/28/14)* Photometric plans shall be required for all lots providing more than 20 parking spaces and the Commission encourages 12 to 15 foot light poles. Flood lighting shall be avoided except for loading areas.

e. Lighting fixtures shall be full cut off with low glare and directed lighting.

f. All non-essential lighting for security purposes shall be turned off after hours.

604 REFUSE STORAGE

604.1 PURPOSE

This section is intended to control the number, size, location, and screening of refuse storage areas in order to protect the public health, safety and general welfare.

604.2 REQUIREMENTS

a. Facilities for the storage of refuse and garbage shall be located in such a manner as to make the facilities inconspicuous to residents and the general public.

b. Refuse storage areas shall be enclosed and screened from view with fencing, wall or hedge/shrubs, existing site features or other means acceptable to the commission (*amended/effective 7/28/14)***.**

c. Refuse storage areas shall be easily accessible for service vehicles and building occupants and shall not interfere with required parking spaces or travel lanes.

d. Refuse storage areas shall have an 8-inch thick concrete pad unless other thickness is recommended by the town engineer due to specific site soil conditions. *(amended/effective 7/28/14)*

e. No other outside sheds or storage bins for refuse will be allowed.

f. Separating distance: outside front setback, and 10' from any property line

605 ACCESS MANAGEMENT

605.1 PURPOSE

This section is intended to control the number, size, and location of driveways and access points for business uses in order to promote overall traffic control and promote public safety and welfare.

605.2 CONSIDERATIONS

The Commission shall review 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 with the greatest efficiency.

605.3 REQUIREMENTS

a. When street geometry, traffic volumes or traffic patterns warrant, the Commission may:
   1. limit the number of driveways that serve a specific site,
   2. designate the location of any driveway
   3. require the use or provision of a shared driveway with associated easements, and
   4. limit access to a major street and require access from a minor street.

b. As part of application approval, the Commission may require an applicant or owner to:
   1. establish mutual driveway or other easements to provide a single point of access for two or more abutting properties in a location acceptable to the Commission,
   2. file such easements on the land records in favor of the abutting property owners and/or the Town of East Windsor as shall be acceptable to the Commission and the Town Attorney, and/or
   3. utilize a mutual driveway or other easement that exists on abutting property in lieu of having a separate curb cut onto a road or street.

c. Any easements filed shall be unused by the owner or owners of abutting property, and shall not be deeded by the Town to the owner or owners of abutting property, until an abutting owner shall have paid:
   1. the then-owner of the burdened premises the sum which the Town reasonably determines to be the fair share of the abutting owner with regard to the fair market value of the easement at the time of its use or transfer,
   2. the Town of East Windsor for the costs of any appraisal secured to determine fair market value if the owners are unable to agree on compensation, and
   3. the Town of East Windsor for such other transactional costs as may be incurred by the Town in effecting any transfer.

606 SIDEWALKS AND TRAILS

1. **Provision Required** - Every development in East Windsor involving the construction of a new building containing more than 1,000 square feet of gross floor area shall make some provision for sidewalks and/or trails in places deemed proper by the Commission for the public necessity and safety.
2. **On-Site Sidewalks** - This requirement may, with approval of the Commission, be met by providing sidewalks on internal roads within the development and along adjoining streets. On-site sidewalks are expected to be the Commission's preference along roads within multi-family developments.
3. **On-Site Trails** - Alternatively, the applicant may propose and the Commission may agree that some or all of this requirement shall be met by providing trails within the development in locations approved by the Commission:

a. that may interconnect existing and future trails, and
b. which shall be open to the general public.

4. **Off-Site Installation -** Alternatively, the applicant may propose and the Commission may agree that some or all of this requirement shall be met by installing sidewalks and/or trails elsewhere in East Windsor in locations approved by the Commission provided that the value of such sidewalks and/ or trails is equal to at least fifty percent (50%) of the estimated cost of installing sidewalks and trails in the development.

5. **Fee-In-Lieu-Of Installation -** Alternatively, the applicant may propose and the Commission may accept that some or all of this requirement shall be met by making a payment of a fee in lieu of installing sidewalks or trails to a Town Sidewalk and Trail Fund provided that such payment is at least forty percent of the estimated cost of installing sidewalks in the development. A cost indicator such as $/s.f. or $/l.f of sidewalk shall be adjusted annually by town staff (town planner and/or town engineer).

6. **Sidewalk Requirements -** When sidewalks are to be provided within the development, plans for such sidewalks shall be shown on the construction plans and any sidewalk shall:
   a. be a minimum of four feet (4') in width,
   b. have four foot (4') concrete slabs with expansion joints with a maximum twelve foot (12') separation,
   c. have a minimum four inch (4") thick concrete slab on a minimum six inch (6") deep processed gravel base except that where such sidewalk extends across any driveway, it shall have a minimum seven inch (7") thick concrete slab on a minimum eight inch (8") processed gravel base.

7. **Pathway Requirements -** When pedestrian pathways are required, plans for the pathways shall be shown on the construction plans. Pathways shall be a minimum of four feet (4') in width with an appropriate surface treatment (such as stone dust or other surface material).

CHAPTER VII. SPECIAL PERMITS

700 GENERAL CONSIDERATIONS

All Special Permit uses are declared to possess such special characteristics that each shall be considered as an individual case. In authorizing any such use, the Commission:

- shall take into consideration the public health, safety and general welfare,
- shall determine that the standards outlined in Section 701 are met, and
- may impose reasonable conditions and safeguards to any approval granted.

701 SPECIAL PERMIT FINDINGS

701.1 ACCORDANCE WITH THE PLAN OF CONSERVATION & DEVELOPMENT

That the proposed use is in general accordance with relevant provisions of the Plan of Conservation & Development.

701.2 HARMONY WITH THE AREA

a. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed and will not be detrimental to the orderly development of adjacent properties.

b. That the kind, size, location and height of the structure and the nature and extent of the landscaping on the lot will not hinder or discourage the appropriate use of adjoining property or diminish the value thereof.

c. That the proposed use will not alter the essential characteristics of the area or adversely affect property value in the neighborhood.

701.3 ADEQUATE ACCESS

a. That streets providing access to the proposed use are adequate in width, grade, alignment and visibility, and have adequate capacity for the additional traffic generated by the proposed use.

b. That the parking and loading facilities are adequate and properly located, and the entrance and exit driveways are laid out to achieve maximum safety.

c. That the proposed use shall have easy accessibility for fire apparatus and police protection.

701.4 ADEQUATE INFRASTRUCTURE

That the water supply, the sewage disposal and the storm water drainage systems shall conform with accepted engineering criteria and complies with all standards of the appropriate regulatory authority.

701.5 NATURAL RESOURCE CONSERVATION

That the proposed plans have provided for the conservation of natural features, drainage basins and the protection of the environment of the area.

701.6 COMPATIBLE DESIGN

That the design elements of the proposed development are:

a. attractive,

b. suitable in relation to the site characteristics and style of other buildings in the immediate area, and

c. appropriate with the overall character of the community as outlined in the Plan of Conservation & Development.

701.7 PUBLIC HEALTH, SAFETY, & WELFARE

That the proposed use will not have a detrimental effect upon the public health, safety, welfare, convenience and property values.

701.8 RESIDENTIAL IMPACT

That, in the case of any use located in or directly adjacent to a Residential Zone, the proposed use or the proposed activities will not hinder or discourage the appropriate use or development of adjacent land and buildings in the Residential Zone or impair the value thereof after considering:

a. the location and size of the proposed use,

b. the nature and intensity of operations involved in or conducted in connection with the proposed use, or

c. the site layout and the relation to access streets of the proposed use.

701.9 TRAFFIC IMPACT STUDY (Amended Effective 4/25/2012)

701.9.1 PURPOSE

The primary objective of a traffic study is to provide a basis for assessing transportation impacts of a new development or expansion of an existing development. It should identify the need for any improvements to the roadway system to provide a satisfactory level of service and to address safety issues.

701.9.2 REQUIREMENTS

A: A traffic impact study will be required for any proposed development or re-development that meets one or more of the following criteria:

1. Development which generates more than 100 trips during any one hour of a typical morning or afternoon weekday, or typical weekend midday peak hour. These trips shall be calculated using the latest edition of trip generation as published by the Institute of Transportation Engineers.
2. Developments which generates 50 new parking spaces.
3. Where the internal parking layout and/or internal circulating system could affect traffic operations on a public street.

4. At the Commission's request

B: The traffic impact study shall include at least the following information:

1. Existing conditions (i.e. current volumes) at site drives and major intersecting town roads in the vicinity of the site; Directional distribution of site traffic or the roadway network.
2. Existing and proposed sightlines based on facts and reasonable generation factors for the site and affected road networks and intersections
3. Pre and Post traffic volumes at site and major intersecting town roads in the vicinity of the site.
4. Capacity and Level of Service (LOS) calculations at the site drives and other locations studied for existing, no build and build conditions (ADT, Peak A.M. and Peak P.**M.)** . The results are to be provided in a table for each location, study period listing the LOS, delay, and volume to capacity (VC) ratio for each individual movement and for the overall intersection
5. Latest available three-year accident experience for all existing site drives.

The commission may require a traffic report for other projects if conditions warrant, or waive any portion of this section 701.9 where the commission finds by a ¾ vote that such information is not necessary to determine conformance with the zoning regulations. (*amended/effective 7/28/14)*

CHAPTER VIII. SPECIAL REGULATIONS

800 AGE RESTRICTED HOUSING DISTRICT (ARHD)

800.1 PURPOSE

The purpose of this district is to provide for housing options designed to meet the unique housing needs of persons aged fifty-five years and older, ranging from independent living to housing with additional support services.

800.2 DEFINITIONS

a. **MANAGED RESIDENTIAL COMMUNITY (MRC) -** A facility primarily for persons aged fifty-five or older consisting of private residential units and a managed group living environment. Such group living includes a core complement of resident services but does not include regular medical assistance to residents *(See Regulations of Connecticut State Agencies, Section 19-13-D105(c), as amended).*

b. **ASSISTED LIVING COMMUNITIES (ALC) -** A managed residential community where residents aged fifty-five or older are encouraged to maintain a maximum level of independence while a Connecticut-licensed assisted living services agency provides assisted living services including on-site staff support twenty four hours/day, seven days per week. More services may be provided which are customary to the use and necessary for the well being of the residents. The included services shall provide an alternative for elderly and/or handicapped 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 *(See Regulations of Connecticut State Agencies, Section 19-13-D105(c), as amended).*

c. **ACTIVE ADULT HOUSING (AAH) -** Dwelling units for elderly occupancy in detached, semi-detached, or attached one- or two-storied structures or any combination thereof, including condominium and cooperative units.

800.3 SPECIAL PERMIT USES

The Commission may, after a public hearing in accordance with Chapter 7, issue a Special Permit for the construction and operation of one or more of the following uses in an Age-Restricted Housing District:

a. An MRC for persons aged fifty-five and older including community facilities equipped to accommodate the dining, social, leisure, and health needs of the residents.
b. An ALC for persons aged fifty-five and older including community facilities equipped to accommodate the dining, social, leisure, and health needs of the residents.
c. An AAH for persons aged fifty-five and older (55+).
d. Uses accessory to a permitted use which are intended and designed for the maintenance and/or operation of the development and/or the use of its residents.
e. Incidental retail use within the facility is allowed in an ALC or MRC, provided:
    1. the retail uses are solely to serve the needs of the residents of the facility, as determined and approved by the Commission, and
    2. there shall be no external advertising or signs related to any on-site retail use.

800.4 LIMITATIONS

a. This Section of the Regulations allows for the provision of not more than 260 units of Active Adult Housing. Once this number is reached, the Commission may review this provision for possible amendment but is under no obligation to increase the 260-unit cap at any time.
b. Pursuant to CGS Section 8-6, no use variance shall be granted for any use in an ARHD district.

800.5 APPLICATION REQUIREMENTS

a. An application to establish an ARHD district shall be accompanied by a report detailing conformance with the application considerations listed in Section 801.6.

b. A Special Permit application for a use within an ARHD district shall be accompanied by the following:
    1. the proposed covenants and restrictions that will be filed on the land records limiting occupancy to persons ages fifty-five and over.
    2. a Services Plan detailing the specialized services that will be provided.
    3. a traffic impact study of the proposed development.
    4. A schedule of exterior construction materials and proposed color charts.

800.6 APPLICATION CONSIDERATIONS

1. An application to establish an ARHD district shall not be approved unless the Commission determines that:
    a. there is a reasonable need for such housing within East Windsor;
    b. the site is located within an area identified as a "Village Area" on the Residential Growth Guide Plan in the Plan of Conservation and Development, as amended, or is not located within a "Rural Area" on the Residential Growth Guide Plan in the Plan of Conservation and Development, as amended;
    c. the land is physically suited to the proposed use;
    d. adverse environmental impacts are minimized;
    e. there will be minimal adverse effects on existing land uses in the area;
    f. surrounding property values will be conserved and the character of the neighborhood will not be unduly disrupted;
    g. impacts will not adversely affect the capacity of the present and proposed utilities, street, drainage systems, sidewalks, and other infrastructure elements.

2. A Special Permit application for a use within an ARHD district shall not be approved unless the Commission determines, in addition to the criteria specified in Chapter 7, that:
    a. the architectural design is in conformity with Section 801.8, and blends well into the surrounding area;
    b. traffic impacts attributable to the development are acceptable;
    c. proposed covenants and restrictions to be filed on the land records and binding on the applicant, his/her successors, heirs and assigns in perpetuity will limit occupancy in accordance with Federal law to:
        1. not more than two persons, both of whom shall be 55 or older shall live in any ALC or MRC dwelling unit.
        2. not more than three persons in any AAH dwelling unit, one of which shall be 55 or older, and may provide that a spouse who is not age 55 or older may continue to reside in such AAH unit if such spouse:

- survives his or her qualified spouse, or
- places his or her qualified spouse in a long term continuing care facility.

3. handicapped persons, regardless of age, in up to ten percent of the total number of units or an amount as may be mandated by State or Federal regulations, whichever is less restrictive to the handicapped population.
4. No persons under the age of twenty one years shall be allowed to reside in any of the units in AAH.

d. proposed covenants and restrictions prohibit the purchase of any units for investment but may allow a non-resident family member to purchase a unit for another family member who will reside in the unit and otherwise comply with the provisions of this regulation provided that a statement to this effect shall be incorporated into the rental agreement or deed.
e. the application has met all other requirements of these regulations.

800.7 BULK AND DIMENSIONAL REQUIREMENTS

Minimum Lot Size	8 acres of developable area
Minimum Frontage	200 feet although the Commission may, by unanimous vote, reduce the lot frontage requirement to no less than 50 feet
Minimum Lot Width	200 feet
Minimum Lot Depth	200 feet
Minimum Front Yard	50 feet
Minimum Side Yard	30 feet from abutting business or industry zones
	40 feet from abutting residential zones
Minimum Rear Yard	40 feet
Max. Impervious Coverage	50%
Maximum Building Height	2½ stories
	30 feet
Maximum Number of Units	10 units per acre for ALC or MRC
	5 units per acre for AAH
Maximum Building Size	70,000 square feet of gross floor area
Minimum Building Separation	Buildings shall be separated by the height of the tallest facing wall of either building.

800.8 ARCHITECTURAL CONSIDERATIONS

a. The exterior of the structure(s) shall incorporate material, color, roofline and building elevation features which are residential in character in order to protect and enhance the existing characteristics of nearby residential neighborhood(s).
b. Pitched roof buildings, or the appearance thereof, are required.
c. Roof-top mechanical equipment shall be concealed from all sides. Solar panels may be exempted from this provision if the Commission finds that the visual impact of solar panels is offset by documented benefits of energy conservation.
d. Dwelling unit facades shall be staggered or off-set and/or use varied facade materials so as to avoid a barracks or dormitory appearance.

e. Buildings shall be designed so as to blend with the existing topography, vegetation, or other environmental factors to the greatest extent possible.
f. For active adult housing, single-family detached dwelling units are preferred and, in no event, shall more than three units per structure be permitted.
g. No detached storage sheds, garages or barns shall be permitted.

800.9 PARKING AND LOADING

All parking facilities shall be provided and designed in accordance with Chapter VI Section 601 of these regulation and the following requirements of this section.

a. At least 2 off street parking spaces shall be provided per AAH residential unit.
b. At least 0.5 parking space shall be provided per ALC or MRC residential unit
c. At least 0.5 parking space shall be provided per residential unit (AAH, ALC, or MRC) for visitor parking.
d. At least 1 parking space shall be provided per employee on the largest shift.
e. Adequate provisions shall be made for loading and unloading of service vehicles separate from resident entries and properly screened so as not to interfere with the day to day activities of residents or abutters.

800.10 INFRASTRUCTURE

a. Public sewer and water services are required.
b. All utilities shall be underground.
c. The location of existing and proposed sidewalks and walking trails shall be shown on the site plan. Additional sidewalks and walking trails may be required where deemed necessary by the Commission.
d. Utilities, streets, and related improvements, where required shall conform to Town construction and design standards; street pavement width shall be at least 24 feet for two way traffic (*amended/effective 7/28/14).*
e. Where, in the judgment of the Commission, off-site infrastructure (including, but not limited to, streets, sidewalks, storm drainage facilities, illumination, water, sanitary sewer or other systems) is inadequate to serve the proposed development, the Commission may consider improvements to be made by the developer in evaluating the proposal.

800.11 OPEN SPACE *(amended/effective 7/28/14)*

As part of every development in an Age-Restricted Housing District, the Commission shall require provision be made for the preservation of open space land through:

a. preservation of at least 20% of the land in the development as permanent open space deeded to the Town, the State, a land trust, or a recognized conservation organization acceptable to the Commission where such dedication meets the requirements of Section 7 of the Subdivision Regulations, or
b. payment of a fee in lieu of open space dedication where such payment meets the requirements of Section 7 of the Subdivision Regulations, or
c. preservation of other land (including acquisition of development rights) elsewhere in the community, or a combination of land, fee or development rights acceptable to the Commission. or for developments incorporating at least 20% of its units as affordable housing, as defined by Connecticut State Statutes, the open space requirement shall be reduced to 15%.

800.12 LANDSCAPE PLAN *(amended/effective 7/28/14)*

a. A landscape plan, prepared by a Connecticut licensed landscape architect, shall be submitted with the Special Permit application portraying all existing and proposed landscaping elements.
b. Suitable landscaping, such as lawns with nursery-grown trees and shrubs, or restoration of native vegetation shall be required in all areas not covered by impervious surfaces. Preservation of existing vegetation shall be considered part of the overall landscape plan if deemed acceptable by the commission.
c. Landscape buffers shall include fencing and/or plantings which create a solid visual barrier, at least 6 feet tall within 24 months of planting.
d. All landscaping elements included on the approved landscaping plan shall be maintained in a manner sufficient to ensure its continuing performance and the survival of all plantings.
e. Proposed landscaping shall be designed and located to not unduly obstruct line-of-sight for vehicles entering and exiting the premises or traveling on abutting Town streets or State highways.
f. All common areas shall be outfitted with permanent sprinkler systems to ensure the long-term health of grass and plantings.

800.13 OUTDOOR ILLUMINATION *(amended/effective 7/28/14)*

a. Outdoor lighting shall be provided, to ensure proper and safe illumination of streets, parking areas, certain recreational facilities, and walkways, in locations and type as approved by the Commission.
b. Light poles shall not be more than 15 feet in height.
c. Such lighting shall be shielded and directed so that indirect light, falling outside the development, shall be of low intensity and shall not cause a nuisance from excessive glare or shine into the eyes of anyone external to the site.
d. In addition, any outdoor illumination shall not shine directly into any dwelling unit.
e. Shall be installed in compliance with Section 603 of these regulations.

800.14 BONDING

a. Prior to commencement of construction, the applicant shall furnish a construction bond and a separate erosion and control bond in form(s) and amount(s) acceptable to the Commission.
b. In establishing the amount of the bonds, the Commission shall request that the Town Engineer review construction cost estimates prepared and submitted by the applicant and make a recommendation regarding the construction bond and site erosion and control/restoration bond.

800.15TRAFFIC ANALYSIS

For any development containing 20 or more units, a traffic impact analysis shall be prepared by a Connecticut licensed professional engineer with expertise in traffic engineering and submitted with the application indicating:

a. the existing traffic conditions in the vicinity of the site
b. the expected traffic generation from the development

c. the effect of the expected traffic upon the level of service of the streets and intersections providing access to the development and other critical intersections affected by the development
d. If the commission is not satisfied with the quality of the analysis prepared by the applicant's traffic engineer, it may hire another traffic engineer to prepare such analysis and charge the applicant for the cost of such services.

801 PLANNED RESIDENTIAL DEVELOPMENT (PRD) (Amended Effective 10/3/11; 7/28/14)

801.1 PURPOSE AND AUTHORITY

The purpose of this Regulation is to encourage variety and flexibility in single-family detached residential developments, conservation of open spaces and scenic and natural resources, and imaginative site planning and architectural design.

The Planned Residential Development (PRD) is an open space/conservation subdivision regulation that is allowed for single-family detached residential development in the, R-2, R-3, A-1, A-2 and MFDD residential/ agricultural zones, provided that a Special Permit is first granted by the Commission for the location of the development, followed by a subdivision approval granted by the commission for the division of land into saleable lots. The requirements and provisions of the underlying zone shall apply, unless modified herein. Subdivision requirements may be waived by the Commission as part of the subdivision approval in accordance with the East Windsor Subdivision Regulations . *(amended/effective 7/28/14)*

801.2 SPECIAL PERMIT REQUIREMENTS

A Special Permit for a PRD shall not be granted until the applicant has proven and the Commission has determined that, in addition to the evaluation criteria of Chapter VII, all of the following conditions/requirements have been satisfied:

a. That the location and size of the proposed use and the nature and intensity of use in relation to the size of the lot will be in harmony with the orderly development of the area and compatible with other existing uses.
b. That the proposed plans have provided for the conservation of natural features, drainage basins, the protection of the environment of the area, and sustained maintenance of the development.
c. That the design elements of the proposed development are attractive and suitable in relation to the site characteristics and style of other buildings in the immediate area, and that the proposed use will not alter the essential characteristics of the area.
d. That streets providing access to the proposed use are adequate in width, grade, alignment and visibility, and have adequate capacity for the additional traffic generated by the proposed use.
e. That the proposed use shall have easy accessibility for fire apparatus and police protection and is laid out and equipped to further the provision of emergency services.
f. That the water supply, the sewage disposal, and the storm water drainage shall conform with accepted engineering criteria and comply with all standards of the appropriate regulatory authority. Public water and sewer service is required for PRD applications in the MFDD zones. *(added/effective 7/28/14)*
g. That the proposed plans have provided for the conservation of natural features, drainage basins, the protection of the environment of the area, and sustained maintenance of the development.
h. That the proposed use will not have any detrimental effects upon the public health, safety, and welfare, and that the proposed use will not conflict with the purposes of the Regulations.

801.3 RECOMMENDED PROCEDURE

Preliminary discussions, with staff and the Commission, of PRD developments are encouraged.

801.4 APPLICATION REQUIREMENTS

For a Special Permit application to allow a PRD, the applicant shall submit:

a. A general statement indicating the type of utilities to be provided, the means of preserving open spaces, and the types and uses of all non-residential structures proposed.
b. A map of the entire PRD area showing the tract, existing topography, existing natural features, general soils classifications, and existing structures on the tract.
c. A similar map showing the location of proposed structures and streets, public and private utilities, community facilities, open space and recreation areas, and phasing if the proposed development is to be developed in sections.

801.5 OPEN SPACE REQUIREMENTS *(amended/efffective 7/28/14)*

All PRD applications shall include deeded open space for parks, playgrounds, conservation, access to open space or other public purposes. In the R-2, R-3, A-1 & A-2 residential zones, the open space requirement for PRD applications shall be 30% of the total parcel area. For PRD applications in the MFDD zone the open space requirement shall be 40%. The commission reserves the right to make the final decision on the location, suitability, and means of preservation of any open space proposal. In making these decisions, the commission shall find that:

a. The open space is of a significant size to make a meaningful contribution to the open space network, and

b. The open space will provide a significant community benefit, such as:
    1. Protecting important historical and/or scenic resources, or
    2. Protecting environmentally sensitive areas such as river corridors, wildlife sanctuaries or other habitats, or
    3. Preserving areas along town or state roads that will protect the rural appearance or character of the neighborhood, or
    4. Maintaining appropriate visual buffers or separation from existing residential developments, or
    5. Providing public riverfront access, or
    6. Establishing an open space corridor or greenway, or
    7. Interconnecting existing open spaces, or
    8. Providing public access to open space parcels.

c. The open space will be deeded to a viable entity, such as the town, the state, a land trust, or other approved conservation organization with adequate controls to assure maintenance and preservation of the open space. The commission shall determine the order of preference in which the open space will be offered to the approved entities.
d. Land which comprises the minimum open space set-aside shall be of a similar ratio of buildable land to unbuildable land as the entire subdivision or shall, in the opinion of the commission, preserve environmentally sensitive areas such as river corridors, wildlife sanctuaries or other natural features.

801.6 BULK & AREA REQUIREMENTS *(amended/eff. 7/28/14)*

a. Agricultural & low-density zones (R-2, R-3, A-1 & A-2)
For PRD applications in the R-2, R-3, A-1 & A-2 zones, the following bulk and area requirements of the underlying zone shall be modified by a percentage equal to the amount of open space provided beyond the 20% open space required for a conventional subdivision:

1. Lot frontage, width, depth and buildable area shall be reduced by said percentage.

   Example: a proposed PRD with 30% open space in the a-1 zone shall have a minimum lot frontage of 175' x [100% - (30%-20%)] = 175' x 90% = 157.5'

2. Front, side and rear yard setbacks shall be reduced by said percentage.

   Example: a proposed PRD with 50% open space in the r-2 zone shall have a minimum side yard of 15' x [100% - (50% - 20%)] = 15' x 70% = 10.5'

3. Maximum building and impervious coverage shall be increased by said percentage.

   Example: a proposed PRD with 40% open space in the r-3 zone shall have a maximum building lot coverage of 15% x [100% + (40% - 20%)] = 15% x 120% = 18%

b. Higher-density zones MFDD)
For PRD applications in the ~~r-1 or~~ multi-family zone (MFDD), the bulk & area requirements shall be as follows:

Description	MFDD
Minimum frontage	60'
Minimum lot width	60'
Minimum lot depth	80'
Minimum buildable area	7,500 s.f.
Minimum front yard setback	25'
Minimum side yard setback	8'
Minimum rear yard setback	25'
Minimum setback to non-prd lot	25'
Maximum lot building coverage	25%
Maximum lot impervious coverage	30%

Note: Maximum height & accessory structure requirements for a PRD in a MFDD zone shall conform to the requirements of the R-1 zone.

c. General standards for all permitted zones
1. The only permitted use for lots in a PRD subdivision shall be single family dwellings.
2. No use in this zone shall be permitted by a use variance granted by the Zoning Board of Appeals
3. The following sections of Chapter IV shall apply to lots in a PRD subdivision:
   a) Section 403 – Permitted Accessory Buildings & Structures, except 403.2 farm outbuildings accessory structures shall maintain a 10' side and rear yard setback, and may not be more forward than the front of the dwelling.
   b) Section 404 – Permitted Accessory Uses shall include:

1) Home occupations
2) Tag, lawn, yard or similar sales
3) Off-street parking or garaging of resident's vehicle(s)
4) Private garage for not more than four (4) automobiles
5) Recreational vehicles and boats

c) Section 406.1 – Living Area Requirements

4. Where a PRD lot overlap multiple zones, the bulk and area requirements shall be computed based on the zone in which the majority of the footprint of the proposed residential structure is to be located.
5. In no case shall a PRD application permit buildings within the PRD development to be less than 25 feet from the exterior property lines of the PRD development.

d. Maximum Density requirements
   1. Maximum density for PRD applications in the R-2, R-3, A-1 and A-2 zones shall be based on the density factors indicated in section 401.
   2. Maximum density for PRD applications in the MFDD zone shall be in accordance with section 802.6.

801.7 MINOR MODIFICATIONS AFTER APPROVAL *(amended/effective 7/28/14)*

a. Minor modifications to infrastructure construction details or architectural building styles may be approved by the town planner and/or the town engineer if it is determined that the proposed changes are substantially similar to the plans approved by the commission and are at least equal in quality to the approved plans.

b. The configuration of lots within the approved PRD subdivision may be modified by the filing of a lot line reconfiguration plan once the town planner has determined that the modified lot(s) conform to the minimum requirements of the approved subdivision.

802 MULTI FAMILY DEVELOPMENT DISTRICT (MFDD) *(Amended 7/26/16; Effective 8/30/16)*

802.1 PURPOSE

The purpose of this Section is to regulate the development and construction of multi-family housing, including but not limited to apartments, condominiums and cooperatives, whether new or existing structures, and to permit planned residential developments (PRD) for single-family housing with open space conservation in accordance with Section 801.

It is the intent of these regulations:

- To permit multi-family developments only in areas which are served by or can be served by public water and public sewer, and more specifically in those areas designated as a "Village Area" [A,C,E,P] or "Non-Rural Area" [A,C,P] or not located in a rural area [E] per the Residential Growth Map in the 2004 POCD rev. 6/17/06.
- To require a zone change to the MFDD zone to a particular parcel.
- To require special permit to be granted by the Commission in accordance with Chapter VII.
- To encourage the development of multi-family housing, which is in conformance with the Plan of Conservation and Development.
- To permit the development of single-family planned residential developments.

802.2 DEVELOPMENT DESIGN CRITERIA

If a change to a MFDD zone is approved, the site shall be designed in accordance with the standards and criteria for the Active Adult Housing Regulations. For the purpose of this section, all provisions related to age restrictions shall not apply and the maximum density shall not exceed four units per acre. Any PRD development shall be designed in accordance with Section 801 & 802 of these regulations and the East Windsor Subdivision Regulations.

802.3 DEFINITIONS

For interpretation purposes of this section, the following words and terms shall have the following meanings. Where the masculine form is used it shall also include the feminine form.

a. **CONDOMINIUM, RESIDENTIAL** is a one family dwelling unit owned in fee simple which may be part of an attached, detached, semi-detached, or multi-family structure which is owned in common with other owners of cooperative units along with any other common areas including the land parcel upon which the structure and any improvements or accessory structures are constructed and owned in common with the association of other unit owners and as further defined by Connecticut General Statutes 47-67, Condominium Ownership Act.

b. **COOPERATIVE, RESIDENTIAL** is a one-family dwelling unit which may be part of an attached detached, semi-detached or multi-family structure which is owned in common with the other owners of cooperative units along with any other common areas including the land parcel upon which the structure and any improvements are constructed, and as further defined by Connecticut General Statute 47-67, et. Seq., Condominium Ownership Act.

c. **APARTMENT, RESIDENTIAL** is a one-family dwelling unit contained in a multi-family structure owned in fee simple by an owner which is rented to a family for the purpose of maintaining a household.

d. **COMMUNITY ASSOCIATION** is the legally constituted body of condominium or cooperative owners under Connecticut General Statute,47-67, Condominium Ownership Act which owns the portions of the property held in common and which is responsible for the governance of the development.

e. **FLANKING PATH** is a hole, opening, crack or structural conductor that permits the transmission of sound and, therefore, acts as a “short circuit” for sound in a common interface.

f. **INFRASTRUCTURAL IMPROVEMENTS** Construction or installation of utilities (sewers, water, gas, electric, telephone, cable, etc.) parking circulation lanes, access drives, through streets, sidewalks, emergency ingress or egress, curbing, lighting standards, drainage facilities, or other essential supportive improvements associated with phases of the development or, in the absence of phases, with any building or cluster of buildings.

g. **PHASE** A portion of a development, divided for construction purposes, into cohesive sections, each section containing no less than 4 acres, such that all buildings, clusters of buildings, and their supporting infrastructural improvements are capable of complete and self-sufficient existence under these regulations, without the completion of subsequent phases.

h. **PRINCIPAL INFRASTRUCTURAL IMPROVEMENTS** shall mean those infrastructural improvements (such as major utilities, access drives and emergency ingress and egress) which are necessary to service the entire development or future phases, and to link individual clusters of buildings within a phase.

i. **ELDERLY** Denoted persons that fall within the requirements of the Connecticut General Statutes Chapter 128 (8-113).

j. **ELDERLY HOUSING** Is a one family, one bedroom dwelling unit contained in a multi-family structure owned in fee simple by an owner which is rented to a family for the purpose of maintaining a household in which one member shall meet the above definition of elderly and no member shall be under the age of eighteen years.

k. **PLANNED RESIDENTIAL DEVELOPMENT** is a single family detached residential subdivision incorporating open space conservation as set forth in sections 801 and 802.

l. **[A] [C] [E][P]** These symbols shall identify those paragraphs that apply to specific types of development, in accordance with Chapter VIII Section 802 as follows:

[A] Apartments Residential
[C] Condominiums, Residential, cooperative, residential or community association
[E] Elderly Housing
[P] Planned Residential Development

802.4 APPLICABILITY

No area shall be rezoned to a Multi-Family Development District unless the applicant has demonstrated and the Commission has determined that:

a. [C, E, P] the site is at least 4 acres in area, and [A] for apartment developments, the site is a minimum of 25 acres and has frontage on CT. RTE. 5 or CT. RTE. 191 (with regard to non-elderly occupancy developments).
b. [A, C, E, P] the site is or will be served by public water and municipal sewer, and
c. [A, C, E**,** P] the site is located within an area identified as a "Village Area" or a [A,C,P]"Non-rural Area" OR [E] NOT LOCATED IN WITHIN A RURAL AREA on the Residential Growth Guide Plan in the Plan of Conservation and Development, as amended, and
d. [A, C, E, P] all of the following conditions/requirements have been satisfied:
    1. That the location and size of the proposed use and the nature and intensity of use in relation to the size of the lot will be in harmony with the orderly development of the area and compatible with other existing uses.
    2. That the proposed plans have provided for the conservation of natural features, drainage basins, the protection of the environment of the area, and sustained maintenance of the development.
    3. That the design elements of the proposed development are attractive and suitable in relation to the site characteristics and style of other buildings in the immediate area.
    4. That streets providing access to the proposed use are adequate in width, grade, alignment and visibility, and have adequate capacity for the additional traffic generated by the proposed use.
    5. That the proposed use shall have easy accessibility for fire apparatus and police protection and is laid out and equipped to further the provision of emergency services.
    6. That the water supply, the sewage disposal, and the storm water drainage shall conform with accepted engineering criteria and comply with all standards of the appropriate regulatory authority.
    7. That the proposed use will not have any detrimental effects upon the public health, safety, welfare, or property values, and that the proposed use will not conflict with the purposes of the Regulations.

802.5 EXEMPTIONS AND EXCEPTIONS

No individual, group or organizations, whether private, public or governmental shall be automatically exempted from this section. No use in this zone shall be permitted by a use variance granted by the Zoning Board of Appeals.

802.6 PERMIT REQUIREMENTS & DENSITY LIMITS

a. Permit Requirements
All uses in the MFDD zone shall require the approval of a Special Use Permit granted by the Commission in accordance with Chapter VII and the provisions of this regulation.

b. Density Limits

1. **<u>Non-Elderly Occupancy</u> [A, C,]** – Residential condominiums, residential cooperatives, residential apartments or other like usages which are not restricted to occupancy by elderly persons or households may be permitted in a Multi-Family Development District, after obtaining a Special Permit. Any such use shall be subject to the maximum density limitations as approved by the Commission, in its sole discretion, based upon the following:
   a) 2 dwelling units per acre of developable land on the tract,
   b) 2 additional multi-family dwelling units on the tract for each 1 acre of land in East Windsor being deeded as open space to the Town or recognized conservation organization,
   c) 2 additional multi-family dwelling units on the tract for each 1 single-family development right being transferred to the tract from one or more other sites in East Windsor,
   d) 2 additional multi-family dwelling units on the tract for each 1 multi-family dwelling unit on the tract that is deed-restricted in perpetuity so as to be included in the Affordable Housing Appeals List maintained by the State, and
   e) in no event will there be permitted an average residential density of more than 4 dwelling units per acre of developable land on the tract to be developed.

2. **<u>Elderly Occupancy</u> [A, C, E]** – Residential condominiums, Apartments **[E],** residential cooperatives, or other like usages which are restricted to occupancy by elderly persons or households may be permitted in a Multi-Family Development District, after obtaining a Special Permit. Any such use shall be subject to the maximum density limitations as approved by the Commission, in its sole discretion, based upon the following:
   a) [A,C] 6 dwelling units per acre of developable land on the tract
      [E] 18 dwelling units per acre of developable land, not to exceed 24 dwelling units per acre with incentives.
   b) 3 additional multi-family dwelling units on the tract for each 1 acre of land in East Windsor being deeded as open space to the Town or recognized conservation organization,
   c) 3 additional multi-family dwelling units on the tract for each 1 single-family development right being transferred to the tract from one or more other sites in East Windsor,
   d) 3 additional multi-family dwelling units on the tract for each 1 multi-family dwelling unit on the tract that is deed-restricted in perpetuity so as to be included in the Affordable Housing Appeals List maintained by the State,
   e) [A,C] in no event will there be permitted an average residential density of more than 12 dwelling units per acre of developable land on the tract to be developed, and
   f) [A,C] in no event will there be permitted building coverage of more than 15% on the tract to be developed.

3. **<u>Planned Residential Development</u> [P] –** Single family detached residential subdivisions in accordance with section 801 of these regulations may be permitted in the Multi-Family Development District, after obtaining a special permit and a subdivision approval. Planned Residential Developments shall be subject to the maximum lot density to be determined as follows:
   a) 2 lots per acre of developable land on the parcel to be subdivided,
   b) 1.5 additional lots for each 1 acre of land being deeded as open space to the Town or an approved conservation organization,
   c) 1.5 additional lots for each 1 single-family development right being transferred to the tract from one or more other sites in East Windsor, and
   d) In no event will there be permitted a lot density of more than 3.5 building lots per acre of developable land on the tract to be developed.

802.7 COMMISSION APPROVAL & SUBMISSION REQUIREMENTS [A, C, E]

a. No building or structure shall be erected and no premises shall be used for any of the purposes herein defined until a development plan for the entire area, containing the information set forth below and such other data as may be reasonably be required by the Commission to effectuate the purposes and intent of this section, has been submitted and approved by the Commission.

b. The development plan drawn to scale and certified by a land surveyor, and professional engineer for all multi-family developments, apartments, condominiums and/or cooperatives shall include the following:
   1. property boundaries and location of existing structures certified to Class A-2 accuracy as defined by the CT Association of Land Surveyors, Inc.
   2. existing streets, public right-of-ways, and other utility right-of-ways or easements
   3. size and location of any proposed structures
   4. layout of parking facilities and access thereto
   5. location of all setback lines
   6. location of all exterior lighting
   7. location of all open spaces
   8. a detailed landscaping plan, including all buffer strips
   9. a general description of the equipment and method of operation to be used for each residential structure
   10. general specifications for the mechanisms and techniques to be used in restricting the emission of any dangerous or objectionable elements
   11. a statement of the proposed and projected number of occupants and employees
   12. the names of all abutters within 100 feet of the property boundary and a map indicating the location of the abutting properties with respect to the development parcel
   13. all proposed roads, driveways and loading areas
   14. existing and proposed walkways and sidewalks
   15. existing and proposed topography at two foot intervals
   16. existing and proposed drainage
   17. provision for potable water supply and sewage disposal
   18. location and type of all storage facilities and accessory structures
   19. location of fire hydrants and/or fire alarms
   20. elevation drawings and floor plans for all proposed structures
   21. numbering plan for unit identification
   22. location plan showing property with respect to the Town of East Windsor, to include the zoning districts within 1200 feet of the property
   23. location and details of all recreation areas and facilities
   24. computation of permitted and actual density and unit mix zoning table
   25. a map indicating the computation and location of livability and recreation spaces

802.8 GENERAL REQUIREMENTS FOR GRANTING A SPECIAL PERMIT [A, C, E, P]

In considering an application for a special permit under this section and Chapter VII, the Commission shall consider the general objectives of public health, safety and general welfare, public convenience, and property values. The Commission shall be required to make a determination that the following conditions are met, in addition to the requirements of Chapter VII and Chapter IX.

a. The location and size of the proposed use and intensity of the use in relation to the size of the lot will be in harmony with the orderly development of the area and compatible with other existing uses.

b. The kind, size, and height of structures and the nature and extent of landscaping on the lot will not hinder or discourage the appropriate use of adjoining property or diminish the value thereof.

c. The proposed use will not adversely alter the essential characteristics of the area or adversely affect the property value of the neighborhood.

d. The parking facilities are adequate and are properly located, and the entrance/exit drives are laid out to achieve maximum safety, and the existing public roadways are adequate in width and condition to handle future traffic.

e. Details of public water supply, the public sewage disposal system and an adequate storm water drainage must be installed and shall conform with accepted engineering standards and will comply with all criteria of the appropriate regulatory authority.

f. The proposed use shall have easy accessibility for fire apparatus, ambulances, and police vehicles. The Commission may choose to have constructed to Town specifications certain thoroughfares in the development.

g. The proposed plans shall provide for the conservation of natural features, drainage basins, and the protection of the environment of the area.

h. The physical design elements of the proposed development shall be attractive and suitable in relation to the site's characteristics and the style of other buildings in the immediate area.

i. The proposed use will not have any detrimental effect on public health, safety, convenience, and property values which cannot be mitigated to the satisfaction of the commission.

802.9 PARCEL REQUIREMENTS [A, C, E, P]

The parcel upon which the development is proposed must be contiguous though it may be divided by one or more existing Town of East Windsor streets. The parcel cannot be contained in whole or in part within the boundaries of a previously approved subdivision which has had construction within it the foundations of one or more single family houses.

802.10 MINIMUM FLOOR AREA, UNIT MIX, UTILITIES, AND MISCELLANEOUS DESIGN REQUIREMENTS [A, C, E]

a. <u>MINIMUM FLOOR AREA</u>

Notwithstanding other provisions of these regulations, the following minimum horizontal floor areas shall be provided for each dwelling unit in the development:

	Apartments(A)	Elderly(E)	Other(C)	
1 bedroom	725	400	950	square feet
2 bedroom	1000	400+	1100	square feet
3 bedroom	n/a	400+	1250	square feet

[E] Floor area for elderly housing shall not include space that is for the use of utilities or storage requirement

b. <u>UNIT MIX</u>

The unit mix shall be within the following percentages:

	Apartments(A)	Elderly(E)*	Other(C) *	
1 bedroom	40%	*	n/a	minimum
2 bedroom	60%	*	n/a	maximum
3 bedroom	n/a	*	20%	maximum

[A,C] The total gross floor area of all units shall not exceed 30% of the lot area.
*There shall be no unit mix requirements for PRD or elderly developments.

c. UTILITIES

[A][E] All necessary utilities, including electricity, gas, telephone and heating shall be separate service to each building.

[C] All necessary utilities, including electricity, gas, telephone and heating, shall be a separate service to each dwelling unit and shall be individually metered.

d. MISCELLANEOUS DESIGN REQUIREMENTS

[A] Each dwelling unit shall have individual laundry facilities. Residential apartments may not include a communal laundry area.

[A] Each dwelling unit shall have an exterior private entrance.

[A] Each dwelling unit shall have a private attached garage.

802.11 STORAGE [A, C, E]

a. [C] At least 1,400 cubic feet, with a minimum horizontal area of 200 square feet, with a minimum height of seven feet, of enclosed weather proof, lockable storage space shall be provided for each dwelling unit.

b. [A] At least 336 cubic feet, with a minimum horizontal area of 48 square feet, with a minimum height of 7 feet, of enclosed, weather proof lockable storage space will be provided for each dwelling unit.

c. [E] At least 85 cubic feet, with a minimum horizontal area of 12 square feet, with a minimum height of 7 feet, of enclosed, weather proof, lockable storage space shall be provided for each dwelling unit.

d. [A, C, E] Such storage space shall be in addition to that ordinarily contained within a unit such as cabinets, pantries, and clothes closets. Such space will not be counted in computing the residential floor area for the dwelling unit. Such space may be located in an area separated from the dwelling unit, but must be located within or immediately adjacent to the building in which the dwelling unit is contained. There shall be no outside sheds or storage bins allowed.

802.12 HEIGHT

a. [A, C, E, P] No structure may exceed 3 stories or 35 feet in height.

b. [E] Elderly housing exceeding one story shall be provided with elevators of such size as to allow the use of a standard ambulance stretcher.

802.13 OUTDOOR LIGHTING [A, C, E]

Multi-family development applications shall comply with the requirements of Chapter VI Section 603 of these regulations.

802.14 EROSION & SEDIMENTATION CONTROL [A, C, E, P]

Shall comply with the Town of East Windsor Soil Erosion and Sedimentation Control Regulations adopted August 6, 1985, effective September 1, 1985, as amended. 2002 CT E&S GUIDELINES AND 2004 CT STORMWATER QUALITY MANUAL as amended.

802.15 REQUIRED YARDS & SETBACKS [A, C, E]

a. The minimum setback from any public right-of-way to any structure shall be 40 feet
b. The minimum setback from any structure to any other structure shall be 30 feet, except where structures are single-family detached units: they shall be separated by a minimum of 15 feet. No more than 6 single family units may be separated by a minimum of 15 feet. The minimum setback of any grouping of 6 single family units from another group of single family units must be a minimum of 30 feet.
c. [A,C] Structures shall be set back a minimum of 50 feet from any property boundary. No recreation space or off-street parking access drive shall be permitted within 30 feet of any property boundary.
d. [A,C] Structures shall be set back a minimum of 25 feet from any area designated for off-street parking, access driveway, or recreation space, except where the access driveway is to a structure which contains a garage or carport for the dwelling unit.
e. [A,C,E] A landscaped buffer strip of 25 feet in width shall be required within all boundary setbacks and designed in accordance with Chapter VI, Section 600 of these regulations, unless specifically stated elsewhere in Chapter 800.

802.16 LOT COVERAGE & OPEN SPACE REQUIREMENTS [A, C, E]

a. [A,C] No more than 45 percent of the gross land area of the parcel may be covered by buildings, driveways, parking areas, and other impervious surfaces.

b. [A,C,E] As part of every development in a MFDD, the Commission shall require provision be made for the preservation of open space land through:
   1. preservation of at least 20% of the land in the development as permanent open space deeded to the Town, the State, a land trust, or a recognized conservation organization acceptable to the Commission where such dedication meets the requirements of Section 7 of the Subdivision Regulations, or
   2. payment of a fee in lieu of open space dedication where such payment meets the requirements of Section 7 of the Subdivision Regulations, or
   3. a combination of land and fee or some other arrangements acceptable to the Commission, or

4. modification of this requirement in whole or in part by the Commission due to the applicant's permanent preservation of open space land (including acquisition of development rights) elsewhere in the community, or
5. waiver of this requirement in whole or in part by the Commission due to the applicant's provision of affordable housing units or other community amenity.

c. [A,C] At least 3 percent of the gross land area of the parcel must be devoted to the provision of common recreational uses including but not limited to tennis courts, swimming pools, or clubhouses. In general such space shall have a minimum dimension of 50 feet, an average dimension of 100 feet, and a minimum area of 10,000 square feet. A smaller dimension and area are acceptable if 10,000 square feet is more than the total needed for provision of a particular recreation facility such as a lot. Where the commission finds that recreational uses of this nature are impractical, walking trails or other passive recreational areas may be provided in lieu of active recreational areas.
d. [E] No more than 80% of the buildable area of a parcel may be covered with impervious surfaces inclusive of roads, buildings, and parking areas. In no case shall the overall impervious coverage exceed 60%.

e. [A,C] Structures containing dwelling units with three bedrooms must be located within 300 feet of an area designated as a recreation area.

f. [E] Elderly housing shall provide a continuous sidewalk around the proposed building or a separate walking path of a length equal to the total perimeter dimensions of the buildings.

g. [E] A designated outdoor sitting area is strongly encouraged.

802.17 PARKING AND ACCESS DRIVES [A, C, E]

All parking facilities shall be provided, designed and constructed in accordance with Chapter VI Section 601 of these regulation and the following requirements of this section.

a. Parking Ratios

[A] A minimum parking ratio of 2.0 off-street parking spaces per dwelling unit will be provided. In addition, the Commission may require, at its discretion, an area containing a minimum of 1.0 parking spaces per 10 dwelling units, such area to be used for the storage of recreational vehicles. This additional area may also be used for visitor parking.

[C] A minimum parking ratio of 2.0 off-street parking spaces per dwelling unit will be provided, consisting of 1.0 spaces per unit for residents and 0.5 spaces per unit for visitors and 0.5 spaces per unit for recreational vehicles.

[E] A minimum ratio of 1.25 off-street parking spaces per dwelling unit will be provided consisting of 1.0 spaces per unit for residents and 0.25 spaces per unit for visitors. Adequate parking for residents and visitors must be demonstrated.

b. Residents' Parking Locations

[A] [C] The parking spaces for residents shall be provided within 125 feet of the dwelling unit to which they are attributed.

c. Visitors' Parking Locations

[A] [C] The visitor parking spaces shall be provided within 300 feet of the dwelling unit to which they are attributed.

d. The recreational vehicle parking spaces shall be in a separately designated area located and designed in such a way as not to detract from the development or adjacent properties.

e. All parking areas not contained within structures shall be appropriately screened and landscaped.

f. All access drives from public street to and from off-street parking areas, service areas, or other areas shall be constructed to the Town of East Windsor road specifications except as follows:
   - The minimum roadway width shall be 24 feet except that the Commission may allow a narrower roadway width with a positive recommendation from town staff.
   - The maximum vertical grade shall be 10%.

g. The Commission may designate, at its discretion, one or more thoroughfares, located within the development as a public right-of-way. Those rights-of-way shall be constructed to the requirements specified in the East Windsor subdivision regulations except that the Commission may allow a narrower roadway width with a positive recommendation from town staff. Any other thoroughfare, access drive, or service drive not so designated by the commission, and any off-street parking area shall remain under the ownership and control of the owners of the development.

h. Each development with interior roads in excess of 400' in length shall have a secondary means of egress or emergency access drive, as approved by the town staff.

802.18 TRAFFIC ANALYSIS [A, C, E, P]

For any development containing 20 or more units, a traffic impact analysis shall be prepared by a Connecticut licensed professional engineer with expertise in traffic engineering and submitted with the application indicating:

a. the existing traffic conditions in the vicinity of the site
b. the expected traffic generation from the development
c. the effect of the expected traffic upon the level of service of the streets and intersections providing access to the development and other critical intersections affected by the development. If the Commission is not satisfied with the quality of the analysis prepared by the applicant's traffic engineer, it may hire another traffic engineer to prepare such analysis and charge the applicant for the cost of such services.

802.19 LANDSCAPING [A, C, E]

a. A landscape plan, prepared by a Connecticut licensed landscape architect, shall be submitted with the Special Permit application portraying all existing and proposed landscaping elements.
b. Suitable landscaping, including lawns and nursery-grown trees and shrubs, is required in all areas not covered by impervious surfaces, except that the Commission may waive this requirement in lieu of preservation, maintenance and enhancement of existing natural vegetation.

c. The applicant shall provide a landscaped buffer area around the development and access roads where necessary to buffer between adjacent uses and/or where required by the Commission and such buffer(s) shall be designed to create a solid visual barrier, at least 6 feet tall within 24 months of planting.
d. All landscaping elements included on the approved landscaping plan shall be maintained in a manner sufficient to ensure its continuing performance and the survival of all plantings.
e. Proposed landscaping shall be designed and located to not obstruct line-of-sight for vehicles entering and exiting the premises or traveling on abutting Town or State highways.
f. [A,C] All common areas shall be outfitted with permanent sprinkler systems to ensure the long-term health of grass and plantings.
g. [E] Minimum requirements for elderly housing
    1. 25 foot landscaping buffer around perimeter.
    2. Shall provide a visual screen including a mix of evergreen and deciduous native plant materials.
    3. Buffer shall be designed to create a solid visual barrier within 2 years of planting. All trees shall be a minimum of 6 feet at planting time with evergreens making up at least 30% of the trees.
    4. The design shall incorporate staggerred rows of plantings and/or group plantings that create natural effects.
    5. Berms may be utilized to add height to areas where higher screenings would be needed.
    6. 25 foot landscaping buffer may be reduced by 10 feet if a solid 6 foot fence is installed, except within the front yard buffer, or if adjacent building is within 50 feet of property line.

802.20 PHASING [A, C, E, P]

At the discretion of the Commission, or upon the request of the applicants, a development under this section may be approved in anticipation that the property be developed in phases, provided each phase is not less than 4 acres in size. Each phase shall also contain a proportional share of the public amenities as depicted in the overall plan. Although it is the intent of this section that the Commission approve a complete plan for development of the property, the Commission may, at its discretion, approve the plan in increments of less than 4 acres in size.

802.21 ARCHITECTURAL REVIEW [A, C, E, P]

The developer shall submit to the commission for review and comment architectural floor plans and exterior elevation plans for all types of structures proposed. For multi-family developments [A, C, E], the developer shall also submit a master landscaping plan for the site. After reviewing the design elements of the structures in the proposed development and the landscaping of the site, the Planning and Zoning Commission may return such designs or landscaping plans to the developer along with its recommendations for improvement. The developer shall then resubmit such modifications for review and approval by the Commission prior to acceptance of the development plan.

802.22 CHANGE OF ZONE [A, C, E]

No development plan or special permit for residential condominiums, residential cooperatives, residential apartments, elderly housing, or other like usages shall be approved by the Commission except in a Multi-Family Development District.

802.23 CERTIFICATE OF OCCUPANCY [A, C, E]

No Certificate of Occupancy for any dwelling unit or building shall be issued until the protective safeguards have been completed in accordance with the approved plan. In the case of a development approved for construction in phases, certificates of occupancy may be issued for less than the total number of buildings in the phase, provided that the principal infrastructural improvements for the phase have been installed, and safeguards associated with the individual buildings or cluster of buildings have been satisfactorily completed or guaranteed.

Should certain infrastructural improvements or landscaping not be completed at such time that a Certificate of Occupancy is requested due to seasonal or valid constraints, the building inspector/zoning enforcement officer may require that cash or other suitable guarantee, in an amount equal to the cost of the balance of the improvements, be submitted to the Town Treasurer for deposit until such time as the improvements have been completed.

802.24 HISTORY OF AMENDMENTS & EFFECTIVE DATES

Special Development District zoning has been amended and re-named to Multi-Family Development district (MFDD). Changes adopted 5/23/06, effective 6/17/06. Residential apartments added as permitted use with conditions, changes adopted March 13, 2012, effective date May 17, 2012. Waiver provisions eliminated and PRD requirements added with changes adopted July 8, 2014, effective date July 28, 2014. Changes for Elderly housing adopted July 26, 2016, effective August 30, 2016.

803 HOTELS & MOTELS

In those districts permitting hotels and motels, a special use permit may be authorized by the Commission subject to Chapter VII and the following regulations:

803.1 SITE REQUIREMENTS

A minimum lot area of 2,500 square feet per unit shall be provided.

803.2 ADDITIONAL REQUIREMENTS

Units, except the office and manager's apartment, shall be designed solely for the use of automobile transients and no cooking facilities shall be permitted. No unit shall contain less than 180 square feet of floor area, including closet space, and no unit shall have sleeping accommodations for more than four persons. Each unit shall contain, in addition to the minimum floor area, a bathroom containing a toilet, a washbasin, and either a shower or bathtub.
Each motel shall have one office and manager's apartment, which office and apartment shall have a combined total area of at least 500 square feet. No hourly rental rates are permitted.

804 WIRELESS TELECOMMUNICATION SITES

804.1 PURPOSE

The intent of this regulation is to provide policies for the establishment and or expansion of wireless telecommunication services while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. More specifically this regulation has been developed in order to:

a. Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of towers needed to serve the community;

b. Encourage providers to co-locate their facilities on a single tower;
c. Site facilities below visually prominent ridge lines;
d. Minimize the location of facilities in visually sensitive areas;
e. Encourage creative design measures to camouflage facilities;
f. Protect historic and residential areas from potential adverse impacts of communication towers;
g. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

804.2 LOCATION PREFERENCES

The locations for siting the equipment involved in or associated with wireless telecommunication services are listed below in order of preference.

a. On existing structures such as buildings, water towers and utility poles.
b. On existing or approved towers.
c. On new towers less than 60 feet in height located in commercial or industrial zones.
d. On new towers less than 60 feet in height located in residential zones.
e. On new towers 60 feet or greater in height located in commercial and industrial zones.
f. On new towers 60 feet or greater in height located in residential zones.

804.3 HEIGHT AND AREA REQUIREMENTS

a. Lot Size.
Wireless telecommunication sites containing a freestanding tower shall require a minimum of 20,000 square feet in area. Minimum lot size shall still comply with the underlying zone.
b. Height.
No tower, including the antenna and all other appurtenances, shall exceed 200 feet in height above ground level. The maximum height of any rooftop mounted equipment building or box shall be 15 feet above the roof surface.
c. Setbacks.
All freestanding monopole towers shall be setback 1 foot from any property line for every 1-foot of vertical height.

804.4 GENERAL REQUIREMENTS

a. No wireless telecommunication site shall be located within 200 feet of an existing or proposed residence.
b. No lights shall be mounted on proposed towers unless otherwise required by the FAA.
c. Towers not requiring special FAA painting or markings shall be painted a non-contrasting blue or grey.
d. Towers may not be used to exhibit any signage or other advertising.
e. 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 100 feet in height or for at least 1 additional comparable antenna if the tower is over 50 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.
f. 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.
g. No proposed wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.
h. The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions.

i. All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
j. All generators installed in conjunction with any wireless telecommunication site shall comply with State and local noise regulations.

805 ALCOHOLIC BEVERAGES

The sale or manufacture of alcoholic beverages, at wholesale or retail, for consumption either upon or off the premises, shall be permitted only by Special Permit subject to the following regulations:

a. No alcohol related use shall be permitted within 500 feet of any public or private school (defined as: the instruction of children under 18 years of age and giving instruction at least 3 days a week for 8 or more months a year), daycare center, public place of worship, charitable institution, hospital, convalescent home, cemetery, library, public playground, or any municipal building.
b. Daycare centers are exempt from the above requirement in relation to full service restaurants, provided they are not located within the same structure.
c. The required minimum distance shall be determined by two nearest points of both properties as measured on the Town Assessor's Maps.
d. Restaurant permits for the sale of beer, wine, or spirituous liquors, to be consumed on the premises, shall be permitted only when such sales are incidental to the operation of a restaurant, hotel, motel, bowling alley restaurant, or private clubs, shall be permitted only in B-1, B-2, and B-3 zones. Liquor sales may be permitted by special use permit in the M-1 zone when associated with an approved hotel, recreational or catering facility. *(Amended Effective 4/25/2012)*
e. Package store and druggist permits shall be permitted in B-1, B-2, and B-3 zones. *(Amended Effective 4/25/2012)*
e. Cafe permits shall be permitted only in B-2 and B-3 zones. *(Amended Effective 4/25/2012)*
f. Wholesalers shall be permitted only in B-2 and M-1 zones.
g. All live or amplified entertainment/music must be approved for the site with the special use permit to ensure that noise pollution is avoided. Jukeboxes may be permitted provided that noise does not disturb the neighborhood. *(amended/effective 7/28/14)*

Temporary liquor permits for non-profit or non-commercial organizations may be granted by the PZC Commission as a zoning permit, providing the sales are limited to no more than 4 calendar days per year for any organization and that all other applicable zoning, building, fire, State and other codes are satisfied. Once a site has been approved, permits may be granted administratively. Should the property change ownership, a new permit must be sought (*amended/effective 7/28/14*)

806 SOLID WASTE FACILITIES

806.1 SPECIAL PERMIT REQUIRED

Solid waste facilities may be allowed by special permit in an M-2 zone in accordance with these regulations:

806.2 NON-CONFORMING SOLID WASTE FACILITIES

A legally non-conforming solid waste facility may continue to operate, provided it complies with all local, state and federal laws, ordinances and regulations. It is the intent of these Regulations that non-conforming solid waste facilities be eliminated in accordance with Section 8-2 of the General Statutes. Accordingly, such a non-conforming use shall terminate and may not be resumed, if abandoned or closed by the owner.

806.3 GENERAL PROVISIONS FOR ALL SOLID WASTE FACILITIES

All solid waste facilities shall conform to the following general provisions in addition to other applicable regulations:

a. Landscape and Buffer Area

The area created by the applicable setback from abutting lot lines shall be seeded and fertilized to establish suitable grass cover and plantings and shall be properly maintained and kept free of debris, litter, machinery and vehicles. A buffer area shall be provided along all abutting lot lines to minimize the visual intrusion of the facility on adjoining properties and uses.

b. Access to Site

1. Access shall be restricted to areas, which have public access roads through non-residential areas of sufficient width and capacity to safely carry maximum projected truck volumes and loads
2. On-site roads shall be constructed to handle maximum projected loads, shall have an all weather surface and shall be maintained so as to be passable by all vehicles, which utilize the area.
3. Access to the facility shall be gated and controlled to prevent unauthorized use.

c. Fire Protection:

Appropriate measures shall be taken to prevent and control fires.

806.4 MINIMUM STANDARDS FOR SOLID WASTE DISPOSAL AREAS

a. Lot Area.

Each solid waste disposal area shall have a minimum lot size of 50 acres.

b. Setback

The distance between the toe of the slope of any area in which solid waste or cover material is placed and any adjacent lot line, street or railroad right-of-way shall be 100 feet.

c. Elevation

Solid wastes and cover material deposited on the site shall not exceed the elevation of the tallest structure permitted in the zoning district, from the average existing elevation on the site. The existing elevation is to be determined at the time of the first Special Permit application for the facility.

d. Slopes

The final surface of the area shall be graded to a slope of at least 4 percent and the side slopes shall not exceed a grade of one foot measured vertically for every three feet measured horizontally.

e. Blowing Litter

Blowing litter shall be controlled by providing fencing near the working area or by the use of earth banks or natural barriers. Solid wastes shall be unloaded in such manner as to minimize scattering or blowing of wastes. The entire area shall be cleared of litter at the end of each working day.

806.5 CLOSURE

The applicant shall submit a proposed plan of restoration showing final grading and landscaping, and other information, which the Commission may require in order to insure proper closure. The plan of restoration shall include as a minimum:

a. A final cover free from cracks, depressions, and extrusions of refuse, including 6 inches of topsoil to top-dress all areas filled with solid waste or cover material.
b. Seeding, mulching and fertilizing the site to reestablish vegetation.
c. Landscaping with trees and shrubs.
d. A detailed estimate of the costs necessary to close the area in accordance with the plan of restoration.

e. The applicant shall submit a performance bond sufficient to pay the total cost of the plan of restoration, as estimated above.

806.6 CONDITIONS

a. The Commission may require a minimum lot size or a minimum setback larger than the minimum prescribed herein, if the Commission finds that such increases are necessary to protect the public health, safety and welfare, giving due regard for the nature of uses in the area, the materials permitted to be deposited at the site, and the nature of the activities to be performed on the site.
b. After closure, no site used for a solid waste disposal area may be used for that purpose again.
c. The operating hours and days of the week during which the applicant may operate a solid waste disposal area shall be determined by the Commission with due consideration for the zoning district in which the site is located.
d. The Commission may approve a Special Permit only when it finds that the proposed use is of such location, size, and character that it will be in harmony with the appropriate and orderly development of the zoning district and area and will not be detrimental to the orderly development of adjacent properties.

807 VOLUME REDUCTION FACILITIES

807.1 MINIMUM STANDARDS FOR VOLUME REDUCTION FACILITIES

a. All incoming materials at the facility shall be stored indoors on an impervious surface designed to prevent leachate from such materials from entering the ground. The applicant must demonstrate that proposed impervious surface has been designed to accommodate the total anticipated volume of materials to be received and processed at the facility.

b. The special permit shall specify the materials, which may be accepted by the facility. No mixed solid waste which cannot be viably separated and which may result in the contamination of recyclables shall be accepted at such facility, except that a transfer station and a transfer station operation may be made and operated in a specially designated part or portion of a “volume reduction facility” for processing by volume reduction (i.e. compaction), of municipal solid waste (MSW), transported separate from mixed solid waste, provided any such MSW is deposited, processed and removed from the facility by the close of business hours each day. All such transfer station activities must strictly comply with all Statutes, Rules and Regulations, and Permit requirements of the Connecticut Department of Environmental Protection. All other sections and provisions of Chapter VIII Section 807 shall also apply to a transfer station as applicable.

c. Materials, such as clean wood materials, asphalt, concrete, stone and other similar materials accepted at the facility shall be processed and stored in a manner approved by the Commission.

d. Separated materials, such as paper, cardboard, appliances, metals, glass, plastics, fluids and other similar materials accepted at the facility shall be stored temporarily in a structure and/or on a surface approved by the Commission, designed to prevent the infiltration of precipitation into such materials.

e. The proposed facility shall comply with all the permit requirements of the State Department of Environmental Protection.

f. All operations shall be conducted indoors, except for temporary storage of processed material, which may be outdoors with appropriate containment to be approved by the Commission. Any areas to be used for temporary storage shall be indicated on the plans submitted with the application. The Commission may impose conditions to prevent any visual impacts on surrounding streets and properties. The application shall also indicate the maximum time that the different types of materials

will be allowed to be temporarily stored prior to their removal from the site. In no case shall any materials be allowed to remain on site for more than 3 days.

g. All applications shall state the amount of residue (i.e. the percentage of incoming material that will become solid waste after processing), which will be produced. The applicant must demonstrate that the preponderance of incoming material shall be recycled, except that this section shall not apply to MSW as set forth in Chapter VIII Section 805 above. The Commission shall state in its approval the maximum residue that will be permitted. The applicant shall also demonstrate that the Town of East Windsor will bear no responsibility for the disposal of any residue generated from the facility. The applicant shall demonstrate that it has a suitable place for disposal of solid waste residue prior to the Commission approving any application. Any special use permit granted under the provisions of this section may be revoked by the Commission if the Commission finds that residue is not being disposed of in an authorized place and manner. The applicant shall notify the Commission, in writing, of any changes in its disposal locations.

h. The applicant must demonstrate that reasonable measures will be taken, as necessary, to prevent the generation of unpleasant or noxious odors that may have an adverse impact off-site from the facility.

i. The applicant shall submit a traffic impact study with the application and demonstrate that the traffic generated by the facility shall not have an adverse impact on the safety of streets and intersections.

j. The operating hours and days of the week during which the applicant may operate a volume reduction facility shall be determined by the Commission with due regard for the zoning district and area.

k. The applicant or operator of any facility shall provide the town with periodic reports of incoming and outgoing tonnage with emphasis on the different types and amounts of material processed and the amounts of such materials that are recycled.

l. The application shall indicate what efforts the operator of the facility will undertake to ensure that all materials other than demolition debris brought into the facility for processing are separated at the source.

m. Any failure to comply with any regulation, condition or safeguard attached to a special use permit for a volume reduction facility shall constitute a violation of these regulations.

n. The Commission may require, as a condition of any special permit for a volume reduction facility, require a bond to be posted and maintained by the applicant to ensure compliance with all conditions of the approval including, but not limited to, provisions for protecting the Town of East Windsor in the event a facility terminates operations with a large amount of material remaining on the site.

o. A zoning permit shall be obtained prior to the start of construction or change in use to a volume reduction facility. All such permits shall be valid for one year. Each yearly application for a zoning permit shall be accompanied by appropriate documentation of the facility's compliance with the provisions of these regulations and the conditions of approval of its special permit.

p. All conditions of approval associated with a volume reduction facility shall be binding upon the applicant, landowners, and/or their successors and assigns.

q. The Commission may impose reasonable conditions to ensure that all of the above requirements are met, inclusive of hours of operation, and quantity of vehicle/truck trips per day.

808 NON-CONFORMING TRAILERS AND TRAILER PARKS

Legally non-conforming trailer parks may be maintained provided that there is no increase in the park area and no increase in the number of existing trailer units in the park. Existing trailers may be replaced,

provided the applicant applies for a zoning permit. The applicant must meet the following minimum requirements before a permit may be issued:

808.1 PARKING SPACE

No mobile home or accessory structure shall be:

a. set up or parked within 50 feet from the traveled portion of any public highway;
b. parked or set up on a plot less than 25 feet wide and 40 feet long;
c. parked or set up within 15 feet of any mobile home set up in said mobile home park; and
d. parked or set up at least 12 1/2 feet from any property line other than the street line.

808.2 ROADWAY

Each mobile home shall be set-up to provide for easy and safe emergency service access. Suitable material shall be applied to the roadway to prevent the formation of dust and adequate measures shall be taken to clear the streets during winter storms.

a. All private roadways within such mobile home park shall be at least twenty (20) feet in width.
b. Water of sanitary quality shall be furnished to meet the requirements of said mobile homes.

808.3 GRADING AND DRAINAGE

Proper grading and drainage shall be provided and maintained on all mobile home sites.

808.4 AUTOMOBILES

Adequate parking space for automobiles used by mobile home tenants shall be provided, either on the respective plots set aside for mobile homes or on a separate parking lot, and no such automobile shall be parked within 50 feet of the traveled portion of any public highway. Parking shall be provided with a minimum of 1 parking space for each resident and 1/2 parking space for guests for each unit in the mobile home park.

809 NURSING AND CONVALESCENT HOMES

With due consideration to the preservation of the character of the neighborhood and traffic safety, the Commission, after a public hearing for Special Use Permit, may permit the construction and/or operation of a nursing home or convalescent home in any Residence or Agricultural zone as a special use, subject to the following conditions:

a. Lot area shall be not less than 500 square feet for each licensed bed therein.
b. Such use is served by public sewer and public water facilities.
c. No more than 30 percent of such lot area shall be occupied by any structure(s).
d. The lot shall have an area of no less than 40,000 square feet.
e. Parking spaces for at least 4 cars, plus one additional for each 5 beds, shall be provided.
f. Plantings, when necessary to sufficiently screen abutting property owners, shall be provided.
g. Front, side and rear yards requirements as set forth in Chapter IV Section 401 for R-1 zone are met.
h. Submission of a plot plan with a plan view of all buildings and sufficient to indicate that the above requirements are complied with.

810 FLOOD HAZARD REGULATIONS PURPOSE

(AMENDED - EFFECTIVE DATE 9/16/08)

- The purpose of this section is to protect the health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
- Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in flood heights or velocities;
- Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- Control filling, grading, dredging and other development which may increase erosion or flood damage;
- Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

810.1 OBJECTIVES

The objectives of this Section are:

- To protect human life and health;
- To minimize expenditure of public money for costly flood control projects;
- To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- To minimize damage to public facilities, infrastructure, and utilities;
- To insure that potential homebuyers are notified that property is in a flood area.

810.2 DEFINITIONS

For the purpose of this Section, certain terms, words and phrases shall have the meanings defined as follows:

BASE FLOOD: The flood having a 1 percent chance of being equaled or exceeded in any given year.

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.

BASEMENT: Any area of the building having its floor sub-grade (below ground level) on all sides.

BUILDING: See definition for "structure".

COST: As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement 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); sales tax on materials; building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-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 specifications; survey costs; permit fees; outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

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 materials.

ELEVATED BUILDING: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls, as allowed under applicable standards.

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 water; the unusual and rapid accumulation or runoff of surface waters from any source.
FLOOD BOUNDARY AND FLOODWAY MAP: An official map of the Town of East Windsor on which the Federal Insurance Administration has delineated the 100-year, 500-year and floodway boundaries.
FLOOD INSURANCE RATE MAP (FIRM): An official map of the Town of East Windsor on which the Federal Insurance Administration has delineated the areas of special flood hazards and the risk premium zones applicable to the town, as well as base flood elevations at selected locations.
FLOOD INSURANCE STUDY: The official report provided by the Federal Insurance Administration. The report contains flood profiles, water surface elevation of the base flood and includes the Flood Boundary and Floodway Map and Flood Insurance Rate Map.
FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
FLOOR: The top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking of vehicles.
FUNCTIONALLY DEPENDENT FACILITY: A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.
LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement).
MANUFACTURED HOME: A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. When located on a lot, a manufactured home shall be considered to be a residence and subject to all of the regulations prescribed for the zoning district in which it is located.
MANUFACTURED HOME PARK OR SUBDIVISION: A parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.
MARKET VALUE: Market value of the structure shall be determined by an independent appraisal by a professional appraiser.
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 the effective date of April 15, 1978 and includes any subsequent improvements to such structures.
RECREATIONAL VEHICLE: A vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
SPECIAL FLOOD HAZARD AREA: The area within a community subject to one percent or greater chance of flooding in any given year, as identified on the community's FIRM.
START OF CONSTRUCTION: Includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation. 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 that alteration affects the external dimensions of the building.
STRUCTURE: A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

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 percent 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 during the life of a structure, the cost of which equals or exceeds 25 percent of the market value of the structure, as determined by the cost approach to value, the quantity survey method or the square foot method either: a) before the improvement or repair is started, or b.) if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either: a.) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or b.) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
VARIANCE: A grant of relief by a community from the terms of the floodplain management regulations that allow construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.
VIOLATION: Failure of a new structure or other new development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is assumed to be in violation until such time that documentation is provided.
WATER SURFACE ELEVATION: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal riverine areas.

810.3 GENERAL PROVISIONS

This section shall apply to all special flood hazard areas within the jurisdiction of the Town of East Windsor.

810.4 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in it's flood Insurance Study for the Town of East Windsor, with accompanying Flood Insurance Rate Maps dated September 26, 2008 and any subsequent revisions thereto, are adopted by reference and declared to be part of this regulation. Since mapping is legally adopted by reference into the regulation it must take precedence when more restrictive until such time as a map amendment is obtained.

810.5 ESTABLISHMENT OF THE FLOOD PLAIN DEVELOPMENT PERMIT

A Development Permit shall be required in conformance with the provisions of this Section prior to the commencement of any development activities.

810.6 INTERPRETATION

The interpretation and application of this Section shall be: 1) considered as minimum requirements; 2) liberally construed in favor of the governing body, and, 3) deemed neither to limit nor repeal any other powers granted under state statutes.

810.7 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Section is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the special flood hazard areas or uses permitted within such areas will be

free from flooding or flood damages. This Section shall not create liability on the part of the Town of East Windsor or any officials thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made there under.

810.8 ADMINISTRATION

a. Certification

Where required under this Section, a licensed-professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification must be provided to the Zoning Enforcement Official and/or Town Engineer.

b. Application

A Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 811. Application for a Permit shall be made on forms furnished by the Zoning Official and shall meet the Zoning Permit requirements of these Regulations. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
2. Elevation in relation to mean sea level to which any structure has been flood proofed.
3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the applicable flood proofing standards.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
5. For projects consisting of alterations to existing structures, the applicant shall submit a statement as to whether or not the proposed alterations meet the criteria of the "substantial improvement."
6. Certification by a licensed professional engineer that the project will comply with the standards set forth in these Regulations.
7. The Zoning Official shall notify adjacent communities and the Connecticut Department of Environmental Protection, Inland Water Resources Division prior to any alteration or relocation of a watercourse, and evidence of such notification shall be sent to the Federal Emergency Management Agency. Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
8. The Zoning Official shall advise an applicant that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with any local permit.
9. The applicant shall provide information with the application, which would show that any proposed building sites would be reasonably safe from flooding.
10. Construction, reconstruction, extension of any building or structure, or any other development, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations shall be prohibited in the special flood hazard area, except in conformance with this Section.
11. When base flood elevation data or floodway data have not been provided in accordance with this Section, the Zoning Official shall obtain, review and reasonably utilize any base flood elevation or floodway data available from Federal, State or other source in order to administer this Section. If such data is not readily available from existing sources the applicant may be required to provide such data certified by a professional engineer.
12. The Zoning Official shall record and maintain the following: all Zoning Permits and as-built plans for the life of such an approved structure.

13. The Zoning Official shall make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions.
14. The Zoning Official shall review all development permits to determine whether proposed building sites have satisfied the requirements of this Section have been satisfied.

810.9 PROVISIONS FOR FLOOD HAZARD REDUCTION

a. General Standards

In all special flood hazard areas the following provisions shall apply:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All new construction and substantial improvements shall be constructed with materials resistant to flood damage and shall be constructed by methods and practices that minimize flood damage.
3. All new construction and substantial improvements to structures shall be constructed in accordance with the State Building Code and other applicable codes.
4. New and replacement water supply systems must be designed to minimize or eliminate infiltration of flood waters into the system.
5. 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 be in accordance with the State Health Code.
6. In any portion of a watercourse which is altered or re-located, the flood carrying capacity shall be maintained.
7. Manufactured Homes are prohibited in all special flood hazard areas.
8. Use of land, construction or other activities permitted within this Section shall be subject to approval by all applicable federal or state agencies.
9. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
10. New construction and /or substantial improvement for electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any other machinery or utility equipment or connections servicing a structure shall be elevated to or above the base flood elevation (BFE) to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes.

Standards for Streams Without Established Base Flood Elevations, Floodways and/or Flood Mapping

1. The Zoning Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to Section 2.4.4 of the Subdivision Regulations as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community's FIRM meet the standards of these regulations. If such data is not readily available from existing sources the Zoning Official may require the applicant to provide such data certified by a professional engineer.
2. In A zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than 1 foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

3. The Zoning Official 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 Town's request or not), the Town 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 1 foot at any point along the watercourse.

b. Specific Standards

The following provisions shall apply in all areas of special flood hazard A1-30, AE, and AH zones where base flood elevations data has been provided.

1. **New construction and substantial improvement of any residential structure**: shall have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation.
2. **New construction and substantial improvement of any commercial, industrial or other nonresidential structure**: shall either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall a.) be flood-proofed to one foot above base flood elevation so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water: b.) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of the subsection. Such certification shall be provided to the Zoning Official.
3. **New Construction or Substantial Improvements with fully enclosed area below:** For either commercial or residential properties, fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria: a minimum of two openings having a net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade.
4. **Compensatory Storage:** The water holding capacity of the floodplain, except those areas that are tidally influenced, 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 granted 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.
5. **Equal conveyance:** Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in 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.

6. **Above Ground Oil Tanks:** Above-ground oil 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.
7. **Portion of Structure in Flood Zone:** If **<u>any</u>** portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure that extend into a more restrictive flood zone.
8. **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.
9. **Subdivision Proposals:** Require the following:
    a. Base Flood elevation data for all new subdivision proposals and other proposed developments greater than 50 lots or 5 acres, whichever is the lesser;
    b. Review subdivision proposals to assure that:
        i. Such proposals minimize flood damage;
        ii. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
        iii. Adequate drainage is provided.

11. **Recreational Vehicles**: All recreational vehicles placed on sites within Zones A1- 30, AH and AE and must be either:
    i. on the site for fewer than 30 consecutive days, and be fully licensed and ready for highway use, or
    ii. meet the elevation and anchoring requirements of a manufactured home. A recreational vehicle is ready for highway use if it is on it's wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

12. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
    1. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited unless certification (with supporting technical data) by a licensed professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Fences located in the floodway must be aligned with the flow and be of an open design. When utilizing data other than that provided by the Federal Emergency Management Agency, a regulatory floodway must be adopted which is designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.

c. Variance Prohibited

No variances may be granted from this Section of the Regulations.

811 ADULT ORIENTED ESTABLISHMENT

811.1 PURPOSE AND INTENT

The purpose of these regulations is to regulate uses that are recognized as having objectionable operational characteristics, particularly when uses are concentrated in one area.

811.2 SEPARATION DISTANCE

Adult entertainment uses shall only be permitted in the M-1 Zone, and shall not be located within:

a. 1500 feet of another existing adult entertainment use; public or private school, child daycare, playground, park, recreational facility or land; place of worship; residentially or agriculturally zoned properties or residential use; municipal or open space boundary (*amended/effective 7/28/14)*..

For the purposes of this section, distances shall be measured in a radius from the nearest portion of the property (boundary) containing or proposing to contain an adult oriented establishment to the nearest boundary of the above-mentioned establishment or to the nearest boundary of any residential district.

812 SERVICE STATIONS

A motor vehicle service station with repairing restricted to that permitted by the State of Connecticut Motor Vehicle Department "limited repairer's license," may be permitted as a special use on the express approval of the Planning and Zoning Commission, provided it is part of a comprehensive plan of commercial development of five or more contiguous acres; that it shall not use more than ten percent (10%) of the land area of the development, and shall be incidental to its primary use.

The applicant shall submit to the Commission a site plan for the tract involved. No building permit shall be issued until the plan has been approved by the Commission and the service station permit shall not be issued until 20 percent of the major capital improvement has materialized. When issued, permits shall require conformance with the approved plan.
In evaluating the service station, the Commission shall ascertain that:

a. The layout of pumps, buildings, and other structures is satisfactory.
b. Canopies for automotive filling stations or re-energizing stations shall be at least 35 feet from the front property line. (*added/effective 7/28/14)*
c. Pavement associated with automotive filling stations or re-charging stations shall be at least 10 feet from a front property line. *(added/effective 7/28/14)*
d. Entrance and exit drives do not exceed 40% of the road frontage and are clearly defined.
e. Remaining frontage is to be landscaped and protected by a 6" curb.
f. Underground tanks are safely arranged.
g. Station has no more than 3 stalls for vehicles.
h. There is to be no out-of-doors repairing.
i. There will be no traffic or fire hazard as a result of the use.
j. There will be no adverse effect on neighboring or nearby property.

No certificate of occupancy shall be issued until the subject building and all related services and utilities are completed in accordance with the plan.

<u>SECTION 813 – LIVESTOCK</u> IS BEING DELETED; REQUIREMENTS AND/OR STANDARDS NOW APPEAR UNDER SECTION 305 – FARM REGULATIONS. (Amended Effective 8/11/2011)

814 EARTH REMOVAL & FILLING

814.1 PURPOSE

This section is intended to preserve the natural features of the landscape, prevent the loss of topsoil, keep the land suitable for reasonable reuse and development, prevent nuisances and negative impact to adjacent land values, and protect the public health and safety.

814.2 APPLICABILITY

The following earth removal or filling is permitted in any zone provided no condition is created that is dangerous or damages the surrounding land:

a. Excavation and removal of less than 100 cubic yards of material from any lot of record, or
b. Necessary foundation and trench excavation only in connection with work on the premises for which a Building Permit has been issued.
c. The filling of soil up to a maximum of 100 cubic yards provided that such filling operation does not exceed a year in duration, is graded such that the final grades are in harmony with the existing grades, and is covered with loam or other material that will support plant life.

Except as provided above, the excavation, removal, grading , displacement, or filling of sand, gravel, stone, loam, dirt or other earth product is permitted only as a Special Use Permit upon written permission of the Planning and Zoning Commission.

814.3 MINIMUM STANDARDS

a. **MINIMUM SETBACKS:** All excavation and grading activity shall be located at least 100 feet from any property or street line, unless a plan for removal or re-grading is coordinated with the owner of an adjacent tract of land and is approved by the commission. The Commission may approve grading up to the public street, road, or highway right of way. No fixed machinery shall be erected or maintained within 200 feet of any property line. Where application for excavation permits for adjoining properties are filed, the Commission may consider them as one application
b. **LANDSCAPING/BARRIERS:** A final landscaping plan for each phase and all buffers shall be submitted with the site plan application. When deemed applicable by the Commission, the applicant shall provide a fence or suitable barrier for the purpose of minimizing objectionable noise and screening operations from the view of highway traffic and neighboring properties. Barricades and fencing may be required to deter pedestrians and unauthorized vehicles from entering the site.
c. **CONTROL POINTS:** In order toe ensure that the site is graded in accordance with the approved plan, vertical and horizontal control points shall be setup around the perimeter of the parcel. Such control points shall be:
   - noted on the approved plans
   - spaced no farther than two hundred feet apart
   - set in the ground with iron or steel stakes at least ¾ inches in diameter and thirty inches in length.
d. **SOIL STOCKPILING:** A sufficient amount of topsoil shall be set aside on the premises for re-spreading to a minimum of 6 inches over the excavated area in accordance with the approved plans. No topsoil shall not be sold or removed from the premises. Stockpiles of materials shall not be located within 100 feet of any property or street line.

e. **BONDING:** A performance bond, with surety acceptable to the Town Attorney shall be provided by the applicant for each phase. The bond amount shall be accepted and approved by the Town Engineer.

f. **PHASING:** No phase shall be greater than 7 acres in size. Each phase must post a new bond. No phase may begin until the previous phase has been substantially completed. Prior to the start of any new phase, the applicant shall submit evidence of conformance to the approved plans for the previous phases, including a certified as-built survey showing finished grades. An as-built survey of any new phase must be supplied six months after start of construction of said phase in order to verify conformance with the approved plans.

g. **EROSION CONTROL:** A detailed erosion control plan shall be submitted as part of the site plan. Measures to minimize dust and wind erosion from the site shall be provided by the applicant for review and approval of Town Staff.

h. **DRAINAGE:** Proper drainage and retention if needed shall be provided on site for all stages of operations.

i. **FINISHED GRADES:** Final grading shall conform to the final approved plans. Every attempt should be taken to design finished grades so as to blend with the natural environment. Final slopes shall not be steeper than 33%, or one foot rise to three feet of run. In the event that the operation ceases before all phases are completed, the remaining land should be graded to best meet the remaining natural grade.

j. **STABILIZATION , TEMPORARY:** Upon completion of the workday, proper measures shall be taken to restore a slope not exceeding 1 foot rise to 1.5 foot run. Temporary stockpiles, and areas left open for any extended time should be planted with a grass seed, or other sufficient temporary ground cover. Additional erosion control measures such as spreading of hay or erosion control blankets may be required during the non growing season,

k. **STABILIZATION, PERMANENT:** As each area or phase is graded to final contours, the ground shall be covered with a minimum of 6 inches of topsoil or loam and seeded with a perennial grass and maintained until the area is stabilized and approved by the Commission.

l. **TRAFFIC:** A traffic study shall be submitted as part of the application. An estimation of the number of truck trips per day shall be submitted.

m. **HOURS OF OPERATION:** The pit shall not be operated before 7:30 a.m. and shall not be opened or operated later than 5:00 p.m. on weekdays, Monday through Friday. The pit shall remain closed on weekends and holidays.

n. **ACCESS LOCATION:** No new Special Use Permit for earth filling or excavation in excess of 5,000 cubic yards shall be granted if any entrance or exit to such operations falls *within a one mile radius* of any entrance or exit to another existing or approved operation. Nothing herein shall prohibit the Commission from granting extensions of time to fill and/or excavation operations that legally existed prior to the enactment of this amendment provided that there is no expansion of the operation beyond the original approved parameters of area and volume. Any proposed expansions shall conform to the provisions of this subsection.

o. **ACCESS MAINTENANCE:** The driveway to the pit shall be maintained in a hard surfaced, paved condition for a minimum distance of 200 feet. The driveway shall be cleaned regularly to minimize the dust nuisance created by exiting traffic. A 300 foot gravel anti-tracking pad leading to the driveway shall be installed and maintained to further minimize dust nuisance. Suitable procedures shall be used at all times to minimize noise, dust or any other nuisance and may, if required, include a limitation on stockpiling of excavated materials on the site.

p. **EMERGENCY ACCESS:** Accessibility for emergency vehicles and equipment should be supplied, preferably as a secondary means of ingress.

q. **DEPTH TO WATER TABLE:** A minimum of 8 feet from finished grade to depth of water table shall be maintained. At no time shall excavation exceed the approved finished grade. Subsoil must remain native and undisturbed. Reports of actual grade shall be submitted once grade reaches 18 feet

above water table. Reports shall be submitted at every 2 foot intervals, or quarterly, whichever occurs first.

r. **EXPIRATION OF PERMIT:** The Special Use Permit shall expire one year from date of approval. Permit may be renewed on an annual basis. An as-built of the entire site prepared by a licensed land surveyor or engineer will be required before an extension can be granted. Failure to renew a permit is cause for revocation.

s. **CURBS, SIDEWALKS AND ROADS:** It shall be the responsibility of the operator of the excavation operations to repair immediately any damage to any public roads, sidewalks, curbs, surface drains or other utilities that my be caused as a direct result of the excavation operations, including the hauling of materials and equipment.

t. **FUEL STORAGE:** Storage of fuel is prohibited on site.

814.4 PROCEDURE

a. Application for a Special Use Permit and Site Plan Approval for earth removal or filling shall be made to the Commission by the property owner or his authorized agent.

b. The application shall be accompanied by a statement from the applicant and owner that the excavation and grading will conform with the approved plan

c. The following information, at minimum, shall be submitted with the application:
    1. the amount of material to be excavated or removed, per phase
    2. projected time frame for excavation activities
    3. proposed truck access to the excavation and the number and types of trucks and other machinery to be used on the site
    4. traffic study
    5. proposed erosion, sedimentation and dust control measures
    6. drainage studies
    7. hours of operation
    8. the locations and types of any structures to be erected, and
    9. details of re-grading and re-vegetation of the site during construction and at the conclusion of operations.

d. The Commission shall grant the permit only when it is satisfied that the standards of this Section 814 will be complied with in the undertaking of such excavation.

e. The applicant shall provide a performance bond per phase, in an amount determined by the Commission to ensure completion of the restoration and other work approved by the Commission.

f. Any deviation from the plan shall be cause for the Commission to revoke the permit provided the owner shall have the opportunity to address the Commission regarding why the permit should not be revoked.

g. Any permit shall expire 1 year from the date of issuance unless renewed by the Commission.

h. No permit shall be renewed or extended unless the operator shows, through the report of a licensed professional engineer and an as-built survey, that the excavation already completed conforms to the approved plan. As built survey shall highlight any discrepancies in elevation, location, and depth to water table from the approved plans.

815 INVENTORY HOLDING AREAS

(Amended – effective 1/8/09)
Inventory Holding Areas are allowed by special permit in accordance with Chapter VII Special Permits. In addition to the requirement of Chapter VII the location and site must beet the following requirements.

1. Located on State Route 5 and Route 140 with over 100 feet of lot frontage.

2. The lot shall be a minimum of 6 acres, unless it is an area less than 6 acres that is being combined with an existing automotive use.

3. The proposed parcel, if located in an A-1 zone, must be at least partially bordered by a B-2, M-1 or TZ5 zone.

4. The parcel shall not be located within an Aquifer Protection Area, Open Space Corridor, or Scenic Road Corridor as defined and delineated in the 2004 Plan of Conservation and Development.

Inventory Holding Areas shall meet the following Bulk and Area requirements unless otherwise specified by the Zoning Regulations:

1. Maximum Lot Coverage – 65%

2. Front Yard Setback – 25 (Feet)

3. Side Yard & Rear Yard Setbacks – 10 (Feet)

4. Minimum Lot Width – 100 (Feet)

5. Minimum Lot Depth – 150 (Feet)

816 COMPOSTING, MULCHING AND WOOD CHIPPING FACILITY *(added/effective 7/28/14)*

816.1 MINIMUM STANDARDS FOR COMPOSTING/WOOD CHIPPING FACILITIES

A. A complete site plan as required under Section 900.3 of the East Windsor zoning regulations is required.

B. In addition, the site plan shall show the following items:

1. All incoming and processed materials at any facility shall be stored on an impervious surface designed to prevent leachate from such materials entering into the ground. The applicant must demonstrate that proposed impervious surface has been designed to accommodate the anticipated peak volume of materials to be received, processed, and stored at the facility.

2. The special permit shall designate the types of materials which may be accepted at the facility. Any materials or substances designated by federal or state departments of environmental protection as hazardous materials shall not be accepted or processed by any facility.

3. A 100 foot landscaped buffer shall be created from the abutting property lot lines. This area shall be seeded to establish grass cover and plantings and shall be properly maintained and kept free

of debris, litter, machinery, structures and vehicles. No activities of any nature are allowed to take place in the landscaped buffer area.

4. Access to the site shall have restricted areas to the public. There should be a designated drop off location with proper signage. This location shall be a permanent location.

5. A written procedure for fire prevention shall be included. This plan shall include appropriate measures to prevent and control fires.

6. The applicant must demonstrate that reasonable measures will be in place to prevent the generation of unpleasant and noxious odors that may have an impact off site from the facility.

7. The operating hours and days of weeks shall be determined by the commission with due regard to the zoning district and area.

8. A performance bond, determined by the town engineer, shall be required as a condition of the special use permit. The performance bond must be posted at the time a zoning permit is applied for. The bond is required to be maintained by the applicant to ensure compliance with all conditions of the approval including, but not limited to, provisions for protecting the town of East Windsor in the event a facility terminates operations with a large amount of materials on site.

9. A zoning permit shall be obtained prior to the start of construction or change in use of a composting/wood chipping facility. All zoning permits are valid for one year. Zoning permit renewals shall be accompanied by a current as-built and documentation showing compliance with the provisions of this regulation and the special use permit conditions.

10. An erosion control bond must be posted at the time the original zoning permit is issued. The erosion control bond shall be in an amount determined by the town engineer to cover all site improvements associated with the proposed facility.

11. All conditions of approval associated with a composting/wood chipping facility shall be binding on the applicant, landowners, and/or their successors and assigns.

12. The commission may impose conditions to ensure that all of the above requirements are met, inclusive of hours of operation, and quantity of vehicles/truck trips per day.

13. All machinery and grinding activities shall be 200 feet from any residential zone or use, measured from the property line.

14. All stockpiles shall not exceed 25 feet in height.

CHAPTER IX ADMINISTRATION & ENFORCEMENT

900 PLANNING & ZONING COMMISSION

900.1 GENERAL

a. Applications to the Commission shall be submitted on forms prescribed with supporting plans, materials and other information required by these Regulations.

b. Applications, signed by the Applicant or an authorized agent, shall be submitted to the Commission.

c. Applications shall be accompanied by the appropriate fee(s) as established by the Commission.

d. Proceedings on applications shall be conducted in accordance with the provisions of Chapter 124 of the Connecticut General Statutes, as amended.

e. The Commission shall hold a public hearing on any application for a Special Permit, Zone Change, or Amendment to Zoning Regulations.

f. Where a proposed development or activity requires multiple applications, the Commission may conduct the public hearings simultaneously or in the order they deem appropriate.

g. On any application for a Special Permit or Zone Change, the applicant shall:

- post a sign or signs on the premises which is the subject of the application at least ten (10) days before the commencement of the public hearing *(amended/effective 7/28/14)*,
- obtain such signage from the Planning and Development Department upon receipt of a cash deposit,
- locate and maintain the signage so as to be visible and readable from the street or highway upon which property has frontage for the full time of the required posting.
- submit an affidavit at the public hearing that the signs were posted in accordance with these requirements,
- remove such sign or signs within ten days after the completion of the hearing,

h. The applicant shall provide written notice to all abutting property owners within 100 feet from the property line and shall submit proof of mailing (Certificate of Mailing from the post office) to the Commission at the public hearing.

i. An application shall not be considered complete until all of the required items have been submitted and received by the Commission at a regularly scheduled meeting.

j. An incomplete application or an application submitted without the requisite fee shall be denied if such application is not completed or fee paid before the commencement of the public hearing.

900.2 SPECIAL PERMIT APPLICATION

a. Each application for a Special Permit shall, unless waived by the Commission, be accompanied by a Site Plan Application.

b. The applicant shall submit a narrative explaining how the development complies with the requirements of Chapter VII.

c. Whenever the Commission acts upon a Special Permit, it shall state upon its records the reason for its decision.

d. Any use for which a Special Permit has been granted shall be deemed to be a permitted use in the zone in which such use is located provided that such approval shall affect only the specific activity for which such approval was granted.

e. Any approved Special Permit shall become null and void if the Special Permit activity or any construction or renovation required prior to activity is not commenced within 12 months of the date of approval and an extension of time has not been granted by the Commission.

f. No Special Permit shall remain valid if the activity has not commenced within 24 months of the date of approval, unless an extension is granted by the Commission.

900.3 SITE PLAN APPLICATION

a. Site Plan applications shall be submitted on forms supplied by the Commission for any development of buildings, structures, activities, or uses designated in the Regulations as requiring Site Plan Approval.

b. Approval may be granted for work that is to be commenced and/or finished in phases provided that no Zoning Permit shall be issued for any approved phase until a bond with security has been accepted by the Commission to ensure completion and independent viability of that phase, regardless of the state of completion of any other phase.

c. An applicant shall be encouraged to delineate contemplated future additions or phased expansion and accompanying parking, landscaping, lighting, storm drainage on the initial application.

d. Applications for Site Plan Approval shall be accompanied by a class A-2 Survey and:

- a narrative description of the proposed development and all proposed uses.
- existing and proposed topography
- approval of, a copy of an application to, or a statement that no permit is required from the Inland Wetlands and Water Courses Commission,
- a written statement that the applicant has met in the field with the State Department of Transportation concerning any proposed construction within the State Highway.
- Eight copies of full size detailed plans (and 12 copies 11” x 17”) for review by the Commission.
- all site plans shall also be submitted in a PDF digital format *(amended/effective 7/28/14)*

e. The Commission may require the submission of additional information as is deemed necessary to make a reasonable review of the application with regard to:

- soil conditions - including locations and depth of rock ledge, ground water conditions, and other such information,
- a soils-engineering investigation - including a report addressing the nature, distribution, and strength of existing soils and conclusions and recommendations for grading procedures and design criteria for corrective measures,
- easements and/or rights-of-way - including copies of any instrument evidencing such a right and a statement that the applicant has notified such parties of the proposed alterations to the parcel and the impact such alterations would have on the right
- Drainage calculations depicting a zero percent increase of discharge onto neighboring properties and/or water quality and sediment control**.** *(Amended Effective 4/25/2012)*

f. In the review of site plans the Commission shall give specific consideration to the design of the following:

1. Traffic Access - That all proposed traffic access ways are:

   a. adequate but not excessive in number,

   b. adequate in width, grade, sight distances, alignment and visibility; and

   c. not located too near street corners or other places of public assembly.

2. Circulation and Parking:

   a. that adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use, and

   b. that the interior circulation system is adequate to provide safe accessibility to all required off-street parking.

3. Landscaping and Screening:

   a. That all playground, parking and service areas are reasonably screened at all seasons of the year from the view of adjacent lots and streets and

   b. that the general landscaping of the site is in character with that generally prevailing in the neighborhood.

4. Illumination - That lighting from the installation of outdoor flood or spot lighting and illuminated signs:

   a. are of a reasonable intensity of illumination for the purpose served and

   b. will be properly shielded so that such lighting will not adversely affect any abutting property or public street.

   c. Light fixtures on business & industrial properties should be full cut off with a maximum height from ground level of 25 feet *(amended/effective 7/28/14)*

5. Character and Appearance - That the character and appearance of the proposed use, building, and/or outdoor signs will be in general harmony with the character and appearance of the surrounding neighborhood and that of the Town of East Windsor

6. The Commission reserves the right to set conditions of approval for any site plan for the purpose of health safety and welfare. Such conditions may include, but are not limited to hours of operation, lighting, parking, landscaping, and number of vehicle trips per day.

g. No work shall be commenced until:

   1. a zoning permit has been applied for and approved,

   2. record plans have been submitted by the applicant,

   3. the applicant has filed a bond with the Commission in an amount acceptable to the Town Engineer and the Commission and form acceptable to the Town Attorney guaranteeing completion of those items specified by the Commission and these Regulations, and

   4. the Commission has signed the record plans.

h. Site plan approval shall become null and void in one year from the date of approval if the activities have not commenced and the site plan shall be considered to be disapproved.

i. Bonds will not be released until: *(amended/effective 7/28/14)*

   1. the release has been requested, in writing, by the developer,

   2. the Town Engineer and/or Assistant Town Planner or Town Planner has submitted a letter stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied.

3. the applicant's engineer or surveyor has certified to the Commission, through submission of a set of detailed "Record As Built" plans on translucent cloth or polyester film, that all public improvements are in accordance with submitted site plans. A digital PDFf file shall also be submitted

j. Proposed modifications to approved site plans shall be submitted to the Zoning Official for review. Minor changes may be approved by the Zoning Official or submitted to the Commission for review. Major changes (additional building area, alteration of building location) shall be submitted to the Commission for additional review.

900.4 CHANGE IN USE OR STRUCTURE APPLICATION

All additions to existing uses or structures, including any modifications to parking, grading, storm drainage, planting or signing, as well as such changes in or revisions to approved Site Plans, must be submitted to the Town Engineer and Zoning Official for review. Such activities may then be referred to the Commission for approval.

900.5 CONCEPT PLAN APPLICATION

a. At any time prior to submission of a formal application, an applicant shall have the right, but shall not be required, to meet informally with the Commission at either a regular or special meeting to discuss a proposed application.

b. An informal conference with the Commission can be obtained by submitting a letter to the Commission at a regular meeting specifically requesting such a conference and being placed on the agenda of a subsequent meeting.

c. Such an informal discussion is recommended in order to facilitate general review of the factors and problems affecting the site plan before the applicant proceeds with formal application and final plans and documentation required for formal consideration by the Commission.

d. The informal review is provided as a courtesy to the applicant in the belief that plans or concepts presented in preliminary rather than final form, and alterations or changes suggested by the Commission, may be made more readily and economically.

e. The nature, details, and degree of accuracy of submitted information, studies, reports and maps, shall be at the option of the applicant. It should, however, be recognized that the value of the conference to the applicant will reflect and be directly related to the amount of preliminary data provided at the conference.

f. Neither informal plans nor the informal review by the Commission shall be deemed to constitute any portion of the official and formal procedure of reviewing and approving site plans.

g. The Commission shall take no action either to approve or disapprove such proposed site plans on the basis of such informal conference.

h. Any plans, maps or other documents discussed by the Commission at the informal conference shall be retained by the applicant.

900.6 ZONE CHANGE APPLICATION

a. The boundaries of any Zone District established hereunder may from time to time be amended, modified, or changed by the Commission on its own initiative or by petition.

1. Unless initiated by the Commission, all petitions for a change of zone must be made by the owners of record of the property involved, their authorized agents, or the holder of an option to purchase.

2. Any petitions for amendment shall be submitted in writing at a regular meeting of the Commission on forms prescribed.
3. Applications shall be accompanied by:
    a. six (6) copies of a Class “D” survey map prepared at 24" x 36" at the same scale as the Assessor's maps and,
    b. the names, addresses and zip codes (when available) of all parcel owners as per the latest Assessor's records, keyed by parcel number, and
    c. the appropriate application fee, except that the Commission shall be exempt from any application fee.
4. The maps shall show:
    a. existing zone district lines (depicted by a heavy, broken line)
    b. property for which the zone change is requested (shown in a shaded pattern)
    c. a line representing the locus of points 500 feet in all directions from the parcel(s) for which the change in classification is requested
    d. lots and streets lying wholly or partially within 500 feet in all directions
    e. appropriate legend indicating the specific request as well as the name of the applicant and owner(s) of land included in the proposed change
    f. lot or parcel numbering consistent with the system used by the Assessor’s office.
    g. north arrow and location key map at a scale of 1" = 1000'
    h. the Town line, when located within 500 feet of a proposed zone change
    i. appropriate professional certification and clarification by a land surveyor
5. Any amendment or change may be adopted only after due notice and public hearing in accordance with the provisions of Chapter 124 of the Connecticut General Statutes.
6. In approving any change in the Zoning Map, the Commission shall be guided by the adopted Plan of Conservation & Development.
7. No petition for amendment which has been rejected by the Commission shall be heard again within one year from the date of rejection except that the Commission may grant a re-hearing before one year if it finds, on facts presented in writing, that a material change in the situation justifies this action in the interest of the public as well as the petitioners.

900.7 TEXT AMENDMENT APPLICATION

a. These Regulations may from time to time be amended, modified, changed or repealed by the Commission on its own initiative or by petition.
b. Any petitions for text amendment shall be submitted in writing at a regular meeting of the Commission on forms prescribed and shall be accompanied by the following:
    1. 10 copies of the precise wording of the existing and proposed text, and
    2. digital copy of text in word or other appropriate format
    3. the appropriate application fee, except that the Commission shall be exempt from any application fee.
c. Any amendment or change may be adopted only after due notice and public hearing in accordance with the provisions of Chapter 124 of the Connecticut General Statutes.
d. No petition for text amendment which has been rejected by the Commission shall be heard again within one year from the date of rejection except that the Commission may grant a re-hearing before

one year if it finds, on facts presented in writing, that a material change in the situation justifies this action in the interest of the public as well as the petitioners.

901 ADMINISTRATION BY STAFF

901.1 ZONING PERMIT

a. An application for a Zoning Permit shall be submitted to the Zoning Official prior to:
    1. the construction, reconstruction, change of use, enlargement, extension, moving or structural alteration of any building, 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 of any building or structure 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 official to decide whether the proposed building, alteration or use complies with all the provisions of these Regulations and including, at a minimum, the following:
    1. the actual dimensions of the lot to be built upon,
    2. the exact size and location of the existing buildings and buildings proposed to be erected,
    3. the dimensions of all open spaces and established building lines, and
    4. existing and proposed water supply and sewage disposal on the premises for which the application is made and within 100 feet of the applicant's premises.
    5. When an addition or an accessory building includes the construction or alteration of a principal building, full foundation or frost wall, or is within 5 feet of any required setback, an A-2 Class Survey is required. *(Amended Effective 4/25/2012)*

d. If the Zoning Official finds the proposed use, building or other structure in compliance with these Regulations, the Zoning Official shall issue a Zoning Permit, provided no such Permit shall be issued for a use requiring a Special Permit until such Special Permit has been granted.

e. A Zoning Permit shall automatically become void if construction is not started within a period of one year, and shall expire two years from date of issue. A new Permit must be obtained if construction is not completed within two years.

901.2 BUILDING PERMIT

a. No Building Permit shall be issued unless a Zoning Permit has been issued.

b. No Certificate of Occupancy shall be issued unless a Certificate of Zoning Compliance has been issued.

901.3 CERTIFICATE OF ZONING COMPLIANCE

a. An application for a Certificate of Zoning Compliance shall be submitted to the Zoning Official prior to:
    1. the issuance of any Certificate of Occupancy by the Building Official,

2. the renewal or change of a non-conforming use.

b. An application for a Certificate of Zoning Compliance shall be accompanied by:
   1. a plot plan as required for a Zoning Permit,
   2. a letter from the Town Engineer, or his designee, stating that all site improvements, as approved by the Commission as part of a site plan, have been completed.

c. The Zoning Official shall issue a Certificate of Zoning Compliance upon finding that:
   1. the building, structure, sign or use is in compliance with an approved site plan, Special Permit, and with these Regulations,
   2. the use legally existed at the time of the adoption of these Regulations, or
   3. the renewal or change of the non-conforming use is in conformity with the provisions of these Regulations.

d. A Conditional Certificate of Zoning Compliance may be issued:
   1. when winter conditions cause exceptional hardship from the strict application of this section and such conditions delay completion of some required work that is not essential to protection of public health, safety or welfare,
   2. for individual buildings within a Special Permit area that are in compliance with the provisions of this Section even though other structures in the complex are not yet in compliance, or
   3. provided a Bond or other surety in an acceptable amount and form has been deposited with the Commission under terms specified in these Regulations.

e. A Certificate of Zoning Compliance shall be deemed to authorize a use and is required for both initial and continued occupancy and use of the building or land to which it applies, and shall continue in effect as long as such building or land and the use thereof is in full conformity with the provisions of these Regulations and any requirements pursuant thereto.

f. A Certificate of Zoning Compliance shall become null and void thirty (30) days from the date of the Zoning Official serving notice of any violation of any of the provisions or requirements of these Regulations and a new Certificate of Zoning Compliance shall be required for any further use of such building or land unless:
   1. the violation is corrected within said thirty (30) days, or
   2. it is shown that the violation does not exist.

g. A record of all Certificates of Zoning Compliance shall be kept on file in the office of the Zoning Official.

901.4 CERTIFICATE OF OCCUPANCY

a. No building or structure or any addition or alteration thereto hereafter erected shall be occupied or used, in whole or in part, for any purpose until a Certificate of Occupancy shall have been issued by the Building Official.

b. Every application for a Certificate of Occupancy shall submit a written statement from the local Health Official approving the finished water and sewer systems.

c. An application for a Certificate of Occupancy shall be accompanied by a plot plan as required for a Zoning Permit.

d. No Certificate of Occupancy shall be issued unless a Certificate of Zoning Compliance has been issued.

e. No Certificate of Occupancy shall be issued for any dwelling unit until the right-of-way to such building is made accessible to emergency vehicles.

902 ENFORCEMENT

902.1 AUTHORITY

a. These Regulations shall be enforced by the Planning & Zoning Commission and its duly authorized agents.

b. The Commission may appoint a Zoning Official as the Commission's duly authorized agent for enforcement of these Regulations.

c. The Town Planner shall have zoning enforcement authority.

d. The Zoning Official and/or Town Planner are hereby authorized to inspect and examine any building, structure, place, or premises and to order, in writing, the remedying of any condition found to exist there in violation of any provision of these Regulations.

902.2 VIOLATIONS

a. If the Zoning Official shall find that any of the provision of these Regulations are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it.

b. The Zoning Official shall order:

    1. discontinuance of illegal use of land, buildings, structures, additions, alterations, or structural changes thereto,
    2. discontinuance of any illegal work being done, or
    3. shall take any action authorized by these Regulations to ensure compliance with or to prevent violation of its provisions.

c. Penalties for illegal acts shall be as provided in the Connecticut General Statutes.

d. The Commission shall adopt zoning enforcement policies to be followed by the Zoning Department.

903 BOARD OF APPEALS

903.1 POWER AND DUTIES

The Zoning Board of Appeals (ZBA) shall have the following powers and duties:

a. To adopt, from time to time, such rules and procedures as may be deemed necessary to carry into effect the provisions of these Regulations.

b. To hear and decide appeals in conformity with the terms of these Regulations where it is alleged there is error in any order, requirement, decision or determination by the Zoning Official in the enforcement of these Regulations.

c. To determine and vary the application of the Zoning Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values 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 regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.

d. The Board shall have such other powers and duties as provided in the Connecticut General Statutes.

903.2 PROCEDURES [FOR ZBA]

a. Any application to the Board shall be submitted in writing on forms prescribed and available at the office of the Zoning Official. All setback requests shall be shown on a Class A-2 Survey. Other requests may not require an A-2 Survey, per the Zoning officials review. *(Amended Effective 4/25/2012)*

a. Appeals from any order, requirement or decision of the Zoning Official shall be filed within fifteen (15) days of the rendition of such order, requirement or decision.

b. Completed application forms shall:
    1. be filed in the Planning and Zoning Department and
    2. be accompanied by the appropriate application fee, and
    3. include the data necessary for a clear understanding and intelligent action by the Zoning Board of Appeals.

c. A Public Hearing shall be held on all applications for variance.

d. Proceedings on applications shall be in accordance with the provisions of the Connecticut General Statutes.

e. All parties in interest or citizens may appear in person, or by agent or attorney;

f. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Official, to decide in favor of the application of any matter upon which the board is required to pass under these Regulations, or to vary the application of these Regulations.

g. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with these Regulations.

h. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these Regulations and punishable under the Regulations.

i. Approval of a variance under this Section shall be conditioned upon the applicant's filing of the variance on the East Windsor Land Records within 60 days of the publication of the notice of the approval as required by the Connecticut General Statutes.

903.3 VARIANCES

A variance from the terms of these Regulations shall not be granted by the Board of Appeals unless and until the Board shall make a written finding in its minutes as to <u>all</u> of the following:

a. That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the area;

b. That these special circumstances relate to the condition of the land or parcel;

c. That the special conditions and circumstances are not related to the circumstances of the applicant and have not resulted from the actions of the applicant or the predecessor in title;

d. That the special circumstances constitute an exceptional difficulty or unusual hardship not of the applicant's making and are not solely a financial detriment;

e. That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district;

f. That granting the variance requested will not confer upon the applicant any special privilege or use that is denied by these Regulations to other lands, structures, or buildings in the same district.

g. That these circumstances justify the granting of the variance,

h. That the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building, or structure; and

i. That the granting of the variance will be in harmony with the general purpose and intent of these Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

903.4 ADDITIONAL REQUIREMENTS FOR USE VARIANCES

a. A variance shall not be granted which would permit a use that would not otherwise be allowed unless the applicant demonstrates that no reasonable use of the subject property is possible under any permitted use.

b. No use variance shall be granted by the Zoning Board of Appeals which would permit:

    1. A use prohibited either implicitly or explicitly by these Regulations;
    2. The expansion of a non-conforming use;
    3. The number of dwelling units on a lot to exceed the maximum allowed in the zone in which the lot is located; or,
    4. A use otherwise allowed by Special Permit in the zone in which the use is located.

c. In instances where a use variance is proposed, written notice shall also be given, by registered or certified mail, of said hearing, by the applicant to all owners of property within 200 feet from any boundary of the property which is the subject of the application;

d. Prior to any action on a use variance the Board of Appeals shall submit the application for such use variance to the Planning and Zoning Commission and any report submitted by the Commission shall be read at the Public Hearing and be a part of the record of application.

903.5 LIMITATIONS

No non-conforming use of the neighboring lands, structures or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

904 VALIDITY & EFFECTIVE DATE

904.1 REPEALER

Any previously enacted "Zoning Regulations of the Planning and Zoning Commissions of the Town of East Windsor, and all amendments thereto are hereby repealed and replaced with these Regulations as of the effective date hereof.

This repeal shall not affect or impair any act done, offense committed or right accruing, accrued or acquired or any liability, penalty, forfeiture or punishment incurred prior to the times such repeal took effect, but the same may be enjoined, asserted, enforced, or prosecuted as fully and to the same extent as if such repeal had not been effected.

904.2 SEPARABILITY

Should any phrase, clause, or section of these Regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of any other phrase, clause or section of these Regulations.

If a court of competent jurisdiction finds the application of any provision of these Regulations to any use, land or improvement to be invalid or ineffective in whole, or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the controversy and the application of any such provision to other persons, property or situations shall not be affected.

904.3 EFFECTIVE DATE

Regulations, and any amendment or change hereto, shall be in full force and effect from the date established by the Commission in accordance with the Connecticut General Statutes.